

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 18<sup>th</sup> day of April 2012 at 7:17 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 MEETINGS HELD ON 3/21/12 AND 4/4/12 - 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 meetings held on March 21<sup>st</sup> and April 4<sup>th</sup> 2012 were accepted as submitted by the Town Clerk.

**ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE WITHIN THE TOWN OF CARMEL AUTHORIZED - AAA CARTING & RUBBISH REMOVAL D/B/A A&N CARTING - 1/1/12 - 12/31/12**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of AAA Carting and Rubbish Removal, Inc., hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
AAA Carting & Rubbish Removal d/b/a A&N Carting	480 Furnace Dock Rd Peekskill, NY 10566	1/1/12 -- 12/31/12

Resolution  
Offered by: Councilman Schneider  
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>

**ADDITIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Nick Liberatore  
Michael DiPasquale

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman Lupinacci

(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>

Supervisor Schmitt acknowledged the new members of the Mahopac Volunteer Fire Department for their service.

**RESOLUTION IN SUPPORT OF COMCAST CARES DAY IN THE TOWN OF CARMEL - AUTHORIZED**

WHEREAS, Comcast remains an active, committed and engaged member of the Carmel community;

WHEREAS, Comcast supports the core American value of volunteerism through partnerships, grants and volunteer activities that empower individuals and organized communities; and

WHEREAS, Comcast Cares Day is a celebration of service, and is one of the largest national days of service that brings employees, families, friends, and community partners together for a common purpose and mission, and

WHEREAS, Comcast Cares Day promotes a spirit of corporate responsibility thanks to hard work, dedication and service of Comcast volunteers in the Carmel community, and

WHEREAS, this year’s Comcast Cares Day project is located at Ability Beyond Disability Group Home, 3444 Route 301, Carmel, NY

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby supports the designation by Comcast Cable of April 21, 2012 as "Comcast Cares Day" in the Town of Carmel.

Resolution

Offered by: Councilman Lupinacci

Seconded by: Councilman Lombardi and 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>

Supervisor Schmitt thanked Comcast Corporation for their commitment and dedication to the community.

**INSTALLATION OF FLAGPOLE AND RELATED IMPROVEMENTS AT CAMARDA PARK - AUTHORIZED**

WHEREAS James R. Gilchrist, Director of Recreation and Parks Department of the Town of Carmel has recommended that a flagpole displaying the American flag be erected at Camarda Park within the Town of Carmel; and

WHEREAS, Robert W. Geoghegan, a resident of the Town of Carmel has volunteered to undertake said project for the installation of said flagpole, as well as park benches, monuments and landscaping in and around the area of the proposed flagpole as part of his Eagle Scout project;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the installation of the aforesaid improvements at Camarda Park; and

(Cont.)

BE IT FURTHER RESOLVED, that upon completion of the aforesaid improvements, same will be dedicated and named in memory of the late Detective John Falcone, a former resident of the Town of Carmel who was killed in the line of duty on February 18, 2011 as a City of Poughkeepsie Police Officer; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, for any and all vendors and/or contractors participating the installation and construction of the proposed improvements, said improvements are thereafter authorized to be installed.

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>

Supervisor Schmitt expressed his appreciation to Robert W. Geoghegan for volunteering to install the flagpole as part of his Eagle Scout project. Supervisor Schmitt acknowledged the late Detective John Falcone as an exceptional former Town of Carmel police officer.

**ENVIRONMENTAL CONSERVATION BOARD CHAIRMAN REAPPOINTED - RICHARD FRANZETTI**

RESOLVED that the Town Board of the Town of Carmel hereby reappoints Richard Franzetti as Chairman of the Town of Carmel Environmental Conservation Board for the year 2012.

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>

**RESOLUTION FROM 3/7/12 AMENDED - CARMEL SEWER DISTRICT #4 REGULATORY UPGRADE CONSTRUCTION PHASE ENGINEERING SERVICES - C163 - CONTRACT AMENDMENT #4 AUTHORIZED**

WHEREAS the Town Board has been advised that O'Brien & Gere Engineering is seeking an increase in the Construction Phase Budget for the engineering services contemplated in connection with the Carmel Sewer District #4 Regulatory Upgrade Program; and

WHEREAS, Town Engineer Ronald Gainer, P.E., has recommended that the Town of Carmel Town Board approve the proposed increased engineering costs in the amount of \$23,100, so that same may be submitted to the New York State Environmental Facilities Corporation for further approval and for funding;

(Cont.)

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign Contract Amendment #4 in form as attached hereto and made a part hereof, for submission to NYS Environmental Facilities Corp.

Resolution  
Offered by: Councilman Lombardi  
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>

Client No. 5556

AMENDMENT  
NO. 4  
  
Of  
  
PROFESSIONAL SERVICES AGREEMENT  
  
Between  
  
CARMEL SEWER DISTRICT NO. 4  
  
And  
  
O'BRIEN & GERE ENGINEERS, INC.  
  
In Connection With  
  
Implementation of the Wastewater Treatment Plant Regulatory Upgrade

WHEREAS, the Carmel Sewer District No.4 ("Owner"), a municipal improvement district of the Town of Carmel, with offices at Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541 and O'Brien & Gere Engineers, Inc. ("O'Brien & Gere" and "Engineer") a professional engineering firm with offices at 22 Saw Mill River Road, Hawthorne, NY 10532 entered into a certain Agreement dated November 30, 2000, and

WHEREAS, Owner and O'Brien & Gere now wish to amend said Agreement.

NOW THEREFORE, In consideration of the mutual covenants and agreements contained herein, Owner and O'Brien & Gere agree for themselves, their successors and assigns to amend the Agreement of November 30, 2000 as follows:

1. Additional Scope of Work:

- a. Finalization and reproduction of as-built drawing sets
- b. Preparation of overall upgrade O&M manual
- c. Diesel underground storage tank (UST) removal engineering services
  - Regulatory notifications
  - Tank registration forms including the registration fee of \$100
  - UST closure notifications – 30 days in advance of closure
  - Following closure notifications, the petroleum bulk storage (PBS) registration will be updated detailing the closure of the UST. The UST closure report will be submitted at the time the PBS registration is updated
  - An O'Brien & Gere geologist will observe the excavation of the UST and will screen surrounding soils for total volatile organic compounds (VOCs) using a photoionization detector to assess potential releases. One bottom and four wall excavation soil samples

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will be collected for laboratory analysis from the excavation. Soil samples collected for laboratory analysis will be based on soil screening results and visual observations. Samples will be analyzed for VOCs and semi-VOCs by a New York certified laboratory. In addition, one trip blank will be submitted for laboratory analysis of VOCs for quality assurance purposes

- Upon receipt of soil analytical data, a site assessment/tank closure report will be developed detailing field observation and analytical data. The report will include the following information:
  - Description of the tank closure process
  - Site plan depicting the location of the UST and soil samples
  - Description of the soil sampling activities
  - Summary of field observations and soil analytical results compared to regulatory standards
  - Photographic record of the UST closure process
  - Copies of the NYSDEC PBS closure notification and registration forms and waste manifest records
  - Conclusions

2. Additional Compensation as per attached New York City Watershed Upgrade Program NYCDEP Authorization for Engineering Contract Cost Amendment. See attached Table 1 for updated project funding.

Except as hereby amended the Agreement of November 30, 2000 remains unchanged and in full force and effect.

In witness whereof, the parties have each caused this Agreement to be executed by a duly authorized officer or representative.

Signed this day: \_\_\_\_\_

CARMEL SEWER DISTRICT NO. 4  
OF THE TOWN OF CARMEL

By: \_\_\_\_\_  
(Signature)

Name: Kenneth Schmitt  
Title: Town Supervisor

Signed this day: \_\_\_\_\_

O'BRIEN & GERE ENGINEERS, INC.

By: \_\_\_\_\_  
(Signature)

Name: Lowell Kachalsky  
Title: Vice President

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Table 1 – Updated Project Funding (as of April 9, 2012)

Task	Original Budget	TBR Increase	TBR Decrease	CA #1 Increase	CA #2 Increase	CA #3 Increase	CA #4 Increase	Current Budget
2.1 – Planning	\$49,600		10,200					\$39,400
2.2 – Design	\$112,100	\$18,000		\$87,219				\$217,319
2.3 – Bidding	\$23,300	\$8,383						\$31,683
2.4 – Construction	\$182,300	92,185		\$16,914	\$200,605	\$35,555	\$23,100	\$550,659
2.5 – Operational / Performance Testing	\$22,200	19,100						\$41300
3 – Subsurface Investigations	\$77,400		\$76,368					\$1,032
Allotment	\$51,100		\$1,100					\$0
O&M Negotiations	\$0				\$10,850			\$10,850
PROJECT TOTALS	\$518,000							\$892,243

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New York City Watershed Upgrade Program  
NYCDEP Authorization for Engineering Contract Cost Amendment

WWTP/Project Name: Carmel Sewer District No. 4 Amendment No. 4  
Owner Name: Town of Carmel Date: March 23, 2012  
Current Approved Engineering Contract Amount (Regulatory & SPDES): \$669,143.00  
Proposed Additional Engineering Costs (see summary table below): \$23,100.00

Additional Engineering Costs Proposed								Totals
Description of Additional Cost	Task 2.1	Task 2.2	Task 2.3	Task 2.4	Task 2.5	O&M	Allotments	
Underground Storage Tank Removal Services				\$23,100.00				\$23,100.00
								\$0.00
								\$0.00
								\$0.00
								\$0.00
								\$0.00
Subtotals	\$0.00	\$0.00	\$0.00	\$23,100.00	\$0.00	\$0.00	\$0.00	\$23,100.00
Total Additional Engineering Costs Proposed								\$23,100.00

NYCDEP Authorized Amended Engineering Contract Amount: \$892,243.00

Current Upgrade Contract Contingency: \$43,703.00  
Proposed Additional Engineering Costs : \$23,100.00  
Remaining Upgrade Contract Contingency After Engineering Amendment: \$20,603.00

Approved by NYCDEP: [Signature] Date 3/23/12

Supervisor Schmitt explained that the cost of the regulatory upgrades are paid for by the City of New York.

**RESOLUTION FROM 4/4/12 AMENDED - BIDS AWARDED FOR MISCELLANEOUS HIGHWAY DEPARTMENT MATERIALS AND SERVICES - OFFERED AS PRE-FILED**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for various highway materials and services for the Town Highway Department, and

WHEREAS such bids were received and opened and the Highway Superintendent has recommended the awarding of the bids (after equalizing all FOB bids based on distance to the Town Highway Department yard),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for the purchase of various highway materials and services to the lowest responsible bidders who met specifications as follows:

- RUN OF BANK GRAVEL - NICHOLAS F. DOMAIN SAND & GRAVEL  
FOB BIDDER’S PLANT & DELIVERED 2441 ROUTE 22  
DOVER PLAINS, NY 12522
- BITUMINOUS CONCRETE FOB - PECKHAM MATERIALS CORP.  
ASPHALT CONCRETE TYPE 6 & 6F CARMEL PLANT, ROUTE 6  
TOP COURSE TYPE 7 AND 7F CARMEL, NY 10512  
BINDER COURSE TYPE 3  
CURB MIX
- BITUMINOUS CONCRETE - KECT CONSTRUCTION  
IN-PLACE ROUTE 22  
IN-PLACE WITH TACK COAT PATTERSON, NY 12563  
IN-PLACE WITH KEYS

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<b>ROAD OILS, CUTBACKS ETC. MEDIUM CURING CUTBACKS PENETRATION ASPHALT CATIONIC EMULSIFIED ASPHALT</b>	-	<b>PECKHAM MATERIALS CORP. 20 HAARLEM AVENUE WHITE PLAINS, NY 10603</b>
<b>TREE FELLING AND TRIMMING</b>	-	<b>LAUREL OAK LANDSCAPING OF NY, INC. 21 BRANCH ROAD BREWSTER, NY 10509</b>
<b>CRUSHED GRAVEL DELIVERED - 1 ½" DELIVERED - ¾" DELIVERED - ⅜" DELIVERED - ¼" F.O.B. - ¼"</b>	-	<b>THALLE INDUSTRIES, INC. 172 ROUTE 9 FISHKILL, NY 12524</b>
<b>CRUSHED GRAVEL FOB - ⅜"</b>	-	<b>NICHOLAS F. DOMAIN SAND &amp; GRAVEL 2441 ROUTE 22 DOVER PLAINS, NY 12522</b>
<b>CRUSHED GRAVEL FOB ¾" FOB -1 ½"</b>	-	<b>PUTNAM MATERIALS CORP. RTE 311 PATTERSON, NY</b>
<b>GRANULAR BASE FOB ITEM 4</b>	-	<b>PUTNAM MATERIALS CORP. RTE 311 PATTERSON, NY</b>
<b>GRANULAR BASE ITEM 4 DELIVERED</b>	-	<b>PUTNAM MATERIALS CORP. RTE 311 PATTERSON, NY</b>
<b>STEEL CULVERT PIPE FOB &amp; DELIVERED 12 X16 PLAIN &amp; PERFORATED 15 X16 PLAIN &amp; PERFORATED 18 X16 PLAIN &amp; PERFORATED 21 X16 PLAIN &amp; PERFORATED 24 X16 PLAIN &amp; PERFORATED</b>	-	<b>CHEMUNG SUPPLY CORPORATION ELMIRA, NY</b>
<b>STEEL CULVERT PIPE FOB &amp; DELIVERED 6 X18 PLAIN &amp; PERFORATED 8 X16 PLAIN &amp; PERFORATED 10 X16 PLAIN &amp; PERFORATED 30 X14 PLAIN &amp; PERFORATED 36 X14 PLAIN &amp; PERFORATED</b>	-	<b>ESP INCORPORATED</b>
<b>ALUMINUM CULVERT PIPE FOB PLAIN &amp; PERFORATED ALL SIZES</b>	-	<b>ESP INCORPORATED</b>
<b>ALUMINUM CULVERT PIPE DELIVERED - PERFORATED ALL SIZES</b>	-	<b>ESP INCORPORATED</b>
<b>ALUMINUM CULVERT PIPE DELIVERED - PLAIN ALL SIZES</b>	-	<b>CHEMUNG SUPPLY CORPORATION ELMIRA, NY</b>
<b>CORRUGATED POLYETHYLENE DRAINAGE PIPE &amp; ELBOWS/TEES DELIVERED ALL SIZES &amp; TYPES</b>	-	<b>REJECT ALL BIDS &amp; PURCHASE UNDER NYS BID</b>

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<b>CORRUGATED POLYETHYLENE DRAINAGE PIPE &amp; ELBOWS/TEES FOB ALL SIZES &amp; TYPES</b>	-	<b>CARMEL WINWATER CARMEL, NY</b>
<b>CATCH BASIN SUMPS &amp; TOPS DELIVERED</b>	-	<b>M &amp; M PRECAST CORP. 39 PADANARAM ROAD DANBURY, CT 06811</b>

Resolution  
Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

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

**PUBLIC COMMENTS**

Jerry Ravnitzky asked for a response in regard to an inquiry he had made at the previous meeting for the number of licensed carters operating in the Town of Carmel as well as the number of carting vehicles currently in operation. He expressed his concern regarding the effect that these vehicles have on the condition of the local roads and their impact on property taxes due to increased road maintenance costs.

Supervisor Schmitt stated that he has not yet been provided with the requested information from Robert Vara, Engineering Projects Coordinator. He anticipated that the information would be available at the next meeting. Discussion was held regarding the matter.

**OPEN FORUM**

Jane Pendergast a representative of the Northern Westchester / Putnam Council of the MoveOn organization spoke in support of local municipalities adopting resolutions calling for a Constitutional amendment that would reverse the Supreme Court’s 2010 decision in “Citizens United v. Federal Election Commission” which rejected corporate spending limits in candidate elections.

Supervisor Schmitt requested that Ms. Pendergast leave her pertinent information with regard to the matter with the Town’s legal counsel for review.

Carol Lyden also expressed support for reversing the Supreme Court’s 2010 decision. When asked where she resided, Ms. Lyden stated that she lived in Mt. Kisco. She said that this is an issue that every Town Board should consider because it affects all Americans.

Councilman Lupinacci explained that the Open Forum was an opportunity for residents to express their needs and concerns on Town of Carmel issues. It was not intended to be a platform for subjects political in nature. Discussion ensued.

Jerry Ravnitzky expressed his frustration that the subject could not be addressed at this meeting. Discussion resumed.



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Mr. Ravnitzky spoke regarding the Town of Carmel's master plan. He suggested that because it was adopted twelve years ago, it is time for a new master plan to be developed and then utilized to assist in planning for the future.

John Malloy suggested that the public comment portion of the Town Board meetings be limited to those individuals that either live, work or own a business in the Town of Carmel. He also suggested that the Town Board adopt an anti-bullying policy with regard to the way the public may address the members of the Town Board.

Supervisor Schmitt explained that such a policy would not be necessary because as the chairman of the Town Board meetings, he has the authority to curtail a speaker if and when he deems it to be appropriate.

### **TOWN BOARD MEMBER COMMENTS**

Councilman Lupinacci announced that the next Town Board Work Session will be held at the Carmel Firehouse located on Vink Drive in the hamlet of Carmel on April 25, 2012 at 7:00 p.m.

Supervisor Schmitt stated that the recent Mahopac Falls Volunteer Fire Department's 75<sup>th</sup> anniversary dinner was a success. He announced that they will be holding a recruitment drive at their firehouse on April 21, 2012 from 9:00 a.m. to 4:00 p.m. and encouraged interested individuals to attend.

Councilman Schneider acknowledged the Mahopac Falls Volunteer Fire Department for extending emergency medical technicians along with a medic to assist at the Lake Mahopac Rotary Club's recent fundraising event.

Supervisor Schmitt explained that the use of the turf field at the Mahopac High School has recently been suspended due to safety concerns and spoke regarding the Town of Carmel's efforts to provide an alternative field at the Baldwin Meadows Park for the school's lacrosse activities.

Councilman Schneider acknowledged the owners of Campanella Fence Company for constructing a fence around the alternative field as a donation to their community.

Supervisor Schmitt announced that the annual American Heart Walk to raise funds for the American Heart Association will be held at the Brewster High School on April 29, 2012 commencing at 10:00 a.m.

### **ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Schneider, with all Town Board members present and in agreement, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Ann Garriss, Town Clerk