

18 MAY 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 Deputy Supervisor Robert Ravallo on the 18<sup>th</sup> day of May 2011 at 7:05 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 and Councilwoman McDonough. Supervisor Schmitt 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.

**RESOLUTION IN SUPPORT OF WIDENING OF ROUTE 6 WITHIN THE TOWN OF CARMEL- ADOPTED**

RESOLVED, that the Town Board of the Town of Carmel hereby declares its support for improving business opportunities, reducing traffic congestion, improving traffic safety and further promoting the best interests of the health safety and welfare of the residents of the Town of Carmel by the widening and expansion of New York State Route Six by the suggested addition of travel lanes and/or turning lanes in certain locations within Westchester County and Putnam County; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby requests on behalf of the residents of the Town of Carmel, that the New York State Department of Transportation immediately commission and undertake comprehensive studies concerning the benefits of the widening and expansion of New York State Route Six to four lanes between Navajo Street in Yorktown Heights, east to Miller Road in the Town of Carmel; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby requests on behalf of the residents of the Town of Carmel, that the New York State Department of Transportation immediately commission and undertake further comprehensive studies concerning the benefits of the addition of travel lanes and/or turning lanes between the aforesaid Miller Road east to Croton Falls Road in the Town of Carmel; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby requests that the aforementioned comprehensive studies be immediately undertaken, reviewed, circulated and otherwise considered by all involved and interested agencies; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Chair of the New York State Department of Transportation forthwith.

Resolution

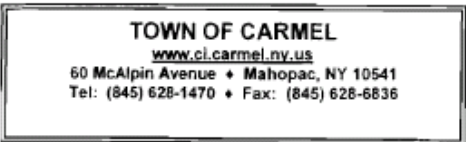
Offered by: Councilman Lombardi

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>          </u>	<u>          </u> Absent

Prior to the roll call vote, Councilman Lombardi read the following letter at the request of Supervisor Schmitt:

*Office of the Supervisor  
Kenneth Schmitt*



February 28, 2008

Mr. Richard A. Peters, P.E.  
Regional Planning Director  
New York State Department of Transportation  
Region 8  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

18 MAY 2011  
TOWN BOARD MEETING

(Cont.)

RE: Transportation Improvement Program  
Mid Hudson South – Route 6 Corridor

Dear Mr. Peters:

The U.S. Route 6 Corridor serves as the primary artery between I-84 and the Taconic State Parkway. A major portion of it traverses through the Town of Carmel stretching from Baldwin Place to the Town of Southeast line. I know that over the years, the Department of Transportation has studied various potential improvements for the corridor some of which deal with specific intersections modifications.

As the Town moves forward with plans to revitalize the existing commercial developments along this corridor and to help support continued economic growth, I believe that upgrades to this key corridor will help the Town meet these important goals. I am writing to request that the New York State Department of Transportation advance improvements to the corridor on the Transportation Improvement Program such that they can be completed within the near future. I would be happy to meet with you to discuss how this can be accomplished and what else you may require from the Town for this to be advanced. I can be reached at (845) 628-1470.

Thank you in advance for your assistance.

Sincerely,



Kenneth Schmitt  
Supervisor, Town of Carmel

KS:mr  
cc: Town Board  
Town Counsel  
Town Engineer  
Highway Superintendent

Councilman Ravallo commented on the congested roadway. He stated that when the Department of Transportation previously widened the road east from the Taconic State Parkway, the traffic study at the time reported 14,000 cars traveling the road per day. The traffic study for the current request to widen the road indicates 18,000 cars per day.

**MAHOPAC CENTRAL SCHOOL DISTRICT SOUND AMPLIFICATION PERMIT - APPLICATION FEE WAIVED**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee regarding the application of the Mahopac Central School District seeking a sound amplification permit for its Arts in the Park Event on May 14, 2011.

Resolution

Offered by: Councilwoman 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>          </u>	<u>          </u> Absent

**POLISH-AMERICAN CLUB OF MAHOPAC SOUND AMPLIFICATION PERMIT - APPLICATION FEE WAIVED**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee regarding the application of the Polish American Club of Mahopac seeking a sound amplification permit for its Annual Picnic Event on Sycamore Park to be held on June 19, 2011.

(Cont.)

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>          </u>	<u>          </u>	Absent

**HIGHWAY SUPERINTENDENT - ATTENDANCE AT NEW YORK STATE ASSOCIATION OF TOWNS HIGHWAY SUPERINTENDENT SEMINAR - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Highway Superintendent Michael Simone to attend the Association of Towns 2011 Highway School on June 6, 2011 through June 8, 2011 in Ithaca, NY;

AND BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of his reasonable and necessary expenses upon audit.

Resolution

Offered by: Councilwoman 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>          </u>	<u>          </u>	Absent

Councilwoman McDonough noted the cost of the Association of Towns 2011 Highway School to be \$400.00.

**LAKE SECOR PARK DISTRICT - PROPOSAL ACCEPTED FOR MAINTENANCE SERVICES - GERTSEN LANDSCAPING**

WHEREAS, Ronald J. Gainer, PE, Town Engineer has solicited proposals for maintenance services for Lake Secor Park for the years 2011, 2012 and 2013, and has done so in accordance with the Town of Carmel procurement policy;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, accepts the proposal of Gertsen Landscaping, Carmel, NY, for said maintenance and landscaping services to be rendered at Lake Secor Park, at a total annual cost not to exceed \$3,200.00; 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: 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>          </u>	<u>          </u>	Absent

**TEAKETTLE SPOUT LAKES PARK DISTRICT - PROPOSAL ACCEPTED FOR MAINTENANCE SERVICES - GERTSEN LANDSCAPING**

WHEREAS, Ronald J. Gainer, PE, Town Engineer has solicited proposals for maintenance services for Teakettle Spout Lakes Park District for the years 2011, 2012 and 2013, and has done so in accordance with the Town of Carmel procurement policy;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, accepts the proposal of Gertsen Landscaping, Carmel, NY, for said maintenance and landscaping services to be rendered at Teakettle Spout Lakes Park District, at a total annual cost not to exceed \$2,000.00; 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: Councilwoman 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>          </u>	<u>          </u> Absent

**TOWN-OWNED CEMETERIES - PROPOSAL ACCEPTED FOR MAINTENANCE SERVICES - GERTSEN LANDSCAPING**

WHEREAS, Ronald J. Gainer, PE, Town Engineer has solicited proposals for maintenance services for Town-owned cemeteries for the years 2011, 2012 and 2013, and has done so in accordance with the Town of Carmel procurement policy;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, accepts the proposal of Gertsen Landscaping, Carmel, NY, for said maintenance and landscaping services to be rendered at Town-owned cemeteries , at a total annual cost not to exceed \$4,200.00; 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: 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>          </u>	<u>          </u> Absent

**LAKE CASSE PARK DISTRICT - BID AWARDED FOR MAINTENANCE SERVICES - ROBERT Krontilik**

WHEREAS, Ronald J. Gainer, PE, Town Engineer pursuant to Town Board authorization, has solicited bids for maintenance services for Lake Casse Park District for the years 2011, 2012 and 2013, and

WHEREAS a bid opening memorandum from the Town Engineer has been submitted to the Town Board dated May 10, 2011, a copy of which is on file with Town of Carmel Town Clerk Ann Garriss, and

WHEREAS the Town Engineer has recommended the awarding of the bids as set forth hereafter,

(Cont.)

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the bids for the foregoing maintenance services to Robert Krontilik, the lowest responsible bidder who met specifications at a total annual cost not to exceed \$12,900; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates and/or bonds as required by the bid specifications and in form as approved by the Town Counsel, the Supervisor is authorized to sign all necessary documents related to said bid awarded herein.

Resolution

Offered by: Councilwoman 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>          </u>	<u>          </u>	Absent

**CARMEL WATER DISTRICT #9 - WATER DISTRIBUTION LINE REPAIR AND/OR REPLACEMENT - REJECTION OF ALL BIDS AUTHORIZED AND RE-ADVERTISEMENT OF BIDS AUTHORIZED**

WHEREAS, on April 13, 2011, the Town Board of the Town of Carmel authorized Town Engineer, Ronald J. Gainer, P.E., to request proposals for water distribution line repair and/or replacement within Carmel Water District #9; and

WHEREAS, said proposals in the form of sealed bids were received by the Office of the Town Engineer on or about May 6, 2011;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby rejects all bids and competitive pricing submitted for the aforesaid water distribution line repair and/or replacement within Carmel Water District #9; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby authorizes Town Engineer, Ronald J. Gainer, P.E., to re-advertise for bids for water distribution line repair and/or replacement within Carmel Water District #9 in accordance with the modified scope of work planned for same.

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>          </u>	<u>          </u>	Absent

**CABLE TV ADVISORY COMMITTEE - APPOINTMENT MADE - GARY KIERNAN**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Gary Kiernan to the Town of Carmel Cable Television Advisory Committee to serve at its pleasure.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

(Cont.)

<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>          </u>	<u>          </u>	Absent

**SPECIAL COUNSEL APPOINTED - JOSEPH CHARBONNEAU, ESQ. - CIVIL ENFORCEMENT PROCEEDINGS IN SUPREME COURT REGARDING OUTSTANDING TOWN CODE VIOLATIONS - Z-MAX DEVELOPMENT CORP. 373 ROUTE SIX**

RESOLVED that the Town Board hereby appoints Joseph Charbonneau, Esq., as Special Counsel for the purpose of commencing civil enforcement proceedings in Supreme Court, Putnam County regarding the outstanding Town Code violations at the premises known as Z-Max Development Corp., 373 Route Six, Mahopac, NY, Town of Carmel Tax Map No. 75.19-1-10; and

BE IT FURTHER RESOLVED that such services are authorized at the rate of \$175.00 (One Hundred Seventy Five Dollars) per hour for attorney services, and the rate of \$75.00 (Seventy-Five Dollars) per hour for paralegal services.

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>          </u>	<u>          </u>	Absent

**PUBLIC COMMENTS**

Michael Barile commented with regard to the appointment of a Special Counsel, that the Town Board could save money by commencing proceedings against three or four zoning code violators at a time.

Mr. Barile spoke against the widening and expansion of Route 6 between Navajo Street in Yorktown Heights, east to Miller Road in the Town of Carmel. He concluded that the expansion would only benefit the proposed Union Place development.

Mr. Barile asked that a report to the public be provided with regard to the recent Zoning Compliance Committee meeting and the Town’s recent Zoning Code Compliance Week.

**TOWN BOARD MEMBER COMMENTS**

Councilman Ravallo spoke in favor of the Resolution In Support of Widening Route 6 within the Town of Carmel. He noted that it will benefit citizens and commercial establishments by addressing the traffic gridlock situation in the area.

Councilman Lombardi explained that while the Town of Carmel may bring enforcement proceedings in the Town Court, the Special Counsel was appointed tonight for the purpose of commencing a civil enforcement proceedings in Supreme Court, Putnam County for this one particular development.

Gregory Folchetti, Legal Counsel added that for this case, the Supreme Court has the equitable jurisdiction.

**TOWN BOARD MEMBER COMMENTS (CONT.)**

Councilwoman McDonough stated that after Zoning Compliance Committee meetings, she prepares and submits to the Town Supervisor, a report. Next week, she said she will report to the public on the meetings, as well as on Zoning Compliance Week.

Councilman Lombardi thanked all who participated at the recent American Cancer Society Relay for Life fundraising car wash held at the Mahopac Firehouse.

Councilman Lombardi announced that a fundraiser will be held for LCpl. John Curtin, USMC, critically wounded in an explosion while serving in Afghanistan, on May 20, 2011 from 7:00 p.m. to 9:00 p.m. at the Carmel VFW.

Councilman Ravallo announced that Putnam County will hold a Hazardous Waste Collection Day on May 21, 2011 from 9:00 a.m. - 1:00 p.m. for Putnam County residents only.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lombardi, with the Town Board members present in agreement, the meeting was adjourned at 7:39 p.m. to Executive Session to discuss a matter of personnel with the Highway Superintendent.

Respectfully submitted,

Ann Garriss, Town Clerk