

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 21st day of August 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, Councilman Schneider, Councilwoman McDonough and Supervisor Schmitt. Councilman Lupinacci 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 as well as for the men and woman who serve the community in law enforcement.

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.

Supervisor Schmitt apologized for the technical problems experienced in connection with the broadcast of recent board meetings. He stated that the glitches between the new video equipment at Town Hall and Comcast as well as Verizon are being addressed.

PUBLIC HEARING HELD - CARMEL WATER DISTRICTS NOS. 1, 2, 3, 8, 9, 10, 13 AND 14 - IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - WATER TANKS AND RELATED EQUIPMENT - AGGREGATE MAXIMUM ESTIMATED COST OF \$2,728,390

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town’s official newspapers:

<div style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"><p style="text-align: center; margin: 0;">LEGAL NOTICE</p></div> <p style="text-align: center; margin: 0;">NOTICE OF PUBLIC HEARING TOWN OF CARMEL CARMEL WATER DISTRICTS NOS. 1, 2, 3, 8, 9, 10, 13 and 14</p> <p style="margin: 0;">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</p>	<p>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.</p> <p>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</p>	<p>Review Act ("SEQR"), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts.</p> <p>At said public hearing said Town Board will hear all persons interested in the subject matter 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.</p> <p>Dated: Mahopac, New York, August 6, 2019 BY ORDER OF THE TOWN BOARD OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK Ann Spofford Town Clerk</p>
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Supervisor Schmitt opened the Public Hearing for public comment at 7:21 p.m. Approximately fifty (50) people were in attendance.

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(Cont.)

Carmel Water District #2 resident John Butler stated that this past weekend while taking their dog for a walk in their neighborhood, his wife noticed another leak at the Everett Road water tank. Mr. Butler estimated that between 10,000 to 12,000 gallons of water were lost as a result of the leak. He expressed his support of the improvements and inquired if the contract for the proposed work has been awarded yet.

Legal Counsel Gregory Folchetti explained that it has not because the funding for the project needed to be in place first.

Mr. Butler asked if these costs qualify for grant funding.

Supervisor Schmitt replied that they do and stated that the costs are already included in the Town's current grant application.

Mr. Butler inquired when proposals will be solicited for the proposed work.

Town Engineer Richard J. Franzetti, P.E. stated that a request for proposal (RFP) will be going out on Monday.

Mr. Butler questioned if the fact that this expenditure is incurring before a grant is awarded poses an issue.

Councilman Schneider indicated that applicants are permitted to submit for grants relating to projects that have already commenced.

Mr. Butler asked if that would put the Town at a disadvantage with regard to the grant submission.

Councilman Schneider explained that it would not. However, he pointed out that if the Town had been issued a notice of violation, the application would score additional points towards a grant award.

Mr. Butler readdressed the issue at the water tank on Everett Road. He mentioned that the gate was unlocked at the time and inquired whose responsibility is it to ensure that the location remains secure.

Supervisor Schmitt stated that the water district's operation and maintenance contractor Inframark would be responsible.

Mr. Butler asked if there could be penalties assessed to the contractor as a result of the breach of security.

Legal Counsel Folchetti explained how there may be a way to do it if the Town Board is inclined to pursue it.

Supervisor Schmitt indicated that for future contract renewals, that will be considered.

Mr. Butler expressed his frustration with the contractor.

Councilwoman McDonough suggested that the contractor be requested to provide a weekly report to the Town and discussion ensued.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Schneider, seconded by Councilman Barile, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:33 p.m.

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PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL WATER DISTRICTS NOS. 1, 2, 3, 8, 9, 10, 13 AND 14 - WATER TANKS AND RELATED EQUIPMENT - AGGREGATE MAXIMUM ESTIMATED COST OF \$2,728,390 - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly 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, at a meeting of said Town Board duly called and held on July 24, 2019, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Carmel Water District Nos. 1, 2, 3, 8, 9, 10, 13 and 14 in said Town at an aggregate maximum estimated cost of \$2,728,390, allocated as described above and to hear all persons interested in the subject thereof concerning the same at the Carmel Town Hall, in Mahopac, New York, in said Town, on August 21, 2019, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Carmel Water District Nos. 1, 2, 3, 8, 9, 10, 13 and 14, in the Town of Carmel, Putnam County, New York, consisting 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.

Section 2 This Order shall take effect immediately.

Resolution

Offered by: Councilman Schneider
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>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

21 AUGUST 2019
TOWN BOARD MEETING

CARMEL WATER DISTRICTS NOS. 1, 2, 3, 8, 9, 10, 13 AND 14 - ISSUANCE OF BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK AUTHORIZED TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - WATER TANKS AND RELATED EQUIPMENT - AGGREGATE MAXIMUM ESTIMATED COST OF \$2,728,390 - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Carmel Water District Nos. 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 aggregate maximum estimated cost of an \$2,728,390; and

WHEREAS, the capital project hereinafter described, as proposed, is hereby determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have any significant adverse impacts on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing;
NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Carmel Water District Nos. 1, 2, 3, 8, 9, 10, 13 and 14, in the Town of Carmel, Putnam County, New York, 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, there are hereby authorized to be issued aggregate \$2,728,390 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$2,728,390, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$2,728,390 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Carmel Water District Nos. 1, 2, 3, 8, 9, 10, 13 and 14 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

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(Cont.)

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the same form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Schneider and Councilman Barile

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(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
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 7/24/19 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Schneider, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on July 24th 2019 were accepted as submitted by the Town Clerk.

POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF POLICE OFFICER MADE - DAVID M. GARCIA

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints David M. Garcia to the position of Police Officer in the Town of Carmel Police Department, effective September 2, 2019, on a probationary basis, at an annual salary of \$61,359 subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Schneider, 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>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt welcomed David Garcia from the City of White Plains Police Department and spoke regarding his education and extensive law enforcement experience. Supervisor Schmitt administered Police Officer Garcia’s oath of office and the Town Board members expressed their congratulatory best wishes.

TOWN OF CARMEL POLICE BENEVOLENT ASSOCIATION - ENTRY INTO MEMORANDUM OF AGREEMENT REGARDING THE ASSIGNMENT OF SPECIAL PATROL OFFICERS WITHIN TOWN HALL AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel (“Town”) hereby authorizes the Town Supervisor to sign a Memorandum of Agreement with the Town of Carmel Police Benevolent Association regarding the assignment of Special Patrol Officers within Town Hall in accordance with the April 11, 2019 agreement between the Town, Putnam County, and the Putnam County Sheriff’s Department.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

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(Cont.)

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

PUTNAM COUNTY HOUSING CORPORATION - RESOLUTION ADOPTED IN SUPPORT OF APPLICATION TO NEW YORK STATE AFFORDABLE HOUSING CORPORATION

WHEREAS, the Town Board of the Town of Carmel has been advised by Denene Makkay, Deputy Director of the Putnam County Housing Corporation (PCHC) that PCHC is in the process of applying for a \$200,000 Home Improvement Grant from the New York State Affordable Housing Corporation; and

WHEREAS, the purpose of said grant and application is to assist Putnam County homeowners in making necessary improvements to their homes to bring structures into compliance with all applicable laws and regulations, including but not limited to the installation, replacement or repair of heating, plumbing, electrical and related systems and the elimination of all hazardous violations within residential homes in accordance with all applicable laws, rules and regulations;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel offers this resolution and hereby states it support of the aforesaid application by PCHC to the New York State Affordable Housing Corporation and further supports the purposes, intent and objectives in improving the condition of residential housing within the County of Putnam.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

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

Joel Greenburg expressed the appreciation of the Putnam County Housing Corporation to the Town Board for their continued support.

ATTENDANCE AT NEW YORK STATE ASSOCIATION OF TOWNS SUPERINTENDENT OF HIGHWAYS CONFERENCE AUTHORIZED - HIGHWAY SUPERINTENDENT MICHAEL SIMONE - 9/17/19 THROUGH 9/20/19

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent Michael Simone to attend the New York State Association of Towns Superintendent of Highways Conference in Lake Placid, NY being held on September 17-20, 2019; and

BE IT FURTHER RESOLVED that his reasonable and necessary expenses, including travel, meals, lodging and registration be reimbursed by the Town upon audit and approval.

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

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(Cont.)

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

PUBLIC HEARING SCHEDULED FOR 9/18/19 - 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 scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, September 18, 2019 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; 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 newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution

Offered by: Councilman Schneider
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>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

CARMEL SEWER DISTRICT #1 - COMMENCEMENT OF LITIGATION UNDER NY EMINENT DOMAIN PROCEDURE LAW AUTHORIZED - LAKE MAHOPAC PROPERTIES, INC. - TM #76.9-1-11

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes Town Counsel Gregory L. Folchetti, 1875 Route Six, Carmel, NY, to commence litigation against Lake Mahopac Properties, Inc., its successors and/or assigns, for the purposes of acquiring all necessary easement or other property interests over the real property known and designated as Town of Carmel Tax Map 76.9-1-11 required to facilitate the public purpose of the installation of a sewer main and/or sewer street lateral servicing properties located within the boundaries of Carmel Sewer District #1; and

BE IT FURTHER RESOLVED that such authorization shall be deemed to include but not be limited to commencement of proceedings under NY Eminent Domain Procedure Law; and

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

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

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CERTAIN COMPUTER EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby declares the following equipment to be obsolete and authorizes their disposal in accordance with Town Law, including but not limited to Town Law §64(2-a):

EQUIPMENT	QTY	DESCRIPTION
Sony PVM Monitor	1	TV in Rack
Panasonic wv-bm 500	1	Three Monitor in Rack
Switcher	1	Video Switcher
VI60065	1	Network Switcher
VI60065	1	Video Encoder
Shure SCM810	2	Mic System
Shure DFR22	1	Mic System
Shure SCM810	2	8 Ch Mixer
qsc cx404	1	Amplifier
br-dv3000v	2	Radio
42 Space Rack	1	Old Rack for Equipment
Eurorack Mx802a	1	Mixer
Audio Technica V857q	16	Headsets
Cable Packs	24	Misc. Cables
Sony BRC300	3	Sony Cameras
Dmres20	1	DVD Player
Prpa DVD Player	1	DVR Recorder
Radio Shack 33-3043	1	Mic
Lighthtronix TCD	2	Recorder
Spny RMB300	1	Joystick Controll

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Schneider

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

Supervisor Schmitt stated that the obsolete equipment listed above was removed from the video studio at Town Hall.

REQUEST FOR PROPOSALS AUTHORIZED - ENGINEERING AND/OR ARCHITECTURAL DESIGN SERVICES - PROPOSED DOWNTOWN MAHOPAC PARKING AND SIDEWALK REVITALIZATION/CAPITAL PROJECTS, AS WELL AS IMPROVEMENTS TO BE CONSTRUCTED AT CHAMBER PARK AND THE PROPERTIES LOCATED AT 628 ROUTE 6, 955 SOUTH LAKE BOULEVARD, 929 SOUTH LAKE BOULEVARD AND 925 SOUTH LAKE BOULEVARD, MAHOPAC

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes Town Engineer Richard J. Franzetti, P.E. to solicit/request proposals for engineering and/or architectural design services in connection with the proposed Downtown Mahopac parking and sidewalk revitalization/capital projects, as well as improvements to be constructed at Chamber Park and the properties located at 628 Route 6, 955 South Lake Boulevard, 929 South Lake Boulevard, and 925 South Lake Boulevard, Mahopac.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

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(Cont.)

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

**CARMEL SEWER DISTRICT #5 FACILITIES PLAN - AMENDED PROPOSAL FOR
ENGINEERING SERVICES AUTHORIZED - J. ROBERT FOLCHETTI &
ASSOCIATES, LLC**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #5, and in accordance with the recommendation and memorandum of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the acceptance of the amended proposal of J. Robert Folchetti & Associates, LLC for development of a facilities plan pursuant to the terms and conditions of the Order on Consent between the Town of Carmel and New York State Department of Environmental Conservation for the Carmel Sewer District #5 wastewater treatment plant, all in accordance with the proposal dated July 29, 2019; and

BE IT FURTHER RESOLVED that Town of Carmel Town Supervisor Kenneth Schmitt, is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein including with respect to any grant application submissions; 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 Schneider

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

**NATIONAL METERING SERVICES - TOWN WIDE AMI METER INSTALLATION
PROJECT - CONTRACT NO. C248 - CHANGE ORDER #1 AUTHORIZED**

WHEREAS the Town Board of the Town of Carmel has previously awarded the contract for the above project to National Metering Services and

WHEREAS, Town Engineer Richard J. Franzetti, P.E. has provided proposed Change Order No.1 to the aforesaid contract to the Town Board for consideration and review;

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

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

21 AUGUST 2019
TOWN BOARD MEETING

(Cont.)

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

CHANGE ORDER

No.1

TOWN WIDE AMI METER INSTALLATION PROJECT

DATE OF ISSUANCE	05/30/2018	EFFECTIVE DATE	05/30/2018
OWNER The Town of Carmel			
OWNER's Contractor No. C-248			
CONTRACTOR: National Metering Services		ENGINEER: J. Robert Folchetti & Associates	

You are directed to make the following changes in the Contract Documents.

Description:

Reason for Change Order: Time Extension; Updated Price Quote

Attachments: (List documents supporting change) Engineering Memo; Contractor Request

CHANGE IN CONTRACT PRICE: Original Contract Price	CHANGE IN CONTRACT TIMES: Original Contract Times
\$ 708,725.00	Substantial Completion: January 25, 2019 Ready for final payment: May 25, 2019
Net changes from previous Change Orders No. to No.	Net change from previous Change Orders No. to No.
\$	0 days
Contract Price prior to this Change Order	Contract Times prior to this Change Order
\$	Substantial Completion: - - - Ready for final payment: - - -
Net Increase (decrease) of this Change Order	Net Increase of this Change Order
\$	324 days
Contract Price e with all approved Change Orders	Contract Times with all approved Change Orders
\$ 696,950.00	Substantial Completion: December 15, 2020 Ready for final payment: April 15, 2020 days or dates

RECOMMENDED:ACCEPTED:APPROVED:

By:By:By:

Engineer (Authorized Signature)Contractor (Authorized Signature)Owner (Authorized Signature)

Date:Date:Date:

BID AWARDED FOR ACQUISITION OF TOWN SERVER EQUIPMENT AND
INSTALLATION AUTHORIZED - SULLIVAN DATA MANAGEMENT, INC.

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for acquisition of server equipment and related software and equipment for the Town of Carmel IT operations; and
WHEREAS such bids were received and opened on July 25, 2019;

(Cont.)

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, hereby awards the bid for the acquisition and installation of 1 (one) Hewlett Packard Server unit together with appurtenances including software and UPS equipment for the Town of Carmel IT operations to Sullivan Data Management, Inc., Yorktown Heights, NY the lowest responsible bidder who met specifications at a cost not to exceed \$9,132.37; and

BE IT FURTHER RESOLVED that the sum of \$6,510 is further authorized to be paid to Sullivan Data Management, Inc. for installation of said server equipment and software; and

BE IT FURTHER RESOLVED that Town of Carmel Supervisor Kenneth Schmitt is hereby authorized to sign any documentation necessary to effectuate this authorization on the terms set forth herein; and

BE IT FURTHER RESOLVED that Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all necessary budget modifications and/or transfers to fund the acquisition and installation authorized herein.

Resolution

Offered by: Councilman Schneider
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>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

BOND RELEASE AUTHORIZED - HUDSON VALLEY FEDERAL CREDIT UNION - TM #86.11-1-1

WHEREAS application has been made by Hudson Valley Federal Credit Union for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for Tax Map #86.11-1-1 for the site improvements at 150 Route 6, Mahopac; and

WHEREAS said application has been reviewed by the Town Engineer and release of the bond has been recommended and approved by the Town Engineer and Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the aforementioned site plan bond, Cincinnati Insurance Company Bond No. 3236760 in the amount of \$448,000.00.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

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

Prior to voting, Councilman Barile clarified that the Hudson Valley Federal Credit Union site is located on a private roadway and that the Town of Carmel will not be responsible for the maintenance of the roadway.

21 AUGUST 2019
TOWN BOARD MEETING

CARMEL WATER DISTRICT #12, CARMEL SEWER DISTRICT #4 AND CARMEL WATER DISTRICT #7 - PAYMENT FOR REPAIRS AUTHORIZED - BEE & JAY PLUMBING

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, P.E. hereby authorizes the following payments for repairs performed within the referenced districts:

Vendor Name	Services Rendered	Invoice Amount
Bee & Jay Plumbing	Carmel Water Dist #12 Well Pump Replacement Invoice June 25, 2019	\$8,792.00
Bee & Jay Plumbing	Carmel Sewer Dist #4 Digester Repair Invoice July `26, 2019	\$8,229.00
Bee & Jay Plumbing	Carmel Water Dist #7 Well Pump Replacement Invoice August 1, 2019	\$12,175.14

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: Councilwoman McDonough

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

PUBLIC COMMENTS - AGENDA ITEMS

David Nicholas of Lake Mahopac Properties, Inc. addressed the Town Board's authorization to commence litigation against Lake Mahopac Properties, Inc. He indicated that there seems to be a miscommunication because it was his understanding that his attorney had mailed a letter on July 16, 2019 that contained the agreed upon terms between the involved parties. Mr. Nicholas requested further time to resolve the issue. He maintained that an agreement is imminent and pursuing litigation would be costly to all.

Supervisor Schmitt explained that there have been several meetings held concerning the issue and at the conclusion of each meeting, the representatives from the Town as well as the American Legion left thinking that an agreement was finalized. He stated that the Town Board has no choice but to move forward with the litigation.

Legal Counsel Folchetti explained the Town's involvement with the private dispute, noting that it is an attempt to assist in facilitating the sewer main installation.

At the conclusion of discussion held regarding the matter, it was agreed that another meeting would be held on the following Friday at 11:30 a.m. in the Town Supervisor's office.

On behalf of the American Legion Post 1080, David Carrido expressed appreciation to the Town Board for their efforts to help resolve the issue as they have been without a working bathroom and forced to utilize portable toilets at their hall for over five years.

**21 AUGUST 2019
TOWN BOARD MEETING**

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

John Butler recommended that grant funding be sought in connection with the impending \$13,000,000 distribution system upgrades planned for Carmel Water District #2 as there is \$350,000,000 available from New York State. Mr. Butler expressed his concern that since a notice of violation has not been issued, the Town may be out of the running with regard to the current grant application.

Councilman Schneider clarified that although a notice of violation would have added points to the application's scoring, it is still possible that grant funding may be awarded. Discussion ensued.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt read a letter from a longtime Mahopac resident in support of the park being developed at Swan Cove and the municipal parking project in the downtown Mahopac business district. The resident commended the Town Board for their vision and tenacity.

Councilwoman McDonough announced that once again she will be hosting the annual Veterans Thanksgiving Dinner on November 16, 2019. Further information will be provided closer to the date of the event.

Councilwoman McDonough announced that the final Carmel Farmers' Market will be held on August 25, 2019 from 9:00 a.m. to 1:00 p.m. at the Town Hall.

Supervisor Schmitt invited residents to support the Mahopac Falls Volunteer Fire Department at their annual open house to be held on September 8, 2019 from 11:00 a.m. to 3:00 p.m. It will feature fire safety activities, free refreshments, a New York Blood Center blood drive and more.

Supervisor Schmitt announced that the Department of Recreation and Parks' Fall Sunset Concert Series commences on September 7, 2019 at the Mahopac Chamber Park from 6:00 p.m. to 8:00 p.m. and will feature Chatterbox 5.

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 8:42 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk