

**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 19<sup>th</sup> day of September 2018 at 7:06 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt. Councilman Schneider was absent.

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 the Town Board met at 6:00 p.m. in Executive Session for a discussion in connection with the 2019 Budget with regard to personnel. In addition, Legal Counsel Gregory Folchetti led discussion pertaining to litigation, 63-18 (the Knights of Columbus building in the hamlet of Carmel) v. Town of Carmel as well as a contractual matter with National Water Meter.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR "SMOKE SHOPS" AND "VAPE SHOPS" UNDER CHAPTERS 59 AND 156 OF THE TOWN CODE OF THE TOWN OF CARMEL**

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, September 19, 2018 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law Establishing a Moratorium in Regard to the Issuance of Permits for "Smoke Shops" and "Vape Shops" Under Chapter 59 of the Town Code of the Town of Carmel as follows:  
**TOWN OF CARMEL  
PROPOSED LOCAL LAW # OF THE YEAR 2018  
A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR "SMOKE SHOPS" AND "VAPE SHOPS" UNDER CHAPTER 59 OF THE TOWN CODE OF THE TOWN OF CARMEL**  
Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:  
**SECTION 1: PURPOSE**  
The purpose of this local law is to establish a temporary moratorium on the issuance of building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new "smoke shops" or "vape shops" within the limits of the Town of Carmel.

**SECTION 2 : LEGISLATIVE FINDINGS**  
The Town Board of the Town of Carmel has received numerous complaints regarding the operation of "smoke shops" and "vape shops" as defined herein, specifically concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the Town of Carmel. The Town Board has decided to review the current Zoning Chapter of the Town Code and consider the potential regulation of such "smoke shops" and "vape shops". In order to allow the Town Board time to complete its review, draft proposed new legislation and enact any such legislation for these types of establishments, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any further building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new "smoke shops" or "vape shops" within the limits of the Town of Carmel which are not currently in existence or operation.  
**SECTION 3: MORATORIUM**  
Chapter 156 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph/section 156-39.6, which shall read as follows:

D. Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new "smoke shops" or "vape shops" which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law until March 1, 2019. For purposes of this section "smoke shop" or "vape shop" shall mean any business, facility or establishment with its main, primary, or specialized purpose being the on-premises use and/or retail sale of tobacco and tobacco-related products, smoking equipment and/or electronic cigarette products and related products and paraphernalia.  
**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.  
At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.  
By Order of the Town Board of the Town of Carmel  
Ann Spofford,  
Town Clerk

Supervisor Schmitt opened the Public Hearing for public comment at 7:13 p.m. Nine (9) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:13 p.m.

**SEQR DETERMINATION MADE IN REGARD TO PROPOSED LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” UNDER CHAPTERS 59 AND 156 OF THE TOWN CODE OF THE TOWN OF CARMEL - TYPE II ACTION**

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law #4 Establishing a Moratorium in Regard to the Issuance of Permits for “Smoke Shops” and “Vape Shops” Under Chapters 59 and 156 of the Town Code of the Town of Carmel is a Type II action under SEQR, NYCRR Section 617.5(c) (27) and no further review is necessary.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**LOCAL LAW #4 OF THE YEAR 2018 - A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” UNDER CHAPTERS 59 AND 156 OF THE TOWN CODE OF THE TOWN OF CARMEL - ADOPTED AS NOTICED AND PUBLISHED**

TOWN OF CARMEL  
LOCAL LAW #4 OF THE YEAR 2018  
A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE  
OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” UNDER  
CHAPTERS 59 AND 156 OF THE TOWN CODE OF THE TOWN OF CARMEL

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

SECTION 1: PURPOSE

The purpose of this local law is to establish a temporary moratorium on the issuance of building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the Town of Carmel.

SECTION 2: LEGISLATIVE FINDINGS

The Town Board of the Town of Carmel has received numerous complaints regarding the operation of “smoke shops” and “vape shops” as defined herein, specifically concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the Town of Carmel. The Town Board has decided to review the current Zoning Chapter of the Town Code and consider the potential regulation of such “smoke shops” and “vape shops”. In order to allow the Town Board time to complete its review, draft proposed new legislation and enact any such legislation for these types of establishments, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any further building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the Town of Carmel which are not currently in existence or operation.

(Cont.)

SECTION 3: MORATORIUM

Chapter 156 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph/section 156-39.6. which shall read as follows:

- D. Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law until March 1, 2019. For purposes of this section “smoke shop” or “vape shop” shall mean any business, facility or establishment with its main, primary or specialized purpose being the on-premises use and/or retail sale of tobacco and tobacco-related products, smoking equipment and/or electronic cigarette products and related products and paraphernalia.

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.

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough, Councilman Barile and  
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>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**MINUTES OF TOWN BOARD MEETING HELD ON 8/22/18 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lupinacci, seconded by Councilwoman McDonough, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on August 22<sup>nd</sup> 2018 were accepted as submitted by the Town Clerk.

**NOTICE REQUIREMENT WAIVED - SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR LOIMAR CORP. DBA LET’S HAVE THAI**

WHEREAS, the representatives and/or proprietors of Loimar Corp. dba “Let’s Have Thai”, 961 Route Six, Mahopac, NY 10541, have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the Alcohol Beverage Control Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein at this time. However, the Town of Carmel reserves the right to comment on the application with regard to question #18 on the application dated August 20, 2018; and

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

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>	Absent
Jonathan Schneider	<u>          </u>	<u>          </u>	
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Councilwoman McDonough suggested that there may be an error in response to question #18 on the aforementioned license application. After discussion with Legal Counsel Gregory Folchetti, the resolution as originally drafted was amended to include the provision that the Town reserves the right to comment on the application with regard to question #18 on the application dated August 20, 2018.

**DIRECTOR OF CODES ENFORCEMENT MICHAEL CARNAZZA - ATTENDANCE AT SEMINAR AUTHORIZED - 11/13/18 THROUGH 11/15/18**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to attend the 2018 Tri-County NYSBOC Conference being held on November 13 through November 15, 2018 in Kingston, NY; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

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>	Absent
Jonathan Schneider	<u>          </u>	<u>          </u>	
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

19 SEPTEMBER 2018  
TOWN BOARD MEETING

**BUDGET MODIFICATIONS AUTHORIZED - 2018/04**

WHEREAS the Town Comptroller Mary Ann Maxwell has reviewed the proposed Final Budget Modifications for the period ending August 31, 2018 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule 2018/04;  
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 August 31, 2018 as shown itemized on schedule 2018/04, which is attached hereto, incorporated herein and made a part hereof.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

TOWN OF CARMEL  
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
1	100.1420.0044	LABOR LEGAL SERVICES	37,900.00	
	100.1989.9909	APPROPRIATED FUND BALANCE	*	37,900.00
		- PROVIDE FOR SETTLEMENT OF LITIGATION		
1a	100.1420.0047	CERTIORARI LEGAL SERVICES	20,000.00	
	100.1989.9876	RESERVE FOR CERTIORARI SETTLEMENTS	*	20,000.00
		- PROVIDE FOR LEGAL SEVICES AND PROPERTY APPRAISALS DUE TO CERTIORARI SETTLEMENT CASES		
2	100.3120.0012	POLICE STAFF OVERTIME	75,483.09	
	100.1989.2680	INSURANCE RECOVERY - PAYROLL	*	75,483.09
		- PROVIDE FOR POLICE OVERTIME EXPENSE FROM 207C REVENUE RECEIVED		
3	100.5010.0019	HIGHWAY ADMIN STAFF OTHER	172,500.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	60,400.00
	100.1989.9909	APPROPRIATED FUND BALANCE	*	112,100.00
		- PROVIDE FOR RETIREE PAYOUT		
4	100.7110.0040	PARK CONTRACTUAL EXPENSE	4,534.50	
	100.1989.2681	INSURANCE RECOVERY	*	4,534.50
		- PROVIDE FOR WELL PUMP REPLACEMENT FROM INSURANCE CLAIM		
5	100.1310.0040	FINANCIAL ADVISOR EXPENSE	100.00	
	100.1320.0044	AUDIT SPECIAL EXPENSE		100.00
		- TRANSFER FOR FINANCIAL ADVISOR EXPENSE		
6	100.1610.0013	CENTRAL SERVICE - TEMPORARY STAFF	4,000.00	
	100.1610.0086	RETIREE HEALTH INSURANCE		4,000.00
		- TRANSFER FOR TEMPORARY STAFF		
7	100.3121.0041	LAKE PATROL BOAT FUEL	1,500.00	
	100.3120.0041	POLICE MOTOR VEHICLE FUEL		1,500.00
		- TRANSFER FOR LAKE PATROL BOAT FUEL		
8	100.3650.0040	BUILDING DEMO EXPENSE	21,000.00	
	100.1990.0040	CONTINGENCY		21,000.00
		- TRANSFER FOR BUILDING DEMO EXPENSE		
9	100.5010.0013	HIGHWAY TEMPORARY STAFF	9,000.00	
	100.5010.0011	HIGHWAY ADMIN STAFF COMPENSATION		9,000.00
		- TRANSFER FOR HIGHWAY DEPARTMENT PART TIME STAFF		
10	100.7113.0040	CHAMBER PARK CONTRACTUAL EXPENSE	1,000.00	
	100.7114.0040	RED MILLS CONTRACTUAL EXPENSE	300.00	
	100.7112.0020	MCDONOUGH FIELDS EQUIPMENT		1,000.00
	100.7110.0040	PARK CONTRACTUAL EXPENSE		300.00
		- TRANSFER FOR MISCELLANEOUS RECREATION EXPENSES		
11	100.8090.0086	RECYCLING STAFF RETIREE HEALTH INSURANCE	6,100.00	
	100.8090.0084	RECYCLING STAFF HEALTH INSURANCE		6,100.00
		- TRANSFER FOR RETIREE HEALTH INSURANCE		
<b>HIGHWAY FUND</b>				
12	500.5140.0041	WEEDS & BRUSH - GAS & FUEL	10,000.00	
	500.5110.0041	GENERAL REPAIRS - GAS & FUEL		10,000.00
		- TRANSFER FOR WEEDS & BRUSH - GAS & FUEL		
<b>CARMEL AMBULANCE DISTRICT</b>				
13	201.9025.0040	LOSAP ADMIN EXPENSE	400.00	
	201.9025.0090	LOSAP CONTRUBUTION		400.00
		- TRANSFER FOR LOSAP ADMIN EXPENSE		



19 SEPTEMBER 2018  
TOWN BOARD MEETING

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TOWN OF CARMEL  
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
		<b>CARMEL FIRE PROTECTION DISTRICT #1</b>		
14	301.9025.0040	LOSAP ADMIN EXPENSE	400.00	
	301.3410.0049	SERVICES OTHER DEPTS/GOVT		400.00
		- TRANSFER FOR LOSAP ADMIN EXPENSE		
		<b>LAKE CASSE PARK DISTRICT</b>		
15	401.7140.0040	CONTRACTUAL EXPENSES	5,000.00	
	401.7140.0041	SUPPLIES & MATERIALS	3,000.00	
	401.7140.0042	UTILITIES	2,000.00	
	401.7140.0099	REPAIR RESERVE FUND		10,000.00
		- TRANSFER FOR MISC EXPENSES INCLUDING DAM CLASSIFICATION STUDY		
		<b>TEAKETTLE SPOUT PARK DISTRICT</b>		
16	403.7140.0040	CONTRACTUAL EXPENSES	5,000.00	
	403.7140.0048	OTHER EXPENSES		5,000.00
		- TRANSFER FOR DAM CLASSIFICATION STUDY		
		<b>LAKE SECOR PARK DISTRICT</b>		
17	404.7140.0041	SUPPLIES AND MATERIALS	1,000.00	
	404.7140.0040	CONTRACTUAL EXPENSES		1,000.00
		- TRANSFER FOR MISC EXPENSES		
		<b>CARMEL WATER DISTRICTS</b>		
18	609.8310.0020	EQUIPMENT	4,836.00	
	609.8310.0047	EMERGENCY REPAIRS	8,580.28	
	612.8310.0020	EQUIPMENT	3,023.00	
	612.8310.0047	EMERGENCY REPAIRS	3,335.00	
	609.8310.2681	INSURANCE RECOVERY	*	13,416.28
	612.8310.2681	INSURANCE RECOVERY	*	6,358.00
		- PROVIDE FOR MISCELLANEOUS REPAIRS FROM INSURANCE CLAIM		
		<b>CARMEL WATER DISTRICT #2</b>		
19	602.8310.0044	ENGINEERING SERVICES	167,000.00	
	602.8310.0099	REPAIR RESERVE		67,000.00
	602.8310.9909	APPROPRIATED FUND BALANCE	*	100,000.00
		- PROVIDE AND TRANSFER FOR A FACILITIES AND ENGINEERING STUDY FOR THE CARMEL WATER DISTRICT #2 TREATMENT PLANT PER AUTHORIZING RESOLUTION		
20	602.8310.0047	EMERGENCY REPAIRS	25,000.00	
	602.8310.0090	CONTINGENCY		25,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
		<b>CARMEL WATER DISTRICT #3</b>		
21	603.8310.0020	EQUIPMENT	10,000.00	
	603.8310.0040	CONTRACTUAL EXPENSES		10,000.00
		- TRANSFER FOR WELL PUMPS		
		<b>CARMEL WATER DISTRICT #8</b>		
22	608.8310.0020	EQUIPMENT	2,450.00	
	608.8310.0040	CONTRACTUAL EXPENSES	162.00	
	608.8310.0047	EMERGENCY REPAIRS	5,065.00	
	608.8310.2681	INSURANCE RECOVERY	*	7,677.00
		- PROVIDE FOR FIRE HYDRANT REPAIR FROM A THIRD PARTY INSURANCE CLAIM		
23	608.8310.0020	EQUIPMENT	25,890.00	
	608.8310.0040	CONTRACTUAL EXPENSES		25,890.00
		- TRANSFER FOR GENERATOR PER AUTHORIZING RESOLUTION		

TOWN OF CARMEL  
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
		<b>CARMEL WATER DISTRICT #9</b>		
24	609.8310.0047	EMERGENCY REPAIRS	12,900.00	
	609.8310.0090	CONTINGENCY		2,900.00
	609.8310.9909	APPROPRIATED FUND BALANCE	*	10,000.00
		- PROVIDE AND TRANSFER FOR EMERGENCY REPAIRS		
		<b>CARMEL WATER DISTRICT #12</b>		
25	612.8310.0020	EQUIPMENT	7,500.00	
	612.8310.0047	EMERGENCY REPAIRS	7,500.00	
	612.8310.0040	CONTRACTUAL EXPENSES		15,000.00
		- TRANSFER FOR EQUIPMENT AND EMERGENCY REPAIRS		

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<b>CARMEL WATER DISTRICT #13</b>				
26	613.8310.0048	OTHER OPERATING EXPENSES	1,000.00	
	613.8310.0040	CONTRACTUAL EXPENSES		1,000.00
		- TRANSFER FOR LABORATORY SAMPLING		
<b>CARMEL SEWER DISTRICTS</b>				
27	702.8130.0040	CONTRACTUAL EXPENSES	7,337.50	
	706.8130.0040	CONTRACTUAL EXPENSES	387.50	
	702.8130.2681	INSURANCE RECOVERY	*	7,337.50
	706.8130.2681	INSURANCE RECOVERY	*	387.50
		- PROVIDE FOR EMERGENCY SERVICES AT PUMP STATIONS FROM INSURANCE CLAIM		
<b>MICROFILTRATION PLANTS #2, #4 &amp; #7</b>				
28	702.8130.0145	MICRO-OPERATION & MAINT CONTRACT	131,040.00	
	704.8130.0145	MICRO-OPERATION & MAINT CONTRACT	131,040.00	
	707.8130.0145	MICRO-OPERATION & MAINT CONTRACT	131,040.00	
	702.8130.0140	MICRO-CONTRACTUAL EXPENSES		131,040.00
	704.8130.0140	MICRO-CONTRACTUAL EXPENSES		131,040.00
	707.8130.0140	MICRO-CONTRACTUAL EXPENSES		131,040.00
		- TRANSFER BUDGET FOR MICRO OPERATION & MAINTENANCE CONTRACT FROM CONTRACTUAL EXPENSES TO NEWLY ESTABLISHED MICRO OPERATION & MAINT CONTRACT BUDGET LINE		
29	702.8130.0140	MICRO-CONTRACTUAL EXPENSES	30,000.00	
	704.8130.0140	MICRO-CONTRACTUAL EXPENSES	30,000.00	
	707.8130.0140	MICRO-CONTRACTUAL EXPENSES	30,000.00	
	702.8130.9909	APPROPRIATED FUND BALANCE	*	30,000.00
	704.8130.9909	APPROPRIATED FUND BALANCE	*	30,000.00
	707.8130.9909	APPROPRIATED FUND BALANCE	*	30,000.00
		- PROVIDE FOR INCREASE IN CONTRACTED LABOR RATES AT THE MICROFILTRATION PLANTS		
<b>CARMEL SEWER DISTRICT #2</b>				
30	702.8130.0040	CONTRACTUAL EXPENSES	829.10	
	702.8130.2681	INSURANCE RECOVERY	*	829.10
		- PROVIDE FOR MANHOLE REPAIR FROM A THIRD PARTY INSURANCE CLAIM		
31	702.8130.0141	MICRO-CHEMICALS	4,000.00	
	702.8130.0041	CHEMICALS		4,000.00
		- TRANSFER FOR CHEMICALS AT THE MICROFILTRATION PLANT		

TOWN OF CARMEL  
BUDGET REVISIONS JULY - AUGUST 2018 - #2018/04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL SEWER DISTRICT #4</b>				
32	704.8130.0020	EQUIPMENT	25,000.00	
	704.8130.0090	CONTINGENCY		5,000.00
	704.8130.0099	REPAIR RESERVE		10,000.00
	704.8130.9909	APPROPRIATED FUND BALANCE	*	10,000.00
		- PROVIDE AND TRANSFER FOR ROTATING BIOLOGICAL CONTACTOR PER AUTHORIZING RESOLUTION		
<b>AIRPORT PARK CAPITAL FUND</b>				
33	910.7140.0040	CONTRACTUAL EXPENDITURES	28,000.00	
	910.7140.0044	PROJECT ENGINEERING	72,000.00	
	910.7140.5710	PROCEEDS OF BORROWING	*	100,000.00
		- PROVIDE FOR PROJECT ENGINEERING CAPITAL EXPENSE FROM APPROVED BORROWING		
<b>GENERAL FUND</b>				
34	100.9950.0099	TRANSFER TO CAPITAL PROJECT FUND	132,000.00	
	100.1989.9878	FUND BALANCE FOR CAPITAL PROJECTS	*	132,000.00
		- PROVIDE FOR TRANSFER TO CAPITAL PROJECT FOR DIESEL FUELING SYSTEM UPGRADE FROM CAPITAL FUND BALANCE		
<b>HIGHWAY GARAGE CAPITAL PROJECT FUND</b>				
35	952.5112.0045	CONTRACTUAL CAPITAL IMPROVEMENTS	132,000.00	
	952.5112.5031	INTERFUND TRANSFER	*	132,000.00
		- PROVIDE FOR DIESEL FUELING SYSTEM UPGRADE FROM CAPITAL FUND BALANCE		

**ACCEPTANCE OF BID FOR ELECTRICITY SUPPLY AUTHORIZED - PUTNAM COUNTY BID NO. RFB-17-18**

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Comptroller Mary Ann Maxwell, hereby authorizes the acceptance of the bid and the entry into contract for supply of electricity to Town of Carmel facilities and street lights to be received under Putnam County Bid No. RFB-17-18 for any vendor(s) submitting bids at a cost of \$.073 per kilowatt hour or lower and for a term not to exceed thirty-six months; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**HIGHWAY DEPARTMENT - CONTRACT AWARDED FOR PURCHASE OF BULK ROAD SALT - MORTON SALT, INC.**

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the award of bid contract for purchase of bulk road salt for the Town of Carmel Highway Department for the period commencing retroactive to September 1, 2015 through August 31, 2019 to Morton Salt, Inc., Chicago, IL under NYS OGS Group #1800, Award #22955 - Contract # PC67022 at the price of \$84.54 per ton.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**HIGHWAY DEPARTMENT - PROPOSAL ACCEPTED AND PURCHASE OF HOT IN-PLACE ASPHALT SCARIFICATION AUTHORIZED - 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, 2017 through November 30, 2018 from Highway Rehabilitation Corp., Brewster, NY under Putnam County Bid No. RFB-41-17.



(Cont.)

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**HIGHWAY DEPARTMENT - ACCEPTANCE OF PROPOSAL AUTHORIZED FOR  
INSTALLATION OF DIESEL FUEL SYSTEM UPGRADES - AMERICAN  
PETROLEUM EQUIPMENT AND CONSTRUCTION COMPANY INC.**

WHEREAS the Town Board of the Town of Carmel has been advised by Town of Carmel Highway Superintendent Michael Simone that the Town of Carmel Highway Department facilities require certain upgrades and improvements to its diesel fuel storage and dispensing tank, systems and equipment; and

WHEREAS, the Town Board of the Town of Carmel is further advised by Town of Carmel Highway Superintendent Michael Simone that upon the exercise of due diligence and investigation, there is a sole source and vendor for the procurement, construction and installation of the required diesel fuel storage and dispensing tank, systems as required which would exempt the project from the provisions of General Municipal Law §103 *et seq.*;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel in accordance with the recommendation of Town Highway Superintendent Michael Simone, hereby determines that the required procurement, construction and installation of the proposed diesel fuel storage and dispensing tank, systems and equipment referenced herein is available only from a sole source/vendor, specifically American Petroleum Equipment and Construction Company, Walden, NY; and

BE IT FURTHER RESOLVED BE IT RESOLVED, that the Town Board of the Town of Carmel in accordance with the recommendation Town Highway Superintendent Michael Simone, hereby accepts the proposal of American Petroleum Equipment and Construction Company Inc. for the procurement, construction and installation of the proposed diesel fuel storage and dispensing tank, systems and equipment at a cost not to exceed \$99,855.00 in accordance with the terms of the proposal dated February 2, 2018; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all budget transfers or modifications necessary to fund the services authorized herein.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**HIGHWAY DEPARTMENT - AWARD OF CONTRACT UNDER NYS OFFICE OF  
GENERAL SERVICES CONTRACT NO. PC68208 FOR PURCHASE OF BULK  
DIESEL FUEL AUTHORIZED**

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the award of bid contract for purchase of bulk diesel fuel for the Town of Carmel Highway Department for the period commencing August 31, 2018 through August 27, 2020, under NYS Office of General Services Contract No. PC68208.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough and Councilman Barile

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

**HIGHWAY DEPARTMENT - ACCEPTANCE OF PROPOSAL AUTHORIZED FOR  
PURCHASE OF EQUIPMENT - WESTCHESTER TRACTOR**

WHEREAS the Town Board of the Town of Carmel has been advised by Town of Carmel Highway Superintendent Michael Simone that the Town of Carmel Highway Department facilities requires the acquisition and replacement of certain equipment for the proper function and carrying out of the duties, responsibilities and functions of the Highway Department; and

WHEREAS, the Town Board of the Town of Carmel is further advised by Town of Carmel Highway Superintendent Michael Simone that the need for the acquisition of such equipment is immediate, such that an emergency exists which may affect public property or buildings, which cannot await competitive bidding under the provisions of General Municipal Law §103 *et seq.*;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel in accordance with the recommendation Town Highway Superintendent Michael Simone, hereby determines that the need for acquisition of the proposed equipment is an emergency pursuant to General Municipal Law §103(4); and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel, in accordance with the recommendation of Town Highway Superintendent Michael Simone, hereby accepts the proposal of Westchester Tractor, Brewster, NY for the acquisition of an Eager Beaver 25 XPT Tri-Axel Trailer at a cost not to exceed \$36,343.00 in accordance with the terms of the proposal dated April 25, 2018; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all budget transfers or modifications necessary to fund the services authorized herein.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Councilman Barile stated that the immediately needed purchase will replace equipment that had broken down while in use.

**ATTENDANCE AT SEMINAR AUTHORIZED - TOWN ENGINEER RICHARD J. FRANZETTI, P.E. - 10/17/18**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Town Engineer Richard J. Franzetti, P.E. to attend the 2018 Southeast New York Stormwater Conference being held on October 17, 2018 in Beacon, NY; and  
BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**LAKE CASSE PARK DISTRICT - EXTENSION/RENEWAL OF CONTRACT FOR MAINTENANCE AUTHORIZED - TERENCE KELLY**

WHEREAS the Town Board of the Town of Carmel has previously authorized and awarded and extended the contract for Lake Casse Maintenance to Mr. Terrence Kelly for years 2016 through 2018;  
NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Casse Park District and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the extension of the aforesaid contract services with Terrence Kelly for fiscal year 2019 at a cost not to exceed \$13,000; and  
BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute any extension or amendment as well as any necessary documentation required connection therewith.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Supervisor Schmitt confirmed with Legal Counsel Gregory Folchetti that the award authorizes a one year extension to an existing contract.

**CARMEL SEWER DISTRICTS #2 AND #6 - PAYMENT OF \$7,725.00 FOR REPAIRS AUTHORIZED - EVANS SEPTIC, AND CARMEL WATER DISTRICT #3 - PAYMENT OF \$6,481.00 FOR REPAIRS AUTHORIZED - BEE & JAY PLUMBING, AND CARMEL WATER DISTRICT #12 - PAYMENT OF \$7,153.73 FOR REPAIRS AUTHORIZED - BEE & JAY PLUMBING**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer Districts #2 and #6, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Evans Septic, Mahopac, NY the sum of \$7,725.00 for goods and services rendered in connection with pump station repairs performed within Carmel Sewer Districts #2 and #6, all in accordance with the invoices dated June 1, 2018; and

(Cont.)

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #3, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Bee & Jay Plumbing, Mahopac, NY the sum of \$6,481.00 for goods and services rendered in connection with pump repairs performed at Spring Street Clear Well within Carmel Water District #3, all in accordance with the invoice dated August 22, 2018; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes payment to Bee & Jay Plumbing, Mahopac, NY the sum of \$7,153.73 for goods and services rendered in connection with well pump repairs/replacement within said water district, all in accordance with the invoice dated August 30, 2018.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**CARMEL SEWER DISTRICT #4 - PROPOSAL ACCEPTED FOR REPAIRS - DARLINGTON EQUIPMENT COMPANY - NOT TO EXCEED \$26,595.00**

WHEREAS the Town Board of the Town of Carmel has been advised by Town of Carmel Town Engineer Richard J. Franzetti, P.E. that one of the rotating biological contactor units at the CSD #4 wastewater treatment plant is in need of repair;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4 in accordance with the recommendation Town Engineer Richard J. Franzetti, P.E., hereby accepts the proposal of Darlington Equipment Company, Negley, OH, for performance of the required repairs in accordance with the proposal of September 4, 2018 and at an overall cost not to exceed \$26,595.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all budget transfers or modifications necessary to fund the services authorized herein.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**CARMEL WATER DISTRICT #2 - EXECUTION OF WORK CHANGE ORDER TO CONTRACT C-246 AUTHORIZED**

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, hereby authorizes the execution of Change Order No. 1 to the Carmel Water District #2 Emergency Water Main Replacement

19 SEPTEMBER 2018  
TOWN BOARD MEETING

(Cont.)

Project with Legacy Supply, LLC, in form as attached hereto and made a part hereof;  
and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is  
authorized to execute said Change Order No. 1 on behalf of Carmel Water District #2.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Barile

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

CHANGE ORDER 1  
No.


CARMEL WATER DISTRICT NO. 2 EMERGENCY WATER MAIN REPLACEMENT  
PROJECT

DATE OF ISSUANCE 2/22/2018 EFFECTIVE DATE 2/22/2018

OWNER The Town of Carmel  
OWNER's Contractor No. C-246  
CONTRACTOR: Legacy Supply, LLC ENGINEER: J. Robert Folchetti & Associates

You are directed to make the following changes in the Contract Documents.  
Description:  
Reason for Change Order: Time Extension  
Attachments: (List documents supporting change) Engineering Memo; Contractor Request

CHANGE IN CONTRACT PRICE: Original Contract Price	CHANGE IN CONTRACT TIMES: Original Contract Times
\$ None	Substantial Completion: September 20, 2018 Ready for final payment: December 19, 2018
Net changes from previous Change Orders No. to No.	Net change from previous Change Orders No. to No.
\$	0 days
Contract Price prior to this Change Order	Contract Times prior to this Change Order
\$	Substantial Completion: --- Ready for final payment: ---
Net Increase (decrease) of this Change Order	Net Increase of this Change Order
\$	105 days
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
\$	Substantial Completion: January 3, 2019 Ready for final payment: April 4, 2019 days or dates

RECOMMENDED:	ACCEPTED:	APPROVED:
By:  Engineer (Authorized Signature)	By: _____ Contractor (Authorized Signature)	By: _____ Owner (Authorized Signature)
Date: 09-06-18	Date: _____	Date: _____

Councilwoman McDonough pointed out that there is no cost involved in connection with  
the Change Order.

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

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Casse Park District, hereby authorizes the mailing of the September 2018 newsletter as prepared by the Lake Casse Park District Committee to all properties within the district and further directs that the cost thereof be charged as a district expense.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**SETTLEMENT OF LITIGATION AUTHORIZED - “R. LESTER, LLC VS. THE TOWN OF CARMEL” - INDEX NOS. 1424/2015, 944/2016, 500400/2017 - TAX MAP NO. 55.6-1-48**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1424/2015, 944/2016, 500400/2017 a certain lawsuit entitled “R. Lester, LLC vs. The Town of Carmel” regarding the 2015, 2016 and 2017 tax assessment for the property known and designated Town of Carmel Tax Map No. 55.6-1-48; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn Droese, Town Assessor, and Special Counsel Richard Blancato, 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 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: 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>          </u>	<u>          </u>	Absent
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 the abovementioned resolution authorizing the settlement of litigation pertains to certiorari proceedings.

At the request of Legal Counsel Gregory Folchetti, the resolution as originally drafted was amended to replace his name as Special Counsel with Richard Blancato.

**EMPLOYEE #2016 - EMPLOYMENT ANNIVERSARY DATE ESTABLISHED**

RESOLVED, that the Town Board of the Town of Carmel hereby revises the date of hire and/or anniversary date for Employee #2016 from August 24, 2018 to June 22, 2012 for all purposes including but not limited to credit in the New York State and Local Retirement System.



(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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

**EMPLOYEE #1046 - DONATION OF VACATION TIME ACCEPTED AND APPROVED**

RESOLVED, that the Town Board of the Town of Carmel hereby accepts and approves the donation of accrued vacation time to Employee #1046 from the following Town of Carmel Employees:

<u>EMPLOYEE I.D. #</u>	<u>TIME DONATED</u>
1699	6 (SIX) Vacation Days

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Councilman Barile thanked the employee for the donation of their accrued vacation time.

**DEPARTMENT OF RECREATION AND PARKS - BID AWARDED FOR SYCAMORE PARK COURT REHABILITATION II - CONTRACT C-250 - SPORT TECH CONSTRUCTION - NOT TO EXCEED \$170,000.00**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for basketball court construction and improvements at Sycamore Park in the Town of Carmel; and

WHEREAS such bids were received and opened on July 20, 2018; and

WHEREAS Town Engineer Richard J. Franzetti, P.E. has recommended the awarding of the bid as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the bid for the contemplated basketball court improvements and repairs to Sport Tech Construction, Brewster, NY, the lowest responsible bidder who met specifications at a an overall cost not to exceed \$170,000; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

(Cont.)

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Supervisor Schmitt conveyed appreciation to Senator Terrence Murphy for his efforts with regard to the \$100,000.00 grant appropriation to be utilized towards the project.

**JUSTICE COURT - JOB CLASSIFICATION OF ACCOUNT CLERK II CREATED AND PROBATIONARY APPOINTMENT MADE - FRANCINE SCHMANSKY**

RESOLVED that the Town Board of the Town of Carmel hereby creates the job classification of Account Clerk II in the Justice Court Department and appoints Francine Schmansky to said position, commencing immediately at a CSEA Group 4 Step 2 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

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>          </u>	<u>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Supervisor Schmitt expressed congratulatory wishes to Francine Schmansky on her well-deserved promotion.

**ASSESSOR’S OFFICE PROBATIONARY APPOINTMENT OF REAL PROPERTY APPRAISER MADE - CHRISTOPHER PALEO**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Christopher Paleo to Real Property Appraiser in the Town of Carmel Assessor’s Office, commencing immediately at a CSEA Group 7 Step 2 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution  
Offered by: Councilman Barile  
Seconded by: Councilwoman McDonough, Councilman Lupinacci and 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>          </u>	Absent
John Lupinacci	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

The members of the Town Board acknowledged Christopher Paleo on his merited appointment.

**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**

Rocky Riccardelli expressed his concerns with regard to the poor water quality of Lake Mahopac.

Councilman Barile echoed Mr. Riccardelli's frustration regarding the deteriorating water quality and cited the lack of an appropriate maintenance program for the lake as the reason. He suggested the need to add carp to the lake on a regular basis for weed control and discussion ensued.

Councilman Barile went on to comment on the problem of geese feces along Lake Mahopac. He encouraged Lake Mahopac Park District residents to attend the next advisory committee meeting to be held on October 1, 2018 at Town Hall and voice their concerns.

Stephen Laquidara addressed the water distribution system upgrade project planned in Carmel Water District #9 and proposed items that may be eliminated from the construction contract that he said would provide cost reductions for the residents.

Councilwoman McDonough acknowledged Mr. Laquidara's recommendations and suggested that he revisit his comments at the Public Hearing to be held in connection with the matter scheduled for September 26, 2018. A discussion followed.

Michael Celestino representing the Greater Mahopac-Carmel Chamber of Commerce shared a commentary from 70 years ago addressing issues facing the chamber at the time of the organization's inception and noted that many of them continue today.

Mr. Celestino went on to announce that the Greater Mahopac-Carmel Chamber of Commerce will be hosting their annual street festival in downtown Mahopac on September 30, 2018. The event is held in conjunction with the Italian American Club of Mahopac's Columbus Day Parade.

Jean Hopper inquired if the Mahopac Volunteer Fire Department has obtained their new equipment.

Supervisor Schmitt stated that the trucks have been delivered. He added that one was purchased outright and the other one was financed.

Ms. Hopper inquired if the Mahopac Volunteer Fire Department has pursued the accounting firm who performed their audits in connection with the former treasurer's 2015 embezzlement of funds.

Supervisor Schmitt replied, yes.

Ms. Hopper asked if a town pool will ever come to fruition.

Councilwoman McDonough indicated that a town pool is being pursued by the Recreation and Parks Department and the Recreation and Parks Advisory Committee.

Ms. Hopper asked if there will be public access for kayaks at Swan Cove.

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(Cont.)

Councilman Barile indicated that it is not known what the Recreation and Parks Advisory Committee has in mind for the lakefront yet but he does not believe that there will be any public launching. He pointed out that the Recreation and Parks Department currently offers kayak access to Lake Mahopac off of East Lake Boulevard.

Ms. Hopper asked when the Recreation and Parks Advisory Committee meets.

Councilman Lupinacci stated that they meet at Sycamore Park on the first Thursday of each month at 7:30 p.m.

**TOWN BOARD MEMBER COMMENTS - OPEN FORUM**

Supervisor Schmitt announced the schedule for the Recreation and Parks 2018 Fall Concert Series held at the Mahopac Chamber Park on Saturdays from 6:00 p.m. to 8:00 p.m.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present in agreement, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk