

7 DECEMBER 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 7th day of December 2011 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 Ravallo, Councilwoman McDonough and Supervisor Schmitt. Councilman Lombardi was absent.

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 as well as to commemorate the 70th anniversary of the attack on Pearl Harbor.

**PUBLIC HEARING HELD TO HEAR OBJECTIONS TO ASSESSMENT ROLLS FOR
THE OPERATION AND MAINTENANCE OF THE IMPROVEMENTS OF THE SEWER
AND WATER DISTRICTS FOR FISCAL YEAR 2012**

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspaper:

LEGAL NOTICE
**NOTICE OF PUBLIC
HEARING**
NOTICE IS HEREBY
GIVEN, that the Town Board
of the Town of Carmel,
pursuant to Town Law
Section 202-a will conduct
a Public Hearing at the Town
Hall, 60 McAlpin Avenue,
Mahopac, New York on
Wednesday, December 7,
2011 at 7:00 PM or as soon
thereafter that evening as
possible for the following
purpose:
To consider the 2012
Tentative Assessment Rolls
of Carmel Sewer Districts
#1, #2, #3, #4, #5, #6, #7 and
#8 and extensions thereto
as well as Carmel Water
Districts #1, #2, #3, #4,
#5, #6, #7, #8, #9, #10, #11,
#12, #13, #14 and extensions
thereto
**BE IT FURTHER
NOTICED,** that the 2012
Tentative Assessment Rolls
may be inspected at the
office of the Town Clerk,
Town Hall, 60 McAlpin
Avenue, Mahopac, New
York during normal business
hours.
At said Public Hearing, all
interested persons shall be
heard on the subject thereof.
The Town Board will make
every effort to assure that the
Public Hearing is accessible
to persons with disabilities.
Anyone requiring special
assistance and/or reasonable
accommodations should
contact the Town Clerk.
By Order of the Town
Board of the Town of
Carmel
Ann Garris, Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:19 p.m. Seven (7) people were in attendance.

Councilman Ravallo commented that it has been brought to his attention that there are gaps in the assessment rolls for both the sewer and the water districts that may represent a significant source of funds. He stated that the situation should be corrected as soon as possible.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Ravallo, seconded by Councilwoman McDonough, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:21 p.m.

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MINUTES OF TOWN BOARD MEETING HELD ON 11/2/11 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Ravallo, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on November 2, 2011 were accepted as submitted by the Town Clerk.

RESOLUTION AUTHORIZING AMENDMENT TO INTER-MUNICIPAL AGREEMENT FOR THE EAST OF HUDSON (EOH) COALITION - NOT OFFERED

Councilman Ravallo stated that he will potentially be recusing himself from the vote on the following resolution. With no one offering the resolution at this time, Supervisor Schmitt explained that the resolution will not be considered at tonight’s meeting. It will be included on the December 21, 2011 agenda when a full membership of the Town Board is expected.

WHEREAS, the Town Board of the Town of Carmel has previously authorized the formation and creation of an intermunicipal organization entitled the East of Hudson (“EOH”) Coalition and duly authorized entry into an intermunicipal agreement between the East of Hudson Municipalities; and

WHEREAS, the EOH Municipalities have since entered into such intermunicipal agreement (IMA) to form the EOH Coalition; and

WHEREAS, municipalities located in Dutchess County have indicated interest in joining the EOH Coalition by signing the IMA and have requested that one representative from Dutchess County be added to the executive committee thereof; and

WHEREAS on or about October 13, 2011, the EOH Coalition voted unanimously to add one representative from Dutchess County as a member of the EOH Coalition Executive Committee; and

WHEREAS, the vote by each member’s representative is not binding on the participating municipality unless the municipal board approves the amendment to the IMA;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby approves the amendment of the IMA by the revision of paragraph 3.1 to read as follows: “There shall be an executive committee consisting of three representatives from Putnam County, three representatives from Westchester County and one representative from Dutchess County”; and

BE IT FURTHER RESOLVED, that a new paragraph 3.1.5 is added to the IMA to read as follows: “One representative shall be elected by a majority vote of the Members from Dutchess County and shall serve for a term of two years.”

HIGHWAY DEPARTMENT - CERTAIN EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED

RESOLVED that, upon the recommendation of Michael Simone, Highway Superintendent for the Town of Carmel, the Town Board of the Town of Carmel hereby declares the following equipment to be obsolete and hereby authorizes its disposal in accordance with Town Law, including but not limited to disposal pursuant to Town Law §64(2-a):

•Gateway Laptop Computer Model # Solo Pro 9300 Serial No. 0022128386

Resolution

Offered by: Councilman Ravallo
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

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TOWN BOARD MEETING

MAILING OF TEAKETTLE SPOUT LAKE PARK DISTRICT NEWSLETTER - AUTHORIZED

RESOLVED that the Town Board, acting as the Commissioners of the Teakettle Spout Lake Park District, hereby authorizes the mailing to all properties within the district of the newsletter prepared by the Teakettle Spout Lake Park District Advisory Committee; and

BE IT FURTHER RESOLVED that the cost thereof be charged as a district expense.

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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

SIGNING OF CHANGE ORDER #1 TO CONTRACT #C217 - WATER DISTRICT GENERATORS AUTHORIZED

WHEREAS the Town Board has been advised by Ronald J. Gainer, P.E., Town Engineer that Change Order #1 to Contract C217 will be of benefit to Carmel Water District #12 as well as a benefit to the Town of Carmel;

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 Ravallo
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

*Ronald J. Gainer, P.E.
Town Engineer*



(845) 628-1500
(845) 628-2087
Fax (845) 628-7085

*Office of the Town Engineer
60 McAlpin Avenue
Mahopac, New York 10541*

CHANGE ORDER No. 1

PROJECT: Generators at Various Water Districts DATE OF ISSUANCE: November 16, 2011
OWNER: TOWN OF CARMEL
CONTRACTOR: D. Owens Electric, Inc.
ENGINEER: Town of Carmel Engineering Department
PROJECT NO: C216

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(Cont.)

You are hereby directed to make the following changes in the Contract Documents.

Description: Supply/install new 100kw genset at Water District 12 Jennifer Lane Water Plant Site, in lieu of transferring WD #2 generator to WD #12.

Purpose of Change Order: Provide new generator with full warranties to district, in lieu of utilizing used equipment at facility.

Attachments: (List documents supporting change)

1. November 10, 2011 proposal letter from D. Owens Electric, Inc.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price	Original Contract Time
\$ 413,820	\$ 180
	days or date
Previous Change Orders No. -- to No. --	Net change from previous Change Orders
\$ - 0 -	- 0 -
	days
Contract Price prior to this Change Order	Contract Time Prior to this Change Order
\$ 413,820	180
	days or date
Net Increase (decrease) of this Change Order	Net Increase (decrease) of this Change Order
\$ 13,710	- 0 -
	days
Contract Price including this Change Order	Contract Time including this Change Order
\$ 427,530	180
	days or date

RECOMMENDED: APPROVED: APPROVED:
By *Ron Gainer* By By *D. Owens*
Engineer Owner Contractor

D. OWENS ELECTRIC, INC.

925 Route 6
Mahopac, NY 10541
845 628-1208

November 10, 2011

Ron Gainer, Engineer
Town of Carmel

Dear Ron :

In response to our recent discussions, this is offered to confirm the pricing for a NEW 100kw 480 volt 3 phase generator set for district #12. in lieu of merely relocating the existing Water District No. 2 generator to Jennifer Lane (which is specified under the current Bid Documents).

If the Town were to authorize this change in scope, my bid price for WD #12 would change from \$41,790 (in the current bid) to \$55,500. This revised pricing is based on the following additional items we have discussed:

- 1) At the time the crane is on site to set the new generator at WD #2. I will use the crane to lift the existing WD #2 generator onto a truck provided by the Town. to be removed to any location of their choice for future use
- 2) leaving the existing generator pad at water #2. upon the removal of the existing generator
- 3) the use of rigid pvc conduit in lieu of rgs conduit for generator installations, which is permitted by NEC.
- 4) This price includes modifications to district 12 wiring so as to allow both wells and the compressor circuit to be powered by the new generator (currently, the Bid Documents only require the powering of 1 well and 1 booster pump).

If this is acceptable to the Town, I am prepared to execute a Change Order to authorize this work co-incident with the execute of an overall contract for the purchase and installation of Generators and all of the enumerated Districts.

If you have any questions, don't hesitate to call.

Regards,
Doug Owens

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(Cont.)

Supervisor Schmitt expressed his support for purchasing a new generator for Carmel Water District #12 in lieu of relocating the existing one from Carmel Water District #2. He explained that the generator from Carmel Water District #2 that was going to be installed in Carmel Water District #12 may now be utilized at Town Hall.

Gregory Folchetti, Legal Counsel added that the cost for the unit may be significantly lower because it does not reflect the fact that Carmel Water District #12 will be relieved from having to reimburse Carmel Water District #2 for the cost of the generator. A brief discussion regarding the matter was held.

BID AWARDED FOR PURCHASE AND DELIVERY OF PAVILION AT CAMARDA PARK - NATURAL STRUCTURES, INC. - NOT TO EXCEED \$91,639.00

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the purchase and delivery of a pavilion at and for Camarda Park; and
WHEREAS, in accordance with the authorized bidding procedures, such bids were opened on November 3, 2011 and a bid opening memorandum dated November 16, 2011 is on file in the office of Town Clerk Ann Garris;

WHEREAS Town Engineer Ronald J. Gainer, P.E. has recommended the awarding of the bids as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the bids for purchase and delivery of the aforesaid pavilion, together with an on-site field representative for a period of seven (7) days to Natural Structures, Inc., Baker City, OR at an aggregate price not to exceed \$91,639.00.

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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt indicated that the installation of the pavilion will commence in early spring of 2012.

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:

**Krystal Santiago
Kyle Trillas**

Resolution

Offered by: Councilman Ravallo
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Councilman Ravallo and Supervisor Schmitt acknowledged the efforts of all of the volunteers in the community.

7 DECEMBER 2011
TOWN BOARD MEETING

CARMEL WATER DISTRICT #8 - SEQR DETERMINATION IN REGARD TO DISTRIBUTION SYSTEM UPGRADE - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that the Carmel Water District #8 distribution system capital upgrade project is a Type II action under SEQR and no further review is necessary.

Resolution

Offered by: Councilman Ravallo
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt stated that the project is being undertaken to relieve the residents in the Mahopac Ridge area from the problem of discolored tap water.

PUBLIC COMMENTS

Peter Creegan stated that at a prior Town Board meeting he had suggested that the contract for the pavilion at Camarda Park be awarded for fabrication and installation together rather than being broken out. Mr. Creegan asked how the Town would mitigate any fabrication problems.

Mr. Folchetti explained that the mitigation by the recommendation of the engineering department was to have the on-site representative from the manufacturer oversee the construction. The project was originally bid as one contract and one bid was received. The Town Board authorized rebidding the project and the engineering department recommended splitting the contract to be more cost effective.

Mr. Creegan inquired about the bid for the installation.

Supervisor Schmitt stated that the installation has not gone out to bid yet.

TOWN BOARD MEMBER COMMENTS

Supervisor Schmitt reflected on the 70th anniversary of the attack on Pearl Harbor.

Supervisor Schmitt and Councilwoman McDonough spoke regarding the recent holiday events that took place in the hamlets of Carmel and Mahopac.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Supervisor Schmitt, with all Town Board members present in agreement, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Ann Garris, Town Clerk