

**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 24th day of July 2019 at 7:10 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilwoman McDonough and Supervisor Schmitt. Councilman Schneider and Councilman Lupinacci 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 as well as for the families of the two men who tragically drowned in Putnam County lakes recently.

Supervisor Schmitt announced that the Town Board met at 6:00 p.m. in Executive Session to conduct interviews for the position of Town Assessor.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "PEDDLING AND SOLICITING"

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the Notice of Public Hearing were made available to those in attendance.

LEGAL NOTICE

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, 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" as follows:

**TOWN OF CARMEL
PROPOSED LOCAL LAW
OF THE YEAR 2019
A LOCAL LAW
AMENDING CHAPTER
111 OF THE CODE OF
THE TOWN OF CARMEL,
ENTITLED "PEDDLING
AND SOLICITING"
PROPOSED LOCAL LAW
OF THE YEAR 2019
BE IT ENACTED by
the Town Board of the
Town of Carmel, County
of Putnam, State of New
York as follows:**

**SECTION 1:
LEGISLATIVE
FINDINGS**
It is hereby found and determined that the act of peddling, vending and soliciting within the Town has a significant impact upon the quality of life of the residents of the Town, including the health, safety and welfare thereof. It is further found that the unregulated act of peddling, vending and soliciting presents a significant disadvantage to other established businesses within the Town which pay rent, taxes, expenses and fees for the privilege of doing business within the Town and should, therefore, not be condoned or permitted.

**SECTION 2:
AUTHORITY**
This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.

**SECTION 3:
AMENDMENT OF
CHAPTER 111**
Article I of Chapter 111 of the Town Code of the Town of Carmel entitled "Peddling", is hereby repealed effective immediately and replaced with the following:

§111-1 PURPOSE.

The purpose of this article is to protect the health, safety and welfare of the residents of the Town of Carmel by regulating peddling, soliciting and vending within the Town of Carmel.

**§111-2 PEDDLING
PROHIBITED.**

Except as may be otherwise permitted by general or special law, it shall be unlawful for any person, corporation, partnership, company, unincorporated association, agent or principal thereof, or any other entity to engage in or act as a peddler, vendor, or commercial traveler, as herein defined, within the jurisdictional boundaries of the Town of Carmel.

§111-3 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

Commercial Traveler

A person or entity doing business through the act of renting a room or suite of rooms in a hotel, motel or inn, commercial building or private dwelling, excluding exterior areas and/or parking lots/parking areas, for temporary occupancy which does not exceed 60 days, for the purpose of using said premises to sell, offer for sale or solicit orders for goods, services, merchandise or money to or from members of the public.

Peddle

The merchandising of any goods, wares, commodities, books, periodicals, labor or services; or requesting or seeking contributions of goods and/or money by going from house to house, place(s) of residence to place(s) of residence or by temporarily occupying a room, building, structure, land or other premises

therefor.

Peddler

Any person who, being uninvited by the home or business owner, engages in the merchandising of any goods, wares, commodities, books, periodicals, labor or services by going from house to house, place(s) of residence to place(s) of residence. Peddler shall also include any person who seeks or requests contributions of goods and/or money by going from house to house, place(s) of residence to place(s) of residence, or by temporarily occupying a room, building or other premises with the Town for such purpose.

Temporary Occupancy

A store, room, building, tent, enclosure, parking lot or structure of any kind intended to be used or occupied for the period of time necessary to peddle, vend or solicit the merchandise sold therein. In all prosecutions for the violation of this chapter, the intent of the defendant to conduct an established place of business shall be an affirmative defense, and the burden of proving such intent shall be upon the defendant in such prosecution.

Vendor

A person who engages in the act or occupation of selling or offering for sale from a fixed location or locations, and at times and from time to time, goods, wares merchandise or labor, meats, fish, produce and prepared foods from any portable cart, stand, vehicle or display device of any nature.

§111-4 EXEMPTIONS.

The provisions of this chapter shall not apply to the following:

A. Any person peddling at the express invitation of any person or organization.

B. A wholesaler or distributor selling articles to dealers or merchants who have an established place of business within the Town.

C. A child regularly attending any public, private or parochial school; veterans organizations; fraternal organizations; civic groups; churches; tax-exempt charitable or religious organizations or sects; provided, however, that such child or member of such exempt organization shall carry on an otherwise prohibited conduct only in connection with an authorized activity of the school which the child attends or another school which has authorized such child to carry on the activity or, in the case of an exempt organization, which has authorized such member to carry on the activity. It shall be required, however, that prior to the commencement of such otherwise prohibited conduct, the school or otherwise exempt organization for which the activity shall be carried on shall notify the Clerk of the Town, in writing, of the intention of such school or exempt organization to conduct such activity within the Town, together with a brief description thereof.

**§111-5 PENALTIES FOR
OFFENSES.**

Any person, corporation, partnership, company, unincorporated association, agent or principal thereof, or any other entity who shall act as a commercial traveler, peddler, solicitor or vendor, as defined herein, or who shall violate any other provision of this chapter shall be guilty of a violation and punishable by a fine not to exceed \$1,000 or imprisonment for not more than 15 days, or both. Each day upon which such violation continues shall constitute a separate offense.

**SECTION 4 -
HOME RULE**

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection

with any applications requiring Town approval.

**SECTION 5 -
SEVERABILITY**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**SECTION 6 -
EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

(Cont.)

Supervisor Schmitt opened the Public Hearing for public comment at 7:11 p.m. Three (3) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilwoman McDonough, seconded by Councilman Barile, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:12 p.m.

SEQR DETERMINATION MADE IN REGARD TO PROPOSED LOCAL LAW AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "PEDDLING AND SOLICITING" - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law #4 Amending Chapter 111 of the Town Code of the Town of Carmel, Entitled, "Peddling and Soliciting" is a Type II action under SEQR, NYCRR Section 617.5(c) (27) and no further review is necessary.

Resolution

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

Legal Counsel Gregory Folchetti noted that the Local Law will become effective January 1, 2020.

LOCAL LAW #4 OF THE YEAR 2019 - A LOCAL LAW AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "PEDDLING AND SOLICITING" - ADOPTED AS NOTICED AND PUBLISHED

LOCAL LAW #4 OF THE YEAR 2019
A LOCAL LAW AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF
CARMEL, ENTITLED "PEDDLING AND SOLICITING"

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

SECTION 1 : LEGISLATIVE FINDINGS

It is hereby found and determined that the act of peddling, vending and soliciting within the Town has a significant impact upon the quality of life of the residents of the Town, including the health, safety and welfare thereof. It is further found that the unregulated act of peddling, vending and soliciting presents a significant disadvantage to other established businesses within the Town which pay rent, taxes, expenses and fees for the privilege of doing business within the Town and should, therefore, not be condoned or permitted.

SECTION 2: AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.

SECTION 3: AMENDMENT OF CHAPTER 111

Article I of Chapter 111 of the Town Code of the Town of Carmel entitled "Peddling", is hereby repealed effective immediately and replaced with the following:

(Cont.)

§111-1 PURPOSE.

The purpose of this article is to protect the health, safety and welfare of the residents of the Town of Carmel by regulating peddling, soliciting and vending within the Town of Carmel.

§111-2 PEDDLING PROHIBITED.

Except as may be otherwise permitted by general or special law, it shall be unlawful for any person, corporation, partnership, company, unincorporated association, agent or principal thereof, or any other entity to engage in or act as a peddler, vendor, or commercial traveler, as herein defined, within the jurisdictional boundaries of the Town of Carmel.

§111-3 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

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A person or entity doing business through the act of renting a room or suite of rooms in a hotel, motel or inn, commercial building or private dwelling, excluding exterior areas and/or parking lots/parking areas, for temporary occupancy which does not exceed 60 days, for the purpose of using said premises to sell, offer for sale or solicit orders for goods, services, merchandise or money to or from members of the public.

Peddle

The merchandising of any goods, wares, commodities, books, periodicals, labor or services; or requesting or seeking contributions of goods and/or money by going from house to house, place(s) of residence to place(s) of residence or by temporarily occupying a room, building, structure, land or other premises therefor.

Peddler

Any person who, being uninvited by the home or business owner, engages in the merchandising of any goods, wares, commodities, books, periodicals, labor or services by going from house to house, place(s) of residence to place(s) of residence. Peddler shall also include any person who seeks or requests contributions of goods and/or money by going from house to house, place(s) of residence to place(s) of residence, or by temporarily occupying a room, building or other premises with the Town for such purpose.

Temporary Occupancy

A store, room, building, tent, enclosure, parking lot or structure of any kind intended to be used or occupied for the period of time necessary to peddle, vend or solicit the merchandise sold therein. In all prosecutions for the violation of this chapter, the intent of the defendant to conduct an established place of business shall be an affirmative defense, and the burden of proving such intent shall be upon the defendant in such prosecution.

Vendor

A person who engages in the act or occupation of selling or offering for sale from a fixed location or locations, and at times and from time to time, goods, wares merchandise or labor, meats, fish, produce and prepared foods from any portable cart, stand, vehicle or display device of any nature.

§111-4 EXEMPTIONS.

The provisions of this chapter shall not apply to the following:

- A. Any person peddling at the express invitation of any person or organization.
- B. A wholesaler or distributor selling articles to dealers or merchants who have an established place of business within the Town.

(Cont.)

- C. A child regularly attending any public, private or parochial school; veterans organizations; fraternal organizations; civic groups; churches; tax-exempt charitable or religious organizations or sects; provided, however, that such child or member of such exempt organization shall carry on an otherwise prohibited conduct only in connection with an authorized activity of the school which the child attends or another school which has authorized such child to carry on the activity or, in the case of an exempt organization, which has authorized such member to carry on the activity. It shall be required, however, that prior to the commencement of such otherwise prohibited conduct, the school or otherwise exempt organization for which the activity shall be carried on shall notify the Clerk of the Town, in writing, of the intention of such school or exempt organization to conduct such activity within the Town, together with a brief description thereof.

§111-5 PENALTIES FOR OFFENSES.

Any person, corporation, partnership, company, unincorporated association, agent or principal thereof; or any other entity who shall act as a commercial traveler, peddler, solicitor or vendor, as defined herein, or who shall violate any other provision of this chapter shall be guilty of a violation and punishable by a fine not to exceed \$1,000 or imprisonment for not more than 15 days, or both. Each day upon which such violation continues shall constitute a separate offense.

SECTION 4 - HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5 - SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6 - EFFECTIVE DATE

This Local Law shall take effect January 1, 2020.

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

MINUTES OF TOWN BOARD MEETING HELD ON 6/26/19 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Barile, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on June 26th 2019 were accepted as submitted by the Town Clerk.

RESOLUTION FROM 3/20/19 AMENDED - CHIEF OF POLICE AUTHORIZED TO PROCEED WITH THE PURCHASE OF TWO (2) NEW 2019 DODGE CHARGER ALL-WHEEL DRIVE POLICE VEHICLES AND TWO (2) NEW 2019 DODGE DURANGO ALL-WHEEL DRIVE POLICE VEHICLES - ROBERT GREEN TRUCK DIVISION

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Cazzari to proceed to purchase two (2) new 2019 Dodge Charger all-wheel drive police vehicles at a unit cost of not to exceed \$35,739.58 for each vehicle from Robert Green Truck Division, Rock Hill, NY, under Onondaga County #8771 Statewide Piggy Back Bid pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Cazzari to proceed to purchase two (2) new 2019 Dodge Durango all-wheel drive police vehicles from Robert Green Truck Division, Rock Hill, NY, at a unit cost not to exceed \$45,990.92 for each vehicle under Onondaga County #8771 Statewide Piggy Back Bid pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to purchase said vehicles from Robert Green Truck Division in accordance with their revised bid/contract quotations dated July 2, 2019; 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: Councilwoman McDonough
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Prior to offering the resolution, Councilwoman McDonough confirmed that the amendment was necessitated by the addition of two (2) tow packages for the Dodge Durangos at a cost of \$572.00 per vehicle.

HIGHWAY DEPARTMENT - WORKERS COMPENSATION-RELATED LEAVE EXTENDED - EMPLOYEE #1366

RESOLVED, that the Town Board of the Town of Carmel, upon the request and recommendation of Town of Carmel Highway Superintendent Michael Simone, and pursuant to the terms of the current Collective Bargaining Agreement between the Town of Carmel and Teamsters Local #456, hereby authorizes a three-month extension of workers-compensation related leave of employment for Town of Carmel Employee #1366, from August 2, 2019 through and including November 2, 2019.

Resolution

Offered by: Supervisor Schmitt
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

**NOTICE REQUIREMENT WAIVED IN SECTION 64 OF THE NEW YORK STATE
ABC LAW WITH RESPECT TO A LIQUOR LICENSE - THE GATHERING INN, INC.**

WHEREAS, the representatives and/or proprietors of The Gathering Inn, Inc., 925 Route 6, 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: Councilman Barile
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

**HIGHWAY DEPARTMENT - PAYMENT FOR REPAIRS TO MOWER #2
AUTHORIZED - PINE PLAINS TRACTOR & EQUIPMENT, INC. - NOT TO EXCEED
\$6,905.74**

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 performance of repairs to Highway Department Mower #2 by Pine Plains Tractor & Equipment, Inc., Pine Plains, NY in accordance with the invoice/proposal dated May 2, 2019 in the amount not to exceed \$6,905.74; 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: Supervisor Schmitt

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

HIGHWAY DEPARTMENT - PROPOSAL ACCEPTED AND PAYMENT FOR ROAD MILLING SERVICES AUTHORIZED - PECKHAM ROAD CORPORATION

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 Road Milling Services to Peckham Road Corporation, Queensbury, NY, in accordance with the invoice/proposal dated July 11, 2019 in the amount not to exceed \$6,320.00 for a single day service; 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: Supervisor Schmitt
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that Highway Superintendent Michael Simone requested the milling services in connection with road paving rehabilitation as a result of Central Hudson’s gas main installation on Wixon Pond Road, from Route 6 to Long Pond Road.

Councilman Barile indicated that he would be contacting the Highway Superintendent to discuss the possibility of the utilization of the millings for an ongoing Town project.

Councilwoman McDonough addressed the poor condition of Long Pond Road.

Supervisor Schmitt indicated that he was aware of the issue. He stated that because it is not a Town road, he would once again reach out to Putnam County.

BULK GASOLINE AND DIESEL STORAGE - PROPOSAL ACCEPTED FOR REPLACEMENT OF TANK LEAK DETECTION SYSTEM - ENVIRONMENTAL COMPLIANCE MANAGEMENT CONCEPTS - NOT TO EXCEED \$7,250.00

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 the proposal of Environmental Compliance Management Concepts, Middletown, NY, for the installation of a tank leak detection system for the Town of Carmel Police Department bulk fuel storage tanks, at a cost not to exceed \$7,250.00 and in accordance with the proposal dated June 20, 2019; and
BE IT FURTHER RESOLVED, that upon review of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to effectuate this authorization; 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 repairs authorized herein.

Resolution
Offered by: Councilman Barile
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

**CARMEL SEWER DISTRICT #4 - PROPOSAL ACCEPTED FOR REPAIRS
WASTEWATER TREATMENT PLANT - DARLINGTON EQUIPMENT COMPANY**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes acceptance of the proposal of Darlington Equipment Company, Negley, OH, for the performance of repairs to the rotating biological contactor unit at the Carmel Sewer District #4 Wastewater Treatment Plant, at a base estimated cost of \$16,595.00 and a maximum overall cost not to exceed \$26,595.00 and in accordance with the proposal dated June 20, 2019; and

BE IT FURTHER RESOLVED, that upon review of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to effectuate this authorization; 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 repairs authorized herein.

Resolution

Offered by: Councilwoman McDonough

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

**CARMEL WATER DISTRICTS NOS. 1, 2, 3, 8, 9, 10, 13 AND 14 - ORDER CALLING
PUBLIC HEARING TO BE HELD ON 8/14/19 IN THE MATTER OF THE INCREASE
AND IMPROVEMENT OF THE FACILITIES**

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Carmel Water Districts Nos. 1, 2, 3, 8, 9, 10, 13 and 14 in the Town of Carmel, Putnam County, New York, being in each such district, the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$25,315 to Carmel Water District No. 1, \$1,562,615 to Carmel Water District No. 2, \$282,538 to Carmel Water District No. 3, \$360,296 to Carmel Water District No. 8, \$17,684 to Carmel Water District No. 9, \$53,658 to Carmel Water District No. 10, \$35,221 to Carmel Water District No. 13, and \$391,063 to Carmel Water District No. 14; and

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act ("SEQRA"), have been performed, it being hereby determined that said capital projects are each a Type II Action as to which the SEQRA regulations provide that there is no significant adverse impact pursuant to 6 NYCRR Part 617.5(c)(2); and

WHEREAS, it is now desired to call a respective public hearing on the question of the increase and improvement of the facilities of said Carmel Water Districts Nos. 1, 2, 3, 8, 9, 10, 13 and 14 in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

(Cont.)

Section 1. A public hearing will be held at the Town Hall, in Mahopac, New York, in said Town, on August 21, 2019, at 7:00 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of Carmel Water Districts Nos. 1, 2, 3, 8, 9, 10, 13 and 14 in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in each of the official newspapers of the Town of Carmel, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

Resolution

Offered by: Supervisor Schmitt
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on August 21, 2019, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a respective public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of Carmel Water Districts Nos. 1, 2, 3, 8, 9, 10, 13 and 14 in said Town, consisting in each district of the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$25,315 to Carmel Water District No. 1, \$1,562,615 to Carmel Water District No. 2, \$282,538 to Carmel Water District No. 3, \$360,296 to Carmel Water District No. 8, \$17,684 to Carmel Water District No. 9, \$53,658 to Carmel Water District No. 10, \$35,221 to Carmel Water District No. 13, and \$391,063 to Carmel Water District No. 14.

Said capital projects have been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Mahopac, NY
July 24, 2019

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF CARMEL
Ann Spofford, Town Clerk

Councilman Barile noted the quickness in which the Town is moving forward with the rehabilitation of the water storage tanks.

ENTRY INTO CONTRACT WITH MAHOPAC BANK, F/K/A MAHOPAC NATIONAL BANK FOR PURCHASE OF REAL PROPERTY AUTHORIZED - 955 SOUTH LAKE BLVD. (TM #76.9-1-14), 929 SOUTH LAKE BLVD. (TM #76.9-1-15), 925 SOUTH LAKE BLVD. (TM #76.5-1-48) AND RT. 6, MAHOPAC (TM #76.5-1-50) - NOT TO EXCEED \$395,000

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the entry into a contract of sale for the purchase of certain real property from Mahopac Bank, f/k/a Mahopac National Bank, for an overall contract purchase price not to exceed \$395,000, exclusive of any adjustments for taxes and any other required apportionments, said contract to be substantially in form and content as is on file in the Office of the Town Supervisor and said parcels to be conveyed being defined and described as follows:

- 955 South Lake Boulevard, Mahopac (TM #76.9-1-14) 0.5 acres;
- 929 South Lake Boulevard, Mahopac, (TM #76.9-1-15) 0.19 acres;
- 925 South Lake Boulevard, Mahopac (TM #76.5-1-48) 0.42 acres;
- Rt. 6, Mahopac, New York 10541 (TM #76.5-1-50) 0.30 acres.

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute said contract of sale and any and all other documentation to effectuate and consummate the purchase and title transfer of said real properties to the Town of Carmel; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt and the Town Board hereby authorize the search and examination of title to the real properties described herein and that the ordinary, reasonable and necessary costs to be incurred in connection therewith as well as statutory recording fees and the premium for issuance of a policy of title insurance in connection with this transaction are authorized as well;

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel further authorizes any appraisal service necessary and required to be performed in connection with the aforesaid purchase; 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: Councilwoman McDonough and Supervisor Schmitt

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

Prior to Councilman Barile offering the resolution, Supervisor Schmitt explained that these parcels are being purchased by the Town with the intention of creating municipal parking. He stated that residents and business owners have been complaining to the Town for years with regard to the lack of adequate parking in downtown Mahopac.

Supervisor Schmitt detailed the location and size of each of the four (4) properties being acquired and pointed out that this one acre purchase will complement the half acre Swan Cove property bought by the Town over two years ago for a passive park.

Supervisor Schmitt, Councilman Barile and Councilwoman McDonough acknowledged the board of directors of Mahopac Bank for their many concessions throughout the contract negotiations and spoke regarding the positive impact that this purchase will make toward downtown Mahopac’s revitalization.

24 JULY 2019
TOWN BOARD MEETING

(Cont.)

Supervisor Schmitt stated that there will be a departure from customary policy as mentioned earlier. Given the significance of the matter, he would be opening the meeting to public comment and questions regarding the property acquisition prior to the Town Board's consideration of the resolution. Copies of the contract of sale were available to the public.

Mahopac Point resident Marie Frankel asked if the bank building is being removed.

Supervisor Schmitt replied that it will be staying.

Councilman Barile added that the bank's parking lot will be incorporated with the municipal parking lot and share one entrance.

Ms. Frankel asked how many parking spaces will be created and expressed her concern about discharge from the vehicles into Lake Mahopac.

Supervisor Schmitt stated that there are 90 proposed spaces and emphasized that they will be not be lakefront.

Ms. Frankel asked if other properties away from the lake had been looked at for this purpose.

Councilwoman McDonough responded that other properties would not alleviate the downtown parking issue.

Ms. Frankel asked if the lot could be utilized for merchant parking so that customers would have closer access to the businesses.

Councilwoman McDonough stated that the suggestion had been previously discussed with the Chamber of Commerce and they seem to be receptive to it.

Ms. Frankel asked about initiating parking regulations for large vans and large trucks on Route 6N.

Councilwoman McDonough indicated that parallel parking is being proposed for Route 6N. Discussion regarding the matter ensued.

Ms. Frankel commented that the area floods when there is a substantial rainfall.

Councilman Barile stated that the issue will be addressed.

Ms. Frankel inquired if the price reflects the remediation needed to the property and if an appraisal was obtained.

Councilwoman McDonough replied that the price relates only to the purchase.

Councilman Barile stated that the price is about half of the appraised value.

Supervisor Schmitt highlighted certain sections contained in the contract and noted that the bank will be required to reimburse the Town up to \$50,000 towards landscaping elements. Discussion followed.

Thomas Iannicari from the Greater Mahopac-Carmel Chamber of Commerce inquired about a timeline for the park/parking project.

Councilman Barile described the sequence of construction proposed and concluded that the project should be completed sometime next year.

Mr. Iannicari asked when demolition will commence.

(Cont.)

Supervisor Schmitt estimated that it would be within thirty to sixty days.

Mr. Ianniccari asked if the parking lot will be raised with drainage underneath.

Councilman Barile replied that the parking lot will not be raised. He stated that most of the flooding in the area is caused by water running down Route 6 and flowing over the curbs because they are missing lips to direct it down. Councilman Barile went on to explain how, with the assistance of the New York State Department of Transportation, the area will be remediated.

Mr. Ianniccari inquired if the amount of parking for the Chamber Park could be increased.

Councilman Barile indicated that their parking spaces may increase as a result of the proposed reconfiguration.

Mr. Ianniccari asked about the design of the park.

Councilwoman McDonough stated that the Recreation and Parks Advisory Committee is currently preparing their recommendations so that the Chamber Park will be combined with Swan Cove.

Mr. Ianniccari asked if there will be a public hearing held in connection with the project's design.

Councilwoman McDonough explained that meetings have been ongoing since the Town purchased Swan Cove two years ago. She directed Mr. Ianniccari to submit his suggestions to the Department of Recreation and Parks.

Mr. Ianniccari inquired about the sidewalk project that had commenced years ago.

Councilman Barile stated that upon speaking with the New York State Department of Transportation, the sidewalk and lighting will be completed at the tail end of the project, in about a year and a half.

Supervisor Schmitt explained that the Town is embarking on a substantial undertaking which will cost the Town a great deal of money. He stated that the Town cannot do it alone and that the services of a professional design firm will be enlisted. Discussion followed regarding the proposed revitalization.

Supervisor Schmitt conveyed on behalf of Councilman Schneider that although he has issues with certain items included in the contract, he wanted the public to be aware that he supports the project.

Jean Hopper asked when community input regarding the project will be initiated.

Councilwoman McDonough reiterated that input regarding Swan Cove may be directed to the Department of Recreation and Parks.

Supervisor Schmitt added that the firm retained for the design of the project will most likely make a presentation at a public meeting.

Ms. Hopper inquired about public access to Lake Mahopac.

Councilman Barile stated that there will be a Department of Recreation and Parks outpost at the park. Activities for the public on Lake Mahopac will be opened up including the use of non-motorized boats and fishing. Discussion resulted.

(Cont.)

Ms. Frankel expressed her concern as to how the area will be monitored to allow for use by residents only.

Councilman Barile stated that it will be controlled through the Department of Recreation and Parks. Discussion followed.

Supervisor Schmitt thanked the public for their feedback and called for Councilman Barile to offer the resolution.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Barile, with all Town Board members present in agreement, the meeting was adjourned at 8:11 p.m. to the previously scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk