

**12 AUGUST 2020**

**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 12<sup>th</sup> day of August 2020 at 7:05 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schanil, Councilman Barile, Councilman Lombardi, 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 in Executive Session at 6:30 p.m. to interview a candidate in connection with the detective position vacancy in the Police Department.

**MINUTES OF TOWN BOARD MEETING HELD ON 7/8/2020 - ACCEPT AS  
SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on July 8<sup>th</sup>, 2020 were accepted as submitted by the Town Clerk.

**POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF**  
**SERGEANT MADE - NEIL BROWN**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Police Department hereby appoints Police Officer Neil Brown to the position of Sergeant, effective immediately, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

## Resolution

Offered by: Councilman Schanil

Seconded by: Councilwoman McDonough, Councilman Lombardi,  
Councilman Barile and Supervisor Schmitt

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

Supervisor Schmitt spoke regarding Neil Brown's prior military duty and fourteen years of dedicated service with the Carmel Police Department. Supervisor Schmitt administered Sgt. Brown's oath of office and the members of the Town Board congratulated him on his promotion to the rank of sergeant.

**TOWN ENGINEER - ADJUSTED SALARY SET FOR FISCAL YEAR 2020**

RESOLVED that the Town Board of the Town of Carmel hereby sets the adjusted salary for fiscal year 2020 for the following employee of the Town not covered under the terms of a Collective Bargaining Agreement in the amount as follows:

Town Engineer	\$138,000.00
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BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

## Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

(Cont.)

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

**ANNUAL FINANCIAL REPORT OF THE TOWN'S INDEPENDENT AUDITOR FOR FISCAL YEAR 2019 ACCEPTED**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the Comprehensive Financial Independent Audit Report of the Town's independent auditor PKF O'Connor Davies, for fiscal year 2019 and hereby directs Town Clerk Ann Spofford to publish all notices required in connection herewith in the official newspapers 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>X</u>	<u>          </u>
Michael Barile	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**ADDITIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Nithya J. Thomas  
John A. Scalabrini

Resolution  
Offered by: Councilman Barile  
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt expressed his appreciation to the new members of the Mahopac Volunteer Fire Department for their service.

**DONATION OF VACATION TIME BY HIGHWAY EMPLOYEE ACCEPTED - EMPLOYEE NO. 1699 TO EMPLOYEE NO. 2791**

RESOLVED that the Town Board of the Town of Carmel approves the donation of eighty (80) hours of vacation time accruals from Employee No. 1699 to Employee No. 2791.

(Cont.)

Resolution  
Offered by: Councilman Schanil  
Seconded by: Councilwoman McDonough

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

**EAST OF HUDSON COMMUNITY WASTEWATER PLANNING ASSISTANCE GRANT PROGRAM - GRANT AWARD ACCEPTED AND EXECUTION OF PARTICIPATION AGREEMENT AUTHORIZED - LAKE CASSE**

WHEREAS, the Town of Carmel has been approved for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/NYCDEP) grants as part of the East of Hudson Community Wastewater Planning Assistance Grant Program;  
NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposed grant for study of Lake Casse in an amount of up to \$300,000; and  
BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the Participation Agreement as tendered by (NEIWPCC/NYCDEP) with respect to such grant award for Lake Casse, said agreement being in general form and substance is on file in the Office of the Town Engineer.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

**EAST OF HUDSON COMMUNITY WASTEWATER PLANNING ASSISTANCE GRANT PROGRAM - GRANT AWARD ACCEPTED AND EXECUTION OF PARTICIPATION AGREEMENT AUTHORIZED - LAKE GILEAD**

WHEREAS, the Town of Carmel has been approved for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/NYCDEP) grants as part of the East of Hudson Community Wastewater Planning Assistance Grant Program;  
NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposed grant for study of Lake Gilead in an amount of up to \$375,000; and  
BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the Participation Agreement as tendered by (NEIWPCC/NYCDEP) with respect to such grant award for Lake Gilead, said agreement being in general form and substance is on file in the Office of the Town Engineer.

(Cont.)

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

**EAST OF HUDSON COMMUNITY WASTEWATER PLANNING ASSISTANCE GRANT PROGRAM - GRANT AWARD ACCEPTED AND EXECUTION OF PARTICIPATION AGREEMENT AUTHORIZED - LAKEVIEW ROAD**

WHEREAS, the Town of Carmel has been approved for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/NYCDEP) grants as part of the East of Hudson Community Wastewater Planning Assistance Grant Program;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposed grant for study of Lakeview Road in an amount of up to \$300,000; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the Participation Agreement as tendered by (NEIWPCC/NYCDEP) with respect to such grant award for Lakeview Road, said agreement being in general form and substance is on file in the Office of the Town Engineer.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

**EAST OF HUDSON COMMUNITY WASTEWATER PLANNING ASSISTANCE GRANT PROGRAM - GRANT AWARD ACCEPTED AND EXECUTION OF PARTICIPATION AGREEMENT AUTHORIZED - MUD POND BROOK**

WHEREAS, the Town of Carmel has been approved for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/NYCDEP) grants as part of the East of Hudson Community Wastewater Planning Assistance Grant Program;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposed grant for study of Mud Pond Brook in an amount of up to \$425,000.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the Participation Agreement as tendered by (NEIWPCC/NYCDEP) with respect to such grant award for Mud Pond Brook, said agreement being in general form and substance is on file in the Office of the Town Engineer.

(Cont.)

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

**CARMEL SEWER DISTRICT #2 - WILLOW ROAD PUMP STATION - EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AUTHORIZED - INFRAMARK, LLC - NOT TO EXCEED \$14,686.20**

WHEREAS, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the emergency purchase and installation of two (2) pumps at the Carmel Sewer District #2 Willow Road Pump Station by CSD#2 Operators Inframark, LLC at a cost not to exceed \$14,686.20 including installation; 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 Lombardi  
Seconded by: Councilwoman McDonough and Councilman Barile

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

**CARMEL WATER DISTRICT #2 - WATER TREATMENT PLANT - EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AUTHORIZED - S.B. CHURCH - NOT TO EXCEED \$35,900.00**

WHEREAS, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the emergency purchase and installation of a replacement high-lift pump at the Carmel Water District #2 Water Treatment Plant by S.B. Church, Oxford, CT at a cost not to exceed \$35,900.00 and in accordance with the quotation/proposal dated July 15, 2020; and  
BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is authorized to sign any and all documentation required to accept said proposal as authorized 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 Barile  
Seconded by: Councilman Lombardi

(Cont.)

Roll Call Vote	YES	NO
Robert Schanil	X	
Michael Barile	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	

**CARMEL WATER DISTRICT #7 - PERFORMANCE OF EMERGENCY REPAIRS  
ACKNOWLEDGED**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, hereby acknowledges the emergency performance of water district collection system/distribution system and treatment facilities repairs, specifically those performed in Carmel Water District #7, as fully detailed in the memorandum of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated July 15, 2020, which is attached hereto and made a part thereof.

Resolution

Offered by: Councilman Schanil  
Seconded by: Councilwoman McDonough

Roll Call Vote	YES	NO
Robert Schanil	X	
Michael Barile	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	


*Richard J. Franzetti, P.E.*  
*Town Engineer*



*(845) 628-1500*  
*(845) 628-2087*  
*Fax (845) 628-7085*

*Office of the Town Engineer*  
*60 McAlpin Avenue*  
*Mahopac, New York 10541*

**MEMORANDUM**

**To:** Carmel Town Board  
**From:** Richard J. Franzetti P.E. Town Engineer   
**Date:** July 15, 2020  
**Re:** Emergency Repairs/Services

This memorandum is being presented to the Town Board to advise the Board of emergency invoices that were submitted for payment in excess of \$5,000.00 for services rendered. The following provides a brief a summary of the work that was performed.

• CWD7 ~ Vineland Pump Station Well Failures

On June 29, 2020, Bee and Jay, the operator for the CWD 7 alerted the Engineering Department that due to the June 28, 2020 storm, well pumps #2, #3 and #4 failed due to lightning and power surges. Below are the invoices to replace the pumps. These invoices have been submitted to insurance for reimbursement.

Invoice #95049 – Well #3 - \$13,474  
Invoice #95050 – Well #4 - \$ 8,075  
Invoice #95051 – Well #2 - \$10,400

These invoices have been submitted to insurance for reimbursement.

We request that this memorandum be put into the agenda as a matter of record.

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**CARMEL WATER DISTRICT #2 - REQUEST FOR PROPOSALS AUTHORIZED FOR TREATMENT PLANT DESIGN**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, hereby authorizes Town Engineer Richard J. Franzetti, P.E., to circulate proposals for engineering services for the design, preparation of bid documentation and construction administration services for the Carmel Water District #2 Treatment Plant.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Schanil

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

**PUBLIC COMMENTS - AGENDA ITEMS**

John Butler prefaced his questions by stating that they should not be taken as a reflection on the individual involved. He then asked why the salary adjustment for the Town Engineer was being made at this time, not during the budget process, and how the increase of about 11.5% was established. Mr. Butler commented that the action appears counterintuitive during these difficult economic times.

Supervisor Schmitt explained that shortly after the 2020 Budget was adopted, the Town's consulting engineer, at a cost of \$120,000, resigned. He stated that since January 1, 2020, the Town Engineer has been doing a great job running the department on his own. The Town Engineer approached the Town Board with a compensation analysis about a month ago which documented that he was undercompensated for his responsibilities by quite a bit and the Town Board agreed. A brief discussion ensued.

**PUBLIC COMMENTS - OPEN FORUM**

Rob Cavallaro, Walton Drive resident, spoke in protest of the proposed construction of a 140-foot monopole 5G cell tower on Maple Hill Estates property. Mr. Cavallaro stated that other potential sites were denied due to public outcry and legal proceedings, and that the biggest difference between putting a cell tower directly in front of his home and the other two locations, is that those neighborhoods had a voice. He stated that the Town of Carmel did not notify the residents of his community and that only a handful of residents on Walton Drive received a letter stating that the cell tower was going up as a result of an out-of-court settlement.

Mr. Cavallaro commented that the Maple Hill Estates property owners voted to gain profits at his community's expense and of the three proposed sites for the cell tower on the Maple Hill Estates property, they thought that the best spot would be in front of the homes on Walton Drive. He further commented that if Maple Hill Estates residents want this cell tower, then it should be placed directly in the middle of their 80 homes.

Mr. Cavallaro maintained that the Town of Carmel was negligent in performing their due diligence before settling this matter and spoke about how cell towers do not belong in residential neighborhoods. He stated that long-time homeowners were specifically told when they purchased their homes that no additional building would be permitted on the property where the cell tower is proposed.

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(Cont.)

Mr. Cavallaro pointed out that many trees that Homeland Towers will be removing have an abundance of nests for birds of prey. He further pointed out that there is no turnaround at the end of Walton Drive and questioned how large construction trucks will safely navigate such a large operation on such a tiny street.

Mr. Cavallaro stated that homes are being listed for sale on Walton Drive. Potential buyers are offering significantly lower offers than fair market value due to the cell tower while other potential buyers are walking away from deals when they find out that a cell tower is forthcoming. Mr. Cavallaro demanded immediate resolve to this issue as construction companies are anticipating that the project will commence in September.

Jason Gandolfo, Todd McCormack, Dr. Denise Sepe, John Gandolfo, Jessica Gandolfo, Linda Shaw, Gerard Hanrahan, Patricia Gandolfo, Rebecca Bierhoff, Jean Hopper, Eileen Paganelli and Lou Paganelli also spoke against the proposed cell tower, echoing many of Mr. Cavallo's frustrations and expressing concerns related to health risks associated with cell towers.

Supervisor Schmitt assured the residents that he would be discussing the possibility of moving the location of the cell tower with Homeland Towers and would pursue the Town's legal options to make that happen.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schanil, with all Town Board members present and in agreement, the meeting was adjourned at 9:05 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk