

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 15th day of February, 2017 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.

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.

MINUTES OF TOWN BOARD MEETING HELD ON FEBRUARY 1, 2017 - 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 February 1, 2017 were accepted as submitted by the Town Clerk.

ATTENDANCE AT STATE WATER GRANTS FOR MUNICIPALITIES CONFERENCE IN WHITE PLAINS, NY ON FEBRUARY 16, 2017 - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Supervisor Kenneth Schmitt and Town of Carmel Comptroller Mary Ann Maxwell and Town of Carmel Engineer, Richard Franzetti, PE to attend the State Water Grants for Municipalities Conference in White Plains, NY, being held on February 16, 2017; and

BE IT FURTHER RESOLVED that applicable reasonable and necessary expenses, including travel, meals, lodging and registration be reimbursed by the Town upon audit and approval.

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>

HIGHWAY DEPARTMENT – ADVERTISING FOR BIDS FOR VARIOUS HIGHWAY MATERIALS - AUTHORIZED

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 for fiscal year 2017:

- Crushed Gravel
- Granular Base (Item 4)
- Run of Bank Gravel
- Bituminous Concrete
- Road Oil, Cut Backs, etc.
- Catch Basins & Sumps with Tops
- Tree Felling & Trimming
- Steel Culvert Drainage Pipe
- Aluminum Culvert Drainage Pipe
- Polyethylene Drainage Pipe

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

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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>

RECREATION AND PARKS DEPARTMENT – EXTENSION OF EXISTING CONTRACT WITH PAT SCANLAN LANDSCAPING, NEW CITY, NY FOR LANDSCAPING/GRASS CUTTING SERVICES - AUTHORIZED

WHEREAS the Town Board of the Town of Carmel has previously awarded the contract for performance for landscaping/grass cutting services at various Town of Carmel Town Parks to Pat Scanlan Landscaping, New City, NY, and

WHEREAS, the Director of Recreation and Parks has recommended that the Town Board exercise its right to extend the contract pursuant to its terms for a period of one (1) year at this time;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby exercises its right to extend the existing contract with Pat Scanlan Landscaping, New City, NY for a period of one (1) year to Pat Scanlan Landscaping, New City, NY, at an annual contract price not to exceed \$35,125.00; and

BE IT FURTHER RESOLVED that said extended contract period shall be deemed to commence upon the date of the expiration of the previous extension period authorized by resolution of the Town Board in 2016; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates and a bond in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to enter into the aforesaid contract and to execute any necessary documentation required in connection herewith.

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>

RECREATION AND PARKS DEPARTMENT – ADVERTISING FOR BIDS FOR BUS TRANSPORTATION FOR 2017 SUMMER CAMP PROGRAM – AUTHORIZED

RESOLVED that, pursuant to the request of Town of Carmel Director of Recreation and Parks James R. Gilchrist, the Town Clerk of the Town of Carmel is hereby authorized to advertise for bids for bus transportation for the Town of Carmel Recreation and Parks 2017 Summer Camp Program; and

BE IT FURTHER RESOLVED that the Director of Recreation and Parks is to furnish detailed specifications for the above to Town Clerk Ann Spofford to be used in conjunction with the Town's general bid conditions and specifications.

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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>

BOND RELEASE AUTHORIZED - TM# 76.22-1-4 - LAKEVIEW REALTY 168, LLC

WHEREAS application has been made by Lakeview Realty 168, LLC for the total release of a bond posted in accordance with Chapter 131 and/or Chapter 156 of the Town Code regarding the property known and designated as Town of Carmel Tax Map #76.22-1-4; and

WHEREAS said applications have been reviewed by the Planning Board and The Office of the Town Engineer, both of which have recommended the release of said bonds;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bonds referenced herein specifically Putnam County Savings Bank Check #057093-09.

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>

CARMEL WATER DISTRICT #9 – ADVERTISING FOR BIDS FOR INSTALLATION AND/OR REPLACEMENT OF APPROXIMATELY 3200 LINEAR FEET OF WATER MAINS - AUTHORIZED

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #9, hereby authorizes Town Clerk Ann Spofford to advertise for bids for installation and/or replacement of approximately 3200 linear feet of water mains within Carmel Water District #9; and

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

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>

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ENGINEERING DEPARTMENT – ADVERTISING FOR BIDS FOR SLUDGE HAULING SERVICES FOR VARIOUS SEWAGE/WASTEWATER TREATMENT PLANTS - AUTHORIZED

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of the various sewer districts within the Town of Carmel, hereby authorizes Town Clerk Ann Spofford to advertise for bids for sludge hauling services for the various sewage/wastewater treatment plants within the Town of Carmel; and

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

Resolution

Offered by: Councilman Lupinacci
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>

CARMEL SEWER DISTRICTS #s 1, 2, 3, 4, 5, 6, 7, & 8 AND CARMEL WATER DISTRICTS #s 2, 3, & 12 – TOWN ENGINEER TO ISSUE REQUESTS FOR QUALIFICATIONS - AUTHORIZED

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of the Carmel Sewer Districts #s1, 2, 3, 4, 5, 6, 7, and 8, as well as Commissioners of Carmel Water Districts #s 2, 3, and 12, hereby authorizes the Town Engineer to issue Requests for Qualifications in connection with the operations of said water and sewer districts.

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>

ENGINEERING DEPARTMENT – ADVERTISING FOR BIDS FOR SUPPLY AND INSTALLATION OF AUTOMATED WATER METER INFRASTRUCTURE FOR TOWN OF CARMEL WATER DISTRICTS - AUTHORIZED

RESOLVED that, pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel, acting as Commissioners of the thirteen individual water districts established within the Town of Carmel, hereby authorizes development of necessary plans and specifications to solicit bids for supply and installation of automated water meter infrastructure for said water districts; and

BE IT FURTHER RESOLVED, that upon the completion of said plans and specifications that Town Clerk Ann Spofford is authorized to advertise for bids for the provision and installation of such automated water meter infrastructure; and

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

Resolution

Offered by: Councilman Schneider
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>

Kenneth Schmitt, Town Supervisor noted that the new meters will be state of the art and that the current meters require the residents to read them and send in the information. He reported that the current system is antiquated and results in sending out a lot of estimated water bills and the new system will be much more efficient and effective. He further stated that there are approximately 4200 customers being serviced by Town of Carmel water districts and that the cost for this will be borne by the districts.

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 66.15-1-10 - JOHN LEMMENS VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1525/2015 and 1156/2016 certain lawsuits entitled “John Lemmens vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 66.15-1-10 on the 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: 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>

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 43.-1-20 - RYDER VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

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WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 61/2016 a certain lawsuit entitled “Ryder vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 43.-1-20 on the 2015 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: 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>

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 76.22-1-6 - WONG VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1177/2016 a certain lawsuit entitled “Wong vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 76.22-1-6 on the 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: 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>

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SETTLEMENT OF LITIGATION AUTHORIZED – TM# 55.10-1-17 – ADVANCE AUTO PARTS VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1519/2013, 1323/2014, 1349/2015 and 1057/2016 certain lawsuits entitled “Advance Auto Parts vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.10-1-17 on the 2013, 2014, 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: 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>

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 86.11-1-7.2 – 227 ROUTE 6 CORP. VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1764/2012 and 1744/2013 certain lawsuits entitled “227 Route 6 Corp. vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 86.11-1-7.2 on the 2012 and 2013 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lombardi
Seconded by: Councilman Lupinacci

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<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>

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 55.6-1-49 – AUTOZONE #4715 VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1342/2014, 1352/2015 and 1093/2016 certain lawsuits entitled “AutoZone #4715 vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 55.6-1-49 on the 2014, 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: 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>

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 86.11-1-8 – LAKE MAHOPAC HOTEL VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1423/2015 and 943/2016 certain lawsuits entitled “Lake Mahopac Hotel vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 86.11-1-8 on the 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

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BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 44.18-1-23 – PUTNAM COUNTY NATIONAL BANK VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 67/2016 and 1152/2016 certain lawsuits entitled “Putnam County National Bank vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 44.18-1-23 on the 2015 and 2016 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

SETTLEMENT OF LITIGATION AUTHORIZED – TM# 44.-2-2.1 – CENTENNIAL GOLF CLUB, LLC VS. TOWN OF CARMEL, TOWN BOARD OF THE TOWN OF CARMEL , AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL – OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 1435/2014, 1406/2015 and 1104/2016 certain lawsuits entitled “Centennial Golf Club, LLC vs. The Town of Carmel, Town Board of The Town of Carmel, and The Board of Assessment Review of The Town of Carmel” in regard to the assessment of certain real property known and designated as, Town of Carmel Tax Map No. 44.-2-2.1 on the 2014, 2015 and 2016 tax rolls; and

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WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Richard Blancato, who 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Richard Blancato 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: 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>

COMMENCEMENT OF LITIGATION AUTHORIZED – HUDSON VALLEY REALTY CORP.

RESOLVED, the Town Board of The Town of Carmel hereby authorizes Joseph A. Charbonneau, Esq. 3 Starr Ridge Road, Brewster, NY to commence proceedings in the Supreme Court, Putnam County for breach of contract claims against Hudson Valley Realty Corp. relating to amended contract for sale of real property dated on or about January 26, 2005; and

BE IT FURTHER RESOLVED that said legal services are hereby approved at a rate of \$205.00 per hour.

Resolution

Offered by: Councilman Lupinacci
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>

RE-SCHEDULING OF PUBLIC HEARING FOR MARCH 15, 2017 ON PROPOSED LOCAL LAW AMENDING CHAPTER 156 ENTITLED "ZONING" ADDING SECTION 156-39.5 ENTITLED "COOPS AND ATTACHED RUNS FOR CHICKENS" – AUTHORIZED

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, March 15, 2017 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 156 of the Code of the Town of Carmel, entitled "Zoning" by the addition of Section 156-39.5 Entitled "Coops and Attached Runs for Chickens"; 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.

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Resolution

Offered by: Councilwoman McDonough
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>

TOWN OF CARMEL
PROPOSED LOCAL LAW ___ OF THE YEAR 2017
A LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER
156 HEREOF, ENTITLED "ZONING"

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam,
State of New York as follows:

SECTION 1: PURPOSE

The purpose of this local law is to amend the Town Code to allow the ownership and housing of chickens as a permitted accessory use under Chapter 156 of the Town Code of the Town of Carmel Entitled "Zoning".

SECTION 2: AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.

SECTION 3: AMENDMENT OF CHAPTER 156

The Town Code of the Town of Carmel is hereby amended by the amendment of Chapter 156 entitled "Zoning" is hereby amended to add §156-39.5 which shall read as follows:

§ 156-39.5 Coops and Attached Runs for Chickens.

Definitions:

Coop: a cage or pen designed to contain or house chickens and shall contain all of the following components:

- Nesting place for each chicken to lay eggs (at least four inches deep)
- Elevated Roost or Perch area for chickens to sleep
- Ventilation
- Insulation to prevent drafts & dampness
- Accessibility to eggs and ability to clean out properly

Run: a fenced or fully enclosed area attached to or encompassing a chicken coop in which chickens are allowed to run around and peck.

A. A coop for housing chickens and an attached run shall be permitted as an accessory use. The combined square footage of the coop/run area should allow at least four square feet for each chicken being kept in the area. Roosters are prohibited.

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- B. No coop or run shall be located on a lot having less than half an acre in area and may only house six chickens per half acre.
- C. Coops and runs may not be located in any front yard as defined in this chapter. Coops and runs shall be situated completely in a side or rear yard, at least 15 feet from all rear and side property lines.
- D. All coops and runs must be kept clean neat and free of debris and be in compliance with all state and local laws pertaining to animals generally.
- E. All coops and any attached run shall be screened from view at ground level from adjacent lots by using 4 ft. to 6 ft. fencing, landscaping, or a combination thereof and the screening must be present throughout the year. i.e. evergreen landscaping
- F. All feed shall be kept in rodent-proof containers.
- G. All chickens will be contained in coops and runs unless property size is in excess of three acres.
- H. Penalties for offenses.
 - 1. Any complaint received by the building department or police department pursuant to this chapter pertaining to the cleanliness or sanitary condition of the run/coop may be referred to the Putnam County SPCA for investigation and who is hereby empowered to enforce any and all violations of this code.
 - 2. Any person or entity that shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punished as follows:
 - (1) For a first offense: by a fine not to exceed \$50.
 - (2) For a second offense: by a fine not to exceed \$100.
 - (3) For a third offense or any subsequent offenses: by a fine not to exceed \$200 or removal of chickens, coop, and run from said premises, or by both such fine and cessation of use.
 - (4) Each violation of any provision of this chapter and each week that each such violation shall continue shall be deemed to be a separate and distinct offense.
 - (5) In addition to the above provided penalties and punishment, the Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.

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.

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MAHOPAC FALLS FIRE DEPARTMENT (CFPD #1) AND MAHOPAC FIRE DEPARTMENT (CFPD #2) CHANGES TO LENGTH OF SERVICE AWARD PROGRAM (LOPSAP) - APPROVED SUBJECT TO MANDATORY REFERENDUM TO BE HELD APRIL 4, 2017

Whereas, the Town of Carmel has long since established a Length of Service Award Program for its volunteers in the fire departments serving the Town of Carmel’s fire protection districts;

Whereas the Town maintains two separate fire protection districts, being the “Carmel Fire Protection District No. 1” which is protected by the Mahopac Falls Fire Department and the “Carmel Fire Protection District No. 2” which is protected by the Mahopac Fire Department;

Whereas, the Town of Carmel desires to make certain changes to each of the LOSAP programs, including changing those points or activities for which members may obtain points;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK (THE “TOWN”) HEREBY RESOLVES (by the favorable vote of not less than three-fifths of all its members), AS FOLLOWS:

SECTION 1. The Town is hereby approves, subject to mandatory referendum, the following changes to each of the service award programs for the active volunteer firefighters situated in the Town of Carmel’s Fire Protection Districts:

- The points available to be obtained for participation in “Training Courses” over 100 hours are hereby increased from 15 to 25 points.
- The position of “Statistician” is hereby added as an elected or appointed position for which points could be awarded.
- The activity of “Teaching Fire Prevention Classes” is hereby added as an activity for which points could be awarded

SECTION 2. The Town officers, including the Supervisor, are hereby authorized to take such actions and execute such documents as may be necessary to effectuate these changes in both of the LOSAP plans available to firefighters in the Town’s fire protection districts;

SECTION 3. This resolution shall be subject to a mandatory referendum, to be held at an election, held on the 4th day of April, 2017 at each respective fire departments’ headquarters, in the manner prescribed by the Election Law of the State of New York, from the hours of 9:00am to 9:00pm.

The polls will be open for the purpose of voting during the aforesaid hours, and the ballot will be in substantially the following form, to wit:

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>

NOTICE OF ELECTION
Town of Carmel
Putnam County, New York

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Carmel approved on the fourth day of April , 2017, a special election of the qualified voters of those persons situated in the “Carmel Fire Protection District No. 1”,

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of the Town of Carmel, Putnam County, New York will be held at the Mahopac Falls Fire Department Building located at 17 Lucarro Lane, Mahopac Falls, NY 10542 on the 4th day of April, 2017, between the hours of 9:00am and 9:00pm to vote on whether to approve the following resolution adopted by such Board of Fire Commissioners:

Shall the Length of Service Award Program sponsored for the Active Members of the Mahopac Falls Fire Department be amended to permit as follows:

- The points available to be obtained for participation in “Training Courses” over 100 hours are hereby increased from 15 to 25 points.
- The position of “Statistician” is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of “Teaching Fire Prevention Classes” is hereby added as an activity for which points could be awarded.

All persons registered to vote in the “Carmel Fire Protection District No. 1” and residing in such fire protection district for at least thirty (30) days prior to the day of the vote may vote in such special election.

NOTICE OF ELECTION

Town of Carmel
Putnam County, New York

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Carmel approved on the fourth day of April, 2017, a special election of the qualified voters of those persons situated in the “Carmel Fire Protection District No. 2” of the Town of Carmel, Putnam County, New York will be held at the Mahopac Fire Department Building located at 741 Route 6, Mahopac, NY 10541 on the 4th day of April, 2017, between the hours of 9:00am and 9:00pm to vote on whether to approve the following resolution adopted by such Board of Fire Commissioners:

Shall the Length of Service Award Program sponsored for the Active Members of the Mahopac Fire Department be amended to permit as follows:

- The points available to be obtained for participation in “Training Courses” over 100 hours are hereby increased from 15 to 25 points.
- The position of “Statistician” is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of “Teaching Fire Prevention Classes” is hereby added as an activity for which points could be awarded.

All persons registered to vote in the “Carmel Fire Protection District No. 2” and residing in such fire protection district for at least thirty (30) days prior to the day of the vote may vote in such special election.

RESOLUTION NO. 1

RESOLUTION REGARDING CHANGES TO THE LOSAP PROGRAM BENEFITTING MEMBERS OF THE MAHOPAC FALLS FIRE DEPARTMENT

The following changes shall be made and effective for points earned in 2017 and thereafter, as follows:

- The points available to be obtained for participation in “Training Courses” over 100 hours are hereby increased from 15 to 25 points.
- The position of “Statistician” is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of “Teaching Fire Prevention Classes” is hereby added as an activity for which points could be awarded.

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RESOLUTION NO. 2

RESOLUTION REGARDING CHANGES TO THE LOSAP PROGRAM BENEFITTING MEMBERS OF THE MAHOPAC FIRE DEPARTMENT

The following changes shall be made and effective for points earned in 2017 and thereafter, as follows:

- The points available to be obtained for participation in "Training Courses" over 100 hours are hereby increased from 15 to 25 points.
- The position of "Statistician" is hereby added as an elected or appointed position for which 15 points could be awarded.
- The activity of "Teaching Fire Prevention Classes" is hereby added as an activity for which points could be awarded.

These resolutions shall not take effect until approved by the affirmative vote of a majority of the duly qualified voters of the Town who reside in each fire protection district separately, voting on such proposition. As soon as reasonably possible after the date that this resolution takes effect, the Clerk of the Town is hereby authorized and directed to cause a copy of this resolution to be published in full in the newspaper which is designated as the official newspaper of the Town for such purposes.

Those who are qualified to vote on the aforesaid proposition are qualified voters who shall have resided in the above fire protection districts for thirty days next preceding such election.

Dated: Carmel, New York
_____, 201____

By Order of the Town Board of the
Town of Carmel, Putnam County, New York

By: _____
Ann Spofford, Town Clerk

PUBLIC COMMENTS - AGENDA ITEMS

Michael Barile, Town of Carmel resident, asked about the commencement of litigation against Hudson Valley Realty Corp. He wanted to know if this was about the property that the Town of Carmel sold to Mr. Paul Camarda and was the Town of Carmel suing now because of no YMCA.

Greg Folchetti, Legal Counsel, responded that it is about the sales contract that was amended in 2005 giving an option for a YMCA of Connecticut that was to be done within a certain time frame or there would be additional compensation.

Mr. Barile questioned why if the contract was defaulted in 2005 the litigation wasn't brought at that time.

Greg Folchetti, Legal Counsel, explained that it wasn't in default at that time, that the contract was amended in 2005 giving them seven years until the year 2012.

Mr. Barile pointed out that this is the same developer who almost got a "green light" regarding a zoning change for his current project. He expressed concern for why the Town of Carmel seemed to be catering to this developer and now the Town is suing him. He questioned why now when this should have been done three years ago.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

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OPEN FORUM - PUBLIC COMMENTS

No member of the public wished to comment at this time.

OPEN FORUM – TOWN BOARD COMMENTS

Kenneth Schmitt, Town Supervisor announced that the Carmel Town Hall Offices would be closed in celebration of Presidents' Day on Monday, February 20, 2017.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members present and in agreement, the meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk