

**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  
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**KATHLEEN KRAUS**  
Receiver of Taxes

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

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

**TOWN BOARD VOTING MEETING/SPECIAL WORK SESSION**  
**Wednesday, November 3, 2021 7:00pm**

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**PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE**

**6:00pm Executive Session:**

1. Town Justices – Personnel
2. Michael Simone, Highway Superintendent – Personnel
3. James Gilchrist, Dir. Recreation & Parks – Personnel
4. Supervisor Schmitt, Councilman Barile – Contractual

**PUBLIC HEARING #1:** In Connection with the Town of Carmel Preliminary Budget Fiscal Year Ending 2022 Including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Districts, Fire Protection Districts, Garbage District and Lighting Districts

**PUBLIC HEARING #2:** On a Proposed Local Law to Override the Limit on the Amount of Real Property Taxes that May be Levied Pursuant to NYS General Municipal Law §3-C

**Town Board Voting Meeting:**

- Accept Town Board Minutes October 5, 2021
- 1. Res: Waiving the Notice Requirement of the New York State ABC Law with Respect to a Liquor License for TBBH, Inc
- 2. Res: Authorizing Filing of Semi-Annual MS4 Stormwater Report
- Public Comment (Three (3) Minutes on Agenda Items Only)
- Town Board Member Comments
- Adjournment

**Town Board Special Work Session:**

1. Discussion of Change Order #2 to Contract C-265 CWD#2 Watermain Rehabilitation Phase I

- 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/Announcements
- Adjournment



**Ann Spofford**  
Town Clerk  
Town of Carmel

Town Hall

60 McAlpin Avenue  
Mahopac, New York 10541

Telephone: 845.628.1500  
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**NOTICE OF PUBLIC HEARING  
TOWN OF CARMEL PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 3<sup>rd</sup> day of November, 2021 at Town Hall, 60 McAlpin Avenue, Mahopac, New York, at 7:00 p.m. or as soon thereafter that evening as possible in regard to the Preliminary Budget for the fiscal year 2022 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Districts, Fire Protection Districts, Garbage District and Lighting Districts; and

BE IT FURTHER NOTICED that pursuant to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2022 are hereby specified as follows: Supervisor: \$132,388; Town Council Members (ea): \$22,277; Town Clerk \$107,064; and Highway Superintendent \$138,116;

AND BE IT FURTHER NOTICED, that the Preliminary Budget for the Town of Carmel has been completed and filed in the Office of the Town Clerk, Town Hall, 60 McAlpin Avenue, Mahopac, New York, where it is available for public inspection during office hours.

At said Public Hearing, any resident may be heard in favor of or against the Preliminary Budget as compiled or for or against any item or items contained therein. 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 Spofford, Town Clerk

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, November 3, 2021 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law to override the limit on the amount of real property taxes that may be levied pursuant to New York General Municipal Law §3-c as follows:

### **PROPOSED LOCAL LAW #\_\_\_ OF THE YEAR 2021 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C**

#### SECTION 1. LEGISLATIVE INTENT.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Carmel, County of Putnam pursuant to General Municipal Law § 3-c, and to allow the Town of Carmel, County of Putnam to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

#### SECTION 2. AUTHORITY.

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

#### SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Town Board of the Town of Carmel, County of Putnam is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

#### SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State.

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 Spofford, Town Clerk

**RESOLUTION #1**

**RESOLUTION WAIVING THE NOTICE REQUIREMENT OF THE NEW YORK STATE  
ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR  
TBBH, INC**

WHEREAS, the representatives and/or proprietors of TBBH, Inc, 55 Secor Road, Mahopac, New York 10541, have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the Alcohol Beverage Control Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty-day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

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 FILING OF  
SEMI-ANNUAL MS4 STORMWATER REPORT**

WHEREAS the Town Board has been presented with a draft semi-annual MS4 Stormwater Report prepared by the Town of Carmel Engineering Department; and

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

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

## MEMORANDUM

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**To:** Carmel Town Board

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

**Date:** November 2, 2021

**Cc:** M. Maxwell, Comptroller

**Re:** Response to Town Board Change Order #2- Contract C265 – CWD 2 Relining Phase 1

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The following is a response to the Town Board questions raised/discussed at the October 20, 2021 work session regarding the referenced.

1. **Record drawings:**

- How/When/Where/Why regarding the information provided?
- Who is responsible?
- What was process to have this information recorded?
- How can this be avoided in the future?

*Response: The record drawings used are those that are inherited from previous engineers and administrations. Drawings provided to the consulting engineer are believed to be the best available, yet they vary on pipe type and diameter. It is unknown as to how these historical drawings were developed, how they were processed, if inspected and who was responsible. As this department move forward, current information is electronically stored so as have a better more accurate understanding of the water and sewer systems.*

*The record drawing documents were further supplemented by the following:*

- *Call before you dig markouts by the Town's water system operator performed in the study area*
- *Aerial Survey Mapping (R2019-015) which was to acquire digital mapping using aerial photography and high-density light detection and ranging (LiDar) mapping for the proposed CWD 2 distribution system upgrade study area.*
- *Surveying of the study area (R2020-002) which was to survey marked utilities in the areas identified for upgrades to the CWD 2 distribution system.*

2. **Coupon Collection:**

- Were coupons collected along, St. Michaels or Glenna?

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*Response: The short answer to this question is no. Coupons were collected as described in the 02-2019 Distribution Facility Plan and were not collected on every single street within the district for the reasons identified in the 2017 proposal and documented in the 02-2019 Distribution Facility Plan.*

*As identified in the 9/14/2017 proposal §1.1 Collect coupons from the existing water mains to determine the adequacy of wall thickness. Three (3) coupons will be collected from the Gleneida Ridge and Collier Drive areas and two (2) will be collected from the Lakeview/Avery area.*

*§2.0 of the 02-2019 Distribution Facility Plan identifies areas where complaints were received (i.e., Everett Road/Kelly Ridge, Sunset Ridge, Collier Drive, Collier Drive East, and Collier Drive West (the Collier Drive area), Lakeview/ Avery Road and Lindy Drive/Tower Road)*

*The consulting engineer met with a former district operator in May of 2018 to help identify traditional trouble spots. Based on the location of historic complaints, the results of the district tour, and the results of the prior coupon collection efforts, criteria for coupon extraction were established that included:*

- *Known unlined CI mains*
- *Areas of known complaints where no coupon/repair had been previously collected*
- *Areas with working valves that allow isolation of a small section of the District for water shutdown*
- *Roads that had not been repaved by Highway Superintendent within five (5) years*

*Based on those criteria, initial coupon collection locations were identified as follows:*

1. *Fair Street Between Glenna Dive and Everett Road*
2. *Willow Road between Route 6 and Leaside*
3. *Stoneleigh Avenue between the hospital entrance and Vista*
4. *Hughson Road at the intersection with Kelly Road*
5. *Old Route 6 between the WWTP and the feed to the Everett tank*
6. *Seminary Hill Road near the Willow intersection*
7. *Route 52 across from East Drive*

*Due to valving arrangements and in order as to not have to shut down large portions of the water system coupons were only collected from the following locations: Everett Road near Fair Street; Seminary Hill near Church Street; Hughson Road north of the Kelly Road intersection and Shoprite Plaza*

### **3. Glenna drive:**

- **How do we know it is unlined?**

*Response: Based on investigations performed by Michels the following was determined to be the pipe condition along Glenna Drive:*

- *GDV1 (Glenna Feed from Fair) - 6" Iron. Tuberculated pipe*
- *Iron pipe was observed at the following excavations:*
- *5 Glenna - 6" Iron*
- *15 Glenna - 6" Iron*
- *Glenna - 6" Iron*

- 39 Glenna - 6" White PVC (top of hill)

*As identified in 02-2019 Distribution Facility Plan complaints were not reported in this area. However, during the recent hydrant evaluation, the Carmel Fire Department noted that 39 Glenna Dr very little pressure in hydrant.*

#### 4. Hydrants:

- Why was the cost for two (2) hydrants ~9,800.00 however costs for future hydrants is \$12,000.00 Why is this included? If there are hydrants that are no longer functional they should be repaired now

*Response: The following should be noted:*

- 1. This request did not mean that there are ten (10) non-functioning hydrants. This request was made to allow for the contractor to replace a hydrant if they are found to be non-functioning (i.e., to account for future discovery of potentially non-working hydrants).*
- 2. Town standard policy is to treat broken/nonfunctioning hydrants as an emergency and to be repaired immediately.*
- 3. Under a unit price contract, a contractor is paid for the actual quantity of each line item performed as measured in the field during construction. Each unit price includes all labor, material, equipment, overhead, and profit attributable to that scope of work.*

*Seven (7) hydrants have been replaced from May through August of this year and costs have ranged from \$7,764.00 to \$11,220.00*

*During the course of the project the contractor identified two (2) hydrants that were not functioning. They were directed to replace the hydrants. The cost to replace the two (2) hydrants was 19,965.00. The total for these hydrants was not \$9,800 per hydrant. The costs were as follows:*

- *\$8,965 - This hydrant was located where the project had excavation as part of the project.*
- *\$11,000 - This hydrant was located where the project did not have excavation as part of the project.*

*Which is comparable with prior hydrant replacements in the district this year.*

#### 5. Work on St. Michaels

- Supervisor Schmitt called on 10/21/2021 regarding St. Michaels. - work performed - should have been authorized by Board. How will this be paid for? What if Board denies payment?

*Response: As previously identified C265 is a unit price contract and lining was necessary and completed in sections of water main which record documents showed to be either transite or PVC on St. Michaels Terrace. at a cost of \$147,090.00. The original lined footage was estimated to be ~650 linear feet (lf) and the final was 860 lf at a cost of \$147,090.00. This included the attendant costs of temporary mains along this length, house connections, test pits, as the pipe size changed). Additional costs included the installation of a valve/pipe work with the transite pipe at a cost of \$10,215.00.*

*The need for this work was based on field conditions and approved by the town on the consultant's recommendations. If the change order were to be sought first then a delay in contract would have occurred, and the use of temporary lines would have been in place for a longer period of time.*

## **6. Vink Drive Loop**

1. Proposed installation of 50 lf new main to complete the loop on Vink Drive at a proposed cost of \$ 24,750.00.

*Response: This aspect of the project was identified and the closing this loop while the Michel's field crew is on site should be considered. This is a straight forward project that can be performed within the Town's right of way.*

*The Board should note that during this project other areas where the distribution system would benefit from closing loop where identified. This would be Kings Way and Wainwright Drive and Kings Way and Hildacar Lane. The closure of these loops will require the water lines to be on private property and possible booster stations.*