

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 7<sup>th</sup> day of October 2015 at 7:21 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

Supervisor Schmitt announced that prior to the commencement of the Voting Meeting, the Town Board met at 6:00 p.m. with Police Chief Michael Cazzari in Executive Session to discuss a matter of personnel.

**MINUTES OF TOWN BOARD MEETINGS HELD ON 9/2/15, 9/9/15 AND 9/16/15 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on September 2<sup>nd</sup>, September 9<sup>th</sup> and September 16<sup>th</sup> 2015 were accepted as submitted by the Town Clerk.

**MAHOPAC VOLUNTEER FIRE DEPARTMENT - ADDITION TO THE ACTIVE LIST AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

John Joseph Piqueras

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilmen Lombardi and Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**BUDGET MODIFICATIONS #2015-04 - AUTHORIZED**

WHEREAS Town Comptroller Mary Ann Maxwell has reviewed the 2015 year-to-date Budget Modifications/Revisions for the period of July 1, 2015 through August 31, 2015 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedule identified as #2015-04;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the 2015 year-to-date Budget Modifications/Revisions for the period of July 1, 2015 through August 31, 2015 as itemized on Schedule #2015-04 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Schneider

OCTOBER 7, 2015  
TOWN BOARD MEETING

(Cont.)

Roll Call Vote	YES	NO
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Frank Lombardi	X	
Kenneth Schmitt	X	

TOWN OF CARMEL  
BUDGET REVISIONS JULY-AUGUST 2015 - #2015/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100-9903-0099	TRANSFER TO OTHER FUNDS	20,000.00	
	100-1989-9909	APPROPRIATED FUND BALANCE	*	20,000.00
		- PROVIDE FOR TEMPORARY LOAN TO 601 FUND		
2	100-3650-0040	BUILDING DEMO EXPENSE	4,226.00	
	100-1989-2770	OTHER REVENUE	*	4,226.00
		- PROVIDE FOR ABANDONED PROPERTY CLEANUP		
3	100-1310-0040	FINANCIAL ADVISOR EXPENSE	500.00	
	100-1320-0044	AUDIT SPECIAL EXPENSE		500.00
		- TRANSFER FOR FINANCIAL ADVISOR COSTS		
4	100-5132-0040	HIGHWAY GARAGE CONTRACTUAL EXPENSE	5,000.00	
	100-5132-0042	HIGHWAY GARAGE UTILITIES EXPENSE	5,000.00	
	100-5010-0080	HIGHWAY ADMIN EMPLOYEE BENEFIT		10,000.00
		- TRANSFER FOR HIGHWAY GARAGE EXPENSE		
5	100-7020-0020	REC ADMIN OFFICE EQUIPMENT	1,000.00	
	100-7180-0020	BEACH EQUIPMENT	2,000.00	
	100-7190-0040	SKATING RINK CONTRACTUAL EXPENSE	7,000.00	
	100-7111-0020	SYCAMORE BALLFIELD EQUIPMENT		1,000.00
	100-7117-0020	CARMADA PARK EQUIPMENT		1,000.00
	100-7140-0013	PLAYGROUND TEMPORARY STAFF		7,000.00
	100-7140-0020	PLAYGROUND EQUIPMENT		1,000.00
		- TRANSFER FOR MISC RECREATION EXPENSES		
HIGHWAY FUND				
6	500-5148-0040	SERVICE FOR OTHER GOVERNMENTS	4,500.00	
	500-5010-2681	INSURANCE RECOVERY	*	4,500.00
		- PROVIDE FOR VARIOUS EXPS FROM INSURANCE CLAIM		
7	500-5112-0012	CHIPS OVERTIME	10,000.00	
	500-5112-0020	CHIPS CONTRACTUAL EXPENSE	220,000.00	
	500-5112-0082	SOCIAL SECURITY	4,916.00	
	500-5010-3502	CHIPS STATE AID CAPITAL	*	234,916.00
		- PROVIDE FOR 2015-2016 CHIPS CAPITAL EXPENSE FROM 2015 NYS BUDGET		
8	500-9950-0099	TRANSFER TO CAPITAL PROJECT FUND	100,000.00	
	500-5130-0041	MACHINERY REPAIR CAPITAL EXPENSE		100,000.00
		- PROVIDE FOR TRANSFER TO 951 FUND		
9	500-5110-0013	GEN REPAIR TEMPORARY LABOR	25,000.00	
	500-5142-0081	MCT MOBILITY TAX	500.00	
	500-5142-0082	SOCIAL SECURITY	10,000.00	
	500-5110-0081	MCT MOBILITY TAX		500.00
	500-5110-0082	SOCIAL SECURITY		10,000.00
	500-5110-0083	WORKERS COMPENSATION INSURANCE		25,000.00
		- TRANSFER FOR HIGHWAY PT TEMP STAFF/MCT MOBILITY		
MISC FUNDS				
10	301-3410-0049	CFD #1 SERVICES OTHER DEPTS/GOVTS	500.00	
	403-7140-0049	TEAKETTLE SERVICES OTHER DEPTS/GOVTS	1,200.00	
	753-5182-0049	DAISY LN LIGHTING SERVICES OTHER DEPTS/GOVTS	50.00	
	754-5182-0049	COUNTRY HILLS LIGHTING SVCS OTHER DEPTS/GOVTS	100.00	
	755-5182-0049	LK MACGREGOR LIGHTING SVCS OTHER DEPTS/GOVTS	50.00	
	301-3410-0048	CFD #1 OTHER EXPENDITURES		500.00
	403-7140-0040	TEAKETTLE CONTRACTUAL EXPENSES		1,200.00
	753-5182-0042	DAISY LN CONTRACTUAL UTILITIES		50.00
	754-5182-0042	COUNTRY HILLS LIGHTING CONTRACTUAL UTILITIES		100.00
	755-5182-0042	LK MACGREGOR LIGHTING CONTRACTUAL UTILITIES		50.00
		- TRANSFER FOR GENERAL GOVERNMENT SERVICES		
CARMEL FIRE DISTRICT #3				
11	303-9025-0090	LOSAP CONTRIBUTION	20,000.00	
	303-3410-9909	APPROPRIATED FUND BALANCE	*	20,000.00
		- PROVIDE FOR LOSAP CONTRIBUTION		
LAKE CASSE PARK DISTRICT				
12	401-7140-0013	TEMPORARY LABOR EXPENSE	15,000.00	
	401-7140-0082	SOCIAL SECURITY	2,000.00	
	401-7140-0020	EQUIPMENT		15,000.00
	401-7140-0099	REPAIR RESERVE FUND		2,000.00
		- TRANSFER FOR TEMPORARY LABOR EXPENSE		

OCTOBER 7, 2015  
TOWN BOARD MEETING

(Cont.)

TOWN OF CARMEL  
BUDGET REVISIONS JULY-AUGUST 2015 - #2015/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
		<b>LAKE MAHOPAC PARK DISTRICT</b>		
13	402-7110-0040	CONTRACTUAL EXPENSES	1,635.00	
	402-7110-0099	REPAIR RESERVE FUND		1,635.00
		- TRANSFER FOR MISC EXPENSES		
		<b>CARMEL WATER DISTRICT #1</b>		
14	601-8310-0047	EMERGENCY REPAIRS	20,000.00	
	601-8310-5031	INTERFUND TRANSFER	* 20,000.00	
		- PROVIDE FOR TEMPORARY LOAN FROM GEN FUND		
		<b>CARMEL WATER DISTRICT #6</b>		
15	606-8310-0047	EMERGENCY REPAIRS	10,000.00	
	606-8310-0040	CONTRACTUAL EXPENSES		5,000.00
	606-8310-0099	REPAIR RESERVE FUND		5,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
		<b>CARMEL WATER DISTRICT #7</b>		
16	607-8310-0047	EMERGENCY REPAIRS	6,680.54	
	607-8310-2681	INSURANCE RECOVERY	* 6,680.54	
		- PROVIDE FOR EMERGENCY REPAIRS FROM A LIGHTNING STRIKE		
		<b>CARMEL WATER DISTRICT #8</b>		
17	608-8310-0047	EMERGENCY REPAIRS	10,000.00	
	608-8310-9909	APPROPRIATED FUND BALANCE	* 10,000.00	
		- PROVIDE FOR EMERGENCY REPAIRS		
		<b>CARMEL SEWER DISTRICT #2</b>		
18	702-8130-0020	EQUIPMENT	63,371.25	
	702-8130-0044	ENGINEERING SERVICES		1,200.00
	702-8130-9888	REPAIR RESERVE APPROPRIATION	* 62,171.25	
		- TRANSFER/PROVIDE FOR CLARIFIER		
19	702-8130-0141	MICRO - CHEMICAL EXPENSES	20,000.00	
	702-8130-0041	CHEMICAL EXPENSES		20,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS		
		<b>CARMEL SEWER DISTRICT #6</b>		
20	706-8130-0041	CHEMICAL EXPENSES	3,000.00	
	706-8130-0099	REPAIR RESERVE FUND		3,000.00
		- TRANSFER FOR CHEMICAL EXPENSES		
		<b>DRAINAGE CAPITAL PROJECT</b>		
21	900-1989-0012	PROJECT OVERTIME EXPENSE	12,000.00	
	900-1989-0040	CONTRACTUAL EXPENDITURES	80,000.00	
	900-1989-0048	OTHER PROJECT EXPENDITURES	5,000.00	
	900-1989-0080	FICA/MED EXPENSE	3,000.00	
	900-1989-5710	PROCEEDS OF BORROWING	* 100,000.00	
		- RECORD 2015 CAPITAL AUTHORIZATION		
		<b>SPECIAL DRAINAGE CAP FUND</b>		
22	902-1989-0048	OTHER PROJECT EXPENDITURES	150.00	
	902-1989-0040	CONTRACTUAL EXPENSES		150.00
		- REVISE CAPITAL EXPENSE		
		<b>MACHINERY CAPITAL PROJECT</b>		
23	951-5130-0024	PURCHASE OF MACHINERY	151,094.97	
	951-5130-0048	OTHER PROJECT EXPENDITURES		23,957.25
	951-5130-5710	PROCEEDS OF BORROWING	* 127,137.72	
		- CARRY FORWARD 2014 PROJECT BALANCE		
24	951-5130-0024	PURCHASE OF HIGHWAY MACHINERY	100,000.00	
	951-5130-5031	INTERFUND TRANSFERS	* 100,000.00	
		- PROVIDE FOR MACHINERY CAPITAL EXPENSE		
		<b>HIGHWAY SPECIAL GARAGE CAPITAL PROJECT</b>		
25	952-5112-0012	PROJECT OVERTIME EXPENSE		1,149.69
	952-5112-0020	EQUIPMENT		8,505.50
	952-5112-0040	CONTRACTUAL EXPENDITURES		989.28
	952-5112-0048	OTHER PROJECT EXPENDITURE	3,836.00	
		- REVISE CAPITAL PROJECT BUDGET		

**HIGHWAY DEPARTMENT - ADVERTISING FOR BIDS FOR WINTER MATERIALS  
AUTHORIZED - SAND, GUIDE RAIL AND WINTER MIX**

RESOLVED that, pursuant to the request of Michael Simone, Town of Carmel Highway Superintendent, Town Clerk Ann Spofford is hereby authorized to advertise for bids for the purchase of the following items:

OCTOBER 7, 2015  
TOWN BOARD MEETING

(Cont.)

- Sand
- Guide Rail
- Winter Mix

BE IT FURTHER RESOLVED that the Highway Superintendent is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u></u>
John Lupinacci	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

**CARMEL WATER DISTRICTS #2, #3 AND #12 AND CARMEL SEWER DISTRICTS #1, #2, #4, #5, #6, #7 AND #8 - AMENDMENT OF AGREEMENT FOR SEWER DISTRICT AND WATER OPERATIONS AND MAINTENANCE AUTHORIZED - SEVERN TRENT ENVIRONMENTAL SERVICES**

WHEREAS Severn Trent Environmental Services (STES) is currently in contract with the Town of Carmel for the provision of operation and maintenance services in Carmel Water Districts #2, #3 and #12 as well as Carmel Sewer Districts #1, #2, #4, #5, #6, #7 and #8; and

WHEREAS, the referenced contract which expires December 31, 2017, does not currently provide for utility markouts to be performed by STES; and

WHEREAS, Town Engineer Richard J. Franzetti, P.E. has recommended that the current STES contract be amended for STES to perform utility markouts at a fixed hourly rate;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water Districts #2, #3 and #12 as well as Carmel Sewer Districts #1, #2, #4, #5, #6, #7 and #8; , hereby authorizes the amendment of the existing contractual agreement with STES to include the performance of utility markouts at the cost of \$100.00 per hour; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the aforementioned agreement and any and all other documentation to effectuate the aforesaid contractual amendment on the express terms authorized herein.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u></u>
John Lupinacci	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

Supervisor Schmitt explained that New York State’s “Call Before You Dig” regulations require that before starting any excavation or digging project, underground utility lines must be marked. The Engineering Department has been performing the task which will now be performed by Severn Trent Environmental Services. This will free up the staff to fulfill other duties.

OCTOBER 7, 2015  
TOWN BOARD MEETING

**CARMEL SEWER DISTRICT #4 - PROPOSALS ACCEPTED FOR PURCHASE AND  
INSTALLATION OF WASTEWATER TREATMENT PLANT CLARIFIER DRIVE -  
JEDONNA, LLC - NOT TO EXCEED \$10,961.79 AND STES - NOT TO EXCEED  
\$2,900.00**

WHEREAS, Town Engineer Richard J. Franzetti, P.E. and Carmel Sewer District #4 operator Severn Trent Environmental Services (STES) have advised the Town Board that one of the clarifier drives at the Carmel Sewer District #4 Wastewater Treatment Plant (WWTP) has failed; and

WHEREAS, the requirement for replacement and/or repair of the failed clarifier drive is emergency in nature due to treatment processes required at the CSD#4 WWTP and regulatory requirements;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4, hereby accepts the proposal of Jedonna, LLC, Derby, CT and authorizes the purchase of the referenced clarifier drive at a price not to exceed \$10,961.79;and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4, hereby accepts the proposal of STES for the installation of the referenced clarifier drive at a cost not to exceed \$2,900.00.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**LAKE CASSE PARK DISTRICT - REQUEST FOR PROPOSALS FOR  
MAINTENANCE SERVICES - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Lake Casse Park District hereby authorizes Town Engineer, Richard Franzetti, PE, to request proposals for maintenance services at Lake Casse Park District for calendar year 2016.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<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.

OCTOBER 7, 2015  
TOWN BOARD MEETING

**PUBLIC COMMENTS - OPEN FORUM**

Michael Barile suggested that if a Town Board meeting being televised live is delayed, a message should be posted on the screen to advise viewers that the meeting will be commencing soon.

Relating to the ongoing investigation with regard to the alleged misappropriation of funds, Mr. Barile further suggested that \$525,000.00 of the Town's proposed expenditure for 2016 to the Mahopac Volunteer Fire Department be withheld. He stated that it would reduce the tax increase for the year to zero. Or, he suggested, the funds could be applied toward hiring an additional police officer.

Councilman Lupinacci pointed out that the Mahopac Volunteer Fire Department provides services in the hamlet of Mahopac. Any such adjustment would impact the taxpayers in that special district only.

Robert Buckley addressed the differences between a fire district and a fire protection district with regard to their financial reporting.

Supervisor Schmitt explained that a fire protection district is required to submit their financials to the Town prior to the annual budget process. He pointed out that the Mahopac Volunteer Fire Department did provide theirs this year. However, the financials submitted only relate to the use of the amount of their contract with the Town. It does not detail the funds that the fire department may have in other accounts.

Mr. Buckley urged that for financial transparency, the Town Board consider converting from a fire protection district to a fire district. Similar to the libraries and schools, the fire department would have to propose their budgets to the residents in the Town. Discussion was held with regard to the matter.

**TOWN BOARD MEMBER COMMENTS - OPEN FORUM**

Supervisor Schmitt invited residents to participate in the Town of Carmel's annual "TOP DOG" Photo Contest. Residents should submit a photo of their beloved, photogenic and licensed dogs to the Town Clerk's office for the chance to win great prizes and earn the coveted "TOP DOG" title.

Supervisor Schmitt announced that the Town of Carmel Department of Recreation and Parks is hosting Harvestfest 2015 on October 25, 2015 from 12:00 p.m. to 3:00 p.m. at Sycamore Park. It will feature pony rides, a petting zoo, vendors, a trick-or-treat parade, and more.

Supervisor Schmitt announced the upcoming hydrant flushing schedule for the Town of Carmel water districts.

Supervisor Schmitt announced that the Carmel Town Hall will be closed on October 12, 2015 in observance of Columbus Day.

Councilwoman McDonough acknowledged the Italian American Club of Mahopac for their recent Columbus Day Parade as well as the Greater Mahopac Carmel Chamber of Commerce for their accompanying street festival.

Councilman Lombardi expressed his support of Senator Chuck Schumer's efforts in connection with the problem of poor cellphone service in the area. Councilman Lombardi suggested that the Town Board send a letter to Senator Schumer commending him and asking him to keep the Town of Carmel apprised of his progress.

Supervisor Schmitt stated that he is a proud life member of the Mahopac Volunteer Fire Department and praised the department for the excellent services that they provide to the community. Supervisor Schmitt commented that all of the dedicated volunteers in the organization should not be condemned by the public because of the alleged crimes of one individual.

OCTOBER 7, 2015  
TOWN BOARD MEETING

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:56 p.m. to Executive Session to discuss a matter of litigation (Brennan v. Jonke). Following the discussion, the two liaisons to the Police Department, Councilman Lombardi and Councilman Lupinacci will meet with Putnam County Sheriff Donald Smith, Putnam County Undersheriff Peter Convery and Carmel Police Chief Michael Cazzari, to discuss police services for the Town of Carmel.

Respectfully submitted,

Ann Spofford, Town Clerk