

**KENNETH SCHMITT**  
Town Supervisor

**TOWN OF CARMEL**  
TOWN HALL

**ANN SPOFFORD**  
Town Clerk

**SUZANNE MC DONOUGH**  
Town Councilwoman  
Deputy Supervisor

60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 • Fax (845) 628-6836  
[www.carmelny.org](http://www.carmelny.org)

**KATHLEEN KRAUS**  
Receiver of Taxes

**MICHAEL A. BARILE**  
Town Councilman  
**FRANK D. LOMBARDI**  
Town Councilman  
**ROBERT F. SCHANIL, JR.**  
Town Councilman

**TOWN BOARD VOTING MEETING**  
**Tuesday, December 15, 2020 7:00pm**

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

---

**PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE**

**Town Board Voting Meeting:**

- Accept Town Board Minutes November 18, and December 2, 2020
  - 1. Res: Making Provisional Appointment of Police Chief, Town of Carmel Police Department
  - 2. Res: Authorizing Rejection of Bids and Authorizing Re-Advertisement for Bid
  - 3. Res: In Support of Commission of Traffic Studies within the Town of Carmel
  - 4. Res: Approving Application for Tuition – Town of Carmel Police Department
  - 5. Res: Authorizing Purchase of Equipment - Town of Carmel Highway Department
  - 6. Res: Authorizing Budget Modifications #2020/04
  - 7. Res: Authorizing Entry into Contracts with Penflex, Inc. for Service Award Program Administration- Carmel Fire Protection Districts #1 and #2
  - 8. Res: Acknowledging Performance of Emergency Repairs/Services Carmel Water District # 8
  - 9. Res: Accepting Proposal for Purchase and Installation of Equipment Lake Casse Park District Clubhouse
  - 10. Res: Exercising Option to Extend Contract for Planning Consulting Services
  - 11. Res: Authorizing Borrowing – Carmel Fire Department, Inc.
  - 12. Amended Res: Authorizing Acceptance of Proposal for Ultraviolet Bulbs, Ballasts and Controllers Carmel Sewer District #2 Wastewater Treatment Plant
  - 13. Res: Authorizing Commencement of Litigation
  - 14. Res: Regarding Notices of Violations Previously Issued with Respect to 825 S. Lake Blvd., Mahopac, NY
  - 15. Amended Res: Accepting Proposal for Professional Services East of Hudson Community Wastewater Planning Studies R2020-007 (Lakeview Road)
  - 16. Amended Res: Accepting Proposal for Professional Services – East of Hudson Community Wastewater Planning Studies R2020-007 (Lake Gilead)
  - **Public Comment (Three (3) Minutes on Agenda Items Only)**
  - **Town Board Member Comments**
- Open Forum:**
- **Public Comments on New Town Related Business (Three (3) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**
  - **Town Board Member Comments - Adjournment**

# RESOLUTION #1

## RESOLUTION MAKING PROVISIONAL APPOINTMENT OF CHIEF OF POLICE TOWN OF CARMEL

BE IT RESOLVED, that the Town Board of the Town of Carmel hereby appoints Anthony Hoffmann as Chief of Police, in and for the Town of Carmel, NY, effective January 4, 2021, on a provisional basis in accordance with the New York State Civil Service Law and applicable State and Local Civil Service Rules and Regulations.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #2**

### **RESOLUTION AUTHORIZING REJECTION OF BIDS AND AUTHORIZING RE-ADVERTISEMENT FOR BID**

RESOLVED that, pursuant to the request of Lt. John Dearman, the Town Board of the Town of Carmel hereby rejects all bids previously received for purchase of police uniforms in fiscal year 2021 for the Town of Carmel Police Department; and

BE IT FURTHER RESOLVED, that the Town Board authorizes hereby authorizes Town Clerk Ann Spofford to re- advertise for bids in connection with the aforesaid purchase; and

BE IT FURTHER RESOLVED that the detailed specifications shall be furnished to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

# RESOLUTION #3

## RESOLUTION IN SUPPORT OF COMMISSION OF TRAFFIC STUDIES WITHIN THE TOWN OF CARMEL

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Lt. John R. Dearman, hereby supports the commission of a study by the New York State Department of Transportation for the purpose of establishing no-parking zones on U.S. Route Six in Mahopac on both the easterly and westerly sides of the entrance to the 566 Route Six, Mahopac NY premises location for a distance of fifteen (15) feet on either side of said entrance; and

BE IT FURTHER RESOLVED the Town Supervisor Kenneth Schmitt is hereby authorized to transmit a copy of this resolution to New York State Department of Transportation immediately.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #4**

### **RESOLUTION APPROVING APPLICATION FOR TUITION TOWN OF CARMEL POLICE DEPARTMENT**

RESOLVED that pursuant to the terms of the current Town of Carmel PBA contract, the Town Board of the Town of Carmel hereby approves the application for tuition reimbursement of Town of Carmel Police Officer Arthur Kloskowski for completion of Bachelor's Degree at Pace University and authorizes payment in the amount of \$900.00 in connection therewith.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #5**

### **RESOLUTION AUTHORIZING PURCHASE OF EQUIPMENT –TOWN OF CARMEL HIGHWAY DEPARTMENT**

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the purchase of a 2014 Wacker Neuson RD12A Roller from Cricket Construction, Mahopac, NY in an amount not to exceed \$12,000.00; and

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make all budgetary transfers necessary to effect this authorization and purchase.

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #6**

### **RESOLUTION AUTHORIZING BUDGET MODIFICATIONS**

WHEREAS the Town Comptroller MaryAnn Maxwell has reviewed the proposed Final Budget Modifications for the period ending November 30, 2020 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule # 2020/04; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Final Budget Modifications/Revisions for the period ending November 30, 2020 as shown itemized on schedule # 2020/04 which is attached hereto, incorporated herein and made a part hereof.

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

**TOWN OF CARMEL**  
**BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04**

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
1	100.1110.0019	JUSTICE COURT OTHER COMP	1,280.00	
	100.7020.0019	REC ADMIN OTHER COMP	2,101.00	
	100.1989.9877	<b>FUND BALANCE FOR COMPENSATED ABSENCES</b>	*	<b>3,381.00</b>
		- PROVIDE FOR PAYOUT OF ACCRUED VACATION TIME		
2	100.1420.0049	LEGAL MISCELLANEOUS EXPENSES	40,000.00	
	100.1989.9909	<b>APPROPRIATED FUND BALANCE</b>	*	<b>40,000.00</b>
		- PROVIDE FOR COST OF OUTSIDE LEGAL COUNSEL INVESTIGATION PER AUTHORIZING RESOLUTION		
3	100.4010.0040	PUBLIC HEALTH CONTRACTUAL EXPENSES	15,710.00	
	100.1989.4322	<b>FEDERAL AID - COVID</b>		<b>15,710.00</b>
		- PROVIDE FOR PURCHASES OF PPE AND DISINFECTION MATERIALS THROUGH 8/31/20 FEMA PROJECT #145275		
4	100.4010.0040	PUBLIC HEALTH CONTRACTUAL EXPENSES	4,832.00	
	100.1989.4322	<b>FEDERAL AID - COVID</b>		<b>4,832.00</b>
		- PROVIDE FOR PURCHASES OF PPE AND DISINFECTION MATERIALS THROUGH 9/15/20 FROM ANTICIPATED FEMA REIMBURSEMENT		
5	100.7113.0045	SWAN COVE PARK IMPROVEMENTS	23,180.00	
	100.1990.0040	CONTINGENT ACCOUNT		23,180.00
		- TRANSFER FOR DEMOLITION AND REMOVAL OF FOUNDATION AT SWAN COVE PROPERTY		
6	100.8664.0044	DOWNTOWN REVITALIZATION ENGINEERING EXP	59,000.00	
	100.1990.0040	CONTINGENT ACCOUNT		59,000.00
		- TRANSFER FOR DOWNTOWN REVITALIZATION ENGINEERING EXPENSE		
7	100.1315.0011	COMTROLLER PERS SVCES - STAFF	2,785.00	
	100.1440.0010	ENGINEERING PERS SVCES	5,575.00	
	100.1440.0011	ENGINEERING PERS SVCES - STAFF	7,802.00	
	100.5010.0011	HIGHWAY ADMIN PERS SVCES - STAFF	2,785.00	
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		8,355.00
	100.1440.0046	ENGINEERING CONSULTANT		10,592.00
		- TRANSFER FOR STAFF SALARY ADJUSTMENTS 2020		
8	100.1340.0040	BUDGET CONTRACTUAL EXPENSES	100.00	
	100.1440.0040	ENGINEERING OFFICE EXPENSES	1,000.00	
	100.1620.0020	BUILDING EQUIPMENT	600.00	
	100.1620.0048	BUILDING CLEANING SERVICES	4,600.00	
	100.1989.0040	UNCLASSIFIED EXPENDITURES	4,500.00	
	100.8020.0080	PLANNING BOARD EMPLOYEE BENEFITS	1,100.00	
	100.1315.0047	COMPTRROLLER CONFERENCES		100.00
	100.1440.0086	RETIREE HEALTH INSURANCE		1,000.00
	100.1620.0080	BUILDING EMPLOYEE BENEFITS		5,200.00
	100.1910.0040	INSURANCE EXPENSE		4,500.00
	100.8020.0046	CONSULTING SERVICES - ARCHITECT		1,100.00
		- TRANSFER FOR EXPENSES WITHIN THE GENERAL FUND		
9	100.1420.0043	SPECIAL COUNSEL BOARDS LEGAL SERVICES	2,000.00	
	100.1420.0048	DEFENSE LEGAL SERVICES	30,000.00	
	100.1420.0042	JUSTICE COURT PROSECUTION		12,000.00
	100.1420.0047	CERTIORARI LEGAL SERVICES		20,000.00
		- TRANSFER FOR LEGAL SERVICES		
10	100.3121.0012	LAKE PATROL OVERTIME	2,500.00	
	100.3123.0012	COMMUNITY PATROL OVERTIME	10,000.00	
	100.3120.0012	POLICE STAFF OVERTIME		12,500.00
		- TRANSFER FOR LAKE PATROL/COMMUNITY PATROL OVERTIME		

**TOWN OF CARMEL**  
**BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04**

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
11	100.9950.0099	TRANSFER TO CAP PROJECT FUND	89,230.00	
	100.7020.0044	RECREATION BUILDING CONCESSION EXPENSES		2,000.00
	100.7110.0020	PARK MAINTENANCE EQUIPMENT		20,000.00
	100.7111.0020	SYCAMORE BALLFIELD EQUIPMENT		1,000.00
	100.7111.0040	SYCAMORE BALLFIELD CONTRACTUAL EXPENSES		5,000.00
	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSES		5,000.00
	100.7112.0045	MCDONOUGH FIELDS PARK IMPROVEMENTS		25,000.00
	100.7120.0040	FARMERS MARKET CONTRACTUAL EXPENSES		10,000.00
	100.7180.0022	MAHOPAC LAKEFRONT		8,000.00
	100.7180.0040	BEACH CONTRACTUAL EXPENSES		2,800.00
	100.7190.0020	SKATING RINK EQUIPMENT		500.00
	100.7190.0040	SKATING RINK CONTRACTUAL EXPENSES		9,930.00
		- TRANSFER TO AIRPORT CAPITAL FUND FOR SEPTIC SYSTEM CONTRACT		
12	100.7020.0020	RECREATION ADMIN OFFICE EQUIPMENT	800.00	
	100.7020.0040	RECREATION ADMIN OFFICE EXPENSES	1,000.00	
	100.7110.0012	PARK STAFF OVERTIME	1,000.00	
	100.7110.0040	PARK CONTRACTUAL EXPENSES	10,000.00	
	100.7113.0020	CHAMBER PARK IMPROVEMENTS	3,300.00	
	100.7113.0040	CHAMBER PARK CONTRACTUAL EXPENSES	800.00	
	100.7115.0042	AIRPORT PARK UTILITY EXPENSES	1,000.00	
	100.7119.0040	DOG PARK CONTRACTUAL EXPENSES	2,500.00	
	100.7110.0080	PARK EMPLOYEE BENEFITS		10,000.00
	100.7113.0042	CHAMBER PARK UTILITY EXPENSES		1,000.00
	100.7120.0012	FARMERS MARKET OVERTIME		2,500.00
	100.7140.0040	PLAYGROUND CONTRACTUAL EXPENSES		800.00
	100.7610.0040	PROGRAM FOR THE AGING CONTRACTUAL EXPENSES		6,100.00
		- TRANSFER FOR RECREATION EXPENSES		
13	100.8090.0013	RECYCLE TEMPORARY STAFF	2,000.00	
	100.8090.0045	RECYCLE TRASH DISPOSAL	15,700.00	
	100.8090.0048	LANDFILL MONITORING		7,700.00
	100.8090.0080	EMPLOYEE RETIREMENT		1,700.00
	100.8090.0082	SOCIAL SECURITY		200.00
	100.8090.0083	WORKERS COMPENSATION		2,900.00
	100.8090.0084	HEALTH INSURANCE		2,800.00
	100.8090.0086	RETIREE HEALTH INSURANCE		2,400.00
		- TRANSFER FOR EWASTE AND SHREDDING EVENTS		
<b>HIGHWAY FUND</b>				
14	500.5112.0020	PROJECT EXPENDITURES	1,765.00	
	500.5112.0012	PROJECT OVERTIME		1,250.00
	500.5112.0082	PROJECT FICA/MED COST		515.00
		- TRANSFER FOR CHIPS HIGHWAY PROJECT COSTS		
15	500.5140.0012	WEEDS AND BRUSH OVERTIME	4,500.00	
	500.5140.0020	WEEDS AND BRUSH TOOLS	1,000.00	
	500.5140.0049	OTHER EXPENDITURES	1,000.00	
	500.5140.0041	WEEDS AND BRUSH FUEL		6,500.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES IN THE HIGHWAY FUND		
<b>LAKE CASSE PARK DISTRICT</b>				
16	401.7140.0040	CONTRACTUAL EXPENSES	2,700.00	
	401.7140.0047	REFUSE DISPOSAL	300.00	
	401.7140.0099	REPAIR RESERVE		3,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES AND REFUSE DISPOSAL		
17	401.7140.0054	CAPITAL EXPENDITURES	18,000.00	
	401.7140.0020	EQUIPMENT		7,000.00
	401.7140.0041	LAKE TREATMENTS		9,750.00
	401.7140.0099	REPAIR RESERVE		1,250.00
		- TRANSFER FOR CAPITAL EXPENDITURES		
<b>LAKE MAHOPAC PARK DISTRICT</b>				
18	402.7110.0040	CONTRACTUAL EXPENSES	1,000.00	
	402.7110.0041	WATER QUALITY/BIOMASS STUDY		1,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		

**TOWN OF CARMEL**  
**BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04**

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>LAKE SECOR PARK DISTRICT</b>				
19	404.7140.0013	TEMPORARY LABOR	4,000.00	
	404.7140.0040	CONTRACTUAL EXPENSES	1,400.00	
	404.7140.0046	CONTRACTUAL RENTALS	100.00	
	404.7140.0082	SOCIAL SECURITY	500.00	
	404.7140.0050	SPECIAL IMPROVEMENTS		5,000.00
	404.7140.0099	REPAIR RESERVE		1,000.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES		
<b>VARIOUS WATER DISTRICTS</b>				
20	601.8310.0020	EQUIPMENT	2,123.00	
	608.8310.0020	EQUIPMENT	13,498.00	
	610.8310.0020	EQUIPMENT	4,500.00	
	613.8310.0020	EQUIPMENT	2,954.00	
	601.8310.4321	FEDERAL AID - FEMA	*	2,123.00
	608.8310.4321	FEDERAL AID - FEMA	*	13,498.00
	610.8310.4321	FEDERAL AID - FEMA	*	4,500.00
	613.8310.4321	FEDERAL AID - FEMA	*	2,954.00
		- PROVIDE FOR EQUIPMENT REPLACEMENT DUE TO TROPICAL STORM ISAIAS FROM ANTICIPATED FEMA REIMBURSEMENT		
<b>CARMEL WATER DISTRICT #2</b>				
21	602.8310.0040	CONTRACTUAL EXPENSES	442.00	
	602.8310.0047	EMERGENCY REPAIRS	3,978.00	
	602.8310.2681	INSURANCE RECOVERY - ASSET	*	4,420.00
		- PROVIDE FOR REPAIRS FROM ANTICIPATED INSURANCE CLAIM		
22	602.8310.0047	EMERGENCY REPAIRS	12,580.00	
	602.8310.2770	OTHER REVENUE	*	12,580.00
		- PROVIDE FOR EMERGENCY REPAIRS FROM ANTICIPATED REVENUE FROM INVOICE ISSUED TO PROPERTY OWNER		
23	602.8310.0040	CONTRACTUAL EXPENSES	10,000.00	
	602.8310.0047	EMERGENCY REPAIRS	35,500.00	
	602.8310.0048	OTHER OPERATING EXPENSES		19,100.00
	602.8310.0090	CONTINGENCY		26,400.00
		- TRANSFER FOR CONTRACTUAL AND EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #4</b>				
24	604.8310.0020	EQUIPMENT	1,590.00	
	604.8310.0047	EMERGENCY REPAIRS	4,990.00	
	604.8310.2681	INSURANCE RECOVERY - ASSET	*	6,580.00
		- PROVIDE FOR EQUIPMENT AND EMERGENCY REPAIRS FROM INSURANCE CLAIM		
25	604.8310.0020	EQUIPMENT	6,510.00	
	604.8310.0047	EMERGENCY REPAIRS	6,590.00	
	604.8310.0040	CONTRACTUAL EXPENSES		1,000.00
	604.8310.0041	CHEMICALS		1,000.00
	604.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		1,000.00
	604.8310.0099	REPAIR RESERVE		10,100.00
		- TRANSFER FOR EQUIPMENT AND EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #5</b>				
26	605.8310.0040	CONTRACTUAL EXPENSES	1,000.00	
	605.8310.0099	REPAIR RESERVE		1,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		
<b>CARMEL WATER DISTRICT #6</b>				
27	606.8310.0047	EMERGENCY REPAIRS	9,000.00	
	606.8310.0048	OTHER OPERATING EXPENSES	500.00	
	606.8310.0020	EQUIPMENT		2,500.00
	606.8310.0041	CHEMICALS		500.00
	606.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		500.00
	606.8310.9909	APPROPRIATED FUND BALANCE	*	6,000.00
		- PROVIDE AND TRANSFER FOR EMERGENCY REPAIRS AND OTHER OPERATING EXPENSES		

**TOWN OF CARMEL**  
**BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04**

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #8</b>				
28	608.8310.0041	CHEMICALS	4,000.00	
	608.8310.0047	EMERGENCY REPAIRS	10,700.00	
	608.8310.0099	REPAIR RESERVE		14,700.00
		- TRANSFER FOR CHEMICALS AND EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #10</b>				
29	610.8310.0020	EQUIPMENT	2,500.00	
	610.8310.0040	CONTRACTUAL EXPENSES	1,000.00	
	610.8310.0041	CHEMICALS	500.00	
	610.8310.0047	EMERGENCY REPAIRS	11,500.00	
	610.8310.0043	INSURANCE EXPENDITURES		500.00
	610.8310.0048	OTHER OPERATING EXPENSES		1,500.00
	610.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		1,000.00
	610.8310.0090	CONTINGENCY		3,500.00
	610.8310.9909	<b>APPROPRIATED FUND BALANCE</b>	*	<b>9,000.00</b>
		- PROVIDE AND TRANSFER FOR VARIOUS OPERATING EXPENSES		
<b>CARMEL WATER DISTRICT #12</b>				
30	612.8310.0047	EMERGENCY REPAIRS	2,790.00	
	612.8310.2681	<b>INSURANCE RECOVERY - ASSET</b>	*	<b>2,790.00</b>
		- PROVIDE FOR EMERGENCY REPAIRS FROM INSURANCE CLAIM		
31	612.8310.0040	CONTRACTUAL EXPENSES	1,500.00	
	612.8310.0046	PURCHASE OF WATER	2,000.00	
	612.8310.0048	OTHER OPERATING EXPENSES	2,000.00	
	612.8310.0042	UTILITIES EXPENSE		5,500.00
		- TRANSFER FOR VARIOUS EXPENSES		
<b>CARMEL WATER DISTRICT #13</b>				
32	613.8310.0020	EQUIPMENT	1,500.00	
	613.8310.0040	CONTRACTUAL EXPENSES	2,000.00	
	613.8310.0047	EMERGENCY REPAIRS	11,370.00	
	613.8310.0048	OTHER OPERATING EXPENSES		480.00
	613.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		790.00
	613.8310.0099	REPAIR RESERVE		4,100.00
	613.8310.9909	<b>APPROPRIATED FUND BALANCE</b>	*	<b>9,500.00</b>
		- PROVIDE AND TRANSFER FOR VARIOUS EXPENSES		
<b>CARMEL WATER DISTRICT #14</b>				
33	614.8310.0047	EMERGENCY REPAIRS	3,210.00	
	614.8310.0048	OTHER OPERATING EXPENSES	1,000.00	
	614.8310.0099	REPAIR RESERVE		4,210.00
		- TRANSFER FOR EMERGENCY REPAIRS AND OTHER OPERATING EXPENSES		
<b>CARMEL SEWER DISTRICT #2</b>				
34	702.8130.0047	SLUDGE DISPOSAL	1,974.00	
	702.8130.2770	<b>OTHER REVENUE</b>	*	<b>1,974.00</b>
		- PROVIDE FOR SLUDGE DISPOSAL FROM REVENUE RECEIVED FROM INVOICE ISSUED TO VENDOR		
35	702.8130.0120	MICROFILTRATION EQUIPMENT	17,500.00	
	702.8130.2770	<b>OTHER REVENUE</b>	*	<b>17,500.00</b>
		- PROVIDE FOR THE PURCHASE OF A PRIMARY FEED PUMP FROM REVENUE RECEIVED FOR MICROFILTRATION PLANT FROM DEP		

**TOWN OF CARMEL  
BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04**

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
36	702.8130.0020	EQUIPMENT		23,500.00	
	702.8130.0041	CHEMICALS		2,500.00	
	702.8130.0043	INSURANCE EXPENDITURES			3,900.00
	702.8130.0044	ENGINEERING SERVICES			13,400.00
	702.8130.0140	MICROFILTRATION CONTRACTUAL EXPENSES			6,000.00
	702.8130.0049	SERVICES OTHER DEPARTMENTS/GOVTS			2,700.00
		- TRANSFER FOR EQUIPMENT AND CHEMICAL EXPENSES			
<b>CARMEL SEWER DISTRICT #4</b>					
37	704.8130.0047	SLUDGE DISPOSAL		352.00	
	704.8130.2770	<b>OTHER REVENUE</b>	*	<b>352.00</b>	
		- PROVIDE FOR SLUDGE DISPOSAL FROM REVENUE RECEIVED FROM INVOICE ISSUED TO VENDOR			
38	704.8130.0141	MICROFILTRATION CHEMICALS		1,676.00	
	704.8130.2770	<b>OTHER REVENUE</b>	*	<b>1,676.00</b>	
		- PROVIDE FOR MICROFILTRATION CHEMICALS FROM CHECK RECEIVED FOR A CREDIT FROM A VENDOR			
39	704.8130.0020	EQUIPMENT		31,000.00	
	704.8130.0040	CONTRACTUAL EXPENSES		10,000.00	
	704.8130.0047	SLUDGE DISPOSAL		10,000.00	
	704.8130.0048	OTHER OPERATING EXPENSES		500.00	
	704.8130.0141	MICROFILTRATION CHEMICALS		2,000.00	
	704.8130.0041	CHEMICALS			1,500.00
	704.8130.0042	UTILITIES EXPENSE			2,000.00
	704.8130.0043	INSURANCE EXPENDITURES			1,000.00
	704.8130.0044	ENGINEERING SERVICES			2,500.00
	704.8130.0046	PURCHASE OF WATER			800.00
	704.8130.9909	<b>APPROPRIATED FUND BALANCE</b>	*	<b>45,700.00</b>	
		- PROVIDE AND TRANSFER FOR VARIOUS EXPENSES			
<b>CARMEL SEWER DISTRICT #5</b>					
40	705.8130.0040	CONTRACTUAL EXPENSES		3,500.00	
	705.8130.0041	CHEMICALS			1,600.00
	705.8130.0047	SLUDGE DISPOSAL			1,900.00
		- TRANSFER FOR CONTRACTUAL EXPENSES			
<b>CARMEL SEWER DISTRICT #6</b>					
41	706.8130.0040	CONTRACTUAL EXPENSES		12,000.00	
	706.8130.0047	SLUDGE DISPOSAL		5,424.00	
	706.8130.0048	OTHER OPERATING EXPENSES		1,000.00	
	706.8130.0046	PURCHASE OF WATER			323.00
	706.8130.0049	SERVICES OTHER DEPARTMENTS/GOVTS			981.00
	706.8130.0099	REPAIR RESERVE			7,120.00
	706.8130.9909	<b>APPROPRIATED FUND BALANCE</b>	*	<b>10,000.00</b>	
		- PROVIDE AND TRANSFER FOR VARIOUS EXPENSES			
<b>CARMEL SEWER DISTRICT #7</b>					
42	707.8130.0020	EQUIPMENT		1,000.00	
	707.8130.0040	CONTRACTUAL EXPENSES		6,500.00	
	707.8130.0141	MICROFILTRATION CHEMICALS		1,000.00	
	707.8130.0099	REPAIR RESERVE			8,500.00
		- TRANSFER FOR VARIOUS EXPENSES			
<b>AIRPORT CAPITAL FUND</b>					
43	910.7140.0045	CONTRACTED IMPROVEMENTS		89,230.00	
	910.7140.5031	<b>INTERFUND TRANSFER - OTHER</b>	*	<b>89,230.00</b>	
		- PROVIDE FOR CONTRACTED IMPROVEMENTS FROM TRANSFER FROM GENERAL FUND			

**TOWN OF CARMEL  
BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04**

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>LAKE MAHOPAC PARK DIST CAPITAL FUND</b>				
<b>44</b>	942.7140.0044	ENGINEERING SERVICES		93,100.00
	942.7140.0048	OTHER EXPENDITURES		6,900.00
	<b>942.7140.5710</b>	<b>PROCEEDS OF BORROWING</b>	*	<b>100,000.00</b>
		- PROVIDE FOR PROJECT ENGINEERING COSTS FROM APPROVED BORROWING		
<b>HIGHWAY RESURFACING CAPITAL FUND</b>				
<b>45</b>	950.5112.0045	CONTRACTED PAVING SERVICES		22,000.00
	<b>950.5112.9909</b>	<b>APPROPRIATED FUND BALANCE</b>	*	<b>22,000.00</b>
		- PROVIDE FOR CONTRACTED PAVING FROM PARTIAL TRANSFER OF ODESSA BOND		

## **RESOLUTION #7**

### **RESOLUTION AUTHORIZING ENTRY INTO CONTRACTS WITH PENFLEX INC. FOR SERVICE AWARD PROGRAM ADMINISTRATION**

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of Carmel Fire Protection Districts #1 and #2, hereby authorizes entry into Service Award Program Service Agreements with Penflex Inc., of Latham, NY for administration services for the Fire Protection District Service Award Programs in said districts; and

BE IT FURTHER RESOLVED that such services shall be for the period of November 1, 2020 through and including October 31, 2021, at estimated costs of \$6,900.00 for Fire Protection District #1 and \$7,600.00 for Fire Protection District #2, all as contained within the October 2020 proposal which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation required to effect this authorization on the terms set forth herein.

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

Penflex, Inc. 11/1/2020-10/31/2021 Service Fee Agreement

TOWN OF CARMEL  
CARMEL FIRE PROTECTION DISTRICT NO. 1  
SERVICE AWARD PROGRAM

---

Standard Services Fee Schedule

Base Fee: \$3,900, \$100 change from 2019

Per-Participant Fee: \$19, \$1 change from 2019

Payment certification and trustee directive letters: \$75 per letter, \$0 change from 2019

**Total Estimated Standard and Distribution Services Fees: \$6,900**

---

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2019:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: PKF O'Connor Davies, LLP

Contact Name: Alan Kassay

Email Address: akassay@pkfod.com

Please Check 'Yes' Or 'No' For Program Year 2020:

Complete the NYS LOSAP Audit Package for a fee of \$495: \_\_\_\_\_ Yes \_\_\_\_\_ No

This is a \$0 change from 2019. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of \$950: \_\_\_\_\_ Yes \_\_\_\_\_ No

This is a \$0 change from 2019. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

**PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.**

---

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

\_\_\_\_\_  
Supervisor  
Town of Carmel

*Edward J. Holohan*  
Edward J. Holohan, ASA  
President, Penflex, Inc.

Penflex, Inc. 11/1/2020-10/31/2021 Service Fee Agreement

TOWN OF CARMEL  
CARMEL FIRE PROTECTION DISTRICT NO. 2  
SERVICE AWARD PROGRAM

---

Standard Services Fee Schedule

Base Fee: \$3,900, \$100 change from 2019

Per-Participant Fee: \$19, \$1 change from 2019

Payment certification and trustee directive letters: \$75 per letter, \$0 change from 2019

**Total Estimated Standard and Distribution Services Fees: \$7,600**

---

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2019:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: PKF O'Connor Davies, LLP

Contact Name: Alan Kassay

Email Address: akassay@pkfod.com

Please Check 'Yes' Or 'No' For Program Year 2020:

Complete the NYS LOSAP Audit Package for a fee of \$495: \_\_\_\_\_ Yes \_\_\_\_\_ No

This is a \$0 change from 2019. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of \$950: \_\_\_\_\_ Yes \_\_\_\_\_ No

This is a \$0 change from 2019. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

**PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.**

---

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

\_\_\_\_\_  
Supervisor  
Town of Carmel

*Edward J. Holohan*  
Edward J. Holohan, ASA  
President, Penflex, Inc.

# RESOLUTION #8

## RESOLUTION ACKNOWLEDGING PERFORMANCE OF EMERGENCY REPAIRS/SERVICES CARMEL WATER DISTRICT #8

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, hereby acknowledges the emergency performance of repairs/services for Carmel Water District #8 distribution system and treatment facilities, as fully detailed in the memoranda of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated December 3, 2020, as attached hereto and made a part thereof.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

Richard J. Franzetti, 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

## MEMORANDUM

---

**To:** Carmel Town Board

**From:** Richard J. Franzetti P.E. Town Engineer 

**Date:** December 3, 2020

**Re:** Emergency Repairs/Services

---

This memorandum is being presented to the Town Board to advise the Board of emergency invoices that were submitted for payment in excess of \$10,000.00 for services rendered. The following provides a brief a summary of the work that was performed.

- CWD 8 – Water Treatment Plant

On August 4<sup>th</sup>, Bee and Jay responded to the pump failure alarms at the water treatment plant (WTP). It was determined that turbine pump #2 seized and locked up due to power surges at the plant due to Tropical Storm Isaias. This pump serves as the primary filter plant clear will and system pump. The pump was ordered on September 1, 2020 and installed on November 16, 2020. Attached is the invoice in the amount of \$23,075.00 for the purchase and install of this pump.

This invoice has been submitted to insurance for reimbursement.

We request that this memorandum be put into the agenda as a matter of record.



P.O. Box 78 - 719 Route 6 - Mahopac, NY 10541

p: 845.628.3924 f: 845.628.4062

e: service@beeandjay.com

# INVOICE

DATE	INVOICE #
11/17/2020	96435

www.BEEANDJAY.com

**BILL TO:**

Town Of Carmel, CWD-8  
Engineering Dept.  
60 Mc Alpin Avenue  
Mahopac, NY 10541

**SERVICE LOCATION:**

Town Of Carmel, CWD-8  
Filter Plant  
Heather Drive  
Mahopac, NY

PROFESSIONAL SERVICE 56 YEARS 1964-2020

Master Plumbers Lic.#s W.C. 556 P.C. 363

CUSTOMER #	TERMS	MECHANIC	SERVICE DATE	WORK ORDER #	
845 628 2087	Due Upon Receipt	TK	11/16/2020	26039	
ITEM	QTY/HRS	DESCRIPTION		RATE	AMOUNT
Description		CWD# 8 Filter Plant Emergency turbine pump and motor ordered 9/1/2020 due to lightening storm set attached			
Material	1	25 hp Goulds Short Set Turbine		18,202.00	18,202.00
Material	1	258 hp Line Short Motor		4,873.00	4,873.00

\*\* Invoices not paid when due will be subjected to a finance charge of 1.5% per month

**Total Due** \$23,075.00

WE ACCEPT ALL MAJOR CREDIT CARDS !!

CARD TYPE: VISA MASTERCARD AMERICAN EXPRESS DISCOVER DINER'S CLUB OTHER \_\_\_\_\_

CARDHOLDER/NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

CARD# \_\_\_\_\_ EXP. DATE: \_\_\_\_\_ CID # \_\_\_\_\_

EMAIL: \_\_\_\_\_



WATER SYSTEMS  
PLUMBING & MECHANICAL

719 ROUTE 6  
MAHOPAC, NY 10541  
845.628.3924

September 1, 2020

Town of Carmel  
Engineering Department  
60 McAlpin Avenue  
Mahopac, NY 10541

Attention: Richard Franzetti  
Town Engineer

Re: CWD# 8 Filter Plant – Emergency Pump Failure due to lightening storm

**Tuesday August 4, 2020**

- Bee and Jay Mechanical responded to main turbine 25 hp failure alarms
- Tested, found turbine pump #2 seized and locked up due to power surges and age pump and motor. The primary filter plant clear well and system pump.

**Tuesday September 1, 2020**

- Bee and Jay ordered a 25 hp turbine pump and motor from Goulds direct thru factory rep to expedite custom fabrication and delivery.
- Duplex turbine pump system operating on single pump till replacement installed.

Quotation of 25 hp turbine pump and motor attached.

Ted Kugler





## **RESOLUTION #9**

### **RESOLUTION ACCEPTING PROPOSAL FOR PURCHASE AND INSTALLATION OF EQUIPMENT LAKE CASSE PARK DISTRICT CLUBHOUSE**

WHEREAS, the Town Board of the Town of Carmel, acting as Commissioners of Lake Casse Park, District and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Optimum Oil & Propane, Mahopac, NY for the purchase and installation of a new boiler, generator and propane tank at the Lake Casse Clubhouse at a cost not to exceed \$17,300 and in accordance with the proposal dated October 26, 2020; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby accepts the proposal of Optimum Oil & Propane, Mahopac, NY, for the purchase and installation of a new propane tank for the generator at a cost not to exceed \$2,700, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Danette Electric Corp., Mahopac, NY for the installation of a new generator at the Lake Casse Clubhouse at a cost not to exceed \$11,250 in accordance with the proposal dated October 30, 2020

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

# RESOLUTION #10

## RESOLUTION EXERCISING OPTION TO EXTEND CONTRACT FOR PLANNING CONSULTING SERVICES

RESOLVED that the Town Board of the Town of Carmel hereby exercises its option to extend the contract with Patrick Cleary of Cleary Consulting, Northport, NY, for the provision of planning consulting services to the Town of Carmel, for a period of one (1) year commencing January 1, 2021 and concluding December 31, 2021, at an annual sum not to exceed \$60,000.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form and content satisfactory to counsel, Supervisor Kenneth Schmitt is authorized to execute a contract for said services and any other documentation necessary to accept the aforementioned proposal.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #11**

### **RESOLUTION AUTHORIZING BORROWING CARMEL FIRE DEPARTMENT, INC.**

WHEREAS, Carmel Fire Department, Inc. (“CFD”), a New York State not for profit corporation, provides fire-fighting services within the Carmel Fire Protection District, within the jurisdiction of the Town of Carmel (the “Town”) pursuant to an agreement between the Town and the CFD authorized pursuant to Section 184 of Town Law; and

WHEREAS, the CFD is seeking to obtain a loan from the Bank of Greene County by the issuance of one or more notes on a tax-exempt basis in an aggregate amount not to exceed Five Million (\$5,000,000) Dollars (the “Note”) to finance the construction of an addition to the fire house located at 94 Gleneida Avenue, Carmel, New York 10512 (the “Addition”), to be issued as an obligation, the interest on which will be excluded from gross revenue for federal income tax purposes pursuant to Section 150(e) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code and 26 CFE 1.147(f)-1, interest on the Note will not be excluded from gross income for federal income tax purposes unless the issuance by the CFD shall be approved by the Town Board after a public hearing; and

WHEREAS, pursuant to Section 147(f) of the Code and 26 CFE 1.147(f)-1, and on public notice consistent with those provisions, the CFD held a public hearing on November 24, 2020 with regard to the Note.

NOW, THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Carmel, that the Town Board approves the proposed tax-exempt Note to be incurred by the Carmel Fire Department, Inc. in the principal amount not to exceed Five Million (\$5,000,000) Dollars to finance the Addition, provided that the Note shall be the obligation of the Carmel Fire Department, Inc. and not of the Town; and

BE IT FURTHER RESOLVED, by the duly convened Town Board of the Town of Carmel that Kenneth Schmitt Town Supervisor is authorized to sign any required paperwork with respect to the Town’s approval of the Note.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

# RESOLUTION #12

## AMENDED RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FOR ULTRAVIOLET BULBS, BALLASTS AND CONTROLLERS CARMEL SEWER DISTRICT #2 WASTEWATER TREATMENT PLANT

WHEREAS, Inframark, LLC, operator for the Carmel Sewer District #2 Wastewater Treatment Plant, and Town Engineer Richard J. Franzetti, P.E. have each advised the Town Board of the Town of Carmel that certain components for the ultraviolet treatment systems within the microfiltration processes of the Carmel Sewer District #2 Wastewater Treatment Plant are in need of replacement; and

WHEREAS Inframark and the Town Engineer have each further advised the Town Board that the that the acquisition of the aforesaid equipment and ultraviolet bulbs are exempt from the New York General Municipal Law as a “sole source” exception;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2 hereby accept and adopt the recommendations of Inframark, LLC and the Town Engineer, and accordingly authorize the acquisition and installation replacement ultraviolet bulbs, ballasts and controllers for the CSD#2 Wastewater Treatment Plant from Trojan Technologies, Ontario CA at a cost not to exceed \$35,813.00 in accordance with the proposal dated March 20, 2020; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions authorized herein.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #13**

### **RESOLUTION AUTHORIZING COMMENCEMENT OF LITIGATION**

RESOLVED, that the Town Board of the Town of Carmel, as Commissioners of Carmel Water District #2, hereby authorizes Town Counsel Gregory L. Folchetti, 1875 Route Six, Carmel, NY, to commence all necessary litigation required for the purposes of acquiring any and all necessary property interests for the improvements proposed in the Carmel Water District #2 Distribution System Upgrades Project as well as in the Carmel Water District #2 Treatment Plant Upgrade Project; and

BE IT FURTHER RESOLVED that such authorization shall be deemed to include but not be limited to performance of all necessary legal/procedural requirements contained within NY Eminent Domain Procedure Law as well as the commencement of legal proceedings thereunder in New York State Supreme Court if necessary; and

BE IT FURTHER RESOLVED, that such services are hereby authorized at a rate of \$205.00 per hour.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #14**

### **RESOLUTION REGARDING NOTICES OF VIOLATIONS PREVIOUSLY ISSUED WITH RESPECT TO 825 S. LAKE BLVD, MAHOPAC, NY**

WHEREAS, Mr. Michael Barile and the late Mr. Thomas A. Boniello (“Property Owners”) own or have owned the property located at 825 S. Lake Blvd (“Property”) during the period relevant to this Resolution; and

WHEREAS Mr. Boniello passed away on May 27, 2020 and his interests in the Property have become or shall become a part of the Estate of Mr. Boniello to be transferred either via probate or administration; and

WHEREAS, the November 8, 1991 “Agreement for Sewer Service Between Carmel Sewer District #1 and Michael A. Barile and Thomas A. Boniello,” which was executed by and agreed to by the Property Owners and approved by the Town Board, permitted the Property Owners to connect the Property to Sewer District Number One if they “. . . obtained all necessary permits and approvals from the New York State DOT, DEC and NYCDEP for the aforesaid connection to the Carmel Sewer” (hereinafter, “1991 Agreement for Sewer Service”); and

WHEREAS, on October 24, 2019, the Town Engineer issued the Property Owners a First Notification of Violation pursuant to §120-82 of the Code of the Town of Carmel (hereinafter referred to as, “Town Code” or “Sewer Use Law”) and order to Cease and Desist pursuant to §120-86A of the Town Code (“First NOV and Cease and Desist”), which found, in part, the Property was connected to Sewer District Number One in violation of §120-14 of the Town Code, which states that the use of the Town public sewers shall be strictly limited and restricted, except as provided in §120-13 and that the Property Owner represented to the Town Board of the Town of Carmel that on September 4, 2019 the connection to the Sewer District Number 1 was activated; and

WHEREAS, on December 18, 2019, the Town Engineer issued a Second Notification of Violation and Order to Cease and Desist, finding that the Property Owners had connected to Sewer District Number 1 not in the MCP97 – Clarke Place Manhole, as conditionally approved by the Town of Carmel, but rather, through a second, previously undisclosed location within the sewer main somewhere between the MCP97 – Clarke Place Manhole and the downstream MCP96 (referred to as the “Second Connection”) at a point in time when the Property Owners had not obtained all regulatory approvals to connect to Sewer District Number 1; and

WHEREAS, on March 10, 2020, the Property Owners conducted various activities including a successful pressure test of the sewer line originating at the Property, and reconfigured the line so that it entered Sewer District Number 1 at Property to the MCP97 – Clark Place Manhole and completed the closure of the Second Connection, all under observation by the Town Engineer and representatives of other interested agencies; and

WHEREAS, the New York City Department of Environmental Protection (“NYCDEP”) thereafter approved the out of district connection of the Property to Sewer District Number One as set forth in a certain letter dated April 6, 2020 to the Town Engineer, and by execution of a sewer use agreement between the Property Owners and NYCDEP dated June 12, 2020; and

WHEREAS, with the aforementioned approvals by the NYCDEP on and after April 6, 2020, the Property Owners have obtained the regulatory approvals necessary to meet the conditions set forth in the 1991 Agreement for Sewer Service”; and

WHEREAS, NYCDEP advised the Town that its primary objective in this matter was to obtain the full regulatory compliance and approval of the connecting line from the Property to Sewer District Number One and that the Town of Carmel in coordinating and concluding such regulatory review and approval has substantially complied with that certain agreement dated September 9, 1938, as amended, and has been advised by NYCDEP that no further proceeding related to the foregoing will ensue; and.

WHEREAS, Pursuant to Town Law §135, the violation of the Sewer Use Law subjects a property owner to civil penalty; and

WHEREAS absent an agreement, the Sewer Code provides for an adjudicatory hearing to determine the violations of the Sewer Use Law committed and amount of such penalty, the time and cost of which is obviated by such an agreement; and

WHEREAS, the Property Owners have agreed to pay the amount set forth below in resolution of any amount for which they would be liable to the Town without the need for further proceedings;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby approves a settlement of liability with the Property Owners upon 1) payment by the Property Owners to the Town a total civil fine of \$105,000 and 2) exchange of mutual releases of liability, including but not limited to the release of the Property Owners, and present and past Town officers, employees, and agents, for all claims related to the subject matter set forth in the aforesaid Notices of Violations and Orders to Cease and Desist; and .

BE IT FURTHER RESOLVED the foregoing settlement is subject to the timely execution by the Property Owners of a definitive agreement reflecting these terms in a form acceptable to the Town’s special counsel, Cozen O’Connor and execution by an authorized officer of the Town, as well as collection of funds in the amount provided above and subject to applicable provisions of the Sewer Use Law.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

## **RESOLUTION #15**

### **AMENDED RESOLUTION ACCEPTING PROPOSAL FOR PROFESSIONAL SERVICES EAST OF HUDSON COMMUNITY WASTEWATER PLANNING STUDIES R2020-007 (LAKEVIEW ROAD)**

WHEREAS, the Town of Carmel has previously received approval for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/ NYCDEP) grants for the East of Hudson Community Wastewater Planning Assistance Grant Program, including a grant the Lakeview Road area of the Town of Carmel, in an amount up to \$300,000.00;

NOW THEREFORE BE IT RESOLVED THAT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Arcadis Engineering, Highland Ranch, CO to perform the Lakeview Road Study in accordance with the above grant program in an amount not to exceed \$183,800.00; and

BE IT FURTHER RESOLVED THAT Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept such proposal.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Roll Call Vote	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

# RESOLUTION #16

## AMENDED RESOLUTION ACCEPTING PROPOSAL FOR PROFESSIONAL SERVICES – EAST OF HUDSON COMMUNITY WASTEWATER PLANNING STUDIESR2020-007 (LAKE GILEAD)

WHEREAS, the Town of Carmel has previously received approval for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/ NYCDEP) grants for the East of Hudson Community Wastewater Planning Assistance Grant Program, including a grant the Lake Gilead area of the Town of Carmel, in an amount up to \$375,000.00;

NOW THEREFORE BE IT RESOLVED THAT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Arcadis Engineering, Highland Ranch, CO to perform the Lake Gilead Study in accordance with the above grant program in an amount not to exceed \$206,000.00; and

BE IT FURTHER RESOLVED THAT Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept such proposal.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Roll Call Vote	<u>YES</u>	<u>NO</u>
Robert Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___