

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 Tuesday the 2nd day of July 2019 at 7:05 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt. Councilman Schneider was 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.

MINUTES OF TOWN BOARD MEETINGS HELD ON 6/5/19 AND 6/19/19 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on June 5th and June 19th 2019 were accepted as submitted by the Town Clerk.

CARMEL SEWER DISTRICT #5, CARMEL WATER DISTRICT #2 AND 628 ROUTE 6 MAHOPAC - SUBMISSION OF CONSOLIDATED FUNDING GRANT APPLICATIONS AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the submission of the following Consolidated Funding Grants:

New York State Department of Environmental Conservation Water Quality Improvement Program for Carmel Sewer District Number 5 Wastewater Treatment Plant Compliance Upgrade: up to \$1,000,000 (one million dollars); and

New York State Department of Environmental Conservation Water Quality Improvement Program for Carmel Water District Number 2 Infiltration/Inflow Study Compliance Upgrade: up to \$500,000 (five hundred thousand dollars); and

New York State Department of State Water Quality Improvement Program for Local Waterfront Revitalization Program at 628 Route 6, Mahopac, New York Upgrade: up to 100,000 (one hundred thousand dollars); and

New York State Office of Parks Historic Preservation Acquisition Reimbursement Grant for 628 Route 6 Mahopac, New York: \$500,000 (five hundred thousand dollars); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby designated as the authorized Town Official for the purposes of the execution and submission of all documentation required in connection with the referenced Grant Applications.

Resolution
Offered by: Councilwoman McDonough
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>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

PUBLIC HEARING CANCELLED - PROPOSED LOCAL LAW AMENDING CHAPTER 89 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "FRESHWATER WETLANDS"

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the cancellation of the Public Hearing on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands" which was previously scheduled for July 2, 2019.

(Cont.)

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

PLANTING OF MEMORIAL TREE AT CAMARDA PARK IN MEMORY OF BRENDAN MAGUIRE - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the planting of a memorial tree at Camarda Park by Carmel Sports Association in memory of Brendan Maguire.

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

COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE TOWN'S INDEPENDENT AUDITOR FOR FISCAL YEAR 2018 - ACCEPTED

RESOLVED that the Town Board of the Town of Carmel hereby accepts the Comprehensive Financial Independent Audit Report of the Town's independent auditor, PKF O'Connor Davies for fiscal year 2018 and hereby directs Town Clerk Ann Spofford to publish all notices required in connection herewith in the official newspapers of the Town.

Resolution
Offered by: Councilwoman McDonough
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>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

EMPLOYMENT ANNIVERSARY DATE ESTABLISHED - EMPLOYEE # 2720

RESOLVED, that the Town Board of the Town of Carmel hereby revises the date of hire and/or anniversary date for Employee # 2720 from June 10, 2019 to November 6, 2018 for all purposes including but not limited to credit in the New York State and Local Retirement System.

(Cont.)

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

SETTLEMENT OF LITIGATION AUTHORIZED REGARDING TAX ASSESSMENTS
“HILLTOP MANOR REALTY CORP” - TAX MAP # 76.22-1-5

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500917/2018 a certain lawsuit entitled “Hilltop Manor Realty Corp” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 76.22-1-5; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and Town Legal Counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

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

REQUEST FOR PROPOSALS AUTHORIZED PURSUANT TO PROPERTY
MAINTENANCE LAW - 105 LONGDALE ROAD (TAX MAP # 65.14-1-24) AND 39
COLONIAL DRIVE (TAX MAP # 75.11-2-48)

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114 of the Town of Carmel Town Code titled “Property Maintenance” hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to solicit/request proposals for the cleanup and correction of Town Code violations existing for the property located at 105 Longdale Road (Town of Carmel Tax Map # 65.14-1-24) as well as for 39 Colonial Drive (Town of Carmel Tax Map # 75.11-2-48).

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

(Cont.)

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

AIRPORT PARK IMPROVEMENTS CONTRACT NO. C252 - CHANGE ORDER #1 AUTHORIZED

WHEREAS the Town Board of the Town of Carmel has previously awarded the contract for the above project to Argenio Brothers, Inc. and

WHEREAS, Director of Recreation and Parks James R. Gilchrist has recommended that the Town Board approve Change Order No. 1 to the aforesaid contract;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign Change Order #1 to the aforementioned contract, resulting in no increase or decrease to overall contract price, said Change Order to be in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Barile

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

**Change Order
No. 1**

Date of Issuance: _____	Effective Date: _____
Project: <i>Town of Carmel Airport Park Phase 1 - Contract C252</i>	Owner: Town of Carmel Owner's Contract No.: C-252
Contract: Town of Carmel Park and Athletic Complex	Date of Contract: 10/31/2018
Contractor: Argenio Brothers Inc	Engineer's Project No.: 18192.100

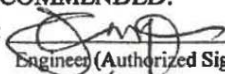
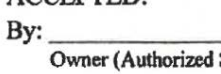

The Contract Documents are modified as follows upon execution of this Change Order:

Description:
This change order is for the extension of contract time, given recent adverse weather conditions. This change order also includes a no cost change to the contract for items listed on the attached.

Attachments (list documents supporting change):
See attached for details on directive of work items to be completed with no change to the contract price.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ _____	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>6/8/2019</u> Ready for final payment (days or date): <u>9/6/2019</u>
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ _____	Contract Times prior to this Change Order: Substantial completion (days or date): <u>6/8/2019</u> Ready for final payment (days or date): <u>9/6/2019</u>

(Cont.)

[Increase] [Decrease] of this Change Order:		[Increase] [Decrease] of this Change Order:	
\$ _____		Substantial completion (days or date): <u>7/7/2019</u>	
		Ready for final payment (days or date): <u>10/5/2019</u>	
Contract Price incorporating this Change		Contract Times with all approved Change Orders:	
\$ _____		Substantial completion (days or date): <u>7/7/2019</u>	
		Ready for final payment (days or date): <u>10/5/2019</u>	
RECOMMENDED:		ACCEPTED:	
By: 	By: _____	By: 	By: 
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)	
Date: <u>6/7/19</u>	Date: _____	Date: <u>6/12/19</u>	
Approved by Funding Agency (if applicable): _____		Date: _____	

EJCDC C-941 Change Order
Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Construction Specifications Institute.
Page 1 of 2

Change Order
Instructions

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

Councilman Lupinacci reported that the improvements underway at the Airport Park are progressing extremely well.

POLICE DEPARTMENT - PAYMENT FOR REPAIRS AUTHORIZED - JIMMY'S MARINE WORLD - \$15,113.00

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Chief of Police Michael Cazzari, hereby authorizes payment for repair and service performed on the Town of Carmel police boat to Jimmy's Marine World, Pleasantville, NY at a cost of \$15,113.00 and in accordance with the invoice dated May 11, 2019.

(Cont.)

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

TOWN HALL FACILITY - PROPOSAL ACCEPTED AND ENTRY INTO CONTRACT FOR CONCRETE REPAIRS AUTHORIZED - R2019-005 - JOHN ASTROLOGO - NOT TO EXCEED \$14,200.00

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes acceptance of proposal and entry into contract for concrete repairs at Carmel Town Hall, 60 McAlpin Avenue with John Astrologo, Mahopac, NY at a cost not to exceed \$14,200.00 in accordance with the proposal dated May 29, 2019; 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 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: Councilwoman McDonough
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>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that the concrete repairs at the north side of Town Hall are being completed this year. The repairs to the south side of Town Hall will be completed next year so as not to impede entry into the building.

HIGHWAY DEPARTMENT TRUCK #33 - PROPOSAL ACCEPTED AND PAYMENT FOR REPAIRS AUTHORIZED - BEN FUNK, INC. - NOT TO EXCEED \$12,380.89

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes acceptance of proposal and payment for repairs to Highway Department Truck #33 to Ben Funk, Inc., Hudson, NY in accordance with the invoice/proposal dated June 14, 2019, in the amount not to exceed \$12,380.89.

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.

(Cont.)

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

CARMEL WATER DISTRICT #2 - PROPOSAL ACCEPTED AND LINE STOP WORK AUTHORIZED - PROTAP/KUCK EXCAVATING - NOT TO EXCEED \$15,522.00

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 acceptance of the proposal for line stop installation in Carmel Water District #2 from ProTap/Kuck Excavating, Carmel, NY in the amount not to exceed \$15,522.00.

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

PETITION FOR CHANGE OF ZONING REFERRED TO PLANNING BOARD PURSUANT TO TOWN CODE §156-76 - CENTENNIAL GOLF CLUB OF NEW YORK, LLC

RESOLVED that the Town Board of the Town of Carmel, pursuant to Carmel Town Code §156-76, hereby refers the Petition for Change of Zoning filed by Centennial Golf Club of New York, LLC dated April 30, 2019 and received in the Office of the Town Supervisor on June 19, 2019 to the Town of Carmel Planning Board for its review, comment and/or recommendation.

Resolution

Offered by: Councilwoman McDonough
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>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

PUBLIC HEARING SCHEDULED FOR 8/7/19 - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED “ZONING”

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing on Wednesday, August 7, 2019 at 7:00 pm or soon thereafter on a proposed Local Law amending Chapter 156 of the Town Code of the Town of Carmel, entitled “Zoning”.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

PUBLIC COMMENTS - AGENDA ITEMS

John Butler addressed the Town Board’s referral of the Petition for a Change of Zoning filed by Centennial Golf Club of New York, LLC to the Planning Board and cited two sections of the Town Code which he viewed as contradictory. Mr. Butler referred to Section 156-76 B.(2) which states that “... in recommending the adoption of any proposed amendment, the Planning Board shall fully state its reason for such recommendation, describing any change in conditions justifying the amendment and the manner in which the amendment would be in harmony with a Town Master Plan.” However, Section 156-76 B.(3) states that “...Failure on the part of the Planning Board to report to the Town Board its recommendation with respect to any proposed amendment within 45 days after the date of referral shall be deemed to be approval thereof, unless such proceedings have theretofore been terminated.” He commented that while the Town Code states that the Planning Board shall fully state its reason for their recommendation, it also states that if they don’t do anything in 45 days, it is approved and they do not have to say anything.

Legal Counsel Gregory Folchetti explained that the verbiage is standard to most municipal codes. Discussion ensued regarding the process for amending the Zoning Chapter of the Town Code.

Mr. Butler inquired about the public hearing scheduled for August 7, 2019 in connection with amending Chapter 156 of the Town Code of the Town of Carmel, entitled “Zoning”.

Legal Counsel Folchetti explained that it refers to a request for the rezoning of two or three parcels of about seven or eight acres on Stillwater Road.

Councilman Barile added that the applicant wishes the property to be rezoned back to its original designation as commercial.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

No member of the public wished to comment at this time.

2 JULY 2019
TOWN BOARD MEETING

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilman Lupinacci commended Supervisor Schmitt's efforts with regard to the Town's e-waste drop-off day held for the disposal of electronics on June 29, 2019.

Supervisor Schmitt noted that because of the success of the e-waste drop-off day, he would like the Town Board to consider offering a document shredding day. Discussion ensued.

Supervisor Schmitt announced that the July 10, 2019 Work Session has been rescheduled to July 17, 2019. The Voting Meeting scheduled for July 17, 2019 has been rescheduled to July 24, 2019 prior to the regularly scheduled Work Session.

Councilwoman McDonough announced that there will be a free concert at the Red Mills Historic Park on July 4, 2019 at 6:30 p.m. featuring the Norm Hathaway Big Band.

Members of the Town Board wished a happy and safe Independence Day to all.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present in agreement, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk