

19 OCTOBER 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 19th day of October 2011 at 7:23 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 Supervisor Schmitt. Councilwoman McDonough 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.

MINUTES OF TOWN BOARD MEETINGS HELD ON 9/21/11 AND 9/27/11 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Supervisor Schmitt, with all members of the Town Board present voting “aye”, the minutes of the Town Board meetings held on September 21st and September 27th, 2011 were accepted as submitted by the Town Clerk.

CERTAIN (COMPUTER) EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED

RESOLVED that, upon the recommendation of Sullivan Data Management, I.T. Consultant 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):

- PowerConnect 3024 Switch serial no.CN-92W513-28298-2AF0230
- Netscreen 25 Recreation 4 Port Firewall, serial no. 0034072002000184.

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

BID AWARDED FOR I.T. HARDWARE, SOFTWARE AND ANCILLARY COMPUTER EQUIPMENT - SULLIVAN DATA MANAGEMENT - \$116,368.74

WHEREAS the Town Board of the Town of Carmel has previously authorized the solicitation of bids for the purchase of I.T. Hardware, Software and Ancillary Computer Equipment; and

WHEREAS said bids were received and opened and Town Engineer Ronald J. Gainer, P.E. has prepared and forwarded a bid opening memo to the Town Board dated October 7, 2011 a copy of which is on file in the Town Clerk’s Office;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the aforesaid bid to Sullivan Data Management of Yorktown, NY the lowest responsible bidder who met specifications at a bid price of \$116,368.74; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any documentation necessary to effect the aforesaid purchase.

(Cont.)

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

BID AWARDED UNDER NEW YORK STATE BID CONTRACT FOR PURCHASE AND INSTALLATION OF SOFTWARE, SOFTWARE SUPPORT, CONSULTING AND TRAINING - KVS INFORMATION SYSTEMS, INC. - \$97,760.00

WHEREAS the Town Board of the Town of Carmel has previously authorized the solicitation of bids for the purchase and installation of computer software, support, consulting and training for various Town Departments; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the aforesaid bid to KVS Information Systems, Inc., Williamsville, NY, under New York State Bid Contract No. 21122, at a bid price of \$97,760.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any documentation necessary to effect the aforesaid purchase.

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

Supervisor Schmitt explained that the new software system will tremendously improve the efficiency of the Comptroller’s Office while providing a significant savings to the Town.

Mary Ann Maxwell, Town Comptroller further explained the advantages of the highly recommended system, noting that it will pay for itself over a five year period. Discussion ensued.

BID AWARDED FOR PHOTOVOLTAIC SOLAR PANEL SYSTEM AT CARMEL TOWN HALL - SUN SOURCE TECHNOLOGY D/B/A LIGHTHOUSE SOLAR - \$99,101.00

WHEREAS the Town Board of the Town of Carmel has previously authorized the solicitation of bids for the purchase of a photovoltaic Solar Panel System for installation at the Town of Carmel Town Hall; and

WHEREAS said bids were received and opened and Town Engineer Ronald J. Gainer, P.E. has prepared and forwarded a bid opening memo to the Town Board dated October 11, 2011 a copy of which is on file in the Town Clerk’s Office;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the aforesaid bid to Sun Source Technology d/b/a Lighthouse Solar of New Paltz, NY the lowest responsible bidder who met specifications at a bid price of \$99,101.00; and

(Cont.)

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any documentation necessary to effect the aforesaid purchase.

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

Supervisor Schmitt acknowledged Robert Vara, Engineering Projects Coordinator for bringing the idea of installing a photovoltaic Solar Panel System at Town Hall to the forefront as well as his efforts in securing the grant funding from the New York State Power Authority. The system which will be obtained at no cost to taxpayers, will benefit the environment and provide a \$5,000.00 to \$6,000.00 annual savings to the Town.

CARMEL WATER DISTRICTS #2, #5, #6, #7, #9, #12 AND #14 - BIDS AWARDED FOR EMERGENCY GENERATORS - CONTRACT # C-217 - OWENS ELECTRIC, INC.- \$413,820.00

WHEREAS the Town Engineer has advertised for bids for the purchase of emergency generators for the water districts #2, #5, #6, #7, #9, #12 and #14 of the Town of Carmel; and

WHEREAS said bids were received and opened by the Town Engineer and the Town Engineer has made a recommendation for the awarding of said bids by memo dated October 11, 2011 a copy of which is on file in the Town Engineer’s Office;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as commissioners of the various water districts of the Town, hereby awards the aforesaid bid to Owens Electric, Inc. of Mahopac, NY, the lowest responsible bidder who met bid specifications at a price of \$413,820.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign such contract #C217 upon presentation and review of insurance certificates in form as approved by Town Counsel.

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

Councilman Lombardi noted that the cost of the generators will be borne solely by the residents in each respective water district.

PROPOSAL ACCEPTED FOR APPRAISAL SERVICES FOR SMALL CLAIMS ASSESSMENT REVIEW PROCEEDINGS - NATIONAL REALTY ADVISORS GROUP - NOT TO EXCEED \$100.00 PER APPRAISAL

WHEREAS, Glen Droese, Town Assessor has solicited proposals for appraisal services required to defend Small Claims Assessment Review Filings against the Town

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of Carmel, 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, hereby accepts the proposal of National Realty Advisors Group of Bedford Hills, NY at a total unit cost not to exceed \$100.00 per appraisal; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates 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 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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that the appraisal services are required to defend 134 upcoming Small Claims Assessment Review Filings against the Town and that the services will be utilized until a Real Property Appraiser can be hired to replace a vacancy that currently exists in the Assessor’s Office.

POLICE DEPARTMENT - ENTRY INTO STIPULATION OF AGREEMENT FOR THE P.B.A. WORK SCHEDULE FOR THE YEAR 2012 - AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel authorizes entry into a stipulation of agreement with the Town of Carmel Police Benevolent Association, Inc., such stipulation to be in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED THAT Kenneth Schmitt, Town Supervisor is hereby authorized to execute the aforesaid stipulation and any and all other necessary documentation required in connection therewith.

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

KENNETH SCHMITT
Town Supervisor

ROBERT J. RAVALLIO
Town Councilman
Deputy Supervisor

FRANK D. LOMBARDI
Town Councilman
SUZANNE MC DONOUGH
Town Councilwoman

TOWN OF CARMEL
TOWN HALL



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ANN GARRIS
Town Clerk

KATHLEEN KRAUS
Receiver of Taxes

MICHAEL SIMONE
Superintendent of Highways
Tel. (845) 628-7474

The parties agree that the attached stipulation of agreement shall be extended through December 31, 2012 unless the parties mutually agree to extend this agreement beyond this date.

Date: _____

Section 5. The work schedule for bargaining unit employees assigned to the patrol division shall be shown on the attached schedule, hereinafter referred to as Schedule A, which work schedule shall terminate on December 31, 2011, unless mutually extended by the parties hereto. The work schedule will reflect an average work schedule of 248.33 days.

(Cont.)

The schedule will reflect a 4X2 4X2 work schedule with officers assigned to permanent shifts as per Schedule A. In other words an officer shall work four scheduled tours of duty and have two days off and then work four tours of duty and have two days off. This amounts to a total of 243.33 work days. Additionally each officer shall be required to work an additional five "plug-in" days.

Section 6. The five "plug-in" days will not be assigned to an individual officer if he is on pre-scheduled vacation or the officer is scheduled off during the major holidays of New Years Eve or Day, July 4th; Easter, Thanksgiving Day; Christmas Eve or Day. The officer will not be required to work a double shift for a "plug-in day". "Plug-in days will be used in eight hour time blocks. Officers will receive a minimum of 10 days notice when they will be scheduled to work a "plug-in" day.

Officers can eliminate up to three plug-in days for the year by allocating their accrued vacation or personal days at the beginning of the calendar year. Additionally an officer by June 30th, may use accrued compensatory time to cover "plug-in" days up to an amount not to exceed a total of three days.

"Plug-in" days can be used in any bi-weekly pay period provided it does not create an overtime situation under the Fair Labor Standards Act (FLSA).

The policy with regards to the use of time owed will remain the same as currently exists.

Section 7. The assignment of officers to the shifts as detailed in Schedule A will be based on seniority- that is, the officers will pick the shift that they desire by descending seniority based on the number of slots to be filled in each shift by the Chief of Police. If an officer refuses to assign him or herself to a shift, than that officer will relinquish his seniority and be placed at the bottom of the seniority list with regard to shift assignments. If the schedule contained in Schedule A is extended beyond December 31, 2011, a re-bidding process based on seniority will be conducted annually to determine assignments for the next calendar year. Said re-bidding process shall be completed by November 1st immediately preceding the next calendar year.

Section 8. In regard to all tours, the Chief of Police will retain the right to reassign individuals serving on a particular tour for just cause based upon reasonable criteria limited to the following:

1. Disciplinary Problem – The officer has accepted command discipline or is found guilty by the Town Board after a formal hearing.
2. Training
3. Need for Shifting Manpower – long term vacancy—Procedure outlined in Section 9.

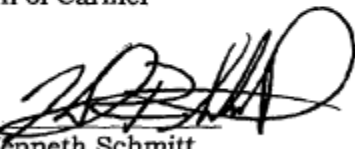
Section 9. Where a long term vacancy (in excess of 10 calendar days) on a particular shift exists and the Chief of Police determines that said vacancy must be filled, the Chief shall determine, in his sole discretion, from which one of the other shifts he wishes to transfer staffing. Once this determination is made, the Chief of Police shall determine whether anyone with the appropriate title in the shift from which the Chief wishes to transfer staffing is willing to fill the vacancy. If no volunteer comes forward, the Chief of Police, will fill said vacancy by assigning the most junior officer with the appropriate title, from the shift from which he wishes to transfer staffing to fill the vacancy. The personnel staffing needs and vacation approvals shall be determined in the sole discretion of the Chief of Police.

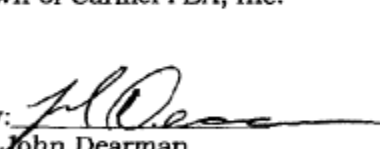
(Cont.)

Section 10. As the purpose of this agreement is to experiment with a work schedule which allows permanent shifts which the parties hope will be mutually beneficial and the parties do not wish to prejudice any of their rights, it is mutually agreed that this agreement and its provisions shall not constitute a past practice between the parties and the fact that this agreement exists or existed shall not be referred to in any future collective bargaining demands or impasse proceedings or arbitration proceedings which arise from the collective bargaining process. However, nothing contained in this Section 10 shall be deemed to preclude either party to this agreement from proposing alternate work schedules from that which existed prior to this Agreement as part of future collective bargaining negotiations.

Town of Carmel

Town of Carmel PBA, Inc.

By: 
Kenneth Schmitt
Supervisor

By: 
John Dearman
President

Date: 10/29/10

Date: 10/29/10

Councilman Lombardi pointed out that this Agreement benefits both parties and will reduce the amount of Police Department overtime hours.

Michael Johnson, Chief of Police briefly explained certain details of the program and discussion was held regarding its potential cost savings.

TOWN BOARD MEMBER COMMENTS

Supervisor Schmitt acknowledged the presence at the meeting of a number of Town of Carmel CSEA employees and thanked them for supporting their colleagues. He stated that the Town Board is continuing to diligently work on the 2012 Budget and has until November 21st to find the funding to prevent any proposed staff layoffs.

Councilman Ravallo stated that it was the objective of the Town Board to cut expenditures for 2012 without reducing staff.

Councilman Lombardi stated that last year the Town Board worked hard to avoid a proposed layoff and will work to avoid any again this year. He commented that the Town Board looks to reduce the size and cost of government without layoffs because they value the Town of Carmel's employees.

Councilman Ravallo noted that there is a difference between employees being laid off and employees voluntarily leaving. The Town Board has reduced the size of government by encouraging a substantial number of staff to voluntarily agree to early retirement. However, he concluded, there is a limit as to how much personnel can be cut without affecting public services.

Supervisor Schmitt added that he values each and every Town of Carmel employee. He was not pleased with having to consider layoffs. However, it was deemed necessary because of New York State's recently enacted 2% property tax cap on the levy without unfunded mandate relief.

PUBLIC COMMENTS

David Gagliardi asked to clarify that the Work Schedule Agreement referred to in Item 8 on the Agenda, is not a new contract with the PBA.

(Cont.)

Supervisor Schmitt responded that Mr. Gagliardi was correct.

Mr. Gagliardi asked to clarify that the recently enacted 2% property tax cap would require three of the four members of the Town Board voting in favor to override it.

Supervisor Schmitt responded, yes.

Barbara Alosco, Town of Carmel employee spoke in support of retaining the positions proposed to be cut in the 2012 Tentative Budget. She noted that the dispatcher has five years of service and experience with the Police Department which has already been downsized. She noted that the Building Department has gone from a staff of six, to three fulltime employees. Ms. Alosco spoke regarding the importance and diligence of the deputy building inspector. She noted that the Recreation Department has been extremely downsized; leaving two men responsible for the maintenance of all of the Town's parks and fields, for that reason a maintenance position should not be eliminated. She recommended reducing the funding of part-time staff to fund full-time staff.

Councilman Lombardi pointed out that there is no proposed layoff in the Recreation Department. The maintenance supervisor resigned and the position which was created last March is not being filled. Councilman Lombardi went on to ask that the members of the CSEA as a group join him to appeal to the Putnam County Legislature to share sales tax revenues with the towns. He explained that a 1% share of the revenue would eliminate the need for future layoffs.

Supervisor Schmitt expressed his appreciation to Ms. Alosco for her comments and indicated that the Town Board is working towards restoring the funding for the positions slated to be eliminated.

John Butler inquired about the cost to maintain the photovoltaic Solar Panel System as well as its life expectancy.

Supervisor Schmitt stated that there was a limited warranty on the hardware and would need to request further details from the Town Engineer. A brief discussion ensued.

Mr. Butler reiterated his concerns from the Town Board meeting two weeks prior, regarding the rust and graffiti on, and lack of adequate security surrounding the water storage tank on Everett Road. Mr. Butler provided information from the Web site of the EPA with regard to the impact that corrosion and sediment have on health. He pointed out the problems that he has experienced involving extreme sediment accumulations in his water and poor water pressure. Mr. Butler requested that the Town Board advise him when the last time that this tank and others were inspected. He asked to be provided with the operation and maintenance plans for the tanks. Mr. Butler asked who was responsible for allowing these tanks to get to their current condition and when these issues will be resolved.

Supervisor Schmitt stated that he recently met with the Town Engineer and the operators of the water district, Severn Trent Environmental Services, Inc. He has charged them with providing the Town Board with a comprehensive report and analysis with regard to his concerns about the Town's water storage tanks. Discussion was held regarding the matter.

Michael Barile inquired about the intent of the Town Board to vote on a five year contract with Severn Trent Environmental Services, Inc.

Gregory Folchetti, Legal Counsel stated that the Town Board voted to extend their contract through the end of this year and no subsequent vote has been taken.

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(Cont.)

Mr. Barile spoke regarding the importance of maintaining ample funds in Town's reserve account given the increase in the amount of Small Claims Assessment Review Filings. He spoke against employee layoffs and the significance of budgeting for multiple years as well as his concerns regarding the 2% property tax cap.

Supervisor Schmitt stated that they have no intention to override the 2% property tax cap on the levy.

John Lupinacci inquired about the Town Board's intent with regard to the 2% property tax cap for next year and the year after. He commented on the problems associated with tapping into the Town's equity fund, the need for the Town Board to forecast the budget for multiple years as well as the need for public education and communication.

Supervisor Schmitt stated that there may come a time when the Town Board will have to override the property tax cap and discussion was held regarding the matter.

Mr. Lupinacci questioned if Putnam County would require a Town of Carmel revaluation as a condition for sharing sales tax revenues and inquired about the status of a proposed town-wide revaluation.

Supervisor Schmitt explained that the matter had been under consideration. However, the cost of a revaluation would be \$400,000.00 which the Town does not have and to borrow would increase the Town's debt burden. He pointed out that the best time to conduct a revaluation would not be during a declining economy and that residents voiced their concerns regarding a revaluation. Discussion followed.

TOWN BOARD MEMBER COMMENTS CONTINUED

Councilman Lombardi announced that the Town of Carmel Historical Society is sponsoring a guided bus tour of Carmel's most interesting and historic cemeteries on October 22, 2011 commencing at 10:00 a.m. at St. John the Evangelist Church.

Councilman Ravallo recommended that everyone view the Vietnam Veterans Memorial Moving Wall which will be on display at the Putnam County Veterans Memorial Park from October 19 through October 23, 2011.

Supervisor Schmitt announced that the Carmel Recreation and Parks Department will be holding its annual Harvestfest at Sycamore Park on Sunday October 23, 2011 from 12:00 p.m. to 4:00 p.m. It will feature a haunted house, pony rides, games, prizes, a trick or treat parade, and more.

Supervisor Schmitt announced that the Concerned Residents of Carmel and Mahopac will be sponsoring a candidates' forum on Monday, October 24, 2011 at 7:00 p.m. at the Mahopac Public Library.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilman Lombardi, with all Town Board members present in agreement, the meeting was adjourned at 8:46 p.m. to Executive Session to discuss a personnel matter with the Chief of Police.

Respectfully submitted,

Ann Garriss, Town Clerk