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 5th day of September 2018 at 7:07 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 MEETINGS HELD ON 7/18/18, 8/1/18, 8/8/18 AND 8/15/18 - 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 meetings held on July 18th, August 1st, August 8th and August 15th 2018 were accepted as submitted by the Town Clerk.

COMPREHENSIVE MASTER PLAN AND TOWN CODE REVISIONS - CIRCULATION OF A REQUEST FOR QUALIFICATIONS AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the preparation by Town Officers and Consultants including Town Engineer Richard J. Franzetti, P.E., Town Planning Consultant Patrick Cleary and Town Counsel Joseph Charbonneau and Gregory Folchetti, a request for qualifications for professional services required in connection with preparation of a new/updated master plan for the Town of Carmel as well as for revisions of the provisions of the Town of Carmel Town Code.

Resolution Offered by:		an Schnei	
Seconded by:	Councilm	an Lupinad	cci
· · · · · · · · · · · · · · · · · · ·		•	
Roll Call Vote		YES	NO
Michael Barile		X	·
Jonathan Schne	eider	X	
John Lupinacci		Χ	
Suzanne McDonough		X	'-
Kenneth Schmi	tt	Χ	

Supervisor Schmitt explained that two public meetings have been held in connection with the development of a new/updated master plan and revisions to the Town Code. The Town Board intends to move forward with the project. The funds for the professional services have been budgeted for 2018 and if necessary, will be carried over to 2019.

<u>CARMEL FIRE PROTECTION DISTRICTS #1 AND #2 - 2017 SERVICE AWARD</u> ANNUAL REPORTS ADOPTED

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Fire Protection Districts No.1 and No.2, hereby accepts the 2017 Length of Service Award Program Annual Report for Carmel Fire Protection Districts No.1 and No.2 as prepared by Penflex, Inc., a copy of which is on file in the Office of the Town Supervisor.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

(C	o	n	t.	.)
١	_	_			•

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

KIRKWOOD ESTATES SUBDIVISION - SNOW REMOVAL BOND RELEASED

WHEREAS applications have been made by Mr. Richard Esposito for the total release of a snow bond posted in accordance with Chapter 131 and/or Chapter 156 of the Town Code regarding the Kirkwood Estates Subdivision; and

WHEREAS said applications have been reviewed by Michael J. Simone, Town of Carmel Highway Superintendent, who has recommended the release of said bond; NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bonds referenced herein in the amount of \$3,300.00.

D	
Reso	IIIITION
1 1000	iauoii

Offered by:	Councilma	an Lupina	cci
Seconded by:	Councilman Barile		
Roll Call Vote		YES_	NO
Michael Barile		Χ	
Jonathan Schn	nneider X		
John Lupinacci		X	
Suzanne McDo	nough	X	
Kenneth Schmi	tt	X	

<u>DIRECTOR OF CODES ENFORCEMENT MICHAEL CARNAZZA - REQUEST FOR</u> PROPOSALS AUTHORIZED PURSUANT TO PROPERTY MAINTENANCE LAW

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114 of the Town of Carmel Town Code entitled "Property Maintenance" hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to solicit/request proposals for the cleanup and correction of the conditions and/or Town Code violations existing at the following properties:

4 Cross Road, Mahopac – Town of Carmel Tax Map # 75.65-1-43 615 Route 6N Mahopac – Town of Carmel Tax Map # 75.6-2-64 313 Oak Road West Mahopac – Town of Carmel Tax Map #63.82-1-69 30 Shore Drive Mahopac – Town of Carmel Tax Map # 86.47-1-20

Resolution

Offered by:	Councilman Barile		
Seconded by:	Councilman Lupinacci		ci
Roll Call Vote		YES	NO
Michael Barile	e <u>X</u>		
Jonathan Schn	neider X		
John Lupinacci		X	
Suzanne McDo	nough	X	
Kenneth Schmi	itt	X	

Supervisor Schmitt explained that the aforementioned properties are abandoned, foreclosed or zombie homes. The Town will be reimbursed for costs associated with the cleanup and correction of the conditions by Putnam County through the property tax levy. Putnam County will then in turn, file notices against the properties to be repaid.

POLICE DEPARTMENT - TOWN LABOR COUNSEL JACKSON LEWIS P.C., AUTHORIZED TO REQUEST ACTION TO BE TAKEN BY PUTNAM COUNTY PERSONNEL OFFICER TO NYS DEPARTMENT OF CIVIL SERVICE

RESOLVED, that Town Board of the Town of Carmel hereby authorizes and directs the Town's labor counsel, Jackson Lewis P.C., to request that the Putnam County Personnel Officer ask the New York State Department of Civil Service to score the answer sheet completed by Town of Carmel Police Sergeant Laura Smith when she took the Police Lieutenant promotional examination, #77-231 PROM, administered on September 9, 2017 by the Putnam County Personnel Department, and include her name on the Town of Carmel Police Lieutenant eligible list prepared from the examination in #77-231 PROM if SGT Smith passed the examination.

Resolution			
Offered by:	Councilman Schneider		
Seconded by:	Councily	voman McD	onough
Roll Call Vote		YES_	NO
Michael Barile		X	
Jonathan Schn	eider	X	
John Lupinacci X			
Suzanne McDonough		X	
Kenneth Schm	itt	X	

Prior to offering the resolution, Councilman Schneider offered a motion to table it to discuss new information brought forward yesterday in an email to the Town Board from the Chief of Police containing an attachment from the Putnam County Personnel Department. The motion failed to receive a second.

Supervisor Schmitt stated that he read the email as well as the attachment and that the Town Board has been aware of the referenced information for months. He further stated that they had previously discussed the matter in Executive Session and agreed that this was the right thing to do.

Councilwoman McDonough indicated that one very specific part was not considered and discussion ensued. Subsequently Councilwoman McDonough commented that she was not in favor of tabling the resolution, however as a courtesy to Councilman Schneider, this matter of personnel should be discussed further in Executive Session.

Councilwoman McDonough offered a motion to enter into Executive Session. The motion was seconded by Councilman Schneider with the roll call vote as follows:

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

At 7:23 p.m. Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Legal Counsel Gregory Folchetti entered into Executive Session. At 7:29 p.m. Supervisor Schmitt reconvened the meeting.

Councilman Schneider stated that upon discussion it was brought to his attention that there was not one, but three errors made from three different parties involved. He indicated that based on all of the information now provided, he was satisfied. Councilman Schneider commented that he did not want to penalize any of the Town's law enforcement personnel, though something should be done to prevent this from happening again.

Councilman Schneider then offered the above resolution. It was seconded by Councilwoman McDonough and adopted unanimously.

CWD #12, CWD #2, CWD #9 - PAYMENTS FOR REPAIRS AUTHORIZED - BEE & JAY PLUMBING AND ED KUCK EXCAVATING

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Bee & Jay Plumbing, Mahopac, NY the sum of \$6,358.00 for goods and services rendered in connection with pump repairs performed within Carmel Water District #12, all in accordance with the invoice dated July 19, 2018; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Ed Kuck Excavating, Carmel NY the sum of \$5,419.00 for goods and services rendered in connection with water leak repairs performed at 12 Seminary Hill Road within Carmel Water District #2, all in accordance with the invoice dated July 30, 2018; and

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #9, upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Bee & Jay Plumbing, Mahopac, NY the sum of \$13,416.28 for goods and services rendered in connection with well pump repairs performed at the Locust Hill Station within Carmel Water District #9, all in accordance with the invoice dated July 24, 2018; and

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Ed Kuck Excavating, Carmel NY the sum of \$11,441.86 for goods and services rendered in connection with well water leak repairs performed at Kyle Court within Carmel Water District #2, all in accordance with the invoice dated August 6, 2018.

Councilwoman McDonough			
Councilman Schneider			
	YES	NO	
Michael Barile			
Jonathan Schneider X			
John Lupinacci			
Suzanne McDonough			
tt	X		
	Counciln eider	Councilman Schneid YES X eider X X nough	

<u>SETTLEMENT OF LITIGATION AUTHORIZED - "MARGARET GRASSO VS. THE TOWN OF CARMEL" - INDEX NO. 500420/2017 - TM #75.8-2-6 - OFFERED AS PARAPHRASED AND PRE-FILED</u>

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500420/2017 a certain lawsuit entitled "Margaret Grasso vs. The Town of Carmel" regarding the 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 75.8-2-6; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom 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 as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti 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 Lupinacci
Seconded by:	Councilman Barile

1	\sim	$\overline{}$	n	+		١
(V	U	n	ι	•	/

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

Supervisor Schmitt stated that the abovementioned resolution along with the following five resolutions authorizing the settlement of litigation, pertain to certiorari proceedings.

SETTLEMENT OF LITIGATION AUTHORIZED - "GERTRUDE RYAN LIMITED TRUST VS. THE TOWN OF CARMEL" - INDEX NO. 500431/2017 - TM #76.5-1-28 - 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. 500431/2017 a certain lawsuit entitled "Gertrude Ryan Limited Trust vs. The Town of Carmel" regarding the 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 76.5-1-28; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom 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 as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti 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:	Councilma	an Lupina	cci
Seconded by:	Councilma	an Barile	
Roll Call Vote		YES	NO
Michael Barile		X	
Jonathan Schne	eider	X	
John Lupinacci		X	
Suzanne McDo	nough	X	
Kenneth Schmi	tt	X	

SETTLEMENT OF LITIGATION AUTHORIZED - "WALTER LUBINSKI VS. THE TOWN OF CARMEL" - INDEX NO. 500427/2017 - TM #75.7-3-9 - 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. 500427/2017 a certain lawsuit entitled "Walter Lubinski vs. The Town of Carmel" regarding the 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 75.7-3-9; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom 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 as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti 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:	Councilm	an Lupinad	ci
Seconded by:	Councilm	an Barile	
Roll Call Vote		YES	NO
Michael Barile		X	
Jonathan Schn	eider	X	
John Lupinacci		Χ	

<u>SETTLEMENT OF LITIGATION AUTHORIZED - "ALICE HOFFMAN VS. THE TOWN OF CARMEL" - INDEX NO. 500422/2017 - TM #64.16-1-20 - OFFERED AS PARAPHRASED AND PRE-FILED</u>

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500422/2017 a certain lawsuit entitled "Alice Hoffman vs. The Town of Carmel" regarding the 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 64.16-1-20; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom 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 as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti 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

(Cont.)

Suzanne McDonough Kenneth Schmitt

Offered by:	Councilm	an Lupinad	ci
Seconded by:	Councilm	an Barile	
5 11 6 11 11 1		\ 	
Roll Call Vote		YES_	NO_
Michael Barile		X	
Jonathan Schn	eider	X	
John Lupinacci		X	
Suzanne McDo	nough	X	
Kenneth Schmi	tt	X	

SETTLEMENT OF LITIGATION AUTHORIZED - "STANLEY GUREWITSCH AND RAE GUREWITSCH VS. THE TOWN OF CARMEL" - INDEX NO. 500421/2017 - TM #75.11-1-30 - 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. 500421/2017 a certain lawsuit entitled "Stanley Gurewitsch and Rae Gurewitsch vs. The Town of Carmel" regarding the 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 75.11-1-30; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom 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 as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti 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 Lupinacci	
Seconded by:	Councilman Barile	
Roll Call Vote	_YES_	NO
Michael Barile	X	
Jonathan Schn	eider X	

(Cont.)

John Lupinacci

Suzanne McDonough Kenneth Schmitt

SETTLEMENT OF LITIGATION AUTHORIZED - "PARTNERS MANAGEMENT, LLC VS. THE TOWN OF CARMEL" INDEX NOS. 500557/2017 AND 500914/2018 - TM #65.17-1-25 - 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. 500557/2017 and 500914/2018 certain lawsuits entitled "Partners Management, LLC vs. The Town of Carmel" regarding the 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 65.17-1-25; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and special counsel Gregory L. Folchetti, both of whom 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 as recommended; and

BE IT FURTHER RESOLVED that Special Counsel Gregory L. Folchetti 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 Lupinacci Seconded by: Councilman Barile Roll Call Vote YES NO Michael Barile X Jonathan Schneider X John Lupinacci X Suzanne McDonough X

PUBLIC HEARING RE-SCHEDULED FROM 9/12/18 TO 10/17/18 - PROPOSED LOCAL LAW AMENDING CHAPTER 89 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "FRESHWATER WETLANDS"

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday October 17, 2018 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; 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.

	К	es	OI	u	tı	Ю	n
--	---	----	----	---	----	---	---

Kenneth Schmitt

Offered by:	Councilman Barile
Seconded by:	Councilman Lupinacci

(•••••)		
Roll Call Vote	YES	NO
Michael Barile	X	<u> </u>

Jonathan Schneider X

John Lupinacci X

Suzanne McDonough X

Kenneth Schmitt X

<u>PUBLIC HEARING SCHEDULED FOR 10/17/18 - PROPOSED LOCAL LAW AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "PEDDLING AND SOLICITING"</u>

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday October 17, 2018 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 111 of the Code of the Town of Carmel, entitled "Peddling and Soliciting"; and

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

Resolution

(Cont.)

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	

AIRPORT PARK - SUBMISSION OF GRANT DISBURSEMENT APPLICATION AUTHORIZED - NEW YORK STATE MUNICIPAL FACILITIES PROGRAM PROJECT ID #7316

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission of the Grant Disbursement Application for New York State Municipal Facilities Program Project ID # 7316 for the Airport Park All Purpose Facility Renovations, in form as on file in the Office of the Town Supervisor; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt and Director of Recreation and Parks James R. Gilchrist are hereby authorizes to execute the Grant Disbursement Application in accordance with the provisions thereof.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

Councilwoman McDonough stated the grant amount to be \$250,000.

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.

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 7:41 p.m. to a scheduled Work Session to discuss design changes and project bid results for Carmel Water District #9.

Respectfully submitted,

Ann Spofford, Town Clerk