

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 Tuesday, the 15th day of December, 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 this Town Board meeting was originally scheduled for tomorrow and was rescheduled due to the impending snowstorm.

MINUTES OF TOWN BOARD MEETINGS HELD ON 11/18/2020 AND 12/2/2020 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

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

POLICE DEPARTMENT - PROVISIONAL APPOINTMENT OF CHIEF OF POLICE MADE - ANTHONY HOFFMANN

BE IT RESOLVED, that the Town Board of the Town of Carmel hereby appoints Anthony Hoffmann as Chief of Police, in and for the Town of Carmel, NY, effective January 4, 2021, on a provisional basis in accordance with the New York State Civil Service Law and applicable State and Local Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt

<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 spoke about the Town Board’s interview process to fill the vacant Chief of Police position created by Michael Cazzari’s retirement in July of this year.

Supervisor Schmitt detailed Anthony Hoffmann’s extensive twenty-two year law enforcement experience, from the New York City Police Department to the Town of Mamaroneck Police Department where he rose to the rank of Patrol Division Lieutenant. Supervisor Schmitt administered Chief Hoffmann’s oath of office and the Town Board members expressed congratulatory best wishes.

POLICE DEPARTMENT - REJECTION OF BIDS AUTHORIZED AND RE-ADVERTISEMENT FOR BIDS AUTHORIZED FOR PURCHASE OF UNIFORMS

RESOLVED that, pursuant to the request of Lt. John R. Dearman, the Town Board of the Town of Carmel hereby rejects all bids previously received for purchase of police uniforms in fiscal year 2021 for the Town of Carmel Police Department; and
BE IT FURTHER RESOLVED, that the Town Board hereby authorizes Town Clerk Ann Spofford to re-advertise for bids in connection with the aforesaid purchase; and

(Cont.)

BE IT FURTHER RESOLVED that the detailed specifications shall be furnished to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

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>

RESOLUTION IN SUPPORT OF COMMISSION OF TRAFFIC STUDIES WITHIN THE TOWN OF CARMEL - TABLED

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Lt. John R. Dearman, hereby supports the commission of a study by the New York State Department of Transportation for the purpose of establishing no-parking zones on U.S. Route Six in Mahopac on both the easterly and westerly sides of the entrance to 566 Route Six, Mahopac, NY premises location for a distance of fifteen (15) feet on either side of said entrance; and

BE IT FURTHER RESOLVED the Town Supervisor Kenneth Schmitt is hereby authorized to transmit a copy of this resolution to the New York State Department of Transportation immediately.

MOTION TO TABLE
Offered by: Councilman Lombardi
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>

The resolution was originally offered for consideration by Councilman Lombardi and seconded by Councilwoman McDonough. Prior to the conclusion of the roll call vote, Councilman Barile addressed his comments made at the recent Work Session in which he indicated that he was not in favor of eliminating the two parking spaces in downtown Mahopac in order to prohibit a property owner’s tenants from parking there. He stated that he is one of the owners of a property located across the street from the parcel and that he, as well as the other business owners across the street he spoke with, oppose the proposed no-parking zone. It was noted that an owner of the referenced parcel, 566 Route Six, is Putnam County Legislator Carl Albano. Discussion ensued.

Councilman Lombardi offered the motion to table the resolution. Councilman Schanil seconded the motion, and Supervisor Schmitt called for the roll call vote.

Prior to casting her vote, Councilwoman McDonough referenced her traffic safety concerns expressed during the discussion.

After the roll call vote, discussion continued. Supervisor Schmitt concluded that he would speak with Lt. John Dearman in the morning to initiate a letter to the property owners directing them to address the parking issue with their tenants.

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**POLICE DEPARTMENT - APPLICATION FOR TUITION REIMBURSEMENT
APPROVED - POLICE OFFICER ARTHUR KLOSKOWSKI**

RESOLVED that pursuant to the terms of the current Town of Carmel PBA contract, the Town Board of the Town of Carmel hereby approves the application for tuition reimbursement of Town of Carmel Police Officer Arthur Kloskowski for completion of his Bachelor's Degree at Pace University and authorizes payment in the amount of \$900.00 in connection therewith.

Resolution

Offered by: Councilman Barile
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>

**HIGHWAY DEPARTMENT - PURCHASE OF EQUIPMENT AUTHORIZED - 2014
WACKER NEUSON RD12A ROLLER - CRICKET CONSTRUCTION - NOT TO
EXCEED \$12,000.00**

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the purchase of a 2014 Wacker Neuson RD12A Roller from Cricket Construction, Mahopac, NY in an amount not to exceed \$12,000.00; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make all budgetary transfers necessary to effect this authorization and purchase.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilman Lombardi and 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>

FINAL BUDGET MODIFICATIONS AUTHORIZED AND RATIFIED - #2020/04

WHEREAS the Town Comptroller MaryAnn Maxwell has reviewed the proposed Final Budget Modifications for the period ending November 30, 2020 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule # 2020/04; and

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 November 30, 2020 as shown itemized on schedule # 2020/04 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

TOWN OF CARMEL
BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.1110.0019	JUSTICE COURT OTHER COMP	1,280.00	
	100.7020.0019	REC ADMIN OTHER COMP	2,101.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	3,381.00
		- PROVIDE FOR PAYOUT OF ACCRUED VACATION TIME		
2	100.1420.0049	LEGAL MISCELLANEOUS EXPENSES	40,000.00	
	100.1989.9909	APPROPRIATED FUND BALANCE	*	40,000.00
		- PROVIDE FOR COST OF OUTSIDE LEGAL COUNSEL INVESTIGATION PER AUTHORIZING RESOLUTION		
3	100.4010.0040	PUBLIC HEALTH CONTRACTUAL EXPENSES	15,710.00	
	100.1989.4322	FEDERAL AID - COVID	15,710.00	
		- PROVIDE FOR PURCHASES OF PPE AND DISINFECTION MATERIALS THROUGH 8/31/20 FEMA PROJECT #145275		
4	100.4010.0040	PUBLIC HEALTH CONTRACTUAL EXPENSES	4,832.00	
	100.1989.4322	FEDERAL AID - COVID	4,832.00	
		- PROVIDE FOR PURCHASES OF PPE AND DISINFECTION MATERIALS THROUGH 9/15/20 FROM ANTICIPATED FEMA REIMBURSEMENT		
5	100.7113.0045	SWAN COVE PARK IMPROVEMENTS	23,180.00	
	100.1990.0040	CONTINGENT ACCOUNT		23,180.00
		- TRANSFER FOR DEMOLITION AND REMOVAL OF FOUNDATION AT SWAN COVE PROPERTY		
6	100.8664.0044	DOWNTOWN REVITALIZATION ENGINEERING EXP	59,000.00	
	100.1990.0040	CONTINGENT ACCOUNT		59,000.00
		- TRANSFER FOR DOWNTOWN REVITALIZATION ENGINEERING EXPENSE		
7	100.1315.0011	COMPTROLLER PERS SVCS - STAFF	2,785.00	
	100.1440.0010	ENGINEERING PERS SVCS	5,575.00	
	100.1440.0011	ENGINEERING PERS SVCS - STAFF	7,802.00	
	100.5010.0011	HIGHWAY ADMIN PERS SVCS - STAFF	2,785.00	
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		8,355.00
	100.1440.0046	ENGINEERING CONSULTANT		10,592.00
		- TRANSFER FOR STAFF SALARY ADJUSTMENTS 2020		
8	100.1340.0040	BUDGET CONTRACTUAL EXPENSES	100.00	
	100.1440.0040	ENGINEERING OFFICE EXPENSES	1,000.00	
	100.1620.0020	BUILDING EQUIPMENT	600.00	
	100.1620.0048	BUILDING CLEANING SERVICES	4,600.00	
	100.1989.0040	UNCLASSIFIED EXPENDITURES	4,500.00	
	100.8020.0080	PLANNING BOARD EMPLOYEE BENEFITS	1,100.00	
	100.1315.0047	COMPTROLLER CONFERENCES		100.00
	100.1440.0086	RETIREE HEALTH INSURANCE		1,000.00
	100.1620.0080	BUILDING EMPLOYEE BENEFITS		5,200.00
	100.1910.0040	INSURANCE EXPENSE		4,500.00
	100.8020.0046	CONSULTING SERVICES - ARCHITECT		1,100.00
		- TRANSFER FOR EXPENSES WITHIN THE GENERAL FUND		
9	100.1420.0043	SPECIAL COUNSEL BOARDS LEGAL SERVICES	2,000.00	
	100.1420.0048	DEFENSE LEGAL SERVICES	30,000.00	
	100.1420.0042	JUSTICE COURT PROSECUTION		12,000.00
	100.1420.0047	CERTIORARI LEGAL SERVICES		20,000.00
		- TRANSFER FOR LEGAL SERVICES		
10	100.3121.0012	LAKE PATROL OVERTIME	2,500.00	
	100.3123.0012	COMMUNITY PATROL OVERTIME	10,000.00	
	100.3120.0012	POLICE STAFF OVERTIME		12,500.00
		- TRANSFER FOR LAKE PATROL/COMMUNITY PATROL OVERTIME		

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BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
11	100.9950.0099	TRANSFER TO CAP PROJECT FUND	89,230.00	
	100.7020.0044	RECREATION BUILDING CONCESSION EXPENSES		2,000.00
	100.7110.0020	PARK MAINTENANCE EQUIPMENT		20,000.00
	100.7111.0020	SYCAMORE BALLFIELD EQUIPMENT		1,000.00
	100.7111.0040	SYCAMORE BALLFIELD CONTRACTUAL EXPENSES		5,000.00
	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSES		5,000.00
	100.7112.0045	MCDONOUGH FIELDS PARK IMPROVEMENTS		25,000.00
	100.7120.0040	FARMERS MARKET CONTRACTUAL EXPENSES		10,000.00
	100.7180.0022	MAHOPAC LAKEFRONT		8,000.00
	100.7180.0040	BEACH CONTRACTUAL EXPENSES		2,800.00
	100.7190.0020	SKATING RINK EQUIPMENT		500.00
	100.7190.0040	SKATING RINK CONTRACTUAL EXPENSES		9,930.00
		- TRANSFER TO AIRPORT CAPITAL FUND FOR SEPTIC SYSTEM CONTRACT		
12	100.7020.0020	RECREATION ADMIN OFFICE EQUIPMENT	800.00	
	100.7020.0040	RECREATION ADMIN OFFICE EXPENSES	1,000.00	
	100.7110.0012	PARK STAFF OVERTIME	1,000.00	
	100.7110.0040	PARK CONTRACTUAL EXPENSES	10,000.00	
	100.7113.0020	CHAMBER PARK IMPROVEMENTS	3,300.00	
	100.7113.0040	CHAMBER PARK CONTRACUAL EXPENSES	800.00	
	100.7115.0042	AIRPORT PARK UTILITY EXPENSES	1,000.00	
	100.7119.0040	DOG PARK CONTRACUTAL EXPENSES	2,500.00	
	100.7110.0080	PARK EMPLOYEE BENEFITS		10,000.00
	100.7113.0042	CHAMBER PARK UTILITY EXPENSES		1,000.00
	100.7120.0012	FARMERS MARKET OVERTIME		2,500.00
	100.7140.0040	PLAYGROUND CONTRACTUAL EXPENSES		800.00
	100.7610.0040	PROGRAM FOR THE AGING CONTRACTUAL EXPENSES		6,100.00
		- TRANSFER FOR RECREATION EXPENSES		
13	100.8090.0013	RECYCLE TEMPORARY STAFF	2,000.00	
	100.8090.0045	RECYCLE TRASH DISPOSAL	15,700.00	
	100.8090.0048	LANDFILL MONITORING		7,700.00
	100.8090.0080	EMPLOYEE RETIREMENT		1,700.00
	100.8090.0082	SOCIAL SECURITY		200.00
	100.8090.0083	WORKERS COMPENSATION		2,900.00
	100.8090.0084	HEALTH INSURANCE		2,800.00
	100.8090.0086	RETIREE HEALTH INSURANCE		2,400.00
		- TRANSFER FOR EWASTE AND SHREDDING EVENTS		
HIGHWAY FUND				
14	500.5112.0020	PROJECT EXPENDITURES	1,765.00	
	500.5112.0012	PROJECT OVERTIME		1,250.00
	500.5112.0082	PROJECT FICA/MED COST		515.00
		- TRANSFER FOR CHIPS HIGHWAY PROJECT COSTS		
15	500.5140.0012	WEEDS AND BRUSH OVERTIME	4,500.00	
	500.5140.0020	WEEDS AND BRUSH TOOLS	1,000.00	
	500.5140.0049	OTHER EXPENDITURES	1,000.00	
	500.5140.0041	WEEDS AND BRUSH FUEL		6,500.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES IN THE HIGHWAY FUND		
LAKE CASSE PARK DISTRICT				
16	401.7140.0040	CONTRACTUAL EXPENSES	2,700.00	
	401.7140.0047	REFUSE DISPOSAL	300.00	
	401.7140.0099	REPAIR RESERVE		3,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES AND REFUSE DISPOSAL		
17	401.7140.0054	CAPITAL EXPENDITURES	18,000.00	
	401.7140.0020	EQUIPMENT		7,000.00
	401.7140.0041	LAKE TREATMENTS		9,750.00
	401.7140.0099	REPAIR RESERVE		1,250.00
		- TRANSFER FOR CAPITAL EXPENDITURES		
LAKE MAHOPAC PARK DISTRICT				
18	402.7110.0040	CONTRACTUAL EXPENSES	1,000.00	
	402.7110.0041	WATER QUALITY/BIOMASS STUDY		1,000.00
		- 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
LAKE SECOR PARK DISTRICT				
19	404.7140.0013	TEMPORARY LABOR	4,000.00	
	404.7140.0040	CONTRACTUAL EXPENSES	1,400.00	
	404.7140.0046	CONTRACTUAL RENTALS	100.00	
	404.7140.0082	SOCIAL SECURITY	500.00	
	404.7140.0050	SPECIAL IMPROVEMENTS		5,000.00
	404.7140.0099	REPAIR RESERVE		1,000.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES		

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VARIOUS WATER DISTRICTS				
20	601.8310.0020	EQUIPMENT	2,123.00	
	608.8310.0020	EQUIPMENT	13,498.00	
	610.8310.0020	EQUIPMENT	4,500.00	
	613.8310.0020	EQUIPMENT	2,954.00	
	601.8310.4321	FEDERAL AID - FEMA	*	2,123.00
	608.8310.4321	FEDERAL AID - FEMA	*	13,498.00
	610.8310.4321	FEDERAL AID - FEMA	*	4,500.00
	613.8310.4321	FEDERAL AID - FEMA	*	2,954.00
		- PROVIDE FOR EQUIPMENT REPLACEMENT DUE TO TROPICAL STORM ISAIAS FROM ANTICIPATED FEMA REIMBURSEMENT		
CARMEL WATER DISTRICT #2				
21	602.8310.0040	CONTRACTUAL EXPENSES	442.00	
	602.8310.0047	EMERGENCY REPAIRS	3,978.00	
	602.8310.2681	INSURANCE RECOVERY - ASSET	*	4,420.00
		- PROVIDE FOR REPAIRS FROM ANTICIPATED INSURANCE CLAIM		
22	602.8310.0047	EMERGENCY REPAIRS	12,580.00	
	602.8310.2770	OTHER REVENUE	*	12,580.00
		- PROVIDE FOR EMERGENCY REPAIRS FROM ANTICIPATED REVENUE FROM INVOICE ISSUED TO PROPERTY OWNER		
23	602.8310.0040	CONTRACTUAL EXPENSES	10,000.00	
	602.8310.0047	EMERGENCY REPAIRS	35,500.00	
	602.8310.0048	OTHER OPERATING EXPENSES		19,100.00
	602.8310.0090	CONTINGENCY		26,400.00
		- TRANSFER FOR CONTRACTUAL AND EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #4				
24	604.8310.0020	EQUIPMENT	1,590.00	
	604.8310.0047	EMERGENCY REPAIRS	4,990.00	
	604.8310.2681	INSURANCE RECOVERY - ASSET	*	6,580.00
		- PROVIDE FOR EQUIPMENT AND EMERGENCY REPAIRS FROM INSURANCE CLAIM		
25	604.8310.0020	EQUIPMENT	6,510.00	
	604.8310.0047	EMERGENCY REPAIRS	6,590.00	
	604.8310.0040	CONTRACTUAL EXPENSES		1,000.00
	604.8310.0041	CHEMICALS		1,000.00
	604.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		1,000.00
	604.8310.0099	REPAIR RESERVE		10,100.00
		- TRANSFER FOR EQUIPMENT AND EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #5				
26	605.8310.0040	CONTRACTUAL EXPENSES	1,000.00	
	605.8310.0099	REPAIR RESERVE		1,000.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		
CARMEL WATER DISTRICT #6				
27	606.8310.0047	EMERGENCY REPAIRS	9,000.00	
	606.8310.0048	OTHER OPERATING EXPENSES	500.00	
	606.8310.0020	EQUIPMENT		2,500.00
	606.8310.0041	CHEMICALS		500.00
	606.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		500.00
	606.8310.9909	APPROPRIATED FUND BALANCE	*	6,000.00
		- PROVIDE AND TRANSFER FOR EMERGENCY REPAIRS AND OTHER OPERATING EXPENSES		

TOWN OF CARMEL
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BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL WATER DISTRICT #8				
28	608.8310.0041	CHEMICALS	4,000.00	
	608.8310.0047	EMERGENCY REPAIRS	10,700.00	
	608.8310.0099	REPAIR RESERVE		14,700.00
		- TRANSFER FOR CHEMICALS AND EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #10				
29	610.8310.0020	EQUIPMENT	2,500.00	
	610.8310.0040	CONTRACTUAL EXPENSES	1,000.00	
	610.8310.0041	CHEMICALS	500.00	
	610.8310.0047	EMERGENCY REPAIRS	11,500.00	
	610.8310.0043	INSURANCE EXPENDITURES		500.00
	610.8310.0048	OTHER OPERATING EXPENSES		1,500.00
	610.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		1,000.00
	610.8310.0090	CONTINGENCY		3,500.00
	610.8310.9909	APPROPRIATED FUND BALANCE	*	9,000.00
		- PROVIDE AND TRANSFER FOR VARIOUS OPERATING EXPENSES		

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CARMEL WATER DISTRICT #12				
30	612.8310.0047	EMERGENCY REPAIRS		2,790.00
	612.8310.2681	INSURANCE RECOVERY - ASSET	*	2,790.00
		- PROVIDE FOR EMERGENCY REPAIRS FROM INSURANCE CLAIM		
31	612.8310.0040	CONTRACTUAL EXPENSES		1,500.00
	612.8310.0046	PURCHASE OF WATER		2,000.00
	612.8310.0048	OTHER OPERATING EXPENSES		2,000.00
	612.8310.0042	UTILITIES EXPENSE		5,500.00
		- TRANSFER FOR VARIOUS EXPENSES		
CARMEL WATER DISTRICT #13				
32	613.8310.0020	EQUIPMENT		1,500.00
	613.8310.0040	CONTRACTUAL EXPENSES		2,000.00
	613.8310.0047	EMERGENCY REPAIRS		11,370.00
	613.8310.0048	OTHER OPERATING EXPENSES		480.00
	613.8310.0049	SERVICES OTHER DEPARTMENTS/GOVTS		790.00
	613.8310.0099	REPAIR RESERVE		4,100.00
	613.8310.9909	APPROPRIATED FUND BALANCE	*	9,500.00
		- PROVIDE AND TRANSFER FOR VARIOUS EXPENSES		
CARMEL WATER DISTRICT #14				
33	614.8310.0047	EMERGENCY REPAIRS		3,210.00
	614.8310.0048	OTHER OPERATING EXPENSES		1,000.00
	614.8310.0099	REPAIR RESERVE		4,210.00
		- TRANSFER FOR EMERGENCY REPAIRS AND OTHER OPERATING EXPENSES		
CARMEL SEWER DISTRICT #2				
34	702.8130.0047	SLUDGE DISPOSAL		1,974.00
	702.8130.2770	OTHER REVENUE	*	1,974.00
		- PROVIDE FOR SLUDGE DISPOSAL FROM REVENUE RECEIVED FROM INVOICE ISSUED TO VENDOR		
35	702.8130.0120	MICROFILTRATION EQUIPMENT		17,500.00
	702.8130.2770	OTHER REVENUE	*	17,500.00
		- PROVIDE FOR THE PURCHASE OF A PRIMARY FEED PUMP FROM REVENUE RECEIVED FOR MICROFILTRATION PLANT FROM DEP		

TOWN OF CARMEL
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BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
36	702.8130.0020	EQUIPMENT	23,500.00	
	702.8130.0041	CHEMICALS	2,500.00	
	702.8130.0043	INSURANCE EXPENDITURES		3,900.00
	702.8130.0044	ENGINEERING SERVICES		13,400.00
	702.8130.0140	MICROFILTRATION CONTRACTUAL EXPENSES		6,000.00
	702.8130.0049	SERVICES OTHER DEPARTMENTS/GOVTS		2,700.00
		- TRANSFER FOR EQUIPMENT AND CHEMICAL EXPENSES		
CARMEL SEWER DISTRICT #4				
37	704.8130.0047	SLUDGE DISPOSAL	352.00	
	704.8130.2770	OTHER REVENUE	*	352.00
		- PROVIDE FOR SLUDGE DISPOSAL FROM REVENUE RECEIVED FROM INVOICE ISSUED TO VENDOR		
38	704.8130.0141	MICROFILTRATION CHEMICALS	1,676.00	
	704.8130.2770	OTHER REVENUE	*	1,676.00
		- PROVIDE FOR MICROFILTRATION CHEMICALS FROM CHECK RECEIVED FOR A CREDIT FROM A VENDOR		
39	704.8130.0020	EQUIPMENT	31,000.00	
	704.8130.0040	CONTRACTUAL EXPENSES	10,000.00	
	704.8130.0047	SLUDGE DISPOSAL	10,000.00	
	704.8130.0048	OTHER OPERATING EXPENSES	500.00	
	704.8130.0141	MICROFILTRATION CHEMICALS	2,000.00	
	704.8130.0041	CHEMICALS		1,500.00
	704.8130.0042	UTILITIES EXPENSE		2,000.00
	704.8130.0043	INSURANCE EXPENDITURES		1,000.00
	704.8130.0044	ENGINEERING SERVICES		2,500.00
	704.8130.0046	PURCHASE OF WATER		800.00
	704.8130.9909	APPROPRIATED FUND BALANCE	*	45,700.00
		- PROVIDE AND TRANSFER FOR VARIOUS EXPENSES		
CARMEL SEWER DISTRICT #5				
40	705.8130.0040	CONTRACTUAL EXPENSES	3,500.00	
	705.8130.0041	CHEMICALS		1,600.00
	705.8130.0047	SLUDGE DISPOSAL		1,900.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		

15 DECEMBER 2020
TOWN BOARD MEETING

(Cont.)

		CARMEL SEWER DISTRICT #6			
41	706.8130.0040	CONTRACTUAL EXPENSES		12,000.00	
	706.8130.0047	SLUDGE DISPOSAL		5,424.00	
	706.8130.0048	OTHER OPERATING EXPENSES		1,000.00	
	706.8130.0046	PURCHASE OF WATER			323.00
	706.8130.0049	SERVICES OTHER DEPARTMENTS/GOVTS			981.00
	706.8130.0099	REPAIR RESERVE			7,120.00
	706.8130.9909	APPROPRIATED FUND BALANCE	*	10,000.00	
		- PROVIDE AND TRANSFER FOR VARIOUS EXPENSES			
		CARMEL SEWER DISTRICT #7			
42	707.8130.0020	EQUIPMENT		1,000.00	
	707.8130.0040	CONTRACTUAL EXPENSES		6,500.00	
	707.8130.0141	MICROFILTRATION CHEMICALS		1,000.00	
	707.8130.0099	REPAIR RESERVE			8,500.00
		- TRANSFER FOR VARIOUS EXPENSES			
		AIRPORT CAPITAL FUND			
43	910.7140.0045	CONTRACTED IMPROVEMENTS		89,230.00	
	910.7140.5031	INTERFUND TRANSFER - OTHER	*	89,230.00	
		- PROVIDE FOR CONTRACTED IMPROVEMENTS FROM TRANSFER FROM GENERAL FUND			

TOWN OF CARMEL
BUDGET REVISIONS SEPTEMBER-NOVEMBER 2020 #2020/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
		LAKE MAHOPAC PARK DIST CAPITAL FUND		
44	942.7140.0044	ENGINEERING SERVICES		93,100.00
	942.7140.0048	OTHER EXPENDITURES		6,900.00
	942.7140.5710	PROCEEDS OF BORROWING	*	100,000.00
		- PROVIDE FOR PROJECT ENGINEERING COSTS FROM APPROVED BORROWING		
		HIGHWAY RESURFACING CAPITAL FUND		
45	950.5112.0045	CONTRACTED PAVING SERVICES		22,000.00
	950.5112.9909	APPROPRIATED FUND BALANCE	*	22,000.00
		- PROVIDE FOR CONTRACTED PAVING FROM PARTIAL TRANSFER OF ODESSA BOND		

CARMEL FIRE PROTECTION DISTRICTS #1 AND #2 - ENTRY INTO CONTRACTS WITH PENFLEX INC. FOR SERVICE AWARD PROGRAM ADMINISTRATION AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of Carmel Fire Protection Districts #1 and #2, hereby authorizes entry into Service Award Program Service Agreements with Penflex Inc., of Latham, NY for administration services for the Fire Protection District Service Award Programs in said districts; and

BE IT FURTHER RESOLVED that such services shall be for the period of November 1, 2020 through and including October 31, 2021, at estimated costs of \$6,900.00 for Fire Protection District #1 and \$7,600.00 for Fire Protection District #2, all as contained within the October 2020 proposal which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation required to effect this authorization on the terms set forth herein.

15 DECEMBER 2020
TOWN BOARD MEETING

(Cont.)

Resolution

Offered by: Councilman Lombardi
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>

Penflex, Inc. 11/1/2020-10/31/2021 Service Fee Agreement

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 1
SERVICE AWARD PROGRAM**

Standard Services Fee Schedule

Base Fee: \$3,900, \$100 change from 2019
Per-Participant Fee: \$19, \$1 change from 2019
Payment certification and trustee directive letters: \$75 per letter, \$0 change from 2019
Total Estimated Standard and Distribution Services Fees: \$6,900

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2019:

NYS LOSAP Audit Package: No
GASB 73 Package: Yes

Auditing Firm: PKF O'Connor Davies, LLP
Contact Name: Alan Kassay
Email Address: akassay@pkfod.com

Please Check 'Yes' Or 'No' For Program Year 2020:

Complete the NYS LOSAP Audit Package for a fee of \$495: Yes No
This is a \$0 change from 2019. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of \$950: Yes No
This is a \$0 change from 2019. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

Supervisor
Town of Carmel

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex, Inc.

15 DECEMBER 2020
TOWN BOARD MEETING

(Cont.)

Penflex, Inc. 11/1/2020-10/31/2021 Service Fee Agreement

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 2
SERVICE AWARD PROGRAM**

Standard Services Fee Schedule

Base Fee: \$3,900, \$100 change from 2019

Per-Participant Fee: \$19, \$1 change from 2019

Payment certification and trustee directive letters: \$75 per letter, \$0 change from 2019

Total Estimated Standard and Distribution Services Fees: \$7,600

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2019:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: PKF O'Connor Davies, LLP

Contact Name: Alan Kassay

Email Address: akassay@pkfod.com

Please Check 'Yes' Or 'No' For Program Year 2020:

Complete the NYS LOSAP Audit Package for a fee of \$495: Yes No

This is a \$0 change from 2019. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of \$950: Yes No

This is a \$0 change from 2019. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

Supervisor
Town of Carmel

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex, Inc.

CARMEL WATER DISTRICT #8 - PERFORMANCE OF EMERGENCY REPAIRS/SERVICES ACKNOWLEDGED - PURCHASE AND INSTALL OF PUMP - BEE AND JAY - \$23,075.00

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 repairs/services for Carmel Water District #8 distribution system and treatment facilities, as fully detailed in the memoranda of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated December 3, 2020, as attached hereto and made a part thereof.

Resolution

Offered by: Councilman Barile

Seconded by: Councilwoman McDonough

15 DECEMBER 2020
TOWN BOARD MEETING

(Cont.)

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: December 3, 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 \$10,000.00 for services rendered. The following provides a brief a summary of the work that was performed.

• CWD 8 – Water Treatment Plant

On August 4th, Bee and Jay responded to the pump failure alarms at the water treatment plant (WTP). It was determined that turbine pump #2 seized and locked up due to power surges at the plant due to Tropical Storm Isaias. This pump serves as the primary filter plant clear will and system pump. The pump was ordered on September 1, 2020 and installed on November 16, 2020. Attached is the invoice in the amount of \$23,075.00 for the purchase and install of this pump.

This invoice has been submitted to insurance for reimbursement.

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

Tel: (845) 628-1500 Fax: (845) 628-7085 email rjf@ci.carmel.ny.us
G:\Engineering\Town Board\Emergency Invoices\12-09-2020 WS\12-03-2020 Repair Acknowledgement to TB.doc

BEE & JAY
P.O. Box 78 - 719 Route 6 - Mahopac, NY 10541
p: 845.628.3924 f: 845.628.4062
e: service@beeandjay.com

INVOICE

DATE	INVOICE #
11/17/2020	96435

www.BEEANDJAY.com

BILL TO:

Town Of Carmel, CWD-8
Engineering Dept.
60 Mc Alpin Avenue
Mahopac, NY 10541

SERVICE LOCATION:

Town Of Carmel, CWD-8
Filter Plant
Heather Drive
Mahopac, NY

PROFESSIONAL SERVICE 56 YEARS 1964-2020

Master Plumbers Lic.#s W.C. 556 P.C. 363

** Invoices not paid when due will be subjected to a finance charge of 1.5% per month

Total Due \$23,075.00

WE ACCEPT ALL MAJOR CREDIT CARDS !!

CARD TYPE: VISA MASTERCARD AMERICAN EXPRESS DISCOVER DINER'S CLUB OTHER

CARDHOLDER/NAME: _____ SIGNATURE: _____

CARD# _____ EXP. DATE: _____ CID # _____

EMAIL: _____

WHEREAS, the Town Board of the Town of Carmel, acting as Commissioners of Lake Casse Park District and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Optimum Oil & Propane, Mahopac, NY for the purchase and installation of a new boiler, generator and propane tank at the Lake Casse Clubhouse at a cost not to exceed \$17,300 and in accordance with the proposal dated October 26, 2020; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel hereby accepts the proposal of Optimum Oil & Propane, Mahopac, NY, for the purchase and installation of a new propane tank for the generator at a cost not to exceed \$2,700, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Danette Electric Corp., Mahopac, NY for the installation of a new generator at the Lake Casse Clubhouse at a cost not to exceed \$11,250 in accordance with the proposal dated October 30, 2020, 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 Schanil

Seconded by: Councilwoman McDonough

15 DECEMBER 2020
TOWN BOARD MEETING

(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>

**PLANNING CONSULTING SERVICES - OPTION TO EXTEND CONTRACT
EXERCISED - PATRICK CLEARY OF CLEARY CONSULTING - 1/1/2021 -
12/31/2021**

RESOLVED that the Town Board of the Town of Carmel hereby exercises its option to extend the contract with Patrick Cleary of Cleary Consulting, Northport, NY, for the provision of planning consulting services to the Town of Carmel, for a period of one (1) year commencing January 1, 2021 and concluding December 31, 2021, at an annual sum not to exceed \$60,000.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form and content satisfactory to counsel, Supervisor Kenneth Schmitt is authorized to execute a contract for said services and any other documentation necessary to accept the aforementioned proposal.

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>

**RESOLUTION AUTHORIZED - CARMEL FIRE DEPARTMENT, INC. BORROWING -
NOT TO EXCEED \$5,000,000.00**

WHEREAS, Carmel Fire Department, Inc. (“CFD”), a New York State not for profit corporation, provides fire-fighting services within the Carmel Fire Protection District, within the jurisdiction of the Town of Carmel (the “Town”) pursuant to an agreement between the Town and the CFD authorized pursuant to Section 184 of Town Law; and

WHEREAS, the CFD is seeking to obtain a loan from the Bank of Greene County by the issuance of one or more notes on a tax-exempt basis in an aggregate amount not to exceed Five Million (\$5,000,000) Dollars (the “Note”) to finance the construction of an addition to the fire house located at 94 Gleneida Avenue, Carmel, New York, 10512 (the “Addition”), to be issued as an obligation, the interest on which will be excluded from gross revenue for federal income tax purposes pursuant to Section 150(e) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code and 26 CFE 1.147(f)-1, interest on the Note will not be excluded from gross income for federal income tax purposes unless the issuance by the CFD shall be approved by the Town Board after a public hearing; and

WHEREAS, pursuant to Section 147(f) of the Code and 26 CFE 1.147(f)-1, and on public notice consistent with those provisions, the CFD held a public hearing on November 24, 2020 with regard to the Note.

NOW, THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Carmel, that the Town Board approves the proposed tax-exempt Note to be incurred by the Carmel Fire Department, Inc. in the principal amount not to exceed Five Million (\$5,000,000) Dollars to finance the Addition, provided that the Note shall be the obligation of the Carmel Fire Department, Inc. and not of the Town; and

15 DECEMBER 2020
TOWN BOARD MEETING

(Cont.)

BE IT FURTHER RESOLVED, by the duly convened Town Board of the Town of Carmel that Kenneth Schmitt Town Supervisor is authorized to sign any required paperwork with respect to the Town’s approval of the Note.

Resolution

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

Supervisor Schmitt acknowledged the Carmel Fire Department members for their outstanding service to the community.

Carmel Fire Department chairman of the board of directors Michael Hengel indicated that they hope to break ground on the project sometime in the spring of 2021.

RESOLUTION FROM 5/13/2020 AMENDED - PROPOSAL ACCEPTED FOR ULTRAVIOLET BULBS, BALLASTS AND CONTROLLERS AT CARMEL SEWER DISTRICT #2 WASTEWATER TREATMENT PLANT - TROJAN TECHNOLOGIES - NOT TO EXCEED \$35,813.00

WHEREAS, Inframark, LLC, operator for the Carmel Sewer District #2 Wastewater Treatment Plant, and Town Engineer Richard J. Franzetti, P.E. have each advised the Town Board of the Town of Carmel that certain components for the ultraviolet treatment systems within the microfiltration processes of the Carmel Sewer District #2 Wastewater Treatment Plant are in need of replacement; and

WHEREAS, Inframark, LLC and the Town Engineer have each further advised the Town Board that the acquisition of the aforesaid equipment and ultraviolet bulbs are exempt from the New York General Municipal Law as a “sole source” exception;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2 hereby accept and adopt the recommendations of Inframark, LLC and the Town Engineer, and accordingly authorize the acquisition and installation replacement of ultraviolet bulbs, ballasts and controllers for the CSD#2 Wastewater Treatment Plant from Trojan Technologies, Ontario CA at a cost not to exceed \$35,813.00 in accordance with the proposal dated March 20, 2020; 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 aforesaid purchase transactions authorized herein.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lombardi and 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>

15 DECEMBER 2020
TOWN BOARD MEETING

CARMEL WATER DISTRICT #2 - DISTRIBUTION SYSTEM AND TREATMENT PLANT UPGRADES - TOWN COUNSEL GREGORY L. FOLCHETTI AUTHORIZED TO COMMENCE LITIGATION

RESOLVED, that the Town Board of the Town of Carmel, as Commissioners of Carmel Water District #2, hereby authorizes Town Counsel Gregory L. Folchetti, 1875 Route Six, Carmel, NY, to commence all necessary litigation required for the purposes of acquiring any and all necessary property interests for the improvements proposed in the Carmel Water District #2 Distribution System Upgrades Project as well as in the Carmel Water District #2 Treatment Plant Upgrade Project; and

BE IT FURTHER RESOLVED that such authorization shall be deemed to include but not be limited to performance of all necessary legal/procedural requirements contained within NY Eminent Domain Procedure Law as well as the commencement of legal proceedings thereunder in New York State Supreme Court if necessary; and

BE IT FURTHER RESOLVED, that such services are hereby authorized at a rate of \$205.00 per hour.

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>

RESOLUTION REGARDING NOTICES OF VIOLATIONS PREVIOUSLY ISSUED WITH RESPECT TO 825 S. LAKE BLVD., MAHOPAC, NY - SETTLEMENT OF LIABILITY WITH MICHAEL BARILE AND THE LATE THOMAS A. BONIELLO, PROPERTY OWNERS APPROVED

WHEREAS, Mr. Michael Barile and the late Mr. Thomas A. Boniello (“Property Owners”) own or have owned the property located at 825 S. Lake Blvd (“Property”) during the period relevant to this Resolution; and

WHEREAS Mr. Boniello passed away on May 27, 2020 and his interests in the Property have become or shall become a part of the Estate of Mr. Boniello to be transferred either via probate or administration; and

WHEREAS, the November 8, 1991 “Agreement for Sewer Service Between Carmel Sewer District #1 and Michael A. Barile and Thomas A. Boniello,” which was executed by and agreed to by the Property Owners and approved by the Town Board, permitted the Property Owners to connect the Property to Sewer District Number One if they “. . . obtained all necessary permits and approvals from the New York State DOT, DEC and NYCDEP for the aforesaid connection to the Carmel Sewer” (hereinafter, “1991 Agreement for Sewer Service”); and

WHEREAS, on October 24, 2019, the Town Engineer issued the Property Owners a First Notification of Violation pursuant to §120-82 of the Code of the Town of Carmel (hereinafter referred to as, “Town Code” or “Sewer Use Law”) and order to Cease and Desist pursuant to §120-86A of the Town Code (“First NOV and Cease and Desist”), which found, in part, the Property was connected to Sewer District Number One in violation of §120-14 of the Town Code, which states that the use of the Town public sewers shall be strictly limited and restricted, except as provided in §120-13 and that the Property Owner represented to the Town Supervisor of the Town of Carmel that on September 4, 2019 the connection to the Sewer District Number 1 was activated; and

**15 DECEMBER 2020
TOWN BOARD MEETING**

(Cont.)

WHEREAS, on December 18, 2019, the Town Engineer issued a Second Notification of Violation and Order to Cease and Desist, finding that the Property Owners had connected to Sewer District Number 1 not in the MCP97 – Clarke Place Manhole, as conditionally approved by the Town of Carmel, but rather, through a second, previously undisclosed location within the sewer main somewhere between the MCP97 – Clarke Place Manhole and the downstream MCP96 (referred to as the “Second Connection”) at a point in time when the Property Owners had not obtained all regulatory approvals to connect to Sewer District Number 1; and

WHEREAS, on March 10, 2020, the Property Owners conducted various activities including a successful pressure test of the sewer line originating at the Property, and reconfigured the line so that it entered Sewer District Number 1 at Property to the MCP97 – Clark Place Manhole and completed the closure of the Second Connection, all under observation by the Town Engineer and representatives of other interested agencies; and

WHEREAS, the New York City Department of Environmental Protection (“NYCDEP”) thereafter approved the out of district connection of the Property to Sewer District Number One as set forth in a certain letter dated April 6, 2020 to the Town Engineer, and by execution of a sewer use agreement between the Property Owners and NYCDEP dated June 12, 2020 and thereafter provided to the Town proof of all regulatory approvals including the Putnam County Department of Health and the New York State DOT; and

WHEREAS, with the aforementioned approvals by the NYCDEP on and after April 6, 2020, the Property Owners have obtained the regulatory approvals necessary to meet the conditions set forth in the 1991 Agreement for Sewer Service”; and

WHEREAS, NYCDEP advised the Town that its primary objective in this matter was to obtain the full regulatory compliance and approval of the connecting line from the Property to Sewer District Number One and that the Town of Carmel in coordinating and concluding such regulatory review and approval has substantially complied with that certain agreement dated September 9, 1938, as amended, and has been advised by NYCDEP that no further proceeding related to the foregoing will ensue; and.

WHEREAS, Pursuant to Town Law §135, the violation of the Sewer Use Law subjects a property owner to civil penalty; and

WHEREAS absent an agreement, the Sewer Code provides for an adjudicatory hearing to determine the violations of the Sewer Use Law committed and amount of such penalty, the time and cost of which is obviated by such an agreement; and

WHEREAS, the Property Owners have agreed to pay the amount set forth below in resolution of any amount for which they would be liable to the Town without the need for further proceedings;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby approves a settlement of liability with the Property Owners upon 1) payment by the Property Owners to the Town a total civil fine of \$105,000 and 2) exchange of mutual releases of liability, including but not limited to the release of the Property Owners, and present and past Town officers, employees, and agents, for all claims related to the subject matter set forth in the aforesaid Notices of Violations and Orders to Cease and Desist; and .

BE IT FURTHER RESOLVED the foregoing settlement is subject to the timely execution by the Property Owners of a definitive agreement reflecting these terms in a form acceptable to the Town’s special counsel, Cozen O’Connor and execution by an authorized officer of the Town, as well as collection of funds in the amount provided above and subject to applicable provisions of the Sewer Use Law.

(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> </u>	<u> </u>	Abstain
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Councilman Barile stated that as much as he would love to vote yes on this, he was advised by attorneys to abstain. He indicated that he would be reading a very short statement at the end of the meeting.

RESOLUTION FROM 12/2/2020 AMENDED - PROPOSAL ACCEPTED FOR PROFESSIONAL SERVICES - EAST OF HUDSON COMMUNITY WASTEWATER PLANNING STUDIES R2020-007 (LAKEVIEW ROAD) - ARCADIS ENGINEERING - NOT TO EXCEED \$183,800.00

WHEREAS, the Town of Carmel has previously received approval for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/NYCDEP) grants for the East of Hudson Community Wastewater Planning Assistance Grant Program, including a grant for the Lakeview Road area of the Town of Carmel, in an amount up to \$300,000.00;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Arcadis Engineering, Highland Ranch, CO to perform the Lakeview Road Study in accordance with the above grant program in an amount not to exceed \$183,800.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept such proposal.

Resolution
Offered by: Councilman Lombardi
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>

RESOLUTION FROM 12/2/2020 AMENDED - PROPOSAL ACCEPTED FOR PROFESSIONAL SERVICES - EAST OF HUDSON COMMUNITY WASTEWATER PLANNING STUDIES R2020-007 (LAKE GILEAD) - ARCADIS ENGINEERING - NOT TO EXCEED \$206,000.00

WHEREAS, the Town of Carmel has previously received approval for the New England Interstate Water Pollution Control Commission/New York City Department of Environmental Protection (NEIWPCC/ NYCDEP) grants for the East of Hudson Community Wastewater Planning Assistance Grant Program, including a grant for the Lake Gilead area of the Town of Carmel, in an amount up to \$375,000.00;

(Cont.)

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Arcadis Engineering, Highland Ranch, CO to perform the Lake Gilead Study in accordance with the above grant program in an amount not to exceed \$206,000.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept such proposal.

Resolution

Offered by: Councilman Barile
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

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

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

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that the Town Board will meet next at their Organizational Meeting to be held on January 6, 2021.

Councilman Barile addressed the resolution regarding 825 South Lake Boulevard and read the following prepared statement:

“After a horrific year of COVID and the loss of my partner of over 40 years, and several close friends, I have made a decision and agreed to compromise so as not to waste another \$50-100k in lawyers and put my family and Tommy's family at ease. But certain facts are facts. The Department of Transportation did not penalize us one penny. The Department of Environmental Conservation did not penalize us one penny. The Department of Environmental Protection did not penalize us one penny. The Putnam County Board of Health did fine us \$350. After we cleaned all of this up, on Saturday August 22nd, I went and asked the Supervisor on the front steps of his home – “What else is there? What do I have to do to end this nightmare?” Kenny says, “you gotta pay a fine!” We went back and forth with only words that friends can use with each other. I finally said to him, since my partner is dead several months, I will donate \$25,000 to Saint John's food pantry. I will also donate \$25,000 to Saint James food pantry. But not one dollar to your lawyer's bill. After silence for a couple of months I found out that there was a Sheriff's investigation on me for Theft of Services. And who knows how much taxpayer money was still being spent on a Philadelphia, Pennsylvania law firm, to investigate two well known - Tommy was here his whole life, I'm here 45 years - residents. So, with that, I agreed on settling. At least the tax payers get something back. But with that said, I truly believe that some members of this board and past boards have selectively prosecuted me based on personal animosity. You guys can be the judge, you're smart people in this town. I just want to wish everyone a Merry Christmas, a healthy, healthy happy new year. If Santa gets my wish he's going to take David McKay Wilson back to the north pole with him.”

**15 DECEMBER 2020
TOWN BOARD MEETING**

(Cont.)

Councilman Lombardi acknowledged the life of service and recent passing of longtime New York City police officer, National Guard sergeant, local resident and dedicated 60-year Boy Scout leader Robert “Bob” Kuehn.

Councilman Schanil wished a Happy Hanukkah, Merry Christmas and Happy New Year to all, and urged everyone to remain vigilant with regard to COVID-19 safety.

Councilwoman McDonough also extended best wishes for a Happy Hanukkah, Merry Christmas and Happy New Year.

Supervisor Schmitt echoed the sentiments of Councilman Schanil and Councilwoman McDonough. He asked residents to continue to patronize local businesses and restaurants who are suffering due to the COVID-19 crisis.

Councilman Schanil encouraged residents to do their best to prepare for the forecasted major snowstorm.

Supervisor Schmitt reminded residents about the Town’s winter all-night parking regulations. To facilitate plowing and effective snow removal, parking is prohibited on roadways between November 15th and April 15th.

In light of recent reports of unauthorized individuals entering vehicles during nighttime hours, Supervisor Schmitt urged residents to lock their vehicles to protect their valuables.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present in agreement, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk