

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 18<sup>th</sup> day of July 2018 at 7:08 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough 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.

MINUTES OF TOWN BOARD MEETING HELD ON 6/27/18 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on June 27<sup>th</sup> 2018 were accepted as submitted by the Town Clerk.

STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS – ESTABLISHED AMENDED 9/12/18

RESOLVED, that the Town Board of the Town of Carmel hereby establishes the following as standard workdays for elected and appointed officials and will report the officials to the New York State and Local Employees’ Retirement System based on the time keeping system records or their record of activities maintained and submitted by these officials to Town Clerk Ann Spofford as submitted on the attached “Standard Work Day and Reporting Resolution for Elected and Appointed Officials” forms 2417-A and 2417-B from the New York State and Local Retirement System.

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilwoman McDonough

Roll Call Vote	YES	NO
Michael Barile	X	
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	



Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution  
for Elected and Appointed Officials

RS 2417-A  
(Rev. 8/15)

BE IT RESOLVED, that the TOWN OF CARMEL / 30088 hereby establishes the following standard work days for these titles and (Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Town Councilperson	6	Suzanne McDonough			<input type="checkbox"/>	1/1/18-12/31/21	11.61	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
Appointed Officials								
Environ Conserv Brd Mmbr	6	John Starace			<input type="checkbox"/>	06/14/16-06/13/19	0.67	<input type="checkbox"/>
Zoning Board Member	6	William Rossiter			<input type="checkbox"/>	03/19/14-12/31/17	0.24	<input type="checkbox"/>
Zoning Board Member	6	Michael Schwarz			<input type="checkbox"/>	02/04/15-12/31/19		<input checked="" type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, \_\_\_\_\_, secretary/clerk of the governing board of the TOWN OF CARMEL, of the State of New York, (Name of secretary or clerk) (Circle one) (Name of Employer) do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.



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(Cont.)

TOWN OF CARMEL  
BUDGET REVISIONS MAY-JUNE 2018 - #2018/03

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
1	100.8090.0019	RECYCLING STAFF	31,870.00	
	100.8090.0082	SOCIAL SECURITY	2,000.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	33,870.00
		- PROVIDE FOR RETIREMENT PAYOUT OF ACCRUED TIME AND BENEFITS		
2	100.1110.0011	JUSTICE STAFF PERSONNEL SERVICES	19,861.00	
	100.1110.0080	JUSTICE COURT EMPLOYEE BENEFITS	1,589.00	
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		21,450.00
		- TRANSFER FOR SALARY AND BENEFIT INCREASES PER APPROVED RESOLUTIONS		
3	100.1330.0011	TAX RECEIVER STAFF	2,858.00	
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		2,858.00
		- TRANSFER FOR SALARY INCREASE PER APPROVED RESOLUTION		
4	100.1330.0045	TAX RECEIVER SOFTWARE UPGRADE	27,850.00	
	100.1990.0040	CONTINGENT ACCOUNT		27,850.00
		- TRANSFER FOR TAX RECEIVER SOFTWARE UPGRADE		
5	100.1620.0044	BUILDING MAINTENANCE CONTRACT	1,300.00	
	100.1620.0048	BUILDING CLEANING SERVICES		1,300.00
		- TRANSFER FOR GRASS CUTTING AT TOWN HALL		
6	100.3121.0012	LAKE PATROL OVERTIME	30,000.00	
	100.3121.0040	LAKE PATROL CONTRACTUAL EXPENSES	6,000.00	
	100.3120.0011	POLICE PERSONNEL SERVICES - UNIFORM		30,000.00
	100.3120.0084	POLICE HEALTH INSURANCE		6,000.00
		- TRANSFER FOR LAKE PATROL EXPENSES		
7	100.7117.0042	CARMADA PARK UTILITIES	1,000.00	
	100.7270.0040	CONCERT SERIES CONTRACTUAL EXPENSES	200.00	
	100.7117.0040	CARMADA PARK CONTRACTUAL EXPENSES		1,000.00
	100.7180.0022	MAHOPAC LAKEFRONT		200.00
		- TRANSFER FOR MISC RECREATION EXPENSES		
<b>LAKE SECOR PARK DISTRICT</b>				
8	404.7140.0042	UTILITIES EXPENSE	800.00	
	404.7140.0099	REPAIR RESERVE FUND		800.00
		- TRANSFER FOR UTILITIES EXPENSE		
<b>MULTIPLE WATER DISTRICTS</b>				
9	601.8310.0047	EMERGENCY REPAIRS	1,033.53	
	608.8310.0047	EMERGENCY REPAIRS	6,571.89	
	610.8310.0047	EMERGENCY REPAIRS	2,190.63	
	613.8310.0047	EMERGENCY REPAIRS	1,437.95	
	601.8310.2681	INSURANCE RECOVERY	*	1,033.53
	608.8310.2681	INSURANCE RECOVERY	*	6,571.89
	610.8310.2681	INSURANCE RECOVERY	*	2,190.63
	613.8310.2681	INSURANCE RECOVERY	*	1,437.95
		- PROVIDE FOR EMERGENCY REPAIRS FROM INSURANCE CLAIM		
<b>CARMEL WATER DISTRICT #13</b>				
10	613.8310.0047	EMERGENCY REPAIRS	2,500.00	
	613.8310.0099	REPAIR RESERVE		2,500.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>MAHOPAC LIGHTING DISTRICT</b>				
11	751.5182.0040	CONTRACTUAL EXPENSES	2,500.00	
	751.5182.0042	CONTRACTUAL UTILITIES		2,500.00
		- TRANSFER FOR CONTACTUAL EXPENSES		
<b>CARMARDA PARK CAPITAL FUND</b>				
12	911.7140.0045	CONTRACTED IMPROVEMENTS	50,000.00	
	911.7140.3050	STATE AID	*	50,000.00
		- PROVIDE FOR CAPITAL PAVING EXPENSE FROM DASNY STATE AID		
<b>CARMEL WATER DISTRICTS CONSOLIDATED CAPITAL FUND</b>				
13	989.8310.0020	CAPITAL EQUIPMENT	2,000,000.00	
	989.8310.0045	CONTRACTED CAPITAL IMPROVEMENTS	1,000,000.00	
	989.8310.0048	OTHER CAPITAL EXPENSES	350,000.00	
	989.8310.5710	PROCEEDS OF BORROWING	*	3,350,000.00
		- PROVIDE FOR CAPITAL EXPENSE FROM APPROVED BORROWING		

**ANNUAL FINANCIAL REPORT OF THE TOWN'S INDEPENDENT AUDITOR FOR FISCAL YEAR 2017 - ACCEPTED**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the Comprehensive Financial Independent Audit Report of the Town's independent auditor, PKF O'Connor Davies for fiscal year 2017 and hereby directs Town Clerk Ann Spofford to publish all notices required in connection herewith in the official newspapers of the Town.

(Cont.)

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

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

**PAYMENT OF 2016 / 2017 CLAIMS FROM FISCAL YEAR 2018 OPERATING FUNDS - AUTHORIZED**

WHEREAS the Town Comptroller’s Office has received late voucher claims for expenditures incurred in fiscal year 2016 and 2017 and which were not encumbered; and

WHEREAS the Town Board must authorize and approve the payment of fiscal 2016 and 2017 claims from funds budgeted for fiscal year 2018;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the payment from 2018 fiscal year operating funds for 2016 and 2017 claims itemized below which are incorporated herein and made a part thereof.

<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Government Fund Description</u>
NY Tactical Officers Assoc.	\$1,199.96	Feb 2016	Gen Fund – Police 2016 Training
NY Tactical Officers Assoc.	\$599.98	March 2017	Gen Fund – Police 2017 Training

Resolution

Offered by: Councilman Barile  
Seconded by: Councilman Lupinacci

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

**RESOLUTION FROM 1/3/18 AMENDED - RATES SET FOR 2018 PART-TIME / TEMPORARY HELP**

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for part-time/temporary help in the following departments for fiscal year 2018:

<u>Department</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Comments</u>
Accounting	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Assessor	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Police	\$13.00/hr	\$22.00/hr	Commensurate with Experience

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Town Clerk	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Engineering	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Recreation	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Planning	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Highway	\$13.00/hr	\$22.00/hr	Commensurate with Experience
Recycling	\$12.00/hr	\$15.00/hr	Commensurate with Experience

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilwoman McDonough

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

**PAYMENT FOR CONSTRUCTION DEBRIS REMOVAL AUTHORIZED - 628 ROUTE SIX, MAHOPAC (SWAN COVE) - MIKE’S BLUE WHEELS - \$15,011.36**

RESOLVED, the Town Board of the Town of Carmel hereby authorizes payment to Mike’s Blue Wheels, Mahopac, NY for services rendered in connection with construction debris removal for the premises at 628 Route Six, Mahopac, NY in the amount of \$15,011.36 and in accordance with the invoice dated July 5, 2018; and  
BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any necessary budget modifications required in connection with the payment authorized hereunder.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

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

The resolution was offered by Councilwoman McDonough and seconded by Councilman Lupinacci for discussion.

Councilman Barile expressed his extreme dissatisfaction that when the resolution was originally considered at the Town Board meeting held last week at which he was not present, the entire amount of the invoice was not authorized for payment.

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Councilman Barile went on to speak about how the vendor had laid out money on behalf of the Town in addition to volunteering his time for the project. Councilman Barile maintained that since no one from the Town disputed the invoice, the vendor should have been totally reimbursed without delay. He also voiced his concern about how this may discourage future volunteers from coming forward.

Councilman Lupinacci explained how the delay was the result of their attempt at the time to adhere to the Town of Carmel's Procurement Policy and Procedures, as well as the need to obtain clarification with regard to the way the vendor claim form was signed. He pointed out that the vendor was paid a portion of the invoice last week and is being paid the balance this week. Discussion ensued regarding the matter.

**CARMEL SEWER DISTRICT #5, CARMEL SEWER DISTRICT #2 AND 628 ROUTE 6, MAHOPAC (SWAN COVE) - SUBMISSION OF CONSOLIDATED FUNDING GRANT APPLICATIONS - AUTHORIZED**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the submission of the following Consolidated funding Grants:

New York State Department of Environmental Conservation Water Quality Improvement Program for Carmel Sewer District Number 5 Wastewater Treatment Plant Compliance Upgrade: \$1,000,000 (one million dollars);

New York State Department of Environmental Conservation Water Quality Improvement Program for Carmel Sewer District Number 2 Infiltration/Inflow Study Compliance Upgrade: \$500,000 (five hundred thousand dollars);

New York State Department of State Water Quality Improvement Program for Local Waterfront Revitalization Program at 628 Route 6, Mahopac, New York Upgrade: \$100,000 (one hundred thousand dollars);

New York State Office of Parks Historic Preservation Acquisition Reimbursement Grant for 628 Route 6 Mahopac, New York: \$500,000 (five hundred thousand dollars);

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby designated as the authorized Town Official for the purposes of the execution and submission of all documentation required in connection with the referenced Grant Applications.

**Resolution**

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt stated that 628 Route 6 is also referred to as Swan Cove. He explained that there will be four separate project grants submitted.

**PUBLIC COMMENTS - AGENDA ITEMS**

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

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

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

**PUBLIC COMMENTS - OPEN FORUM**

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

**TOWN BOARD MEMBER COMMENTS - OPEN FORUM**

Councilman Barile announced that recent notification was received that there would be action in connection to his letter to the Office of the New York State Comptroller. He stated that an evaluation of internal controls will be conducted in the Town of Carmel covering the last fiscal year to the start of their audit.

**MOTION TO EXERCISE OPTION TO TERMINATE AGREEMENT WITH JOHN E. FOLCHETTI, P.E. OF J. ROBERT FOLCHETTI & ASSOCIATES, LLC FOR CONSULTING ENGINEERING SERVICES - FAILED**

Councilman Barile offered a motion to exercise the thirty day opt-out clause in the agreement with the Town of Carmel Consulting Engineer. The motion was seconded by Supervisor Schmitt.

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

**MOTION TO REOPEN THE AGREEMENT WITH JOHN E. FOLCHETTI, P.E. OF J. ROBERT FOLCHETTI & ASSOCIATES, LLC FOR CONSULTING ENGINEERING SERVICES - WITHDRAWN**

Councilman Barile offered a motion to reopen the contract to ask the Consulting Engineer to take out the exclusivity clause which allows him to do all the work for the Town of Carmel without competitive bidding. The motion was seconded by Supervisor Schmitt.

Councilman Schneider commented that the motion to exercise the thirty day opt-out clause in the contract with the Consulting Engineer has been repeatedly brought forward and repeatedly voted down by the Town Board three to two. Councilman Schneider went on to point out to Councilman Barile that his second motion is exactly why he was brought into an Executive Session as a councilman-elect prior to the Town Board finalizing the contract and that if he had concerns about the existing contract, that would have been the perfect time to talk about it. Councilman Schneider further pointed out that the contract does contain thresholds with regard to awarding contracts without requesting proposals that were negotiated by the Town Board at the time. He stated that if there were any aspects of the contract that are not being observed, he would be willing to entertain that discussion.

A conversation was held regarding the matter at the conclusion of which, Councilman Barile withdrew his motion.

Councilman Barile then inquired why the Consulting Engineer’s name is listed under the Engineering Department and on the directory at the entrance to the Town Hall offices, because he is not an employee of the Town.

Councilman Lupinacci pointed out that he is listed as a consultant.

Councilman Barile noted that the Planning Consultant, Patrick Cleary is not listed there. A discussion followed.

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Councilman Barile then indicated that his issue is that the Town pays the Consulting Engineer \$10,000.00 per month for his consulting services in addition to his exclusivity contract which so far has netted him in excess of \$200,000.00 this year alone and yet he has no set meetings, provides no reports, and his presence at Town Hall is very limited. Councilman Barile went on to request that a written report specifying what services the Consulting Engineer has provided for the last six months be submitted to him within the next couple of weeks. Councilman Barile also expressed his concern regarding the finishing of the roads and curbs in connection with the current project in Carmel Water District #2. He stated that money should be held back from both the contractor and the Consulting Engineer until the roads are perfect.

Councilwoman McDonough expressed her support of the Consulting Engineer's performance. She questioned if there was an issue with his lack of presence at Town Hall, had it been conveyed to him personally? A discussion followed.

**TOWN BOARD MEMBER COMMENTS - OPEN FORUM CONTINUED**

Supervisor Schmitt announced the remaining schedule of the 2018 Town of Carmel Recreation and Parks Department Sunset Concert series held at 7:00 p.m. on Thursday evenings at the Mahopac Chamber Park.

Supervisor Schmitt announced that the Lake Mahopac Park District Advisory Board and the Putnam County Health Department are co-hosting the Lake Mahopac Water Quality Presentation at the Mahopac Public Library on July 31, 2018 from 7:00 p.m. to 8:30 p.m. The purpose is to provide an informational update on the topic of blue-green algae and other potential water quality concerns.

Councilwoman McDonough announced that the New York State Medal of Honor Parade Committee in cooperation with Putnam County Government is presenting the inaugural New York State Medal of Honor Parade on July 21, 2018 commencing at 1:00 p.m. from the Paladin Center on Seminary Hill Road in Carmel.

Supervisor Schmitt announced that AAA Carting has been advised that the facilities where they deposit recyclables will no longer be accepting bagged items and that customers should put their comingled recyclables into the blue tote provided by the contractor without using any plastic bags.

Councilman Barile suggested that an untied paper bag could be utilized.

Supervisor Schmitt reported on the recent panel meeting in connection with the governor-mandated County-Wide Shared Services Initiative. Some operational collaborations being considered for potential tax savings mentioned by Supervisor Schmitt include joint purchasing, paving coordination, a truck wash bay and coordination of safety training for OSHA compliance. Discussion was held.

**PUBLIC COMMENTS - OPEN FORUM CONTINUED**

Supervisor Schmitt reopened the Open Forum for public comment.

Russ Braun, Mahopac resident expressed his frustration that the vendor is dictating how the residents in the Town should be disposing of their recyclables. He was not in favor of having to empty the recyclables directly into the tote because it would dirty the tote.

Supervisor Schmitt reiterated that the request was made on behalf of the vendor, AAA Carting.



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Supervisor Schmitt advised Mr. Braun that he was working to resolve the sign issues brought forth by him at a prior Town Board meeting.

Mr. Braun requested that a speed monitor be positioned on Teakettle Spout Road. He went on to complain that AAA Carting's large trucks have caused damage to his private road.

Supervisor Schmitt explained to Mr. Braun that if the damage was done by a truck from AAA Carting, the matter is between him and the vendor. Discussion followed at the conclusion of which Mr. Braun was directed to the Engineering Department to obtain the information to file a claim.

Mr. Braun shared that he had recently learned that telephones for the hearing impaired are provided to the public free of charge under the Americans with Disabilities Act.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Schneider, with all Town Board members present and in agreement, the meeting was adjourned at 8:30 p.m. to Executive Session with Police Chief Michael Cazzari with regard to personnel as well as with Justices Jacobellis and Spofford with regard to personnel.

Respectfully submitted,

Ann Spofford, Town Clerk