

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 Deputy Supervisor Suzanne McDonough on the 15th day of January 2020 at 7:03 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Lombardi and Councilwoman McDonough. Councilman Schanil and Supervisor Schmitt were absent.

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

Deputy Supervisor McDonough reported that Supervisor Schmitt is recuperating well from his recent surgery and that Councilman Schanil is currently in Albany at a training seminar for newly elected town officials.

MINUTES OF TOWN BOARD MEETINGS HELD ON 12/18/19 AND 1/2/20 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Lombardi, with all members of the Town Board present voting “aye”, the minutes of the Town Board meetings held on December 18th, 2019 and January 2nd, 2020 were accepted as submitted by the Town Clerk.

PROPOSAL ACCEPTED FOR LABOR COUNSEL SERVICES IN 2020 - JACKSON LEWIS, LLP

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Jackson Lewis, LLP, White Plains, NY for labor counsel services in year 2020, in accordance with the terms of said proposal dated January 2, 2020; and
BE IT FURTHER RESOLVED that Deputy Town Supervisor Suzanne McDonough is hereby authorized to sign said proposal on behalf of the Town.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u> </u>	<u> </u>	Absent
Michael Barile	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> </u>	<u> </u>	Absent

Deputy Supervisor McDonough stated that for 2020, Jackson Lewis, LLP offered an hourly rate cap of \$295 per hour for all attorneys. This provides the Town with a significant discount off their usual hourly rates.

ENTRY INTO STIPULATION OF SETTLEMENT AUTHORIZED - “PULTE HOMES OF NEW YORK, LLC VS. THE TOWN OF CARMEL” - TAX MAP NUMBERS 55.14-1-11.1, 55.14-1-11.2 AND 55.14-1-11.3

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500960/2018 a certain lawsuit entitled “Pulte Homes of New York, LLC vs. The Town of Carmel” regarding and relating to the posting of a performance bond for the construction of certain amenities and improvements at the premises owned by Pulte Homes in the Town of Carmel; and
WHEREAS, said performance bond is separate and distinct from site plan bonds posted previously in connection with approved site development at said premises; and

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WHEREAS, the Town of Carmel has held on deposit the sum of \$756,000 for the benefit of the Parkland Trust Fund, representing recreation fees previously paid under protest by Pulte Homes of New York, LLC relating to site plan approvals received from the Town of Carmel Planning Board for the properties known as Town of Carmel Tax lot numbers TM 55.14-1-11.1, 55.14-1-11.2 and 55.14-1-11.3; and

WHEREAS a proposed settlement of the referenced litigation and recreation fee disputes has been negotiated by Counsel Joseph A. Charbonneau, Esq. and Gregory L. Folchetti, and the Town Board wishes to enter into an agreement permanently settling and resolving these matters;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned matters in accordance with the terms and conditions as reflected in the proposed Stipulation of Settlement as negotiated; and

BE IT FURTHER RESOLVED that Deputy Supervisor Suzanne McDonough is hereby authorized to execute the referenced Stipulation of Settlement in general form and substance as is currently on file in form in the office of the Town Supervisor.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u> </u>	<u> </u>	Absent
Michael Barile	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> </u>	<u> </u>	Absent

HIGHWAY DEPARTMENT - PURCHASE OF VEHICLE AUTHORIZED - ONE (1) 2019 DODGE RAM 2500 4X4 ALL-WHEEL DRIVE VEHICLE FROM ROBERT GREEN TRUCK DIVISION - NOT TO EXCEED \$43,748.50

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent Michael Simone to purchase one (1) 2019 Dodge Ram 2500 4x4 all-wheel drive vehicle from Robert Green Truck Division, Rock Hill, NY, at a unit cost not to exceed \$43,748.50 under Onondaga County Bid ONGOV-106-19, pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that Deputy Town Supervisor Suzanne McDonough is hereby authorized to sign all necessary documents to purchase said vehicle from Robert Green Truck Division in accordance with their contract quotations dated December 20, 2019;

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions authorized herein.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u> </u>	<u> </u>	Absent
Michael Barile	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> </u>	<u> </u>	Absent

Deputy Supervisor McDonough explained that following the purchase of the new vehicle, the Highway Department will be transferring one of their trucks to the Recreation Department at a cost of \$20,000.

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HIGHWAY DEPARTMENT - ENTRY INTO AGREEMENT AUTHORIZED - PARTNERS IN SAFETY

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent Michael Simone to enter into agreement with Partners in Safety, Nanuet, NY, said agreement to be in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u> </u>	<u> </u>	Absent
Michael Barile	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> </u>	<u> </u>	Absent

**2020
Complete DOT Program Agreement**

ID 2213

Partners in Safety Inc. under the terms and conditions of this agreement shall provide drug and alcohol testing services to the Employer that meet the compliance requirements of the U.S. Department of Transportation as defined in 49 CFR Part 40 and Part 382 and your individual policy.

Complete DOT Program:
\$47.00 per Employee per year
Includes:

- All random drug tests performed by SAMSHA-certified lab
- All random alcohol tests using approved evidential breath testing device
- GC/MS Confirmation
- Medical Review Officer service
- Specimen Collection
- Overnight shipment of specimen
- Random selection of employees
- Record Management
- Internet Resulting/Updating
- Collection Site Management
- DOT Audit Assistance
- MIS Reports
- Monthly Billing
- Medical facility invoicing & payment processing
- Consultation with medical professionals

Additional Charges:
(Pre-employment, post-accident, reasonable cause or follow-up tests performed during normal business hours). Please note: The use of non-approved medical facilities may result in additional fees.

DOT drug test at lab or offices of Partners In Safety:	\$ 48.00 per test
DOT drug test with collection performed at an approved walk-in medical facility:	\$ 88.00 per test
Return-to-Duty/Follow-Up drug test including observed specimen collection performed at:	
• offices of Partners In Safety:	\$ 78.00 per test
• approved walk-in medical facility:	\$ 108.00 per test
DOT Breath Alcohol test at offices of Partners In Safety:	\$ 38.00 per test
DOT Breath Alcohol test at an approved walk-in medical facility:	\$ 60.00 per test
DOT/19A physical performed at offices of Partners In Safety:	\$ 65.00 per person
Split Specimen Testing - re-test of positive specimen by another SAMHSA-certified lab: (only when requested by employee within 72 hours of MRO's notification)	\$ 250.00 per test
Emergency Service: (for special situations requiring urgent on-site collections or tests on nights, weekends or holidays)	\$ 160.00 per hour (minimum of 2 hours, plus the cost of the test)

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On-site medical services available upon request, minimum volume required.
Professional medical services are provided by *Partner in Safety and Medicine, PLLC.*

Signature and Title _____

Client: Town of Carmel Highway Dept.

Date: _____



Ursula Clancy, President

Partners In Safety, Inc.

PLANNING DEPARTMENT - TEMPORARY SEASONAL APPOINTMENT OF ASSISTANT MADE - ROSE TROMBETTA

RESOLVED that the Town Board of the Town of Carmel hereby appoints Rose Trombetta to the position of assistant in the Town of Carmel Planning Department on a temporary seasonal basis commencing immediately.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	_____	_____	Absent
Michael Barile	<u>X</u>	_____	
Frank Lombardi	<u>X</u>	_____	
Suzanne McDonough	<u>X</u>	_____	
Kenneth Schmitt	_____	_____	Absent

Deputy Supervisor McDonough explained that the appointment of Rose Trombetta in the Planning Department on a seasonal basis was made so that she has the ability to work the extra hours needed while the other staff member in the department is recovering from surgery.

CARMEL SEWER DISTRICTS #2, #4, #5, #6 AND #7 - SIGNING OF DISCHARGE MONITORING REPORTS AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the various Sewer Districts of the Town of Carmel hereby authorizes Deputy Supervisor Suzanne McDonough to sign Discharge Monitoring Reports (DMRs) to be submitted the New York State Department of Environmental Conservation for Carmel Sewer Districts #2, #4, #5, #6 and #7, said reports to be prepared by Inframark, LLC, contract operator for said Sewer Districts.

Resolution

Offered by: Councilman Barile

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	_____	_____	Absent
Michael Barile	<u>X</u>	_____	
Frank Lombardi	<u>X</u>	_____	
Suzanne McDonough	<u>X</u>	_____	
Kenneth Schmitt	_____	_____	Absent

Deputy Supervisor McDonough explained that the resolution was required due to a change in personnel at Inframark, LLC.

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PUBLIC COMMENTS - AGENDA ITEMS

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

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

Thomas Iannicari requested to meet with representatives from the Town again this year to discuss the municipality's insurance policies. He suggested that the Town could achieve additional savings and improved service.

Deputy Supervisor McDonough acknowledged Mr. Iannicari's offer.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Deputy Supervisor McDonough announced the details for the annual Christmas tree collection in cluster/multi-family and single family residences during the month of January.

Deputy Supervisor McDonough announced that a Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Town of Carmel from the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR). She acknowledged Town Comptroller Mary Ann Maxwell and her staff for their efforts in connection with this significant accomplishment.

Councilman Lombardi reflected on last Saturday's Knights of Columbus Beefsteak Dinner benefiting the St. James the Apostle Parish and congratulated the members of the Lady of the Lakes Council for recently paying off the mortgage on their Council Hall.

Deputy Supervisor McDonough announced that the Town Board is seeking to fill one vacancy on the Planning Board and one vacancy on the Board of Assessment Review. Interested residents were directed to submit a letter of interest and resume to the Supervisor's Office by January 31, 2020.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Barile, with all Town Board members present in agreement, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk