

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 6th day of November 2019 at 7:09 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, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt.

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

Supervisor Schmitt announced that the Town Board met at 6:30 p.m. in Executive Session for a litigation update from Legal Counsel Gregory Folchetti, as well as to conduct an interview in connection with the Ethics Board.

Supervisor Schmitt expressed congratulatory best wishes to the newly elected and re-elected local officials, and acknowledged the efforts of their opponents.

Councilwoman McDonough added congratulations to Supervisor Schmitt on his successful re-election.

PUBLIC HEARING HELD - PRELIMINARY BUDGET FOR FISCAL YEAR 2020

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: 1px solid black; padding: 5px;"><p style="text-align: center;">LEGAL NOTICE</p><p>NOTICE OF PUBLIC HEARING</p><p>TOWN OF CARMEL</p><p>PRELIMINARY BUDGET</p><p>NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 6th day of November, 2019 at Town Hall, 60 McAlpin Avenue, Mahopac, New York, at 7:00 p.m. or as soon thereafter that evening as possible in regard to the Preliminary Budget for the fiscal year 2020 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Protection Districts, Garbage District and Lighting Districts, and</p><p>BE IT FURTHER NOTICED that pursuant</p></div>	<p>to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2020 are hereby specified as follows: Supervisor: \$127,296.00; Town Council Members (ea): \$22,276.80; Town Clerk \$97,063.20; and Highway Superintendent \$131,539.20;</p> <p>AND BE IT FURTHER NOTICED, that the Preliminary Budget for the Town of Carmel has been completed and filed in the Office of the Town Clerk, Town Hall, 60 McAlpin Avenue, Mahopac, New York, where it is available for public inspection during office hours.</p> <p>At said Public Hearing, any resident may be heard in favor of or against the Preliminary Budget as compiled or for or</p>	<p>against any item or items contained therein. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.</p> <p>By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk</p>
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Supervisor Schmitt opened the Public Hearing for public comment at 7:16 p.m. Thirteen (13) people were in attendance.

Scott Reing of Mahopac prefaced his comments by stating that they are not directed at any one individual. He noted the Town Board member who donates his salary and stated that as a matter of principle, he is against raises for part-time elected work. Mr. Reing stated that each Town Board member was aware of the position’s salary when running for office. He concluded that he did not support officials voting to award themselves raises.

Councilwoman McDonough clarified that the Town Board member’s salary donation does not benefit the taxpayers as his salary is still being paid.

Councilman Lupinacci further clarified that when someone donates their Town salary to charitable organizations, while generous, it does not reduce the tax burden on the residents.

Mr. Reing commented that although Councilman Barile donates mostly to the Mahopac Sports Association, a board member’s salary could be donated to Town services, in which case it would reduce the tax burden on residents.

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Councilman Schneider acknowledged the concept of certain elected officials serving in a volunteer capacity. He stated that salaries are offered however, to recruit the best candidates and raises are necessary to keep pace with inflation. Councilman Schneider agreed with Mr. Reing in that elected officials should not be voting on their own raises but he did not see any other way to do it.

Mr. Reing commented that the Town Board ran for their office based on the old salary.

Councilman Schneider spoke about the time value of money. He mentioned that Putnam County went almost seven years without raises and then awarded substantial increases.

Mr. Reing commented that he did not agree with the length of time without a raise argument as a term of office is four years.

Councilman Barile stated that there are many employees that deserve more than a two percent raise. He further stated that certain individuals are underpaid and cited the Town Supervisor as well as the Town Comptroller. He pointed out that for twenty-five years he has been proposing that councilmembers not be paid.

Mr. Reing reiterated that he was referring to part-time elected officials.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Schneider, seconded by Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:24 p.m.

MINUTES OF TOWN BOARD MEETINGS HELD ON 10/2/19 AND 10/9/19 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Schneider, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on October 2nd and October 9th 2019 were accepted as submitted by the Town Clerk.

BUILDING DEPARTMENT - PROBATIONARY APPOINTMENT MADE - ASSISTANT BUILDING INSPECTOR - EDWARD SPADARO - EFFECTIVE 12/2/19

RESOLVED that the Town Board of the Town of Carmel hereby appoints Edward Spadaro to said position effective December 2, 2019, at a CSEA Group 9 Step 1 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

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

Councilman Barile pointed out that with the addition of Edward Spadaro, the Building Department is returned to full staffing.

Supervisor Schmitt welcomed Mr. Spadaro and spoke about the positive impact his addition will make on the Building Department.

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ZONING BOARD OF APPEALS - APPOINTMENT MADE - JULIE MCKEON - COMMENCING 11/6/19 AND EXPIRING 12/31/20

RESOLVED that the Town Board of the Town of Carmel hereby appoints Julie McKeon to the Town of Carmel Zoning Board of Appeals for a term commencing immediately and expiring December 31, 2020.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

Supervisor Schmitt congratulated Julie McKeon on her appointment to the Zoning Board of Appeals. He stated that Ms. McKeon had previously served on the Environmental Conservation Board.

ENVIRONMENTAL CONSERVATION BOARD - APPOINTMENT MADE - VICTORIA F. CAUSA - COMMENCING 11/6/19 AND EXPIRING 6/13/20

RESOLVED that the Town Board of the Town of Carmel hereby appoints Victoria F. Causa to the Town of Carmel Environmental Conservation Board for a term commencing immediately and expiring June 13, 2020.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt congratulated Victoria Causa on her appointment and noted that she will be filling the vacancy resulting from Julie McKeon’s appointment to the Zoning Board of Appeals.

PUBLIC HEARING SCHEDULED FOR 12/4/19 TO HEAR OBJECTIONS TO ASSESSMENT ROLLS FOR THE OPERATION AND MAINTENANCE OF THE GARBAGE, SEWER AND WATER DISTRICTS FOR FISCAL YEAR 2020

WHEREAS the Town of Carmel hereby has completed its assessment rolls for the operation and maintenance of the improvements serving Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7 and #8 and extensions thereto as well as Carmel Water Districts #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #12, #13, #14 and extensions thereto as well as The Town of Carmel Garbage District of said Town for fiscal year 2020; and

WHEREAS said assessment rolls have been filed with Ann Spofford, Town Clerk of the Town of Carmel;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby schedules a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, NY, 10541 on Wednesday, December 4, 2019 at 7:00 PM or as soon thereafter that evening as possible for the purpose of considering any objections which may be made to said assessment rolls.

(Cont.)

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

BIDS RECEIVED REJECTED FOR CARMEL GARBAGE DISTRICT COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIAL AND BULK COLLECTION

WHEREAS, the Town of Carmel has previously authorized the advertisement for bids for collection of refuse, garbage, recyclable material and bulk collection for the Town of Carmel Garbage District; and

WHEREAS, such bids were received on October 24, 2019 and copies of said bids are on file in the Office of Town Clerk Ann Spofford;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby rejects all bids received in connection with the referenced bid authorization.

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

CARMEL GARBAGE DISTRICT CONTRACT C-239 - COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIAL AND BULK COLLECTION - EXERCISE OF OPTION TO EXTEND CONTRACT AUTHORIZED - AAA CARTING AND RUBBISH REMOVAL, INC.

WHEREAS, the Town of Carmel has previously entered into a contract for the collection of refuse, garbage, recyclable material and bulk collection with AAA Carting and Rubbish Removal, Inc. dated December 6, 2016, contract C-239; and

WHEREAS, Article 8 of the aforesaid contract vested in the Town of Carmel the unilateral right to extend said contract for two (2) additional one (1) year periods; commencing January 1, 2020 through December 31, 2020 and January 1, 2021 through December 31, 2021, respectively;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel Town Board, hereby authorizes the exercise of the Town of Carmel's right to extend the aforesaid contract for the periods authorized herein;

BE IT FURTHER RESOLVED that written notice of the exercise of the rights referenced hereunder shall be provided to AAA Carting and Rubbish Removal, Inc. by the Town of Carmel Engineering Department together with a certified copy of this resolution.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

(Cont.)

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

CARMEL GARBAGE DISTRICT CONTRACT C-239 - COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIAL AND BULK COLLECTION - EXERCISE OF OPTION TO EXTEND CONTRACT AUTHORIZED - R&S WASTE SERVICE, LLC

WHEREAS, the Town of Carmel has previously entered into a contract for the collection of refuse, garbage, recyclable material and bulk collection with R&S Waste Service, LLC, dated October 31, 2016, contract C-239; and

WHEREAS, Article 8 of the aforesaid contract vested in the Town of Carmel the unilateral right to extend said contract for two (2) additional one (1) year periods; commencing January 1, 2020 through December 31, 2020 and January 1, 2021 through December 31, 2021, respectively;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel Town Board, hereby authorizes the exercise of the Town of Carmel’s right to extend the aforesaid contract for the periods authorized herein;

BE IT FURTHER RESOLVED that written notice of the exercise of the rights referenced hereunder shall be provided to R&S Waste Service, LLC by the Town of Carmel Engineering Department together with a certified copy of this resolution.

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

Supervisor Schmitt explained that R&S Waste Service is contracted for the collection of garbage at cluster/multi-family residences within the Town.

PROPOSAL ACCEPTED FOR GPS TRACKING SERVICES FOR TOWN VEHICLES - ONE STEP GPS, LLC

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes entry into agreement with One Step GPS, LLC, San Fernando, California for GPS tracking services for Town Hall and Town of Carmel Highway Department Vehicles for 2019 and 2020 at an estimated annual cost not to exceed \$5,238.00; 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

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

ASSESSOR GLENN DROESE - ATTENDANCE AT 2019 ETHICS AND THE ASSESSOR SEMINAR AUTHORIZED - 11/14/19

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Assessor Glenn Droese to attend the 2019 “Ethics and the Assessor” Seminar offered by the New York State Assessor’s Association in Greenburgh, NY on November 14, 2019; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

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

CARMEL WATER DISTRICTS #1, #2, #3, #8, #9, #10, #13 AND #14 - PROPOSAL ACCEPTED FOR ENGINEERING SERVICES - WESTON & SAMPSON - NOT TO EXCEED \$215,500.00

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water Districts #1, #2, #3, #8, #9, #10, #13 and #14, hereby authorizes the acceptance of the proposal of Weston & Sampson, Reading, MA for the provision of design, bid assistance and construction administration services for water storage tank rehabilitation in the referenced Water Districts, at a cost not to exceed \$215,500.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt his hereby authorized to execute any and all documentation reasonably 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 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>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

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LAKE SECOR PARK DISTRICT - EXTENSION OF CONTRACT FOR PARK DISTRICT PROPERTY MAINTENANCE AUTHORIZED - BELLA VISTA LANDSCAPING

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Secor Park District, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes exercise of its option to extend the existing contract for landscaping and maintenance services for the Lake Secor Park District with Bella Vista Landscaping for years 2020 and 2021; and

BE IT FURTHER RESOLVED that the annual costs for said services shall not exceed \$2,650.00 and \$2,800.00 respectively, for years 2020 and 2021.

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 documentation necessary to effect the authorization set forth within the terms of this resolution.

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

LAKE TEAKETTLE PARK DISTRICT - EXTENSION OF CONTRACT FOR PARK DISTRICT PROPERTY MAINTENANCE AUTHORIZED - BELLA VISTA LANDSCAPING

RESOLVED, that The Town Board of the Town of Carmel, acting as Commissioners of the Lake Teakettle Park District, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes exercise of its option to extend the existing contract for landscaping and maintenance services for the Lake Teakettle Park District with Bella Vista Landscaping for years 2020 and 2021; and

BE IT FURTHER RESOLVED that the annual costs for said services shall not exceed \$1,650.00 and \$1,700.00 respectively, for years 2020 and 2021.

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 documentation necessary to effect the authorization set forth within the terms of this resolution.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lupinacci
(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>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

Supervisor Schmitt explained that the costs related to the aforementioned contracts for landscaping and maintenance services are borne by the residents in the respective park districts.

FILING OF SEMI-ANNUAL MS4 STORMWATER REPORT - AUTHORIZED

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

WHEREAS an opportunity for public comment on the draft semi-annual report was received by the Town Board and the Town Board has considered any comments to such report;

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

Resolution

Offered by: Councilman Schneider

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

CARMEL WATER DISTRICT #4 - WATER EMERGENCY RESCINDED PURSUANT TO SECTION 151-22 OF THE TOWN CODE

WHEREAS, that the Town Board of the Town of Carmel, acting as the Commissioners of the Water Districts of the Town of Carmel, and pursuant to Section 151-22 of the Code of the Town of Carmel, had previously determined that a water emergency existed within the Town of Carmel, specifically within Carmel Water District #4; and

WHEREAS, pursuant to a previous resolution, the Town Board had declared such water emergency and promulgated restrictions on the use of water for nonessential purposes within Carmel Water District #4; and

WHEREAS, upon the advice of and consultation of Town Engineer Richard J. Franzetti, P.E., as well as the operators of Carmel Water District #4, it is apparent that rescission of such water emergency declaration for certain water districts within the Town of Carmel is now appropriate;

NOW THEREFORE BE IT RESOLVED that pursuant to Section 151-22 (A) of the Town Code of the Town of Carmel, the Town Board, acting as Commissioners of Carmel Water District #4; hereby rescinds the aforesaid declaration of water emergency with respect to Carmel Water District #4; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to publish this resolution in the official newspapers of the Town and to post said resolution on the official bulletin board of the Town of Carmel.

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

Supervisor Schmitt explained that as a result of the much needed rain as well as the detection and repair of a leak, the water emergency in Carmel Water District #4 has been rescinded.

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RESOLUTION AUTHORIZING RELEASE OF RETAINAGE AND SUBSTITUTION OF BOND - CARMEL WATER DISTRICT #2 EMERGENCY WATER MAIN REPLACEMENT PROJECT CONTRACT C-246 - FAILED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes release of contract retainage on the above contract to Legacy Supply, Inc. in relation to the above contract in the amount of \$88,793.96: and

BE IT FURTHER RESOLVED that such release of contract retainage is subject to and expressly conditioned upon the receipt of properly executed releases of liens from Legacy Supply, Inc. its subcontractors etc., together with a duly executed affidavit of no liens Legacy Supply, Inc. as well as all other documents required by the contract C-246 specifications in regard to final payment, all as in form acceptable to Town Counsel; and

IT IS FURTHER RESOLVED that such release of contract retainage is further subject to and conditioned upon receipt of a duly-executed maintenance bond guaranteeing and indemnifying the Town of Carmel and Carmel Water District #2 against all defects in materials and/or workmanship with respect to the improvements performed by Legacy Supply, Inc. under said Contract C246 for a period of one (1) year, in form acceptable to Town Counsel.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

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

Councilman Lupinacci offered the above resolution. It was seconded by Councilman Schneider for discussion.

Prior to the roll call vote, Councilman Schneider stated that as with the other recent resolution with regard to releasing contract retainage and substituting a bond, he would not be voting against the contractor, but against the business practice of not holding on to retainage. He expressed his opposition to returning cash on hand in exchange for collateral which could require arbitration in the event of an issue.

Councilwoman McDonough referenced Councilman Barile’s comments predicting the increase in the amount of these requests.

Councilman Barile reiterated that his vote should not be viewed as a reflection on the contractor. He emphasized that a policy is in place for the protection of the taxpayers and that the Town Board has been advised by their experts not to take this action.

Supervisor Schmitt concluded the discussion and called for the roll call vote.

PUBLIC COMMENTS - AGENDA ITEMS

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

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

Supervisor Schmitt called upon Legal Counsel Folchetti to clarify the purpose for the three resolutions adopted in connection with the garbage district.

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Legal Counsel Gregory Folchetti explained that during the course of this year, the Town Board formally authorized the solicitation of bids for the garbage contracts and that the bids were received on October 24, 2019. The Town Board then reviewed the bids and as is within their discretion, decided to reject the bids.

Legal Counsel Folchetti further explained that the garbage contracts that are currently in effect for single-family residential and cluster collection run from January 1, 2017 to December 31, 2019, and contain unilateral sole discretion right to the Town to exercise options to renew for two respective one-year periods each. He noted that there is a built-in escalation in the contracts with regard to the pricing. Legal Counsel Folchetti concluded that the contractors who are currently providing the services will be notified of the Town's exercise of its right to extend by the Engineering Department and at that point the contracts will continue.

Supervisor Schmitt explained that the Town Board will continue to review the Preliminary Budget until they vote on 2020 Annual Budget on November 20, 2019.

PUBLIC COMMENTS - OPEN FORUM

Ronda Kahn inquired if there is Town ordinance that specifies how often septic tanks are required to be checked or cleaned.

Legal Counsel Folchetti explained that the Town was mandated to enact legislation in 2013 requiring septic tanks to be pumped and inspected. The Town maintains the records and the Health Department has access to them.

Supervisor Schmitt added that the pumping is required every five years. Discussion ensued.

Joseph Pezzo referenced a problem that he has been unsuccessful in his attempts to resolve with Highway Superintendent Michael Simone.

Supervisor Schmitt reiterated his previous offer to meet with Mr. Pezzo at his home to examine the issue. A brief discussion ensued.

Scott Reing acknowledged Jean Hopper and the other Town Board candidates for their well-run races. Mr. Reing went on to address an issue with regard to political signs brought about by the new election laws. He pointed out that the Town Code states that signs are permitted in residential zoning districts from three weeks prior to the date of the general election until six days after the date of the general election and although the general election date did not change, as a consequence of the enactment of early voting, signs were being posted by candidates prior to three weeks. Mr. Reing went on to suggest amending the Town Code to clarify the dates.

Legal Counsel Folchetti explained that the Town Board is in the process of revising the Town Code. However, he stated, Mr. Reing's concerns could probably be addressed to the Zoning Board because they are charged with interpreting the zoning code. Discussion followed.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilman Barile echoed Supervisor Schmitt suggestion to invite the newly elected councilmembers to the Town Board's future executive sessions.

Councilwoman McDonough announced that the annual Veterans Thanksgiving Dinner will be held on November 16, 2019 at the Putnam Golf Club in Mahopac. Interested veterans may contact Councilwoman McDonough for a reservation to this free event.

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(Cont.)

Supervisor Schmitt announced that the VFW of Mahopac will be hosting their Veterans Day observances on November 11, 2019 at 11:00 a.m. at the War Memorial on East Lake Boulevard. The Carmel VFW will be hosting their services on November 10, 2019 at their Post Hall on Gleneida Avenue at 11:00 a.m.

Councilman Schneider announced that the annual Marine Toys for Tots nationwide campaign has begun with all donations greatly appreciated. He encouraged local charitable organizations and churches to contact the Toys for Tots Foundation with any requests for support as every child should receive a gift during the holiday season.

Supervisor Schmitt wished a speedy recovery to Councilman-elect Frank Lombardi's father.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Schneider, with all Town Board members present and in agreement, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk