

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 3<sup>rd</sup> day of April 2019 at 7:10 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, 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 in addition to the Ferrieri family who continue to seek closure regarding brothers Raymond and Jesse who went missing almost one year ago while hunting along the Idaho/Montana border.

Supervisor Schmitt announced that the Town Board met at 6:00 p.m. in Executive Session regarding the Town of Carmel's contract with AAA Carting & Rubbish Removal, Inc. as well as for certiorari litigation updates provided by Glenn Droese, Town Assessor and discussion in connection with a contractual matter.

**TOWN SUPERVISOR AUTHORIZED TO SIGN A STIPULATION OF AGREEMENT CHANGING SALARY GROUP OF ACCOUNT CLERK/RECREATION JOB TITLE AND CARMELINA SPANO PLACED AT STEP 1 OF SALARY GROUP 4**

RESOLVED, that the Town Board of the Town of Carmel ("Town") hereby authorizes the Town Supervisor to sign a Stipulation of Agreement, effective January 1, 2019, the Account Clerk/Recreation job title shall be placed at a Salary Group 4, as specified in Appendix "E" of the Collective Bargaining Agreement between the Town and Local 840, CSEA, AFSCME, AFL-CIO that expired on December 31, 2017, and was modified and extended by a Memorandum of Agreement with a duration of January 1, 2018 to December 31, 2021 (the "CBA").

BE IT FURTHER RESOLVED, that pursuant to the above-referenced Stipulation of Agreement, effective January 1, 2019, Account Clerk/Recreation Carmelina Spano Employee number 3001, shall be placed at Step 1 of Salary Group 4, as specified in Appendix "E" of the CBA, and shall receive retroactive pay accordingly.

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>

Supervisor Schmitt congratulated Ms. Spano on her well-deserved promotion and title change.

**PROPOSAL ACCEPTED FOR INSURANCE - BROWN & BROWN OF NY, INC. D/B/A SPAIN AGENCY - 4/1/19 THROUGH 3/31/20**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Brown & Brown of NY, Inc. d/b/a Spain Agency, Mahopac, NY to provide liability insurance to the Town of Carmel for the period of April 1, 2019 through March 31, 2020 in form as is on file in the office of the Town Supervisor, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign all necessary documentation required to accept such proposal.

Resolution

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

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

Councilwoman McDonough confirmed the term of the liability insurance to be April 1, 2019 through March 31, 2020.

**BUDGET MODIFICATIONS AUTHORIZED - SCHEDULE 2019/01**

WHEREAS the Town Comptroller Mary Ann Maxwell has reviewed the proposed Final Budget Modifications for the period ending February 28, 2019 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule 2019/01;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Final Budget Modifications/Revisions for the period ending February 28, 2019 as shown itemized on schedule 2019/01 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Barile

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

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.1680.0021	DATA IMAGING EQUIPMENT	55,000.00	
	100.1990.0040	CONTINGENCY - SOFTWARE CONVERSION	73,435.00	
	100.1990.0040	CONTINGENCY - MASTER PLAN/TOWN CODE	100,000.00	
	100.3120.0027	POLICE OTHER EQUIPMENT	20,000.00	
	100.7110.0022	PARK SPECIAL EQUIPMENT	44,482.00	
	100.7111.0040	SYCAMORE FIELD IMPROVEMENTS	18,500.00	
	100.7112.0040	MCDONOUGH PARK CONTRACTUAL EXPENSE	12,650.00	
	100.7112.0040	MCDONOUGH PARK CONTRACTUAL EXPENSE	13,350.00	
	100.7112.0045	MCDONOUGH PARK IMPROVEMENTS	18,250.00	
	100.7117.0040	CAMARDA PARK CONT EXPENSE	24,000.00	
	100.7999.0040	PARK CAPITAL IMPROVEMENTS	120,849.00	
	100.1989.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	* 500,516.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET PER AUTHORIZING RESOLUTION		
2	100.1110.0011	JUSTICE STAFF PERSONNEL SERVICES	1,370.00	
	100.1110.0019	JUSTICE COURT OTHER EXPENSES	1,815.00	
	100.1355.0011	ASSESSOR STAFF PERSONNEL SERVICES	1,370.00	
	100.5010.0011	HIGHWAY ADMIN STAFF PERSONNEL SERVICES	668.00	
	100.1110.0080	EMPLOYEE BENEFITS		3,185.00
	100.1355.0080	EMPLOYEE BENEFITS		1,370.00
	100.5010.0080	EMPLOYEE BENEFITS		668.00
		- TRANSFER FOR SALARY INCREASES PER AUTHORIZING RESOLUTIONS		
3	100.1950.0040	TAXES & ASSESSMENTS	3,700.00	
	100.1990.0040	CONTINGENCY		3,700.00
		- TRANSFER FOR TAXES FOR TOWN PROPERTY		
4	100.3120.0021	POLICE MOTOR VEHICLES	4,731.00	
	100.3120.0027	POLICE OTHER EQUIPMENT		4,731.00
		- TRANSFER FOR POLICE VEHICLE PURCHASE PER RESOLUTION		

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5	100.5010.0012	OVERTIME		1,000.00	
	100.5010.0080	HIGHWAY ADMIN EMPLOYEE BENEFITS			1,000.00
		- TRANSFER FOR HIGHWAY PERSONNEL OVERTIME			
6	100.7112.0043	MCDONOUGH FIELDS ALARM EXPENSE		250.00	
	100.7113.0043	CHAMBER PARK ALARM EXPENSE		300.00	
	100.7114.0040	RED MILLS CONTRACTUAL EXPENSE		500.00	
	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSE			250.00
	100.7113.0040	CHAMBER PARK CONTRACTUAL EXPENSE			300.00
	100.7110.0040	PARK CONTRACTUAL EXPENSE			500.00
		- TRANSFER FOR MISCELLANEOUS RECREATION EXPENSES			
HIGHWAY FUND					
7	500.5130.0041	MACHINERY/EQUIPMENT CAPITAL EXPENSE		250,000.00	
	500.5010.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	250,000.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET PER AUTHORIZING RESOLUTION			
8	500.5130.0046	EQUIPMENT LEASES/RENTALS		1,000.00	
	500.5130.0083	WORKERS COMPENSATION INSURANCE			1,000.00
		- TRANSFER FOR HIGHWAY LEASES/RENTALS			
CARMEL FIRE PROTECTION DISTRICT #1					
9	301.3410.0045	DRY HYDRANT EXPENDITURES		64,322.00	
	301.3410.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	64,322.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET PER AUTHORIZING RESOLUTION			

TOWN OF CARMEL  
BUDGET REVISIONS JANUARY-FEBRUARY 2019 - #2019/01

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL WATER DISTRICT #8				
10	608.8310.0020	EQUIPMENT	4,000.00	
	608.8310.0040	CONTRACTUAL EXPENSES		4,000.00
		- TRANSFER FOR PURCHASE OF EQUIPMENT		
CARMEL WATER DISTRICT #9				
11	609.8310.0020	EQUIPMENT	4,000.00	
	609.8310.0099	REPAIR RESERVE FUND		4,000.00
		- TRANSFER FOR PURCHASE OF AN AIR COMPRESSOR		
CARMEL SEWER DISTRICT #1 EXT#3				
12	713.8130.0020	EQUIPMENT	2,000.00	
	713.8130.0040	CONTRACTUAL EXPENSES		2,000.00
		- TRANSFER FOR PURCHASE OF PUMP REPLACEMENT		
AIRPORT PARK CAPITAL FUND				
13	910.7140.0044	PROJECT ENGINEERING	50,000.00	
	910.7140.0045	CONTRACTED IMPROVEMENTS	1,550,000.00	
	910.7140.5710	PROCEEDS OF BOND ISSUE	* 1,600,000.00	
		- PROVIDE FOR AIRPORT PARK CAPITAL IMPROVEMENTS FROM APPROVED BORROWING		
HIGHWAY SPECIAL IMPROVEMENTS				
14	952.5112.0012	OVERTIME	100.00	
	952.5112.0045	CONTRACTED IMPROVEMENTS		100.00
		- TRANSFER FOR OVERTIME		
SYCAMORE PARK COMMUNITY CENTER CAPITAL FUND				
15	915.7140.0045	CONTRACTED IMPROVEMENTS	111,599.40	
	915.7140.5030	INTERFUND TRANSFER FROM PARKLAND TRUST	* 111,599.40	
		-PROVIDE FOR CAPITAL IMPROVEMENTS FROM PARKLAND TRUST PER AUTHORIZING RESOLUTION		
AGENCY AND TRUST FUNDS				
16	990.0037.0099	TRANSFER TO OTHER FUNDS (915 Fund - Sycamore Park)	111,599.40	
	990.0037.9909	PARKLAND TRUST FUND APPROPRIATION	* 111,599.40	
		-PROVIDE FOR TRANSFER TO CAPITAL FUND FROM PARKLAND TRUST PER AUTHORIZING RESOLUTION		
CARMEL WATER DISTRICT #9 CAPITAL FUND				
17	969.8310.0040	CONTRACTUAL EXPENSES	5,000.00	
	969.8310.0045	CONTRACTED IMPROVEMENTS	930,000.00	
	969.8310.0048	OTHER PROJECT EXPENSES	5,000.00	
	969.8310.5710	PROCEEDS OF BORROWING	* 940,000.00	
		- PROVIDE FOR PROJECT CAPITAL IMPROVEMENTS FROM APPROVED BORROWING		

**PROPOSAL FOR PURCHASE AND INSTALLATION OF VIDEO UPGRADES AT CARMEL TOWN HALL AUTHORIZED - NEW YORK AUDIO VIDEO DESIGN - \$186,611.18**

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Town Engineer Richard J. Franzetti, P.E., hereby authorizes the acceptance of the proposal and the purchase and installation of various video system equipment and upgrades at Town of Carmel Town Hall by New York Audio Video Design, Mahopac, NY, at a cost of \$186,611.18; and

BE IT FURTHER RESOLVED that Town of Carmel Town Supervisor Kenneth Schmitt, upon receipt of insurance certificates and bonds in form acceptable to Town Counsel, is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein including with respect to any grant application submissions; and

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

Resolution

Offered by: 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>

Councilman Barile indicated that the significant cost of the video system will be money well-spent for the viewing public.

**ACCEPTANCE OF PROPOSAL FOR ENGINEERING SERVICES LAKE TEAKETTLE PARK DISTRICT AND LAKE CASSE PARK DISTRICT DAM MAINTENANCE DESIGN AUTHORIZED - WESTON & SAMPSON**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of the Lake Teakettle Park District and Lake Casse Park District, hereby authorizes the acceptance of proposals from Weston & Sampson, Reading, MA for the preparation of plans, specifications and bid documents for maintenance and repair for the Teakettle Lake Dams at an aggregate cost not to exceed of \$19,900.00 and for Lake Casse Dam at a cost not to exceed \$9,900.00, in accordance with the proposal dated March 14, 2019 and the recommendation and memorandum of Town Engineer Richard J. Franzetti, P.E. dated March 19, 2019; and

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

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

Resolution

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

**CARMEL SEWER DISTRICT #2 - ACCEPTANCE OF PROPOSAL FOR ENGINEERING SERVICES FOR SAND FILTER ROOF AUTHORIZED - DELAWARE ENGINEERING - NOT TO EXCEED \$44,020.00**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of the Carmel Sewer District #2, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the acceptance of proposal of Delaware Engineering, Albany, NY for the preparation of design plans, specifications and bid documents for repair of the Carmel Sewer District #2 sand filter building roof at a cost not to exceed \$44,020.00, in accordance with the Town Engineers memorandum dated March 19, 2019; and

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

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

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman 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 #3 - PAYMENT FOR WELL PUMP REPAIRS AUTHORIZED - BEE & JAY PLUMBING - \$5,523.00**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #3, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payments to Bee & Jay Plumbing, Mahopac, NY for well pump repairs in the amount of \$5,523.00, as performed on March 4, 2019 and in accordance with the invoice dated March 8, 2019; and

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

Resolution

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

On motion by Councilman Schneider, seconded by Councilwoman McDonough and Councilman Lupinacci, the aforementioned resolution was amended as originally offered to reflect that the services were performed on March 4, 2019, not February 4, 2019.

**HIGHWAY SUPERINTENDENT, MICHAEL SIMONE - ATTENDANCE AT SEMINAR  
AUTHORIZED - 2019 CORNELL UNIVERSITY LOCAL ROADS PROGRAM  
HIGHWAY SCHOOL - 6/2/19 THROUGH 6/5/19**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent, Michael Simone to attend the 2019 Cornell University Local Roads Program Highway School being held on June 2, 2019 through June 5, 2019 in Ithaca, NY; 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 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>

**HIGHWAY DEPARTMENT - PAYMENT FOR TRUCK #48 REPAIR AUTHORIZED -  
CAMEROTA TRUCK PARTS - \$8,200.00**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the payment to Camerota Truck Parts, Enfield, CT in the amount of \$8,200.00 for the purchase of an International Transfer Case for repairs to Town of Carmel Highway Truck #48, in accordance with the invoice dated January 18, 2019; and

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

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci and 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 - PAYMENT FOR TRUCK #29 REPAIR AUTHORIZED - CAMEROTA TRUCK PARTS - \$13,000.00**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the payment to Camerota Truck Parts, Enfield, CT in the amount of \$13,000.00 for the purchase of a Kenworth Transfer Case for repairs to Town of Carmel Highway Truck #29, in accordance with the invoice dated January 28, 2019; and  
BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the repairs authorized herein.

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>

Supervisor Schmitt spoke regarding the benefits of retaining four heavy machinery mechanics on staff in the Highway Department. He pointed out that the cost of the repairs to the trucks would have most likely been double or triple the amount billed.

**HIGHWAY DEPARTMENT - PAYMENT FOR TRUCK #33 REPAIR AUTHORIZED - REED SYSTEMS, LTD. - \$5,173.75**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the payment to Reed Systems, Ltd., Ellenville, NY in the amount of \$5,173.75 for repair of a ground speed control system, Town of Carmel Highway Truck #33, in accordance with the invoice dated January 3, 2019; and  
BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the repairs authorized herein.

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 - PURCHASE OF BACKUP MACK TRANSFER CASE AUTHORIZED - CAMEROTA TRUCK PARTS - \$14,500.00**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the purchase of a backup Mack Transfer case from Camerota Truck Parts, Enfield, CT in the amount of \$14,500.00 to be kept in inventory for future repairs to Town of Carmel Highway Trucks, in accordance with the quotes obtained dated March 14, 2019; and

(Cont.)

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

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>

**PUBLIC HEARING SCHEDULED FOR 5/1/19 - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" - ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR "SMOKE SHOPS" AND "VAPE SHOPS"**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday May 1, 2019 at 7:00 p.m. or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 156 of the Code of the Town of Carmel, entitled "Zoning"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci and 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>

**PROPOSED LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR "SMOKE SHOPS" AND "VAPE SHOPS" IN THE TOWN OF CARMEL**

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

**SECTION 1: PURPOSE**

The purpose of this local law is to establish a temporary moratorium on the issuance of building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new "smoke shops" or "vape shops" within the limits of the Town of Carmel.



(Cont.)

#### SECTION 2: LEGISLATIVE FINDINGS

The Town Board of the Town of Carmel has received numerous complaints regarding the operation of “smoke shops” and “vape shops” as defined herein, specifically concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the Town of Carmel. The Town Board has decided to review the current Zoning Chapter of the Town Code and consider the potential regulation of such “smoke shops” and “vape shops”. In order to allow the Town Board time to complete its review, draft proposed new legislation and enact any such legislation for these types of establishments, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any further building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the Town of Carmel which are not currently in existence or operation.

#### SECTION 3: MORATORIUM

Chapter 156 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph/section 156-39.6. which shall read as follows:

- D. Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law until December 31, 2019. For purposes of this section “smoke shop” or “vape shop” shall mean any business, facility or establishment with its main, primary or specialized purpose being the on-premises use and/or retail sale of tobacco and tobacco-related products, smoking equipment and/or electronic cigarette products and related products and paraphernalia.

#### SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

#### SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

#### SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**THE WEEK OF APRIL 22, 2019 THROUGH APRIL 28, 2019 DESIGNATED AS TOWN OF CARMEL COMPLIANCE CLEAN UP WEEK**

RESOLVED that the Town Board of the Town of Carmel hereby declares the week of April 22, 2019 through April 28, 2019 as “Community Clean-up and Code Compliance Week” in the Town of Carmel and

BE IT FURTHER RESOLVED THAT the Town Board hereby urges all citizens of the Town to utilize those weeks to engage in clean-up activities which will help to fulfill the common goal of all the citizens of the Town to live in a community that is litter and clutter free and

BE IT FURTHER RESOLVED the Town Board hereby further urges all citizens of the Town to also utilize those weeks to engage in an effort to promote and demonstrate compliance with the provisions of the Town of Carmel Town Code, specifically with those chapters entitled “Garbage, Rubbish and Refuse” (Chapter 95); “Noise” (Chapter 104); “Property Maintenance” (Chapter 114); “Vehicles, Abandoned or Junked” (Chapter 145) and “Zoning” (Chapter 156).

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Barile, Councilman, Schneider, Councilman Lupinacci 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>

**OFFICE OF THE TOWN COMPTROLLER - FUND BALANCE MODIFICATIONS AUTHORIZED**

WHEREAS the Town Comptroller has reviewed the Draft Year End Fund Balance Analysis for fiscal year 2018 with the Town Board which are detailed and explained on the attached Schedule;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the increase of reserves for the Compensated Absence Reserve Fund and Designated for Capital Projects Fund under General Fund, for fiscal year 2018, as shown itemized on the schedule is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Barile

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

TOWN OF CARMEL  
GENERAL AND HIGHWAY FUND COMBINED FUND EQUITY (YEARS 2012-2018)

\*\* unaudited \*\*

DESCRIPTION	2012	2013	2014	2015	2016	2017	2018
GENERAL FUND							
RESERVE FOR PREPAID EXPENSES	490,430	514,577	450,029	393,897	389,280	408,839	371,705
RESERVE FOR ENCUMBRANCES	65,147	55,713	89,518	118,210	152,275	378,818	500,516
RESERVE FOR COMPENSATED ABS	800,000	1,000,000	1,000,000	1,000,000	1,440,000	1,615,000	1,785,000

Need Reso

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(Cont.)

DESIGNATED FOR TAX CERTIORARI	600,000	770,000	770,000	770,000	770,000	770,000	770,000
DESIGNATED FOR RETIREMENT CONTRIBUTIONS	160,000	200,000	200,000	200,000	200,000	200,000	200,000
DESIGNATED FOR CAPITAL PROJECTS		200,000	500,000	500,000	750,000	1,000,000	1,500,000
DESIGNATED RESERVE VEHICLE PURCHASES		80,000	150,000	150,000	150,000	150,000	150,000
UNRESERVED DESIGNATED EQUITY-FY	400,000	400,000	400,000	400,000	400,000	400,000	400,000
UNRESERVED DESIGNATED EQUITY - SUBSEQUENT YEARS BUDGET	-	-	-	-	-	-	-
UNRESERVED UNDESIGNATED EQUITY**	1,127,422	1,227,425	1,532,712	2,172,921	2,881,689	3,487,762	3,319,837
TOTAL GENERAL FUND EQUITY	\$ 3,642,999	\$ 4,447,715	\$ 5,092,259	\$ 5,705,028	\$ 7,133,244	\$ 8,410,419	\$ 8,997,058
HIGHWAY FUND							
RESERVE FOR PREPAID EXPENSES	85,875	123,500	117,500	112,500	97,000	128,875	120,500
RESERVE FOR ENCUMBRANCES			100,000	150,000	150,000	100,000	250,000
RESERVE FOR COMPENSATED ABSENCES	275,000	300,000	300,000	300,000	300,000	300,000	300,000
RESERVE FOR SNOW REMOVAL/ROADS	250,000	350,000	500,000	450,000	600,000	750,000	750,000
UNRESERVED DESIGNATED EQUITY	26,592	37,623	61,719	111,856	296,914	474,431	298,687
UNRESERVED UNDESIGNATED EQUITY							
TOTAL HIGHWAY FUND EQUITY	\$ 639,467	\$ 811,123	\$ 1,079,219	\$ 1,124,356	\$ 1,443,914	\$ 1,753,306	\$ 1,719,187
TOTAL GENERAL & HIGHWAY EQUITY	\$ 4,282,466	\$ 5,258,838	\$ 6,171,478	\$ 6,829,384	\$ 8,577,158	\$ 10,163,725	\$ 10,716,245

**PUBLIC COMMENTS - AGENDA ITEMS**

Jerry Ravnitzky, Mahopac resident, inquired if the purchase of video system equipment includes audio upgrades.

Supervisor Schmitt replied that it does and noted that new wireless microphones will be utilized.

Mr. Ravnitzky expressed his concern with regard to the radiation emitted from wireless microphones. He went on to share that there will be a program held at the Mahopac Public Library on May 30, 2019 with regard to radiation and health concerns linked to wireless telecommunication devices.

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

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

**PUBLIC COMMENTS - OPEN FORUM**

Jean Hopper expressed her frustration in connection with a quote contributed to her in a recent article about the Town's Swan Cove purchase that appeared in the Putnam County Courier. Ms. Hopper explained that she did not make the statement and will be requesting a retraction from the publication.

Councilwoman McDonough advised Ms. Hopper for the purpose of ensuring accuracy, to communicate to the press via email. Discussion ensued.

**TOWN BOARD MEMBER COMMENTS - OPEN FORUM**

Councilman Schneider announced that there will be a benefit dinner on April 13, 2019 from 5:00 p.m. to 9:00 p.m. at the German American Club on Kramers Pond Road in Putnam Valley. The proceeds will be donated to the PFC Joseph P. Dwyer Vet 2 Vet Program of Putnam County.

Councilwoman McDonough announced that the Recreation Advisory Committee will be holding their annual open meeting on April 4, 2019 at 7:30 p.m. at Sycamore Park. All interested residents are invited to attend.

3 APRIL 2019  
TOWN BOARD MEETING

(Cont.)

Councilwoman McDonough announced that the Department of Recreation and Parks will be hosting their annual Easter Egg Hunt on April 14, 2019 at 12:00 p.m. at the Mahopac High School. The Mahopac Rotary Club will be serving lunch at the event from 11:00 a.m. to 12:00 p.m.

Councilman Lupinacci announced that registration has commenced for the Department of Recreation and Parks 2019 spring classes and summer camp.

Supervisor Schmitt encouraged participation in "Community Clean-up and Code Compliance Week". He stated that property owners should choose a section of roadway to clean and advise the Highway Department of their choice because they will be maintaining a list for pickup. Orange trash bags will be available at the Highway Department.

Supervisor Schmitt reported on the New York State Department of Transportation's upcoming Route 6 milling and repaving project in the hamlet of Carmel. He pointed out that the project will be done primarily at night in an effort to reduce the amount of traffic interruptions and delays.

Supervisor Schmitt addressed the problem of weed infestation in Lake Mahopac. He explained that the Town and the Lake Mahopac Park District Advisory Committee are working with the New York State Department of Environmental Conservation to stock additional grass carp to control the algae growth. Discussion followed.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:50 p.m. to Executive Session to continue with certiorari litigation updates.

Respectfully submitted,

Ann Spofford, Town Clerk