

**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 18th day of December 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 as well as for the emergency first responders serving our community.

Supervisor Schmitt announced that the Town Board met at 6:15 p.m. in Executive Session to discuss contractual matters in connection with the Town of Carmel Garbage District.

PRESENTATION OF PLAQUES TO COUNCILMAN JOHN LUPINACCI AND COUNCILMAN JONATHAN SCHNEIDER

Councilman Lupinacci and Councilman Schneider were honored with plaques in appreciation of their eight years of dedicated service as councilmen in the Town of Carmel. Supervisor Schmitt wished them good luck in all of their future endeavors.

MINUTES OF TOWN BOARD MEETINGS HELD ON 11/20/19, 12/4/19 AND 12/11/19 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on November 20th, December 4th, and December 11th 2019 were accepted as submitted by the Town Clerk.

POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF POLICE OFFICER MADE - VINCENT DESANTOLA

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Vincent Desantola to the position of Police Officer in the Town of Carmel Police Department, effective January 2, 2020, on a probationary basis, at an annual salary of \$46,939.00 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 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>

Supervisor Schmitt explained that the two new police officer appointments as well as the forthcoming promotional appointment of Sergeant Stephen Kunze to the position of Lieutenant become effective January 2, 2020. He stated that their oaths of office will be administered at the Town Board’s Organizational Meeting to be held on January 2, 2020.

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**POLICE DEPARTMENT - PROBATIONARY APPOINTMENT OF POLICE OFFICER
MADE - ARTHUR KLOSKOWSKI**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Arthur Kloskowski to the position of Police Officer in the Town of Carmel Police Department, effective January 2, 2020, on a probationary basis, at an annual salary of \$46,939.00 subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

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>

**POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF
LIEUTENANT MADE - STEPHEN KUNZE**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Police Department hereby appoints Sergeant Stephen Kunze to the position of Lieutenant, effective January 2, 2020, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

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>

**BUDGET MODIFICATIONS AUTHORIZED - PERIOD ENDING 11/30/19 - BUDGET
REVISIONS SCHEDULE #2019/05**

WHEREAS the Town Comptroller has reviewed the proposed Budget Modifications for the period ending November 30, 2019 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule #2019/05;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Budget Modifications/Revisions for the period ending November 30, 2019, as shown itemized on the schedule #2019/05 attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough and Councilman Schneider

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

TOWN OF CARMEL
BUDGET REVISIONS NOVEMBER 2019 #2019/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.3120.0012	POLICE STAFF OVERTIME	71,947.42	
	100.3120.0019	POLICE COMPENSATED ABSENCES	144,722.00	
	100.1989.2680	INSURANCE RECOVERY PAYROLL	* 71,947.42	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	* 144,722.00	
		- PROVIDE FOR POLICE OVERTIME EXPENSE FROM 207C		
		REVENUE RECEIVED AND PAYOUT OF ACCRUED TIME FOR (2) RETIREES		
2	100.1420.0049	MISCELLANEOUS LEGAL EXPENSES	10,000.00	
	100.1420.0049	MISCELLANEOUS LEGAL EXPENSES	77,000.00	
	100.1420.0049	MISCELLANEOUS LEGAL EXPENSES	33,000.00	
	100.1989.9909	APPROPRIATED FUND BALANCE	* 120,000.00	
		- PROVIDE FOR OUTSIDE LEGAL COUNSEL INVESTIGATION - PAYMENT OF RETAINER, EXPENSES INCURRED YEAR TO DATE AND ESTIMATED FUTURE CHARGES		
3	100.1010.0045	TOWN BOARD RECORDING SERVICES	7,600.00	
	100.1010.0080	TOWN BOARD EMPLOYEE BENEFITS		7,600.00
		- TRANSFER FOR PAYMENT OF SERVICES IN CONNECTION WITH VIDEO ROOM UPGRADES AS AUTHORIZED BY RESOLUTION		
4	100.1330.0012	TAX RECEIVER STAFF OVERTIME	2,500.00	
	100.1330.0044	TAX RECEIVER TECHNICAL SERVICES		2,500.00
		- TRANSFER FOR TAX RECEIVER STAFF OVERTIME		
5	100.1420.0043	SPECIAL BOARDS COUNSEL	10,000.00	
	100.1420.0044	LABOR LEGAL SERVICES		10,000.00
		- TRANSFER FOR SPECIAL BOARDS COUNSEL		
6	100.1440.0013	ENGINEERING TEMPORARY STAFF	4,000.00	
	100.1440.0080	ENGINEERING EMPLOYEE BENEFITS		4,000.00
		- TRANSFER FOR TEMPORARY STAFF IN ENGINEERING DEPARTMENT		
7	100.1620.0021	BUILDING MOTOR VEHICLES	3,000.00	
	100.1620.0040	BUILDING CONTRACTUAL EXPENSES		3,000.00
		- TRANSFER FOR REPAIRS TO TOWN HALL VEHICLES		
8	100.1670.0045	CENTRAL ADVERTISING EXPENSE	3,200.00	
	100.1670.0049	CENTRAL MAIL EXPENSE	6,000.00	
	100.1620.0080	BUILDING EMPLOYEE BENEFITS		3,200.00
	100.1910.0040	INSURANCE EXPENSE		6,000.00
		- TRANSFER FOR CENTRAL ADVERTISING AND MAIL EXPENSES		
9	100.1680.0040	INFORMATION TECH CONTRACTUAL EXPENSES	2,000.00	
	100.1680.0042	INFORMATION TECH WEB SITE EXPENSES		2,000.00
		- TRANSFER FOR INFORMATION TECH CONTRACTUAL EXPENSES		
10	100.3120.0018	POLICE NIGHT DIFFERENTIAL	13,000.00	
	100.3120.0042	POLICE OFFICE UTILITIES	3,000.00	
	100.3120.0043	POLICE INSURANCE COVERAGE		16,000.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES		
11	100.3620.0012	CODE ENFORCEMENT STAFF OVERTIME	1,500.00	
	100.3620.0013	CODE ENFORCEMENT TEMPORARY STAFF		1,500.00
		- TRANSFER FOR CODE ENFORCEMENT STAFF OVERTIME		
12	100.5132.0040	HIGHWAY GARAGE CONTRACTUAL EXPENSE	2,500.00	
	100.5132.0020	HIGHWAY GARAGE EQUIPMENT		2,500.00
		- TRANSFER FOR HIGHWAY GARAGE CONTRACTUAL EXPENSE		

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BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
13	100.7020.0012	RECREATION ADMIN STAFF OVERTIME	4,500.00	
	100.7020.0045	RECREATION BUILDING SPECIAL REPAIRS	7,000.00	
	100.7020.0048	RECREATION PUBLICATION EXPENSE	100.00	
	100.7020.0086	RETIREE HEALTH INSURANCE	50.00	
	100.7110.0042	PARK OUT BUILDING UTILITIES	1,000.00	
	100.7113.0042	CHAMBER PARK UTILITY EXPENSE	1,000.00	
	100.7115.0040	AIRPORT PARK CONTRACTUAL EXPENSES	5,000.00	
	100.7118.0040	BALDWIN MEADOWS CONTRACTUAL EXPENSES	500.00	
	100.7310.0040	YOUTH CONTRACTUAL EXPENSES	3,000.00	
	100.7310.0045	YOUTH SELF SUSTAIN PROGRAM	8,000.00	
	100.7610.0040	PROGRAM FOR AGING CONTRACTUAL EXPENSES	1,600.00	
	100.7020.0047	RECREATION STAFF TRAINING		100.00
	100.7020.0080	RECREATION ADMIN EMPLOYEE BENEFITS		50.00
	100.7110.0020	PARK MAINTENANCE EQUIPMENT		4,500.00
	100.7110.0045	PARK MAINTENANCE CONTRACT		5,000.00
	100.7111.0020	SYCAMORE BALLFIELD EQUIPMENT		1,000.00
	100.7112.0020	MCDONOUGH FIELDS EQUIPMENT		1,000.00
	100.7117.0020	CARMADA PARK EQUIPMENT		1,000.00
	100.7118.0020	BALDWIN MEADOWS EQUIPMENT		500.00
	100.7140.0013	PLAYGROUND AND REC TEMPORARY STAFF		2,600.00
	100.7190.0040	SKATING RINK CONTRACTUAL EXPENSES		6,000.00
	100.7310.0046	YOUTH SERVICES CONTRACTS		10,000.00
		- TRANSFER FOR MISCELLANEOUS RECREATION EXPENSES		
14	100.8020.0040	PLANNING BOARD CONTRACTUAL EXPENSES	700.00	
	100.8020.0046	CONSULTING SERVICES - ARCHITECT		700.00
		- TRANSFER FOR PLANNING BOARD CONTRACTUAL EXPENSES		
15	100.8090.0040	RECYCLING CONTRACTUAL EXPENSES	500.00	
	100.8090.0045	RECYCLING TRASH DISPOSAL	13,000.00	
	100.8090.0047	RECYCLING SPECIAL EXPENDITURES	2,000.00	
	100.8090.0048	LANDFILL MONITORING		3,700.00
	100.8090.0080	EMPLOYEE RETIREMENT		4,200.00
	100.8090.0084	HEALTH INSURANCE		700.00
	100.8090.0086	RETIREE HEALTH INSURANCE		6,900.00
		- TRANSFER FOR MISCELLANEOUS RECYCLING EXPENSES		
		INCLUDING E-WASTE DROP OFF AND SHRED IT DAY		
HIGHWAY FUND				
16	500.5110.0012	GENERAL REPAIR LABOR OVERTIME	3,500.00	
	500.5110.0040	GENERAL REPAIR CONTRACTUAL EXPENSES	30,000.00	
	500.5142.0046	CONTRACTUAL SWEEPING		33,500.00
		- TRANSFER FOR GENERAL REPAIR EXPENSES		
17	500.5140.0012	WEEDS AND BRUSH OVERTIME	3,000.00	
	500.5140.0020	WEEDS AND BRUSH TOOLS	1,000.00	
	500.5140.0049	OTHER EXPENDITURES	1,000.00	
	500.5140.0084	HEALTH INSURANCE		5,000.00
		- TRANSFER FOR WEEDS AND BRUSH EXPENSES		
LAKE CASSE PARK DISTRICT				
18	401.7140.0042	UTILITY EXPENSES	3,000.00	
	401.7140.0041	LAKE TREATMENTS		3,000.00
		- TRANSFER FOR LAKE CASSE UTILITY EXPENSES		

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LAKE SECOR PARK DISTRICT				
19	404.7140.0013	TEMPORARY LABOR	1,000.00	
	404.7140.0046	CONTRACTUAL RENTALS	100.00	
	404.7140.0020	EQUIPMENT		1,000.00
	404.7140.0040	CONTRACTUAL EXPENSES		100.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES		

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CARMEL WATER DISTRICT #4					
20	604.8310.0020	EQUIPMENT		10,000.00	
	604.8310.0046	PURCHASE OF WATER		10,000.00	
	604.8310.0047	EMERGENCY REPAIRS			20,000.00
		- TRANSFER FOR EQUIPMENT PURCHASES AND EMERGENCY			
		PURCHASE OF WATER			
CARMEL WATER DISTRICT #5					
21	605.8310.0020	EQUIPMENT		1,000.00	
	605.8310.0047	EMERGENCY REPAIRS		2,000.00	
	605.8310.0099	REPAIR RESERVE			3,000.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES			
CARMEL WATER DISTRICT #6					
22	606.8310.0020	EQUIPMENT		5,000.00	
	606.8310.0099	REPAIR RESERVE			5,000.00
		- TRANSFER FOR EQUIPMENT PURCHASES			
CARMEL WATER DISTRICT #8					
23	608.8310.0047	EMERGENCY REPAIRS		15,000.00	
	608.8310.0099	REPAIR RESERVE			15,000.00
		- TRANSFER FOR EMERGENCY REPAIRS			
CARMEL SEWER DISTRICT #1					
24	701.8130.0040	CONTRACTUAL EXPENSES		15,000.00	
	701.8130.0099	REPAIR RESERVE			15,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES			
CARMEL SEWER DISTRICT #2					
25	702.8130.0040	CONTRACTUAL EXPENSES		10,000.00	
	702.8130.0140	MICROFILTRATION CONTRACTUAL EXPENSES			10,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES			
CARMEL SEWER DISTRICT #4					
26	704.8130.0040	CONTRACTUAL EXPENSES		15,000.00	
	704.8130.0020	EQUIPMENT			10,000.00
	704.8130.0140	MICROFILTRATION CONTRACTUAL EXPENSES			5,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES			

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BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL SEWER DISTRICT #1 EXT#3				
27	713.8130.0020	EQUIPMENT	2,700.00	
	713.8130.0040	CONTRACTUAL EXPENSES		2,700.00
		- TRANSFER FOR EQUIPMENT PURCHASES		
CARMEL LIGHTING DISTRICT				
28	752.5182.0040	CONTRACTUAL EXPENSES	11,524.20	
	752.5182.2681	INSURANCE RECOVERY ASSET	*	11,524.20
		- PROVIDE FOR DAMAGAED LIGHT POLE REPAIR FROM INSURANCE CLAIM		
CAPITAL DRAINAGE				
29	900.1989.0040	CONTRACTUAL EXPENSES	20,000.00	
	900.1989.0048	OTHER PROJECT EXPENSES		17,000.00
	900.1989.0080	EMPLOYEE BENEFITS		3,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		
AIRPORT PARK CAPITAL FUND				
30	910.7140.0040	CONTRACTUAL EXPENSES	150,000.00	
	910.7140.0047	CONTRACTED BUILDING IMPROVEMENTS		100,000.00
	910.7140.3000	STATE AID - GRANT	*	250,000.00
		- PROVIDE FOR CAPITAL PROJECT IMPROVEMENT AT AIRPORT PARK FROM		
		STATE AID RECEIVED		
GENERAL FUND				
31	100.9950.0099	TRANSFER TO MACHINERY CAPITAL EXP	10,000.00	
	100.1989.9871	RESERVE FOR EQUIPMENT PURCHASES	*	10,000.00
		- PROVIDE FOR TRANSFER TO CAPITAL FUND TOWARDS PURCHASE		
		OF DODGE DURANGO		

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HIGHWAY MACHINERY CAPITAL PROJECT				
32	951.5130.0024	PURCHASE OF MACHINERY		10,000.00
	951.5130.5031	INTERFUND TRANSFER	*	10,000.00
		- PROVIDE FOR PURCHASE OF DODGE DURANGO FROM GENERAL FUND TRANSFER		
CAPITAL FUND - CARMEL WATER DISTRICT #9				
33	969.8310.0045	CONTRACT IMPROVEMENTS		26,500.00
	969.8310.0044	ENGINEERING EXPENSE		26,500.00
		- TRANSFER FOR CONTRACT IMPROVEMENTS		

ENTRY INTO ADVANCE PAYMENT AGREEMENT WITH NYSDOT AUTHORIZED - CONDEMNATION/ACQUISITION OF PORTIONS OF TWO PARCELS OWNED BY THE TOWN OF CARMEL LOCATED ON NYS ROUTE 6N IN MAHOPAC - \$6,725.00

WHEREAS, the New York State Department of Transportation (NYSDOT) has filed acquisition maps for the condemnation/acquisition of portions of two parcels owned by the Town of Carmel which are both located on NYS Route 6N in Mahopac; and

WHEREAS, NYSDOT has offered the sum of \$6,725.00 to be paid to the Town of Carmel for advance compensation in connection with these acquisitions;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes entry into the Advance Payment Agreement for initial acceptance of the sum of \$6,725.00 as compensation for said acquisitions, subject to the option of the Town Board to claim additional future compensation; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute said Advance Payment Agreement for said acquisitions, said agreement to be in form and substance as is on file in the Office of the Town Supervisor.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

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

POLICE DEPARTMENT - PROPOSAL ACCEPTED FOR PURCHASE OF POLICE CAMERAS UNDER NYS CONTRACT # PT68787 - DIGITAL SURVEILLANCE SOLUTIONS - NOT TO EXCEED \$5,761.80

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation and request of Chief of Police Michael Cazzari, authorizes the purchase of three (3) license plate recognition cameras and appurtenances from Digital Surveillance Solutions, Buffalo, NY at a cost not to exceed \$5,761.80, under NYS Contract # PT68787; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is 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.

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Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci and 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>

ASSISTANT BUILDING INSPECTOR EDWARD SPADARO - ATTENDANCE AT TRAINING SEMINARS AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Assistant Building Inspector Edward Spadaro to attend required training seminars offered by the State of New York offered in Dutchess County, NY on March 3 through March 5, 2020; May 12 through May 14, 2020 and June 9 through June 11, 2020; 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 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>

HIGHWAY DEPARTMENT - PROPOSAL ACCEPTED FOR PURCHASE OF DIAGNOSTIC SOFTWARE EQUIPMENT - GABRIELLI TRUCK SALES - NOT TO EXCEED \$6,999.99

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation and request of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the purchase of diagnostic software for Town of Carmel Highway vehicles from Gabrielli Truck Sales, Bronx, NY at a cost not to exceed \$6,999.99, in accordance with the invoice dated August 28, 2019; and
BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is 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: Councilman Barile
Seconded by: Councilwoman McDonough

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<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 SEWER DISTRICTS #1, #2, #4, #5, #6, AND #7 - ADVERTISEMENT FOR BIDS AUTHORIZED - SEWER JETTING PROGRAM

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the various sewer districts within the Town of Carmel, and pursuant to the request of Town Engineer Richard J. Franzetti, P.E., hereby authorizes Town Clerk Ann Spofford, to advertise for bids for institution of a sewer jetting program within the Carmel Sewer Districts #1, #2, #4, #5, #6, and #7 collection systems; and

BE IT FURTHER RESOLVED that the Town Engineer is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

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 DISTRICT #2 - PROPOSAL ACCEPTED FOR AERIAL MAPPING - AXIS GEOSPATIAL - NOT TO EXCEED \$36,630.00

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, and upon the recommendation and request of Town of Carmel Engineer Richard J. Franzetti, P.E. authorizes the acceptance of the proposal of Axis Geospatial, Easton, MD for aerial mapping services to be performed in connection with the Carmel Water District #2 distribution system upgrades project at a cost not to exceed \$36,630.00, in accordance with the proposal dated November 25, 2019; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is 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 and 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>

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PAYMENT FOR REPAIRS AUTHORIZED - CARMEL WATER DISTRICT #2, CARMEL WATER DISTRICT #9 - KUCK EXCAVATING, INC. AND CARMEL SEWER DISTRICT #2 - SUECO FUEL AND CARMEL WATER DISTRICT #5, CARMEL WATER DISTRICTS #1, #8, #10, & #13 - 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, hereby authorizes the following payments for repairs performed within the referenced districts:

Vendor Name	Services Rendered	Authorized Amount
Kuck Excavating, Inc. Carmel, NY	Carmel Water District #2 Hydrant Installation Invoice: November 1, 2019	\$10,728.00
Kuck Excavating, Inc. Carmel, NY	Carmel Water District #9 Valve Repair Invoice: November 22, 2019	\$ 7,063.76
Sueco Fuel Mahopac, NY	Carmel Sewer District #2 Boiler Repairs Invoice: November 13, 2019	\$ 5,865.00
Bee & Jay Plumbing Mahopac, NY	Carmel Water District #5 Booster Station Control Panel Repair Invoice: November 18,2019	\$ 8,829.23
Bee & Jay Plumbing Mahopac, NY	Carmel Water Districts #1,#8,#10 & #13 Zebra Mussel Inspection Services Invoice: November 21, 2019	\$11,352.58

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions and proportionate budget allocations to the respective districts referenced herein to effect payment for the aforesaid repair authorizations.

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>

Supervisor Schmitt explained with regard to the invoice in connection with Carmel Water Districts #1, #8, #10 and #13, that zebra mussels have become a severe problem in Lake Mahopac and that intake pipe and screen cleaning is necessary to maintain proper water flow.

LAKE CASSE PARK DISTRICT AND LAKE TEAKETTLE PARK DISTRICT - ADVERTISEMENT FOR BIDS AUTHORIZED - DAM REHABILITATION PROJECTS

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of both Lake Casse Park District and Lake Teakettle Park District, and pursuant to the request of Town Engineer Richard J. Franzetti, P.E., hereby authorizes Town Clerk Ann Spofford to advertise for bids for dam rehabilitation projects and services for Lake Casse dam and Upper Lake Teakettle dam and Lower Lake Teakettle dam rehabilitation and repair; and

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(Cont.)

BE IT FURTHER RESOLVED that the Town Engineer is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

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>

NOTICE REQUIREMENT OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR PATLAJ, LLC D/B/A TITAN STEAKHOUSE - WAIVED

WHEREAS, the representatives and/or proprietors of PATLAJ, LLC, d/b/a “Titan Steakhouse”, 947 South Lake Blvd., 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 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>

Supervisor Schmitt stated that the Titan Steakhouse will be opening at the former Dish Restaurant location in Mahopac Plaza.

PROPOSAL ACCEPTED FOR WORKERS COMPENSATION INSURANCE - PUBLIC EMPLOYER RISK MANAGEMENT ASSOCIATION, INC. (PERMA)

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the acceptance of the proposal of Public Employer Risk Management Association, Inc. (PERMA) for the provision of workers compensation insurance coverage to the Town of Carmel for fiscal years 2020 and 2021, said proposal in form and substance as is on file in the Office of the Town Supervisor, and

WHEREAS, the Authorized Representative of the Town of Carmel desires to secure the Town of Carmel's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of Carmel will be a member,

Section 1. The Authorized Representative (hereinafter "Representative") of the Town of Carmel does hereby resolve to secure the Town of Carmel's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the Town of Carmel will be a member:

Section 3. In order to effect the Town of Carmel's membership in said group self-insurance program, the authorized officer of the Town of Carmel is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, annexed hereto as Exhibit A, on behalf of the Town of Carmel.

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	

1. a. ☐ A certified copy of the Resolution adopted, re: Self-Insurance, is attached.

b. ☐ Other: (explain) Joined Public Employer Risk Management Association
Workers' Compensation Program

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(Cont.)

2. Election to secure compensation in accordance with subdivision 4-a of section fifty was duly made on _____
Enter Date
3. Such election is effective from 1/1/20 _____
Enter Effective Date
4. Previous to such Effective Date these employees were covered as follows: (if by a policy insurance give name of carrier and policy number)

5. Do you intend to: ☐ a. Deal directly with your employees in compensation matters, or
☒ b. Through a licensed self-insurers representative.
If you checked "b", give the name and address of the representative: _____
PERMA, PO Box 12250, Albany, NY 12212-2250 (518) 220-1111
6. Who will be the primary contact for self-insurance matters?
Name: _____ Title: _____
Address: _____
Phone: _____ E-Mail: _____
- Signed By _____ Date Signed _____
Official Title _____ Telephone Number _____

Mail original of this form and certified resolution to:
Workers' Compensation Board, Office of Self-Insurance, 328 State Street, 3rd Floor, Schenectady, NY 12305

SI-26 (11/16)

SECTION 50, SUBDIVISION 4-a OF THE NEW YORK STATE WORKERS' COMPENSATION LAW
AS AMENDED BY CHAPTER 61, LAWS OF 1989, EFFECTIVE APRIL 1, 1989

A county, city, village, town, school district, fire district or other political subdivision of the state may secure compensation to its employees in accordance with subdivision one or two or three-a of this section, and a public corporation as defined in subdivision one of section sixty of this chapter may also secure such compensation in accordance with article five of this chapter. If compensation is not so secured, a county, city, village, town, school district, fire district or other political subdivision shall be deemed to have elected to secure compensation pursuant to subdivision three of this section and in such case, no proof of financial ability or deposit or securities need be made in compliance with such subdivision. All other requirements prescribed by this chapter for employers so electing shall be complied with and notice of such election shall be filled with the Chair. For failure to file such notice of election, prescribed in form by the Chair, within ten days after the election was made, the treasurer or other financial officer shall be liable to pay to the Chair the sum of one hundred dollars as a penalty, to be transferred to the state treasury.

SI-26 (11/16)

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CARMEL WATER DISTRICT #2 SYSTEM UPGRADES - PROPOSAL ACCEPTED FOR ENGINEERING SERVICES - J. ROBERT FOLCHETTI & ASSOCIATES, LLC

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, 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, originally received on November 1, 2019, for Preparation of Construction Documents, provide design, permitting, bid assistance and construction engineering services for Water Distribution System Upgrades (relining, valves and installation of new mains) in response to the Request for Proposal issued October 4, 2019, at a cost not to exceed \$591,000.00; and

BE IT FURTHER RESOLVED that Deputy Supervisor Suzanne McDonough is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilman 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

The resolution was offered by Councilman Lupinacci and seconded by Councilwoman McDonough. Councilman Barile then inquired if the public would be permitted to comment on the matter prior to the roll call vote. Upon discussion it was decided by the Town Board that per their normal procedure, public comment would be permitted at the end of the meeting. At that point, Supervisor Schmitt called for the roll call vote.

Preceding his vote, Councilman Barile voiced his displeasure with the resolution. Upon its adoption, he questioned why Deputy Supervisor McDonough was authorized to sign the documentation necessary to authorize the actions rather than Supervisor Schmitt as customary for contracts.

Supervisor Schmitt explained that two years ago he voted no to the resolution authorizing the Town’s contract with J. Robert Folchetti & Associates for engineering consulting services, and refused to sign the contract as well as any checks for payment in connection therewith. Supervisor Schmitt commented that not too much has changed since then.

ADVANCEMENT OF GOVERNMENT FUND MONIES AS TEMPORARY LOAN FROM GENERAL FUND TO CARMEL GARBAGE DISTRICT AUTHORIZED - CLUSTER PICKUP

RESOLVED, that the Town Board of the Town of Carmel, pursuant to Town Law §209-b, hereby authorizes the Temporary Advancement of Cash from the General Fund to Carmel Garbage District – Cluster Pickup at a maximum amount not to exceed \$100,000, to be repaid with the periodic interest rate when revenue sources or debt proceeds are received.

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

(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 WITH AAA CARTING AND RUBBISH REMOVAL, INC. FOR COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIAL AND BULK - CHANGE ORDER #1 AUTHORIZED

WHEREAS, the Town of Carmel has previously entered into a contract for the single family/residential collection of refuse, garbage, recyclable material and bulk collection in the Town of Carmel Town-wide Garbage District with AAA Carting and Rubbish Removal, Inc., Cortlandt Manor, N.Y. contract C-239; and

WHEREAS, on November 6, 2019 the Town Board duly exercised its 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 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 an overall contract price increase of \$25,000 per month, said Change Order to be in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that upon presentation and review of a performance bond for said contract in form acceptable to Town Counsel for years 2020 and 2021, Town Supervisor Kenneth Schmitt is hereby authorized to countersign said Change Order #1; 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 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>	

CHANGE ORDER

No. 1

**THE COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIALS
AND BULK COLLECTION CONTRACT**

DATE OF ISSUANCE: 12/18/2019	EFFECTIVE DATE	01/01/2020
<u>OWNER The Town of Carmel</u>		
OWNER's Contractor No. C239		
CONTRACTOR: AAA Carting and Rubbish Removal, Inc		
ENGINEER: Carmel Engineering Department		

(Cont.)


Description: Annual contract compensation is increased by \$300,000.00 per year for 2020 and 2021. Payments to be made monthly (\$25,000.00 per month)

Reason for Change Order: Due to exigent market conditions beyond the control of Contractor and the Town of Carmel, related to a significant increase in the costs of the sale and ultimate disposition of recyclable materials collected by contractor in accordance with the terms of the contract.

Attachments: None

CHANGE IN CONTRACT PRICE: Original Contract Price	CHANGE IN CONTRACT TIMES: Original Contract Times
\$ 2,450,247.20*	Substantial Completion: N/A Ready for final payment:
Net changes from previous Change Orders No. to No.	Net change from previous Change Orders No. to No.
\$ 0.00	N/A
Contract Price prior to this Change Order	Contract Times prior to this Change Order
\$ 2,450,247.20*	Substantial Completion: N/A Ready for final payment: - - -
Net Increase (decrease) of this Change Order \$300,000.00 per year	Net Increase of this Change Order Days N/A
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
\$ 2,750,247.20	Substantial Completion: N/A Ready for final payment: days or dates

RECOMMENDED:

By: 
Engineer (Authorized Signature)

Date: 12/18/19

ACCEPTED:

By: _____
Contractor (Authorized Signature)

Date: _____

APPROVED:

By: _____
Owner (Authorized Signature)

Date: _____

*This is the 2019 contract price. It will be adjusted for 2020 and 2021 in accordance with the terms of the contract. For the year 2020 the increase change order of \$300,000.00 shall not be adjusted in accordance with the terms of the contract. It shall be added to the contract amount for 2020 after the adjustment is made to the base contract amount. Conversely, for the year 2021, the \$300,000.00 change order amount shall be added to the base amount before the contractual adjustments are made, thus making the \$300,000.00 change order amount, subject to the potential increase in accordance with the terms of the contract.

**CARMEL GARBAGE DISTRICT - ENTRY INTO CONTRACT AUTHORIZED FOR
COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIAL AND BULK
COLLECTION - CLUSTER PICKUP - OAK RIDGE WASTE AND RECYCLING OF CT,
LLC**

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

(Cont.)

WHEREAS, on November 6, 2019 the Town Board duly exercised its 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; and

WHEREAS, written notice of the exercise of the right to said extensions was duly provided by the Town of Carmel Engineering Department to R&S Waste Services, LLC; and

WHEREAS, the Town of Carmel subsequently received written notice from R&S Waste Services, LLC that R&S Waste Services, LLC has in fact refused, declined, and otherwise repudiated its obligations under the referenced contract and will not be performing any of its required contract obligations for refuse, garbage, recyclable material and bulk collection after December 31, 2019; and

WHEREAS, the failure and refusal of R&S Waste Services, LLC to perform its contractual obligations to collect refuse, garbage, recyclable material and bulk materials in the Town of Carmel presents the existence a public emergency affecting the life, health, safety or property of the residents of the Town of Carmel; and

WHEREAS, as a result of said public emergency, the Town of Carmel has requested proposals from other licensed waste-hauling entities to perform the abdicated responsibilities of R&S Waste Services, LLC for the remaining contract period of January 1, 2020 through December 31, 2021;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby determines that the failure and refusal of R&S Waste Services, LLC to perform its contractual obligations to collect refuse, garbage, recyclable material and bulk materials in the Town of Carmel constitutes a public emergency pursuant to NY General Municipal Law §103(4) which affects the life, health, safety or property of the residents of the Town of Carmel; and

BE IT FURTHER RESOLVED that pursuant to NY General Municipal Law §103(4) the existence of such public emergency requires immediate action which cannot await formal competitive bidding or competitive offering; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes entry into a contract with Oak Ridge Waste and Recycling of CT, LLC, Danbury Connecticut for years 2020 and 2021 at contract prices of \$439,385.35 and \$459,932.45, respectively; and

BE IT FURTHER RESOLVED that upon presentation and review of a performance bond for said contract in form acceptable to Town Counsel for years 2020 and 2021, Town Supervisor Kenneth Schmitt is hereby authorized to countersign said any and all contract documentation required to carry out 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 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>	Abstain
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

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RESOLUTION AUTHORIZED CAUSING THE TOWN ENGINEER TO UNDERTAKE ACTION TO CAP ALL CONNECTIONS TO CARMEL SEWER DISTRICT #1 FROM 825 SOUTH LAKE BLVD. SUPERSEDED AND AMENDED 02-19-2020

WHEREAS, on October 24, 2019, the Superintendent of Carmel Sewer District Number 1 issued a First Notification of Violation and Cease and Desist (hereinafter, "First NOV and Cease and Desist") to Michael Barile and Tommy Boniello ("Property Owners"), the owners of 825 South Lake Blvd. (hereinafter, the "Property") which permitted the interim connection of the Property to Sewer District Number 1 in the event that the Property Owners timely sought and prosecuted all required permits, complied with all NYCDEP testing requirements, and kept the Town apprised of such efforts; and

WHEREAS, the Property Owners failed to comply with the terms and obligations set forth in the First NOV and Cease and Desist; and

WHEREAS, on December 6, 2019, the owners of the Property conducted dye testing which established that the Property is connected to Sewer District Number 1 in a second location that at no point has been disclosed to or approved by the Town nor NYCDEP;

WHEREAS, on December 18, 2019, the Town Engineer withdrew the Town's acknowledgement of the Property's out of district application to NYCDEP as the result of the Property Owner's application having represented that historic engineer's drawings were "as built" for the line but which were inaccurate and misleading and further advised NYCDEP that the Town may reinstate the OOD request at such time that the Property Owners provide accurate as built drawings under the seal of an independent, third party New York professional engineer;

WHEREAS, the Town Engineer determined that the past and continued connection of the Property to Sewer District Number 1 without notice to the Town or NYCDEP constitutes a violation of the Town's Sewer Use Law and a potential violation of the 1938 Agreement between the Town and New York City which governs which properties may be connected to Sewer District Number 1 for the ultimate acceptance and treatment of waste at the NYCDEP's Mahopac Wastewater Treatment Facility; and

WHEREAS, on December 18, 2019, the Town Engineer issued a Second Notification of Violation and Cease and Desist which finds that the additional illicit connection constitutes a violation of the Town Sewer Use Law and requires, among other things, that the owners of the Property forthwith disconnect the connecting line(s) which originate at the Property pending removal of the second line and excavate and cap the second connecting line and cooperating with the capping of the connection in the MCP97 – Clark Place Manhole and to provide advance notice of, coordinate with, and permit the presence of the Town Engineer and its consultants during all such activities; and now therefore, it is hereby

RESOLVED, that the Town Board hereby authorizes the Town Engineer to enter into a contract that provides for services and to henceforth obtain all permits and undertake all such actions necessary in order for the second line which enters the Sewer District Number 1 sewer main somewhere between the MCP97 – Clark Place Manhole and the downstream MCP96 Manhole to be excavated and capped and to cause the current or future Town sewer district maintenance contractor to cap the connecting line which enters Sewer District Number 1 in the MCP97 – Clark Place Manhole; Absent the declaration of a public health or safety emergency as determined by the Town Engineer or any other regulatory authority, such contract to be procured through a request for proposals; and

BE IT FURTHER RESOLVED that in the event that the Property Owners have not taken the necessary steps to cease all outflow from the Property through the connecting line between the MCP97 – Clark Place Manhole and the MCP96 manhole and the connecting line in the MCP97 – Clark Place Manhole prior to February 18, 2020 or otherwise received all permits and approvals required by law to utilize any such connection, the Town Board directs the Town Engineer to complete the capping of all lines which divert wastewater from the Property to Sewer District Number 1 no later than February 18, 2020; and

(Cont.)

BE IT FURTHER RESOLVED, that the Town Engineer shall notify the Property owners 7 calendar days prior to the initiation of the work provided for in the foregoing contract that the work provided for in that contract will be performed; and

BE IT FURTHER RESOLVED, that the Town reserves all rights to seek recovery of any payment of all such expenditures authorized by 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> </u>	<u> </u>	Abstain
Jonathan Schneider	<u> X </u>	<u> </u>	
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> </u>	<u> </u>	Abstain

Supervisor Schmitt qualified his abstention by stating that he did not receive the resolution with the associated 232 page Second Notification of Violation and Cease and Desist Order until 12:15 p.m. this afternoon and because of other Town business which required his attention, he has not had ample time to review it.

PUBLIC COMMENTS - AGENDA ITEMS

Angelo Cartalemi inquired with regard to the refusal of R&S Waste Service to fulfill their contract for garbage collection, if they had posted a bond and if so, does the Town plan on calling it.

Legal Counsel Gregory Folchetti explained that the Town Board will discuss their options and noted that whatever action they choose to take will be taken at a public meeting.

John Butler, Carmel Water District #2 resident, addressed the resolution awarding the proposal for engineering services to J. Robert Folchetti & Associates, LLC. He commented that with the water system construction upgrades estimated to cost over \$14 million dollars, if the engineering services to be provided are not performed properly, the construction costs could be greatly impacted. Mr. Butler inquired about the Town’s current relationship with J. Robert Folchetti & Associates.

Supervisor Schmitt stated that they are the consulting engineering firm for the Town of Carmel.

Mr. Butler went on to express his many concerns regarding the consulting engineering firm, the engineer for the firm providing the services to the Town, John E. Folchetti, as well as the Engineering Department’s procedure leading up to the acceptance of the proposal of J. Robert Folchetti & Associates, LLC in connection with the Carmel Water District #2 distribution system upgrades. Discussion was held.

Greg Ellner, Carmel Water District #2 resident and water/wastewater industry professional, urged the Town Board to reconsider the resolution awarding the proposal for engineering services to J. Robert Folchetti & Associates, LLC. Mr. Ellner stated that the Request for Proposal limited the respondents because it specifically indicated that the Town intends on relining the pipe, and although it may be more expensive, he would prefer new pipe installed because it can be larger and allow for more flow to the fire hydrants which could result in a rate reduction in the residents’ homeowners insurance.

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(Cont.)

Councilman Schneider explained that over ten coupons (segments of pipe) were strategically identified and removed from the water district's distribution system for evaluation. The decision to reline rather than install new pipes was based on information obtained from those samples. He noted that a cost comparison regarding the options revealed an astronomical difference.

Mr. Ellner went on to advocate for obtaining a detailed hydraulic study of the flows throughout the water district to assist in determining whether or not to expend the extra funds over thirty years for installing new pipes. Discussion followed regarding the matter.

Jean Hopper sought clarification with regard to the earlier speakers' concerns with regard to the RFP procedure. She questioned if John Folchetti should have been prevented from submitting a proposal because he has a contract with the Town for providing engineering consulting services.

Councilman Lupinacci replied that per his contract, he is permitted.

Ms. Hopper noted that throughout the years, residents in the water districts have sought expediency with regard to their repairs. She commented that she thought that the issue of whether the pipes would be relined or replaced with new pipe was resolved and questioned why the subject was brought up again at this time.

Ms. Hopper confirmed with Supervisor Schmitt that he signed the first two contracts with John Folchetti and did not sign the third, and then asked what has changed.

Supervisor Schmitt stated that he did not agree with the terms and the conditions of the contract. He added that he disagreed with the language, specifically with the \$10,000.00 per month payment for basic services. Discussion continued.

Ms. Hopper inquired about the resolution authorizing a \$120,000.00 budget modification.

Supervisor Schmitt stated that the budget modification relates to the transfer of funds to cover invoices for the Cozen O'Connor law firm and discussion ensued.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

John Butler inquired if the contract with John Folchetti for engineering consulting services requires the Town provide him work space at Town Hall.

Legal Counsel Joseph Charbonneau explained that there are a number of different tasks pursuant to his contract that require Mr. Folchetti to be at Town Hall for a period of time. So to the extent that he needs to fulfill his contractual obligations, he physically has to be here. Discussion resulted.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that the Town Board will convene next at their Organizational Meeting to be held on Thursday, January 2, 2020.

Supervisor Schmitt extended best wishes for a Merry Christmas, Happy Hanukkah and Happy New Year to all.

**18 DECEMBER 2019
TOWN BOARD MEETING**

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Schneider, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk