

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 1<sup>st</sup> day of August 2012 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 Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was observed to honor those serving in the United States Armed Forces as well as to honor the passing of Town of Bedford Judge Kevin Quaranta who recently lost his battle with cancer.

**BUDGET MODIFICATIONS #2012-02 - AUTHORIZED**

WHEREAS the Town Comptroller has reviewed the second quarter of 2012 proposed Budget Modifications for the period of April 1, 2012 through June 30, 2012 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedule identified as #2012-02;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the second quarter 2012 Budget Modifications/Revisions for the period of April 1, 2012 through June 30, 2012 as itemized on Schedule #2012-02 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci

| Roll Call Vote     | YES | NO |
|--------------------|-----|----|
| Jonathan Schneider | X   |    |
| John Lupinacci     | X   |    |
| Suzanne McDonough  | X   |    |
| Frank Lombardi     | X   |    |
| Kenneth Schmitt    | X   |    |

| TOWN OF CARMEL<br>BUDGET REVISIONS FOR QUARTER ENDING 6/30/12 - #2012-02 |   |   |                                  |                                  |
|--|---|---|----------------------------------|----------------------------------|
| Work Session 8.5.12  |   |   |                                  |                                  |
| Agenda   |   |   |                                  |                                  |
| BUDGET REVISION NUMBER   | ACCOUNT   | ACCOUNT TITLE & TRANSFER DESCRIPTION  | INCREASE USES & SOURCES OF FUNDS | DECREASE USES & SOURCES OF FUNDS |
| GENERAL FUND   |   |   |                                  |                                  |
| 01   | 100-1110-0020<br>100-1989-3089                  | JUSTICE COURT EQUIPMENT<br>STATE AID CRIMINAL JUSTICE<br>- PROVIDE FOR PURCHASE OF METAL DETECTOR                               | 4,498.00<br>4,498.00             |                                  |
| 02   | 100-3120-0024<br>100-1989-2681                  | POLICE ACCIDENT REPAIR EXPENSE<br>INSURANCE RECOVERY<br>- PROVIDE FOR ACCIDENT REPAIR EXPENSE                                   | 1,700.00<br>1,700.00             |                                  |
| 03   | 100-3120-0029<br>100-1989-3389                  | POLICE EQUIPMENT EXPENSE - GRANTS<br>STATE AID POLICE EQUIPMENT<br>- PROVIDE FOR EQUIPMENT PURCHASE                             | 30,100.00<br>30,100.00           |                                  |
| 04   | 100-7270-0040<br>100-1989-2070                  | SUNSET CONCERT EXPENSE<br>PARK CONTRIBUTIONS<br>- PROVIDE FOR SUNSET CONCERT EXP  | 600.00<br>600.00                 |                                  |
| 05   | 100-1010-0042<br>100-1010-0043<br>100-1010-0040 | TOWN BOARD EXPENSE - JL<br>TOWN BOARD EXPENSE - JS<br>TOWN BOARD CONTRACT EXPENSE<br>- TRANSFER FOR CONFERENCE EXPENSE          | 150.00<br>150.00                 | 300.00                           |
| 06   | 100-1010-0086<br>100-1010-0080                  | TOWN BOARD RETIREE HEALTH INS EXPENSE<br>TOWN BOARD EMPLOYEE BENEFIT EXPENSE<br>- TRANSFER FOR RETIREE HEALTH INSURANCE EXPENSE | 15,000.00                        | 15,000.00                        |
| 07   | 100-1110-0019<br>100-1110-0080                  | JUSTICE COURT OTHER PAY<br>JUSTICE COURT BENEFIT EXPENSE<br>- TRANSFER FOR HEALTH INSURANCE BUYOUT COST                         | 2,500.00                         | 2,500.00                         |

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|    |               |   |           |           |
|----|---------------|---|-----------|-----------|
| 08 | 100-1220-0040 | SUPERVISOR OFFICE EXPENSE   | 1,000.00  |           |
|    | 100-1220-0080 | SUPERVISOR BENEFIT EXPENSE<br>- TRANSFER FOR OFFICE EXPENSE               |           | 1,000.00  |
| 09 | 100-1355-0013 | ASSESSOR TEMP STAFF EXPENSE   | 1,100.00  |           |
|    | 100-1355-0040 | ASSESSOR OFFICE EXPENSE   | 900.00    |           |
|    | 100-1355-0011 | ASSESSOR STAFF EXPENSE<br>- TRANSFER FOR P/T STAFF AND OFFICE EXPENSE     |           | 2,000.00  |
| 10 | 100-1440-0047 | ENGINEER CONFERENCE EXPENSE   | 200.00    |           |
|    | 100-1440-0040 | ENGINEER CONTRACTUAL EXPENSE  | 800.00    |           |
|    | 100-1440-0080 | ENGINEER BENEFIT EXPENSE<br>- TRANSFER FOR CONFERENCE EXPENSE             |           | 1,000.00  |
| 11 | 100-1610-0044 | CENTRAL SERVICES PAYROLL EXPENSE  | 705.00    |           |
|    | 100-1610-0011 | CENTRAL SERVICES P/T STAFF EXPENSE<br>- TRANSFER FOR PAYROLL CONTRACT EXP |           | 705.00    |
| 12 | 100-1620-0021 | BUILDING MOTOR VEHICLE EXPENSE  | 1,500.00  |           |
|    | 100-1620-0046 | BUILDING CLEANING SUPPLIES EXPENSE  | 500.00    |           |
|    | 100-1620-0041 | BUILDING HEATING FUEL EXPENSE<br>- TRANSFER FOR BUILDING/VEHICLE EXPENSE  |           | 2,000.00  |
| 13 | 100-1620-0045 | BUILDING SPECIAL IMPROVEMENT  | 20,000.00 |           |
|    | 100-1990-0040 | CONTINGENCY<br>- TRANSFER FOR BLDG SPECIAL IMPROVEMENT                    |           | 20,000.00 |
| 14 | 100-1680-0041 | INFO TECH SUPPLIES  | 1,500.00  |           |
|    | 100-1680-0040 | INFO TECH CONT EXPENSE<br>- TRANSFER FOR PRINTER/COPIER SUPPLIES EXP      |           | 1,500.00  |

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TOWN OF CARMEL  
BUDGET REVISIONS FOR QUARTER ENDING 6/30/12 - #2012/02

| BUDGET<br>REVISION<br>NUMBER | ACCOUNT       | ACCOUNT TITLE & TRANSFER DESCRIPTION   | INCREASE<br>USES &<br>SOURCES OF<br>FUNDS | DECREASE<br>USES &<br>SOURCES OF<br>FUNDS |
|------------------------------|---------------|--|---|---|
| 15                           | 100-1681-0040 | GIS CONTRACTUAL EXPENSE  | 4,265.00                                  |   |
|                              | 100-1010-0040 | TOWN BOARD CONTRACT EXPENSE  |   | 1,700.00                                  |
|                              | 100-1610-0045 | CENTRAL SERVICE HR CONSULTING EXP<br>- TRANSFER FOR GIS MAPPING EXPENSE  |   | 2,565.00                                  |
| 16                           | 100-3120-0027 | POLICE EQUIPMENT EXPENSE   | 4,500.00                                  |   |
|                              | 100-3120-0080 | NON-UNIFORM RETIREMENT EXPENSE   | 6,800.00                                  |   |
|                              | 100-3120-0084 | POLICE HEALTH INSURANCE EXPENSE<br>- TRANSFER FOR POLICE EQUIPMENT COST  |   | 11,300.00                                 |
| 17                           | 100-3310-0020 | SIGNS EQUIPMENT EXPENSE  | 1,500.00                                  |   |
|                              | 100-1640-0020 | CENTRAL GARAGE EQUIPMENT EXPENSE<br>- TRANSFER FOR EQUIPMENT EXP   |   | 1,500.00                                  |
| 18                           | 100-3510-0011 | DOG CONTROL STAFF  | 4,000.00                                  |   |
|                              | 100-1910-0040 | INSURANCE EXPENSE<br>- TRANSFER FOR DOG CONTROL STAFF PAY  |   | 4,000.00                                  |
| 19                           | 100-7020-0082 | RECREATION STAFF FICA/MED EXP  | 8,000.00                                  |   |
|                              | 100-7110-0082 | PARK MAINTENANCE FICA/MED EXP  | 6,000.00                                  |   |
|                              | 100-7020-0080 | RECREATION STAFF EMPLOYEE BENEFIT EXP<br>PARK MAINTENANCE EMPLOYEE BENEFIT EXP<br>- TRANSFER FOR FICA/MED EMPLOYEE EXP |   | 8,000.00<br>6,000.00                      |
| 20                           | 100-7110-0013 | PARK MAINTENANCE TEMP STAFF EXP  | 10,400.00                                 |   |
|                              | 100-7110-0080 | PARK MAINTENANCE EMPLOYEE BENEFIT EXP  | 1,000.00                                  |   |
|                              | 100-7110-0082 | PARK MAINTENANCE FICA/MED EXP<br>PARK MAINTENANCE CONTRACT EXP<br>- TRANSFER FOR TEMP STAFF EXP                        | 1,600.00                                  | 13,000.00                                 |
| 21                           | 100-7111-0020 | SYCAMORE PARK EQUIPMENT  | 1,000.00                                  |   |
|                              | 100-7110-0020 | PARK MAINTENANCE EQUIPMENT<br>- TRANSFER FOR EQUIPMENT EXP   |   | 1,000.00                                  |
| 22                           | 100-7020-0044 | REC ADMIN CONCESSION EXP   | 75.00                                     |   |
|                              | 100-7115-0040 | AIRPORT CONTRACT EXP   | 380.00                                    |   |
|                              | 100-7270-0040 | SUNSET CONCERT EXP   | 320.00                                    |   |
|                              | 100-7112-0040 | MCDONOUGH FIELDS CONTRACT EXP  | 500.00                                    |   |
|                              | 100-8020-0040 | PLANNING BOARD CONTRACT EXP  | 250.00                                    |   |
|                              | 100-7020-0040 | REC ADMIN CONTRACT EXP   |   | 75.00                                     |
|                              | 100-7190-0040 | SKATING RINK CONTRACT EXP  |   | 700.00                                    |
|                              | 100-7117-0040 | CAMARDA FIELDS CONTRACT EXP  |   | 500.00                                    |
|                              | 100-8020-0086 | PLANNING DEPT RETIREE EXP<br>- TRANSFER FOR CONTACT EXPENSE  |   | 250.00                                    |
| <b>HIGHWAY FUND</b>          |               |  |   |   |
| 23                           | 500-5148-0040 | SERVICES FOR OTHER GOVT EXP  | 1,000.00                                  |   |
|                              | 500-5010-2300 | SERVICES FOR OTHER GOVT - REVENUE<br>- PROVIDE FOR SVCS FOR OTHER GOVT EXP   | 1,000.00                                  |   |
| 24                           | 500-5112-0012 | CHIPS OVERTIME EXPENSE   | 5,000.00                                  |   |
|                              | 500-5112-0020 | CHIPS CONTRACT EXPENSE<br>- TRANSFER FOR CHIPS OT EXPENSE  |   | 5,000.00                                  |

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|    |               |                                    |          |          |
|----|---------------|------------------------------------|----------|----------|
| 25 | 500-5140-0020 | WEEDS AND BRUSH TOOL EXP           | 500.00   |          |
|    | 500-5140-0040 | WEEDS AND BRUSH CONTACTUAL EXP     | 1,500.00 |          |
|    | 500-5140-0084 | WEEDS AND BRUSH BENEFIT EXP        |          | 2,000.00 |
|    |               | - TRANSFER FOR CONTRACTUAL EXPENSE |          |          |

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TOWN OF CARMEL  
BUDGET REVISIONS FOR QUARTER ENDING 6/30/12 - #2012/02

| BUDGET<br>REVISION<br>NUMBER        | ACCOUNT       | ACCOUNT TITLE & TRANSFER DESCRIPTION      | INCREASE<br>USES &<br>SOURCES OF<br>FUNDS | DECREASE<br>USES &<br>SOURCES OF<br>FUNDS |
|-------------------------------------|---------------|---|---|---|
| <b>TEAKETTLE LAKE PARK DISTRICT</b> |               |   |   |   |
| 26                                  | 403-7140-0020 | EQUIPMENT EXPENSE                         | 800.00                                    |   |
|                                     | 403-7140-0041 | SUPPLIES & MATERIAL EXP                   | 400.00                                    |   |
|                                     | 403-7140-0099 | REPAIR RESERVE FUND                       |   | 1,200.00                                  |
|                                     |               | - TRANSFER FOR EQUIPMENT EXPENSE          |   |   |
| <b>CARMEL WATER DISTRICT #3</b>     |               |   |   |   |
| 27                                  | 603-8310-0040 | CONTRACTUAL REPAIRS                       | 1,000.00                                  |   |
|                                     | 603-8310-0047 | EMERGENCY REPAIRS                         | 10,000.00                                 |   |
|                                     | 603-8310-0041 | CHEMICAL EXPENSES                         |   | 1,000.00                                  |
|                                     | 603-8310-0099 | REPAIR RESERVE FUND                       |   | 10,000.00                                 |
|                                     |               | - TRANSFER FOR EMERGENCY/CONT EXPENSES    |   |   |
| <b>CARMEL WATER DISTRICT #4</b>     |               |   |   |   |
| 28                                  | 604-8310-0047 | EMERGENCY REPAIRS                         | 5,300.00                                  |   |
|                                     | 604-8310-1001 | TAXES RAISED                              | 5,300.00                                  |   |
|                                     |               | - REVISE BUDGET TO REFLECT ADOPTED BUDGET |   |   |
| 29                                  | 604-8310-0047 | EMERGENCY REPAIRS                         | 1,250.00                                  |   |
|                                     | 604-8310-2701 | REFUND PRIOR YEAR EXPENSE                 | 1,250.00                                  |   |
|                                     |               | - PROVIDE FOR EMERGENCY EXPENSE           |   |   |
| <b>CARMEL WATER DISTRICT #8</b>     |               |   |   |   |
| 30                                  | 608-8310-0040 | CONTRACTUAL REPAIRS                       | 7,000.00                                  |   |
|                                     | 608-8310-0047 | EMERGENCY REPAIRS                         | 1,000.00                                  |   |
|                                     | 608-8310-0099 | REPAIR RESERVE FUND                       |   | 8,000.00                                  |
|                                     |               | - TRANSFER FOR CONT EXPENSES              |   |   |
| <b>CARMEL WATER DISTRICT #12</b>    |               |   |   |   |
| 31                                  | 612-8310-0020 | EQUIPMENT EXPENSE                         | 1,300.00                                  |   |
|                                     | 612-8310-0040 | CONTRACTUAL REPAIRS                       | 2,050.00                                  |   |
|                                     | 612-8310-0047 | EMERGENCY REPAIRS                         | 2,000.00                                  |   |
|                                     | 612-8310-2681 | INSURANCE RECOVERY ASSET                  | 3,345.00                                  |   |
|                                     | 612-8310-2701 | REFUND PRIOR YEAR EXP                     | 2,005.00                                  |   |
|                                     |               | - PROVIDE FOR EMERGENCY/CONT EXPENSES     |   |   |
| <b>CARMEL WATER DISTRICT #14</b>    |               |   |   |   |
| 32                                  | 614-8310-0040 | PURCHASE OF WATER                         | 470.00                                    |   |
|                                     | 614-8310-0047 | EMERGENCY REPAIRS                         | 6,595.00                                  |   |
|                                     | 614-8310-2681 | INSURANCE RECOVERY ASSET                  | 7,065.00                                  |   |
|                                     |               | - PROVIDE FOR EMERGENCY/CONT EXPENSES     |   |   |
| 33                                  | 614-8310-0040 | CONTRACTUAL REPAIRS                       | 1,000.00                                  |   |
|                                     | 614-8310-0099 | REPAIR RESERVE FUND                       |   | 1,000.00                                  |
|                                     |               | - TRANSFER FOR CONT EXPENSES              |   |   |

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TOWN OF CARMEL  
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| BUDGET<br>REVISION<br>NUMBER    | ACCOUNT       | ACCOUNT TITLE & TRANSFER DESCRIPTION      | INCREASE<br>USES &<br>SOURCES OF<br>FUNDS | DECREASE<br>USES &<br>SOURCES OF<br>FUNDS |
|---------------------------------|---------------|---|---|---|
| <b>CARMEL SEWER DISTRICT #3</b> |               |   |   |   |
| 34                              | 703-8130-0040 | CONTRACTUAL REPAIRS                       | 2,100.00                                  |   |
|                                 | 703-8130-0099 | REPAIR RESERVE FUND                       |   | 2,100.00                                  |
|                                 |               | - TRANSFER FOR CONT EXPENSES              |   |   |
| <b>CARMEL SEWER DISTRICT #4</b> |               |   |   |   |
| 35                              | 704-8130-0140 | CONTRACTUAL EXPENSES - MICROFILTRATION    | 5,000.00                                  |   |
|                                 | 704-8130-0040 | CONTRACTUAL EXPENSES                      |   | 5,000.00                                  |
|                                 |               | - REVISE BUDGET FOR MICROFILTRATION COSTS |   |   |

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|  |  |   |  |           |
|--|--|---|--|-----------|
| <b>CARMEL SEWER DISTRICT #7</b>        |  |   |  |           |
| 36                                     | 707-8130-0040<br>707-8130-2770   | CONTRACTUAL EXPENSES<br><b>OTHER REVENUES - NYC AID</b><br>- PROVIDE FOR O&M COSTS MICROFILTRATION PLANT  | 75,000.00<br><b>75,000.00</b>  | *         |
| 36                                     | 707-8130-0140<br>707-8130-0141<br>707-8130-0142<br>707-8130-0040<br>707-8130-0041<br>707-8130-0042 | CONTRACTUAL EXPENSES - MICROFILTRATION<br>CHEMICAL EXPENSES - MICROFILTRATION<br>UTILITY EXPENSES - MICROFILTRATION<br>CONTRACTUAL EXPENSES<br>CHEMICAL EXPENSES<br>UTILITY EXPENSES<br>- REVISE BUDGET FOR MICROFILTRATION COSTS | 15,000.00<br>1,000.00<br>4,000.00<br><br><br>15,000.00<br>1,000.00<br>4,000.00 |           |
| <b>CARMEL SEWER DISTRICT #1, EXT 3</b> |  |   |  |           |
| 38                                     | 713-8130-0040<br>713-8130-0099   | CONTRACTUAL REPAIRS<br>REPAIR RESERVE FUND<br>- TRANSFER FOR CONT EXPENSES  | 2,000.00   | 2,000.00  |
| <b>DRAINAGE CAPITAL PROJECT</b>        |  |   |  |           |
| 39                                     | 900-1989-0012<br>900-1989-0040<br>900-1989-0048<br>900-1989-0080<br>900-1989-5710                  | PROJECT OVERTIME EXPENSE<br>CONTRACTUAL EXPENDITURES<br>OTHER PROJECT EXPENDITURE<br>FICA/MED EXPENSE<br><b>PROCEEDS OF BORROWING</b><br>- RECORD 2012 CAPITAL AUTHORIZATION  | 7,500.00<br>185,000.00<br>6,500.00<br>1,000.00<br><b>200,000.00</b>            | *         |
| <b>TECHNOLOGY CAPITAL PROJECT</b>      |  |   |  |           |
| 40                                     | 903-1989-0046<br>903-1989-0040   | SPECIAL CONSULTING SERVICES<br>CONTRACTUAL EXPENDITURES<br>- TRANSFER FOR BORROWING COSTS   | 20,000.00  | 20,000.00 |
| <b>AIRPORT PARK CAPITAL FUND</b>       |  |   |  |           |
| 41                                     | 910-7140-0040<br>910-7140-5030   | CONTRACTUAL EXPENDITURES<br><b>INTERFUND TRANSFER - PARKLAND TRUST</b><br>- PROVIDE FOR CONTRACTUAL EXPENDITURES FROM PARKLAND TRUST  | 29,611.20<br>29,611.20   | *         |

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TOWN OF CARMEL  
BUDGET REVISIONS FOR QUARTER ENDING 6/30/12 - #2012/02

| BUDGET REVISION NUMBER                                | ACCOUNT  | ACCOUNT TITLE & TRANSFER DESCRIPTION  | INCREASE USES & SOURCES OF FUNDS                  | DECREASE USES & SOURCES OF FUNDS |
|---|--|---|---|----------------------------------|
| <b>CAMARDA PARK CAPITAL FUND</b>                      |  |   |   |                                  |
| 42  | 911-7140-0020<br>911-7140-0040<br>911-7140-0048<br>911-7140-9909 | EQUIPMENT/CAPITAL OUTLAY<br>CONTRACTUAL EXPENDITURES<br>OTHER PROJECT EXPENDITURES<br><b>PROJECT BALANCE</b><br>- CARRY FORWARD PROJECT BALANCE     | 70,000.00<br>3,500.00<br>628.23<br>74,128.23      | *                                |
| 43  | 911-7140-0040<br>911-7140-5030                                   | CONTRACTUAL EXPENDITURES<br><b>INTERFUND TRANSFER - PARKLAND TRUST</b><br>- PROVIDE FOR CONTRACTUAL EXPENDITURES FROM PARKLAND TRUST                | 50,162.47<br>50,162.47                            | *                                |
| <b>MCDONOUGH PARK CAPITAL FUND</b>                    |  |   |   |                                  |
| 44  | 913-7140-0040<br>913-7140-5030                                   | CONTRACTUAL EXPENDITURES<br><b>INTERFUND TRANSFER - PARKLAND TRUST</b><br>- PROVIDE FOR CONTRACTUAL EXPENDITURES FROM PARKLAND TRUST                | 9,367.33<br>9,367.33                              | *                                |
| <b>TOWN HALL - BULIDING IMPROVEMENTS CAPITAL FUND</b> |  |   |   |                                  |
| 45  | 930-1989-0045<br>930-1989-0040                                   | IMPROVEMENT CONTRACTS<br>CONTRACTUAL EXPENDITURES<br>- TRANSFER FOR PROJECT EXPENSE   | 100,000.00  | 100,000.00                       |
| <b>HIGHWAY RESURFACING CAPITAL PROJECT</b>            |  |   |   |                                  |
| 46  | 950-5112-0012<br>950-5112-0045<br>950-5112-0048<br>950-5112-5710 | PROJECT OVERTIME<br>CONTRACTED PAVING SERVICES<br>OTHER PROJECT EXPENDITURES<br><b>PROCEEDS OF BORROWING</b><br>- RECORD 2012 CAPITAL AUTHORIZATION | 5,000.00<br>920,000.00<br>15,000.00<br>940,000.00 | *                                |
| <b>MACHINERY CAPITAL FUND</b>                         |  |   |   |                                  |
| 47  | 951-5130-0024<br>951-5130-0048<br>951-5130-5710                  | PURCHASE OF HWY MACHINERY<br>OTHER PROJECT EXPENDITURES<br><b>PROCEEDS OF BORROWING</b><br>- RECORD 2012 CAPITAL AUTHORIZATION                      | 1,390,000.00<br>15,000.00<br>1,405,000.00         | *                                |
| 48  | 951-5130-0024<br>951-5130-3901                                   | PURCHASE OF HWY MACHINERY<br><b>STATE AID - EOH FUNDS</b><br>- PROVIDE FOR PURCHASE OF VAC ALL TRUCK  | 240,000.00<br>240,000.00                          | *                                |

(Cont.)

| CARMEL WATER DISTRICT #8 CAPITAL FUND |               |  |   |              |
|---------------------------------------|---------------|--|---|--------------|
| 49                                    | 968-8310-0044 | PROJECT ENGINEERING                          |   | 100,000.00   |
|                                       | 968-8310-0045 | CONTRACT IMPROVEMENTS                        |   | 1,800,000.00 |
|                                       | 968-8310-0048 | OTHER PROJECT EXPENDITURES                   |   | 300,000.00   |
|                                       | 968-8310-5710 | PROCEEDS OF BORROWING                        | * | 2,200,000.00 |
| - RECORD 2012 CAPITAL AUTHORIZATION   |               |  |   |              |
| AGENCY & TRUST FUNDS                  |               |  |   |              |
| 50                                    | 990-0037-0099 | TRANSFER TO OTHER FUNDS - (910,911,913 Fund) |   | 89,141.00    |
|                                       | 990-0037-9909 | PARKLANDS TRUST FUND APPROPRIATION           | * | 89,141.00    |
| - PROVIDE FOR PARK IMPROVEMENTS       |               |  |   |              |

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**ENGINEERING DEPARTMENT - PAYMENT OF 2011 CLAIMS FROM FISCAL YEAR 2012 OPERATING FUNDS AUTHORIZED**

WHEREAS the Town Comptroller’s Office has received late voucher claims from the Engineering Department for expenditures incurred in fiscal year 2011 and which were not encumbered; and

WHEREAS the Town Board must authorize and approve the payment of fiscal 2011 claims from funds budgeted for fiscal year 2012,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the payment from 2012 fiscal year operating funds for 2011 claims itemized below which are incorporated herein and made a part thereof.

| Vendor     | Amount     | Date     | Government Fund | Description  |
|------------|------------|----------|-----------------|--------------|
| Sueco Fuel | \$775.41   | 12/16/11 | General Fund    | Service Call |
| Gentech    | \$262.50   | 12/9/11  | CWD #2          | Service Call |
| Gentech    | \$262.50   | 12/9/11  | CWD #2          | Service Call |
| Gentech    | \$182.50   | 12/9/11  | CWD #3          | Service Call |
| Gentech    | \$262.50   | 12/9/11  | CWD #8          | Service Call |
| Gentech    | \$255.00   | 9/10/11  | CSD #1          | Service Call |
| Gentech    | \$182.50   | 12/9/11  | CSD #1          | Service Call |
| Gentech    | \$230.00   | 8/19/11  | CSD #2          | Service Call |
| Gentech    | \$654.60   | 9/09/11  | CSD #2          | Service Call |
| Gentech    | \$365.00   | 12/9/11  | CSD #2          | Service Call |
| Gentech    | \$2,755.00 | 12/9/11  | CSD #2          | Service Call |
| Gentech    | \$340.00   | 4/15/11  | CSD #4          | Service Call |
| Gentech    | \$802.50   | 12/9/11  | CSD #4          | Service Call |
| Gentech    | \$212.50   | 12/9/11  | CSD #6          | Service Call |
| Gentech    | \$197.50   | 12/9/11  | CSD #7          | Service Call |
| Gentech    | \$247.50   | 12/9/11  | CSD #8          | Service Call |

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> |

1 AUGUST 2012  
TOWN BOARD MEETING

**CARMEL SEWER DISTRICT #4 - CHANGE ORDER #5 TO REGULATORY UPGRADE CONTRACT - GENERAL CONSTRUCTION CONTRACT - AUTHORIZED**

WHEREAS the Town Board has been advised that Change Order #5 the General Construction Contract of Carmel Sewer District #4 Construction Upgrade Contract has been approved by the New York State Environmental Facilities Corporation and the New York City Department of Environmental Protection,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Kenneth Schmitt to sign Change Order #5 to the aforementioned contract, in form as attached hereto and made a part hereof.

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> |

ORIGINAL

*CHANGE ORDER NO.5*  
*Page 1 of 2*

*5556/25696*  
*May 1, 2012*

PROJECT: TOWN OF CARMEL  
CARMEL SEWER DISTRICT #4  
WWTP REGULATORY UPGRADE

OWNER: TOWN OF CARMEL, NY  
60 McALPINE AVENUE  
MAHOPAC, NY 10541

CONTRACTOR: BMJ CONSTRUCTION CO., INC.  
35 E. GRASSY SPRAIN ROAD, SUITE 203  
YONKERS, NY 10512

ENGINEER: O'BRIEN & GERE ENGINEERS, INC.  
22 SAW MILL RIVER ROAD, 1<sup>ST</sup> FLOOR  
HAWTHORNE, NY 10532

Pursuant to the terms of Section GP-9.01 of the General Provisions of the above-referenced Contract, the Contractor is hereby authorized and directed to proceed with the extra work as described below. The Contractor agrees to furnish all labor, material and equipment needed to accomplish these changes in accordance with the applicable portions of the Contract Documents and/or as required in the Modifications.

**MODIFICATION NO.25-163A-GEN**

Requirement: Removal of the pre-upgrade emergency generator underground diesel fuel storage tank.

Reason: The emergency generator that was installed as part of the regulatory WWTP upgrade has an integral above ground diesel fuel storage tank. With the removal of the old emergency generator, the underground diesel fuel tank is no longer required.

Cost: ADD .....\$18,529

**MODIFICATION NO.26-163A-GEN**

Requirement: On the secondary clarifier effluent pipeline, replace the wye fitting with a 45 degree elbow and remove the two existing valves at that location.

Reason: Removal of the wye fitting and valves is necessary to reduce the buildup of debris at this location and the restriction of flow in the secondary clarifier effluent piping.

Cost: ADD .....\$4,950

1 AUGUST 2012  
TOWN BOARD MEETING

(Cont.)

**REQUEST FOR CHANGE ORDER #22**

Requirement: Additional expenses incurred by the Contractor as a result of the extended microfiltration performance testing period. The additional performance testing period is considered July 1, 2006 (General Contractor Substantial Completion) to December 31, 2011 (successful operation of the revised primary mudwell pumping system).

**CHANGE ORDER NO.5**  
**Page 2 of 2**

**5556/25696**  
**May 1, 2012**

Reason: Multiple membrane filtration equipment failures, including the secondary microfiltration system not being able to process backwash flows, and lack of responsiveness from the membrane filtration system manufacturer.

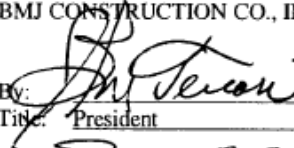
Cost: ADD .....\$135,683

**TOTAL COST OF**  
**CHANGE ORDER NO. 5 ADD .....\$159,162**

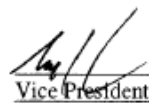
It is mutually agreed that the lump sum price or prices listed above will be accepted by the Contractor as the sole basis for payment for all work as indicated, including all associated overhead and profit for the work, or as credits to the contract amount if deletions of work are included.

This work must be performed in strict accordance with the terms of the Contract except as herein modified or hereinbefore modified by a previous change order. It is further understood and agreed that, unless otherwise expressly stated herein, the work herein authorized will not extend the time of completion of the work to be performed under the Contract and that the amount of this change order includes full payment or credit, as the case may be, for the extra or deleted work covered hereby, and any damage or expense caused the Contractor by any delays to or interference with other work to be performed under the Contract resulting from or on account of said extra or deleted work.

ACCEPTED BY: BMJ CONSTRUCTION CO., INC.

By:  (SIGN), Benjamin Tenori (PRINT)  
Title: President  
Date: May 8, 2012

RECOMMENDED BY: O'BRIEN & GERE ENGINEERS, INC.

By:  (SIGN), Lowell Kachalsky (PRINT)  
Title: Vice President  
Date: 5/12/12

AUTHORIZED BY: TOWN OF CARMEL

By: \_\_\_\_\_ (SIGN), Kenneth Schmitt (PRINT)  
Title: Town Supervisor  
Date: \_\_\_\_\_

Supervisor Schmitt pointed out that the aforementioned contract is being funded by the New York City Department of Environmental Protection and poses no fiscal impact on Town of Carmel taxpayers.

**THE GRANGE HALL BUILDING - PROPOSAL FOR ASBESTOS ABATEMENT**  
**ACCEPTED - ENVIRONMENTAL MAINTENANCE CONTRACTORS - NOT TO**  
**EXCEED \$13,459.25 AND THIRD-PARTY AIR QUALITY MONITORING SERVICES**  
**IN CONNECTION WITH THE DEMOLITION ACCEPTED - APPLIED TECHNOLOGY**  
**SERVICES, INC. - NOT TO EXCEED \$3,416.00**

WHEREAS, Town Engineer Ronald J. Gainer, P.E., has solicited quotations for asbestos abatement services and third-party air quality monitoring for the Grange Hall structure located on McAlpin Avenue, Mahopac, NY; and

1 AUGUST 2012  
TOWN BOARD MEETING

(Cont.)

WHEREAS, the solicitation of said quotations has been done in accordance with the Town of Carmel procurement policy; and

WHEREAS the Town Engineer has recommended the acceptance of the proposal of Environmental Maintenance Contractors, Goldens Bridge, NY for asbestos abatement services at the aforesaid location; and

WHEREAS the Town Engineer has recommended the acceptance of the proposal of Applied Technology Services, Inc., New Rochelle, NY for third party air quality monitoring at the aforesaid location;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Ronald J. Gainer, PE hereby accepts the proposal of Environmental Maintenance Contractors, Goldens Bridge, NY for asbestos abatement services at the aforesaid location at a lump sum price not to exceed \$13,459.25; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Ronald J. Gainer, PE hereby accepts the proposal of Applied Technology Services, Inc., New Rochelle, NY for third party air quality monitoring at the aforesaid location at a lump sum price not to exceed \$3,416.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept said proposals at the terms set forth contained therein.

Resolution

Offered by: Councilwoman McDonough

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> |

**PROPOSAL ACCEPTED FOR DEMOLITION OF GRANGE HALL BUILDING - CRICKET CONSTRUCTION, LLC - NOT TO EXCEED \$25,000.00**

WHEREAS, Town Engineer Ronald J. Gainer, P.E., has solicited proposals for demolition and removal of the Grange Hall structure located on McAlpin Avenue, Mahopac, NY; and

WHEREAS, the solicitation of said proposals has been done in accordance with the Town of Carmel procurement policy; and

WHEREAS the Town Engineer has recommended the acceptance of the proposal of Cricket Construction, LLC, Mahopac, NY for said demolition and removal services at the aforesaid location; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Ronald J. Gainer, PE hereby accepts the proposal of Cricket Construction, LLC, Mahopac, NY for said demolition and removal services at the aforesaid location at a lump sum price not to exceed \$25,000.00 and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept said proposal at the terms set forth contained therein.

Resolution

Offered by: Councilman Schneider

Seconded by: Councilman Lombardi



(Cont.)

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

Supervisor Schmitt explained that the Grange Hall is owned by the Town of Carmel and is being demolished because it has been determined by the Building Inspector that it is a hazardous structure. Furthermore, it poses a great liability to the Town. Supervisor Schmitt stated that he is not happy about expending funds for this purpose, however is forced to do so as the building has been vandalized and set afire on three occasions.

Councilman Lombardi added that he thought this should have been done years ago and at some point in the future, the Town may look to recover the funds by selling the property.

Councilwoman McDonough stated that the building is being demolished for safety reasons and selling the property in the future would be open for discussion.

Councilman Lupinacci clarified that the building will be leveled to a rough grade and the Town does not intend to pave the property. Discussion regarding the future of the property was held.

**ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE  
WITHIN THE TOWN OF CARMEL AUTHORIZED - R& S WASTE SERVICES, LLC**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of R & S Waste Services, LLC, hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

| APPLICANT               | ADDRESS                                   | LICENSE PERIOD     |
|-------------------------|---|--------------------|
| R&S Waste Services, LLC | 500 Mamaroneck Ave.<br>Harrison, NY 10528 | 1/1/12 -- 12/31/12 |

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> |

Councilwoman McDonough stated that she received an email from Rob Vara, Engineering Projects Coordinator confirming that the blanks that were in the application of R & S Waste Services have been filled in.

**CYSTIC FIBROSIS FOUNDATION "FREEZIN FOR A REASON" - PARK RENTAL  
PERMIT FEE WAIVED - 3/9/13**

RESOLVED that the Town Board of the Town of Carmel hereby waives the park rental permit fee regarding the application of Cystic Fibrosis Foundation and its "Freezin for a Reason" event scheduled for March 9, 2013 at Sycamore Park.

**1 AUGUST 2012  
TOWN BOARD MEETING**

(Cont.)

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> |

**LAKE SECOR PARK DISTRICT "BATTLE OF THE BANDS EVENT" - SOUND AMPLIFICATION PERMIT - FEE WAIVED - 9/14/12**

RESOLVED that the Town Board of the Town of Carmel hereby waives the sound amplification permit fee regarding the application of the Lake Secor Park District and its "Battle of the Bands" event scheduled for September 14, 2012 at Lake Secor.

Resolution

Offered by: Councilwoman McDonough  
 Seconded by: Councilman Lupinacci

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

**THE GREATER MAHOPAC/CARMEL CHAMBER OF COMMERCE COMMUNITY STREET FESTIVAL - SOUND AMPLIFICATION PERMIT FEE WAIVED - 9/30/12**

RESOLVED that the Town Board of the Town of Carmel hereby waives the sound amplification permit fee regarding the application of The Greater Mahopac/Carmel Chamber of Commerce and its Community Street Festival event scheduled for September 30, 2012 at Mahopac Chamber Park.

Resolution

Offered by: Councilman Schneider  
 Seconded by: Councilman Lombardi and 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> |

**LAKE CASSE PARK DISTRICT - HIRING OF SEASONAL EMPLOYEE AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Casse Park District, and upon the recommendation of James R. Gilchrist, Town of Carmel Director of Recreation and Parks hereby authorizes the hiring of Lauren Rutledge to the position of Lifeguard for the Lake Casse Park District at a rate of \$12.00 per hour, effective immediately.

(Cont.)

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Lupinacci

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

Supervisor Schmitt explained that this hire was necessitated by a vacancy created by a resignation.

**2011 SERVICE AWARD PROGRAM RECORDS FOR CARMEL AMBULANCE DISTRICT NO. 1 - ACCEPTED**

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Ambulance District No. 1, hereby accepts the 2011 Service Award Program Record Certification submitted by the Carmel Volunteer Ambulance Corporation, dated February 6, 2012, and hereby authorizes the Town Board to sign the 2011 Sponsor Approval Form and attach a certified copy of this resolution to said form, and

BE IT FURTHER RESOLVED, that upon signing of the Sponsor Approval Form of said certification, a copy of the certification list is to be returned to the Carmel Volunteer Ambulance Corporation for posting for a period of a least thirty (30) days for review by its members with a notice that all appeals must be filed with the Town Board no later than thirty (30) days from the date of posting.

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 explained that the Service Award Program is a monetary benefit provided to the members of the volunteer ambulance corporation and volunteer fire departments upon completion of service implemented to attract new members and retain existing ones.

**2011 SERVICE AWARD PROGRAM FIREFIGHTER RECORDS FOR CARMEL FIRE PROTECTION DISTRICTS #1, #2 AND #3 - ACCEPTED**

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Fire Protection Districts #1, #2, and #3, hereby accepts the 2011 Service Award Program Firefighter Record Certifications submitted by the Mahopac Falls Volunteer Fire Department, Inc. dated February 29, 2012, the Mahopac Volunteer Fire Department, Inc., dated January 24, 2012, and the Carmel Fire Department, Inc. dated February 22, 2012 and hereby authorizes the Town Board to sign the 2011 Sponsor Approval Forms and attach a certified copy of this resolution to said forms; and

(Cont.)

BE IT FURTHER RESOLVED, that upon signing of the Sponsor Approval Forms of said certifications, a copy of each fire department’s certification is to be returned to the appropriate fire department for posting in the fire company for a period of at least thirty (30) days for review by its members with a notice that all appeals must be filed with the Town Board no later than thirty (30) days from the date of posting.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

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

**ENTRY INTO CONTRACT FOR INFORMATION TECHNOLOGY SERVICES**  
**AUTHORIZED - SULLIVAN DATA MANAGEMENT, INC - 7/1/12 THROUGH 6/30/15 -**  
**ANNUAL SUM OF \$41,500.00**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the entry into a contract for the provision of Information Technology services with Sullivan Data Management, Inc., Yorktown, NY for a period of (3) years commencing July 1, 2012 through June 30, 2015 for the annual sum of \$41,500.00 (FORTY-ONE THOUSAND FIVE HUNDRED DOLLARS) in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that upon review of insurance certificates in form acceptable to Town Counsel, Kenneth Schmitt, Town Supervisor is hereby authorized to execute any other and further documentation necessary to effect such contract extension.

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

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

**CONTRACT**

FOR

**IT Services Contract**

**R 2008-0011-Extension**

BY AND BETWEEN THE TOWN OF CARMEL AND

1 AUGUST 2012  
TOWN BOARD MEETING

(Cont.)

Sullivan Data Management, Inc.

THIS AGREEMENT, made this 3 day of July, 2012, by and between **Sullivan Data Management, Inc.**, a corporation organized and existing under the laws of the State of New York with offices in Yorktown Heights, NY hereinafter called the "Contractor" and the Town of Carmel, a municipal corporation of the State of New York, with offices located at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541, hereinafter called the "Owner."

WITNESSETH, that the Contractor and the Owner for the considerations stated herein mutually agree as follows:

Article 1. Statement of Work. The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, appurtenances, equipment and services, including utility and transportation services and perform and complete all work and required supplemental work for the completion of this Contract in strict accordance with the hereinafter referenced Contract Documents including all Addenda thereto numbered one, **WITH THE EXCEPTION OF THE FOLLOWING, NOTWITHSTANDING ANY PROVISION IN THE ADDENDA OR PROPOSAL FORM TO THE CONTRARY:**

- The police department will be installing a video recording system which will consist of recorders and computers in each car, a wireless system to transfer the data from cars to station and a server system to store and retrieve the recorded video. Sullivan Data will have no responsibility with regard to management, maintenance or repair of this system.

Article 2. The Contract Price. The Owner will pay the Contractor for the performance of the Contract in current funds for the total quantities of work performed at the stated prices stipulated in the bid for the respective items of work completed.

Article 3. Contract Documents. The Contract Documents shall consist of the following (including their attachments and exhibits):

- |                              |                                 |
|------------------------------|---------------------------------|
| a. This Agreement            | g. General Specifications       |
| b. Addenda (if any)          | h. General Conditions           |
| c. Proposal form             | i. Detailed Specifications      |
| d. Instructions to Bidders   | j. Drawings (as listed in the   |
| e. Signed copy of Bid, with  | Schedule of Drawings)           |
| all attachments required     | k. Performance Bond             |
| for bidding.                 | l. Labor and Material Bonds     |
| f. Certificates of Insurance | m. Asset Inventory May 24, 2012 |

THIS AGREEMENT, together with other Documents enumerated in this Article 3, which said other Documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component, the part first enumerated in this Article 3 shall govern, except as otherwise specifically stated.

Article 4. Contract Duration This contract term shall be for three (3) years from JULY 1, 2012 through JUNE 30, 2015.

Article 5. Integration All prior understandings, agreements, representations and warranties, oral or written, between Seller and Purchaser are merged in this contract; it completely expresses their full agreement and has been entered into after full investigation, neither party relying upon any statement made by anyone else that is not set forth in this contract. Any documents or materials not specifically referenced herein shall be deemed to be expressly excluded.

1 AUGUST 2012  
TOWN BOARD MEETING

(Cont.)

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in two (2) original copies on the day and year first above written.

ATTEST: **Sullivan Data Management, Inc.**  
(Contractor)  
BY Dianna Sullivan  
TITLE President  
(Affix Corporate Seal Here)  
TAX ID # 13-3869642

TOWN OF CARMEL

(Owner)  
BY: KENNETH SCHMITT  
TOWN SUPERVISOR

STATE OF NEW YORK) ss:  
COUNTY OF PUTNAM )

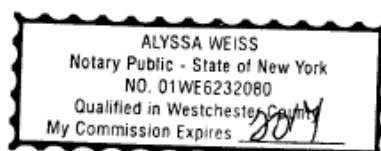
On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came Kenneth Schmitt to me known, who, being by me duly sworn, did depose and say that he resides in Mahopac, New York; that he is the Supervisor of the Town of Carmel, the municipal corporation described in the foregoing instrument and that his signature was affixed pursuant to a resolution of the Town Board of the Town of Carmel enacted on \_\_\_\_\_.

NOTARY PUBLIC

STATE OF NEW YORK) ss:  
COUNTY OF ~~PUTNAM~~ Westchester

On the 3 day of July, 2012, before me personally came Dianna Sullivan, to me known, who, being by me duly sworn, did depose and say that she resides in Putnam Hills. That she is the President of Sullivan Data Mgmt the corporation described in and which executed the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of the said corporation; and that she signed her name thereto by like order.

Alyssa Weiss  
NOTARY PUBLIC



Supervisor Schmitt stated that Sullivan Data Management, Inc. has been providing quality service to the Town of Carmel for the past seven years and including this contract, have not increased their rates.

1 AUGUST 2012  
TOWN BOARD MEETING

**CARMEL WATER DISTRICT #2 - PROPOSAL OF BRENNAN CONSTRUCTION CO.  
FOR RELOCATION OF WATER MAIN ACCEPTED AND ENTRY INTO AGREEMENT  
WITH THE COUNTY OF PUTNAM TO SHARE EXPENSES OF SAID RELOCATION  
AUTHORIZED**

WHEREAS it has become necessary to relocate a portion of a Carmel Water District #2 water main in connection with the ongoing Putnam County Carmel Revitalization Project and the ADA Transit Accessibility Project in the hamlet of Carmel; and

WHEREAS the Town Engineering Department has obtained a proposal from Brennan Construction Co. to relocate said water main, which proposal is attached hereto and incorporated herein; and

WHEREAS The County of Putnam has proposed that if Carmel Water District #2 shall pay for the relocation of the water main, then the County of Putnam will pay for backfill and asphalt restoration; and

WHEREAS a Letter Agreement between the County of Putnam and the Town of Carmel has been prepared detailing this mutual understanding between the County and Town which is attached hereto and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of Carmel Water District #2, hereby accepts the proposal of Brennan Construction Co. to relocate said water main at a total estimated cost not to exceed \$8,570.00 as outlined in its proposal of July 23, 2012, attached hereto; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept said proposal at the terms set forth contained therein; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes the entry into the Letter Agreement, attached hereto, between the County of Putnam and the Town of Carmel to share the costs of the relocation project; and

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

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> |

JENNIFER S. BUMGARNER  
*County Attorney*

ANDREW W. NEGRO  
*First Deputy County Attorney*

ADRIENNE L. SPADACCINI  
*Senior Deputy County Attorney  
For Risk and Compliance*



ROBERT A. NOAH  
*Senior Deputy County Attorney*

SANDRA M. FUSCO  
*Senior Deputy County Attorney*

DANIELLE M. HARRIS  
*Deputy County Attorney*

DEPARTMENT OF LAW

July 30, 2012

Town of Carmel  
60 McAlpin Avenue  
Mahopac, New York 10541  
Attn.: Kenneth Schmitt, Town Supervisor

RE: Route 6 Sidewalk/Drainage Project-Water Main Relocation

**LETTER AGREEMENT**

1 AUGUST 2012  
TOWN BOARD MEETING

(Cont.)

Dear Supervisor Schmitt:

This Letter Agreement provides the terms and conditions of the agreement reached between the COUNTY OF PUTNAM, a municipal corporation of the State of New York, having an office and place of business located at 40 Gleneida Avenue, Carmel, New York 10512 (hereinafter the "COUNTY") and the TOWN OF CARMEL, a subdivision of a municipal corporation of the State of New York, having an office and place of business located at 60 McAlpin Avenue, Mahopac, New York 10541 (hereinafter the "TOWN") in connection with the water main relocation work to be performed as set forth hereunder.

It is hereby understood and agreed between the COUNTY and the TOWN that:

1. The work to be performed in connection with the above referenced project encompasses two adjoining projects in the TOWN, to wit: construction of new and replacement concrete sidewalks and curbing at various locations throughout the TOWN, as set forth in, *inter alia*, PIN 8390.83 (Carmel Revitalization II Project) and PIN 8760.87 (ADA Transit Accessibility Project) and work to improve drainage, including constructing new and replacement drainage along the new curb lines connecting to existing drains or watercourses, as well as installing hydrodynamic water treatment systems, at specific locations (hereinafter the "PROJECT WORK"); and
2. The COUNTY has entered into an Agreement with Brennan Construction Co. (hereinafter the "CONTRACTOR") to perform the PROJECT WORK and has procured all necessary permits, licenses and approvals from the governmental authorities having jurisdiction over the PROJECT WORK for the lawful performance of its obligations thereunder; and
3. The COUNTY and the TOWN acknowledge that excavation and lowering of the 12" waterline obstruction at the intersection of Route 6 and Church Street to an elevation below the proposed storm drainage improvements (hereinafter the "WORK") is necessary; and

48 GLENEIDA AVENUE, CARMEL, NEW YORK 10512

Tel. (845) 808-1150 / Fax (845) 808-1903\*

*\*This office will not accept service via facsimile*

**RECEIVED**

JUL 31 2012

County of Putnam with Town of Carmel  
Letter Agreement  
July 30, 2012  
Page 2 of 2

4. The CONTRACTOR has submitted a proposal, annexed hereto and made a part hereof as Schedule "A," to furnish all labor and equipment for the WORK, more particularly as it pertains to excavating and relocating the water main pipe, and such excavating and relocating the water main pipe shall be scheduled on such dates and times as mutually agreed to between the CONTRACTOR and the TOWN; and
5. The TOWN agrees to pay the CONTRACTOR the sum of \$8,570 to excavate and relocate the water main pipe as set forth on Schedule "A" and the TOWN shall provide the CONTRACTOR all necessary materials to perform and complete same; and
6. The COUNTY shall be responsible for all costs and expenses relative to backfilling the trench and restoring the surface of the property following the aforementioned excavation and relocation of the water main pipe by the CONTRACTOR; and
7. It is understood and agreed between the COUNTY and the TOWN that, in performing the WORK, the CONTRACTOR may, when appropriate and permissible, use the necessary permits, licenses and approvals already obtained from the governmental authorities in connection with the PROJECT WORK; and
8. The TOWN agrees to indemnify and hold harmless the COUNTY, its officers, agents and employees, from and against any and all losses, penalties, liability, damages, settlements, claims, actions, demands, costs, charges, judgments, fees and any other expenses or losses arising directly or indirectly from the acts, errors and/or omissions by the TOWN under this Agreement; and the COUNTY agrees to indemnify and hold harmless the TOWN, its officers, agents and employees, from and against any and all losses, penalties, liability, damages, settlements, claims, actions, demands, costs, charges, judgments, fees and any other expenses or losses arising directly or indirectly from the acts, errors and/or omissions by the COUNTY under this Agreement; and
9. The TOWN agrees to defend against any and all claims, demands or causes of action arising directly or indirectly out of this Letter Agreement, at its sole cost and expense, and bear all other costs and expenses related thereto; and
10. The COUNTY and the TOWN agree that no party shall make any assignment of its respective rights and responsibilities hereunder, without the prior written consent of the other party; and
11. Notwithstanding the foregoing, the COUNTY's contractual obligations with the CONTRACTOR in connection with the PROJECT WORK remain in full force and effect and nothing contained herein shall be construed to relieve the COUNTY of its obligations therefor.



1 AUGUST 2012  
TOWN BOARD MEETING

(Cont.)

The parties hereto hereby accept the terms of this Letter Agreement and agree to abide by the terms and conditions contained herein.

Town of Carmel  
60 McAlpin Avenue  
Mahopac, New York 10541  
By: Kenneth Schmitt, Town Supervisor

MaryEllen Odell  
County Executive

48 GLENEIDA AVENUE, CARMEL, NEW YORK 10512

Tel. (845) 808-1150 / Fax (845) 808-1903\*

*\*This office will not accept service via facsimile*

SCHEDULE A



50 Prospect Hill Road, Brewster, NY 10509  
845.628.8739 • 845.628.6045, fax

HIGHWAY, ROAD & PAVING CONTRACTORS

July 23, 2012

Town of Carmel Engineering Dept.  
60 McAlpine Avenue,  
Mahopac, NY 10541

RE: Carmel Revitalization II

SUBJECT: Excavating and Lowering 12" Water Line Obstruction

We are pleased to submit our proposal for the excavation and lowering of the 12" waterline obstruction at the intersection of Rt. 6 and Church Street. This proposal is based on our site visit Friday July 20, 2012.

**SCOPE:**

To furnish all labor, and equipment to excavate and lower the 12" waterline using all material supplied by the Town, to an elevation below the proposed storm drainage improvements.

**PRICING:**

Brennan Construction proposes to complete all work as mentioned in the above scope for the lump sum price of \$8,570.00.

**EXCLUSIONS:**

- Survey
- Backfill
- Asphalt Restoration
- All Water Line Material
- Rock Removal

1 AUGUST 2012  
TOWN BOARD MEETING

(Cont.)

**SCHEDULE:**

- To be determined

We thank you for the opportunity to provide you with our proposal, and looking forward to making this project a success. If you have any questions regarding the information provided, please contact us.

Very truly yours,  
Brennan Construction Company

  
Fred Todd  
Vice President

Cc: File

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Brennan Construction Company

Supervisor Schmitt stated that he is happy with this joint effort to share costs between the Town of Carmel and the County of Putnam.

**PUBLIC COMMENTS - AGENDA ITEMS**

Mike Barile expressed his agreement with the Town Board's decision to demolish the Grange Hall structure. He went on to comment with regard to waiving the fees for the various non-profit organizations in connection with their applications to the Town of Carmel and concluded that the effort takes time away from more important issues. A brief discussion ensued. Mr. Barile stated that he would ensure that the park district rental fee would be paid by supporters of the Cystic Fibrosis Foundation.

Dave Nichols spoke against the Town Board expending taxpayer funds to demolish the Grange Hall structure. He recommended that the property be sold to a private entity that would take the building down at their expense and subsequently returned to the tax rolls.

Supervisor Schmitt stated that for safety reasons, it is imperative that this structure is demolished immediately and the process of the selling the property would take too much time. Discussion was held regarding the matter.

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

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

**OPEN FORUM - PUBLIC COMMENTS**

Mike Barile stated that for the record, the park rental permit fee in connection with the application of the Cystic Fibrosis Foundation would be paid tomorrow. He went on to speak regarding the importance of holding Town of Carmel department managers accountable for their budgets. Mr. Barile then spoke in support of increasing the term of office of the Town Supervisor from two years to four years. He suggested that the public should be given the opportunity to vote on the matter and now would be the opportune time to do so because no one is running for the office this year.

1 AUGUST 2012  
TOWN BOARD MEETING

**OPEN FORUM - TOWN BOARD MEMBER COMMENTS**

Councilwoman McDonough announced that the Sunset Concert Series performance by Andrea and the Armenian Rug Riders has been rescheduled to August 23, 2012 at 7:00 p.m. at the Mahopac Chamber Park.

Councilman Schneider announced that the Lake Mahopac Rotary Club will be holding their annual Duck Derby fundraising event on September 9, 2012 at Sycamore Park.

Supervisor Schmitt announced that the Mahopac Falls Volunteer Fire Department will be hosting a parade on September 8, 2012 in celebration of their 75<sup>th</sup> anniversary.

Supervisor Schmitt announced that the Town of Carmel's 9/11 Memorial dedication ceremony will be held on September 9, 2012 at 4:00 p.m.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lupinacci, seconded by Councilman Schneider, with all Town Board members present and in agreement, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Ann Garris, Town Clerk