

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 1st day of December, 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.

LAKE CASSE, LAKE MAHOPAC AND LONG POND LAKE - ACCEPTANCE OF PROPOSAL FOR GEESE DEPREDATION SERVICES AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Mahopac Park District and the Lake Casse Park District, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal dated June 2019 from various wildlife management professionals, for the depredation of geese populating Lake Casse, Lake Mahopac and Long Pond Lake at a total cost not to exceed \$19,500.00 together with an additional processing cost of \$16.00 per unit harvested; and

BE IT FURTHER RESOLVED, that such activity be conducted in accordance with the current permit for such activity issued to the Town of Carmel by the United States Department of Fish and Wildlife; and

BE IT FURTHER RESOLVED, that the cost for such activity be proportionally allocated among the respective Lake Park Districts and Town General Fund in accordance with the services rendered to each in connection with this authorization.

Resolution

Offered by: Councilman Schanil
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> </u>	<u>X</u>
Kenneth Schmitt	<u>X</u>	<u> </u>

POLICE DEPARTMENT - AMENDED APPLICATION AND FEE SCHEDULE PURSUANT TO TOWN CODE CHAPTER 140 "TOWING AND STORAGE" - ADOPTED

RESOLVED, that the Town Board of the Town of Carmel, pursuant to the request of Lt. John R. Dearman, Jr., hereby adopts the amended application form and fee schedule pursuant to Town of Carmel Town Code §140 relating to issuance of Tow Licenses pursuant to the aforesaid Chapter, such application and fee schedule to be in general form as attached hereto; and

BE IT FURTHER RESOLVED that Town of Carmel Chief of Police Anthony R. Hoffmann is hereby authorized to utilize said form for all applications submitted pursuant to Town Code §140.

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.)



TOWN OF CARMEL
POLICE DEPARTMENT
60 MCALPIN AVENUE, MAHOPAC, NY 10541
TEL. (845)628-1300 FAX (845)628-2597
WWW.CARMELNY.ORG/POLICE-DEPARTMENT

ANTHONY
HOFFMANN
CHIEF OF POLICE

Official Use Only

License Fee \$250.00
Date collected: _____
Cash _____ Bank Check _____ CC _____

APPLICATION FOR TOW LICENSE

Official Use Only

Date Received: _____
Date Reviewed: _____
Approved ☐ Denied ☐

I. Applicant Data:

A. Name: _____

B. Address: _____

Street Address City/Town State Zip Code

Residence Telephone number (_____) _____
Area Code Number

C. Corporation or Business Name: _____

D. Business Address: _____

Street Address City/Town State Zip Code

Business Telephone number (_____) _____
Area Code Number

Business hours _____ Email: _____

Off Hours Telephone number (_____) _____
(If different than business telephone) Area Code Number

E. Address of Storage Facility: (If different than business address)

Street Address City/Town State Zip Code

F. List storage facility's security features (i.e. fenced, alarmed, surveillance system)

G. Size of storage lot _____, number of spaces _____.

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H. Does the storage facility maintain inside storage space? Yes ____ No ____.

I. Does the storage facility maintain outside storage space? Yes ____ No ____.

J. Does the Applicant own the premises where the storage facility is located? Yes ____ No ____

K. If No, List the Name and address of the property owner and supply a copy of the lease or rental agreement for the premises:

Name Street Address City/Town Zip Code

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L. List all Officers, Directors, Registered Agent or Stockholders owning more than 10%:

Relationship	Name	Street Address	City, State, Zip code

II. Tow Vehicles Registered to the Applicant: (Attach copies of listed vehicles NYS Registrations)

Vehicle Year	Vehicle Make	Type of Tow Vehicle	License Plate Number	Vehicle Identification Number

III. List of Tow Operators: (Attach copies of listed operators NYS Drivers Licenses)

Name of Driver	Street Address	City, State, Zip code	Driver's License Number

IV. Applicant's Affirmations:

I swear (or affirm):

- A. As Applicant I have read and I am familiar with all the provision of chapter 140 of the Town of Carmel Local Law titled "Towing and Storage"; I hereby agree to abide by the fees and procedures required by this local law at all times.

Initials _____

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B. As Applicant I agree that the Chief of Police or his/her designee may at any reasonable time conduct an inspection of the towed vehicles or storage facility of any applicant or licensee for the purpose of determining compliance with chapter 140 of the Town of Carmel Local Law “Towing and Storage”. The Town of Carmel Police Department may have a Commercial Vehicle Safety Bureau Inspector from the New York State Department of Transportation inspect any tow truck at any time throughout the licensing period.

Initials _____

C. As Applicant I affirm that neither myself nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect public safety or welfare. I have attached a copy of the Drivers License for all tow operators listed in this application.

Initials _____

D. As Applicant I affirm that I own, lease, operate and maintain a registered, working New-York-State-licensed motor vehicle repair facility within the Town of Carmel. If the premise on which the motor vehicle repair facility is situated is not owned by the Applicant, a copy of the written lease for the use of the premises or facility is attached to this application.

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Initials _____

E. As Applicant I have attached a copy of the Department of Treasury IRS form W-9 (Request for Taxpayer Identification Number and Certification), for the Applicant’s business.

Initials _____

F. As Applicant I affirm that all tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations. I have attached a copy of the vehicle registrations for all tow vehicles listed in this application.

Initials _____

G. As Applicant I agree to provide on-call towing and storage services 24 hours per day, every day of the year.

Initials _____

H. As Applicant I agree that the fees and procedures required by chapter 140 of the Town of Carmel Local Law “Towing and Storage” shall be complied with at all times.

Initials _____

I. As Applicant I affirm that I have met the insurance requirements required by chapter 140 of the Town of Carmel Local Law “Towing and Storage” and I have attached copies of all insurance certificates to this application.

Initials _____

J. The Applicant agrees to be solely responsible for the payment of its employee’s unemployment, social security and other payroll taxes including contributions from them when required by law.

Initials _____

K. The Applicant hereby agrees to hold harmless and indemnify the Town of Carmel, its officers, employees and agents from any and all liability claims, losses or damage arising or alleged to arise from the performance of the towing services requested of or rendered by the licensee. The foregoing indemnification language shall be incorporated in the general comprehensive liability policy required in chapter 140 of the Town of Carmel Local Law “Towing and Storage”.

Initials _____

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Additional space is provided below if needed for completing answers to any of the preceding questions. Number such answers to correspond to the questions. If any further space is required, attach additional sheets to this size paper.

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State of New York
County of _____ S.S.:

I, _____, being duly sworn, do hereby depose and say that I am the above named person and that I have completed the foregoing application, including all additions thereto, and that I understand the contents. I further state that the answers contained herein are complete and correct in every respect. I understand that any material misrepresentations of fact may be cause for rejection of the application or disqualification and prosecution.

Notice: Pursuant To Section 210.45 Of The New York State Penal Law, It Is A Crime Punishable As A Class “A” Misdemeanor To Knowingly Make A False Statement Herein.

Signature of Applicant in Presence of
Notary Public

Sworn before me this _____ day of _____ 20_____

Notary Public or Commissioner of Deeds

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ALLOWABLE RATE SCHEDULE
Light Duty Equipment (up to 10,000 lbs. GVWR)
Rates for Towing and Emergency Road Service

Item	Charge RATE (Any/All Taxes & Tolls are Additional)
A. BASIC ROAD SERVICE (standard service call charges excluding towing)	
1. Gasoline delivery ONLY	\$100.00 + retail cost of gas
2. Removing flat tire & replacing spare tire	\$100.00
3. Winching (does not include normal lift/hoist for towing purposes under B)	\$100.00 per ½ hour
4. Vehicle without keys additional labor must be noted by Police Dept.	\$50.00
5. Dispatched tow truck but no service provided	\$50.00 Flat rate
B. INITIAL TOWING FEE (includes motor cycles) 8:00 am – 6:00 pm	
1. Night 6:01 pm – 7:59 am or Weekends and Holidays	\$185.00 Flat rate \$225.00 Flat rate
C. ADDITIONAL TOWING FEE	
1. Towing other than back to the yard location (first 3 miles are included)	\$8.50 per mile
2. Clean Up Fee	\$35.00 per ½ hour
D. STORAGE FEE (first 24 hours no charge)	
1. Rate per calendar day – only after 24 hours –	\$65.00 Inside or Outside
E. YARD AND ADMINISTRATIVE FEES	
1. Fees are applicable only after the vehicle has been at the Tow Yard for a minimum of 10 days.	\$50.00 Yard and \$50.00 Administrative fee. Tow operators may charge applicable fees in those instances where the justification of the fee can be appropriately documented.

- Miscellaneous Provisions:
1. The restoring of a vehicle to the pavement that *does not require towing* is charged only under section “A” Service Call. If the vehicle *requires towing* from the scene then those actions are chargeable under both “A” and “B”.
 2. Towed vehicles must be available for access, inspection and/or release to the motorist, the motorist/vehicle owner’s designees, any and all involved insurance agents/inspectors, and the department personnel during normal business hours Monday – Saturday 9 am – 5 pm. Should the storage location not be available when the motorist, vehicle owner/designee or insurance agent arrives on site during the prescribed business hours, the storage fee shall be waived for that 24 hour period and any subsequent 24 hour period(s) until the storage location reopens again during regular business hours.

4/26/2021

Town of Carmel, NY Ecode360

Town of Carmel, NY
Monday, April 26, 2021

Chapter 140. Towing and Storage

§ 140-4. Application for license; application fee.

- A. Applicants for a license under this chapter shall file with the Town of Carmel Clerk a sworn application on a form to be furnished by the Clerk which shall include the following information and certification:
- (1) The full name and address of the applicant. If the application is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered agent and the names and residential addresses of every stockholder owning more than 10% of the issued stock.
 - (2) The year, make and type of each tow vehicle used in said business, its vehicle identification number, registration number and registered owner.
 - (3) The address where the tow vehicle or vehicles shall be regularly garaged, the telephone number or numbers and the hours during which service is available at those numbers and the names, addresses and New York driver license numbers of all operators.
 - (4) The location, size and security features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot shall be designated either as:
 - (a) "Inside building," a vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that are secured by a locking device on each opening; or
 - (b) "Outside secured," a vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six feet high. The facility is to be lighted at night so that all vehicles may be plainly visible.

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- (5) The name and address of the insurance carriers and the policy numbers of all insurance policies as required by § 140-9 of this chapter.
- (6) A certification that on-call towing and storage services will be available 24 hours per day, every day of the year.
- (7) A certification that the fees and procedures required by this chapter shall be complied with at all times.
- (8) A statement that the Chief of Police or his/her designee may at any reasonable time conduct an inspection of the towed vehicles or storage facility of any applicant or licensee for the purpose of determining compliance with this chapter. The Town of Carmel Police Department may have a Commercial Vehicle Safety Bureau Inspector from the New York State Department of Transportation inspect any tow truck at any time throughout the licensing period.
- (9) Such other information as the Town of Carmel Clerk or Chief of Police may reasonably prescribe.

<https://ecode360.com/print/CA0321?guid=33790805>

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4/26/2021

Town of Carmel, NY Ecode360

*Town of Carmel, NY
Monday, April 26, 2021*

Chapter 140. Towing and Storage

§ 140-5. Application review.

- A. The Town of Carmel Clerk shall forward all complete applications to the Chief of Police, who shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:
 - (1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect public safety or welfare.
 - (2) The applicant must own, lease, operate and maintain a registered, working New-York-State-licensed motor vehicle repair facility within the Town of Carmel. If the applicant does not own the premises on which the motor vehicle repair facility is situated, a written lease for the use of the premises or for service from the motor vehicle repair facility must be provided.
 - (3) The applicant has the ability to respond to the scene in response to any request for assistance within 25 minutes after notification.
 - (4) The applicant can provide on-call towing services 24 hours per day, every day of the year.
 - (5) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations. All applicants must meet minimum standards of operator performance, including but not limited to standards concerning the adequacy of the applicant's equipment and storage facilities and availability.
 - (6) The applicant owns or has a valid lease to a storage facility within the Town of Carmel, in an area legally zoned for such use, and such storage facility shall have a minimum capacity of 20 passenger automobiles and will be either an inside building or outside secured facility as defined in § 140-2A(4) above for storage of all vehicles towed or impounded.
 - (7) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein.
 - (8) Storage facility must meet local zoning requirements.
- B. In addition to the minimum standards of performance referred to in the preceding subsection, all applicants are subject to disqualification if found deficient in any one of the following areas:
 - (1) The applicant provided false or inaccurate information on the application form.
 - (2) The applicant lacks experience and/or does not have good references from prior customers of the applicant's towing and storage services.
- C. The Chief of Police shall endorse his/her approval or disapproval of the application within 30 days of receipt by him. If the application is disapproved, the reasons therefor shall be set forth in writing. The Town of Carmel Clerk shall notify the applicant in writing that the application has been granted or denied. If the application is denied, the reasons for such denial shall be set forth in the notice, along with the applicant's right to appeal the denial to the Town of Carmel Town Board pursuant to § 140-6.

<https://ecode360.com/print/CA0321?guid=33790818>

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**AIRPORT PARK BALLFIELDS - PROPOSAL ACCEPTED - PURCHASE AND
INSTALLATION OF FENCING AUTHORIZED - WBE FENCE COMPANY**

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist hereby accepts the proposal of WBE Fence Company, Brewster, NY and authorizes the purchase and installation of fencing and gate equipment at the Airport Park Ballfields at a cost not to exceed \$11,986.00 and in accordance with the proposal dated August 12, 2021; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary contract documentation to effect acceptance of these proposals upon the terms authorized herein.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>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 - CONTRACT AWARD AUTHORIZED UNDER PUTNAM
COUNTY BID NO. RFP-20-21 FOR PAINTING OF REFLECTORIZED PAVEMENT
STRIPES - ATLANTIC PAVEMENT MARKING**

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the award of bid contract for painting of reflectORIZED pavement stripes on Town of Carmel roads for the period of September 1, 2021 through August 31, 2022 from Atlantic Pavement Marking, Prospect, CT under Putnam County Bid No. RFP-20-21.

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>

**AIRPORT PARK, CAMARDA PARK, JIMMY MCDONOUGH MEMORIAL PARK,
CHAMBER PARK, RED MILLS PARK, CARMEL TOWN HALL, CARMEL HIGHWAY
DEPARTMENT, CARMEL HISTORICAL BUILDING AND 33 MCALPIN AVENUE -
ADVERTISEMENT FOR BIDS FOR GRASS CUTTING SERVICES AUTHORIZED**

RESOLVED, that Director of Recreation and Parks James R. Gilchrist is hereby authorized to advertise for bids for grass cutting services to be provided at Airport Park, Camarda Park, Jimmy McDonough Memorial Park, Chamber Park, Red Mills Park, Carmel Town Hall, Carmel Highway Department, Carmel Historical Building and 33 McAlpin Avenue property and

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BE IT FURTHER RESOLVED that upon finalization and completion of bid specifications, the Director of Recreation and Parks is to furnish detailed specifications for the above to the Town Clerk Ann Spofford which are to be used in conjunction with the Town's general bid conditions and specifications.

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>

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

Councilman Schanil congratulated the Carmel High School Rams on their outstanding football season and wished them luck in their Class AA New York State championship game on December 4th. On December 3rd at 8:30 a.m., the players’ bus will leave from the Carmel Fire Department on Vink Drive and be escorted to I-84. Councilman Schanil invited residents to cheer the team along their route as they make their way to Syracuse.

Supervisor Schmitt announced that the Hamlet of Carmel Civic Association will host their annual Holiday on the Lake Parade and Tree Lighting on December 4th from 5:30 p.m. to 7:45 p.m. The event will feature live music and activities at various locations along Lake Gleneida.

Supervisor Schmitt announced that the Town Board will meet next at their Work Session and Public Hearing to be held on December 8th.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schanil, with all Town Board members present and in agreement, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk