

JULY 6, 2011

**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 6<sup>th</sup> day of July, 2011 at 7:12 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough, 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 JUNE 15, 2011- ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and voting "aye", the minutes of the Town Board meeting held on June 15, 2011 were accepted as submitted by the Town Clerk.

**CARMEL SEWER DISTRICT #7 – SIGNING OF CHANGE ORDER #1 TO CONSTRUCTION UPGRADE CONTRACT WITH NEW YORK STATE EFC AND NEW YORK CITY DEP – AUTHORIZED**

WHEREAS the Town Board has been advised that Change Order #1 to Carmel Sewer District #7 Construction Upgrade Contract has been approved by the New York State EFC and the New York City DEP,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign Change Order #1 to the aforementioned contract, in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	_____	_____	Abstain
Frank Lombardi	<u>  X  </u>	_____	
Suzanne McDonough	<u>  X  </u>	_____	
Kenneth Schmitt	<u>  X  </u>	_____	

Prior to the roll call vote Supervisor Schmitt noted that it is New York City Department of Environmental Conservation money that is being spent.

***CHANGE ORDER NO.1  
PAGE 1 of 2***

***5556/36556  
April 7, 2010***

PROJECT: CARMEL SEWER DISTRICT #7 WWTP  
REGULATORY UPGRADE

OWNER: TOWN OF CARMEL  
60 MCALPIN AVENUE  
MAHOPAC, NEW YORK 10541

CONTRACTOR: SOUTHEAST ~~PLUMBING~~ CORPORATION  
568 MAIN STREET  
BREWSTER, NY 10509

ENGINEER: O'BRIEN & GERE ENGINEERS, INC.  
SAW MILL RIVER ROAD, 1<sup>ST</sup> FLOOR  
HAWTHORNE, NY 10532

Pursuant to the terms of Section GP-9.01 of the General Provisions of the above-referenced Contract, the Contractor is hereby authorized and directed to proceed with the extra work as described below. The Contractor agrees to furnish all labor, material and equipment needed to accomplish these changes in accordance with the applicable portions of the Contract Documents and/or as required in the Modifications.

**MODIFICATION NO. C-203-D-01**

Requirement: Delete the floor drain trap primer and furnish and install trap guard inserts at the floor drains.

Reason: Trap guards inserts are required to prevent water in the drain traps from evaporating.

Cost: ADD .....\$1,500

**MODIFICATION NO. C-203-D-02**

Requirement: Install a water pressure reducing valve and a pressure gauge on the incoming potable water line.

Reason: The water main pressure of approximately 100 psi must be reduced to protect plumbing fixtures.

Cost: ADD .....\$3,200

**MODIFICATION NO. C-203-D-03**

Requirement: Revise the building floor slab drains and drainage piping per Contract Drawing P-3, Rev. 1.

Reason: A new drainage piping layout is required to accommodate the design revisions to the Siemens microfiltration system.

Cost: ADD .....\$8,200

TOTAL COST OF  
CHANGE ORDER # 1 ADD.....\$ 12,900

It is mutually agreed that the lump sum price or prices listed above will be accepted by the Contractor as the sole basis for payment for all work as indicated, including all associated overhead and profit for the work, or as credits to the contract amount if deletions of work are included.

This work must be performed in strict accordance with the terms of the Contract except as herein modified or hereinbefore modified by a previous change order. It is further understood and agreed that, unless otherwise expressly stated herein, the work herein authorized will not extend the time of completion of the work to be performed under the Contract and that the amount of this change order includes full payment or credit, as the case may be, for the extra or deleted work covered hereby, and any damage or expense caused the Contractor by any delays to or interference with other work to be performed under the Contract resulting from or on account of said extra or deleted work.

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ACCEPTED BY: SOUTHEAST PLUMBING CORPORATION

By: FRANK GATTIGNA (SIGN), Frank Gattigna  
Title: Vice President  
Date: 4/7/2011

RECOMMENDED BY: O'BRIEN & GERE ENGINEERS, INC.

By: R Mello (SIGN), Robert Mello  
Title: Construction Manager  
Date: 4/11/11

AUTHORIZED BY: TOWN OF CARMEL

By: \_\_\_\_\_ (SIGN), \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**TEAKETTLE LAKE PARK DISTRICT – SUBMISSION OF APPLICATION TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR PURPOSE OF STOCKING LAKES WITH TRIPLOID GRASS CARP - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission of an application to the New York State Department of Environmental Conservation, for the purpose of the proposed stocking of Triploid Grass Carp in both Teakettle Lakes within the Teakettle Lake Park District; and

BE IT FURTHER RESOLVED, that Town Supervisor is hereby authorized to sign the aforementioned application upon completion by Ronald J. Gainer, P.E., Town Engineer, as well as any other necessary documentation related to said application.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

Councilman Ravallo explained that the cost for stocking the lakes would be borne by the Teakettle Lake Park District. He also commented on the success of using the carp in the past stating that Lake Mahopac was one of the first lakes to use them approximately fifteen years ago.

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**TEAKETTLE SPOUT LAKE PARK DISTRICT – PROPOSAL OF GERTSEN LANDSCAPING FOR ADDITIONAL MAINTENANCE AND LANDSCAPING SERVICES NOT TO EXCEED \$3,650.00 - ACCEPTED**

WHEREAS, the Town Board of the Town of Carmel has previously authorized a contract for Gertsen Landscaping, Carmel, NY with maintenance services for Teakettle Spout Park for the years 2011, 2012 and 2013, and had done so in accordance with the Town of Carmel procurement policy; and

WHEREAS, Ronald J. Gainer, PE, Town Engineer has recommended that additional maintenance services be performed by Gertsen landscaping as detailed in the Town Engineer’s memorandum to the Town Board dated June 22, 2011;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, accepts the of Gertsen Landscaping, Carmel, NY, for said additional maintenance and landscaping services to be rendered at Teakettle Spout Lake Park District, at a total cost not to exceed \$3,650.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates and bonds as required by the proposal and in form as approved by the Town Counsel, the Supervisor is authorized to sign all necessary documents to accept said proposal.

Resolution

Offered by: Councilmanwoman McDonough

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**LAKE CASSE PARK DISTRICT – HIRING OF TEMPORARY SUMMER HELP – AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Casse Park District, upon the recommendation of the Lake Casse Park District Advisory Board hereby authorizes, in addition to those individuals previously authorized by prior resolution of the Town Board, the hiring of the following as temporary summer help subject to submission of necessary certifications to the Director of Recreation and Parks and subject to obtaining of working papers, if required by law:

<u>NAME</u>	<u>POSITION</u>	<u>HOURLY RATE</u>
Mark Holst	Lifeguard	\$12.00

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

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**LAKE MAHOPAC PARK DISTRICT – PROPOSAL OF THOMAS J. MAGLARAS FOR  
ROUND UP OF CANADIAN GEESE NOT TO EXCEED \$10,350.00 - ACCEPTED**

WHEREAS the Lake Mahopac Park District Advisory Board has recommended the conducting of a geese harvest for the 2011 summer season and has forwarded a proposal for the round up of Canadian geese in the Lake Mahopac Park District,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Mahopac Park District, hereby accepts the proposal of Thomas J. Maglaras of West Nyack, NY for said services at a total cost not to exceed \$10,350.00 and hereby authorizes the Town Supervisor to sign any necessary documents to accept said proposal.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Councilwoman McDonough stated that although she had thought about voting “no” on this resolution she decided to vote “yes” due to the health issues involved.

**LAKE SECOR PARK DISTRICT – FEES WAIVED IN REFERNCE TO SOUND  
AMPLIFICATION PERMIT AND PARK RENTAL PERMIT FOR BATTLE OF THE  
BANDS EVENT OF JULY 16, 2011**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee regarding the applications of the Lake Secor Park District seeking a sound amplification permit and park rental permit for its battle of the bands event scheduled for July 16, 2011 at Sycamore Park.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**CARMEL SEWER DISTRICT #2 – REDUCTION OF CAPITAL CHARGE  
ASSESSMENT FOR TAX MAP #44.9-1-1 TO ZERO UNITS PURSUANT TO TOWN  
CODE SECTION 119-11(F) – AUTHORIZED**

WHEREAS, the Town Board has received the application of Michelle A. Roth, owner of the property located at Dykeman Road, Carmel NY also known and designated as Town of Carmel Tax Map No. 44.9-1-1, seeking modification and/or amendment of the capital charge assessment for the aforesaid property;

WHEREAS, the Town Board has conducted inquiry into the aforesaid application; and

WHEREAS, a public hearing was held on the aforesaid matter on December 1, 2010;

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NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, Acting as Commissioners of Carmel Sewer District #2 hereby determines that the strict application of Chapter 119 of the Town Code, entitled “Sewer Districts” would be inequitable to the aforesaid property owner and property; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel, Acting as Commissioners of Carmel Sewer District #2, authorizes the reduction of the capital charge assessment for Tax Map 44.9-1-1, to zero units, pursuant to Town Code Section 119-11 (F); and

BE IT FURTHER RESOLVED that the Town Assessor is authorized to reduce the sewer district capital charge for the aforesaid property to zero units and make note of said reduction on the corresponding property card; and

BE IT FURTHER RESOLVED that the Receiver of Taxes is authorized to reduce the 2011 County and tax bill of the applicant accordingly and directed to reflect the modification of the assessment roll and sewer district capital charge for the aforesaid property to zero units on said tax bill; and

BE IT FURTHER RESOLVED that the reduction granted hereunder shall continue until such time as the aforesaid property connects to, attempts to connect to or applies for connection to the Sewer District #2 collection system at which time the aforesaid property’s capital charge assessment shall be reviewed and set in accordance with the Sewer District ordinance and include the imposition of all applicable back-capital charges.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**INFORMATION TECHNOLOGY SERVICES CONTRACT WITH SULLIVAN DATA MANAGEMENT, INC. - OPTION TO EXTEND CONTRACT COMMENCING JULY 1, 2011 THROUGH JUNE 30, 2012 FOR SUM OF \$41,500.00 - AUTHORIZED**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the exercise of its option to extend the existing Information Technology services contract with Sullivan Data Management, Inc., Yorktown, NY commencing July 1, 2011 through June 30, 2012 for the sum of \$41,500.00 (FORTY-ONE THOUSAND FIVE HUNDRED DOLLARS) and

BE IT FURTHER RESOLVED that upon review of insurance certificates in form acceptable to Town Counsel, Kenneth Schmitt, Town Supervisor is hereby authorized to execute any other and further documentation necessary to effect such contract extension.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Supervisor Schmitt announced that the contract with Sullivan Data Management, Inc. does not contain any cost increase. He further explained that soon the town will have to invest money into the town computer system due to the age of most of the components especially concerning the server and he was informed by the Information Technology people that this could become a very big problem if not addressed.

### **RECOGNITION OF TOWN BOARD MEMBERS**

Councilman Lombardi reminded everyone that the Town Board will have to keep in mind the 2% tax cap increase that was recently passed into New York State law. He has asked Mary Ann Maxwell, Town Comptroller, to explain the new law to the Town Board and the public especially regarding the unfunded mandates. Councilman Lombardi expressed his feeling that this will probably be one of the worst budget processes that we have ever seen.

Councilman Ravallo explained that he was expecting mandate relief but that did not happen. He said that a lot of the Tax Cap Law is rhetoric and explained that prior to the law the Town Board needed 3 out of 5 members to pass the budget and that now they need 60% if more than a 2% increase which is essentially the same thing. Councilman Ravallo also explained that last year there was a substantial savings due to the retirement of five full time people and that this year that will not happen. He questioned how you can keep cutting the budget without cutting services.

Councilman Lombardi spoke regarding the mortgage tax which is down. He mentioned that he was hoping that the state was going to reduce the amount the town pays them but that did not happen. He went on to explain that while the state passes their cost down to the town, the town cannot pass the cost along to another entity.

Councilman Ravallo noted that if the federal government subsidized the town's expenses our federal income taxes would go up. He expressed his feeling that although this area generates a tremendous amount of income for the federal government that we don't get a lot back for it.

Supervisor Schmitt reported that he has already met with the Town Comptroller and it was decided that they will start the budget process early this year, in the middle of August. He noted that Town Departments will have to hold their budgets to zero percent increases. He acknowledged that he agrees with the purpose of the new law but he has a problem with certain aspects especially that there is no mandate relief. Supervisor Schmitt further explained that the town has been making cuts over the last three years but he is now afraid that services will have to be cut back.

Supervisor Schmitt indicated that the Town Board would do their best to get through the budget process and he would submit a budget by September 30, 2011 with an increase of not more than 2% or the rate of inflation, whichever is lower.

Councilman Ravallo said he would do his best to support Supervisor Schmitt's budget if it comes in at 2%. He noted that he has spoken with the Town Comptroller about options.

Supervisor Schmitt again addressed the need to update the technology services for the town and explained that it can be done as a capital project and therefore the cost can be bonded. He indicated that the cost could be significant and that bonding may be the way to go. He also expressed his concern that if the town got too far behind it would cost more to get caught up.

Councilman Ravallo agreed that technology is one area that cannot be ignored.

Supervisor Schmitt suggested they would further discuss the issue at a Town Board Work Session.

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Supervisor Schmitt spoke about the First Responders who accompanied him to Hanger #17 at JFK Airport to pick up artifacts for the 9/11 memorial . He pointed out that at the Town Board Meeting two weeks ago when he thanked those involved he failed to include Town of Carmel Police Officer Thomas Johanson who also escorted him. He went on to thank both Officer Johanson and Chief Johnson for their involvement.

Supervisor Schmitt reported on the American Legion Post #1080 and their humanitarian relief effort for the victims of the tornado in Joplin, Missouri. Donations that were collected by Post #1080 filled a 24 foot box truck which left for Joplin, Missouri on June 18<sup>th</sup> arriving there on June 21<sup>st</sup>. Supervisor Schmitt pointed out the banner that was hung on the truck during its travels and is now hanging in the meeting room at the Carmel Town Hall.

Supervisor Schmitt thanked Joe Toleno, Bob Calley, Jerry Purdy and Wes Mackey for escorting the truck. He mentioned that he would like to have them come to a Town Board Meeting to be awarded a certificate of appreciation from the Town Board.

Supervisor Schmitt went on to acknowledge how this community really steps up to the plate for people in need and how proud he is to be a part of the community.

**RECOGNITION OF PUBLIC**

Mr. Peter Creegan, resident of Mahopac, spoke regarding the budget process. He agreed with the comments made previously by the Town Board Members that this is going to be a difficult year for the budget process. He suggested that county, state and town officials work together on these financial matters. He also suggested that if the public was informed about the budget issues facing the Town Board that they might be more supportive and may even provide some valuable input.

Mr. Kevin Kennedy thanked everyone on the Town Board and others in the town that helped his family.

Supervisor Schmitt reiterated that this is the type of community that helps out when needed.

**RECOGNITION OF TOWN BOARD MEMBERS (CONTINUED)**

Supervisor Schmitt reported on the progress of the 9/11 memorial being built outside the Town Hall. The foundation has been dug and the rebar is in. He mentioned that although thus far everything has been donated we have run into some expenses that are not funded and if anyone would like to contribute to the project it would be appreciated. There has been a special line set up in the budget for donations. Interested parties should contact either the Supervisor's Office or Mary Ann Maxwell, Town Comptroller.

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilman Lombardi, with all members present and in agreement, the meeting was adjourned at 7:58 p.m. to Executive Session to discuss Comcast Franchise agreement negotiations and pending litigation regarding Town of Carmel v. Z-Max Development Corporation.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk