

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 19<sup>th</sup> day of June 2019 at 7:07 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Lupinacci and Supervisor Schmitt. Councilman Schneider and Councilwoman McDonough were absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

Supervisor Schmitt dedicated the meeting to much admired Putnam County Court Judge and Mahopac resident James F. Reitz who died suddenly last week after suffering a heart attack while on the bench.

Supervisor Schmitt announced that the Town Board met in Executive Session at 6:00 p.m. to conduct two interviews in connection with a vacancy on the Planning Board as well as to discuss a garbage district contractual matter with Legal Counsel Gregory Folchetti.

**MINUTES OF TOWN BOARD MEETING HELD ON 5/15/19 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lupinacci, seconded by Supervisor Schmitt, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on May 15<sup>th</sup> 2019 were accepted as submitted by the Town Clerk.

**BUILDING DEPARTMENT - PROBATIONARY APPOINTMENT OF SENIOR TYPIST/SENIOR OFFICE ASSISTANT MADE - CAROL ORMSBY**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Carol Ormsby to said position effective June 24, 2019, at a CSEA Group 2 Step 1 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Supervisor Schmitt  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Supervisor Schmitt welcomed Carol Ormsby to the Town of Carmel staff.

**ENVIRONMENTAL CONSERVATION BOARD - RE-APPOINTMENT MADE - VINCENT TURANO - 6/14/19 THROUGH 6/13/22**

RESOLVED, that the Town Board of the Town of Carmel hereby re-appoints Vincent Turano to the Town of Carmel Environmental Conservation Board commencing June 14, 2019 and expiring on June 13, 2022.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Barile

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**ENVIRONMENTAL CONSERVATION BOARD - RE-APPOINTMENT MADE - NICHOLAS FANNIN - 6/14/19 THROUGH 6/13/22**

RESOLVED, that the Town Board of the Town of Carmel hereby re-appoints Nicholas Fannin to the Town of Carmel Environmental Conservation Board commencing June 14, 2019 and expiring on June 13, 2022.

Resolution  
Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Supervisor Schmitt acknowledged both Nicholas Fannin and Vincent Turano for their continued dedicated service on the Environmental Conservation Board.

**RESOLUTION FROM 6/4/19 AMENDED - ADVERTISEMENT FOR BID AUTHORIZED - NEW SERVER FOR IT EQUIPMENT, FACILITIES AND SERVICES AT TOWN HALL**

RESOLVED that, pursuant to the request of Town Comptroller Mary Ann Maxwell and Assistant to Town Board Anne Pasquerello, the Town Board hereby authorizes Town Clerk Ann Spofford to advertise for bids in connection with the proposed purchase of a new server for IT equipment, facilities and services at Town Hall; and

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

Resolution  
Offered by: Supervisor Schmitt  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**CARMEL SEWER DISTRICT #5 - ENTRY INTO ORDER ON CONSENT AUTHORIZED**

WHEREAS the New York State Department of Environmental Conservation has proposed an Order on Consent addressing and remediating certain violations at Carmel Sewer District #5 Treatment Plant concerning the treatment of effluent/discharge at said plant in accordance with current SPDES permit; and

WHEREAS, the Town Engineer had advised that the Town of Carmel has already met and/or is able to meet the proposed milestone dates for Compliance Activity scheduled in the proposed Order on Consent;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #5, hereby authorizes entry into the Order on Consent in form as is on file in the Office of the Town Supervisor, and

BE IT FURTHER RESOLVED that the Town Supervisor Kenneth Schmitt is hereby authorized to execute said Order on Consent and any necessary documentation related thereto.

Resolution  
Offered by: Councilman Lupinacci  
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**DEPARTMENT OF RECREATION AND PARKS - AIRPORT PARK PHASE 2 FIELD IMPROVEMENTS AWARD OF BID AUTHORIZED - CONTRACT C-255 - U.S. PITCHCARE, LLC**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for the project known as Airport Park Phase 2 Field Improvements, Contract C-255; and

WHEREAS such bids were received and opened on May 23, 2019, and

NOW THEREFORE BE IT RESOLVED that upon the recommendation of Insite Engineering, Surveying and Landscape Architecture PC, the Town Board hereby awards the aforesaid bid to U.S. Pitchcare, LLC, Northford, CT at the unit cost contained with said submitted bid and with base bid amounts and election of add/alternates #3 and #4 at a total estimated contract cost of \$691,678.00; and,

BE IT FURTHER RESOLVED that upon review of bonds and insurance certificates in form acceptable to Town Counsel, Kenneth Schmitt, Town Supervisor is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services upon the terms authorized herein.

Resolution  
Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

19 JUNE 2019  
TOWN BOARD MEETING

**POLICE DEPARTMENT - APPLICATIONS FOR TUITION REIMBURSEMENT  
APPROVED - POLICE OFFICER BEN PEARSON AND POLICE OFFICER KEVIN  
ANDERSON**

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 Ben Pearson for completion of Bachelor of Science Degree at Marist and authorizes payment in the amount of \$900.00 in connection therewith; and

BE IT FURTHER 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 Kevin Anderson for completion of Associate in of Science Degree at Dutchess County Community College and authorizes payment in the amount of \$600.00 in connection therewith.

Resolution

Offered by: Supervisor Schmitt  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**PUBLIC HEARING RESCHEDULED TO 7/24/19 - PROPOSED LOCAL LAW  
AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED  
"PEDDLING AND SOLICITING"**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday July 24, 2019 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 111 of the Code of the Town of Carmel, entitled "Peddling and Soliciting"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**POLICE DEPARTMENT - PROPOSAL ACCEPTED AND PURCHASE OF LIVESCAN  
SYSTEM AUTHORIZED - IDEMIA - NOT TO EXCEED \$26,200.00**

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Chief of Police Michael Cazzari, hereby authorizes the purchase and acquisition of RICl Livescan System with Cabinet and 2 year maintenance contract for the Town of Carmel Police Department from IDEMIA, Albany, NY, as reflected in the memorandum from Chief Cazzari to the Town Board dated June 3, 2019, and under NYS OGS Contract No. PT 66571 and at a cost not to exceed \$26,200.00; 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 and all necessary contract documentation to effect the authorization upon the terms authorized herein; and

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: Councilman Barile  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**HIGHWAY DEPARTMENT - PAYMENT FOR REPAIRS ON FREIGHTLINER VACALL AUTHORIZED - CAMPBELL FREIGHTLINER - \$9,133.36**

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes payment for repair and service performed on the Highway Department Freightliner VacAll unit to Campbell Freightliner of Orange County, Montgomery, NY at a cost of \$9,133.36 and in accordance with the invoice dated May 23, 2019.

Resolution

Offered by: Supervisor Schmitt  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**PAYMENTS FOR REPAIRS AUTHORIZED - CARMEL WATER DISTRICT #12 - BEE & JAY PLUMBING - \$5,826.16; CARMEL WATER DISTRICT #8 - BEE & JAY PLUMBING - \$5,764.00 AND CARMEL WATER DISTRICT #2 - ED KUCK EXCAVATING - \$7,576.00**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes the following payments for repairs performed within the referenced districts:

<u>Vendor Name</u>	<u>Services Rendered</u>	<u>Invoice Amount</u>
Bee & Jay Plumbing	Carmel Water Dist #12 Well Pump Replacement Invoice May 21, 2019	\$5,826.16
Bee & Jay Plumbing	Carmel Water Dist #8 Filter Level Control Replacement Invoice May 29, 2019	\$5,764.00

(Cont.)

Ed Kuck Excavating	Carmel Water Dist #2 Valve Replacement Invoice May 25, 2019	\$7,576.00
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BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect payment for the aforesaid repair authorizations.

Resolution  
Offered by: Councilman Lupinacci  
Seconded by: Supervisor Schmitt and Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL GEESE DEPREDATION SERVICES - FAILED**

RESOLVED, that the Town Board of the Town of Carmel, as Commissioners of the Lake Mahopac Park District and the Lake Casse Park District, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts, the proposal dated June 2019 from various wildlife management professionals, for the depredation of geese populating Lake Casse, Lake Mahopac and Long Pond Lake at a cost not to exceed \$20,875.00; and

BE IT FURTHER RESOLVED, that such activity be conducted in accordance with the current permit for such activity issued to the Town of Carmel by the United States Department of Fish and Wildlife; and

BE IT FURTHER RESOLVED, that the cost for such activity be proportionally allocated among the respective Lake Park Districts and Town General Fund in accordance with the services rendered to each in connection with this authorization.

Resolution  
Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>          </u>	<u>          </u>	Abstain

Supervisor Schmitt explained that he abstained because he would like to see alternative methods researched to control the geese population. He added that at a cost of over \$20,000.00, the money would be well spent somewhere else. Failing to receive three votes in the affirmative, the motion did not carry.

**LAKE MAHOPAC - PROPOSAL ACCEPTED FOR STOCKING OF TRIPLOID CARP - KEO FISH FARM - NOT TO EXCEED \$5,150.00**

WHEREAS, Town Engineer Richard J. Franzetti, P.E. has advised that the Town of Carmel has received a permit from New York State Department of Environmental Conservation for the stocking of triploid carp in Lake Mahopac; and

(Cont.)

WHEREAS the Town Engineer’s Office has also solicited proposals for the purchased and stocking of the aforesaid triploid carp;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Mahopac Park District hereby accepts the proposal of Keo Fish Farm, Keo AK, for the purchase and stocking of 700 triploid carp in Lake Mahopac at a cost not to exceed \$5,150.00.

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to accept said proposal on the terms authorized herein.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Supervisor Schmitt and Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**LONG POND ROAD HIGHWAY IMPROVEMENT DISTRICT - PROPOSAL  
ACCEPTED FOR SURVEYING SERVICES - LYNN SURVEYING SERVICES**

RESOLVED, that the Town Board of the Town of Carmel, hereby authorizes acceptance of the proposal of Lynn Surveying Services for preparation of metes and bounds descriptions for the finalization of the dedication of the improved roads in the Long Pond Road Improvement District to the Town of Carmel at a cost of \$350 each and for an estimated fourteen (14) parcels requiring generation of such descriptions; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect payment for the aforesaid authorization.

Resolution

Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**CARMEL WATER DISTRICT #9 - INSTALLATION OF WATER MAIN AUTHORIZED -  
WOODLAND ROAD AND KIRKWOOD ROAD - CONTRACT C-242-2017**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #9, and upon the recommendation of Town of Carmel Town Engineer Richard J. Franzetti, P.E., hereby authorizes the installation an additional 300 linear feet of 6" water main to be installed on Woodland Road to connect the Woodland Road and Kirkwood Road water mains within Carmel Water District #9 distribution system provided in accordance with the memoranda of Town Engineer Richard J. Franzetti, P.E. dated May 31, 2019 and thereafter, at the unit costs provided for within Contract C-242-2017.

(Cont.)

Resolution

Offered by: Supervisor Schmitt  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u>          </u>	
Jonathan Schneider	<u>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>          </u>	<u>          </u>	Absent
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Prior to the roll call vote, Councilman Barile inquired if the funding source for the installation of the additional 300 linear feet of 6" water main has been determined.

Legal Counsel Folchetti stated there may be a credit from Putnam County issued for paving in connection with West Lake Boulevard. Whatever shortage will be taken out the water district’s operating fund.

Supervisor Schmitt confirmed that no additional borrowing will be utilized.

Councilman Barile noted his frustration with the project and commented that he would be reluctantly voting yes to the resolution.

Supervisor Schmitt added that he would not have been voting yes to the resolution had the 300 feet not been included on the other end of the loop for a connection to a residence along Woodland Road.

**PUBLIC COMMENTS - AGENDA ITEMS**

Jean Hopper inquired what other methods were used in the past to control the geese within the Town.

Councilman Barile indicated that addling geese eggs has been implemented regularly by park district volunteers for population control. Discussion was held regarding the matter.

Ms. Hopper concluded that the issue of unsanitary geese droppings at the Town’s public parks needs to be attended to.

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

No member of the Town Board wished to comment at this time.

**PUBLIC COMMENTS - OPEN FORUM**

Jean Hopper addressed the Town Board’s response to comments made by a resident at last week’s meeting in connection with a recent news article about Councilman Barile. She suggested that going forward, the Town Board should be prepared to respond to comments after these types of news articles surface. Ms. Hopper commented that this is becoming a divisive issue within the Town so when the Town Board is approached with questions regarding the matter, honest answers should be provided, concerns acknowledged and if warranted, an investigation commenced.

Supervisor Schmitt asked Ms. Hopper why she believed that this has not already been done.

Ms. Hopper suggested that if this is so, the public should be made aware of the answers. A discussion followed.



**TOWN BOARD MEMBER COMMENTS - OPEN FORUM**

Supervisor Schmitt addressed a rumor that Lake Mahopac is polluted and assured the public that it is not. He cited the influx of zebra mussels in the lake as its major concern.

Councilman Lupinacci announced the upcoming schedule for this year's Department of Recreation and Parks annual Sunset Concert Series commencing June 20, 2019.

Supervisor Schmitt announced that the Town of Carmel will be holding an E-Waste Drop-off Day for the disposal of electronics on June 29, 2019 at the Michael Geary In-Line Memorial Rink Parking Lot Route 6 (across from Mahopac Fire Department) from 9:00 a.m. to 3:00 p.m. for residents only.

Councilman Lupinacci expressed congratulatory best wishes to the Mahopac High School and Carmel High School graduates.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Barile, seconded by Councilman Lupinacci, with all Town Board members present in agreement, the meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk