

20 FEBRUARY 2013

**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 Supervisor Kenneth Schmitt on the 20th day of February 2013 at 7:11 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to honor those serving in the United States Armed Forces.

MINUTES OF TOWN BOARD MEETING HELD ON 1/23/13 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and voting "aye", the minutes of the Town Board meeting held on January 23rd 2013 were accepted as submitted by the Town Clerk.

RECREATION AND PARKS 2013 SUMMER CAMP PROGRAM BUS TRANSPORTATION - ADVERTISING FOR BIDS AUTHORIZED

RESOLVED that, pursuant to the request of the Director of Recreation and Parks, the Town Clerk of the Town of Carmel is hereby authorized to advertise for bids for bus transportation for the Town of Carmel Recreation and Parks 2013 Summer Camp Program; and

BE IT FURTHER RESOLVED that the Director of Recreation and Parks is to furnish detailed specifications for the above to Town Clerk Ann Spofford to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

ATTENDANCE AT SEMINARS AUTHORIZED - TOWN ENGINEER RONALD J. GAINER, P.E.

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Engineer Ronald J. Gainer, P.E. to attend the Westchester Water Works Winter Seminar in Peekskill, NY on February 28, 2013, and the Stormwater Design for Linear Projects seminar in Middletown, NY on March 14, 2013

BE IT FURTHER RESOLVED that the cost of registration and other necessary expenses be advanced or reimbursed by the Town Comptroller's Office upon audit and approval.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Schneider

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(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

BOND REDUCTION AUTHORIZED - TM #44.10-1-4 - HILLCREST COMMONS

WHEREAS application has been made by BBJ Associates, LLC for reduction of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for the Hillcrest Commons site plan, Tax Map #44.10-1-4; and

WHEREAS said application has been reviewed by the Town Engineer Ronald J. Gainer, P.E., and a reduction of the bond has been recommended and approved by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the reduction of the aforementioned bond posted for Hillcrest Commons Site Plan from its original amount of \$1,956,725 to a reduced amount of \$770,000.00.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

BOND REDUCTION AUTHORIZED - TM #75.19-1-11.1 - BALDWIN ESTATES

AMENDED 3/20/13

WHEREAS application has been made by Richard Dudyshyn for reduction of subdivision bond posted in accordance with the Land Subdivision and/or Zoning Regulations for the Baldwin Estates site plan, Tax Map #75.19-1-11.1; and

WHEREAS said application has been reviewed by the Town Engineer Ronald J. Gainer, P.E., and a reduction of the bond has been recommended and approved by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the reduction of the aforementioned bond posted for the Baldwin Estates Site Plan from its original amount of \$235,830.00 to a reduced amount of \$23,583.00.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

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PROPOSAL ACCEPTED FOR TOWN OF CARMEL WEBSITE DESIGN & DEVELOPMENT - VIRTUAL TOWNS & SCHOOLS - ANNUAL COST OF \$8,498.33

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Virtual Towns & Schools, 4 Clocktower Place, Maynard MA for the design and development of the Town of Carmel website as well as for annual support and hosting services to be rendered in connection therewith at an annual cost of \$8,498.33 for a three (3) year period and in form as attached hereto and made a part hereof; and
BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign said proposal on behalf of the Town.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>



February 5, 2013

☒ Work Session 2/19/13
☒ Agenda 2/20/13

**One Time Charges: Design & Development
Town of Carmel, NY**

Phase 1: Website Design

- Online Strategic Design Meeting
- Create Site Homepage Design & Layout
- Create Subpage Design & Layout
- Modify Design with Client Input until Approved

Phase 2: Site Implementation

- Identify Global Navigation, Cascading Navigation & Related Links
- Implement Design within VTS Content Management System
- Create Department/Board Home Pages
- Load VTS Departmental "Best Practices"

Phase 3: Content Development *

- Two Days of Onsite Department Planning Meetings
- Implementation of Department-Specific Requested Modules
- Migrate All Existing Web Pages as Identified by Client *
- Create All New Pages to Support New Content Developed by Client

Phase 4: User Training

- Two Days on OnSite User Training Sessions for Content Editors; online training session for Site Administrators

Phase 5: Website Deployment

- Final Site Review and Link Checking
- Install & Activate Related Modules
- DNS Activities
- Assistance in Marketing Your New Site to the Community

Total "One-Time" Charges for Project: \$12,745

Keeping You Ahead of Rising Expectations

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(Cont.)

Three-year "spread cost" option –
Year 1 - \$4,248.33 Year 2 - \$4,248.33 Year 3 - \$4,248.34

The prices in this quote will be honored until April 30, 2013

* (1) All content provided by client during implementation must be in mutually agreed electronic form.

Annual Charges: Support & Hosting Services Town of Carmel, NY

Hosting

- Secure Hosting in Time Warner Data Center
- Shared Web/SQL Server
- Redundant ISP
- 24/7 Monitored Facility
- Redundant Power Supplies with Backup Generator
- Daily Backups
- 99.999% Uptime
- Intrusion Detection & Prevention

Support

- 24/7 Emergency Support
- 15 Designated Support Users
- Unlimited User Support, 9 am to 5 pm, Monday – Friday
- Personnel Dedicated Solely to User Support
- Same Day Response (24 Hour Window)
- Online Training Documentation
- Monthly User Tutorials

CMS Application & Modules

- Annual CMS Usage License
- Periodic CMS Upgrades
- Core Drupal Upgrades, as Applicable
- Periodic Module Upgrades
- Install Service Patches, as Applicable

Total Annual Cost:

\$4,250

* Annual expense is a 12 month charge commencing on initial GO Live date; expense may be pro-rated to match fiscal year, if desired.

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OPTIONAL VIDEO STREAMING SERVICE

Video Streaming and Video-On-Demand Services - Provided by Media Management, Inc. (Earth Channel)

- ☐ Internet hosting and distribution of 1 live video channel; 24-hrs/day, 365-days/year
- ☐ The channel shall be broadcast from the municipality's facility as a 48+144Kbs data stream in the MS Windows Media format. (The 48Kbs stream will allow viewers with a dial-up Internet connection to view the stream. The 144Kbs stream will provide a higher quality image and is designed for broadband viewers.)
- ☐ Municipality is responsible for upload bandwidth and Internet connection adequate to accommodate one live stream from encoder to Earth Channel servers; approximately 225Kbs. This can be accomplished via an in-house Internet connection, a dedicated cable modem or DSL connection with a fixed or static IP address.
- ☐ Internet hosting for up to 800 hours of archived media (VOD) at the included rates.
- ☐ Unlimited U.S. viewer bandwidth for both live and VOD shall be provided
- ☐ Adequate bandwidth to support a minimum of 1000+ simultaneous streams.
- ☐ Streaming servers with a minimum of 1.0-Gigabit connection to the Internet shall be used.
- ☐ 99.9% server uptime guaranteed
- ☐ Unlimited use of EC-Indexer (v3) software for easy indexing of VOD files (software creates and uploads menu web-pages and viewer screens).
- ☐ Audio Podcasts (if desired)
- ☐ Go-Live linked off of existing Town website.
- ☐ Phone-assisted installation & training; unlimited support

Costs for Services & Payment Terms

1) One-Time Set-Up Costs - \$995

2) Annual Hosting & Support - \$2,995 (Includes both Video Streaming and Video-On-Demand)
Video Streaming alone - \$1,995 Video-On-Demand alone - \$1,995

Options

A) Pre-configured Digital Encoders

i) \$1,995 (Quad-Annual Service) ___ (check if yes), or ii) \$4,495 (Quad-Purchase) ___ (check if yes)

B) Server Side Record \$1,000/Year ___ (check if yes)

C) Real-Time Indexing - \$2,000/Year __ (check if yes)
D) Podcasting - \$995/Year (Video) __ (check if yes) E) Additional Channels - \$995/Year/Channel __ (check if yes) __ (enter number of additional channels)
☐ One-Time set-up costs (and Encoder cost if required) billed upon contract signing.
☐ Annual costs billed in anticipation of service "Go-Live"

2013 WORKERS COMPENSATION INSURANCE COVERAGE - EXECUTION OF MEMBER AGREEMENT ENDORSEMENT WITH PUBLIC EMPLOYER RISK MANAGEMENT ASSOCIATION (PERMA) - AUTHORIZED

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci



PERMAT

☒ Work Session 2/13/13
☒ Agenda 2/20/13

Member Agreement Endorsement


Employees must receive updated training annually in proper lifting techniques, back injury protection and slip/fall prevention to reduce the frequency and severity of overexertion and slip/fall claims. PERMA will provide initial training at 3, 6 and 9 months into the coverage period.

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(Cont.)

Commit to working on other items outlined in the 10/9/12 letter to the best of the Town's ability.

Authorized Signature
Member



Authorized Signature
PERMA

Copy 1 – PERMA Copy – Please Return

NEW YORK'S PREMIER PROVIDER OF WORKERS' COMPENSATION FOR PUBLIC ENTITIES

Supervisor Schmitt explained that the Town Board had solicited Requests for Proposals in connection with the provision of workers compensation insurance. Upon meeting with representatives from Public Employer Risk Management Association (PERMA) and checking with other municipalities who current utilize their services, the Town Board decided to contract with PERMA at a cost savings \$120,000.

BOARD OF ETHICS COMPLAINT NO. 2012-01 DETERMINATION MADE - NO ACTION

WHEREAS, The Town Board of the Town of Carmel has received and reviewed the Board of Ethics Decision and Recommendation in Complaint No. 2012-01 dated January 21, 2013, which is attached hereto and made a part hereof; and
WHEREAS, said decision has been referred to the Town Board pursuant to Town Code §13-7(F)(11); and
WHEREAS the subject of said Decision and Recommendation separated from employment with the Town of Carmel in August of 2011;
NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby takes no action with respect to Complaint No. 2012-01.

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

Anthony Battista (Chairman)

Thomas L. Honohan (Secretary)

Giulio Cefaloni

Dr. Lisa Rucker

Board of Ethics

Town of Carmel

Date: January 21, 2013

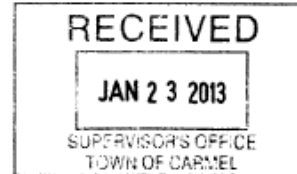
Town of Carmel Hon. Kenneth Schmitt, Supervisor

Hon. F. Lombardi, Hon. S. Mc Donough, Hon. J. Lupanici, Hon. J. Schneider

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(Cont.)

**Re: Ethics Complaint from Bart Lansky, Esquire
vs. Mr. Paul E. Jonke
BOE Complaint No. 2012-01**



Dear Mr. Schmitt, Town Supervisor:

Testimony was presented by Mr. Lansky and Mr. Daniel D. Tartaglia, Esq. (Attorney for Mr. Paul E. Jonke) on December 4, 2012 and further testimony was presented by both parties on January 8, 2013.

At the conclusion of the January 8th meeting the BOE discussed Complaint 2012-01. The BOE voted unanimously that Mr. Paul E. Jonke was in violation of Ethics Code of the TOC Section 22-3 Para. H: "..... The provisions herein shall be limited to a period of two years for any officer or employee after termination of employment. No officer or employee of the Town shall, after the termination of service or employment with the Town appear before any board or agency of The Town in relation to any case proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration."

BOE Recommendations:

- 1. Dealings of Mr. Jonke with tax adjudication in the TOC should cease immediately upon the Town Board's decision that there was a violation of Section 22-3 Para. H.**
- 2. The 2 year hiatus period referred to in Section 22-3 Para. H in the Code of Ethics should commence upon TOC's decision and end 2 years after this decision.**

Please review this complaint at your earliest convenience. If you have any questions please contact Anthony Battista.

We would greatly appreciate your advising us of your decision in this matter.

Sincerely,

Anthony Battista, Chairperson of Board of Ethics

Thomas L. Honohan, Secretary

Dr. Lisa Rucker, Board Member

Giulio Cefaloni, Board Member

cc: Paul E. Jonke 128 Joes Hill Road Brewster NY 10509

**cc: Daniel D. Tartaglia, Attorney at Law, 800 Westchester Ave-N307
Rye Brook NY 10573**

cc: Bart Lansky, Esquire, 947 So. Lake Blvd, 3A Mahopac NY 10541

**cc: Joseph J. Charbonneau, Attorney at Law, 1441 Route 22, Suite
204A Brewster NY 10509**

**LEASING OF FOUR POLICE VEHICLES AUTHORIZED - HOSELTON CHEVROLET
ANNUAL COST OF \$44,614**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Johnson to proceed with the leasing of three(3) new 2013 Chevrolet Caprice PPV and one (1) new 2013 Chevrolet Tahoe SSV vehicle in lieu of purchasing replacement vehicles, at an annual cost of \$44,614; and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign all necessary documents to lease said vehicles from Hoselton Chevrolet, East Rochester, NY in accordance with their contract quotations dated February 12, 2013; and

BE IT FURTHER RESOLVED that the Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid lease transactions as well as the cost of retro-fitting the leased vehicles set forth herein and de-commissioning any vehicles removed from the existing Carmel Police Department fleet.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

Supervisor Schmitt explained that the Police Department is switching their fleet over from Ford because the Crown Victoria is no longer being manufactured. The police department administration and mechanic researched the different types of vehicles and decided on Chevrolets. He stated that \$43,000 was budgeted and the remaining monies will be taken out of the seized assets fund. The Town mechanic will be retrofitting the vehicles at no cost.

Councilman Lupinacci added that the fleet's colors are being changed from white and blue to silver and blue.

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

Russ Braun inquired about the cost to Town of Carmel residents for funding the Putnam County Sheriff's Department. He suggested that a significant financial savings could be achieved through local law enforcement services consolidation.

Supervisor Schmitt explained that a portion of taxpayers' dollars go towards funding the department which is mandated to provide a jail and civil bureau. A brief discussion ensued.

Mr. Braun inquired about who funded the new sidewalks recently installed in the hamlet of Carmel.

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(Cont.)

Supervisor Schmitt stated that the funding for the sidewalks came from a New York State Department of Transportation program.

Mr. Braun asked who is responsible to pay for the cleaning of the commuter parking lot located at the corner of Route 6 and Mt. Hope Road.

Supervisor Schmitt stated that the parking lot is maintained by the Putnam County Department of Highways and Facilities and paid for through county property taxes.

OPEN FORUM - TOWN BOARD MEMBER COMMENTS

Councilman Lupinacci inquired about whether or not the Putnam County Sherriff's Department coordinates their patrol assignments with the Town of Carmel Police Department.

Supervisor Schmitt stated that he did not believe that they did. A vehicle is assigned by the county to a sector that includes the Town of Carmel and another town. He pointed out that the Sherriff's Department will respond if contacted by a resident and will provide backup to the Carmel Police Department when needed.

Councilman Lupinacci announced that the second annual Cupcake Wars will be held on February 23, 2013 from 11:00 a.m. to 2:00 p.m. at the Mahopac High School. Proceeds from the event will benefit the Mahopac Educational Foundation.

Councilman Lombardi announced that an emergency bone marrow drive is being held on March 3, 2013 from 11:00 a.m. to 3:00 p.m. at the Knights of Columbus Hall in Carmel for former Carmel resident Denise Cordovano-Kula who was diagnosed with leukemia.

Councilman Schneider added that an individual must be between the ages of 18 and 55 to be eligible.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Schneider, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:37 p.m. to Executive Session to discuss a Proposed Consent Order with Ronald Gainer, Town Engineer as well as a matter of personnel with Police Lieutenant Michael Cazzari.

Respectfully submitted,

Ann Spofford, Town Clerk