

TOWN BOARD MEETING  
TOWN HALL, MAHOPAC, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Deputy Supervisor Suzanne McDonough on the 1st day of August, 2018 at 7:15 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Lupinacci and Councilwoman McDonough. Supervisor Schmitt and Councilman Schneider were absent.

Deputy Supervisor McDonough noted that Supervisor Schmitt was absent due to a death in the family.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to remember Supervisor Schmitt's mother who recently passed away and also the father of Frank Miele.

**MINUTES OF TOWN BOARD MEETING HELD ON JULY 11, 2018 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lupinacci, seconded by Councilman Barile, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on July 11, 2018 were accepted as submitted by the Town Clerk.

**POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF DANIEL SHEA TO POSITION OF POLICE OFFICER MADE**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Daniel Shea to the position of Police Officer in the Town of Carmel Police Department, effective July 30, 2018, at an annual salary of \$45,117.00, on a probationary basis, subject to the provisions of Civil service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

Gregory Folchetti, Legal Counsel, administered the Oath of Office to Police Officer Daniel Shea. The Town Board Members extended congratulatory wishes to Officer Shea and his family.

**RE-SCHEDULING OF PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CHAPTER 89, ENTITLED "FRESHWATER WETLANDS" TO SEPTEMBER 12, 2018 AT 7:00 P.M. – AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday September 12, 2018 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution

Offered by: Councilman Barile  
Seconded by: Councilwoman McDonough

AUGUST 1, 2018  
TOWN BOARD MEETING

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

**CONSENTING TO THE FORMATION OF CEDAR HILL SEWER WORKS CORPORATION II LOCATED AT SOCIETY HILL CONDOMINIUMS UNDER NEW YORK STATE TRANSPORTATION CORPORATION LAW – OFFERED AS PRE-FILED**

WHEREAS, the Society Hill at Mahopac Condominium has requested that the Town Board of the Town of Carmel consent to the formation of a sewage works corporation pursuant to the provisions of the New York Transportation Corporations Law; and

WHEREAS, upon such request the Town Board directed Town Engineer Richard J. Franzetti, P.E. to undertake review and investigation of the existing conditions, status of regulatory approvals and compliance with jurisdictional requirements for the operations and maintenance of the sewage treatment plant located at Society Hill at Mahopac Condominium complex; and

WHEREAS, the Town Engineer has completed his review and investigation and the findings have been conveyed to the Town Board in a memorandum dated July 24, 2018; and

WHEREAS, the Town Engineer has indicated that based upon said review and investigation, the Office of the Town Engineer has no objection to the Town Board granting the request and consenting to the formation of the referenced sewer works corporation; and

WHEREAS, the Town Board has further been advised that The New York State Department of Environmental Conservation has refused to issue the requisite State Pollution Discharge Elimination Systems (SPDES) permit necessary for the lawful operation the aforesaid sewage treatment plant, which serves approximately 100 property owners within the Town of Carmel;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, pursuant to the provisions §116 of the New York State Transportation Corporation Law, hereby consents to the formation of Cedar Hill Sewer Works Corporation II, a sewage works corporation for the purpose of ownership, operation and maintenance of the sewage treatment plant located at the Society Hill at Mahopac Condominium complex; and

BE IT FURTHER RESOLVED that said consent is conditioned expressly upon the prompt and immediate delivery of all outstanding shares of stock in the referenced corporation to the office of Town Clerk Ann Spofford upon its formation, said shares to be held in escrow by the Town of Carmel; and

BE IT FURTHER RESOLVED that said consent is further conditioned expressly upon the prompt and immediate delivery of a long-term lease for the sewage treatment plant property and collection system equipment and facilities property to the Office of the Town Clerk, Ann Spofford, along with a collateral assignment of said lease in favor of the Town of Carmel, to be held in escrow by the Town of Carmel.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

AUGUST 1, 2018  
TOWN BOARD MEETING

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

Prior to the offering of the resolution Greg Folchetti, Legal Counsel explained the process and the reasons for the formation of the Cedar Hill Sewer Works Coporation, II and how the Town of Carmel would be protected.

**DIRECTOR OF CODES ENFORCEMENT - REQUEST FOR PROPOSALS  
PURSUANT TO PROPERTY MAINTENANCE LAW REGARDING TM# 65.14-1-24 -  
AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114 of the Town of Carmel Town Code titled “Property Maintenance” hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to solicit/request proposals for the cleanup and correction of Town Code violations existing for the property located at 105 Longdale Road (Town of Carmel Tax Map # 65.14-1-24).

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

**RELEASE OF PLANNING BOARD BOND TO RONIN PROPERTY GROUP, LLC  
REGARDING TM# 74.11-1-20 - AUTHORIZED**

WHEREAS applications have been made by Ronin Property Group, LLC for the total release of a bond posted in accordance with Chapter 131 and/or Chapter 156 of the Town Code regarding the property known and designated as Town of Carmel Tax Map 74.11-1-20; and

WHEREAS said applications have been reviewed by the Planning Board and The Office of the Town Engineer, both of which have recommended the release of said bonds;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bond referenced herein specifically Signature Bank Bond/Letter of Credit No. S93060209 in the amount of \$37,800.00.

Resolution

Offered by: Councilman Barile  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

AUGUST 1, 2018  
TOWN BOARD MEETING

**CARMEL WATER DISTRICT #12 - PAYMENT FOR SADDLE REPAIRS TO ED KUCK EXCAVATING - AUTHORIZED**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes payment to Ed Kuck Excavating, Carmel NY the sum of \$8,597.00 for goods and services rendered in connection with saddle repairs performed at 40 Emily Lane and 44 Emily Lane within Carmel Water District #12, all in accordance with the invoice dated July 1, 2018; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes payment to Ed Kuck Excavating, Carmel NY the sum of \$5,105.00 for goods and services rendered in connection with saddle repairs performed at 58 Jennifer Lane within Carmel Water District #12, all in accordance with the invoice dated July 1, 2018; and

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

**CARMEL AMBULANCE DISTRICT NO. 1 - 2017 LENGTH OF SERVICE AWARD PROGRAM (LOSAP) ANNUAL REPORT – ACCEPTED**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Ambulance District No.1, hereby accepts the 2017 Length of Service Award Program (LOSAP) Annual Report for Carmel Ambulance District No. 1 as prepared by Penflex, Inc., a copy of which is on file in the Office of the Town Supervisor.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

**HIGHWAY SUPERINTENDENT MICHAEL SIMONE - ATTENDANCE AT NYS ASSOCIATION OF TOWN /COUNTY HIGHWAY SUPERINTENDENTS JOINT CONFERENCE ON SEPTEMBER 17-20, 2018 - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent Michael Simone to attend the joint New York State Association of Town Superintendents of Highways/New York State County Highway Superintendent's Association Joint Conference being held September 17-20, 2018 in Oneida, NY; and

AUGUST 1, 2018  
TOWN BOARD MEETING

BE IT FURTHER RESOLVED that his reasonable and necessary expenses, including travel, meals, lodging and registration be reimbursed by the Town upon audit and approval.

Resolution

Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

Deputy Supervisor McDonough explained that the cost that would be incurred is included in the current budget.

**JUSTICE COURT - SUBMISSION OF 2018-2019 JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission by the Town Justice Court of the 2018- 2019 Justice Court Assistance Program Grant Application and hereby authorizes the Town Supervisor, Kenneth Schmitt to sign any and all documentation reasonably necessary to be submitted in connection with said application requesting up to the maximum available amount.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

Deputy Supervisor McDonough acknowledged that Patricia Genna has been instrumental in obtaining several grants in the past and thanked her for all her hard work.

**PROPOSAL OF INSITE ENGINEERING FOR SERVICES FOR IMPROVEMENTS AT AIRPORT PARK – ACCEPTED**

RESOLVED THAT the Town Board of the Town of Carmel, hereby accepts the proposal of Insite Engineering, Surveying and Landscape Architecture, P.C., Carmel NY for the services required in connection with the update of design documents and provision of construction administration services for improvements to be constructed at Airport Park in accordance with the proposal of July 9, 2018 at a cost not to exceed \$72,000.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

AUGUST 1, 2018  
TOWN BOARD MEETING

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough & Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

**HIGHWAY DEPARTMENT - PURCHASE AND INSTALLATION OF GUIDERAIL FROM CHEMUNG SUPPLY - AUTHORIZED**

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes purchase and installation of guiderail from Chemung Supply Elmira, NY pursuant to Ulster County Bid No. RFB-UC18-011 and Putnam County Bid No. RFB-39-17 for repairs to be performed on various Town of Carmel Roads, at an estimated cost of \$14,339.55 and in accordance with the terms of the memorandum dated July 27, 2018.

Resolution

Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

**SETTLEMENT OF LITIGATION REGARDING "TERRELL KOLODZINSKI VS THE TOWN OF CARMEL" INDEX # 1806-2014 - AUTHORIZED**

WHEREAS, there is currently pending against the Town of Carmel in the Supreme Court of the County of Putnam, a certain lawsuit entitled “Terrell Kolodzinski vs. The Town of Carmel” filed under Index No. 1806/2014; and

WHEREAS a proposed settlement of the litigation has been negotiated by Town Counsel Gregory L. Folchetti, who has recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned lawsuit as recommended; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign, on behalf of the Town of Carmel, the settlement agreement and release, a copy of which is on file in the Office of the Town Supervisor.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

**PUBLIC COMMENTS - AGENDA ITEMS**

No member of the public wished to comment at this time.

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

No member of the Town Board wished to comment at this time.

**OPEN FORUM - PUBLIC COMMENTS**

No member of the public wished to comment at this time.

**OPEN FORUM – TOWN BOARD COMMENTS**

No member of the Town Board wished to comment at this time.

Deputy Supervisor McDonough explained that the scheduled Executive Session has been rescheduled for August 8, 2018.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinnacci, with all members present in agreement, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk