

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 9th day of August 2017 at 7:10 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 6:30 p.m. in Executive Session for discussion led by Supervisor Schmitt and Councilman Schneider with regard to a contractual matter.

MINUTES OF TOWN BOARD MEETINGS HELD ON 6/28/17 AND 7/19/17- ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilwoman McDonough and Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on June 28th and July 19th 2017 were accepted as submitted by the Town Clerk.

BUDGET MODIFICATIONS 2017/04 - AUTHORIZED

WHEREAS the Town Comptroller has reviewed the proposed Final Budget Modifications for the period ending June 30, 2017 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule 2017/04;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Final Budget Modifications/Revisions for the period ending June 30, 2017 as shown itemized on schedule 2017/04 which is attached hereto, incorporated herein and made a part hereof.

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>

TOWN OF CARMEL
BUDGET REVISIONS JUNE 2017 - #2017/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<u>GENERAL FUND</u>				
1	100.1410.0019	TOWN CLERK OTHER COMPENSATION	5,000.00	
	100.1410.0080	TOWN CLERK EMPLOYEE BENEFITS		5,000.00
		- TRANSFER FOR HEALTH INSURANCE BUYOUT		
2	100.1440.0011	ENGINEERING STAFF	3,225.00	
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		3,225.00
		- TRANSFER FOR STAFF PROMOTION SALARY EXPENSE		
3	100.5132.0040	HIGHWAY GARAGE CONTRACTUAL EXPENSES	7,750.00	
	100.5010.0080	HIGHWAY ADMIN EMPLOYEE BENEFITS		7,750.00
		- TRANSFER FOR HIGHWAY GARAGE CONTRACTUAL EXPENSES		

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(Cont.)

HIGHWAY FUND				
4	500.5110.0019	GENERAL REPAIR COMPENSATED ABSENCES	40,828.00	
	500.5010.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	40,828.00
		- PROVIDE FOR RETIREMENT PAYOUT OF ACCRUED TIME		
5	500.5130.0040	MACHINERY REPAIR EXPENSES	10,171.00	
	500.5010.9909	APPROPRIATED FUND BALANCE	*	10,171.00
		- PROVIDE FOR THE PURCHASE OF A TRANSFER CASE WHICH WAS A PRIOR YEAR EXPENSE		
CARMEL FIRE PROTECTION DISTRICT # 1				
6	301.3410.0048	OTHER EXPENDITURES	200.00	
	301.3410.0049	SERVICES OTHER DEPARTMENTS/GOVERNMENTS		200.00
		- TRANSFER TO COVER COST TO PAY POLL WORKERS FOR SPECIAL LOSAP ELECTION		
LAKE CASSE PARK DISTRICT				
7	401.7140.0041	SUPPLIES & MATERIALS	2,000.00	
	401.7140.0054	CAPITAL EXPENDITURES	1,000.00	
	401.7140.0099	REPAIR RESERVE FUND		3,000.00
		- TRANSFER FOR PURCHASE OF AIR CONDITIONING UNITS AT CLUBHOUSE		
		AS AUTHORIZED BY RESOLUTION		
LAKE MAHOPAC PARK DISTRICT				
8	402.7110.0040	CONTRACTUAL EXPENSES	6,000.00	
	402.7110.0099	REPAIR RESERVE FUND		6,000.00
		- TRANSFER FOR THE PURCHASE OF CARP WHICH WERE RELEASED INTO LAKE MAHOPAC		
		PER AUTHORIZING RESOLUTION		
MAHOPAC LIGHTING DISTRICT - STREET LIGHTING				
9	751.5182.0040	CONTRACTUAL EXPENSES	200.00	
	751.5182.0048	OTHER EXPENSES		200.00
		- TRANSFER FOR ELECTRICAL REPAIRS TO POST LIGHTS ON ROUTE 6		
DRAINAGE CAPITAL PROJECT				
10	900.1989.0012	PROJECT OVERTIME EXPENSE	15,000.00	
	900.1989.0040	CONTRACTUAL EXPENDITURES	170,000.00	
	900.1989.0048	OTHER PROJECT EXPENDITURES	10,000.00	
	900.1989.0080	FICA/MED EXPENSE	5,000.00	
	900.1989.5710	PROCEEDS OF BORROWING	*	200,000.00
		- RECORD 2017 CAPITAL AUTHORIZATION		
CAPITAL FUND - TECHNOLOGY				
11	903.1989.0099	TRANSFER TO OTHER FUNDS	16,488.19	
	903.1989.0020	EQUIPMENT		11,806.26
	903.1989.0046	SPECIAL CONSULTING SERVICES		1,306.71
	903.1989.0048	OTHER PROJECT EXPENSES		3,375.22
		- TRANSFER TO CLOSE CAPITAL PROJECT		

TOWN OF CARMEL
BUDGET REVISIONS JUNE 2017 - #2017/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
HIGHWAY RESURFACING CAPITAL PROJECT				
12	950.5112.0012	PROJECT OVERTIME	25,000.00	
	950.5112.0045	CONTRACTED PAVING SERVICES	700,000.00	
	950.5112.0048	OTHER PROJECT EXPENDITURES	20,000.00	
	950.5112.0082	FICA/MED EXPENSE	5,000.00	
	950.5112.5710	PROCEEDS OF BORROWING	*	750,000.00
		- RECORD 2017 CAPITAL AUTHORIZATION		
CAPITAL FUND - HIGHWAY SPECIAL IMPROVEMENTS				
13	952.5112.0099	TRANSFER TO OTHER FUNDS	2,511.39	
	952.5112.0040	CONTRACTUAL EXPENSES		2,488.50
	952.5112.0048	OTHER PROJECT EXPENSES		22.89
		- TRANSFER TO CLOSE CAPITAL PROJECT		
CAPITAL FUND - WATER DISTRICT #8 CONTRACTUAL EXPENSES				
14	968.8310.0099	TRANSFER TO DEBT SERVICE	3,905.60	
	968.8310.0048	OTHER PROJECT EXPENSES		3,905.60
		- TRANSFER TO CLOSE CAPITAL PROJECT		

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SUPPORT DECLARED FOR THE FEASIBILITY AND FACILITIES STUDY TO BE COMMISSIONED BY THE COUNTY OF PUTNAM - ROUTE SIX CORRIDOR SANITARY SEWER COLLECTION SYSTEM

RESOLVED, that the Town Board of the Town of Carmel, upon presentation by Deputy Putnam County Executive Bruce Walker, hereby declares its support for the proposed feasibility and facilities study to be commissioned by the County of Putnam for the purpose of determining the possibility of providing sanitary sewer collection system for the Route Six corridor in Mahopac west of Clark Place and continuing to the border of Mahopac; and

BE IT FURTHER RESOLVED, that the Town Board shall designate various Town employees from the Offices of the Town Engineer, Town Comptroller and Town Assessor to coordinate with and provide input to the County of Putnam in connection with the scope and parameters of said study as well as all district-related matters and proposed capital improvements resulting from said study; and

BE IT FURTHER RESOLVED, that all final determinations regarding scope and parameters of said study as pertains to the Town of Carmel shall be made by the Town Board of the Town of Carmel based upon input and recommendations from all individuals and departments as designated above; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be transmitted to Chairwoman of the Putnam County Legislature Ginny Nacerino.

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>

Supervisor Schmitt explained that the proposed feasibility and facilities study will be undertaken by Insite Engineering with input to be provided by the Town of Carmel, who will serve as lead agency for the project. He pointed out that the cost of the study as well as all legal expenditures will be borne by Putnam County. Discussion regarding the related committee was held.

HIGHWAY DEPARTMENT - PROPOSAL ACCEPTED AND PURCHASE OF HOT IN-PLACE ASPHALT SCARIFICATION AUTHORIZED UNDER PUTNAM COUNTY BID NO. RFB-54-15 - HIGHWAY REHABILITATION CORP.

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes purchase of Hot In-Place Recycling Heater Scarification of Existing Asphalt Pavement for the period of December 1, 2016 through November 30, 2017 from Highway Rehabilitation Corp., Brewster, NY under Putnam County Bid No. RFB-54-15.

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>

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**POLICE DEPARTMENT - APPLICATION APPROVED FOR EDUCATION STIPEND
OF POLICE OFFICER ERIN MACOM**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Chief of Police Michael Cazzari, hereby approves the application for education stipend of Police Officer Erin Macom for City University of New York at John Jay College and authorizes payment of \$900 to Officer Macom.

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>

**CARMEL SEWER DISTRICT #2 - PROPOSAL ACCEPTED FOR OIL SPILL
REMEDICATION - DUTCHESS ENVIRONMENTAL CONSTRUCTION - NOT TO
EXCEED \$18,946.00**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, and upon the recommendation of Town of Carmel Town Engineer Richard J. Franzetti, P.E. hereby accepts the proposal of Dutchess Environmental Construction, Mahopac NY dated June 23, 2017 for oil spill remediation services at Putnam Plaza Pump Station in Carmel Sewer District #2 at a cost not to exceed \$18,946.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to accept said proposal.

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>

**HIGHWAY DEPARTMENT - PAYMENT OF ACCRUED SICK TIME AUTHORIZED -
EMPLOYEE #1500**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of seventy days of accrued sick time to Town of Carmel employee #1500 at a daily rate of \$387.93 for a total of \$16,293.10.

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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**RECREATION AND PARKS DEPARTMENT - ENCUMBRANCE AND EXPENDITURE
OF FUNDS AUTHORIZED FOR SYCAMORE PARK IMPROVEMENTS - NYS
DORMITORY AUTHORITY “SAM” GRANT PROJECT I.D. #8930**

RESOLVED that, in addition to any and all funds and expenditures previously authorized in connection with the conversation of tennis courts to basketball courts at Sycamore Park (NYS Dormitory Authority “SAM” grant Project I.D. #8930) the Town Board of the Town of Carmel hereby authorizes the additional expenditure of up to in an amount of \$29,151 for the construction of said improvements; and

BE IT FURTHER RESOLVED that the authorization contained herein shall be deemed to be for the purposes of funding the designated project in accordance with the terms and conditions of New York State Dormitory Authority Grant (SAM #8930);

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to forward any necessary documentation and correspondence to the New York State Dormitory Authority and/or to make any and all budget transfers or modifications necessary in connection with this authorization.

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 - ENCUMBRANCE AND EXPENDITURE
OF FUNDS AUTHORIZED FOR AIRPORT PARK IMPROVEMENTS - NYS
DORMITORY AUTHORITY “SAM” GRANT PROJECT I.D. #7316**

RESOLVED that, in addition to any and all funds and expenditures previously authorized in connection with the proposed improvements at Airport Park (NYS Dormitory Authority “SAM” grant Project I.D. #7316) the Town Board of the Town of Carmel hereby authorizes the additional expenditure of up to in an amount up to \$369,845; from Town of Carmel funds, including but not limited to the Parkland Trust Fund for the construction of said improvements; and

BE IT FURTHER RESOLVED that the authorization contained herein shall be deemed to be for the purposes of funding the designated project in accordance with the terms and conditions of New York State Dormitory Authority Grant (SAM #7316);

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to forward any necessary documentation and correspondence to the New York State Dormitory Authority and/or to make any and all budget transfers or modifications necessary in connection with this authorization.

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>

SETTLEMENT OF LITIGATION AUTHORIZED - “VICTORIA HARRIS VS. THE TOWN OF CARMEL”

WHEREAS, there is currently pending in the United States District Court, Southern District of New York under Case No. 17-CV-00680, a lawsuit entitled “Victoria Harris vs. The Town of Carmel”; and

WHEREAS a proposed settlement of the litigation has been negotiated by counsel Michael Longo of Lydecker Diaz, LLP who has recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement currently on file in the office of the Town Supervisor; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign, on behalf of the Town of Carmel, said stipulation of settlement.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lombardi and 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

Michael Barile confirmed with the Town Board that the County of Putnam would be assuming all costs involved with the feasibility study in connection with the proposed sewer collection system. He also confirmed that the project would involve Route 6 from Wallauer's Design Center to Baldwin Place, and that all properties along the corridor would be included in the sewer district. Discussion ensued.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

Mr. Barile addressed possible violations that may be imposed on homeowners as well as the Town of Carmel in connection with the small dam on Lake Mahopac. Mr. Barile inquired about the ownership of the dam, and if the issue was related to the Town Board’s December 2012 authorization of an engineering study for hazard classification that he said was never completed or submitted to the New York State Department of Environmental Conservation for review.

Gregory Folchetti explained that the DEC’s position on who the owners of that dam are is based upon the Environmental Conservation Law. Their position is that there are four owners of property that actually physically own fee interest in the area that comprises a portion or all of the impoundment and that the Town is also an owner because they operate and control the dam. Mr. Folchetti stated that the hazard classification study was completed and has nothing to do with the DEC’s contentions about who the owners are and their attempt to enforce against the five owners, including the Town of Carmel.

Mr. Barile asked if these problems are arising because the Town did not submit what the DEC wanted.

Mr. Folchetti replied, not at all.

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TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilwoman McDonough announced the remaining schedule for the 2017 Town of Carmel Recreation and Parks Department Sunset Concert Series as well as for the Fall Concert Series to be held at the Mahopac Chamber Park.

Councilman Lupinacci announced that the Recreation and Parks Department has commenced registration for their 2017 Fall Roller Hockey clinic, youth league and adult league. Further information is available from the Department of Recreation and Parks or Mahopac Roller Hockey.

Councilman Lombardi announced that the Recreation and Parks Department is partnering with the Putnam Arts Council to offer Painting on Location at the Beach on Lake Mahopac. The course will be held on Mondays commencing September 11, 2017. Further information is available from the Department of Recreation and Parks or the Putnam Arts Council.

Councilman Lombardi announced that the Recreation and Parks Department will be offering Intro to Recreational Kayaking on Lake Mahopac beginning on September 6, 2017. Registration commences August 14, 2017. Further information is available from the Department of Recreation and Parks.

Councilman Schneider announced that the Town of Carmel 2017 Fall Sunset Yoga on Lake Mahopac begins on September 5, 2017. Registration commences August 14, 2017. Further information is available from the Department of Recreation and Parks.

Councilwoman McDonough announced that the opening reception for Putnam Arts Council's exhibition, "Timeless" will be on August 13, 2017 from 3:00 p.m. to 5:00 p.m. and continue through August 27, 2017.

Councilman Lombardi reflected on the recent Purple Heart Remembrance Ceremony held at the Putnam County Veterans Memorial Park.

Supervisor Schmitt announced that the Town Board will meet next at their Work Session to be held on August 16, 2017.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schneider, with all Town Board members present and in agreement, the meeting was adjourned at 7:39 p.m. to Executive Session for discussion led by Councilman Schneider in connection with a contractual/personnel matter.

Respectfully submitted,

Ann Spofford, Town Clerk