

**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 1st day of May 2019 at 7:03 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt.

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

Supervisor Schmitt acknowledged that today is National Loyalty Day, a day developed for the reaffirmation of loyalty to the U.S. and for the recognition of the heritage of American freedom.

Supervisor Schmitt announced that the Town Board met at 6:00 p.m. in Executive Session in connection with several matters of personnel.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 156
OF THE CODE OF THE TOWN OF CARMEL ENTITLED, "ZONING" REGULATING
STORMWATER WITH RESPECT TO ILLICIT DISCHARGE AND ELIMINATION**

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

<p style="text-align: center;">LEGAL NOTICE</p> <p style="text-align: center;">NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will a Public Hearing at the Town Hall, 60 McAlpin 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" - A Local Law Regulating Stormwater With Respect to Illicit Discharge and Elimination. Copies of the full text of said law are available in the lobby</p>	<p>at Town Hall, from the Town Clerk's office during normal business hours as well as posted on the Town of Carmel's website under Legal Notices at www.carmelny.org. At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk. By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk</p>
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Supervisor Schmitt opened the Public Hearing for public comment at 7:06 p.m. Three (3) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:07 p.m.

**SEQR DETERMINATION MADE IN REGARD TO PROPOSED LOCAL LAW
AMENDING CHAPTER 156 OF THE CODE OF THE TOWN OF CARMEL ENTITLED,
"ZONING" REGULATING STORMWATER WITH RESPECT TO ILLICIT DISCHARGE
AND ELIMINATION - TYPE II ACTION**

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law #2 Amending Chapter 156 of the Town Code of the Town of Carmel, Entitled, "Zoning" is a Type II action under SEQR, NYCRR Section 617.5(c) (33) and no further review is necessary.

Resolution

Offered by: Councilman Schneider

Seconded by: Councilman Lupinacci and Councilwoman McDonough

(Cont.)

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

LOCAL LAW #2 OF THE YEAR 2019 - A LOCAL LAW AMENDING CHAPTER 156 OF THE CODE OF THE TOWN OF CARMEL ENTITLED, “ZONING” REGULATING STORMWATER WITH RESPECT TO ILLICIT DISCHARGE AND ELIMINATION - ADOPTED AS NOTICED AND PUBLISHED

LOCAL LAW #2 OF THE YEAR 2019
A LOCAL LAW AMENDING CHAPTER 156 OF THE CODE
OF THE TOWN OF CARMEL, ENTITLED “ZONING”
REGULATING STORMWATER WITH RESPECT TO ILLICIT
DISCHARGE AND ELIMINATION

SECTION 1: Chapter 156 of the Town of Carmel Town Code is hereby amended by the addition of the following:

ARTICLE XII STORMWATER CONTROL – ILLICIT DISCHARGE AND ELIMINATION

§156-100. PURPOSE/INTENT.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the Town of Carmel through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from VMS4s, Permit no. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§156-101. DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- A. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating

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procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

- B. Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.
- C. Construction Activity. Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- D. Department. The New York State Department of Environmental Conservation.
- E. Design professional. New York State licensed professional engineer or licensed architect.
- F. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- G. Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
 - 1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - 2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- H. Illicit Discharge. Any direct or indirect non-stormwater discharge to the MS4, except as otherwise exempted within the provisions of this law.
- I. Individual Sewage Treatment System. A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwater of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.
- J. Industrial Activity. Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- K. MS4. Municipal Separate Storm Sewer System.

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- L. Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
1. Owned or operated by the Town of Carmel;
 2. Designed or used for collecting or conveying stormwater;
 3. Which is not a combined sewer; and
 4. Which is not part of a Publicly Owned Treatment Works (POT.) as defined at 40CFR
- M. Municipality. The Town of Carmel.
- N. Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of stormwater.
- O. Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- P. Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.
- Q. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- R. Special Conditions.
1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
 2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
 3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

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4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- S. State Pollutant Discharge Elimination System. (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.
- T. Stormwater. Rainwater, surface runoff, snowmelt and drainage.
- U. Stormwater Management Officer (SMO). An employee, the municipal engineer or other public official(s) designated by the Town of Carmel to enforce this local law. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.
- V. 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.
- W. TMDL. Total Maximum Daily Load.
- X. Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.
- Y. Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§156-102. APPLICABILITY.

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§156-103. RESPONSIBILITY FOR ADMINISTRATION.

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§156-104. SEVERABILITY.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

§156-105. DISCHARGE PROHIBITIONS.

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- A. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in '156-95(B). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:
- B. The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- C Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.
- D. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- E. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.
- F. Prohibition of Illicit Connections.
 - 1. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
 - 2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - 3. A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§156-106. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS

- A. No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

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1. The backup of sewage into a structure.
2. Discharges of treated or untreated sewage onto the ground surface.
3. A connection or connections to a separate stormwater sewer system.
4. Liquid level in the septic tank above the outlet invert.
5. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
6. Contamination of off-site groundwater.

§156-107. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER

- A. Activities that are subject to the requirements of this section are those types of activities that:
 1. Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 2. Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.
 3. Such activities include failing individual sewage treatment systems as defined in Section 7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§156-108. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

- A. Best Management Practices. Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
 1. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
 2. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

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3. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

B. Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in Section 2 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:

- 1 Maintain and operate individual sewage treatment systems as follows:
 - a. Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.
 - b. Avoid the use of septic tank additives.
 - c. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - d. Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
2. Repair or replace individual sewage treatment systems as follows:
 - a. In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.
 - b. A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - i. Relocating or extending an absorption area to a location not previously approved for such.
 - ii. Installation of a new subsurface treatment system at the same location.
 - iii. Use of alternate system or innovative system design or technology.
 - c. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§156-109. SUSPENSION OF ACCESS TO MS4. Illicit Discharges in Emergency Situations.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons,

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or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

§156-110. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§156-111. ACCESS AND MONITORING OF DISCHARGES.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- B. Access to Facilities.
- 1 The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 2. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
 3. The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 4. The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and

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monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
6. If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§156-112. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§156-113. ENFORCEMENT.

- A. Notice of Violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 1. The elimination of illicit connections or discharges;
 2. That violating discharges, practices, or operations shall cease and desist;
 3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 4. The performance of monitoring, analyses, and reporting;

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5. Payment of a fine; and
 6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§156-114. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§156-115. CORRECTIVE MEASURES AFTER APPEAL.

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner=s permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property.

§156-116. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

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§156-117. ALTERNATIVE REMEDIES.

- A. Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
- 1. The violation was unintentional.
 - 2. The violator has no history of pervious violations of this Law.
 - 3. Environmental damage was minimal.
 - 4. Violator acted quickly to remedy violation.
 - 5. Violator cooperated in investigation and resolution.

SECTION 2 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 3 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 4 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

PUBLIC HEARING HELD - PROPOSED LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” UNDER CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL

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

1 MAY 2019
TOWN BOARD MEETING

(Cont.)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, 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" - A Local Law Establishing a Moratorium in Regard to the Issuance of Permits for "Smoke Shops" and "Vape Shops" in the Town of Carmel as follows:

TOWN OF CARMEL PROPOSED LOCAL LAW # ____ OF THE YEAR 2019 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 "vape shops" within the limits of the Town of Carmel.

SECTION 2: LEGISLATIVE FINDINGS

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

SECTION 3: MORATORIUM

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

D. Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new "smoke

shops" or "vape shops" which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law until 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 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town

of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

*By Order of the Town Board of
the Town of Carmel
Ann Spofford, Town Clerk*

Supervisor Schmitt opened the Public Hearing for public comment at 7:14 p.m. Five (5) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:14 p.m.

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

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law #3 Establishing a Moratorium in Regards to the Issuance of Permits for "Smoke Shops" and "Vape Shops" Under Chapter 156 of the Town Code of the Town of Carmel is a Type II action under SEQR, NYCRR Section 617.5(c)(36) and no further review is necessary.

(Cont.)

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

LOCAL LAW #3 OF THE YEAR 2019 - A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” UNDER CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL - ADOPTED AS NOTICED AND PUBLISHED

TOWN OF CARMEL
LOCAL LAW #3 OF THE YEAR 2019
A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE
OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” UNDER CHAPTER
156 OF THE TOWN CODE OF THE TOWN OF CARMEL

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

SECTION 1: PURPOSE

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

SECTION 2: LEGISLATIVE FINDINGS

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

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:

(Cont.)

- D. Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law until 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 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

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

Supervisor Schmitt explained that Chapter 156 of the Town Code is currently under review by the Town Board and that any proposed amendments will require a Public Hearing.

PUBLIC HEARING RESCHEDULED TO 7/2/19 - PROPOSED LOCAL LAW AMENDING CHAPTER 111 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "PEDDLING AND SOLICITING"

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday July 2, 2019 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 111 of the Code of the Town of Carmel, entitled "Peddling and Soliciting"; and

(Cont.)

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: Councilman Lupinacci
 Seconded by: Councilman Barile

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

PUBLIC HEARING RESCHEDULED TO 7/2/19 - PROPOSED LOCAL LAW AMENDING CHAPTER 89 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "FRESHWATER WETLANDS"

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday July 2, 2019 at 7:00 p.m., or as soon thereafter that evening as possible, on a proposed Local Law amending Chapter 89 of the Code of the Town of Carmel, entitled "Freshwater Wetlands"; and

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

Resolution

Offered by: Councilman Barile
 Seconded by: Councilman Lupinacci

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

PROPOSAL ACCEPTED FOR ENGINEERING SERVICES AIRPORT PARK IMPROVEMENTS - INSITE ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, P.C. - NOT TO EXCEED \$8,900.00

RESOLVED THAT the Town Board of the Town of Carmel hereby accepts the proposal of Insite Engineering, Surveying and Landscape Architecture, P.C., Carmel NY for services required in connection with the improvements to be constructed at Airport Park in accordance with the proposal of April 19, 2019 at a cost not to exceed \$8,900.00; and

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

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

Resolution

Offered by: Councilman Schneider
 Seconded by: Councilman Lupinacci

(Cont.)

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

Councilman Barile indicated that he was voting no because he disagrees with where the project's water should come from.

Councilman Lupinacci and Councilwoman McDonough stated that they agreed with Councilman Barile but would vote yes.

CARMEL WATER DISTRICT #2 - SEQR DETERMINATION MADE - PROPOSED CONSTRUCTION AND IMPROVEMENTS WITHIN THE DISTRIBUTION SYSTEM

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, hereby determines that the proposed construction and improvements within the Carmel Water District #2 Distribution System Facilities Plan, dated February 2019, as is on file with the Town Clerk of the Town of Carmel, as well as any and all grant applications to be submitted therewith, constitute a Type II Action of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, pursuant to the provisions of 6 CRR NY 617.5, including but not limited to 6 CRR NY 617.5(c)(2) and no further review is necessary.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

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

Councilman Schneider explained that the SEQR determination was made in connection with the planned \$13.4 million improvements to the distribution system within the Carmel Water District #2.

Legal Counsel Gregory Folchetti added that the action is a Type II because it relates to the rehabilitation of existing structures or facilities in place and in kind.

AMENDED 2019 USER FEE SCHEDULE - ADOPTED

RESOLVED that the Town Board of the Town of Carmel hereby adopts, effective immediately, the Town of Carmel User Fee Schedule for Fiscal Year 2019 as attached hereto and made a part hereof.

Resolution

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

1 MAY 2019
TOWN BOARD MEETING

(Cont.)

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

TOWN OF CARMEL ADOPTED USER SERVICE FEES --
FISCAL YEAR 2019

FEE DESCRIPTION	2019 ADOPTED USER FEES	
TOWN CLERK'S OFFICE		
Certification:		
Registrar's Certification (Birth/Death)	10.00	
Town Clerks Certification (Marriage/Other)	10.00	
Genealogy Fee Schedule:	1 - 3 years - \$22.00	
	4 - 10 years - \$42.00	
	11 - 20 years - \$62.00	
	21 - 30 years - \$82.00	
	31 - 40 years - \$102.00	
	41 - 50 years - \$122.00	
	51 - 60 years - \$142.00	
	61 - 70 years - \$162.00	
Copies:		
Copies of Town Ordinance or Other Documents - Per Page	0.25	
Facsimile/Fax - Per Page	2.00	
Map (Zoning, Election, Other) - Black & White/Color	10.00/15.00	
Licenses:		
Auctioneering License - Annual	300.00	
Auctioneering License - One Day	150.00	
Annual Dog License Fee - spayed/nuetered	7.50	
Annual Dog License Fee - unsplayed/un-nuetered	15.50	
Garbage Carting License - Renewal *	2,000.00	* Plus \$150 per truck inspection annually
Garbage Carting License - NEW *	2,500.00	* Plus \$150 per truck inspection annually
Marriage License	40.00	
Peddling License - 3 Months	25.00	Was \$500.00 - 3 months
Miscellaneous:		
Cemetery Grave Marker - Each	100.00	
Dog Pick-Up	-	
Dog Shelter Fee - First Impoundment	25.00	+ 20.00 Each Additional 24 Hours
Second Impoundment - within one year	50.00	+ 20.00 Each Additional 24 Hours
Third Impoundment - within one year	60.00	+ 20.00 Each Additional 24 Hours
Subsequent Impoundment - within one year	70.00	+ 20.00 Each Additional 24 Hours
Petition to Amend Zoning Ordinance	5000.00	
Permits:		
Canvassing/Soliciting Permit - 3 Months	25.00	Was \$350.00 - 3 months
Public Assembly Permit - Each Event	200.00	
Sound Amplification Permit Commercial	100.00	
Sound Amplification Permit Residential	50.00	
Town Code:		
Annual Town Code Book Supplement	75.00	
Code Book	300.00	
Freshwater Wetlands Chapter Pamphlet	35.00	
Street Specifications	10.00	
Subdivision of Land Ordinance Pamphlet	35.00	
Vehicle and Traffic Chapter Pamphlet	25.00	
Zoning Chapter Pamphlet	35.00	

TOWN OF CARMEL ADOPTED USER SERVICE FEES --
FISCAL YEAR 2019

FEE DESCRIPTION	2019 ADOPTED USER FEES	
POLICE DEPARTMENT		
Accident Report - Business	0.25	per page
Accident Report - Personal	0.25	per page
Finger Printing Service - Non Residents - Per Person	35.00	
Photograph	20.00	per photo
Police Special Escort Service - Per Hour	-	
Special Event or Special Services - Per Hour	-	
CD of Photographs from Casefile	50.00	
Tow Application Fee	250.00	Annual Application Fee
Vehicle Impound Fee	100.00	per vehicle
ALARM ORDINANCE		
Alarm Permit - 1 Year - Residential & Commercial	40.00	
One False Alarm	-	* All alarm fees: 10% of outstanding balance after 90 days past due.
Two False Alarms	-	
Three False Alarms	50.00	
Four False Alarms	100.00	
Five False Alarms	500.00	
Six-Nine False Alarms	750.00	
Ten or more False Alarms	1,000.00	
HIGHWAY DEPARTMENT		
Driveway Bond - "Refundable"	750.00	
Driveway Permit - Includes two inspections	215.00	
Road Opening Bond - "Refundable" - Entire Road	5,000.00	
Road Opening Bond - "Refundable" - Half Road	2,500.00	
Road Opening Permit	500.00	

1 MAY 2019
TOWN BOARD MEETING

(Cont.)

TOWN OF CARMEL ADOPTED USER SERVICE FEES --
FISCAL YEAR 2019

FEE DESCRIPTION		2019 ADOPTED USER FEES	
PARKS & RECREATION DEPARTMENT			
Camp:			
Playground Camp		465.00	Non-Resident \$925.00
* Early Bird Registration Fee - Playground Camp		415.00	Non-Resident \$825.00
Primary Camp [9:30 AM to 2:30 PM]		515.00	Non-Resident 1,025.00
* Early Bird Registration Fee - Primary Camp		465.00	Non-Resident \$925.00
Primary Camp Extended Day [2:30 PM to 4:30 PM]		195.00	
Classes/Lessons:			
Additional Swimming Lessons		\$75	Residents only
Adult Classes		\$70.00 - \$325.00	* plus \$35.00 non residents
CPR Review		\$75	Non-Resident \$110.00
Lifeguard Training Aid/Safety		\$380.00	Non-Resident \$415.00
Lifeguard Training Review		\$195.00	Non-Resident \$230.00
Pre School Classes		FREE - \$180.00	* plus \$35.00 non residents
RTE - Responding to Emergencies		225.00	Non-Resident \$255.00
Special Tennis, Aerobics, or Other Lessons		Cost	* plus \$35.00 non residents
Swimming Lessons Including Permit		145.00	Residents only
Tennis Lessons - 6 One Hour Sessions		75.00	Non-Resident \$110.00
Tennis Lessons - 8 One Hour Sessions		95.00	Non-Resident \$130.00
Facilities Rental:			
Ballfield Rental - 2 Hour Limit		\$150.00/\$250.00 w/lights	
Boat Rental Fee		5.00	
Civic Building Rental/Pavilion		200.00	+Supervisor Hourly Rate
Group Picnic		150.00	Residents Only
Private Building Rental		300.00	+Supervisor Hourly Rate
Sycamore Park Concession [Seasonal]		3,500.00	
ID/Permits: "Residents Only"			
Beach Guest Card		50.00	
Adult Swimming Permit		100.00	
Daily Adult Beach Fee		8.00	
Daily Adult Guest Beach Fee		10.00	
Daily Youth Beach Fee		7.00	
Daily Youth Guest Beach Fee		9.00	
Family Swimming Permit		200.00	
Family Tennis Permit		80.00	
On-line Registration Fee		6.00	
Senior Citizen Identification Card		No charge	
Nanny Registration Fee		12.00	
Nanny Swim Permit		100.00	
Individual Tennis Permit		50.00	
Tennis Guest Fee		6.00	
Youth Swimming Permit		80.00	
Dog Park:			
Sycamore Dog Park User Fee - Resident		30.00	Annual
Sycamore Dog Park User Fee - Non-Resident		80.00	Annual

TOWN OF CARMEL ADOPTED USER SERVICE FEES --
FISCAL YEAR 2019

FEE DESCRIPTION		2019 ADOPTED USER FEES	
BUILDING & CODES DEPARTMENT			
Accessory Apartment Permit		1,000.00	
Bed & Breakfast Special Application		1,000.00	
Building Permits -- Flat Rate PLUS Estimated Cost of Construction		50.00	Flat Rate PLUS
Estimated Cost of Construction -- Calculated as:		12.00	per \$1,000 Calculated Estimated Cost
Residential -- New construction		100.00	per sq. ft.
Residential -- Finish existing space to living space		20.00	per sq. ft.
Commercial		150.00	per sq. ft.
Commercial - Garage		75.00 - 80.00	per sq. ft.
Decks		35.00	per sq. ft.
Garage		75.00	per sq. ft.
Shed		25.00	per sq. ft.
Certificates of Compliance		80.00/150.00	Residential/Commercial
Certificates of Occupancy		80.00/150.00	Residential/Commercial
Excavation or Fill Permit for the first 2,000 cubic yards		200.00	Plus \$100 for each additional 1,000 CY
Inspection Fee for Clearance of Title Search Violation		50.00	Each Inspection
Mother/Daughter Permit		400.00	
Plumbing Permit Per Fixture		15.00 each	\$75.00 minimum fee
Plumbing/ Air Conditioning Inspection			
Re-Inspection Fee When Inspection Requested but Job Not Ready		100.00	Paid in Advance of 2nd Inspection
Sign Permit		150.00	
Swimming Pool Permit - Above Ground		150.00	
Swimming Pool Permit - In Ground		300.00	
HVAC Fee		50.00	Flat Rate plus
		10.00	per \$1,000 Estimated Cost of Installation
Title Search		175.00/325.00	Residential/ Commercial + \$100 per establishment
Zoning Letter		100.00	
Outdoor Dining Annual Fee		100.00	Annual Fee
Outdoor Dining (fee per 10 or more seats)		+ 50.00/up to 10 seats	An add'l \$50.00 for 11 or more seats
Fire Inspection: Multifamily / Commercial		150.00 / 100.00	Commercial \$100 per establishment
Blasting Permit		300.00	per month
Operational Permits *		100.00	
* (NYSDOS requires towns to issue permits for storage of certain materials and certain uses)			
Natural Gas Inspections			
Residential		50.00	(5 Fixtures) \$10 each additional
Commercial		100.00	(5 Fixtures) \$20 each additional
Liquid Propane Gas Inspections			
Residential		50.00	(5 Fixtures) - \$10 each additional
Commercial		100.00	(5 Fixtures) - \$20 each additional

1 MAY 2019
TOWN BOARD MEETING

(Cont.)

TOWN OF CARMEL ADOPTED USER SERVICE FEES --
FISCAL YEAR 2019

FEE DESCRIPTION		2019 ADOPTED USER FEES	
ENVIRONMENTAL CONSERVATION REVIEW BOARD			
ECB Wetlands Marker		15.00	
Permit Renewal/Extension Fee		75.00	For each one year permit renewal/extension;
Application Withdrawal		50.00	
Letter of Maintenance		75.00	
Letter of Permission (In lieu of application)		150.00	
Major Interagency Review - Over 5 Acres - Per Acre or Part Thereof		60.00	Total Wetland Include, 100' Control Area (per acre)
Minor Interagency Review - Up to 5 Acres - Per Acre or Part Thereof		50.00	Total Wetland Include, 100' Control Area (per acre)
Private Consultation/Conference with Wetland Inspector Per Hour		175.00	
Public Hearing		minimum \$150.00 or cost	
SEQR - DEIS		1%	of Bond
Site Plan Inspection - Single Lot - Per Acre or Part Thereof		300.00	Total Wetland Include, 100' Control Area (per acre)
Subdivision Plan Inspection - Per Acre or Part Thereof		300.00	Total Wetland Include, 100' Control Area (per acre)
Tree Cutting - Up to 5 Acres		500.00	Escrow to be determined by Professional Forester
Tree Cutting - 5 to 25 Acres		1,000.00	Escrow to be determined by Professional Forester
Tree Cutting - Over 25 Acres		1,500.00	Escrow to be determined by Professional Forester
Minor Wetland Permit Application - for projects disturbing up to 1,000 sq ft in the 100 ft buffer area.		225.00	
* Escrow Fee for Minor Project		500.00	
Major Wetland Permit Application - for projects disturbing 1,000 sq ft or greater in the 100 ft buffer area or any disturbance in the buffer.		500.00	*plus \$100 for each add't 1,000 sq ft disturbance (or part thereof) in the 100 ft buffer. Maximum fee \$1,000
* Escrow Fee for Major Project		2,500.00	*as determined by the Town's Wetland Inspector
Wetland Determination for Health Dept		200.00	
Floodplain Permit Fee *** NEW PROPOSE		minimum \$250.00	maximum \$500
ZONING BOARD OF APPEALS			
280A Exemption		400.00	
Accessory Apartment Application		250.00	
Application Withdrawal		100.00	
Area Variance Application		200.00	
Bed and Breakfast Special Permit Application		400.00	
Interpretation of Ordinance		400.00	
Use Variance Application		400.00	
Computer address labels for variance mailing		50.00	
NOTIFICATION SIGN		50.00	per sign
PLANNING BOARD			
PLANNING SUBDIVISION FEES:			
Sketch fee		1,000.00	One time fee
Preliminary Fees			
Major Subdivision		5,000.00	Plus \$950 per lot
Minor Subdivision		3,500.00	Plus \$950 per lot
*Extension of Preliminary Sub-division"		1,000.00	
Final Fees:			
Amendment to Final Plat		2,500.00	
Major Subdivision		2,500.00	Plus \$750 per lot
Minor Subdivision		2,500.00	Plus \$750 per lot
Re-approval of Final Approval		2,500.00	(Does not include SEQR fees)
Extension of final approval		2,000.00	
OPEN DEVELOPMENT REVIEW FEE		3,500.00	
LOT LINE ADJUSTMENT FEE		3,500.00	

TOWN OF CARMEL ADOPTED USER SERVICE FEES --
FISCAL YEAR 2019

FEE DESCRIPTION		2019 ADOPTED USER FEES	
SITE PLAN FEES:			
Commercial Site Plan -- Flat Rate PLUS Parking Spaces		2,000.00	Plus \$100 per Parking Spaces
Residential Site Plan -- Flat Rate PLUS Unit Fee		3,000.00	PLUS \$500 per Dwelling Unit
Amendment to Previous Approved Site Plan -- with no new parking spaces		3,000.00	
Amendment to Previous Approved Site Plan -- with new parking spaces		3,000.00	Plus \$100 per Parking Spaces
Re-grant of Site Plan Approval		3,000.00	
Extension of Site Plan Approval		2,000.00	
SPECIAL SITE PLAN FEES			
Boat House/Bathhouse		1,000.00	
Parking Lot		1,000.00	
Pools/Tennis Courts/ Playgrounds		1,000.00	
Residential Barns		1,000.00	
Residential Dock		1,000.00	
Residential Horse Riding Ring		1,000.00	
Home Office		1,000.00	
LANDFILL, SURFACE GRADING, & OTHER EXCAVATION			
Up to 2 Acres		300.00	
From 2 to 5 Acres		600.00	
Over 5 Acres		900.00	Plus \$40.00/Acre
ARCHITECTURAL REVIEW			
New Commercial Structure Review		300.00	
Modification to Existing Commercial Structure Review		200.00	
Other Structure or Sign Review		100.00	
Single Family Residential Structure Review		150.00	
Two or More Family Residential Structure Review		150.00	Plus 50.00 each Additional Unit over two
PLANNING/MISCELLANEOUS FEES:			
Engineering Fee (Site Plans & Subdivisions) - Technical Review and Construction Inspections		5%	% of Bond Amount
Public Hearings Including Bond Returns and Reductions		175.00	Per Hearing
Planning Board SEQR Escrow Fees - DEIS		2.00%	Not to exceed 2% of Project Value
Planning Board SEQR Escrow Fees - FEIS		2.00%	Not to exceed 2% of Project Value
Recreation Fee in Lieu of Parklands		8,500.00	Per Residential Lot
Recreation Fee Sr. Cit. Multi Family Dwelling/Apt.		3,500.00	Per Dwelling/Apartment for site plan with approvals originating prior to 12/31/15
Recreation Fee Sr. Cit. Multi Family Dwelling/Apt.		6,500.00	Per Dwelling/Apartment for site plan with approvals originating after 1/1/16
Recreation Fee Multi Family Developments		7,000.00	Per Dwelling
Computer address labels		50.00	
NOTIFICATION SIGN		50.00	per sign

(Cont.)

TOWN OF CARMEL ADOPTED USER SERVICE FEES --
FISCAL YEAR 2019

FEE DESCRIPTION	2019 ADOPTED USER FEES	
DEPARTMENT MISCELLANEOUS TOWN SERVICES:		
Computer Labels	0.05	Each Label - 5.00 Minimum
Computer Report of Tax Parcels	0.25	Per Page - 5.00 Minimum
Copies of Plans/Maps - 24" x 36"	10.00	
Copies of Records/Documents	0.25	Per Page
Mail Reminder Notices	2.00	
Returned Deposited Bad Check - Each Item	20.00	
Tax or Record Search and Copy	5.00	
Tax or Record Search and Copy with Letter	10.00	
Floodplain Permit	250.00	
Banner Permit Fee (non-waivable)	400.00	* Fee for each banner issued under permit - Revised 4/2015
SPECIAL DISTRICTS		
PARK DISTRICTS:		
Building Rental - District Resident	150.00	
Building Rental - Non-District Resident	N/A	
Building Rental Deposit - "Refundable"	150.00	
Building Rental Cleaning Fee	100.00	
SEWER DISTRICTS:		
Sewer System Service Application, including one inspection	250.00	Residential
(where Street Lateral to Curb Line exists)	500.00	Commercial
Sewer System Connection Additional Inspection - Each Inspection	50.00	
Sewer Sludge Dumping Fee, each 1000 gallons	200.00	
Out of District Application Fee - Residential	2,500.00	
Out of District Application Fee - Commercial	3,500.00	
WATER DISTRICTS:		
Water System Service Application, including one inspection	250.00	Residential
(where water line curb box exists)	500.00	Commercial
Water System Connection Additional Inspection - Each Inspection	50.00	
New Water Meter & Installation - 3/4" Meter	325.00	
New Water Meter Purchase	275.00	
All Others	Quote	
Water Meter Replace Due To Customer's Damage	***At Replacement Cost***	plus 15%
Water Meter Test, by written request of consumer	200.00	* If test shows the meter failed no cost; if test shows meter functions then fee applies
Water service turned on or off	50.00	
Water sprinkler tap - Annual Fee	200.00	
Final Bill Fee	35.00	
Bulk Water Sales	10 times the normal in district rate	Minimum fee \$300.00
Out of District Application Fee - Residential	2,500.00	
Out of District Application Fee - Commercial	3,500.00	
Water Bill Adjustment from Estimate to Actual	25.00 after 2nd adjustment	

User Fee Schedule 2019

7

Councilman Lupinacci inquired about the changes to the 2019 User Fee Schedule.

Legal Counsel Gregory Folchetti explained that this is the first amendment to the 2019 User Fee Schedule and that there are two changes which are highlighted on the attachment to the resolution. They relate to the fees required for peddling and canvassing/soliciting permits.

CARMEL WATER DISTRICT #2 - SUBMISSION OF GRANT AND FUNDING APPLICATIONS FOR DISTRIBUTION SYSTEM IMPROVEMENTS AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes and directs the submission of grant and/or funding applications to any and all state or federal agencies including but not limited to the New York State Environmental Facilities Corporation relative to the proposed Carmel Water District #2 Distribution System Facilities improvements; and

BE IT FURTHER RESOLVED that said grant or funding applications shall be submitted by the Town of Carmel Engineering Department and/or Engineering Consultant J. Robert Folchetti & Associates, LLC

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary documentation required in connection with submission any grant or funding applications authorized herein.

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

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

1 MAY 2019
TOWN BOARD MEETING

**HIGHWAY DEPARTMENT - CONSTRUCTION OF DRAINAGE IMPROVEMENTS
THROUGHOUT AND IN THE TOWN OF CARMEL AT A MAXIMUM ESTIMATED
COST OF \$200,000 AUTHORIZED AND THE ISSUANCE OF \$200,000 BONDS OF
SAID TOWN TO PAY THE COST THEREOF AUTHORIZED - SUBJECT TO
PERMISSIVE REFERENDUM - OFFERED AS SUMMARIZED AND PRE-FILED**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize such capital project and its financing;
NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. The construction of drainage improvements throughout and in and for the Town of Carmel, Putnam County, New York, together with incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$200,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$200,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(Cont.)

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Resolution

Offered by: Councilman Schneider
Seconded by: Supervisor Schmitt

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

Supervisor Schmitt explained that this resolution, along with the following two resolutions are in response to Highway Superintendent Michael Simone's annual request with regard to capital improvement expenditures.

HIGHWAY DEPARTMENT - THE PURCHASE OF MAINTENANCE VEHICLES FOR THE HIGHWAY DEPARTMENT AT A MAXIMUM ESTIMATED COST OF \$550,000 AUTHORIZED AND THE ISSUANCE OF \$550,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF AUTHORIZED - SUBJECT TO PERMISSIVE REFERENDUM - OFFERED AS SUMMARIZED AND PRE-FILED

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing;
NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. The purchase of maintenance vehicles for the Highway Department, in and for the Town of Carmel, Putnam County, New York, each item of which is \$30,000 or over, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$550,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$550,000 bonds of said Town is hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

(Cont.)

Section 5. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

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

HIGHWAY DEPARTMENT - THE ISSUANCE OF \$1,000,000 BONDS OF THE TOWN OF CARMEL TO PAY THE COST OF THE ROAD RECONSTRUCTION AND RESURFACING, THROUGHOUT AND IN AND FOR SAID TOWN AUTHORIZED - SUBJECT TO PERMISSIVE REFERENDUM - OFFERED AS SUMMARIZED AND PRE-FILED

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality

(Cont.)

Review Act, the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize such capital project and the financing thereof; NOW, THEREFORE

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Road reconstruction and resurfacing, throughout and in and for the Town of Carmel, Putnam County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,000,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$1,000,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(Cont.)

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM**

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Barile

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

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

Mahopac resident Robert Buckley addressed a recent local news article with regard to the Town of Carmel’s purchase of Swan Cove for \$1 million in 2018. He asked Councilman Barile, a former owner of the property, if it was fully approved at the time of his sale to the owners who subsequently sold the property to the Town of Carmel.

Councilman Barile stated that in his mind it was. He indicated that upon the advice of two retained counsels, he would not comment further and instructed Mr. Buckley to direct his questions to the Town Supervisor. Councilman Barile added that if the questions are forwarded to him in writing, he would answer them next week.

Mr. Buckley went on to present to the Town Board, Legal Counsel and the members of the press in attendance, a document that he maintained, supported his contention that Swan Cove did not have all of the necessary approvals at the time of its sale.

At the conclusion of discussion held in regard to the matter, Supervisor Schmitt agreed with Mr. Buckley’s request to call for a New York State investigation into the Town of Carmel’s purchase of the Swan Cove property.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that there will be a presentation by Town Assessor Glenn Droese, Dave Bennett of GAR Appraisals & Associates and Stephen Hartnett from the New York State Office of Real Property Services at the May 8, 2019 Work Session which will focus on maintaining the property assessments at 100% in the Town of Carmel. Discussion ensued.

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Supervisor Schmitt announced that the Town Board is seeking qualified persons to fill two vacancies on the Planning Board. Interested residents were directed to send a letter of interest and resume to the office of Town Supervisor Kenneth Schmitt no later than May 17, 2019. Additional information is available on the Town's website.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Schneider, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk