

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

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KATHLEEN KRAUS
Receiver of Taxes

MICHAEL A. BARILE
Town Councilman
JOHN D. LUPINACCI
Town Councilman
JONATHAN SCHNEIDER
Town Councilman

MICHAEL SIMONE
Superintendent of Highways
Tel. (845) 628-7474

TOWN BOARD VOTING MEETING
Wednesday, April 3, 2019 7:00pm

Pledge of Allegiance – Moment of Silence

6:00pm Executive Session:

1. Discussion of AAA Contract
2. Glenn Droese, Assessor- Certiorari Litigation Updates

Town Board Voting Meeting:

1. Res: Authorizing Town Supervisor to Sign a Stipulation of Agreement Changing Salary Group of Account Clerk/Recreation Job Title
 2. Res: Accepting Proposal for Insurance
 3. Res: Authorizing Budget Modifications
 4. Res: Authorizing Acceptance of Proposal for Purchase and Installation of video Upgrades at Carmel Town Hall
 5. Res: Authorizing Acceptance of Proposal for Engineering Services Lake Teakettle Park District and Lake Casse Park District Dam Maintenance Design
 6. Res: Authorizing Acceptance of Proposal for Engineering Services Carmel Sewer District #2 Sand Filter Roof
 7. Res: Authorizing Payment for Repairs Carmel Water District #3
 8. Res: Authorizing Attendance at Seminar
 9. Res: Authorizing Payment for Truck Repair Town of Carmel Highway Department
 10. Res: Authorizing Payment for Truck Repair Town of Carmel Highway Department
 11. Res: Authorizing Payment for Truck Repair Town of Carmel Highway Department
 12. Res: Authorizing Purchase of Transfer Case Town of Carmel Highway Department
 13. Res: Authorizing Scheduling of Public Hearing on a Proposed Local Law Amending Chapter 156 of the Code of the Town of Carmel entitled, "Zoning" (May 1, 2019)
 14. Res: Designating Week of April 22, 2019 through April 28, 2019 as Town of Carmel Litter Cleanup and Property Compliance Clean Up Week
 15. Res: Authorizing Fund Balance Modifications Office of the Town Comptroller
- **Public Comment (Three (3) Minutes on Agenda Items Only)**
 - **Town Board Member Comments**

Open Forum:

- **Public Comments on New Town Related Business (Three (3) Minutes Maximum Speaker for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

RESOLUTION #1

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN A STIPULATION OF AGREEMENT CHANGING SALARY GROUP OF ACCOUNT CLERK/RECREATION JOB TITLE

RESOLVED, that the Town Board of the Town of Carmel ("Town") hereby authorizes the Town Supervisor to sign a Stipulation of Agreement, effective January 1, 2019, the Account Clerk/Recreation job title shall be placed at a Salary Group 4, as specified in Appendix "E" of the Collective Bargaining Agreement between the Town and Local 840, CSEA, AFSCME, AFL-CIO that expired on December 31, 2017, and was modified and extended by a Memorandum of Agreement with a duration of January 1, 2018 to December 31, 2021 (the "CBA").

BE IT FURTHER RESOLVED, that pursuant to the above-referenced Stipulation of Agreement, effective January 1, 2019, Account Clerk/Recreation Carmelina Spano Employee number 3001, shall be placed at Step 1 of Salary Group 4, as specified in Appendix "E" of the CBA, and shall receive retroactive pay accordingly.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #2

RESOLUTION ACCEPTING PROPOSAL FOR INSURANCE

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Brown & Brown of NY, Inc. d/b/a Spain Agency, Mahopac, NY to provide liability insurance to the Town of Carmel for the period of April 1, 2019 through March 31, 2020 in form as is on file in the office of the Town Supervisor, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign all necessary documentation required to accept such proposal.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #3

RESOLUTION AUTHORIZING BUDGET MODIFICATIONS

WHEREAS the Town Comptroller MaryAnn Maxwell has reviewed the proposed Final Budget Modifications for the period ending February 28, 2019 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule 2019/01;

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 February 28, 2019 as shown itemized on schedule 2019/01 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

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

TOWN OF CARMEL
BUDGET REVISIONS JANUARY-FEBRUARY 2019 - #2019/01

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.1680.0021	DATA IMAGING EQUIPMENT	55,000.00	
	100.1990.0040	CONTINGENCY - SOFTWARE CONVERSION	73,435.00	
	100.1990.0040	CONTINGENCY - MASTER PLAN/TOWN CODE	100,000.00	
	100.3120.0027	POLICE OTHER EQUIPMENT	20,000.00	
	100.7110.0022	PARK SPECIAL EQUIPMENT	44,482.00	
	100.7111.0040	SYCAMORE FIELD IMPROVEMENTS	18,500.00	
	100.7112.0040	MCDONOUGH PARK CONTRACTUAL EXPENSE	12,650.00	
	100.7112.0040	MCDONOUGH PARK CONTRACTUAL EXPENSE	13,350.00	
	100.7112.0045	MCDONOUGH PARK IMPROVEMENTS	18,250.00	
	100.7117.0040	CAMARDA PARK CONT EXPENSE	24,000.00	
	100.7999.0040	PARK CAPITAL IMPROVEMENTS	120,849.00	
	100.1989.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	500,516.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET PER AUTHORIZING RESOLUTION		
2	100.1110.0011	JUSTICE STAFF PERSONNEL SERVICES	1,370.00	
	100.1110.0019	JUSTICE COURT OTHER EXPENSES	1,815.00	
	100.1355.0011	ASSESSOR STAFF PERSONNEL SERVICES	1,370.00	
	100.5010.0011	HIGHWAY ADMIN STAFF PERSONNEL SERVICES	668.00	
	100.1110.0080	EMPLOYEE BENEFITS		3,185.00
	100.1355.0080	EMPLOYEE BENEFITS		1,370.00
	100.5010.0080	EMPLOYEE BENEFITS		668.00
		- TRANSFER FOR SALARY INCREASES PER AUTHORIZING RESOLUTIONS		
3	100.1950.0040	TAXES & ASSESSMENTS	3,700.00	
	100.1990.0040	CONTINGENCY		3,700.00
		- TRANSFER FOR TAXES FOR TOWN PROPERTY		
4	100.3120.0021	POLICE MOTOR VEHICLES	4,731.00	
	100.3120.0027	POLICE OTHER EQUIPMENT		4,731.00
		- TRANSFER FOR POLICE VEHICLE PURCHASE PER RESOLUTION		
5	100.5010.0012	OVERTIME	1,000.00	
	100.5010.0080	HIGHWAY ADMIN EMPLOYEE BENEFITS		1,000.00
		- TRANSFER FOR HIGHWAY PERSONNEL OVERTIME		
6	100.7112.0043	MCDONOUGH FIELDS ALARM EXPENSE	250.00	
	100.7113.0043	CHAMBER PARK ALARM EXPENSE	300.00	
	100.7114.0040	RED MILLS CONTRACTUAL EXPENSE	500.00	
	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSE		250.00
	100.7113.0040	CHAMBER PARK CONTRACTUAL EXPENSE		300.00
	100.7110.0040	PARK CONTRACTUAL EXPENSE		500.00
		- TRANSFER FOR MISCELLANEOUS RECREATION EXPENSES		
HIGHWAY FUND				
7	500.5130.0041	MACHINERY/EQUIPMENT CAPITAL EXPENSE	250,000.00	
	500.5010.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	250,000.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET PER AUTHORIZING RESOLUTION		
8	500.5130.0046	EQUIPMENT LEASES/RENTALS	1,000.00	
	500.5130.0083	WORKERS COMPENSATION INSURANCE		1,000.00
		- TRANSFER FOR HIGHWAY LEASES/RENTALS		
CARMEL FIRE PROTECTION DISTRICT #1				
9	301.3410.0045	DRY HYDRANT EXPENDITURES	64,322.00	
	301.3410.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	64,322.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET PER AUTHORIZING RESOLUTION		

TOWN OF CARMEL
BUDGET REVISIONS JANUARY-FEBRUARY 2019 - #2019/01

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL WATER DISTRICT #8				
10	608.8310.0020	EQUIPMENT	4,000.00	
	608.8310.0040	CONTRACTUAL EXPENSES - TRANSFER FOR PURCHASE OF EQUIPMENT		4,000.00
CARMEL WATER DISTRICT #9				
11	609.8310.0020	EQUIPMENT	4,000.00	
	609.8310.0099	REPAIR RESERVE FUND - TRANSFER FOR PURCHASE OF AN AIR COMPRESSOR		4,000.00
CARMEL SEWER DISTRICT #1 EXT#3				
12	713.8130.0020	EQUIPMENT	2,000.00	
	713.8130.0040	CONTRACTUAL EXPENSES - TRANSFER FOR PURCHASE OF PUMP REPLACEMENT		2,000.00
AIRPORT PARK CAPITAL FUND				
13	910.7140.0044	PROJECT ENGINEERING	50,000.00	
	910.7140.0045	CONTRACTED IMPROVEMENTS	1,550,000.00	
	910.7140.5710	PROCEEDS OF BOND ISSUE	*	1,600,000.00
		- PROVIDE FOR AIRPORT PARK CAPITAL IMPROVEMENTS FROM APPROVED BORROWING		
HIGHWAY SPECIAL IMPROVEMENTS				
14	952.5112.0012	OVERTIME	100.00	
	952.5112.0045	CONTRACTED IMPROVEMENTS - TRANSFER FOR OVERTIME		100.00
SYCAMORE PARK COMMUNITY CENTER CAPITAL FUND				
15	915.7140.0045	CONTRACTED IMPROVEMENTS	111,599.40	
	915.7140.5030	INTERFUND TRANSFER FROM PARKLAND TRUST	*	111,599.40
		-PROVIDE FOR CAPITAL IMPROVEMENTS FROM PARKLAND TRUST PER AUTHORIZING RESOLUTION		
AGENCY AND TRUST FUNDS				
16	990.0037.0099	TRANSFER TO OTHER FUNDS (915 Fund - Sycamore Park)	111,599.40	
	990.0037.9909	PARKLAND TRUST FUND APPROPRIATION	*	111,599.40
		-PROVIDE FOR TRANSFER TO CAPITAL FUND FROM PARKLAND TRUST PER AUTHORIZING RESOLUTION		
CARMEL WATER DISTRICT #9 CAPITAL FUND				
17	969.8310.0040	CONTRACTUAL EXPENSES	5,000.00	
	969.8310.0045	CONTRACTED IMPROVEMENTS	930,000.00	
	969.8310.0048	OTHER PROJECT EXPENSES	5,000.00	
	969.8310.5710	PROCEEDS OF BORROWING	*	940,000.00
		- PROVIDE FOR PROJECT CAPITAL IMPROVEMENTS FROM APPROVED BORROWING		

RESOLUTION #4

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FOR PURCHASE AND INSTALLATION OF VIDEO UPGRADES AT CARMEL TOWN HALL

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Town Engineer Richard J. Franzetti, P.E., hereby authorizes the acceptance of the proposal and the purchase and installation of various video system equipment and upgrades at Town of Carmel Town Hall by New York Audio Video Design, Mahopac, NY, at a cost of \$186,611.18; and

BE IT FURTHER RESOLVED that Town of Carmel Town Supervisor Kenneth Schmitt, upon receipt of insurance certificates and bonds in form acceptable to Town Counsel, is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein including with respect to any grant application submissions; 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: _____

Seconded by: _____

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

RESOLUTION #5

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FOR ENGINEERING SERVICES LAKE TEAKETTLE PARK DISTRICT AND LAKE CASSE PARK DISTRICT DAM MAINTENANCE DESIGN

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of the Lake Teakettle Park District and Lake Casse Park District, hereby authorizes the acceptance of proposals from Weston & Sampson, Reading, MA for the preparation of plans, specifications and bid documents for maintenance and repair for the Teakettle Lake Dams at an aggregate cost not to exceed of \$19,900 and for Lake Casse Dam at a cost not to exceed \$9,900.00, in accordance with the proposal dated March 14, 2019 and the recommendation and memorandum of Town Engineer Richard J. Franzetti, P.E. dated March 19, 2019; and

BE IT FURTHER RESOLVED that Town of Carmel Town Supervisor Kenneth Schmitt, is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein including with respect to any grant application submissions; 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: _____

Seconded by: _____

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

RESOLUTION #6

**RESOLUTION AUTHORIZING
ACCEPTANCE OF PROPOSAL FOR ENGINEERING SERVICES
CARMEL SEWER DISTRICT #2 SAND FILTER ROOF**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of the Carmel Sewer District #2, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the acceptance of proposal of Delaware Engineering, Albany, NY for the preparation of design plans, specifications and bid documents for repair of the Carmel Sewer District #2 sand filter building roof at a cost not to exceed \$44,020.00, in accordance with the Town Engineers memorandum dated March 19, 2019; and

BE IT FURTHER RESOLVED that Town of Carmel Town Supervisor Kenneth Schmitt, is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein including with respect to any grant application submissions; 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: _____

Seconded by: _____

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

RESOLUTION #7

RESOLUTION AUTHORIZING PAYMENT FOR REPAIRS CARMEL WATER DISTRICT #3

RESOLVED THAT 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 payments to Bee & Jay Plumbing, Mahopac, NY for well pump repairs in the amount of \$5,523.00, as performed on February 4, 2019 and in accordance with the invoice dated March 8, 2019; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the repairs authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #8

RESOLUTION AUTHORIZING ATTENDANCE AT SEMINAR

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Highway Superintendent, Michael Simone to attend the 2019 Cornell University Local Roads Program Highway School being held on June 2, 2019 through June 5, 2019 in Ithaca, 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: _____

Seconded by: _____

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

RESOLUTION #9

RESOLUTION AUTHORIZING PAYMENT FOR TRUCK REPAIR TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the payment to Camerota Truck Parts, Enfield, CT in the amount of \$8,200.00 for the purchase of International Transfer Case for repairs to Town of Carmel Highway Truck #48, in accordance with the invoice dated January 18, 2019; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the repairs authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #10

RESOLUTION AUTHORIZING PAYMENT FOR TRUCK REPAIR TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the payment to Camerota Truck Parts, Enfield, CT in the amount of \$13,000.00 for the purchase of Kenworth Transfer Case for repairs to Town of Carmel Highway Truck #29, in accordance with the invoice dated January 28, 2019; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the repairs authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #11

RESOLUTION AUTHORIZING PAYMENT FOR TRUCK REPAIR TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the payment to Reed Systems, Ltd., Ellenville, NY in the amount of \$5,173.75 for repair of ground speed control system, Town of Carmel Highway Truck #33, in accordance with the invoice dated January 3, 2019; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the repairs authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #12

RESOLUTION AUTHORIZING PURCHASE OF TRANSFER CASE TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael J. Simone, hereby authorizes the purchase of a backup Mack Transfer case payment from Camerota Truck Parts, Enfield, CT in the amount of \$14,500.00 to be kept in inventory for future repairs to Town of Carmel Highway Trucks, in accordance with the quotes obtained dated March 14, 2019; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the repairs authorized herein.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #13

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday May 1, 2019 at 7:00 p.m. or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 156 of the Code of the Town of Carmel, entitled "Zoning"; and

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

Resolution

Offered by: _____

Seconded by: _____

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

**A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD
TO THE ISSUANCE OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS”
IN 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 a “vape shops” within the limits of the Town of Carmel.

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 a “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 a “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 December 31, 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 3 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 4 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 5 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.

RESOLUTION #14

RESOLUTION DESIGNATING THE WEEK OF APRIL 22, 2019 THROUGH APRIL 28, 2019 AS TOWN OF CARMEL LITTER CLEAN UP AND PROPERTY COMPLIANCE CLEAN UP WEEK

RESOLVED that the Town Board of the Town of Carmel hereby declares the week of April 22, 2019 through April 28, 2019 as “Community Clean-up and Code Compliance Week” in the Town of Carmel and

BE IT FURTHER RESOLVED THAT the Town Board hereby urges all citizens of the Town to utilize those weeks to engage in clean-up activities which will help to fulfill the common goal of all the citizens of the Town to live in a community that is litter and clutter free and

BE IT FURTHER RESOLVED the Town Board hereby further urges all citizens of the Town to also utilize those weeks to engage in an effort to promote and demonstrate compliance with the provisions of the Town of Carmel Town Code, specifically with those chapters entitled “Garbage, Rubbish and Refuse” (Chapter 95); “Noise” (Chapter 104); “Property Maintenance” (Chapter 114); “Vehicles, Abandoned or Junked” (Chapter 145) and “Zoning” (Chapter 156).

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #15

RESOLUTION AUTHORIZING FUND BALANCE MODIFICATIONS OFFICE OF THE TOWN COMPTROLLER

WHEREAS the Town Comptroller has reviewed the Draft Year End Fun Balance Analysis for fiscal year 2018 with the Town Board which are detailed and explained on the attached Schedule;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the increase of reserves for the Compensated Absence Reserve Fund and Designated for Capital Projects Fund under General Fund, as shown itemized on the schedule is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

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

Work Session Agenda Item #2

TOWN OF CARMEL

** unaudited **

GENERAL AND HIGHWAY FUND COMBINED FUND EQUITY (YEARS 2012-2018)

DESCRIPTION	2012	2013	2014	2015	2016	2017	2018
GENERAL FUND							
RESERVE FOR PREPAID EXPENSES	490,430	514,577	450,029	393,897	389,280	408,839	371,705
RESERVE FOR ENCUMBRANCES	65,147	55,713	89,518	118,210	152,275	378,818	500,516
RESERVE FOR COMPENSATED ABS	800,000	1,000,000	1,000,000	1,000,000	1,440,000	1,615,000	1,785,000
DESIGNATED FOR TAX CERTIORARI	600,000	770,000	770,000	770,000	770,000	770,000	770,000
DESIGNATED FOR RETIREMENT CONTRIBUTIONS	160,000	200,000	200,000	200,000	200,000	200,000	200,000
DESIGNATED FOR CAPITAL PROJECTS		200,000	500,000	500,000	750,000	1,000,000	1,500,000
DESIGNATED RESERVE VEHICLE PURCHASES		80,000	150,000	150,000	150,000	150,000	150,000
UNRESERVED DESIGNATED EQUITY-FY	400,000	400,000	400,000	400,000	400,000	400,000	400,000
UNRESERVED DESIGNATED EQUITY - SUBSEQUENT YEARS BUDGET	-	-	-	-	-	-	-
UNRESERVED UNDESIGNATED EQUITY**	1,127,422	1,227,425	1,532,712	2,172,921	2,881,689	3,487,762	3,319,837
TOTAL GENERAL FUND EQUITY	\$ 3,642,999	\$ 4,447,715	\$ 5,092,259	\$ 5,705,028	\$ 7,133,244	\$ 8,410,419	\$ 8,997,058
HIGHWAY FUND							
RESERVE FOR PREPAID EXPENSES	85,875	123,500	117,500	112,500	97,000	128,875	120,500
RESERVE FOR ENCUMBRANCES			100,000	150,000	150,000	100,000	250,000
RESERVE FOR COMPENSATED ABSENCES	275,000	300,000	300,000	300,000	300,000	300,000	300,000
RESERVE FOR SNOW REMOVAL/ROADS	250,000	350,000	500,000	450,000	600,000	750,000	750,000
UNRESERVED DESIGNATED EQUITY	28,592	37,623	61,719	111,856	296,914	474,431	298,687
UNRESERVED UNDESIGNATED EQUITY							
TOTAL HIGHWAY FUND EQUITY	\$ 639,467	\$ 811,123	\$ 1,079,219	\$ 1,124,356	\$ 1,443,914	\$ 1,753,306	\$ 1,719,187
TOTAL GENERAL & HIGHWAY EQUITY	\$ 4,282,466	\$ 5,258,838	\$ 6,171,478	\$ 6,829,384	\$ 8,577,158	\$ 10,163,725	\$ 10,716,245

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