

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

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KATHLEEN KRAUS
Receiver of Taxes

MICHAEL A. BARILE
Town Councilman
JOHN D. LUPINACCI
Town Councilman
JONATHAN SCHNEIDER
Town Councilman

MICHAEL SIMONE
Superintendent of Highways
Tel. (845) 628-7474

TOWN BOARD VOTING MEETING
Tuesday, July 2, 2019 7:00pm

Pledge of Allegiance – Moment of Silence

Town Board Voting Meeting:

- Accept Town Board Meeting minutes for June 5, 19, 2019
 - 1. Res: Authorizing Submission of Consolidated Funding Grant Applications
 - 2. Res: Authorizing Cancellation of Public Hearing
 - 3. Res: Authorizing Planting of Memorial Tree at Camarda Park – Brendan Maguire
 - 4. Res: Accepting Annual Comprehensive Financial Audit Report of the Town's Independent Auditor for Fiscal Year 2018
 - 5. Res: Establishing Employment Anniversary Date
 - 6. Res: Authorizing Settlement of Litigation (Certiorari Settlement – Hilltop Manor TM # 76.22-1-5)
 - 7. Res: Authorizing Request for Proposals Pursuant to Property Maintenance Law
 - 8. Res: Authorizing Signing of Change Order #1 Airport Park Improvements Contract No. C252
 - 9. Res: Authorizing Payment for Repairs – Town of Carmel Police Department (Marine Division)
 - 10. Res: Accepting Proposal and Authorizing Entry into Contract for Concrete Repairs at Carmel Town Hall Facility R2019-005
 - 11. Res: Authorizing Acceptance of Proposal and Payment for Repairs Town of Carmel Highway Department
 - 12. Res: Accepting Proposal and Authorizing Payment – Line Stop Work – Carmel Water District #2
 - 13. Res: Pursuant to Town of Carmel Town Code § 156-76 (Referral to Planning Board for Review)
 - 14. Res: Scheduling Public Hearing on Chapter 156 of the Town Code of the Town of Carmel entitled, "Zoning" (August 7, 2019)
 - **Public Comment (Three (3) Minutes on Agenda Items Only)**
 - **Town Board Member Comments**
- Open Forum:**
- **Public Comments on New Town Related Business (Three (3) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**
 - **Town Board Member Comments**
 - **Adjournment**

RESOLUTION # 1

**RESOLUTION AUTHORIZING SUBMISSION
OF CONSOLIDATED FUNDING GRANT APPLICATIONS**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the submission of the following Consolidated funding Grants:

New York State Department of Environmental Conservation Water Quality Improvement Program for Carmel Sewer District Number 5 Wastewater Treatment Plant Compliance Upgrade: up to \$1,000,000 (one million dollars); and

New York State Department of Environmental Conservation Water Quality Improvement Program for Carmel Sewer District Number 2 Infiltration/Inflow Study Compliance Upgrade: up to \$500,000 (five hundred thousand dollars); and

New York State Department of State Water Quality Improvement Program for Local Waterfront Revitalization Program at 628 Route 6, Mahopac, New York Upgrade: up to 100,000 (one hundred thousand dollars); and

New York State Office of Parks Historic Preservation Acquisition Reimbursement Grant for 628 Route 6 Mahopac, New York: \$500,000 (five hundred thousand dollars); and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby designated as the authorized Town Official for the purposes of the execution and submission of all documentation required in connection with the referenced Grant Applications

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 2

RESOLUTION AUTHORIZING CANCELLATION OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the cancellation of the Public Hearing at on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands" which was previously scheduled for July 2, 2019.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 3

**RESOLUTION AUTHORIZING
PLANTING OF MEMORIAL TREE AT CAMARDA PARK
BRENDAN MAGUIRE**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the planting of a memorial tree at Camarda Park by Carmel Sports Association in memory of Brendan Maguire.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 4

**RESOLUTION ACCEPTING COMPREHENSIVE ANNUAL FINANCIAL REPORT
OF THE TOWN'S INDEPENDENT AUDITOR FOR FISCAL YEAR 2018**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the Comprehensive Financial Independent Audit Report of the Town's independent auditor, the PKF O'Connor Davies for fiscal year 2018 and hereby directs Town Clerk Ann Spofford to publish all notices required in connection herewith in the official newspapers of the Town.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 5

**RESOLUTION ESTABLISHING
EMPLOYMENT ANNIVERSARY DATE**

RESOLVED, that the Town Board of the Town of Carmel hereby revises the date of hire and/or anniversary date for Employee # 2720 from June 10, 2019 to November 6, 2018 for all purposes including but not limited to credit in the New York State and Local Retirement System.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 6

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500917/2018 a certain lawsuit entitled “Hilltop Manor Realty Corp” regarding the tax assessments for the property known and designated Town of Carmel Tax Map No. 76.22-1-5; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and Town Legal Counsel Gregory L. Folchetti, both of whom have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as recommended; and

BE IT FURTHER RESOLVED that Counsel Gregory L. Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 7

**RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS
PURSUANT TO PROPERTY MAINTENANCE LAW**

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114 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 105 Longdale Road (Town of Carmel Tax Map # 65.14-1-24) as well as for 39 Colonial Drive (Town of Carmel Tax Map # 75.11-2-48).

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 8

**RESOLUTION AUTHORIZING SIGNING OF CHANGE ORDER #1
AIRPORT PARK IMPROVEMENTS CONTRACT NO. C252**

WHEREAS the Town Board of the Town of Carmel has previously awarded the contract for the above project to Argenio Brothers, Inc. and

WHEREAS, Director of Recreation and Parks James R. Gilchrist has recommended that the Town Board approve Change Order No. 1 to the aforesaid contract;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign Change Order #1 to the aforementioned contract, resulting in no increase or decrease to overall contract price, said Change Order to be in form as attached hereto and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

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

Change Order

No. 1

Date of Issuance: _____ Effective Date: _____

Project: <i>Town of Carmel Airport Park Phase 1 - Contract C252</i>	Owner: Town of Carmel	Owner's Contract No.: C-252
Contract: Town of Carmel Park and Athletic Complex		Date of Contract: 10/31/2018
Contractor: Argenio Brothers Inc		Engineer's Project No.: 18192.100

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

This change order is for the extension of contract time, given recent adverse weather conditions. This change order also includes a no cost change to the contract for items listed on the attached.

Attachments (list documents supporting change):

See attached for details on directive of work items to be completed with no change to the contract price.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$ _____

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____:

\$ _____

Contract Price prior to this Change Order:

\$ _____

[Increase] [Decrease] of this Change Order:

\$ _____

Contract Price incorporating this Change

\$ _____

Original Contract Times: Working days Calendar days

Substantial completion (days or date): 6/8/2019

Ready for final payment (days or date): 9/6/2019

[Increase] [Decrease] from previously approved Change Orders No. - to No. -:

Substantial completion (days): _____ -

Ready for final payment (days): _____ -

Contract Times prior to this Change Order:

Substantial completion (days or date): 6/8/2019

Ready for final payment (days or date): 9/6/2019

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 7/7/2019

Ready for final payment (days or date): 10/5/2019

Contract Times with all approved Change Orders:

Substantial completion (days or date): 7/7/2019

Ready for final payment (days or date): 10/5/2019

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

Date: 6/7/19

Approved by Funding Agency (if applicable): _____

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)

Date: 6/12/19

Date: _____

RESOLUTION # 9

**RESOLUTION AUTHORIZING PAYMENT FOR REPAIRS
TOWN OF CARMEL POLICE DEPARTMENT**

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Highway Chief of Police Michael Cazzari, hereby authorizes payment for repair and service performed on the Town of Carmel police boat to Jimmy's Marine World, Pleasantville, NY at a cost of \$15,113 and in accordance with the invoice dated May 11, 2019.

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect payment for the aforesaid repair authorizations.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 10

RESOLUTION ACCEPTING PROPOSAL AND AUTHORIZING ENTRY INTO CONTRACT FOR CONCRETE REPAIRS AT CARMEL TOWN HALL FACILITY R2019-005

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes acceptance of proposal and entry into contract for concrete repairs at Carmel Town Hall, 60 McAlpin Avenue with John Astrologo, Mahopac, NY at a cost not exceed \$14,200.00 in accordance with the proposal dated May 29, 2019; 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 the authorization upon the terms authorized herein; and

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

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Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 11

**RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL AND
PAYMENT FOR REPAIRS
TOWN OF CARMEL HIGHWAY DEPARTMENT**

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes acceptance of proposal and payment for repairs to Highway Department Truck #33 to Ben Funk, Inc., Hudson, NY in accordance with the invoice/proposal dated June 14, 2019 in the amount not to exceed \$12,380.89.

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: _____

Seconded by: _____

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

RESOLUTION # 12

**RESOLUTION ACCEPTING PROPOSAL AND AUTHORIZING PAYMENT
LINE STOP WORK – CARMEL WATER DISTRICT #2**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel the various water and sewer districts of the Town of Carmel, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes acceptance of the proposal for line stop installation in Carmel Water District #2 from ProTap/Kuck Excavating, Carmel, NY in the amount not to exceed \$15,522.00

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect payment for the aforesaid repair authorizations.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 13

**RESOLUTION PURSUANT TO
TOWN OF CARMEL TOWN CODE §156-76**

RESOLVED that the Town Board of the Town of Carmel, pursuant to Carmel Town Code §156-76, hereby refers the Petition for Change of Zoning filed by Centennial Golf Club of New York, LLC dated April 30, 2019 and received in the Office of the Town Supervisor June 19, 2019 to the Town of Carmel Planning Board for its review, comment and/or recommendation.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION # 14

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing on Wednesday, August 7, 2019 at 7:00pm or soon thereafter on a proposed Local Law amending Chapter 156 of the Town Code of the Town of Carmel entitled, "Zoning"

Resolution

Offered by: _____

Seconded by: _____

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