

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

60 McAlpin Avenue
Mahopac, New York 10541

KATHLEEN KRAUS
Receiver of Taxes

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

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

TOWN BOARD VOTING MEETING
Wednesday, September 19, 2018 7:00pm

Pledge of Allegiance – Moment of Silence

6:00pm Executive Session:

1. Councilman Jonathan Schneider – Litigation – Contractual
2. 2019 Budget Discussion – Personnel
3. Greg Folchetti, Town Legal Counsel-Litigation 63-18 v Town of Carmel
4. Greg Folchetti, Town Legal Counsel – National Water Meter-Contractual

Public Hearing #1: On a proposed Local Law Establishing a Moratorium in Regard to the Issuance of Permits for “Smoke Shops” and “Vape Shops” Under Chapters 59 and 156 of the Town Code of the Town of Carmel

- 1A. Consider Resolution Making SEQR Determination
- 1B. Consider Motion to Enact Law

Town Board Voting Meeting:

- Accept Town Board Minutes, August 22, 2018
1. Res: Waiving Notice Requirement in Section 64 of the New York State ABC Law with Respect to a Liquor License for LOIMAR Corp d/b/a Let's Have Thai
 2. Res: Authorize Attendance at Seminar
 3. Res: Authorize Budget Revisions July/August #2018/4
 4. Res: Authorizing Acceptance of Bid for Electricity Supply
 5. Res: Authorizing Award of Contract for Purchase of Bulk Road Salt Town of Carmel Highway Department
 6. Res: Accepting Proposal and Authorizing Purchase of Hot In-Place Asphalt Scarification Town of Carmel Highway Department
 7. Res: Authorizing Acceptance of Proposal for Installation of Diesel Fuel System Upgrades Town of Carmel Highway Department
 8. Res: Authorizing Award of Contract for Purchase of Bulk Diesel Fuel Town of Carmel Highway Department
 9. Res: Authorizing Acceptance of Proposal for Purchase of Equipment Town of Carmel Highway Department

10. Res: Authorizing Attendance to Seminar
11. Res: Authorizing Extension/Renewal of Contract for Maintenance – Lake Casse Park District
12. Res: Authorizing Payment for Repairs within Town of Carmel Sewer and Water Districts
13. Res: Authorizing Acceptance of Proposal for Repairs Carmel Sewer District #4
14. Res: Authorizing Execution of Work Change Order to Contract C246 - CWD#2
15. Res: Authorizing Mailing of Lake Casse Park District Newsletter
16. Res: Authorizing Settlement of Litigation
17. Res: Establishing Employee Anniversary Date
18. Res: Accepting and Approving Donation of Vacation Time
19. Res: Awarding Bid Sycamore Park Court Rehabilitation II Contract # C-250
20. Res: Creating Job Classification of Account Clerk II in the Office of the Town of Carmel Justice Court and Making Probationary Appointment
21. Res: Making Probationary Appointment of Real Property Appraiser in the Town of Carmel Assessor's Office

- **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 Speaker for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, September 19, 2018 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law Establishing a Moratorium in Regard to the Issuance of Permits for “Smoke Shops” and “Vape Shops” Under Chapters 59 and 156 of the Town Code of the Town of Carmel as follows:

TOWN OF CARMEL
PROPOSED LOCAL LAW # ___ OF THE YEAR 2018
A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO
THE ISSUANCE OF PERMITS FOR
“SMOKE SHOPS” AND “VAPE SHOPS”
UNDER CHAPTERS 59 and 156 OF THE TOWN CODE
OF THE TOWN OF CARMEL

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

SECTION 1: PURPOSE

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

SECTION 2: LEGISLATIVE FINDINGS

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

SECTION 3: MORATORIUM

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

- D. Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law until March 1, 2019. For purposes of this section “smoke shop” or “vape shop” shall mean any business, facility or establishment with its main, primary or specialized purpose being the on-premises use and/or retail sale of tobacco and tobacco-related products, smoking equipment and/or electronic cigarette products and related products and paraphernalia.

SECTION 4: HOME RULE

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

SECTION 5: SEVERABILITY

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

SECTION 6: EFFECTIVE DATE

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

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

#1-A

**RESOLUTION MAKING SEQR DETERMINATION IN REGARD
TO THE PROPOSED LOCAL LAW # OF THE YEAR 2018
ENACTING CHAPTERS 59 AND 156 OF THE TOWN CODE OF THE TOWN
OF CARMEL**

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law # Establishing a Moratorium in Regards to the Issuance of Permits for “Smoke Shops” and “Vape Shops” Under Chapters 59 and 156 of the Town Code of the Town of Carmel is a Type II action under SEQR, NYCRR Section 617.5(c) (27) and no further review is necessary.

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 # 1

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR LOIMAR CORP. DBA LET’S HAVE THAI

WHEREAS, the representatives and/or proprietors of Loimar Corp. dba “Let’s Have Thai”, 961 Route Six, Mahopac, NY 10541, have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the Alcohol Beverage Control Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

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 ATTENDANCE AT SEMINAR

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to attend the 2018 Tri-County NYSBOC Conference being held on November 13, through November 15, 2018 in Kingston, NY; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

Resolution

Offered by: _____

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 BUDGET MODIFICATIONS

WHEREAS the Town Comptroller MaryAnn Maxwell has reviewed the proposed Final Budget Modifications for the period ending August 31, 2018 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule 2018/04;

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 August 31, 2018 as shown itemized on schedule 2018/04, which is attached hereto, incorporated herein 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	___	___

TOWN OF CARMEL
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.1420.0044	LABOR LEGAL SERVICES	37,900.00	
	100.1989.9909	APPROPRIATED FUND BALANCE	*	37,900.00
		- PROVIDE FOR SETTLEMENT OF LITIGATION		
1a	100.1420.0047	CERTIORARI LEGAL SERVICES	20,000.00	
	100.1989.9876	RESERVE FOR CERTIORARI SETTLEMENTS	*	20,000.00
		- PROVIDE FOR LEGAL SERVICES AND PROPERTY APPRAISALS DUE TO CERTIORARI SETTLEMENT CASES		
2	100.3120.0012	POLICE STAFF OVERTIME	75,483.09	
	100.1989.2680	INSURANCE RECOVERY - PAYROLL	*	75,483.09
		- PROVIDE FOR POLICE OVERTIME EXPENSE FROM 207C REVENUE RECEIVED		
3	100.5010.0019	HIGHWAY ADMIN STAFF OTHER	172,500.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	60,400.00
	100.1989.9909	APPROPRIATED FUND BALANCE	*	112,100.00
		- PROVIDE FOR RETIREE PAYOUT		
4	100.7110.0040	PARK CONTRACTUAL EXPENSE	4,534.50	
	100.1989.2681	INSURANCE RECOVERY	*	4,534.50
		- PROVIDE FOR WELL PUMP REPLACEMENT FROM INSURANCE CLAIM		
5	100.1310.0040	FINANCIAL ADVISOR EXPENSE	100.00	
	100.1320.0044	AUDIT SPECIAL EXPENSE		100.00
		- TRANSFER FOR FINANCIAL ADVISOR EXPENSE		
6	100.1610.0013	CENTRAL SERVICE - TEMPORARY STAFF	4,000.00	
	100.1610.0086	RETIREE HEALTH INSURANCE		4,000.00
		- TRANSFER FOR TEMPORARY STAFF		
7	100.3121.0041	LAKE PATROL BOAT FUEL	1,500.00	
	100.3120.0041	POLICE MOTOR VEHICLE FUEL		1,500.00
		- TRANSFER FOR LAKE PATROL BOAT FUEL		
8	100.3650.0040	BUILDING DEMO EXPENSE	21,000.00	
	100.1990.0040	CONTINGENCY		21,000.00
		- TRANSFER FOR BUILDING DEMO EXPENSE		
9	100.5010.0013	HIGHWAY TEMPORARY STAFF	9,000.00	
	100.5010.0011	HIGHWAY ADMIN STAFF COMPENSATION		9,000.00
		- TRANSFER FOR HIGHWAY DEPARTMENT PART TIME STAFF		
10	100.7113.0040	CHAMBER PARK CONTRACTUAL EXPENSE	1,000.00	
	100.7114.0040	RED MILLS CONTRACTUAL EXPENSE	300.00	
	100.7112.0020	MCDONOUGH FIELDS EQUIPMENT		1,000.00
	100.7110.0040	PARK CONTRACTUAL EXPENSE		300.00
		- TRANSFER FOR MISCELLANEOUS RECREATION EXPENSES		
11	100.8090.0086	RECYCLING STAFF RETIREE HEALTH INSURANCE	6,100.00	
	100.8090.0084	RECYCLING STAFF HEALTH INSURANCE		6,100.00
		- TRANSFER FOR RETIREE HEALTH INSURANCE		
HIGHWAY FUND				
12	500.5140.0041	WEEDS & BRUSH - GAS & FUEL	10,000.00	
	500.5110.0041	GENERAL REPAIRS - GAS & FUEL		10,000.00
		- TRANSFER FOR WEEDS & BRUSH - GAS & FUEL		
CARMEL AMBULANCE DISTRICT				
13	201.9025.0040	LOSAP ADMIN EXPENSE	400.00	
	201.9025.0090	LOSAP CONTRUBUTION		400.00
		- TRANSFER FOR LOSAP ADMIN EXPENSE		

TOWN OF CARMEL
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL FIRE PROTECTION DISTRICT #1				
14	301.9025.0040	LOSAP ADMIN EXPENSE	400.00	
	301.3410.0049	SERVICES OTHER DEPTS/GOVT - TRANSFER FOR LOSAP ADMIN EXPENSE		400.00
LAKE CASSE PARK DISTRICT				
15	401.7140.0040	CONTRACTUAL EXPENSES	5,000.00	
	401.7140.0041	SUPPLIES & MATERIALS	3,000.00	
	401.7140.0042	UTILITIES	2,000.00	
	401.7140.0099	REPAIR RESERVE FUND - TRANSFER FOR MISC EXPENSES INCLUDING DAM CLASSIFICATION STUDY		10,000.00
TEAKETTLE SPOUT PARK DISTRICT				
16	403.7140.0040	CONTRACTUAL EXPENSES	5,000.00	
	403.7140.0048	OTHER EXPENSES - TRANSFER FOR DAM CLASSIFICATION STUDY		5,000.00
LAKE SECOR PARK DISTRICT				
17	404.7140.0041	SUPPLIES AND MATERIALS	1,000.00	
	404.7140.0040	CONTRACTUAL EXPENSES - TRANSFER FOR MISC EXPENSES		1,000.00
CARMEL WATER DISTRICTS				
18	609.8310.0020	EQUIPMENT	4,836.00	
	609.8310.0047	EMERGENCY REPAIRS	8,580.28	
	612.8310.0020	EQUIPMENT	3,023.00	
	612.8310.0047	EMERGENCY REPAIRS	3,335.00	
	609.8310.2681	INSURANCE RECOVERY	*	13,416.28
	612.8310.2681	INSURANCE RECOVERY - PROVIDE FOR MISCELLANEOUS REPAIRS FROM INSURANCE CLAIM	*	6,358.00
CARMEL WATER DISTRICT #2				
19	602.8310.0044	ENGINEERING SERVICES	167,000.00	
	602.8310.0099	REPAIR RESERVE		67,000.00
	602.8310.9909	APPROPRIATED FUND BALANCE - PROVIDE AND TRANSFER FOR A FACILITIES AND ENGINEERING STUDY FOR THE CARMEL WATER DISTRICT #2 TREATMENT PLANT PER AUTHORIZING RESOLUTION	*	100,000.00
20	602.8310.0047	EMERGENCY REPAIRS	25,000.00	
	602.8310.0090	CONTINGENCY - TRANSFER FOR EMERGENCY REPAIRS		25,000.00
CARMEL WATER DISTRICT #3				
21	603.8310.0020	EQUIPMENT	10,000.00	
	603.8310.0040	CONTRACTUAL EXPENSES - TRANSFER FOR WELL PUMPS		10,000.00
CARMEL WATER DISTRICT #8				
22	608.8310.0020	EQUIPMENT	2,450.00	
	608.8310.0040	CONTRACTUAL EXPENSES	162.00	
	608.8310.0047	EMERGENCY REPAIRS	5,065.00	
	608.8310.2681	INSURANCE RECOVERY - PROVIDE FOR FIRE HYDRANT REPAIR FROM A THIRD PARTY INSURANCE CLAIM	*	7,677.00
23	608.8310.0020	EQUIPMENT	25,890.00	
	608.8310.0040	CONTRACTUAL EXPENSES - TRANSFER FOR GENERATOR PER AUTHORIZING RESOLUTION		25,890.00

TOWN OF CARMEL
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL WATER DISTRICT #9				
24	609.8310.0047	EMERGENCY REPAIRS	12,900.00	
	609.8310.0090	CONTINGENCY		2,900.00
	609.8310.9909	APPROPRIATED FUND BALANCE	*	10,000.00
		- PROVIDE AND TRANSFER FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #12				
25	612.8310.0020	EQUIPMENT	7,500.00	
	612.8310.0047	EMERGENCY REPAIRS	7,500.00	
	612.8310.0040	CONTRACTUAL EXPENSES		15,000.00
		- TRANSFER FOR EQUIPMENT AND EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #13				
26	613.8310.0048	OTHER OPERATING EXPENSES	1,000.00	
	613.8310.0040	CONTRACTUAL EXPENSES		1,000.00
		- TRANSFER FOR LABORATORY SAMPLING		
CARMEL SEWER DISTRICTS				
27	702.8130.0040	CONTRACTUAL EXPENSES	7,337.50	
	706.8130.0040	CONTRACTUAL EXPENSES		387.50
	702.8130.2681	INSURANCE RECOVERY	*	7,337.50
	706.8130.2681	INSURANCE RECOVERY	*	387.50
		- PROVIDE FOR EMERGENCY SERVICES AT PUMP STATIONS FROM INSURANCE CLAIM		
MICROFILTRATION PLANTS #2, #4 & #7				
28	702.8130.0145	MICRO-OPERATION & MAINT CONTRACT	131,040.00	
	704.8130.0145	MICRO-OPERATION & MAINT CONTRACT	131,040.00	
	707.8130.0145	MICRO-OPERATION & MAINT CONTRACT	131,040.00	
	702.8130.0140	MICRO-CONTRACTUAL EXPENSES		131,040.00
	704.8130.0140	MICRO-CONTRACTUAL EXPENSES		131,040.00
	707.8130.0140	MICRO-CONTRACTUAL EXPENSES		131,040.00
		- TRANSFER BUDGET FOR MICRO OPERATION & MAINTENANCE CONTRACT FROM CONTRACTUAL EXPENSES TO NEWLY ESTABLISHED MICRO OPERATION & MAINT CONTRACT BUDGET LINE		
29	702.8130.0140	MICRO-CONTRACTUAL EXPENSES	30,000.00	
	704.8130.0140	MICRO-CONTRACTUAL EXPENSES	30,000.00	
	707.8130.0140	MICRO-CONTRACTUAL EXPENSES	30,000.00	
	702.8130.9909	APPROPRIATED FUND BALANCE	*	30,000.00
	704.8130.9909	APPROPRIATED FUND BALANCE	*	30,000.00
	707.8130.9909	APPROPRIATED FUND BALANCE	*	30,000.00
		- PROVIDE FOR INCREASE IN CONTRACTED LABOR RATES AT THE MICROFILTRATION PLANTS		
CARMEL SEWER DISTRICT #2				
30	702.8130.0040	CONTRACTUAL EXPENSES	829.10	
	702.8130.2681	INSURANCE RECOVERY	*	829.10
		- PROVIDE FOR MANHOLE REPAIR FROM A THIRD PARTY INSURANCE CLAIM		
31	702.8130.0141	MICRO-CHEMICALS	4,000.00	
	702.8130.0041	CHEMICALS		4,000.00
		- TRANSFER FOR CHEMICALS AT THE MICROFILTRATION PLANT		

TOWN OF CARMEL
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL SEWER DISTRICT #4					
32	704.8130.0020	EQUIPMENT		25,000.00	
	704.8130.0090	CONTINGENCY			5,000.00
	704.8130.0099	REPAIR RESERVE			10,000.00
	704.8130.9909	APPROPRIATED FUND BALANCE	*	10,000.00	
		- PROVIDE AND TRANSFER FOR ROTATING BIOLOGICAL CONTACTOR PER AUTHORIZING RESOLUTION			
AIRPORT PARK CAPITAL FUND					
33	910.7140.0040	CONTRACTUAL EXPENDITURES		28,000.00	
	910.7140.0044	PROJECT ENGINEERING		72,000.00	
	910.7140.5710	PROCEEDS OF BORROWING	*	100,000.00	
		- PROVIDE FOR PROJECT ENGINEERING CAPITAL EXPENSE FROM APPROVED BORROWING			
GENERAL FUND					
34	100.9950.0099	TRANSFER TO CAPITAL PROJECT FUND		132,000.00	
	100.1989.9878	FUND BALANCE FOR CAPITAL PROJECTS	*	132,000.00	
		- PROVIDE FOR TRANSFER TO CAPITAL PROJECT FOR DIESEL FUELING SYSTEM UPGRADE FROM CAPITAL FUND BALANCE			
HIGHWAY GARAGE CAPITAL PROJECT FUND					
35	952.5112.0045	CONTRACTUAL CAPITAL IMPROVEMENTS		132,000.00	
	952.5112.5031	INTERFUND TRANSFER	*	132,000.00	
		- PROVIDE FOR DIESEL FUELING SYSTEM UPGRADE FROM CAPITAL FUND BALANCE			

RESOLUTION # 4

RESOLUTION AUTHORIZING ACCEPTANCE OF BID FOR ELECTRICITY SUPPLY

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Comptroller MaryAnn Maxwell, hereby authorizes the acceptance of the bid and the entry into contract for supply of electricity to Town of Carmel Facilities and Streetlights to be received under Putnam County Bid No. RFB-17-18 for any vendor(s) submitting bids at a cost of \$.073 per kilowatt hour or lower and for a term not to exceed thirty-six months; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained 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.

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 AUTHORIZING AWARD OF CONTRACT FOR PURCHASE OF BULK ROAD SALT TOWN OF CARMEL HIGHWAY DEPARTMENT

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 purchase of bulk road salt for the Town of Carmel Highway Department for the period commencing retroactive to September 1, 2015 through August 31, 2019 to Morton Salt, Inc., Chicago, IL under NYS OGS Group #1800, Award #22955 – Contract # PC67022 at the price of \$84.54 per ton.

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 ACCEPTING PROPOSAL AND AUTHORIZING PURCHASE OF HOT IN-PLACE ASPHALT SCARIFICATION TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes purchase of Hot In-Place Recycling Heater Scarification of Existing Asphalt Pavement for the period of December 1, 2017 through November 30, 2018 from Highway Rehabilitation Corp., Brewster, NY under Putnam County Bid No. RFB-41-17.

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 ACCEPTANCE OF PROPOSAL FOR INSTALLATION OF DIESEL FUEL SYSTEM UPGRADES TOWN OF CARMEL HIGHWAY DEPARTMENT

WHEREAS the Town Board of the Town of Carmel has been advised by Town of Carmel Highway Superintendent Michael Simone that the Town of Carmel Highway Department facilities require certain upgrades and improvements to its diesel fuel storage and dispensing tank, systems and equipment; and

WHEREAS, the Town Board of the Town of Carmel is further advised by Town of Carmel Highway Superintendent Michael Simone that upon the exercise of due diligence and investigation, there is a sole source and vendor for the procurement, construction and installation of the required diesel fuel storage and dispensing tank, systems as required which would exempt the project from the provisions of General Municipal Law §103 *et seq.*;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel in accordance with the recommendation of Town Highway Superintendent Michael Simone, hereby determines that the required procurement, construction and installation of the proposed diesel fuel storage and dispensing tank, systems and equipment referenced herein is available only from a sole source/vendor, specifically American Petroleum Equipment and Construction Company, Walden, NY; and

BE IT FURTHER RESOLVED BE IT RESOLVED, that the Town Board of the Town of Carmel in accordance with the recommendation Town Highway Superintendent Michael Simone, hereby accepts the proposal of American Petroleum Equipment and Construction Company Inc. for the procurement, construction and installation of the proposed diesel fuel storage and dispensing tank, systems and equipment at a cost not to exceed \$99,855.00 in accordance with the terms of the proposal dated February 2, 2018; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all budget transfers or modifications necessary to fund the services authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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 AWARD OF CONTRACT FOR PURCHASE OF BULK DIESEL FUEL TOWN OF CARMEL HIGHWAY DEPARTMENT

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 purchase of bulk diesel fuel for the Town of Carmel Highway Department for the period of commencing August 31, 2018 through August 27, 2020, under NYS Office of General Services Contract No. PC68208.

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 # 9

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FOR PURCHASE OF EQUIPMENT TOWN OF CARMEL HIGHWAY DEPARTMENT

WHEREAS the Town Board of the Town of Carmel has been advised by Town of Carmel Highway Superintendent Michael Simone that the Town of Carmel Highway Department facilities requires the acquisition and replacement of certain equipment for the proper function and carrying out of the duties, responsibilities and functions of the Highway Department; and

WHEREAS, the Town Board of the Town of Carmel is further advised by Town of Carmel Highway Superintendent Michael Simone that the need for the acquisition of such equipment is immediate, such that an emergency exists which may affect public property or buildings, which cannot await competitive bidding under the provisions of General Municipal Law §103 *et seq.*;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel in accordance with the recommendation Town Highway Superintendent Michael Simone, hereby determines that the need for acquisition of the proposed equipment is an emergency pursuant to General Municipal Law §103(4); and

BE IT FURTHER RESOLVED BE IT RESOLVED, that the Town Board of the Town of Carmel, in accordance with the recommendation of Town Highway Superintendent Michael Simone, hereby accepts the proposal of Westchester Tractor, Brewster, NY for the acquisition of an Eager Beaver 25 XPT Tri-Axel Trailer at a cost not to exceed \$36,343.00 in accordance with the terms of the proposal dated April 25, 2018; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all budget transfers or modifications necessary to fund the services authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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 AUTHORIZING ATTENDANCE AT SEMINAR

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Town Engineer Richard J. Franzetti, P.E. attend the 2018 Southeast New York Stormwater Conference being held on October 17, 2018 in Beacon, NY; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

Resolution

Offered by: _____

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 EXTENSION/RENEWAL OF CONTRACT FOR MAINTENANCE – LAKE CASSE PARK DISTRICT

WHEREAS the Town Board of the Town of Carmel has previously authorized and awarded and extended the contract for Lake Casse Maintenance to Mr. Terrence Kelly for years 2016 through 2018;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Casse Park District and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the extension of the aforesaid contract services with Terrence Kelly for fiscal year 2019 at a cost not to exceed \$13,000; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute any extension or amendment as well as any necessary documentation required connection therewith.

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 AUTHORIZING PAYMENT FOR REPAIRS WITHIN TOWN OF CARMEL SEWER AND WATER DISTRICTS

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer Districts #2 and #6, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Evans Septic, Mahopac, NY the sum of \$7,725.00 for goods and services rendered in connection with pump station repairs performed within Carmel Sewer Districts #2 and #6, all in accordance with the invoices dated June 1, 2018; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #3, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Bee & Jay Plumbing, Mahopac, NY the sum of \$6,481.00 for goods and services rendered in connection with pump repairs performed at Spring Street Clear Well within Carmel Water District #3, all in accordance with the invoice dated August 22, 2018; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Bee & Jay Plumbing, Mahopac, NY the sum of \$7,153.73 for goods and services rendered in connection with well pump repairs/replacement within said water district., all in accordance with the invoice dated August 30, 2018.

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 AUTHORIZING ACCEPTANCE OF PROPOSAL FOR REPAIRS CARMEL SEWER DISTRICT #4

WHEREAS the Town Board of the Town of Carmel has been advised by Town of Carmel Town Engineer Richard J. Franzetti, P.E. that one of the rotating biological contactor units at the CSD#4 wastewater treatment plant is in need of repair;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4 in accordance with the recommendation Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Darlington Equipment Company, Negley, OH, for performance of the required repairs in accordance with the proposal of September 4, 2018 and at an overall cost not to exceed \$26,595.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all budget transfers or modifications necessary to fund the services authorized herein.

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 EXECUTION OF WORK CHANGE ORDER TO CONTRACT C-246 CARMEL WATER DISTRICT #2

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, hereby authorizes the execution of Change Order No. 1 to the Carmel Water District #2 Emergency Water Main Replacement Project with Legacy Supply, LLC, in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is authorized to execute said Change Order No. 1 on behalf of Carmel Water District #2.

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

1

No. _____

CARMEL WATER DISTRICT NO. 2 EMERGENCY WATER MAIN REPLACEMENT
PROJECT

DATE OF ISSUANCE 2/22/2018

EFFECTIVE DATE 2/22/2018

OWNER The Town of Carmel
OWNER's Contractor No. C-246

CONTRACTOR: Legacy Supply, LLC

ENGINEER: J. Robert Folchetti & Associates

You are directed to make the following changes in the Contract Documents.

Description:

Reason for Change Order: Time Extension

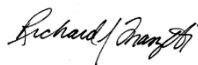
Attachments: (List documents supporting change) Engineering Memo; Contractor Request

CHANGE IN CONTRACT PRICE: Original Contract Price	CHANGE IN CONTRACT TIMES: Original Contract Times
\$ <u>None</u>	Substantial Completion: <u>September 20, 2018</u> Ready for final payment: <u>December 19, 2018</u>
Net changes from previous Change Orders No. to No.	Net change from previous Change Orders No. to No.
\$ _____	<u>0</u> days
Contract Price prior to this Change Order	Contract Times prior to this Change Order
\$ _____	Substantial Completion: _____ Ready for final payment: _____
Net Increase (decrease) of this Change Order	Net Increase of this Change Order
\$ _____	<u>105</u> days
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
\$ _____	Substantial Completion: <u>January 3, 2019</u> Ready for final payment: <u>April 4, 2019</u> days or dates

RECOMMENDED:

ACCEPTED:

APPROVED:

By: 
Engineer (Authorized Signature)

By: _____
Contractor (Authorized Signature)

By: _____
Owner (Authorized Signature)

Date: 09-06-18

Date: _____

Date: _____

RESOLUTION # 15

RESOLUTION AUTHORIZING MAILING OF LAKE CASSE PARK DISTRICT NEWSLETTER

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 September 2018 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: _____

Seconded by: _____

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

RESOLUTION # 16

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1424/2015, 944/2016, 500400/2017 a certain lawsuit entitled "R. Lester, LLC vs. The Town of Carmel" regarding the 2015, 2016 and 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 55.6-1-48; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special 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 Special 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 # 17

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 #2016 from August 24, 2018 to June 22, 2012 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 # 18

RESOLUTION ACCEPTING AND APPROVING DONATION OF VACATION TIME

RESOLVED, that the Town Board of the Town of Carmel hereby accepts and approves the donation of accrued vacation time to Employee #1046 from the following Town of Carmel Employees:

EMPLOYEE I.D. #	TIME DONATED
1699	6 (SIX) Vacation Days

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 # 19

RESOLUTION AWARDING BID SYCAMORE PARK COURT REHABILITATION II CONTRACT C-250

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for basketball court construction and improvements at Sycamore Park in the Town of Carmel; and

WHEREAS such bids were received and opened on July 20, 2018; and

WHEREAS Town Engineer Richard J. Franzetti, P.E. has recommended the awarding of the bid as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the bid for the contemplated fencing improvements and repairs to Sport Tech Construction, Brewster, NY, the lowest responsible bidder who met specifications at a an overall cost not to exceed \$170,000; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced; 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: _____

Seconded by: _____

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

Resolution #20

RESOLUTION CREATING JOB CLASSIFICATION OF ACCOUNT CLERK II OFFICE OF THE TOWN OF CARMEL JUSTICE COURT AND MAKING PROBATIONARY APPOINTMENT

RESOLVED that the Town Board of the Town of Carmel hereby creates the job classification of Account Clerk II in the Justice Court Department and appoints Francine Schmansky to said position, commencing immediately at a CSEA Group 4 Step 2 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

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 #21

RESOLUTION MAKING PROBATIONARY APPOINTMENT OF REAL PROPERTY APPRAISER IN THE TOWN OF CARMEL ASSESSOR'S OFFICE

RESOLVED that the Town Board of the Town of Carmel hereby appoints Christopher Paleo to Real Property Appraiser in the Town of Carmel Assessor's Office, commencing immediately at a CSEA Group 7 Step 2 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

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	___	___