

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 21st day of April, 2021 at 7:04 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 as well as for our local first responders.

Supervisor Schmitt expressed condolences to the family of soldier Abigail Jenks, 20, from Saratoga County tragically killed during a training exercise at Fort Bragg earlier this week.

MINUTES OF TOWN BOARD MEETING HELD ON 3/17/2021 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Barile, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on March 17th, 2021 were accepted as submitted by the Town Clerk.

EXTENSION OF CABLE FRANCHISE AGREEMENT WITH COMCAST OF NEW YORK, LLC - AUTHORIZED

WHEREAS the Town desires to renew its existing cable television franchise agreement with Comcast of New York, LLC (“Comcast”), for the continued operation of a cable system within the Town;

WHEREAS, the Town has reached an agreement with Comcast on the proposed terms of the Franchise Agreement; and copies of the proposed Franchise Agreement were made available for public inspection during normal business hours at Carmel Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541.

WHEREAS, on April 7, 2021, the Town Board held a properly noticed public hearing on the proposed agreement, at which public hearing members of the public were afforded a full and fair opportunity to be heard on the adequacy and feasibility of the franchise terms;

NOW THEREFORE BE IT RESOLVED that the Town Board hereby approves the franchise agreement with Comcast for the Town of Carmel, said agreement to be in form and substance as is currently on file with the Town Supervisor’s office, and authorizes Town Supervisor Kenneth Schmitt to execute same.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

<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	

TAX CERTIORARIS 500524/2017, 500820/2018, 501073/2019 AND 500785/2020 - PROPOSAL ACCEPTED FOR LITIGATION VALUATION SERVICES - INDUSTRIAL & UTILITY VALUATION CONSULTANTS, INC. - NOT TO EXCEED \$25,000

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Industrial & Utility Valuation Consultants, Inc. Albany, NY, for litigation valuation services to be provided in connection with tax certiorari matters pending in Putnam County Supreme Court under Index Nos. 500524/2017, 500820/2018, 501073/2019 and 500785/2020 at a cost not to exceed \$25,000 and in accordance with the proposal attached hereto and made a part hereof dated April 4, 2021; and

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BE IT FURTHER RESOLVED, that the cost of said services shall be borne equally by the Town of Carmel, the Mahopac Central School District and the North Salem Central School District as parties to the referenced litigation; 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 Lombardi

<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	



Industrial & Utility Valuation Consultants, Inc.
31 Colonial Green, Albany, New York 12211
Cell: 518-3699771
e-mail: iuvc@hotmail.com

Laurence P. Farbstein, President

April 4, 2021

Hon. Kenneth Schmitt, Supervisor, Town of Carmel
60 McAlpin Ave.
Mahopac, NY 10541

Re: The City of New York v The Town of Carmel, the Town of Carmel Assessor (s) and the Town of Carmel Board of Assessment Review Tax Map #54.-1-29.-1, 54.-1-29.-2, 77.-2-7.-1 and 77.-2-7.-2 Assessment Roll Year(s) 2017 through 2020, inclusive.

Dear Supervisor Schmitt:

You have asked that I spell out the services I will perform in reference to the above referenced Tax Map numbers and the associated costs thereto. Please be advised that I am conducting these services in my capacity as Real Property Tax Consultant.

1. I will review and analyze the City of New York's May 22, 2020 letter to Thomas Costello and the Draft Executive Summary referred to therein as well as any appraiser and engineering firm reports referred to therein if those reports are supplied by the City with respect to their content and valuation methodology they employed for the above referenced Tax Map numbers subject to confidentiality and for settlement purposes only.

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(Cont.)

2. I will review and analyze the documents provided by the Catskill Watershed Corporation with respect to their settlement with NYC on the reservoirs (and dams), and their associated vacant land components, located to the west of the Hudson, with particular emphasis on the templates for the valuation of both the land and improvement components.
3. Subject to confidentiality and for settlement purposes only, I will review and analyze the NYC appraisal reports for the subject properties, both land and depreciated value of the improvements, to ascertain to what degree these appraisal reports are consistent with the CWC/ NYC settlement (TLAP) templates.
4. With respect to the land valuation in particular, and for additional due diligence purposes, I will obtain the recent (at least two years) vacant land sales for each such town assessing unit (from the ORPTS Data Warehouse web site) within the reservoir complex and apply the above referenced TLAP template to see how much, if any, they vary from the NYC land valuation appraisal.
5. I will be available, at your express direction, for direct negotiations with NYC with respect to any potential settlement of this litigation including, but not limited to, direct discussions with both sets of attorneys and/or their principals and, further, again at your express direction, should settlement discussions result in agreements, I will be available to help in the drafting of the applicable stipulations of settlement. It is expressly agreed that fifteen (15) hours will be the maximum amount of time that will be covered under the fee for services agreement set forth below. Should the total time exceed this amount, then the parties agree that any such additional time shall be billed at my preferred municipal rate of three hundred (\$300.00) per hour with such invoice to be paid within thirty days of receipt.

My fee for such services would be at my preferred municipal aggregate rate of twenty five thousand dollars (\$25,000.00) paid as follows: twelve thousand five hundred dollars (\$12,500.00) within thirty (30) days after the signing of this agreement with the remainder to be divided into two (2) equal payments of six thousand two hundred and fifty dollars (\$6,250.00) with the first to be paid within thirty days after the initial payment and the remainder to be paid within thirty days thereafter. This rate assumes that all of the forgoing information is made available to me and, further, that I will be able to physically inspect the reservoir complex including, but not limited to, the existing pump house facility located thereon.

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If you have any questions and/or need additional clarification, please contact me. For your information I am attaching a copy of my resume which depicts my work experience in this area. I look forward to being of service to you all in this important matter.

Respectfully Submitted, IUVC, Inc.

Laurence P. Farbstein
Digitally signed by Laurence P. Farbstein
 DN: C=US, O=IUVC, Inc., CN=Laurence P. Farbstein, E=iuvco@hotmail.com
 Reason: I am the author of this document
 Location: your signing location here
 Date: 2021.04.04 19:51:46-0400
 Foxit Reader Version: 10.1.1

Laurence P. Farbstein, President

LPF:acf

NYS Certified General RE

Appraiser #46000001314

Sent Via Email

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(Cont.)

Supervisor Schmitt emphasized that the aforementioned litigation expense will be shared with the Mahopac Central School District and the North Salem Central School District at a cost of approximately \$8,350 each.

**APPLICATION OF CHAPTER 104 OF THE TOWN CODE, ENTITLED “NOISE”
WAIVED - COUNTY OF PUTNAM’S “FRIDAY NIGHT BARBEQUE SERIES EVENTS”**

RESOLVED, that pursuant to Town Code §104-8, the Town Board of the Town of Carmel hereby waives the application of Chapter 104 of the Town Code, entitled “Noise” with respect to the County of Putnam and its “Friday Night Barbeque Series Events” scheduled for the following dates at Putnam County Golf Club:

June 4, 2021;
June 11, 2021;
June 18, 2021;
June 25, 2021;
July 2, 2021;
July 9, 2021;
July 16, 2021;
July 23, 2021
July 30, 2021;
August 6, 2021;
August 13, 2021;
August 20, 2021;
August 27, 2021;
September 3, 2021;
September 11, 2021;
October 1, 2021.

Resolution

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

<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 explained that he was hesitant to vote in support of the resolution while local businesses struggling in the wake of the pandemic are not afforded this type of waiver. Discussion followed regarding the possibility of amending Chapter 104 of the Town Code.

**REQUEST FOR PROPOSALS PURSUANT TO PROPERTY MAINTENANCE LAW
AUTHORIZED - 200 UNION VALLEY ROAD - TM #76.17-1-28**

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114-15 of the Town of Carmel Town Code titled “Property Maintenance” hereby authorizes Town of Carmel Director of Codes Enforcement, Michael Carnazza to solicit/request proposals for the cleanup and correction of Town Code violations existing for the property located at 200 Union Valley Road (Town of Carmel TM#76.17-1-28).

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

(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>

PURCHASE OF POLICE VEHICLE AUTHORIZED UNDER WESTCHESTER COUNTY CONTRACT - ONE (1) NEW 2021 FORD INTERCEPTOR POLICE HYBRID SUV - BEYER FORD - NOT TO EXCEED \$40,463.30

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Anthony Hoffmann to proceed with the purchase of one (1) new 2021 Ford Interceptor Police Hybrid SUV vehicle at a cost not to exceed \$40,463.30 from Beyer Ford, Morristown, NJ, under Westchester County Contract # RFB-WC-19023 pursuant to General Municipal Law §103(16); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to purchase said vehicle from the vendor set forth herein in accordance with the bid/contract quotation date April 6, 2021; 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 transaction authorized herein.

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>

WATER DISTRICT BILLING - PROPOSAL ACCEPTED FOR PAYMENT PROCESSING SERVICES - FORTE/CSG SYSTEMS INTERNATIONAL, INC.

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town Comptroller Mary Ann Maxwell, hereby authorizes and accepts the proposal for acceptance of credit card/debit card payments of water bills for users within the various Town of Carmel Water Districts from Forte/CSG Systems International, Inc. at the prices contained within the schedule attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents reasonably necessary and required to accept the foregoing 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>

(Cont.)

forte

a CSG Company

PRICING FEE SCHEDULE – Water Department

Town of Carmel, NY

CSG Forte is proud to provide a robust processing platform and flexible pricing strategies:

• Service Fee Model – in a service fee model approach, the citizen pays a service fee for processing their transaction. Your office absorbs no cost.

• Absorbed Model - credit card/debit card Merchant Services, Electronic Check Services and the Secure Gateway are absorbed by your office

Service (Convenience) Fee Pricing Option:

MasterCard, Visa, Discover and American Express cards

2.45% of the payment amount with a minimum fee of \$1.75 whichever is greater.

Electronic check

Includes Forte Verification for known accounts

eCheck Transaction Tiers	Fees	Frequency
\$0.00 to \$50,000.00	\$1.75 w/Verification	Per Transaction
\$50,000.01 to \$75,000.00	\$3.00 w/Verification	Per Transaction
\$75,000.01 to \$100,000.00	\$6.00 w/Verification	Per Transaction
\$100,000.01 to \$150,000.00	\$10.00 w/Verification	Per Transaction
\$150,000.01 + \$250,000.00	\$15.00 w/Verification	Per Transaction

Equipment and Service Pricing:

Absorbed Pricing Option:

Emerging Market and Public-Sector Rate Structure

Processing Costs:	Fees	Frequency
Visa, MasterCard, Discover	*Pass Thru pricing + \$0.12+ .25 bpts*	Per Transaction
American Express	*Pass Thru pricing + \$0.12	Per Transaction
Forte Protect (End-2-End Encryption)	\$0.10	Per Transaction
Chargeback Fee	\$25.00	Per Chargeback
Batch Fee	\$0.00	No Charge - Waived
Gateway Fee	\$0.00	No Charge - Included
ACH Fee-debits/credits	\$0.25 w/o Forte Verify \$0.50 with Forte Verify	Per Transaction
ACH Return Fee	\$2.00	Per Return
Statement Fee	\$5.00	Each Month per merchant account

*Pass Thru pricing includes the direct interchange dues, assessments and all other fees that are charged directly from the associations. Forte Payment Systems believes in transparent pricing, meaning that we utilize a *Pass-Thru Plus* pricing model. Interchange pass thru pricing is a form of credit card processing that allows the actual cost of the processing (*interchange fees & assessments) to be passed directly through to your advantage of this pricing strategy is that it is transparent and, in most instances, provides the lowest processing costs.


Forte's fees include:

Total volume processed multiplied by bpts

Total # of transactions processed by per item fee

Equipment and Service Pricing:

The following table reflects our Equipment and Service Offerings

Standard Product and Optional Service Pricing	Description	Fees and Cost of Equipment
VeriFone Vx520 EMV Terminal		\$,00 per terminal plus shipping
On-line Reporting Tools	All Channels (INT, IVR, POS)	Unlimited Users \$0.00
Set-Up Fee	Configuration, Implementation, Training	WAIVED

Select pricing option desired: Service Fee Pricing Absorbed Pricing

☐

☐

*Required Merchant Signature: _____

Date _____

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WEBSITE SERVICES PAYMENT AUTHORIZED FROM VIRTUAL TOWNS & SCHOOLS, OR CIVIC PLUS/CIVIL CMS TO CIVICENGAGE OPEN

WHEREAS, the Town Board of the Town of Carmel has previously authorized the entry into agreements for the provision of support, development and content management systems services for the Town of Carmel website with Virtual Towns & Schools, Manhattan, KS; and

WHEREAS, Virtual Towns & Schools has subsequently changed the name of its operations ground to Civic Plus/Civil CMS and most recently to CivicEngage Open;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes all future payments which were otherwise due under the terms of any existing agreements with Virtual Towns & Schools, or Civic Plus/Civil CMS to CivicEngage Open, effective immediately.

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 - EMERGENCY PURCHASES ACKNOWLEDGED AND AUTHORIZED - CHEMUNG SUPPLY

RESOLVED, that the Town Board of the Town of Carmel and upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby acknowledges and authorizes the emergency purchase of parts and equipment for Highway Department Vehicles from Chemung Supply, Elmira, NY, in accordance with the proposal/invoice dated February 18, 2021 as attached hereto and made a part hereof.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Barile 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>

EXHIBIT "B"

**Emergency Justification Form
Town of Carmel Procurement Policy**

Procurement Policy, Section VI: Emergency Procurement

Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations

Department: Town of Carmel Highway Department


Vendor names: Chemung Supply Corporation #0933
Nature of emergency: Shortage of Pkw Materials in February
Estimated cost: \$31,691-

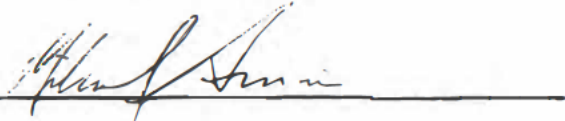
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(Cont.)

There are three basic statutory criteria to be met in order to fall within the emergency purchase exception. State the basis for identifying an emergency purchase or service, check any that apply:

- ☒ The situation arose out of an accident or unforeseen occurrence or condition.
- ☐ Public buildings, public property, or the life, health, safety or property of the political sub-division's residents were affected.
- ☐ The situation required immediate action, which could not await competitive bidding.
- ☒ The emergency purchases or services exceeded \$10,000 and will be submitted to the Town Board for presentation at a Town Board Meeting to acknowledge said emergency. A Town Board Resolution should be passed acknowledging the same.
- ☐ Other (provide explanation):

Purchasing Agent's signature for approval: 

Department Head's signature for approval: 



HEADQUARTERS:
2420 CORNING ROAD
PO BOX 527
ELMIRA, NY 14902
PHONE: 607-733-5506
FAX: 607-732-5379

INVOICE	
Invoice No.	Date
006567	2/18/2021
Refer to Invoice Number When Remitting	

REMIT TO: CHEMUNG SUPPLY,
PO BOX 527, ELMIRA, NY 14902

Sold To

TOWN OF CARMEL-PUTNAM C/O MIKE SIMONE, T.S. McALPIN AVENUE MAHOPAC, NY 10541

Ship To

TOWN OF CARMEL-PUTNAM 55 McALPIN AVENUE MAHOPAC, NY 10541

Attn:

ATTN: MIKE SIMONE 845-628-7474

Sales Order	Cust No	Customer PO	Order Date	Tax	Mark Shipment	Terms	Loc
0206342-0000	101441		2/8/2021	E		NET 30	
Salesperson	Ship Date	Shipped Via	FOB Point	Ins	Waybill Number		
TAG WILLIAMSON	2/18/2021	CHEMUNG TRUCK	ORIGIN	N			

Item	T	Quantity			Part Number/Revision	Description	Unit Price \$	Amount \$
		Order	BO	Ship				
001	S	10.0000		10.0000	EPBTPSQA-20489	SOURCEWELL #080181-EVE 5/8X6X120 SHP TP 11/16 SQ11/16 TP 3-3-12	115.1000	1,151.00
002	S	20.0000		20.0000	EPBTPSQA-20403	5/8X6X132 SHP TP 11/16 SQ11/16 TP 3-3-12	126.6100	2,532.20
003	S	40.0000		40.0000	ECBTPSQA-22360	CB 3/4X6X36SHP 1.5GA TPCS11/16 CS11/16 TP 3-3-12	152.5200	6,100.80
004	S	50.0000		50.0000	ECBTPSQA-22480	CB 3/4X6X48SHP 1.5GA TP CS11/16 CS11/16 TP 3-3-12	203.3700	10,168.50
005	S	40.0000		40.0000	EGRD-1590-CBHF	GRD 3/4X6X24 SHP CB 11/16 HF SQ11/16 1.5G 3-3-12	172.0000	6,880.00
006	S	20.0000		20.0000	EGRD-1590-BRCBHF	GRD 3/4X6X22 SHP BAR CB HF CRBF SQ11/16 1.5G 3-3-12	218.0000	4,360.00
007	S	30.0000		30.0000	HDWR-PB-7	5/8X3" PLOW BOLT #3 GR8	3.4500	103.50

008	S	130.0000		130.0000	HDWR-HN-2	5/8" HEX NUT GR 8		
009	S	130.0000		130.0000	HDWR-LW-4	5/8" LOCK WASHER PF CARB STL HEL		
010	S	100.0000		100.0000	HDWR-CB-13	5/8X4" CARR BOLT	3.9500	395.00

INVOICE	
Invoice No.	Date
006567	2/18/2021
Refer to Invoice Number When Remitting	

Ship To	TOWN OF CARMEL-PUTNAM 55 McALPIN AVENUE MAHOPAC, NY 10541
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Attn: ATTN: MIKE SIMONE 845-628-7474

Sales Order	Cust No	Customer PO	Order Date	Tax	Mark Shipment	Terms	Loc
D206342-0000	101441		2/8/2021	E		NET 30	
Salesperson	Ship Date	Shipped Via	FOB Point	Ins	Waybill Number		
TAG WILLIAMSON	2/18/2021	CHEMUNG TRUCK	ORIGIN	N			

Item	T	Quantity			Part Number/Revision	Description	Unit Price \$	Amount \$
		Order	BO	Ship				
						GR 8		
						SUBTOTAL		31,691.00
						Total \$		31,691.00

\\GSSDB\APPS\GLOBAL\BUSINT\CUSTOM\OE_INVOICE-DEH 11-24-20.rpt 2

Supervisor Schmitt pointed out that the Highway Department's emergency purchase related to snow plow blades.

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EMERGENCY REPAIRS ACKNOWLEDGED - CARMEL SEWER DISTRICT #4 - TAM ENTERPRISES, CARMEL WATER DISTRICT #2 - ED KUCK AND CARMEL SEWER DISTRICTS #1, #2, AND #4 -TAM ENTERPRISES

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 and sewer district collection system/distribution system and treatment facilities repairs as fully detailed in the memorandum of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated March 31, 2021, as attached hereto and made a part thereof.

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>


*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: March 31, 2021 
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.

- CSD 4 ~ RBC Unit 2 bearing

On January 26, 2021 Inframark the operator for the CSD 4 alerted the Engineering Department that the Rotating biological contact (RBC) unit # 2 was out of service due to a failed bearing for the shaft that turns the RBC. Attached is an invoice in the amount of \$15,005.00 to replace the bearing and make repairs to the shaft at this location.

This work was deemed an emergency as the RBCs treat the wastewater for ammonia removal. The loss of this unit could cause a potential compliance issue which would cause the Town of Carmel would be in violation of our State Pollution Discharge Elimination System (SPDES) Permit

- CWD 2 - Emergency repair to water main at Lake Gleneida Shore

On March 23, 2021 Ed Kuck performed a repair at the shore of Lake Gleneida. The attached invoice in the amount of \$10,188.40 from Carmel Winwater works was for the equipment needed for the necessary repair.

- CSD 1, 2 and 4 Jetting Services

On March 8, 2021, Inframark, the operator for the CSD 1,2 and 4 alerted the Engineering Department that TAM Enterprise was called to clean the White Sail, Putnam Plaza, Kelly Road, Lakeshore and Underhill pump stations. The request was made to excessive. Attached are the invoices in the amount of \$2,803.55, \$5,607.10, and \$5,607.10. (Total \$14,017.75) for these services.

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

(Cont.)

EXHIBIT "B"
Emergency Justification Form
Town of Carmel Procurement Policy

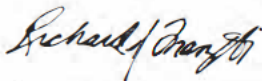
Procurement Policy, Section VI: Emergency Procurement

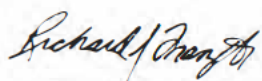
Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations

Department: Engineering
Vendor names: TAM
Nature of emergency: RBC Bearing CSD4
Estimated cost: \$14,105.00

There are three basic statutory criteria to be met in order to fall within the emergency purchase exception. State the basis for identifying an emergency purchase or service, check any that apply:

- ☒ The situation arose out of an accident or unforeseen occurrence or condition.
- ☒ Public buildings, public property, or the life, health, safety or property of the political sub-division's residents were affected.
- ☒ The situation required immediate action, which could not await competitive bidding.
- ☒ The emergency purchases or services exceeded **\$10,000** and will be submitted to the Town Board for presentation at a Town Board Meeting to acknowledge said emergency. A Town Board Resolution should be passed acknowledging the same.
- ☐ Other (provide explanation):

Purchasing Agent's signature for approval: 

Department Head's signature for approval: 

114 Hartley Road
Goshen, NY 10924



P: (845) 294-8882
F: (845) 294-8883

Bill To

Town of Carmel
60 McAlpin Avenue
Mahopac, NY 10541

Invoice

Date Invoice #
3/3/2021 60765

P.O. # 27602
Terms Net 30

(Cont.)

Qty	Description	Rate	Amount
	Date of Service: 02/25/21 - RBC Bearing Sewer District #4		
	Mechanics Truck w/ Operator & Laborer to: - Removal of existing RBC bearing and supply & install (1) new Dodge Pillow block roller bearing.	14,105.00	14,105.00
	For the sum of:		
	Additional Work: - Repair of shaft.	900.00	900.00
	For the sum of:		
All invoices paid by credit card will incur a 3.5% transaction fee.		Total	\$15,005.00
A service charge of 1.5%, 18% APR, will be added to all overdue accounts.		Payments/Credits	\$0.00
Accounts are considered overdue on the 31st day past the invoice date.		Balance Due	\$15,005.00
You will also be liable for all legal and collection fees.			
24 Hour Emergency Service - Certified Backflow Prevention Technician - Hydro Vacuum Excavation Pump Station Installation & Maintenance - High Pressure Water Jetting - Video Inspection of Underground Lines Installation of Water & Sewer Lines - Clearing of Catch Basins - Man-Hole Rehabs - Sewer & Water Plant Rehabs Confined Space Entry - Pipe Lining Services - Soil Remediation Services - Pipe Location Services Industrial Tank Pumping - Excavation Services - Emergency Sewer By-Pass Pumping - Emergency Utility Services			
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EXHIBIT “B”
Emergency Justification Form
Town of Carmel Procurement Policy

Procurement Policy, Section VI: Emergency Procurement

Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations

Department: Engineering
Vendor names: Kuck Excavating
Nature of emergency: Repair to Water Main at shore of Lake Gleneida
Estimated cost: \$10,188.40

There are three basic statutory criteria to be met in order to fall within the emergency purchase exception. State the basis for identifying an emergency purchase or service, check any that apply:

- ☒ The situation arose out of an accident or unforeseen occurrence or condition.
- ☒ Public buildings, public property, or the life, health, safety or property of the political sub-division's residents were affected.
- ☒ The situation required immediate action, which could not await competitive bidding.
- ☐ The emergency purchases or services exceeded **\$10,000** and will be submitted to the Town Board for presentation at a Town Board Meeting to acknowledge said emergency. A Town Board Resolution should be passed acknowledging the same.
- ☐ Other (provide explanation):

Purchasing Agent’s signature for approval: Richard / Fran Jh

Department Head’s signature for approval: Richard / Fran Jh

21 APRIL 2021
TOWN BOARD MEETING

(Cont.)

Bill To:

CARMEL WINWATER WORKS CO.
86 FAIR STREET
P O BOX 550
CARMEL, NY 10512-0550

Original Invoice

Page	Date Printed	Invoice No.
1	3/15/21	131082 01

To Reorder Contact Us At
Phone No. : (845)228-4086
Fax No .. : (845) 228-4098 DB# 11

Sold To:

CARMEL WATER DISTRICT
60 MCALPIN AVE
MAHOPAC, NY 10541-2340

Ship To:

CARMEL WATER DISTRICT
ED KUCK
20 DAY RD
CARMEL, NY 10512-1909
CWD#2 - S END LAKE GLEN WATER

Customer Number	Customer Purchase Order	Salesman	Type Shipment	Ship Via	Date Shipped
00017-010624	TO FOLLOW	010-MICHAEL CESARE	Stock	OUR TRUCK	3/15/21

NON STOCK/SPECIAL ORDER MATERIAL IS NON RETURNABLE

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
20	FT	10 CL52 SJ DUCTILE IRON PIPE	20		36.5000		.00	730.00	N
1	EA	10 OL US PIPE GATE VALVE	1		1,950.0000		.00	1,950.00	N
2	EA	6" US PIPE / MUELLER VALVE	2		725.0000		.00	1,450.00	N
2	EA	860-56-0163-16 6 HYMAX CPLG	2		306.6000		.00	613.20	N
2	EA	6.42-7.68 OD RANGE	2		495.0000		.00	990.00	N
1	EA	10.96-12.26 OD RANGE*OVERSIZE*	1		395.0000		.00	395.00	N
1	EA	273-56-0272-10W 10X12 HYMAX CL	1		395.0000		.00	395.00	N
1	EA	10.73-11.53 OD RANGE	1		2,750.0000		.00	2,750.00	N
1	EA	A423 HYD 5-1/4 5-0 OL 3W	1		195.0000		.00	195.00	N
1	EA	NST THREADS	1		125.0000		.00	125.00	N
1	EA	10X6 DI MJ TEE	1		125.0000		.00	500.00	N
4	EA	6FA-BC FOSTER ADAPTER W/ACCS	4		58.8000		.00	235.20	N
4	EA	10 1110DEC MEGALUG W/ACCY	4		85.0000		.00	255.00	N
4	EA	W/ ACCES	4						
3	EA	6 1106DEC MEGALUG W/ACCY	3						
3	EA	W/ ACCES	3						
3	EA	664-A SLIP TYPE VALVE BOX	3						
3	EA	2 PIECE SLIDE TYPE #30664	3						

Any sales tax adjustments must be made within 30 days of invoice

Terms: Monthly Service Charge May Be Applied To Past Due Accounts.
2% 10 DAYS, NET 30
If Paid By 3/25/21 You May Deduct 203.77
Pay full balance by 4/14/21

Tax Area ID:	Net Sales	10,188.40
NY - 330790000	Freight	.00
State Tax % .000	State Tax	.00
Local Tax % .000	Local Tax	.00
	Invoice Amount	10,188.40

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries please call (845) 228-4086.
T&C: You agree that the sale of these products/services is subject to all of our standard terms and conditions of sale located at www.winsupplyinc.com/tcsale.

INVOICE# : Laser Invoice

114 Hartley Road
Goshen, NY 10924

P: (845) 294-8882
F: (845) 294-8883

Bill To

Town of Carmel
60 McAlpin Avenue
Mahopac, NY 10541

Invoice

Date 3/29/2021
Invoice # 60983

P.O. #

Terms Net 30

(Cont.)

Qty	Description	Rate	Amount
	Date of Service: 03/08/21-03/11/21 - White Sail Pump Station. VacCon Truck w/ Operator & Laborer to: - Clean & jet pump stations. For the sum of: * See previously submitted proposal	2,803.55	2,803.55

All invoices paid by credit card will incur a 3.5% transaction fee.	Total	\$2,803.55
A service charge of 1.5%, 18% APR, will be added to all overdue accounts.	Payments/Credits	\$0.00
Accounts are considered overdue on the 31st day past the invoice date.	Balance Due	\$2,803.55
You will also be liable for all legal and collection fees.		

24 Hour Emergency Service - Certified Backflow Prevention Technician - Hydro Vacuum Excavation Pump Station Installation & Maintenance - High Pressure Water Jetting - Video Inspection of Underground Lines Installation of Water & Sewer Lines - Clearing of Catch Basins - Man-Hole Rehabs - Sewer & Water Plant Rehabs Confined Space Entry - Pipe Lining Services - Soil Remediation Services - Pipe Location Services Industrial Tank Pumping - Excavation Services - Emergency Sewer By-Pass Pumping - Emergency Utility Services
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21 APRIL 2021
TOWN BOARD MEETING

114 Hartley Road
Goshen, NY 10924



P: (845) 294-8882
F: (845) 294-8883

Bill To

Town of Carmel
60 McAlpin Avenue
Mahopac, NY 10541

Invoice

Date: 3/29/2021
Invoice #: 60984

P.O. #
Terms: Net 30

Qty	Description	Rate	Amount
	Date of Service: 03/08/21-03/11/21 - Putnam Plaza Pump Station. - Kelly Rd. Pump Station. VacCon Truck w/ Operator & Laborer to: - Clean & jet pump stations. For the sum of: * See previously submitted proposal.	5,607.10	5,607.10

All invoices paid by credit card will incur a 3.5% transaction fee.
A service charge of 1.5%, 18% APR, will be added to all overdue accounts.
Accounts are considered overdue on the 31st day past the invoice date.
You will also be liable for all legal and collection fees.

Total \$5,607.10
Payments/Credits \$0.00
Balance Due \$5,607.10

24 Hour Emergency Service - Certified Backflow Prevention Technician - Hydro Vacuum Excavation Pump Station Installation & Maintenance - High Pressure Water Jetting - Video Inspection of Underground Lines Installation of Water & Sewer Lines - Clearing of Catch Basins - Man-Hole Rehabs - Sewer & Water Plant Rehabs Confined Space Entry - Pipe Lining Services - Soil Remediation Services - Pipe Location Services Industrial Tank Pumping - Excavation Services - Emergency Sewer By-Pass Pumping - Emergency Utility Services
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(Cont.)

21 APRIL 2021
TOWN BOARD MEETING

114 Hartley Road
Goshen, NY 10924



P: (845) 294-8882
F: (845) 294-8883

Bill To

Town of Carmel
60 McAlpin Avenue
Mahopac, NY 10541

Invoice

Date Invoice #
3/15/2021 60869REV

P.O. #
Terms Net 30

Qty	Description	Rate	Amount
	Date of Service: 03/08/21-03/11/21 - Lakeshore Pump Station. - Underhill Pump Station. VacCon Truck w/ Operator & Laborer to: - Clean & jet pump stations. For the sum of: * See previously submitted proposal.	5,607.10	5,607.10

All invoices paid by credit card will incur a 3.5% transaction fee.
A service charge of 1.5%. 18% APR, will be added to all overdue accounts.
Accounts are considered overdue on the 31st day past the invoice date.
You will also be liable for all legal and collection fees.

Total \$5,607.10
Payments/Credits \$0.00
Balance Due \$5,607.10

24 Hour Emergency Service - Certified Backflow Prevention Technician - Hydro Vacuum Excavation Pump Station Installation & Maintenance - High Pressure Water Jetting - Video Inspection of Underground Lines Installation of Water & Sewer Lines - Clearing of Catch Basins - Man-Hole Rehabs - Sewer & Water Plant Rehabs Confined Space Entry - Pipe Lining Services - Soil Remediation Services - Pipe Location Services Industrial Tank Pumping - Excavation Services - Emergency Sewer By-Pass Pumping - Emergency Utility Services
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FILING OF ANNUAL MS4 STORMWATER REPORT - AUTHORIZED

WHEREAS the Town Board has been presented with a draft annual MS4 Stormwater Report prepared by the Town of Carmel Engineering Department; and
WHEREAS opportunity for public comment on the draft annual MS4 report is being provided by the Town Board;
NOW, THEREFORE, BE IT RESOLVED that upon the conclusion of the thirty-day comment period and the consideration of any comments submitted in connection therewith, Town Supervisor Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

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>

21 APRIL 2021
TOWN BOARD MEETING

DEPARTMENT OF RECREATION AND PARKS - EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED - 2011 FORD CROWN VICTORIA

RESOLVED that, upon the recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist, the Town Board of the Town of Carmel hereby declares Vehicle #306, 2011 Ford Crown Victoria VIN # 2FABP7BVXBX183066 to be obsolete and authorizes its disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

Resolution

Offered by: Councilman Barile

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>

LAKE MAHOPAC PARK DISTRICT - SPECIAL COUNSEL APPOINTED - JOHN B. CHERICO, ESQ.

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Mahopac Park District hereby appoints John B. Cherico, Esq., 312 Battle Avenue, White Plains, NY as special counsel for various Lake Mahopac District matters; and

BE IT FURTHER RESOLVED that said services are hereby authorized at a rate of \$300.00 per hour; and

BE IT FURTHER RESOLVED that all such services rendered are to be charged directly to the Lake Mahopac Park District as a district expense.

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>

LAKE CASSE PARK DISTRICT - NEWSLETTER MAILING AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Casse Park District, hereby authorizes the mailing of the June 2021 newsletter as prepared by the Lake Casse Park District Committee to all properties within the district and further directs that the cost thereof be charged as a district expense.

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>

LAKE CASSE PARK DISTRICT - 2021 SEASONAL EMPLOYEES RATES SET

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Casse Park District, hereby sets the following rates for Lifeguards in 2021.

POSITION	MAXIMUM RATE OF PAY
Lifeguard	\$14.00 to \$18.00/hr
Gate Guard	\$13.00 to \$18.00/hr

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

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.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Schanil, with all Town Board members present and in agreement, the meeting was adjourned at 7:30 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk