

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 8th day of June 2016 at 7:15 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. Councilman Lupinacci exited the meeting at 7:18 p.m.

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.

2016 NEW YORK STATE SENATE 40TH DISTRICT “WOMAN OF DISTINCTION” - PRESENTATION OF PROCLAMATION - REGINA AURISICCHIO

The Town Board acknowledged Regina “Gina” Aurisicchio, longtime Town of Carmel resident, cancer survivor and volunteer for her service and dedication to the residents of this community. She was awarded a proclamation by the Town Board and nominated by them as the 2016 New York State Senate 40th District “Woman of Distinction”.

MINUTES OF TOWN BOARD MEETING HELD ON 5/18/16 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on May 18th 2016 were accepted as submitted by the Town Clerk.

PUBLIC HEARING SCHEDULED FOR 6/22/16 - PROPOSED LOCAL LAW ENACTING CHAPTER 15 OF THE CODE OF THE TOWN OF CARMEL ENTITLED “EMPLOYMENT APPLICANT FINGERPRINT INQUIRIES”

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, June 22, 2016 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law enacting Chapter 15 of the Code of the Town of Carmel, entitled "Employment Fingerprint Inquiries"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

TOWN OF CARMEL
PROPOSED LOCAL LAW # OF THE YEAR 2016
CHAPTER 15

I. Legislative Intent.

Access to criminal history record information ("CHRI") maintained by the New York State Division of Criminal Justice Services ("DCJS") for job or license applicants is permitted pursuant to state law, federal law, or local law of a municipality or political subdivision of the state, that specifically provides for fingerprint submission to DCJS. The intent of this local law is establish the Town of Carmel’s authorization to submit

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applicant fingerprint inquires to the DCJS for applicants for full- and part-time employment within the Town of Carmel.

II. A new Chapter 15 shall be added to the Town of Carmel Code to provide as follows:

CHAPTER 15
Applicant Fingerprint Inquiries

§ 15-1. Authority.

9 NYCRR Part 6051.1 and 6051.2 expressly permits the release of CHRI to entities that have statutory authority to access such records, and the execution of a written Use and Dissemination agreement between the DCJS and the Town of Carmel.

§ 15-2. Applicability to Town Employees.

With the exception of those individuals who are under the age of eighteen and applying for seasonal employment, the requirements of this Chapter 15 apply to all applicants for employment in the Town of Carmel whether full- and part-time, including but not limited to applicants to positions that require or contemplate interaction with minors.

§ 15-3. Submission of Fingerprints; Fees.

With the exception of those individuals who are under the age of eighteen and applying for seasonal employment, all applicants for full- and part-time employment within the Town of Carmel shall be required to submit fingerprints and information required for application of same and in the form and manner as prescribed by the DCJS.

§ 15-4. Access to; Review of CHRI.

The Town Supervisor and the Town Clerk shall have the right to review the CHRI disseminated by the DCJS. No other Town employee shall have access to such information.

§ 15-5. Other Applicable Laws.

A. If a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license or employment must be made upon consideration of New York State Correction Law §§701-703-b and §§751-753. Correction Law §§701-703-b provides for certificates of relief from disability and certificates of good conduct and §§751-753 sets forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determinations.

B. These provisions hereof shall not be interpreted or applied to affect the statutory authority under §50 (4) of New York State Civil Service Law which authorizes the state civil service department or municipal commission to require applicants undergo a state and national criminal history record check.

III. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application

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directly involved in the controversy in which such 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. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

IV. EFFECTIVE DATE.

This Local Law shall take effect upon its filing in the office of the Secretary of State.

MAHOPAC VOLUNTEER FIRE DEPARTMENT - ADDITIONS AND DELETION 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:

Janine Angelo
Jamie Fieldale
Robert G. Kick
Rosemarie Nikisher

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

Joseph Woodruff

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Schneider

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

Supervisor Schmitt extended best wishes to the new members of the Mahopac Volunteer Fire Department and thanked the past member for his service.

BOND RELEASE AUTHORIZED - TM #55.10-1-12 - CVS ALBANY, LLC

WHEREAS application has been made by CVS Albany, LLC for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #55.10-1-12, 1875-1905 Route Six, Carmel NY; and

WHEREAS said application has been reviewed by the Town Engineer, Richard J. Franzetti, P.E. and release of the bond has been recommended and approved by the Town Engineer, and the Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #55.10-1-12, Liberty Mutual Insurance Co. #012023179 in the amount of \$180,000.00.

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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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

ADVERTISING FOR BIDS AUTHORIZED - TOWN WIDE COLLECTION OF REFUSE, GARBAGE, RECYCLABLE MATERIALS AND BULK COLLECTION

RESOLVED that, pursuant to the request of Town Engineer, Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, hereby authorizes Town Clerk Ann Spofford to advertise for bids for Town-Wide Collection of Refuse, Garbage, Recyclable Materials and Bulk Collection; and

BE IT FURTHER RESOLVED that the Town Engineer 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 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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

BUDGET MODIFICATIONS #2016-02 - AUTHORIZED

WHEREAS Town Comptroller Mary Ann Maxwell has reviewed the 2016 year-to-date Budget Modifications/Revisions for the period of March 1, 2016 through April 30, 2016 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedule identified as #2016-02;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the 2016 year-to-date Budget Modifications/Revisions for the period of March 1, 2016 through April 30, 2016 as itemized on Schedule #2016-02 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Lombardi
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> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

8 JUNE 2016
TOWN BOARD MEETING

(Cont.)

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2016 - #2016/02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100-7020-0045	RECREATION BLDG SPECIAL REPAIRS	20,000.00	
	100-1989-9878	FUND BALANCE FOR CAPITAL PROJECTS	* 20,000.00	
		- PROVIDE FOR COST RELATED TO ROOF REPLACEMENT AT SYCAMORE PARK FROM CAPITAL RESERVE FUND BALANCE		
2	100.1220.0012	SUPERVISOR STAFF OVERTIME	37.00	
	100.1220.0013	SUPERVISOR TEMP STAFF		37.00
		- TRANSFER FOR EMPLOYEE OVERTIME		
3	100.1315.0011	COMPTROLLER STAFF	2,674.00	
	100.1440.0011	ENGINEERING STAFF	3,026.00	
	100.1315.0080	COMPTROLLER EMPLOYEE BENEFITS		2,674.00
	100.1440.0080	ENGINEERING EMPLOYEE BENEFITS		3,026.00
		- TRANSFER FOR EMPLOYEE STAFF PROMOTIONS PER TOWN BOARD APPROVAL		
4	100.3120.0012	POLICE STAFF OVERTIME	10,000.00	
	100.3120.0010	POLICE PERS SVS - NON UNIFORM		10,000.00
		- TRANSFER TO INCREASE POLICE OVERTIME DUE TO TEMPORARY ADMINISTRATION ASSIGNMENT		
5	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSE	150.00	
	100.7112.0020	MCDONOUGH FIELDS EQUIPMENT		150.00
		- TRANSFER FOR MCDONOUGH FIELDS EXPENSE		
HIGHWAY FUND				
6	500.5110.0020	GENERAL ROAD REPAIR TOOLS	1,000.00	
	500.5110.0083	WORKERS COMP INSURANCE		1,000.00
		- TRANSFER FOR ROAD REPAIR TOOLS		
7	500-9950-0099	TRANSFER TO CAPITAL PROJECT FUND	236,500.00	
	500-5130-0041	MACHINERY CAPITAL RESERVE		200,000.00
	500-5112-0020	CHIPS - CONTRACT EXPENSE		36,500.00
		- PROVIDE FOR TRANSFER TO 951 FUND		
LAKE SECOR PARK DISTRICT				
8	404.7140.0050	SPECIAL IMPROVEMENTS	5,000.00	
	404.7140.9909	APPROPRIATED FUND BALANCE	* 5,000.00	
		- PROVIDE FOR NEW PLAYSET PER RESOLUTION		
CARMEL WATER DISTRICT #2				
9	602.8310.0020	EQUIPMENT - METERS	5,000.00	
	602.8310.0099	REPAIR RESERVE FUND		5,000.00
		- TRANSFER FOR WATER METERS		
CARMEL WATER DISTRICT #3				
10	603.8310.0047	EMERGENCY REPAIRS	4,928.00	
	603.8310.2681	INSURANCE RECOVERY	* 4,928.00	
		- PROVIDE FOR EMERGENCY REPAIR FROM INSURANCE CLAIM		
CARMEL WATER DISTRICT #4				
11	604.8310.0047	EMERGENCY REPAIRS	6,336.00	
	604.8310.2681	INSURANCE RECOVERY	* 6,336.00	
		- PROVIDE FOR EMERGENCY REPAIR FROM INSURANCE CLAIM		
CARMEL SEWER DISTRICT #2				
12	702.8130.0020	EQUIPMENT	5,000.00	
	702.8130.0099	REPAIR RESERVE FUND		5,000.00
		- TRANSFER FOR EMERGENCY PUMPS/EQUIPMENT		
CARMEL SEWER DISTRICT #5				
13	705.8130.0044	ENGINEERING SERVICES	5,000.00	
	705.8130.0099	REPAIR RESERVE FUND		5,000.00
		- TRANSFER FOR MONTHLY SAMPLING FOR POTENTIAL FUTURE PLANT UPGRADE		

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2016 - #2016/02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
DRAINAGE CAPITAL PROJECT				
14	900-1989-0012	PROJECT OVERTIME EXPENSE	20,000.00	
	900-1989-0040	CONTRACTUAL EXPENDITURES	165,000.00	
	900-1989-0048	OTHER PROJECT EXPENDITURES	7,000.00	
	900-1989-0080	FICA/MED EXPENSE	8,000.00	
	900-1989-5710	PROCEEDS OF BORROWING	* 200,000.00	
		- RECORD 2016 CAPITAL AUTHORIZATION		

8 JUNE 2016
TOWN BOARD MEETING

(Cont.)

HIGHWAY RESURFACING CAPITAL PROJECT				
15	950-5112-0012	PROJECT OVERTIME		20,000.00
	950-5112-0045	CONTRACTED PAVING SERVICES		460,000.00
	950-5112-0048	OTHER PROJECT EXPENDITURES		15,000.00
	950-5112-0080	FICA/MED EXPENSE		5,000.00
	950-5112-5710	PROCEEDS OF BORROWING	*	500,000.00
		- RECORD 2016 CAPITAL AUTHORIZATION		
HIGHWAY MACHINERY CAPITAL PROJECT FUND				
16	951-5130-0024	PURCHASE OF HIGHWAY MACHINERY		486,500.00
	951-5130-5031	INTERFUND TRANSFER - FROM HIGHWAY	*	236,500.00
	951-5130-5710	PROCEEDS OF BORROWING	*	250,000.00
		- PROVIDE FOR PURCHASE OF (2) MACK TRUCKS FROM APPROVED BORROWING, CHIPS FUNDING AND CAPITAL RESERVE		
CSD #3 CAPITAL PROJECT FUND				
17	973-8130-0040	CAPITAL IMPROVEMENTS		295,000.00
	973-8130-0048	OTHER CAPITAL EXPENDITURES		5,000.00
	973-8130-5710	PROCEEDS OF BORROWING	*	300,000.00
		- PROVIDE FOR CAPITAL EXPENSE FROM APPROVED BORROWING		
CSD #7 CAPITAL PROJECT FUND				
18	977-8130-0040	CAPITAL IMPROVEMENTS		200,000.00
	977-8130-0048	OTHER CAPITAL EXPENDITURES		3,872.00
	977-8130-5710	PROCEEDS OF BORROWING	*	203,872.00
		- PROVIDE FOR CAPITAL EXPENSE FROM APPROVED BORROWING		
VARIOUS SPECIAL DISTRICT FUNDS				
19	402-7110-0049	SERVICES - OTHER GOVTS		4,888.00
	601-8310-0049	SERVICES - OTHER GOVTS		1,698.00
	608-8310-0049	SERVICES - OTHER GOVTS		10,793.00
	610-8310-0049	SERVICES - OTHER GOVTS		3,598.00
	613-8310-0049	SERVICES - OTHER GOVTS		2,362.00
	701-8130-0049	SERVICES - OTHER GOVTS		23,938.00
	702-8130-0049	SERVICES - OTHER GOVTS		60,618.00
	402-7110-0099	REPAIR RESERVE EXP ACCOUNT		4,888.00
	601-8310-0099	REPAIR RESERVE EXP ACCOUNT		1,698.00
	608-8310-0099	REPAIR RESERVE EXP ACCOUNT		10,793.00
	610-8310-0099	REPAIR RESERVE EXP ACCOUNT		3,598.00
	613-8310-0099	REPAIR RESERVE EXP ACCOUNT		2,362.00
	701-8130-0099	REPAIR RESERVE EXP ACCOUNT		23,938.00
	702-8130-0099	REPAIR RESERVE EXP ACCOUNT		60,618.00
		- TRANSFER TO REPAY REPAIR RESERVE FUNDS		

PAYMENT OF INVOICE FOR INSTALLATION OF COMMUNICATION EQUIPMENT AND ACCESSORIES (BUILD-OUT) FOR POLICE VEHICLE #31 AUTHORIZED - SPECIALTY WARNING SYSTEMS, LLC - \$8,478.04

RESOLVED, that upon the recommendation and request of Town of Carmel Chief of Police Michael Cazzari, the Town Board of the Town of Carmel hereby authorizes the payment of the invoice of Specialty Warning Systems, LLC, Danbury, CT dated 5/3/2016 in the amount of \$8,478.04 for installation of communication equipment and accessories to Town of Carmel Police vehicle #31; and

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

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

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

LAKE CASSE PARK DISTRICT - RATES SET FOR 2016 SEASONAL EMPLOYEES

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Casse Park District, hereby sets the following rates for Lifeguards in 2016.

<u>POSITION</u>	<u>MAXIMUM RATE OF PAY</u>
Lifeguard	\$16.00/hr
Lifeguard	\$15.00/hr
Lifeguard	\$13.00/hr
Lifeguard	\$12.00/hr
Gate Guard	\$13.00/hr

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> </u>	<u> </u>	Absent
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

Michael Barile addressed the resolution that authorized the advertisement for bids for the town-wide collection of refuse, garbage, recyclable materials and bulk collection. Mr. Barile commented that he hoped that the Town Board has discretion with regard to who they award the bid to and will not be locked in to the lowest bidder.

Gregory Folchetti, Legal Counsel explained that the Town Board may award the bid to the lowest responsible bidder.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present in agreement, the meeting was adjourned at 7:31 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk