

**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 23rd day of January 2013 at 7:12 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to honor those serving in the United States Armed Forces.

CARMEL TOWN-WIDE GARBAGE COLLECTION

Supervisor Schmitt read the following prepared statement.

The Town of Carmel awarded a Town-wide residential garbage and recycling pick up contract that went into effect January 1, 2013. The Garbage District was established in 1985 pursuant to Article 12-A of New York Town Law and was approved by referendum vote of approximately 4 to 1 thereafter. In 2010 the Town Board discussed at several televised public meetings its desire to solicit bids for residential garbage and recycling hauling on a Town-wide basis. Ultimately the subject was tabled in mid-year. Beginning in mid-2012, the Town Board again discussed at several televised public meetings, the possibilities of seeking competitive bids for town wide residential garbage and recycling pick up. Over the course of multiple Town Board meetings the preparation of bid specifications for the project was discussed and the specifications were ultimately developed by Town employees and board members.

By resolution passed at its August 15, 2012 meeting, the Town Board authorized the solicitation of competitive bids for the project pursuant to the provisions of New York General Municipal Law. The August 15th meeting was an open meeting where any interested parties could be present and ask questions regarding the bid. The bid involved was a sealed bid with a deadline that where all bids were publicly opened at Town Hall on October 17, 2012.

When the lowest bidder presented a proposal for approximately \$22 per month per residence, it appeared clear that a substantial savings to the Town residents would result if the bid were awarded. This determination was made in light of the fact that the maximum rate permitted to be charged under Town Code was \$34.50 per month for comparable garbage and recycling pickup service.

Thereafter, the Town Board and Town employees began doing extensive inquiry and research to determine if the lowest bidder was indeed responsible. When other municipalities that were presently contracting with the AAA Carting were contacted, there were very few complaints regarding services they had been providing for years. Having otherwise met the remaining terms and provisions of the bid specifications, it was evident that the low bidder AAA Carting was in fact a responsible bidder. Having made such a determination, the Town Board was bound under the General Municipal Law to award the bid to AAA Carting if the Board was to proceed and award the bid at all.

On November 7, 2012, the bid for the residential garbage and recycling pickup was awarded to AAA Carting by resolution of the Town Board. This meeting was an open meeting where any interested parties could be present and ask questions regarding the bid.

At no time were any of the Town Board members informed or made aware that any criminal investigation regarding AAA Carting or any other carter doing business in the Town of Carmel was ongoing. To the extent that the indictments which have been announced involve members of AAA Carting, the Town Board

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will consult with its counsel regarding any affect on the existing contract. Any action taken by the Town Board in this regard would be taken at a Town Board meeting open to the public, as all such Town Board actions are. Given these facts, we believe the best interest of the public was protected and acted upon when awarding the contract to the lowest responsible bidder for town wide garbage. Our goal as your Town Board is to continue looking out for the best interest of our residents and businesses while delivering the most efficient services at the least costly prices. Thank you.

Respectfully,
Carmel Town Board
Kenneth Schmitt, Supervisor
Frank Lombardi, Deputy Supervisor
Suzi McDonough, Councilwoman
John Lupinacci, Councilman
Jonathan Schneider, Councilman

Supervisor Schmitt added that AAA Carting is continuing to collect trash in the Town of Carmel pursuant to the terms contained in their contract, and that anyone who states that the Town Board had any knowledge with regard to the ongoing federal investigation is mistaken.

Councilman Lombardi spoke regarding the Town of Carmel’s compliance with the provisions of New York State law in connection with the bidding process for town-wide garbage collection. He expressed his frustration with members of the public who made disparaging remarks on social media websites directed at people of a certain ethnicity.

Councilman Lupinacci reiterated that at no time was the Town Board aware of the FBI’s investigation. He commented on the need to focus on the positive aspects of the town-wide garbage collection program.

PUBLIC HEARING HELD - 2013 CONTRACTS FOR FIRE PROTECTION AND AMBULANCE SERVICES

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

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the Fire Protection Contracts and the Ambulance District Contracts for the year 2013, to be held on the 23rd day of January, 2013 at the Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 p.m. or soon thereafter that evening as possible; said contracts to be advertised and posted as follows:

Contractor / Services / Not to Exceed

Mahopac Falls Volunteer Fire Department, Inc. / Fire Protection-Fire Protection Dist. #1 / \$698,000.00

Mahopac Falls Volunteer Fire Department, Inc. / Fire Protection-Fire Protection Dist. #2 / \$1,603,853.00

Carmel Fire District & Carmel Fire Department, Inc. / Fire Protection-Fire Protection Dist. #3 / \$490,000.00

Carmel Volunteer Ambulance Corps / Ambulance Services-Carmel Ambulance District #1 / \$210,000.00

North Salem Volunteer Ambulance Corps / Ambulance Services-Carmel Ambulance District #1 / \$12,200.00

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

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:26 p.m. Nineteen (19) people were in attendance.

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With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement the Public Hearing was closed at 7:27 p.m.

MINUTES OF TOWN BOARD MEETINGS HELD ON 12/19/12 AND 1/2/13 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on December 19th 2012 and January 2nd 2013 were accepted as submitted by the Town Clerk.

POLICE DEPARTMENT - APPLICATION FOR TUITION REIMBURSEMENT OF LT. BRIAN D. KARST - APPROVED

RESOLVED that the Town Board of the Town of Carmel hereby approves the application for tuition reimbursement of Lieutenant Brian D. Karst, dated January 2, 2013, for the Fall 2012 Semester for John Jay College and authorizes payment of \$1,960.18 to Lt. Karst.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

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

Supervisor Schmitt noted that tuition reimbursement is a provisdion included in Lieutenant Karst’s collectivte bargaining agreement.

BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY FEES WAIVED - ROBBIE BENSBURG - BOY SCOUT TROOP 371 MAHOPAC

RESOLVED that the Town Board of the Town of Carmel hereby waives the building permit and certificate of occupancy fees for the applications of Robbie Bensburg, Boy Scout Troop 371 and his proposed Leadership Service Project located at American Legion Hall in Mahopac, New York.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Schneider

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

Councilman Lombardi wished good luck to Robbie Bensburg in his endeavor to construct a deck at the American Legion Hall.

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REQUEST FOR PROPOSALS FOR TOWN OF CARMEL PAYROLL SERVICES - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes Town Comptroller MaryAnn Maxwell and/or Town Councilman Jonathan Schneider to request proposals for the provision of independent professional payroll services for the Town of Carmel.

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilman Lombardi

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

COMMENCEMENT OF LITIGATION AUTHORIZED - TOWN OF CARMEL POLICE DEPARTMENT - JAMES MCGEE

RESOLVED, the Town Board of The Town of Carmel hereby authorizes Town Counsel Gregory L. Folchetti to commence proceedings in the Supreme Court, Putnam County and seek injunctive relief preventing further document requests to the Town of Carmel Police Department by James McGee; and

BE IT FURTHER RESOLVED that said legal services are hereby approved at a rate of \$175.00 per hour.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

REQUEST FOR PROPOSALS AUTHORIZED - PURCHASE AND/OR LEASE OF NEW PRINTING/COPYING/SCANNING EQUIPMENT

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Comptroller MaryAnn Maxwell to request proposals for the purchase and/or lease of new printing/copying/scanning equipment for Town of Carmel Town Hall.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

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

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BOARD OF ARCHITECTURAL REVIEW APPOINTMENT MADE - PAMELA BLECKER - 1/23/13 - 8/16/15

RESOLVED that the Town Board of the Town of Carmel hereby appoints Pamela Blecker to the Town of Carmel Board of Architectural Review for a term commencing immediately and expiring August 16, 2015.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Schneider

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

Supervisor Schmitt expressed his congratulations to Ms. Blecker.

BOARD OF ASSESSMENT REVIEW APPOINTMENT MADE - MICHAEL MARTIN - 1/23/13 - 9/30/17 **AMENDED 10-1-14**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Michael Martin to the Town of Carmel Board of Assessment Review for a term commencing immediately and expiring September 30, 2017.

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt expressed his congratulations to Mr. Martin.

CARMEL WATER DISTRICT #6 - PUBLIC HEARING SCHEDULED FOR 2/13/13 - INCREASE AND IMPROVEMENT OF THE FACILITIES - REPLACEMENT OF WATER TANKS - \$150,000.00

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Water District No. 6, in the Town of Carmel, Putnam County, New York, being replacement of water tanks, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$150,000; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act ("SEQRA"), have been performed, it having been determined that this capital project is a Type II Action as to which the SEQRA regulations provide there is no significant environmental effect; and

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WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of said Water District No. 6, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, in Mahopac, New York, in said Town, on Wednesday, February 13, 2013 at 7:00 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of Water District No. 6, in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on Wednesday, February 13, 2013 at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of Water District No. 6, in said Town, consisting of the replacement of water tanks, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$150,000.

Said capital project has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, said regulations provide will not result in any significant environmental effects.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Mahopac, New York
January 23, 2013

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
CARMEL, PUTNAM COUNTY, NEW YORK
ANN SPOFFORD, TOWN CLERK

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Supervisor Schmitt explained that Carmel Water District #6 encompasses the area known as Tomahawk Creek Estates, which is located along the west side of Weber Hill Road. He stated that the replacement of the old water tanks is a preventative measure as issues have arisen with one of them.

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 Councilman Schneider, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:38 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk