

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 1<sup>st</sup> day of May 2013 at 7:14 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 and a moment of silence was observed to honor those serving in the United States Armed Forces.

**PRESENTATION OF CURRENT TRANSPORTATION SERVICES IN PUTNAM COUNTY**

Vincent Tamagna, Chairman of the Putnam County Transportation Task Force along with Anthony J. Ruggiero, Commissioner, Putnam County Planning, Development and Public Transportation spoke in regard to their efforts to evaluate and in turn, improve the public transportation system within Putnam County. Mr. Tamagna and Mr. Ruggiero addressed brief questions and comments from the Town Board.

**MINUTES OF TOWN BOARD MEETING HELD ON 4/17/13 - 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 meeting held on April 17<sup>th</sup> 2013 were accepted as submitted by the Town Clerk.

**LIQUOR LICENSE NOTICE REQUIREMENT WAIVED - DISH MAHOPAC, LLC**

WHEREAS, Dish Mahopac, LLC 947 S. Lake Boulevard, Mahopac, NY 10541, has advised that it intends 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 Section 64-2(a) ABC 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 Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Dish Mahopac, LLC, for a liquor license at the premises referred to herein; and

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

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>

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**DEPARTMENT OF RECREATION AND PARKS - PROPOSAL ACCEPTED FOR  
DEMOLITION AND REMOVAL OF BUILDING AT SYCAMORE PARK - ED KUCK  
EXCAVATING, INC. - NOT TO EXCEED \$5,300.00**

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes acceptance of the proposal of Ed Kuck Excavating, Inc., Mahopac Falls, NY for the demolition and removal of the damaged utility building at Sycamore Park at a cost not to exceed \$5,300.00; 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 sign and accept such proposal in form as attached hereto and made a part hereof.

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>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>

**Gilchrist, Jim**

From: Ed Kuck  
Sent: Wednesday, January 23, 2013 9:05 AM  
To: Gilchrist, Jim  
Subject: Sycamore Park-Town of Carmel

Proposal: Removal of building damaged by storm

Remove existing damaged building.  
Haul away debris and concrete.  
Rake and seed disturbed area.

Total for above.....\$5,300.00

Ed Kuck Excavating Inc  
(914) 248-6148  
[www.septichappens.com](http://www.septichappens.com)

Supervisor Schmitt explained that the unoccupied at the time utility building was damaged as the result of a tree falling on it during Hurricane Sandy. The cost for the removal and demolition is included in an insurance settlement.

**PROPOSAL ACCEPTED FOR INSTALLATION OF CEILING FANS AT TOWN HALL  
MEETING ROOMS - L&R ELECTRIC - NOT TO EXCEED \$3,200.00**

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes acceptance of the proposal of L&R Electric, Carmel, NY for installation of six (6) fans in the Town of Carmel Town Hall Meeting Rooms #1 and #2 at a cost not to exceed \$3,200.00; 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 sign and accept such proposal.

(Cont.)

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>

Councilman Lupinacci explained that the commercial grade fans are being installed to improve the conditions in the meeting rooms by providing better ventilation and circulation. The new fans will deliver greater energy efficiency.

Supervisor Schmitt expressed his support of the purchase and added that there will be control panels in both meeting rooms.

**CARMEL WATER DISTRICT #8 WATER MAIN REPLACEMENT PROJECT -  
CONTRACT #C222 - CHANGE ORDER #2 AUTHORIZED**

WHEREAS J. Robert Folchetti & Associates, LLC, construction administration consultant for the Carmel Water District #8 Water Main Replacement Project, Contract #C222 and Town Engineer Ronald J. Gainer, P.E. have each recommended that Change Order #2 to the Carmel Water District #8 Water Main Replacement Project be approved;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Kenneth Schmitt to sign Change Order #2 to the aforementioned contract, in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilwoman McDonough  
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>

*Ronald J. Gainer, P.E.  
Town Engineer*



*(845) 628-1500  
(845) 628-2087  
Fax (845) 628-7085*

*Office of the Town Engineer  
60 McAlpin Avenue  
Mahopac, New York 10541*

**CHANGE ORDER No. 2**

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PROJECT: WD #8 - Water Main Replacement Project    DATE OF ISSUANCE: April 15, 2013  
OWNER: TOWN OF CARMEL  
CONTRACTOR: Bibeau Construction Co., Inc.  
ENGINEER: Town of Carmel Engineering Department  
PROJECT NO: C222

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(Cont.)

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

Description: Extension of time to Complete Contract

Purpose of Change Order: Time extension for project "Substantial Completion" to May 17, 2013

Attachments: (List documents supporting change)

1. April 12, 2013 Bibeau letter
2. April 15, 2013 JRFA letter

<b>CHANGE IN CONTRACT PRICE:</b> Original Contract Price	<b>CHANGE IN CONTRACT TIME:</b> Original Contract Time	
\$ 1,880,000.00	\$ 180 days or date	
Previous Change Orders No. <u>1</u> to No. <u>      </u>	Net change from previous Change Orders	
\$ 37,000.00	- 0 - days	
Contract Price prior to this Change Order	Contract Time Prior to this Change Order	
\$ 1,917,000.00	180 days or date	
Net <del>increase</del> (decrease) of this Change Order	Net Increase (decrease) of this Change Order	
\$ - 0 -	- 33 - days	
Contract Price including this Change Order	Contract Time including this Change Order	
\$ 1,917,000.00	213 days (to May 17, 2013 for "Substantial Completion") days or date	
<b>RECOMMENDED:</b>	<b>APPROVED:</b>	<b>ACCEPTED BY:</b>
By <u>[Signature]</u> Engineer	By <u>      </u> Owner	By <u>      </u> Contractor
Dated: <u>4/15/13</u>	Dated: <u>      </u>	Dated: <u>      </u>

Bibeau Construction Co. Inc.  
231 South Middletown Rd  
Nanuet, NY 10954  
Phone: 845-735-9535 Fax: 845-735-1332  
Email: [mail@bibeauconstruction.com](mailto:mail@bibeauconstruction.com)

April 12, 2013

Town of Carmel  
60 McAlpin Avenue  
Mahopac, NY 10541  
Ronald J. Gainer, PE,  
Town Engineer

Carmel District 8 Water Main Replacement: Extension of Time

Dear Mr. Gainer:

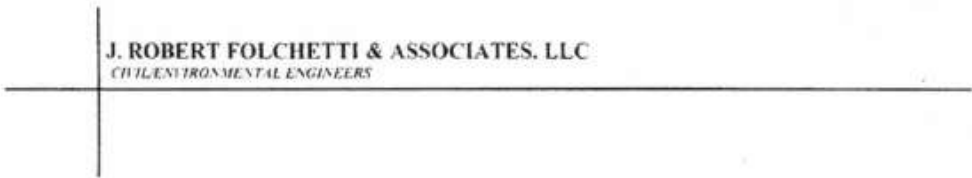
As you are aware, Bibeau is moving forward with the final house services connections, tie ins, restoration, and also the additional work for the abandonment of the old mains on the project. As John Folchetti documented in the progress meeting #14 minutes, the house service connections are moving forward more rapidly than initially forecast, however the additional abandonment work will take some time. In addition to these abandonments, Bibeau experienced an array of weather related delays and was not permitted to work on the local roads when inclement weather was forecast, was directed to install 5 additional hydrants, 7 additional 6" gate valves, additional 8" gate valves, 250 feet of watermain on Highridge Rd, 350 feet of watermain on Harbor Lane and also additional house services on both streets. As a result, Bibeau is requesting an extension of time above and beyond the original contract end date of April 14, 2013 to a substantial completion date of May 17, 2013 (25 additional work days). If you have any question or wish to discuss any further please don't hesitate to contact me.

Very Truly Yours:

Bill Stahaker  
Vice President

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(Cont.)



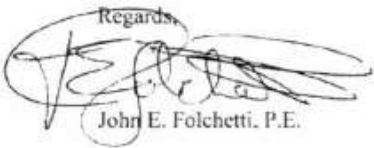
April 15, 2013

Mr. Ronald J. Gainer, P.E.  
Town Engineer  
Town of Carmel  
60 McAlpin Avenue  
Mahopac, NY 10541

RE: TOWN OF CARMEL WATER DISTRICT #8  
CONTRACT C2012-222: WATER MAIN REPLACEMENT  
BIBEAU CONSTRUCTION CO. INC.  
REQUEST FOR EXTENSION OF TIME

Dear Mr. Gainer:

JRFA has received the referenced request, dated April 12, 2013. Bibeau has documented the various delays incurred while constructing this project throughout the past winter, as well as the additional work performed. Our records indicate the documentation provided is correct, we believe the time requested is reasonable, and recommend issuing a Change Order extending the contract to the date requested.

Regards,  
  
John E. Folchetti, P.E.

JEF/jef

Cc: W. Stalnaker, Bibeau Construction Co., Inc.  
File

31 SCHODOM RIVER RD  
Brewster, New York 10509  
845-363-1560  
Fax 845-279-2062

815 WINTERLON ROAD  
MIDDLE TOWN, NY 10940  
845-224-9347  
Fax 845-279-2062

[www.jrfa.com](http://www.jrfa.com)

Supervisor Schmitt pointed out that there are no costs associated with this Change Order. It pertains to an agreed extension of time to complete the contract to May 17, 2013.

**LAKE SECOR PARK DISTRICT - MAILING OF NEWSLETTER AUTHORIZED**

RESOLVED that the Town Board, acting as the Commissioners of the Lake Secor Park District, hereby authorizes the mailing to all properties within the district of the newsletter prepared by the Lake Secor Park District Advisory Committee and that the cost thereof be charged as a district expense.

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>

Councilman Schneider offered the resolution with an amendment to the letterhead of the newsletter to include an updated address.

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**HIGHWAY DEPARTMENT - AWARDING OF BIDS FOR MISCELLANEOUS MATERIALS AND SERVICES AUTHORIZED - OFFERED AS PRE-FILED**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for various highway materials and services for the Town Highway Department, and

WHEREAS such bids were received and opened and the Highway Superintendent has recommended the awarding of the bids (after equalizing all FOB bids based on distance to the Town Highway Department yard),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for the purchase of various highway materials and services to the lowest responsible bidders who met specifications as follows:

<u>CRUSHED GRAVEL</u> 1 ½" F.O.B. ¾" F.O.B. ⅜" F.O.B. ⅜" DELIVERED	-	WEST HOOK SAND & GRAVEL 25 WEST HOOK ROAD HOPEWELL JUNCTION, NY 12533
<u>CRUSHED GRAVEL</u> 1 ½" DELIVERED ¾" DELIVERED	-	PUTNAM MATERIALS CORP. ROUTE 311 PATTERSON, NY 12563
<u>CRUSHED GRAVEL</u> ¼" F.O.B. ¼" DELIVERED	-	PALUMBO SAND & GRAVEL 2600 ROUTE 22 DOVER PLAINS, NY 12522
<u>RUN OF BANK GRAVEL</u> FOB BIDDER'S PLANT	-	NICHOLAS F. DOMAIN SAND & GRAVEL 2441 ROUTE 22 DOVER PLAINS, NY 12522
<u>RUN OF BANK GRAVEL</u> DELIVERED	-	WEST HOOK SAND & GRAVEL 25 WEST HOOK ROAD HOPEWELL JUNCTION, NY 12533
<u>BITUMINOUS CONCRETE FOB</u> ASPHALT CONCRETE TYPE 6 & 6F TOP COURSE TYPE 7 AND 7F BINDER COURSE TYPE 3 CURB MIX	-	PECKHAM MATERIALS CORP. CARMEL PLANT, ROUTE 6 CARMEL, NY 10512
<u>BITUMINOUS CONCRETE –IN PLACE</u> IN-PLACE –ALL OTHER TYPES IN-PLACE WITH TACK COAT –ALL OTHER TYPES IN-PLACE WITH KEYS – ALL OTHER TYPES	-	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
<u>ROAD OILS, CUTBACKS ETC.</u> PENETRATION ASPHALT CATIONIC EMULSIFIED ASPHALT	-	PECKHAM MATERIALS CORP. 20 HAARLEM AVENUE WHITE PLAINS, NY 10603
<u>CORRUGATED POLYETHYLENE –DELIV.</u> DRAINAGE PIPE & ELBOWS/TEES ALL SIZES & TYPES	-	REJECT ALL BIDS & PURCHASE UNDER NYS BID
<u>CORRUGATED POLYETHYLENE – FOB</u> DRAINAGE PIPE & ELBOWS/TEES ALL SIZES & TYPES	-	CARMEL WINWATER CARMEL, NY
<u>TREE FELLING AND TRIMMING</u>	-	MAN TREE, INC. 960 ROUTE SIX MAHOPAC, NY 10541
<u>GRANULAR BASE–F.O.B.</u> ITEM 4	-	PUTNAM MATERIALS CORP. RTE 311 PATTERSON, NY

(Cont.)

<u>GRANULAR BASE – DELIVERED</u> ITEM 4	-	PUTNAM MATERIALS CORP. RTE 311 PATTERSON, NY
<u>ALUMINUM CULVERT PIPE - DELIVERED</u> PLAIN & PERFORATED ALL SIZES	-	ESP INCORPORATED 3330 ROUTE 9 COLD SPRING, NY 10516
<u>ALUMINUM CULVERT PIPE – F.O.B.</u> PLAIN & PERFORATED ALL SIZES	-	ESP INCORPORATED 3330 ROUTE 9 COLD SPRING, NY 10516
<u>STEEL CULVERT PIPE – F.O.B.</u> PLAIN & PERFORATED ALL SIZES	-	ESP INCORPORATED 3330 ROUTE 9 COLD SPRING, NY 10516
<u>STEEL CULVERT PIPE – DELIVERED</u> PLAIN & PERFORATED ALL SIZES	-	ESP INCORPORATED 3330 ROUTE 9 COLD SPRING, NY 10516
<u>CATCH BASIN SUMPS &amp; TOPS</u> DELIVERED	-	M & M PRECAST CORP. 39 PADANARAM ROAD DANBURY, CT 06811

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>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**

Supervisor Schmitt stated that the Town of Carmel’s Community Clean-up and Zoning Code Compliance Week was held recently and that Michael Carnazza, Director of Code Enforcement/Building Inspector will be providing a comprehensive report to the Town Board with regard to the matter at the next Work Session to be held on May 8, 2013.

**OPEN FORUM - PUBLIC COMMENTS**

Michael Barile stated that he hoped that Mr. Carnazza’s report will address a timeframe for the removal of the oil barrels, banners, flags, and clothing bins that remain up in the community.

Mr. Barile expressed his frustration with the appearance of the two large banners currently stacked across Route 6 in Mahopac as well as the signage posted in the Town promoting events taking place outside of the Town. He suggested that the Town Board consider eliminating such banners and designating a central location(s) for the many charitable organizations to erect signage to promote their events.

Supervisor Schmitt agreed that the stacked banners may be inappropriate and discussion was held regarding the matter.

**OPEN FORUM - TOWN BOARD MEMBER COMMENTS**

Councilwoman McDonough announced that there will be a pancake breakfast fundraiser at Chili's Restaurant in Somers on May 5, 2013 to benefit the Special Olympics.

Supervisor Schmitt announced that the American Cancer Society will "Paint the Town Purple" as purple decorations will be displayed throughout the community on May 3, 2013 to raise awareness of their annual Relay for Life fundraiser. He noted that a purple line will be painted down a portion of Route 6 in Mahopac for the event.

Supervisor Schmitt announced that commencing May 11, 2013, a recycling container will be available for the disposal of electronic equipment (e-waste) every Saturday from 10:00 a.m. to 2:00 p.m. at the Putnam County Highway Facility salt storage shed located on Route 6N in Mahopac Falls.

Supervisor Schmitt announced that on May 8, 2013, the Town Board Work Session will be held in the Richard Othmer Conference Room at Town Hall because the Planning Board Chairman and Legal Counsel anticipate that the attendance at the Planning Board meeting that evening will necessitate the usage of both meeting rooms.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 8:06 p.m. to Executive Session to discuss a matter of personnel with Labor Counsel.

Respectfully submitted,

Ann Spofford, Town Clerk