

15 DECEMBER 2010

**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 15<sup>th</sup> day of December 2010 at 7:20 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo and Supervisor Schmitt.

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

**PUBLIC HEARING HELD TO HEAR OBJECTIONS TO FISCAL YEAR 2011  
ASSESSMENT ROLLS FOR SEWER AND WATER DISTRICTS**

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

**NOTICE  
OF PUBLIC  
HEARING  
NOTICE IS  
HEREBY GIVEN,**  
that the Town Board  
of the Town of Carmel,  
pursuant to Town Law  
Section 202-a, will  
conduct a Public Hearing  
at 7:00 p.m. or as soon  
that evening as possible,  
on Wednesday, the 15th  
day of December 2010,  
at Town Hall, 60 McAlpin  
Avenue, Mahopac, New  
York, for the following  
purpose:  
To consider the 2011  
Tentative Assessment  
Rolls of Carmel Sewer  
Districts #1, #2, #3, #4,  
#5, #6, #7, #8 and  
extensions thereto as  
well as

**Carmel Water  
Districts #1, #2, #3,  
#4, #5, #6, #7, #8, #9,  
#10, #11, #12, #13,  
#14 and extensions  
thereto**

**BE IT FURTHER  
NOTICED,**  
that the 2011 Tentative  
Assessment Rolls may  
be inspected at the  
office of the Town Clerk,  
Town Hall, 60 McAlpin  
Avenue, Mahopac, New  
York during normal  
business hours.

At said Public Hearing  
all interested persons  
shall be heard.

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

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:21 p.m. Twenty-nine (29) people were in attendance.

Michael Preziosi, 49 Concordia Road, Mahopac, stated that he wished to challenge his sewer assessment pursuant to the Town Code, Chapter 119, as he did the previous year.

Gregory Folchetti, Legal Counsel explained Mr. Preziosi's appearance before the Town Board last year challenging his sewer assessment. He noted that the property's unit value of 3.4 was based upon the inclusion of a second set of cooking facilities in the home. Mr. Folchetti stated that he has been advised by the Assessor that upon review, the unit value for his Mr. Preziosi's property was reduced from 3.4 to 1.7 and the assessment rolls have been adjusted to reflect the change for the upcoming fiscal year.

Mr. Preziosi held a brief discussion with Mr. Folchetti with regard to the basis of his sewer charge, at the conclusion of which, he expressed his appreciation to the Town Board.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:25 p.m.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 70,  
ENTITLED "DOG LICENSING AND CONTROL OF THE TOWN OF CARMEL"**

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

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, December 15, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 70, entitled "Dog Licensing and Control" of the Town Code of the Town of Carmel; as follows:

**TOWN OF CARMEL  
PROPOSED LOCAL LAW  
# 70 OF THE YEAR  
2010**

**A LOCAL LAW TO AMEND CHAPTER 70 OF THE CODE OF THE TOWN OF CARMEL RELATING TO THE LICENSING AND CONTROL OF DOGS**

Be it enacted by the Town Board of the Town of Carmel, as follows:

Whereas, effective January 1, 2011, the State of New York will relinquish the responsibility of dog licensing function to local municipalities and will eliminate the Animal Population Control Fund;

and Whereas, local municipalities will now be required to adopt legislation relating to this issue; and

Whereas, the Town's current laws relating to dogs need to be updated in conformance with the change in the statute; now therefore, be it enacted by the Town Board, as follows:

Section 1, Chapter 70 of the Code of the Town of Carmel is hereby amended in its entirety to read as follows:

**B. License fees.**

(1) The fee for a dog license shall be established by Town Board resolution annually.

(2) Upon submission of proper documentation, there shall be no fee charged for the license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog, as such terms are defined by the Agriculture and Markets Law.

(3) In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay an additional fee of \$5. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the Town for any other lawful purpose.

C. Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.

D. The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.

E. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance. Renewal shall be for one year.

F. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.

**ARTICLE I  
Dog Licensing (and Control)**

§ 70-1. Title. This article shall be known and may be cited as the Dog Licensing (and Control) Law of the Town of Carmel, New York.

§ 70-2. Purpose. The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town.

§ 70-3. Authority. This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended and supplemented.

§ 70-4. Definitions and word usage.

All words, terms or phrases used herein shall have the meanings indicated below or as defined in the Agriculture and Markets Law. If no specific definition is set forth, all words shall have their usual and customary meaning in the English language. Words used in the present tense include the future and the plural includes the singular. The word shall is intended to be mandatory.

CLERK - The Town Clerk of the Town of Carmel or his or her agent.

**G. Purebred licenses.**

The Town shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated above.

H. Any dog harbored within the Town that is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the licensing and identification provisions of article.

**§ 70-6. Identification of dogs.**

A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times. A dog participating in a dog show shall be exempt from the identification requirement during such participation.

B. The identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee established by the Town Board annually.

D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

DOG - Any member of the species *canis familiaris*.  
DOG CONTROL OFFICER - Any individual appointed by the Town Board to enforcement this article.

HARBOR - To provide food or shelter to any dog.  
IDENTIFICATION TAG - A tag issued by the Clerk that sets forth an identification number, as required by the provisions of this article.

OWNER - Any person who harbors or keeps any dog.

TOWN - The Town of Carmel.

§ 70-5. Dog licensing requirements, procedures and fees.

**A. License application.**

(1) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective society.

(2) Application for a dog license shall be made to the Clerk and shall be accompanied by the appropriate license fee, as specified below.

(3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of owner, and such other information as deemed necessary by the Clerk.

E. The identification tag shall be imprinted with the words "Town of Carmel, NY" and a unique identification number, and the telephone number of the Clerk's office.

**§ 70-7. Change of ownership, lost or stolen dogs.**

In accordance with the provisions of § 112 of the Agriculture and Markets Law:

A. In the event of a change in ownership of any dog that has been assigned an identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.

B. If any dog that has been assigned a municipal identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.

C. In the case of a dog's death, the owner of record shall so notify the Clerk, either prior to renewal of license or upon the time of such renewal.

**§ 70-8. Seizure and impoundment.**

In accordance with § 117 of the Agriculture and Markets Law:

A. The Dog Control Officer shall seize:

(1) Any dog which is not licensed, whether on or off the owner's premises.

(2) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous.

(3) Any dog which poses an immediate threat to the public safety.

(4) Any dog in violation of § 70-9A through G of this article.

B. The Dog Control Officer, when acting pursuant to his or her special duties, shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall

(4) In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk.

(5) The application shall be accompanied by a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reasons, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.

(6) The Town of Carmel hereby authorizes the Putnam County Humane Society, Inc., acting by its manager, and/or any other entity which the Town of Carmel has an existing and current contract for the provision of dog shelter services properly authorized by the Town Board, to accept and grant an application for a dog license made by a resident of the Town of Carmel at the time of the adoption of a dog from such shelter. Such authorization is granted provided that such application is made in accordance with this Chapter and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk of the Town of Carmel on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of such dog (if any), the location where seized, the reason for the seizure and the owner's name and address, if known.

C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

D. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this article and further provided that the owner pays the impoundment fees established by Town Board resolution annually.

E. If, at the end of the appropriate redemption period, said dog has not been redeemed by its owner, the owner shall forfeit all title to the dog and it shall be available for adoption or be released to an authorized humane society or shelter.

F. Prior to releasing a dog to its owner or adopting out a dog, the Putnam County Humane Society shall deliver to the owner a statement of the number of days the dog has been in the shelter and the costs for any veterinary care. All fees due and owing for the shelter and veterinary care shall be paid together with the impoundment fees and any licensing fees, to the Putnam County Humane Society, who shall give a receipt to the owner at which time such dog may be released to owner. The Putnam County Humane Society shall then forward said payment to the Clerk.

(Cont.)

**§ 70-9. Prohibited activities by dogs.**  
It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort of any person other than the owner of such dog.

C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner of such property.

D. Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

E. Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

F. Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of such property.

G. If a female dog, when in heat, be off the owner's premises.

**§ 70-10. Dangerous Dogs.**  
Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York may, in the alternative, be dealt with in accordance with Article 7 of the Agriculture and Markets Law.

**§ 70-11. Penalties for offenses.**  
Any person violating any provision of this article or the Agriculture and Markets Law, including the failure to license a dog, the failure to have a dog property identified or to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs, shall be subject to a fine, which shall not be less than \$25, except that:

A. Where the person was found to have violated this article within the preceding five years, the fine shall not be less than \$50; and

B. Where the person was found to have committed two or more violations

of this article within the preceding five years, the fine shall not be less than \$100.

**SECTION 3. Severability.**  
If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4. Effective date.**  
This local law shall take effect January 1, 2011, after filing with the Secretary of state in Albany.

At said Public Hearing, all interested residents shall be heard on the subject thereof.  
By Order of the Town Board  
Ann Garris, Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:41 p.m. Twelve (12) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:42 p.m.

**PROPOSED LOCAL LAW AMENDING CHAPTER 70, ENTITLED "DOG LICENSING AND CONTROL OF THE TOWN OF CARMEL" - STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

Mr. Folchetti reviewed the following Short Environmental Assessment Form with the Town Board.

617.20  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

2a.  
Mig. T. Clerks  
cc: Town Council ✓  
cc: file ✓  
12/16 BC

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Town of Carmel, NY	2. PROJECT NAME Local Law Re "Dog Licensing and Control"
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Town wide.	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: The proposed action involves enacting a local law to regulate the licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare of the citizens of the Town of Carmel.	
7. AMOUNT OF LAND AFFECTED: Initially <u>Town wide</u> _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	

(Cont.)

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?  
 Residential  Industrial  Commercial  Agriculture  Park/Forest/Open Space  Other  
 Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?  
 Yes  No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?  
 Yes  No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?  
 Yes  No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE  
 Applicant/sponsor name: Kenneth Schmitt, Town Supervisor Date: 12/15/2010  
 Signature: *[Signature]*

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER  
1



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No nD

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No nD

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)  
 C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 nD  
 C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 nD  
 C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 nD  
 C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 nD  
 C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 nD  
 C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 nD  
 C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
 nD

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.  
 Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of Carmel 12/15/2010  
 Name of Lead Agency Date  
 Kenneth Schmitt Supervisor  
 Print the Name of Responsible Officer in Lead Agency Title of Responsible Officer  
*[Signature]* *[Signature]*  
 Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from responsible officer)



**PROPOSED LOCAL LAW AMENDING CHAPTER 70, ENTITLED "DOG LICENSING AND CONTROL OF THE TOWN OF CARMEL" - STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) - NEGATIVE DECLARATION**

**WHEREAS**, the Town Board of the Town of Carmel is considering enacting a local law to regulate the licensure licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town, and

**WHEREAS**, this local law has been developed to promote the health, safety and general welfare of the persons and property of the Town of Carmel; and

**WHEREAS**, the project is defined as an Unlisted Action; and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Part 617 of the SEQR Regulations, the Town of Carmel Town Board hereby designates its intention to serve as Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

**BE IT FURTHER RESOLVED**, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

SEQR

617.21  
Appendix F  
**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

Project Number \_\_\_\_\_

Date May 5, 2010

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Carmel, Town Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:**

A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE  
OF THE TOWN OF CARMEL, ENTITLED "DOG LICENSING AND CONTROL"

(Cont.)

**SEQR Status:**

Type I  Unlisted

**Conditioned Negative Declaration:**

Yes  No

**Description of Action:**

The proposed action involves enacting a local law to regulate licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town of Carmel, Putnam County

SEQR Negative Declaration

Page 2

**REASONS SUPPORTING THIS DETERMINATION:**

The action involves enacting a local law to regulate licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town. This local law has been prepared to protect the health, safety and welfare of the residents of the Town of Carmel.

As a result, it can be concluded that the proposed action will not result in any significant adverse environmental impacts.

**If Conditioned Negative Declaration,** provide on attachment the specific mitigation measures imposed.

**For Further Information:**

Contact Person: Kenneth Schmitt, Supervisor

Address: Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

Telephone Number: 845-628-1500

**For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:**

Commissioner, Dep't of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-0001  
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561  
Supervisor, Town of Carmel, Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

**LOCAL LAW #8 OF THE YEAR 2010 - AMENDING CHAPTER 70, ENTITLED "DOG LICENSING AND CONTROL OF THE TOWN OF CARMEL" - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED**

TOWN OF CARMEL  
LOCAL LAW #8 OF THE YEAR 2010  
A LOCAL LAW TO AMEND CHAPTER 70 OF THE CODE OF THE TOWN OF  
CARMEL RELATING TO THE LICENSING AND CONTROL OF DOGS

Be it enacted by the Town Board of the Town of Carmel, as follows:

Whereas, effective January 1, 2011, the State of New York will relinquish the responsibility of dog licensing function to local municipalities and will eliminate the Animal Population Control Fund; and

Whereas, local municipalities will now be required to adopt legislation relating to this issue; and

Whereas, the Town's current laws relating to dogs need to be updated in conformance with the change in the statute; now therefore, be it enacted by the Town Board, as follows:

Section 1. Chapter 70 of the Code of the Town of Carmel is hereby amended in its entirety to read as follows:

ARTICLE I  
Dog Licensing and Control

§ 70-1. Title.

This article shall be known and may be cited as the Dog Licensing and Control Law of the Town of Carmel, New York."

§ 70-2. Purpose.

The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town.

§ 70-3. Authority.

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended and supplemented.

§ 70-4. Definitions and word usage.

All words, terms or phrases used herein shall have the meanings indicated below or as defined in the Agriculture and Markets Law. If no specific definition is set forth, all words shall have their usual and customary meaning in the English language. Words used in the present tense include the future and the plural includes the singular. The word shall is intended to be mandatory.

CLERK – The Town Clerk of the Town of Carmel or his or her agent.

DOG – Any member of the species canis familiaris.

(Cont.)

DOG CONTROL OFFICER – Any individual appointed by the Town Board to enforcement this article.

HARBOR – To provide food or shelter to any dog.

IDENTIFICATION TAG – A tag issued by the Clerk that sets forth an identification number, as required by the provisions of this article.

OWNER – Any person who harbors or keeps any dog.

TOWN – The Town of Carmel.

§ 70-5. Dog licensing requirements, procedures and fees.

A. License application.

- (1) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective society.
- (2) Application for a dog license shall be made to the Clerk and shall be accompanied by the appropriate license fee, as specified below.
- (3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of owner, and such other information as deemed necessary by the Clerk.
- (4) In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk.
- (5) The application shall be accompanied by a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.
- (6) The Town of Carmel hereby authorizes the Putnam County Humane Society, Inc., acting by its manager, and/or any other entity which the Town of Carmel has an existing and current contract for the provision of dog shelter services properly authorized by the Town Board, to accept and grant an application for a dog license made by a resident of the Town of Carmel at the time of the adoption of a dog from such shelter. Such authorization is granted provided that such application is made in accordance with this Chapter and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk of the Town of Carmel on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.”

(Cont.)

B. License fees.

- (1) The fee for a dog license shall be established by Town Board resolution annually.
- (2) Upon submission of proper documentation, there shall be no fee charged for the license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog, as such terms are defined by the Agriculture and Markets Law.
- (3) In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay an additional fee of \$5. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the Town for any other lawful purpose.

- C. Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.
- D. The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.
- E. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance. Renewal shall be for one year.
- F. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.
- G. Purebred licenses. The Town shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated above.
- H. Any dog harbored within the Town that is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the licensing and identification provisions of article.

§ 70-6. Identification of dogs.

- A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times. A dog participating in a dog show shall be exempt from the identification requirement during such participation.
- B. The identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee established by the Town Board annually.
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

(Cont.)

- E. The identification tag shall be imprinted with the words "Town of Carmel, NY" and a unique identification number, and the telephone number of the Clerk's office.

§ 70-7. Change of ownership, lost or stolen dogs.

In accordance with the provisions of § 112 of the Agriculture and Markets Law:

- A. In the event of a change in ownership of any dog that has been assigned an identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.
- B. If any dog that has been assigned a municipal identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Clerk, either prior to renewal of license or upon the time of such renewal.

§ 70-8. Seizure and impoundment.

In accordance with §117 of the Agriculture and Markets Law:

- A. The Dog Control Officer shall seize:
  - (1) Any dog which is not licensed, whether on or off the owner's premises.
  - (2) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous
  - (3) Any dog which poses an immediate threat to the public safety.
  - (4) Any dog in violation of §70-9A through G of this article.
- B. The Dog Control Officer, when acting pursuant to his or her special duties, shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of such dog (if any), the location where seized, the reason for the seizure and the owner's name and address, if known.
- C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.
- D. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this article and further provided that the owner pays the impoundment fees established by Town Board resolution annually.
- E. If, at the end of the appropriate redemption period, said dog has not been redeemed by its owner, the owner shall forfeit all title to the dog and it shall be available for adoption or be released to an authorized humane society or shelter.

(Cont.)

- F. Prior to releasing a dog to its owner or adopting out a dog, the Putnam County Humane Society shall deliver to the owner a statement of the number of days the dog has been in the shelter and the costs for any veterinary care. All fees due and owing for the shelter and veterinary care shall be paid together with the impoundment fees and any licensing fees, to the Putnam County Humane Society, who shall give a receipt to the owner at which time such dog may be released to owner. The Putnam County Humane Society shall then forward said payment to the Clerk.

§ 70-9. Prohibited activities by dogs.

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort of any person other than the owner of such dog.
- C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner of such property.
- D. Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- E. Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
- F. Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of such property.
- G. If a female dog, when in heat, be off the owner's premises.

§ 70-10. Dangerous Dogs.

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York may, in the alternative, be dealt with in accordance with Article 7 of the Agriculture and Markets Law.

§ 70-11. Penalties for offenses.

Any person violating any provision of this article or the Agriculture and Markets Law, including the failure to license a dog, the failure to have a dog property identified or to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs, shall be subject to a fine, which shall not be less than \$25, except that:

- A. Where the person was found to have violated this article within the preceding five years, the fine shall not be less than \$50; and
- B. Where the person was found to have committed two or more violations of this article within the preceding five years, the fine shall not be less than \$100.

(Cont.)

SECTION 3. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective date.

This local law shall take effect January 1, 2011, after filing with the Secretary of State in Albany.

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**PROPOSED LOCAL LAW AMENDING CHAPTER 95 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "GARBAGE, RUBBISH AND REFUSE" - STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

Mr. Folchetti reviewed the following Short Environmental Assessment Form with the Town Board.

617.20  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

*orig: T. Clerk  
cc: T. Council  
cc: file ✓  
12/16/10*

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

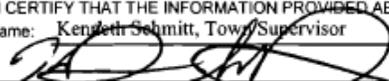
1. APPLICANT/SPONSOR Town of Carmel, NY	2. PROJECT NAME Local Law Re: Town Code Ch. 95 "Garbage, Rubbish & Refuse"
3. PROJECT LOCATION: Municipality <u>Town of Carmel</u> County <u>Putnam</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>Town Wide</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: The proposed action involves enacting a local law to regulate the licensure of persons or entities engaged in the business of collecting refuse and garbage within the Town of Carmel	
7. AMOUNT OF LAND AFFECTED: Initially <u>Town wide</u> acres    Ultimately <u>Town Wide</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	

(Cont.)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?  
 Yes  No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?  
 Yes  No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?  
 Yes  No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE  
 Applicant/sponsor name: Kenneth Schmitt, Town Supervisor Date: December 1,  
 Signature: 

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER  
1

Reset

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 ND

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 ND

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 ND

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 ND

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 ND

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 ND

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
 ND

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

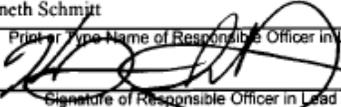
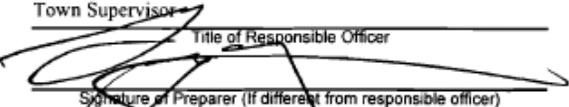
**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of Carmel December 1, 2010

Kenneth Schmitt Town Supervisor  
 Name of Lead Agency Date

   
 Signature of Responsible Officer in Lead Agency Signature of Preparer (If different from responsible officer)

Reset

**PROPOSED LOCAL LAW AMENDING CHAPTER 95 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "GARBAGE, RUBBISH AND REFUSE" - STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) - NEGATIVE DECLARATION**

WHEREAS, the Town Board of the Town of Carmel is considering enacting a local law to regulate the licensure of persons or entities engaged in the business of collecting refuse and garbage within the Town of Carmel; and

WHEREAS, this local law has been developed to promote the health, safety and general welfare of the persons and property of the Town of Carmel; and

WHEREAS, the project is defined as an Unlisted Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the SEQR Regulations, the Town of Carmel Town Board hereby designates its intention to serve as Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Resolution

Offered by: Councilman DiCarlo

Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

SEQR

617.21

Appendix F

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

Project Number \_\_\_\_\_

Date May 5, 2010

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Carmel, Town Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:**

A LOCAL LAW AMENDING CHAPTER 95 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED A GARBAGE, RUBBISH AND REFUSE.

**SEQR Status:**

Type I

Unlisted

(Cont.)

**Conditioned Negative Declaration:** Yes  No

**Description of Action:**

The proposed action involves enacting a local law to regulate the licensure of persons or entities engaged in the business of collecting refuse and garbage within the Town of Carmel

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town of Carmel, Putnam County

SEQR Negative Declaration  
Page 2

**REASONS SUPPORTING THIS DETERMINATION:**

The action involves enacting a local law to to regulate the licensure of persons or entities engaged in the business of collecting refuse and garbage within the Town of Carmel. The law will specifically impose minimum requirement and criteria for entities engaged in collecting and refuse and garbage within the Town of Carmel. This local law has been prepared to protect the health, safety and welfare of the residents of the Town of Carmel.

As a result, it can be concluded that the proposed action will not result in any significant adverse environmental impacts.

If **Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

**For Further Information:**

Contact Person: Kenneth Schmitt, Supervisor  
Address: Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541  
Telephone Number: 845-628-1500

**For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:**

Commissioner, Dep't of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-0001  
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561  
Supervisor, Town of Carmel, Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

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**PROPOSED LOCAL LAW AMENDING CHAPTER 95 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "GARBAGE, RUBBISH AND REFUSE" - DISCUSSION HELD WITH REGARD TO ESTABLISHING MONTHLY MAXIMUM RATE**

The Town Board held discussion with regard to the establishment of the monthly maximum rates for household garbage, rubbish and refuse pickup, as well as the enforcement of the Town Code with regard to garbage, rubbish and refuse pickup.

**LOCAL LAW #9 OF THE YEAR 2010 - AMENDING CHAPTER 95 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "GARBAGE, RUBBISH AND REFUSE" - DISCUSSION WITH REGARD TO ESTABLISHING RATE - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED**

A LOCAL LAW AMENDING CHAPTER 95 OF THE TOWN CODE  
OF THE TOWN OF CARMEL, ENTITLED "GARBAGE, RUBBISH AND REFUSE"

SECTION 1. Chapter 95 of the Town Code of the Town of Carmel, is hereby amended by the addition of the following subsection, designated as §95-28C and to read as follows:

- C. Every person or entity who desires to collect or engage in the business of collecting refuse and garbage within the Town of Carmel and seeks licensure pursuant to this Chapter, shall, in addition to all other requirements set forth within this Chapter, provide the following services with respect to residential refuse and garbage collection within the Town of Carmel:
- (1) Provide recyclable item pickup for items as defined in Article II of this Chapter for residential customers at a minimum interval of one (1) time per week.
  - (2) Provide Curbside Bulk Pickup for residents' households at a minimum interval of two (2) times per year, subject to the following:
    - a. Curbside Bulk Pickup applies to household items only and must be at the curb by the night before the scheduled pickup;
    - b. The Curbside Bulk Pickup requirement is limited to three (3) cubic yards per household per pickup. Any amount in excess of three (3) cubic yards per pickup shall be governed by private agreement between hauler and the property owner and/or occupant.
    - c. The following items are not included for Curbside Bulk Pickup: paint, chemicals, liquids, stumps, tree, masonry, lumber, logs, brick, used oil, batteries, stone, tires, propane tanks, construction, renovation or remodeling debris including kitchens, baths, decks and windows.
    - d. Refuse Collector shall not be responsible for Curbside Bulk Pickup of refrigerators, freezers, air conditioners, etc., unless same have been de-charged and certified by an individual or entity licensed accordingly by the State of New York.
  - (3) Provide discarded Christmas Tree pickup during the week of January 7 through January 14 each year. This provision shall not apply to artificial Christmas Trees.
  - (4) Establish and maintain its periodic and/or unit-cost rates for household pickup in accordance with and not exceeding the periodic and/or unit cost rates set by the Town Board of the Town of Carmel by resolution annually.

(Cont.)

SECTION 2. This Local Law shall take effect immediately in accordance with the law.

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**RATE ESTABLISHED UNDER CHAPTER 95 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "GARBAGE, RUBBISH AND REFUSE"**

RESOLVED that the Town Board of the Town of Carmel hereby establishes the maximum monthly rate for residential garbage, rubbish and refuse pickup at \$25.00 per month.

Resolution  
Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**AMENDED RESOLUTION RATIFYING SIDE LETTER OF AGREEMENT REGARDING RETIREMENT INCENTIVE WITH CSEA LOCAL 1000 AFSCME AFL-CIO TOWN OF CARMEL UNIT PUTNAM COUNTY LOCAL840**

RESOLVED, that the Town Board of the Town of Carmel authorizes entry into a side letter of agreement with CSEA Local 1000, AFSCME AFL-CIO Town of Carmel Unit, Putnam County Local 840 concerning the offering of a retirement incentive to a certain qualifying bargaining unit member. Such side letter is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Kenneth Schmitt, Town Supervisor is hereby authorized to execute the aforesaid agreement and any and all other necessary documentation required in connection therewith.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

(Cont.)

**SIDE LETTER OF AGREEMENT**

IT IS HEREBY AGREED by and between the Town of Carmel (hereinafter "Town"), the CSEA, Local 1000 AFSCME, AFL-CIO, Town of Carmel Unit, Putnam County Local 840 (hereinafter "CSEA") that a retirement incentive of \$10,000 shall be offered to any CSEA member who meets the following conditions:

- A. The submission of an irrevocable letter of resignation for purposes of retirement by the CSEA member with an effective resignation date of no later than December 31, 2010, to be received by the Town between the signing of this Agreement and by no later than 4:30 p.m. on December 15, 2010;
- B. Such unit member shall: (i) have completed a minimum of fifteen (15) years of full-time service in the Town; and (ii) be eligible to retire in accordance with the Employees' Retirement System.

This Agreement is subject to the approval of the Town Board.

IN WITNESS WHEREOF, this Agreement has been entered into by and between the parties:

TOWN OF CARMEL

Dated: \_\_\_\_\_

By: \_\_\_\_\_

CSEA, LOCAL 1000 AFSCME, AFL-CIO, TOWN OF CARMEL UNIT, PUTNAM COUNTY, LOCAL 840

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Dated:* \_\_\_\_\_

*By:* \_\_\_\_\_

**ASSESSMENT ROLLS FOR THE OPERATION AND MAINTENANCE OF THE IMPROVEMENTS OF THE SEWER AND WATER DISTRICTS FOR FISCAL YEAR 2011 - ADOPTED**

RESOLVED that the Town Board of the Town of Carmel hereby adopts the assessment rolls for the operation and maintenance of the improvements serving Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7 and #8 and extensions thereto as well as Carmel Water Districts #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14 and extensions thereto of said Town for fiscal year 2011 as originally prepared by the Town Assessor and filed with the Town Clerk as the final assessment rolls for the year 2011.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	_____
Frank Lombardi	<u>X</u>	_____
Suzanne McDonough	<u>X</u>	_____
Anthony DiCarlo	<u>X</u>	_____
Kenneth Schmitt	<u>X</u>	_____

**MS4 PERMIT COMPLIANCE - PROPOSAL ACCEPTED FOR CONSULTING SERVICES - INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Insite Engineering, Surveying & Landscape Architecture, P.C. for consulting services for MS4 permit compliance for the period of May 1, 2010 through December 31, 2010 at a total cost not to exceed \$6,800.00, as well as for the period of January 1, 2011 through December 31, 2011 at a total cost not to exceed \$11,000 as contained in its proposal of December 3, 2010; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form as approved by the Town Counsel, the Supervisor is authorized to sign all necessary documents to accept said proposal.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

Prior to voting, Councilman Ravallo stated that based upon his review of the services to be provided by Insite Engineering, Surveying & Landscape Architecture, P.C. and his discussion with Legal Counsel, a conflict of interest with regard to his employment with the New York City Department of Environmental Protection does not exist with regard to the proposal.

**MS4 PROGRAM NEGOTIATIONS - RICHARD WILLIAMS, SR. DESIGNATED AND AUTHORIZED TO REPRESENT THE TOWN OF CARMEL**

WHEREAS, the Town of Carmel wishes to utilize the most effective means of addressing compliance with development and implementation of a Stormwater Management Program pursuant to the New York State Department of Environmental Conservation General Permit for Stormwater Discharges, and

WHEREAS, the Town of Carmel find that it is in the best interests of the Town to explore a cooperative approach to addressing funding and compliance of the Program with the County of Putnam, Westchester municipalities, the Department of Environmental Conservation, the Department of Environmental Protection and other involved and interested agencies, and

WHEREAS, the Town of Carmel wishes to cooperate with the Town of Kent, Town of Patterson, the Putnam Valley and Town of Southeast to have a unified representation to participate in any discussions, meetings or negotiations;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel hereby designates and authorizes Richard Williams, Sr., to represent the Town of Carmel in all discussions and negotiations with the Department of Environmental Conservation, the Department of Environmental Protection and other involved and interested agencies concerning the MS4 Program; and

BE IT FURTHER RESOLVED that nothing contained in this resolution shall in any way bind or otherwise obligate the Town of Carmel to any agreement, course of action, regulations, laws or participation in a regional stormwater entity that may result from any discussion meetings or negotiations authorized hereunder, and

BE IT FURTHER RESOLVED that nothing contained herein shall be construed as granted to Richard Williams, Sr. the authority to bind or otherwise obligate the Town of Carmel any agreement, course of action, regulations, laws or participation in a regional stormwater management program, any such authority being subject to further authorizing resolution of the Town Board of the Town of Carmel.

(Cont.)

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Abstain
Frank Lombardi	<u>  X  </u>	<u>          </u>	
Suzanne McDonough	<u>  X  </u>	<u>          </u>	
Anthony DiCarlo	<u>  X  </u>	<u>          </u>	
Kenneth Schmitt	<u>  X  </u>	<u>          </u>	

**CONSENT TO THE DEDICATION OF WARING DRIVE AS A TOWN HIGHWAY - AUTHORIZED**

WHEREAS an application to dedicate Waring Drive in the Michaels Glen Subdivision to the Town of Carmel, together with a Dedication and Release has been filed by PUTNAM COUNTY BUILDERS, INC., and

WHEREAS the Town Highway Superintendent and the Town Engineering Department have recommended that the road be accepted for dedication,

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, that the Town Board of the Town of Carmel hereby consents to the dedication of Waring Drive in the Michaels Glen Subdivision and hereby authorizes the Town Highway Superintendent to sign an Order Laying Out said Waring Drive as a Town Highway upon being advised by the Town Counsel that all necessary documents required in connection with said dedication have been received; and

BE IT FURTHER RESOLVED that, upon the recommendation of the Highway Superintendent and the Town Engineering Consultant, the posting of a maintenance bond for said road is hereby waived since the top course of pavement has been in place for over one year.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>  X  </u>	<u>          </u>
Frank Lombardi	<u>  X  </u>	<u>          </u>
Suzanne McDonough	<u>  X  </u>	<u>          </u>
Anthony DiCarlo	<u>  X  </u>	<u>          </u>
Kenneth Schmitt	<u>  X  </u>	<u>          </u>

**BUDGET MODIFICATIONS - #2010-11 - AUTHORIZED**

WHEREAS the Deputy Comptroller has reviewed the November 2010 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2010-11;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the November 2010 Budget Modifications/Revisions itemized on Schedule #2010-11 which are attached to this resolution, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Ravallo

(Cont.)

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

12/8/10 #9  
12/15/10

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
2010-11-01	100-1989-3089	STATE AID - CRIMINAL JUSTICE COURT	*	12,489.00
	100-1110-0020	JUSTICE COURT EQUIPMENT	X	12,489.00
		- PROVIDE FOR EQUIPMENT PURCHASE UNDER JCAP GRANT		
2010-11-02	100-1110-0045	JUSTICE COURT TICKET SERVICE		1,000.00
	100-1110-0044	JUSTICE COURT RECORDING EXPENSE		1,000.00
		- TRANSFER FOR JUSTICE COURT TICKET EXPENSE		
2010-11-03	100-1340-0040	BUDGET CONTRACTUAL EXPENSE		150.00
	100-1315-0040	COMPTROLLERS CONTRACTUAL EXPENSE		150.00
		- TRANSFER FOR ANNUAL BUDGET PRINTING EXPENSE		
2010-11-04	100-1410-0019	TOWN CLERK OTHER COMP		10,000.00
	100-1610-0019	CENTRAL SERVICES OTHER COMP		10,000.00
	100-3120-0019	POLICE NON-UNIFORM OTHER COMP		10,000.00
	100-8010-0019	ZONING BOARD OTHER COMP		5,000.00
	100-8020-0019	PLANNING BOARD OTHER COMP		5,000.00
	100-1010-0016	TOWN BOARD COMPENSATION RESERVE		26,000.00
	100-1410-0011	TOWN CLERK OTHER COMP		3,500.00
	100-1610-0011	CENTRAL SERVICES STAFF		3,500.00
	100-3120-0010	POLICE NON-UNIFORM STAFF		3,500.00
	100-8010-0010	ZONING BOARD STAFF		1,750.00
	100-8020-0010	PLANNING BOARD STAFF		1,750.00
		- TRANSFER FOR RETIREMENT INCENTIVE PAYOUT		
2010-11-05	100-1410-0019	TOWN CLERK OTHER COMP		7,053.00
	100-1610-0019	CENTRAL SERVICES OTHER COMP		22,641.00
	100-3120-0019	POLICE NON-UNIFORM OTHER COMP		10,896.00
	100-8010-0019	ZONING BOARD OTHER COMP		16,814.00
	100-8020-0019	PLANNING BOARD OTHER COMP		16,814.00
	100-1989-9877	RESERVE FOR COMPENSATED ABSENCES	*	74,218.00
		- PROVIDE FOR RETIREMENT SICK/VACATION PAYOUTS		
2010-11-06	100-1420-0041	LITIGATION LEGAL SERVICES		1,000.00
	100-1420-0042	JUSTICE CORT PROSECUTION LEGAL SERVICES		2,000.00
	100-1420-0043	SPECIAL DISTRICT LEGAL SERVICES		3,000.00
	100-1420-0044	LABOR LEGAL SERVICES		1,000.00
	100-1420-0046	BOND LEGAL COUNSEL		2,000.00
	100-1420-0048	DEFENSE LEGAL SERVICES		5,000.00
		- TRANSFER FOR LEGAL SERVICES		
2010-11-07	100-1610-0040	CENTRAL SERVICES CONTRACTUAL EXPENSE		500.00
	100-1610-0012	CENTRAL SERVICES OVERTIME EXPENSE		500.00
		-TRANSFER FOR PAYROLL SERVICES EXPENSE		
2010-11-08	100-1620-0043	BLDG ALARM SECURITY EXPENSE		44.00
	100-1620-0042	BUILDING UTILITY EXPENSE		44.00
		- TRANSFER FOR INCREASE IN ALARM SECURITY EXPENSE		
2010-11-09	100-1930-0040	CERTORIARI SETTLEMENT EXPENSE		35,482.00
	100-1989-9876	RESERVE FOR CERTORIARI SETTLEMENTS	*	35,482.00
		- PROVIDE FOR CERTIORARI SETTLEMENTS		
2010-11-10	100-3120-0012	POLICE OVERTIME EXPENSE		30,000.00
	100-1989-3391	STATE AID - POLICE SPECIAL	*	23,400.00
	100-3120-0084	POLICE HEALTH INSURANCE BENEFIT EXPENSE		6,600.00
		- PROVIDE/TRANSFER FOR OVERTIME EXPENSE		

(Cont.)

TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
2010-11-11	100-3120-0029	POLICE SPECIAL EQUIPMENT GRANTS	145,000.00	
	100-1989-4322	FEDERAL AID - POLICE TECHNOLOGY	*	145,000.00
		- PROVIDE FOR EQUIPMENT PURCHASE TECH GRANT		
2010-11-12	100-3120-0049	POLICE UNIFORM CLEANING EXPENSE	1,000.00	
	100-3120-0042	POLICE UTILITY EXPENSE		1,000.00
		- TRANSFER FOR POLICE UNIFORM CLEANING EXPENSES		
2010-11-13	100-3121-0020	LAKE PATROL EQUIPMENT	590.00	
	100-3121-0084	LAKE PATROL EMPLOYEE BENEFITS		500.00
	100-3123-0040	COMMUNITY POLICE EXPENSES		90.00
		- TRANSFER FOR LAKE PATROL EQUIPMENT		
2010-11-14	100-3124-0012	K-9 UNIT OVERTIME EXPENSE	300.00	
	100-3123-0040	COMMUNITY POLICE EXPENSES		300.00
		- TRANSFER FOR K-9 UNIT OVERTIME EXPENSE		
2010-11-15	100-3310-0012	SIGN CONTROL OVERTIME	600.00	
	100-3310-0084	SIGN CONTROL HEALTH INSURANCE COST		600.00
		- TRANSFER FOR SIGN CONTROL OVERTIME		
2010-11-16	100-5132-0044	HIGHWAY GARAGE PROPERTY LEASE EXPENSE	340.00	
	100-5132-0041	HIGHWAY GARAGE HEATING EXPENSE		340.00
		- TRANSFER FOR PROPERTY LEASE EXPENSE		
2010-11-17	100-7113-0045	CHAMBER PARK MAINTENANCE CONTRACT	288.00	
	100-7115-0040	AIRPORT PARK CONTRACTUAL EXPENSE	32.00	
	100-7111-0040	SYCAMORE PARK CONTRACTUAL EXPENSE		300.00
		- TRANSFER FOR MISC PARK MAINTENANCE/REPAIRS		
2010-11-18	100-7310-0045	SELF SUSTAINING PROGRAM EXPENSE	2,000.00	
	100-7310-0013	SELF SUSTAINING PROGRAM STAFF EXPENSE		2,000.00
		- TRANSFER FOR SELF SUSTAIN EXPENSE		
2010-11-19	100-8010-0080	ZONING BOARD EMPLOYEE BENEFITS	550.00	
	100-8020-0080	PLANNING BOARD EMPLOYEE BENEFITS	525.00	
	100-8020-0013	PLANNING BOARD TEMPORARY STAFF		1,075.00
		-TRANSFER FOR EMPLOYEE BENEFIT COST		
2010-11-20	100-8020-0044	PLANNING SPECIAL SERVICES	5,537.50	
	100-1989-2117	PLANNING ESCROW FEES	*	5,537.50
		- PROVIDE FOR SPECIAL SERVICES		
2010-11-21	100-9902-0000	TRANSFER TO HIGHWAY	200,000.00	
	100-1989-9909	APPROPRIATED FUND BALANCE	*	200,000.00
		- PROVIDE FOR SNOW RESERVE		
<b>HIGHWAY FUND</b>				
2010-11-22	500-5010-2300	SERVICES OTHER GOVTS	*	5,000.00
	500-5010-2401	INTEREST EARNINGS	*	3,000.00
	500-5010-2402	RESERVE INTEREST EARNINGS	*	1,000.00
	500-5010-2681	INSURANCE RECOVERY ASSETS	*	2,000.00
	500-5010-2701	REFUND PRIOR YEAR EXPENSE	*	2,000.00
	500-5010-2770	OTHER REVENUES	*	2,000.00
	500-5010-2680	INSURANCE RECOVERY PAYROLL	*	15,000.00
		- REVISE BUDGET SOURCES		
2010-11-23	500-5112-0012	CHIPS OVERTIME EXPENSE	331.00	
	500-5112-0020	CHIPS CONTRACTUAL EXPENSE		331.00
		- TRANSFER FOR CHIPS OVERTIME EXPENSE		

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TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
2010-11-24	500-5130-0020	MACHINERY REPAIR EQUIPMENT	61.00	
	500-5130-0040	MACHINERY REPAIR EXPENSES	9,939.00	
	500-5110-0084	GENERAL REPAIR HEALTH INSURANCE EXPENSE		10,000.00
		- TRANSFER FOR MACHINERY REPAIR EXPENSE		

(Cont.)

2010-11-25	500-5140-0012	WEEDS & BRUSH OVERTIME		500.00	
	500-5130-0012	MACHINERY REPAIR OVERTIME			500.00
		- TRANSFER FOR OVERTIME EXPENSE			
2010-11-28	500-5142-0012	SNOW OVERTIME EXPENSE	X	50,000.00	
	500-9999-0099	SNOW RESERVE FUND	X	200,000.00	
	500-9999-0099	SNOW RESERVE FUND	X		50,000.00
	500-5010-5031	TRANSFER FROM GENERAL FUND	*	200,000.00	
		- PROVIDE FOR SNOW OVERTIME/REMOVAL COSTS			
<b>CARMEL AMBULANCE DISTRICT</b>					
2010-11-27	201-4540-0048	OTHER EXPENDITURES		1,437.00	
	201-9025-0040	LOSAP ADMIN EXPENSE			1,437.00
		- TRANSFER FOR CERTIORARI SETTLEMENT			
<b>CARMEL FIRE PROTECTION DIST #1</b>					
2010-11-28	301-3410-0048	OTHER EXPENDITURES		120.00	
	301-9025-0040	LOSAP ADMIN EXPENSE			120.00
		- TRANSFER FOR CERTIORARI SETTLEMENT			
<b>CARMEL FIRE PROTECTION DIST #2</b>					
2010-11-29	302-3410-0048	OTHER EXPENDITURES		1,420.00	
	302-3410-9909	APPROPRIATED FUND BALANCE	*	1,420.00	
		- PROVIDE FOR CERTIORARI SETTLEMENT			
<b>CARMEL FIRE PROTECTION DIST #3</b>					
2010-11-30	303-3410-0048	OTHER EXPENDITURES		6,824.00	
	303-3410-0099	WORKERS COMP INSURANCE			6,824.00
		- TRANSFER FOR CERTIORARI SETTLEMENT			
<b>LAKE CASSE PARK DISTRICT</b>					
2010-11-31	401-7140-2701	REFUND PRIOR YEAR EXPENSE	*	700.00	
	401-7140-2030	FACILITY RENTAL FEES	*		700.00
		- REVISE BUDGET SOURCES			
<b>LAKE MAHOPAC PARK DISTRICT</b>					
2010-11-32	402-7110-0099	REPAIR RESERVE FUND		7,000.00	
	402-7110-0044	ENGINEERING SERVICES			7,000.00
		- REVISE BUDGET USES			
2010-11-33	402-7110-0045	LAKE MAINTENANCE CONTRACT		340.00	
	402-7110-0040	CONTRACTUAL EXPENSES			340.00
		- TRANSFER FOR NEWSLETTER PRINTING EXPENSES			
<b>LAKE SECOR PARK DISTRICT</b>					
2010-11-34	404-7140-2701	REFUND PRIOR YEAR EXPENSE	*	300.00	
	404-7140-2401	INTEREST EARNINGS	*		300.00
		- REVISE BUDGET SOURCES			

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TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #1</b>					
2010-11-35	601-8310-2148	INTEREST & PENALTIES	*		5,000.00
	601-8310-0099	REPAIR RESERVE FUND			5,000.00
		- REVISE BUDGET SOURCES & USES			
<b>CARMEL WATER DISTRICT #2</b>					
2010-11-36	602-8310-2770	OTHER REVENUES	*		4,000.00
	602-8310-2148	INTEREST & PENALTIES	*	4,000.00	
		- REVISE BUDGET SOURCES			
2010-11-37	602-9901-0000	TRANSFER TO DEBT FUND	X	20,000.00	
	602-8310-2140	METERED WATER RENTS	*	20,000.00	
		- PROVIDE FOR TRANSFER BALANCE WITH DEBT FUND			

(Cont.)

2010-11-38	602-8310-0020	EQUIPMENT		1,700.00	
	602-8310-0047	EMERGENCY REPAIRS		8,300.00	
	602-8310-0042	UTILITY EXPENSE			10,000.00
		- TRANSFER FOR EQUIPMENT/EMERGENCY REPAIRS			
<b>CARMEL WATER DISTRICT #3</b>					
2010-11-39	603-8310-2148	INTEREST & PENALTIES	*	775.00	
	603-8310-1081	MONEY IN LIEU OF TAXES	*		775.00
		- REVISE BUDGET SOURCES			
2010-11-40	603-8310-0020	EQUIPMENT		1,300.00	
	603-8310-0047	EMERGENCY REPAIRS		5,400.00	
	603-8310-0048	OTHER OPERATING EXPENSES		300.00	
	603-8310-0042	UTILITY EXPENSES			7,000.00
		- TRANSFER FOR MISC & EMERGENCY REPAIRS			
<b>CARMEL WATER DISTRICT #4</b>					
2010-11-41	604-8310-2148	INTEREST & PENALTIES	*	860.00	
	604-8310-1081	MONEY IN LIEU OF TAXES	*		860.00
		- REVISE BUDGET SOURCES			
2010-11-42	604-8310-0047	EMERGENCY REPAIRS		2,000.00	
	604-8310-0040	CONTRACTUAL REPAIR EXPENSES			2,000.00
		- TRANSFER FOR EMERGENCY REPAIRS			
<b>CARMEL WATER DISTRICT #5</b>					
2010-11-43	605-8310-0047	EMERGENCY REPAIRS		1,000.00	
	605-8310-0040	CONTRACTUAL REPAIR EXPENSES			1,000.00
		- TRANSFER FOR EMERGENCY REPAIRS			
<b>CARMEL WATER DISTRICT #6</b>					
2010-11-44	606-8310-0047	EMERGENCY REPAIRS		3,000.00	
	606-8310-0040	CONTRACTUAL REPAIR EXPENSES			3,000.00
		- TRANSFER FOR EMERGENCY REPAIRS			
<b>CARMEL WATER DISTRICT #7</b>					
2010-11-45	607-8310-2701	REFUND PRIOR YEAR EXPENSE	*	1,500.00	
	607-8310-2140	METERED RENTS	*		1,500.00
		- REVISE BUDGET SOURCES			

TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #8</b>					
2010-11-46	608-8310-1081	MONEY IN LIEU OF TAXES	*	5,953.00	
	608-8310-2140	METERED WATER RENTS	*		5,953.00
		- REVISE BUDGET SOURCES			
2010-11-47	608-8310-2401	INTEREST EARNINGS	*	4,000.00	
	608-8310-9909	APPROPRIATED FUND BALANCE	*		4,000.00
		- REVISE BUDGET SOURCES			
2010-11-48	608-8310-0047	EMERGENCY REPAIRS		3,215.00	
	608-8310-9909	APPROPRIATED FUND BALANCE	*	3,215.00	
		- PROVIDE FOR PAYMENT OF 2009 INVOICES			
2010-11-49	608-8310-0020	EQUIPMENT		500.00	
	608-8310-0040	CONTRACTUAL REPAIRS		500.00	
	608-8310-0042	UTILITY EXPENSE			1,000.00
		- TRANSFER FOR EQUIPMENT METER PURCHASE			
2010-11-50	608-8310-0047	EMERGENCY REPAIRS		10,000.00	
	608-8310-9909	APPROPRIATED FUND BALANCE	*	10,000.00	
		- PROVIDE FOR EMERGENCY REPAIRS			

(Cont.)

<b>CARMEL WATER DISTRICT #9</b>				
2010-11-51	609-8310-0020	EQUIPMENT		900.00
	609-8310-0042	UTILITY EXPENSE		900.00
		- TRANSFER FOR EQUIPMENT METER PURCHASE		
2010-11-52	609-8310-0047	EMERGENCY REPAIRS		500.00
	609-8310-0040	CONTRACTUAL REPAIRS		500.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #10</b>				
2010-11-53	610-8310-0047	EMERGENCY REPAIRS		5,000.00
	610-8310-0099	REPAIR RESERVE FUND		5,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #12</b>				
2010-11-54	612-8310-1081	MONEY IN LIEU OF TAXES	*	465.00
	612-8310-2140	WATER RENTS	*	465.00
		- REVISE BUDGET SOURCES		
2010-11-55	612-8310-0046	PURCHASE OF WATER		1,750.00
	612-8310-0047	EMERGENCY REPAIRS		5,250.00
	612-8310-0042	UTILITY EXPENSES		7,000.00
		- TRANSFER FOR PURCHASE OF WATER/EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #13</b>				
2010-11-56	613-8310-1081	MONEY IN LIEU OF TAXES	*	1,650.00
	613-8310-2148	INTEREST & PENALTIES	*	650.00
	613-8310-9909	APPROPRIATED FUND BALANCE	*	1,000.00
		- REVISE BUDGET SOURCES		

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TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #14</b>					
2010-11-57	614-8310-2140	METERED WATER RENTS	*	6,000.00	
	614-8310-2148	INTEREST & PENALTIES	*	1,000.00	
	614-8310-9909	APPROPRIATED FUND BALANCE	*		7,000.00
		- REVISE BUDGET SOURCES			
<b>CARMEL WATER DISTRICT #2 EXT</b>					
2010-11-58	622-8310-1081	MONEY IN LIEU OF TAXES	*	3,600.00	
	622-8310-2140	METERED WATER RENTS	*		3,000.00
	622-8310-2401	INTEREST EARNINGS	*		600.00
		- REVISE BUDGET SOURCES			
<b>CARMEL SEWER DISTRICT #1</b>					
2010-11-59	701-8130-0040	CONTRACTUAL REPAIR EXPENSES		1,000.00	
	701-8130-0044	ENGINEERING SERVICES			1,000.00
		- TRANSFER FOR MISCELLANEOUS EXPENSES			
<b>CARMEL SEWER DISTRICT #2</b>					
2010-11-60	702-8130-1081	MONEY IN LIEU OF TAXES	*	351.00	
	702-8130-2401	INTEREST EARNINGS	*		351.00
	702-8130-2681	INSURANCE RECOVERIES	*	3,000.00	
	702-8130-2590	DUMPING FEES	*		1,000.00
	702-8130-2402	RESERVE INTEREST	*		2,000.00
		- REVISE BUDGET SOURCES			
<b>CARMEL SEWER DISTRICT #3</b>					
2010-11-61	703-8130-1081	MONEY IN LIEU OF TAXES	*	34.00	
	703-8130-2401	INTEREST EARNINGS	*		34.00
		- REVISE BUDGET SOURCES			

(Cont.)

<b>CARMEL SEWER DISTRICT #4</b>				
2010-11-62	704-8130-2122	SEWER CHARGES	*	250.00
	704-8130-2401	INTEREST EARNINGS	*	250.00
		- REVISE BUDGET SOURCES		
<b>CARMEL SEWER DISTRICT #6</b>				
2010-11-63	706-8130-1081	MONEY IN LIEU OF TAXES	*	156.00
	706-8130-2701	REFUND PRIOR YEAR EXPENSE	*	250.00
	706-8130-2401	INTEREST EARNINGS	*	156.00
	706-8130-2122	SEWER CHARGES	*	250.00
		- REVISE BUDGET SOURCES		
<b>CARMEL SEWER DISTRICT #7</b>				
2010-11-64	707-8130-2701	REFUND PRIOR YEAR EXPENSE	*	1,000.00
	707-8130-2401	INTEREST EARNINGS	*	700.00
	707-8130-2402	RESERVE INTEREST EARNINGS	*	300.00
		- REVISE BUDGET SOURCES		

BudgetRevisions2010-11

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TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL SEWER DISTRICT #8</b>					
2010-11-65	708-9901-0099	TRANSFER TO CSD #2 O&M FUND		10,334.00	
	708-8130-9909	APPROPRIATED FUND BALANCE	*	10,334.00	
		- PROVIDE FOR TRANSFER RECONCILIATION			
<b>CARMEL SEWER DISTRICT #1, EXT 3</b>					
2010-11-66	713-8130-1081	MONEY IN LIEU OF TAXES	*	127.00	
	713-8130-2401	INTEREST EARNINGS	*		127.00
		- REVISE BUDGET SOURCES			
<b>GENERAL DEBT FUND</b>					
2010-11-67	810-1989-2402	RESERVE INTEREST EARNINGS CAPITAL FUND	*	400.00	
	810-1989-2401	INTEREST EARNINGS	*		400.00
		- REVISE BUDGET SOURCES			
<b>CWD #2 DEBT FUND</b>					
2010-11-68	862-8310-2401	INTEREST EARNINGS	*	300.00	
	862-8310-9909	APPROPRIATED FUND BALANCE	*		300.00
		- REVISE BUDGET SOURCES			
<b>CSD #3 DEBT FUND</b>					
2010-11-69	873-8130-1081	MONEY IN LIEU OF TAXES	*	130.00	
	873-8130-2401	INTEREST EARNINGS	*		30.00
	873-9901-0000	TRANSFER TO O & M FUND		100.00	
		- REVISE BUDGET SOURCES & USES			
<b>CSD #6 DEBT FUND</b>					
2010-11-70	878-8130-1081	MONEY IN LIEU OF TAXES	*	14.00	
	878-8130-2401	INTEREST EARNINGS	*		14.00
		- REVISE BUDGET SOURCES			
<b>CSD #8 DEBT FUND</b>					
2010-11-71	878-8130-1081	MONEY IN LIEU OF TAXES	*	27,700.00	
	878-8130-2401	INTEREST EARNINGS	*	300.00	
	878-8130-9909	APPROPRIATED FUND BALANCE	*		30,000.00
		- REVISE BUDGET SOURCES			
<b>CSD #1, EXT 3 DEBT FUND</b>					
2010-11-72	881-8130-2401	INTEREST EARNINGS	*	320.00	
	881-8130-1081	MONEY IN LIEU OF TAXES	*		320.00
		- REVISE BUDGET SOURCES			

(Cont.)

CSD #1, EXT 3 DEBT FUND			
2010-11-73	882-8130-2401	INTEREST EARNINGS	1,196.00
	882-8130-1081	MONEY IN LIEU OF TAXES	1,196.00
		- REVISE BUDGET SOURCES	

BudgetRevisions2010-11

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TOWN OF CARMEL  
BUDGET REVISIONS FOR NOVEMBER 2010  
#2010-11

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>HIGHWAY RESURFACING CAPITAL FUND</b>				
2010-11-74	950-5112-0048	OTHER PROJECT EXPENDITURE	1,000.00	
	950-5112-0045	CONTRACTED PAVING SERVICES		1,000.00
		- TRANSFER FOR BAN CLOSING EXPENSES		
<b>HIGHWAY MACHINERY CAPITAL FUND</b>				
2010-11-75	951-5130-0048	OTHER PROJECT EXPENDITURE	2,000.00	
	951-5130-0024	PURCHASE OF MACHINERY		2,000.00
		- TRANSFER FOR BAN CLOSING EXPENSES		
<b>CARMEL SEWER DISTRICT #4 CAPITAL FUND</b>				
2010-11-76	974-8130-0144	UPGRADE ENGINEERING COSTS	15,341.00	
	974-8130-3990	STATE AID	15,341.00	
		- RECORD CHANGE ORDER APPROVED		
<b>CARMEL WATER DISTRICT #14 CAPITAL FUND</b>				
2010-11-77	984-8310-0048	OTHER PROJECT EXPENDITURE	250.00	
	984-8310-0040	CONTRACTUAL EXPENDITURES		250.00
		- TRANSFER FOR BAN CLOSING EXPENSES		

BudgetRevisions2010-11

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**CIRCULATION OF REQUEST FOR PROPOSALS FOR INVESTMENT SERVICES  
TOWN OF CARMEL FIRE PROTECTION DISTRICTS SERVICE AWARD  
PROGRAMS - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Maryann Maxwell, Deputy Comptroller, to request proposals for investment services for the Town of Carmel's fire protection districts service award programs.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

Thomas Carey, Financial Consultant explained that the Deputy Comptroller will not be requesting proposals for investment services for the Town of Carmel's ambulance districts service award programs because they are administered by New York State.

**FISCAL AND BUDGET MANAGEMENT POLICIES AND GUIDELINES - AMENDED AND ADOPTED**

Resolved that upon the recommendation of Deputy Comptroller MaryAnn Maxwell and Financial Consultant Thomas Carey, the Town Board of the Town of Carmel hereby adopts the amended Fiscal and Budget Management Policies and Guidelines for the Town of Carmel in form and content as attached hereto and made a part hereof.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>_____</u>
Frank Lombardi	<u>X</u>	<u>_____</u>
Suzanne McDonough	<u>X</u>	<u>_____</u>
Anthony DiCarlo	<u>X</u>	<u>_____</u>
Kenneth Schmitt	<u>X</u>	<u>_____</u>

**TOWN OF CARMEL FISCAL AND BUDGET MANAGEMENT POLICIES AND GUIDELINES**

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**TOWN OF CARMEL FISCAL AND BUDGET MANAGEMENT POLICIES AND GUIDELINES**

**I. BUDGET POLICY STATEMENT**

The Town of Carmel Budget is prepared, presented and administered by the Chief Fiscal Executive Officer (Town Supervisor), assisted by the Town Comptroller's Office, and Other Departments. The Budget shall be a resource-allocation policy document. The Town Council shall focus its attention on the budget policy issues and shall give continual scrutiny to the long-term fiscal matters as follows:

(Cont.)

- |                                  |                                       |
|----------------------------------|---------------------------------------|
| -Real Property Taxes             | -Operating Efficiency & Effectiveness |
| -Funding Priorities              | -Organization Structure & Staffing    |
| -Government Fund Balances        | -Budget Problems & Solutions          |
| -Government Functions & Services | -Capital Projects and Programs        |

**II. PUBLIC INVOLVEMENT, COMMUNICATION AND PRESENTATION**

Opportunities are provided for public discussion on the Budget during the Town Council's review, and at the preliminary budget public hearing. The Chief Fiscal Officer, or Budget Officer, may encourage/request discretionary public involvement during preparation of the tentative budget. Department Managers will be interviewed as needed during the budget process by the Town Supervisor and Town Council.

The Budget shall be presented so that it allows public study, and effective communication on key economic issues and fiscal policies of the Town of Carmel. Revenue source estimates and the expenditure appropriations shall be documented. Concise summaries of significant revenue, expenditures and statistical tax information shall be prepared to assist the public. Charts, graphs, schedules, summaries and a budget message shall be included in the preliminary and final adopted budget documents.

**III. BUDGET MANAGEMENT AND REPORTING**

Budget Management shall consist of quarterly reports to the Chief Fiscal Officer and the Town Board by the Town Comptroller's Office demonstrating budgetary compliance. Actual performance versus budgeted activity shall be monitored by the Comptroller's Office with budget deviations reported to the Town Board and Town Supervisor by the Town Comptroller. Changing financial operations or unforeseen economic developments shall require budget restraints or corrective action through monthly budgetary modifications/revisions.

Periodic reports may be provided by the Town Comptroller's Office, which shall depict the exceptions to the adopted budget, along with sufficient narrative explanations for the Town Board to make informed judgments. A mid-year formal budget review shall be conducted annually by the Town Comptroller's Office with the Town Board.

In the event a budget revenue shortfall develops in any of the Government funds, the Town Comptroller's Office shall advise the Town Board who shall reduce related expenditure appropriations to avoid a deficit. An increase in the use/designation of fund balances may only be made in an extreme emergency and preferably only for capital expenditure.

**IV. TOWN PERSONNEL/STAFFING**

Appropriations for regular full-time employees compensation will be adjusted annually in accordance with labor agreement or contract terms.

Overtime appropriations provided in the Police, Highway, Justice, Comptroller, Building and Engineering Departments shall be conservative. Every effort should be made to maintain the overtime costs within the appropriation levels. Estimated overtime expenditure schedules should be prepared by departments so the actual overtime does not exceed the budgeted overtime appropriations.

\*All staff vacancies shall be filled only after careful evaluation and approval of the Town Board. A documented written request to fill a vacant staff position shall be submitted to the Supervisor and Town Board.

Departments must forward requests to the Supervisor and Town Board for special Part-time and/or Temporary Staffing appropriations. The part-time temporary labor appropriations are the maximum amounts and shall be managed by each department to fulfill their operating needs.

**V. EQUIPMENT AND CAPITAL OUTLAY**

Appropriations provided in the budget for the purchase of new equipment in the Recreation, Police and Highway Departments shall be conservative and expended only if necessary. Management requests for new furniture and office equipment must be forwarded in writing to the Town Board for approval before the purchase order is issued. Every effort should be made to utilize existing office equipment by transferring unused assets from one office to another, with notification to the Comptroller's Office.

Town vehicles shall be use for business purposes only and shall not be taken home or out of Town. Personal vehicle use will be considered compensation and will be reported as income under the IRS Guidelines. Additions to the vehicle fleets and equipment lease/contracts shall be approved by the Town Board before expenditure.

(Cont.)

VI. CONTRACTUAL EXPENDITURES

Contractual appropriations should include only recurring expenditures for normal government operations. Unanticipated purchases or requests for contractual services should be referred to the Town Board for approval before expenditure. All contractual expenditure appropriations are controllable by each department head and shall be scrutinized carefully for non-essential items, especially with regard to ordering office supplies.

Appropriations may be provided for annual staff training and/or conferences. All requests for attendance must be forwarded to, and approved by, the Town Board before expenditure.

VII. LONG-TERM FISCAL STRATEGY

The annual operating budget shall be developed with a sharp focus on the long-term solvency of the Town of Carmel. Long-term financial commitments to continuing capital outlays shall be avoided unless sustained revenue growth is assured. Only recurring revenues and resources shall be used to finance continuing operations.

\*The Town Board shall be concerned about the bond-rating agencies' and the investors' ratings of the Town of Carmel's long-term financial structure. Poor long-term financial operating shall be avoided because it ultimately reduces funds available for recurring operations and services.

VIII. GOVERNMENT FUND EQUITY BALANCES/RESERVES

Government Operating Fund Equity Balances and Reserves (Differences between assets and liabilities of a governmental fund) shall be maintained at levels sufficient to absorb unpredictable revenue shortfalls, and to insure desired cash flows and balances. Real annual operating surpluses (excess of revenues over expenditures for year) may be appropriated for use in the subsequent year, however, the funds must be committed to capital needs before operating purposes. The Undesignated Fund Equity will provide sufficient cash balances to avoid undesirable borrowing and needed investment income.

The Town of Carmel shall attempt to maintain the Undesignated Unreserved Fund Equity Balances in the governmental funds as follows:

<u>Governmental Fund Type</u>	<u>Undesignated Fund Equity</u>	
	<u>Minimum</u> *	<u>Maximum</u> *
General Fund	5%	10%
Highway Fund	3	10
Ambulance & Fire Protection Districts	0	1
Park Districts	3	5
Water & Sewer Districts	3	10
Lighting Districts	0	3
Debt Service Funds	2	5

\*The minimum/maximum percentages are expressed as a percent of each government fund total annual operating budget revenues and sources, excluding non-recurring items.

To ensure the adequacy of government fund special reserve balances, it shall be the policy of the Town to make additions when available to the Capital Repair Reserve Fund Balances annually and appropriate use of these funds only for emergencies and special repairs.

IX. OPERATING REVENUES

Revenue estimated in the budget shall be based on reasonable expectations. Unless fund balances are available to absorb revenue shortfalls, revenue estimates shall be conservative and based on sound financial analysis. Inflating revenue estimates shall be avoided. It shall be the practice of the Town of Carmel to finance recurring operating expenditures with matching revenue sources. Documentation or explanations of the revenue sources shall be provided in the budget file where practical. In the event of budget revenue shortfalls, expenditure appropriations shall be reduced.

(Cont.)

**X. GENERAL GOVERNMENT SUPPORT SERVICES TO SPECIAL DISTRICTS**

The General Town Fund, Engineering, Legal, Insurance, and Audit services costs shall be charged directly to the Special District Funds based upon the prorated percentage of each district budget costs.

The remaining other General Government Support Unit Costs (Administration, Finance, Tax Collection, Assessment etc.) shall be charged annually to the special districts based on a percentage of the districts budget consolidated costs as follows:

<u>Government Funds</u>	<u>Charge</u>
Water Special Districts	9% of Net Budget
Sewer Special Districts	7% of Net Budget
Park Special Districts	6% of Net Budget
Lighting Special Districts	3% of Net Budget
Fire & Ambulance Special Districts	3/4% of Net Budget
Capital Project Funds	1% of Annual Project Costs at year end
Debt Service Funds	1% to Operating Fund

Mr. Carey explained that the Town of Carmel originally adopted the Fiscal and Budget Management Policies and Guidelines in 1999 and they are periodically reviewed to keep up with the current economic conditions.

**ENCUMBRANCES OF 2010 FUNDS FOR EXPENDITURES IN 2011 - AUTHORIZED**

WHEREAS, it is recommended by the Town Comptroller's Office that 2010 Government Budget Funds be encumbered or reserved for the 2011 Budget Appropriations, based on recent approved Town Board Resolutions and/or specific projects in progress for various purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel authorizes the Town Comptroller's Office to Encumber or Reserve unexpended 2010 Government Fund monies for expenditures in fiscal year 2011 as follows:

<u>Purpose of Encumbrance</u>	<u>Accounts</u>	<u>Maximum</u>	<u>Explanation and/or Comments</u>
<u>General Fund</u>			
Empire Zone Study	100-1010-0040	\$ 686.24	Consulting Contract Balance 12/31/10
Mount Hope Traffic Study	100-1010-0040	2,744.19	Consulting Contract Balance 12/31/10
MS 4 Permit Consulting	100-1010-0046	11,000.00	Consulting Contract Balance 12/31/10
MS4 Grant Expenditures	100-1010-0046	63,000.00	Grant Award Authorization
Putnam County Soil/Water District	100-1010-0046	3,200.00	MS4 Coordinating Committee Agreement 12/31/09
Justice Court Special Improvements	100-1110-0020	1,833.11	Court Room Security Improvements (Bal.) 12/10
Police Department Software	100-3120-0029	15,647.00	Admit Comp Serv - Balance Due 70% of final cost
Emergency Generator Connection	100-5132-0020	20,000.00	Highway Bldg - Generator Connection est.
<b>Total General Fund Encumbrances</b>		<b><u>\$ 118,110.54</u></b>	
<u>Special Districts</u>			
Mahopac Falls Fire Dept	301-3410-0020	\$ 15,000.00	Dry Hydrant Installation Estimate
Lake Casse Park District	401-7140-0054	10,000.00	Dam Evaluation - Task 2 Balance
Carmel Sewer District #4	704-8130-0044	6,550.00	Extraneous Flow Study Phase II Balance

Resolution

Offered by: Councilman Lombardi  
 Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	X	_____
Frank Lombardi	X	_____
Suzanne McDonough	X	_____
Anthony DiCarlo	X	_____
Kenneth Schmitt	X	_____

**ADVANCEMENT OF GOVERNMENT FUND MONIES AS TEMPORARY LOANS TO VARIOUS FUNDS FOR FISCAL YEAR END 2010 - AUTHORIZED**

WHEREAS, the Town Comptroller's Office has recommended various Year End 2010 Interfund Loans:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, pursuant to Town Law §209-b, hereby authorizes the Temporary Advancement of Cash from Government Funds as of December 31, 2010 to the following Governmental and Capital Project Funds to be repaid with the period interest rate if applicable when revenue sources or debt proceeds are received:

<u>General Fund to Various Funds</u>	<u>To Fund #</u>	<u>Maximum</u>
Mahopac Fire Protection District #2	302	\$ 15,000
Lake Glenacom Road Improvement District	501	\$ 2,200
Carmel Water District #4	604	\$ 30,000
Carmel Water District #8	608	\$ 75,000
Carmel Water District #12	612	\$ 40,000
Carmel Water District #14	614	\$ 20,000
Town Drainage Capital Fund	900	\$ 15,000
Mahopac Hamlet Beautification Capital Fund	909	\$ 2,800
Woodcrest Driveway Capital Fund	953	<u>\$ 10,249</u>
		<u>\$210,249</u>
 <u>Highway Fund to Various Funds</u>		
Highway Resurfacing Capital Fund	950	\$300,000
Special Highway Improvement Fund	952	\$ 25,000
 <u>Carmel Sewer District #2 to Various Funds</u>		
Carmel Water District #2	602	\$200,000

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>_____</u>
Frank Lombardi	<u>X</u>	<u>_____</u>
Suzanne McDonough	<u>X</u>	<u>_____</u>
Anthony DiCarlo	<u>X</u>	<u>_____</u>
Kenneth Schmitt	<u>X</u>	<u>_____</u>

**LAKE MAHOPAC ROTARY - APPLICATION FOR A PARK USE PERMIT - FEE WAIVED**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee in reference to the application of The Lake Mahopac Rotary seeking a park use permit for the annual duck race on May 15, 2011 at Red Mills Historic Park in the hamlet of Mahopac.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>_____</u>
Frank Lombardi	<u>X</u>	<u>_____</u>
Suzanne McDonough	<u>X</u>	<u>_____</u>
Anthony DiCarlo	<u>X</u>	<u>_____</u>
Kenneth Schmitt	<u>X</u>	<u>_____</u>

**POLICE DEPARTMENT UNIFORMS BID AWARDED - BUCKSHOLLOW EMERGENCY EQUIPMENT CORPORATION**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for Police Department uniforms for the Town of Carmel Police Department, and

WHEREAS such bids were received and opened on November 30, 2010, as detailed in the bid opening memo of the Chief of Police, on file in the Town Clerk's Office, and

WHEREAS the Michael Johnson, Chief of Police has recommended the awarding of the bid as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the bids for Police Department uniforms to Buckshollow Emergency Equipment Corporation, Mahopac, NY, the lowest responsible bidder who met specifications, at the following bid prices:

- Blauer Gore-Tex with liner: \$210.00 each;
- Summer Cap 8 point: \$17.50 each;
- Winter Cap 8 point: \$17.50 each;
- IKE Jacket: \$175.00 each;
- Rain Coat: \$99.00 each;
- Blauer #8910 summer shirt: \$36.50 each;
- Blauer #8900 winter shirt: \$40.00 each;
- Blauer #8561P7 pants: \$68.50 each;
- Blauer #8810X pants: \$48.00 each.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**DRY CLEANING OF POLICE DEPARTMENT UNIFORMS BID AWARDED - CARMEL CLEANERS**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for dry cleaning of Police Department uniforms for the Town of Carmel Police Department, and

WHEREAS such bids were received and opened on November 30, 2010, as detailed in the bid opening memo of the Chief of Police, on file in the Town Clerk's Office, and

WHEREAS the Michael Johnson, Chief of Police has recommended the awarding of the bid as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the dry cleaning of Police Department uniforms to Carmel Cleaners, Route 6 Putnam Plaza, Carmel, NY, the lowest responsible bidder who met specifications, at bid price of \$2.85 per unit and \$12.00 per alteration.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilmen DiCarlo and Ravallo

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**BID AWARDED FOR DAILY CLEANING SERVICES OF TOWN OF CARMEL  
POLICE DEPARTMENT - CHAPPAQUA CLEANING CORP. OF USA**

WHEREAS, pursuant to authorization of the Town Board, the Chief of Police has advertised for bids for daily cleaning services for the Police Department for the year 2011; and

WHEREAS such bids were received and opened on November 30, 2010, as detailed in the bid opening memo Chief of Police, on file in the Town Clerk's Office, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the contract for cleaning services for the Police Department for the year 2011 to Chappaqua Cleaning Corp. of USA, Brewster, NY, the lowest responsible bidder who met specifications at a total cost of \$9,200.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates,, as required by the bid specifications and in form as approved by the Town Counsel, the Supervisor is authorized to sign the contract, in form as contained in the bid specifications for the performance of said services.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilmen Lombardi and Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**RATES SET FOR 2010 AND 2011 PART-TIME/TEMPORARY HELP - OFFERED AS  
PARAPHRASED AND PRE-FILED**

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for temporary in the following departments for fiscal years 2010 and 2011:

Department	Minimum	Maximum	Comments
Accounting	\$13.00/hr	\$20.00.hr	Commensurate with Experience
Police	\$13.00/hr	\$20.00.hr	Commensurate with Experience
Town Clerk	\$13.00/hr	\$20.00.hr	Commensurate with Experience

(Cont.)

Recreation	\$13.00/hr	\$20.00.hr	Commensurate with Experience
Planning	\$13.00/hr	\$20.00.hr	Commensurate with Experience

Resolution  
 Offered by: Councilman Ravallo  
 Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**SETTLEMENT OF LITIGATION AUTHORIZED - "BBJ ASSOCIATES, LLC VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL AND THE TOWN OF CARMEL, NEW YORK, RESPONDENTS" - TAX MAP 44.10-1-4**

WHEREAS there is currently pending in the Supreme Court, County of Westchester, State of New York under Index Nos. 11122/2003; 10793/2004; 11130/2005; and 13433/2006 lawsuits entitled "BBJ Associates, LLC vs. Assessor of the Town of Carmel, New York, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, New York, Respondents" in regard to the assessment of Tax Map 44.10-1-4 on the 2003, 2004, 2005 and 2006 assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, said Stipulation of Settlement.

Resolution  
 Offered by: Councilwoman McDonough  
 Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

(Cont.)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF PUTNAM

-----X  
In the Matter of the Application of  
BBJ ASSOCIATES, LLC,

Petitioner,

-against-

ASSESSOR of the Town of Carmel, New York,  
THE BOARD OF ASSESSMENT REVIEW of  
the Town of Carmel, New York, and the TOWN  
OF CARMEL, New York,

Respondents.

For Review of the Assessment of Certain Real  
Property in the Town of Carmel, New York.  
-----X

STIPULATION

Westchester Index Nos:

12619/2002

11122/2003

10793/2004

11130/2005

13433/2006

13232/2007

15526/2008

15632/2009

Section 44.10

Block 1

Lot 4

WHEREAS, the above-named Petitioner has heretofore duly grieved and protested against the assessments made against its property located at Route 52 and described on the Town of Carmel Official Tax Map as Section 44.10, Block 1, Lot 4, on the 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009 Assessment Rolls; and

WHEREAS, the parties have compromised and settled their dispute with respect to the proper assessments of Petitioner's property upon said Assessment Rolls;

NOW, THEREFORE, the parties hereby stipulate and agree that the said proceedings shall be settled and discontinued as follows:

1. The assessments against Petitioner's property on the 2006, 2007, 2008 and 2009 Assessment rolls of the Town of Carmel shall not be reduced.
2. The assessments against Petitioner's property on the 2002, 2003, 2004 and 2005 Assessment Rolls of the Town of Carmel shall be reduced to the total assessed valuations as shown below:

Section 44.10, Block 1, Lot 4

Assessment Roll	Original Assessment	Reduced Assessment	Extent of Reduction in Assessment
2002	\$502,300	\$280,000	\$222,300
2003	\$502,300	\$280,000	\$222,300
2004	\$502,300	\$280,000	\$222,300
2005	\$502,300	\$280,000	\$222,300

Such corrected assessments may be apportioned as between land and improvements on such basis as the Respondent shall determine.

(Cont.)

3. The officer or officers having custody of the aforesaid assessment rolls of the Town of Carmel shall make or cause to be made upon the proper books and records and on the aforesaid assessment rolls of said Town of Carmel the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations.

4. There shall be audited and allowed and paid to the Petitioner by the Town of Carmel the amounts, if any, paid by Petitioner as Town taxes, fire district taxes, Town light, sewer or water district taxes, library taxes, Town refuse taxes, and any other applicable Town special district taxes against the original assessments in excess of what the said taxes would have been if said assessments had been made as determined by this Stipulation (the "tax refunds"), together with any interest or penalties paid by Petitioner in excess of the amount which would have been paid if the original assessments had been made as determined by this Stipulation. Payment shall be made payable to Petitioner's attorney, ROTHSCHILD & PEARL, LLP, "as attorneys". Payment shall be without interest, except that if payment is not made within 60 days of service of the Order with notice of entry thereof, or within 60 days of written notice of payment of the taxes if such taxes are paid subsequent to the date of service of the Order, then payment shall be made with interest in accordance with statute.

5. There shall be audited and allowed and paid to Petitioner by the County of Putnam the amounts, if any, paid by Petitioner as state, county, sewer district, refuse district, and any other applicable County special district taxes against the original assessments in excess of what the said taxes would have been if said assessments had been made as determined by this Order (the "tax refunds"). Payment of the tax refunds shall be made payable to Petitioner's attorneys, ROTHSCHILD & PEARL, LLP, "as attorneys". Payment of the tax refunds shall be without interest, except that if payment of the tax refunds is not made within 60 days of service of this Order with notice of entry thereof on the Commissioner of Finance, together with proof of payment of taxes, then payment of the tax refunds shall be made with interest in accordance with statute.

6. There shall be audited and allowed and paid to the Petitioner by the Carmel Central School District the amounts, if any, paid by Petitioner as School taxes against the original assessments in excess of what the said taxes would have been if said assessments had been made as determined by this Stipulation (the "tax refunds"), together with any interest or penalties paid by Petitioner in excess of the amount which would have been paid if the original assessments had been made as determined by this Stipulation. Payment shall be made payable to Petitioner's attorney, ROTHSCHILD & PEARL, LLP, "as attorneys". Payment shall be without interest, except that if payment is not made within 60 days of service of the Order with notice of entry thereof, or within 60 days of written notice of payment of the taxes if such taxes are paid subsequent to the date of service of the Order, then payment shall be made with interest in accordance with statute.

(Cont.)

7. These proceedings shall be and the same hereby are discontinued without costs or disbursements to either party.

8. An order may be entered without further notice, implementing the terms of this Stipulation.

Dated: White Plains, New York  
, 2010

  
ROTHSCHILD & PEARL, LLP  
Attorneys for Petitioners

\_\_\_\_\_  
RICHARD BLANCATO, ESQ.  
Attorney for Respondent

BBJ Associates, LLC - 44.10-1-4

Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2003	\$502,300.00	\$280,000.00	\$222,300.00	\$984.79	\$653.56	\$6,111.03	\$893.58	\$8,442.95
2004	\$502,300.00	\$280,000.00	\$222,300.00	\$982.57	\$651.34	\$6,606.76	\$709.14	\$8,949.80
2005	\$502,300.00	\$280,000.00	\$222,300.00	\$1,002.57	\$613.55	\$6,279.98	\$1,120.39	\$9,016.49
2006	\$502,300.00	\$280,000.00	\$222,300.00	\$1,022.58	\$678.02	\$7,013.57	\$864.75	\$9,578.91
<b>Total</b>				\$3,992.51	\$2,596.46	\$26,011.32	\$3,387.85	\$35,988.15

**SETTLEMENT OF LITIGATION AUTHORIZED - "URSTADT BIDDLE PROPERTIES, INC. VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL AND THE TOWN OF CARMEL, NEW YORK, RESPONDENTS" - TAX MAP 44.9-1-9**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1126/2005; 1382/2006; and 1555/2007, lawsuits entitled "Urstadt Biddle Properties, Inc. vs. Assessor of the Town of Carmel, New York, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, New York, Respondents" in regard to the assessment of Tax Map 44.9-1-9 on the 2005, 2006, and 2007 assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, said Stipulation of Settlement.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman DiCarlo

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

GCV

Fax:9147717298

Nov 1 2010 03:02pm P002/006

At an IAS Term of the Supreme Court of the State of New York held for the County of Putnam, at the Courthouse located in Carmel, New York

**PRESENT:**

HON. FRANCIS A. NICOLAI,

Justice.

-----X  
In the Matter of the Application of

URSTADT BIDDLE PROPERTIES INC.,

Petitioner,

**CONSENT  
JUDGMENT**

Index No.

- against -

01126/05  
01382/06  
01555/07

THE ASSESSOR OF THE TOWN OF CARMEL,  
THE BOARD OF REVIEW OF THE TOWN OF  
CARMEL and THE TOWN OF CARMEL,

Respondents,

For Review Under Article 7 of the RPTL.  
-----X

The above Petitioner having heretofore served and filed the Petitions and Notices to review the tax assessment fixed by the Town of Carmel for the assessment years 2005 through 2007 upon certain real property located at 150-184 Route 52, designated as Section 44.9, Block 1, Lot 9 on the Official Assessment Map of the Town of Carmel, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by WILLIAM E. SULZER, ESQ., of Griffin,

(Cont.)

Coogan, Blöse & Sulzer, P.C., and the respondents having appeared by RICHARD T. BLANCATO, ESQ., Special Counsel, and the parties having made their settlement, it is

ORDERED, that the assessment on the above-referenced property be and the same is hereby reduced, corrected and fixed for the assessment years as follows:

<u>Assess. Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Assessed Valuation Reduced To</u>	<u>Amount of Reduction</u>
2005	7,550,000	7,109,150	440,850
2006	7,550,000	6,484,450	1,065,550
2007	7,550,000	6,219,650	1,330,350

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessment and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said roll, opposite of said entry, that the same has been corrected by the authority of this order, and it is further

ORDERED, ADJUDGED AND DECREED, that the COMMISSIONER OF FINANCE, COUNTY OF PUTNAM, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, State, County, Town, Judiciary, Fire, Water, Sewer District or any other ad valorem taxes together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said

excess taxes, paid by the petitioner as taxes against the erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

(Cont.)

**ORDERED**, that there shall be audited, allowed and paid to the petitioner by the **TOWN OF CARMEL** the amount of all Town, Fire, Ambulance, Light, Water, Sewer, Parking District, and any other ad valorem Town taxes paid by the petitioner as taxes against the said erroneous assessment in excess of what the taxes would have been if the said assessment made in the aforesaid year had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

**ORDERED**, that there shall be audited, allowed and paid to the petitioner by the **CARMEL CENTRAL SCHOOL DISTRICT** the amount of all School and Library taxes paid by the petitioner as taxes against the said erroneous assessment in excess of what the taxes would have been if the said assessment made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

**ORDERED AND DIRECTED**, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; provided, however, interest shall be waived in the event that payment is made within sixty (60) days

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from the date of service of this Order with notice of entry upon the respective taxing authorities, and it is further

**ORDERED AND DIRECTED**, that all tax refunds hereinabove directed to be made by respondent, the **COUNTY OF PUTNAM** and/or any of the various taxing authorities, be made by check or draft payable to the order of **GRIFFIN, COOGAN, BLOSE & SULZER, P.C.**, as attorneys for the petitioners, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475 and it is further

(Cont.)

**ORDERED**, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and

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**Urstadt Biddle Properties Inc. 44.9-1-9**

Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2005	7,550,000.00	7,109,150.00	440,850.00	2,032.32	1,344.59	13,908.82	952.24	18,237.96
2006	7,550,000.00	6,484,450.00	1,065,550.00	5,306.44	3,857.29	37,400.81	2,152.41	48,716.95
2007	7,550,000.00	6,219,650.00	1,330,350.00	7,090.77	5,906.75	45,990.20	2,687.31	61,675.03
<b>Total</b>				<b>14,429.52</b>	<b>11,108.64</b>	<b>97,299.82</b>	<b>5,791.95</b>	<b>128,629.94</b>

**SETTLEMENT OF LITIGATION AUTHORIZED - "JOEL SHIPLEY VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL AND THE TOWN OF CARMEL, NEW YORK, RESPONDENTS" - TAX MAP #66.-2-6**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1114/2004; 1331/2005; 1629/2006, 1748/2007, 2048/2008, 2129/2009 and 2310/2010, lawsuits entitled "Joel Shipley vs. Assessor of the Town of Carmel, New York, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, New York, Respondents" in regard to the assessment of Tax Map #66.-2-6 on the 2004, 2005, 2006, 2007, 2008, 2009 and 2010 assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, said Stipulation of Settlement.

Resolution

Offered by: Councilman DiCarlo  
 Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

(Cont.)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF PUTNAM

-----X  
In the Matter of the Application of

Joel Shipley,

Petitioner,

ORDER and JUDGMENT

- against -

The Assessor of the Town of Carmel, New York,  
the Board of Assessment Review of the Town of  
Carmel, New York and the Town of Carmel, New  
York

Index No. 1114/04  
1331/05  
1629/06  
1748/07  
2048/08  
2129/09  
2310/10

Respondents,

For Review of the Assessment of Certain Real  
Property in the Town of Carmel, New York

-----X  
The petitioner, having duly filed and served the Notice and Petition to review property tax assessments fixed by the Town of Carmel for the Assessment Years 2004, 2005, 2006, 2007, 2008, 2009 and 2010 for purposes of taxation upon certain real property located at 426 Seminary Hill Road, Town of Carmel, and known as Section 66, Block 2, Lot 6 on the Official Assessment Map of the Town of Carmel, and

The issues of these proceedings having been duly assigned and scheduled for trial at an IAS Term of this Court, and the petitioner having appeared by Watkins & Watkins, L.L.P., by John E. Watkins, Jr., and the respondents having appeared by their Special Counsel, Richard T. Blancato, and the parties having agreed as set forth in this Order, it is

ORDERED, ADJUDGED and DECREED that the assessment of the petitioner's property upon the assessment roll of the Town of Carmel, be and hereby is reduced, corrected and fixed as follows:

Assessed Valuation

Assessment Year	Reduced From	Reduced To	Amount of Reduction
2004	\$450,000	\$382,500	\$67,500
2005	\$450,000	\$382,500	\$67,500
2006	\$450,000	\$382,500	\$67,500
2007	\$450,000	\$382,500	\$67,500
2008	\$450,000	\$382,500	\$67,500
2009	\$450,000	\$382,500	\$67,500
2010	\$450,000	\$382,500	\$67,500

and it is further,

ORDERED, ADJUDGED and DECREED that the allocations between land and improvements of said assessment, as reduced, shall be left to the sole discretion of the Assessor of the said municipality, and it is further

ORDERED, ADJUDGED and DECREED that the officer or officers having custody of the assessment roll upon which the above-mentioned assessment and any taxes levied thereon is entered shall correct said entry in conformity with this Order and Judgment and shall note upon the margin of said roll, opposite said entry, that the same has been corrected by the authorization of this Order and Judgment, and it is further

(Cont.)

ORDERED, ADJUDGED and DECREED that there shall be audited, allowed and paid to the petitioner by the Town of Carmel, the amounts paid by petitioner as Town taxes, and taxes relating to any special taxing district for which the Town collects such taxes, as appropriate, against the original assessment in excess of what the taxes would have been if said assessment made in the aforesaid year had been made as determined by this Order and Judgment, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes, and interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that there shall be audited, allowed and paid to the petitioner by the Carmel Central School District, the amount paid by the petitioner as School taxes against the original assessment in excess of what the taxes would have been if the assessment made in the aforesaid year had been made as herein determined by this Order and Judgment, together with interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that the County Legislators of the County of Putnam, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amounts, if any, of County, Judiciary, Sewer and other special district taxes for which the County collects such taxes, which were paid by the petitioner as taxes against the said original assessment in excess of what the taxes would have been if the said assessment made in the aforesaid year had been made as determined by this Order and Judgment, together with the interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that all payments hereinabove directed to be made by respondents, the Town of Carmel, and/or any of the various taxing authorities, be made by check or draft, payable to the Order of Watkins & Watkins, L.L.P., as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law Section 475 and it is further

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ORDERED, ADJUDGED and DECREED that interest required to be paid hereby shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order and Judgment with notice of entry upon the respective taxing districts and proof of payment of County taxes, and it is further

ORDERED, ADJUDGED and DECREED that this Order and Judgment hereby constitutes and represents full settlement of the tax review proceedings herein, and that there are no costs or allowances awarded to, by or against any party and that upon compliance with the terms of this Order and Judgment the above entitled proceedings be and the same are settled and discontinued with prejudice.

Dated: December , 2010  
White Plains, New York

HON. FRANCIS A. NICOLAI, J.S.C.

(Cont.)

SIGNING AND ENTRY OF THE WITHIN ORDER IS HEREBY CONSENTED TO:

Richard T. Blancato, Esq.  
Special Counsel  
Town of Carmel

*[Signature]*  
By: John E. Watkins, Jr.  
Watkins & Watkins, L.L.P.  
Attorneys for Petitioner

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Shipley - 66.-2-6

Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2004	450,000.00	382,500.00	67,500.00	304.43	186.30	1,906.88	122.18	2,519.78
2005	450,000.00	382,500.00	67,500.00	311.18	205.88	2,129.63	126.23	2,772.90
2006	450,000.00	382,500.00	67,500.00	336.15	244.35	2,369.25	116.10	3,065.85
2007	450,000.00	382,500.00	67,500.00	359.78	299.70	2,335.50	116.10	3,111.08
2008	450,000.00	382,500.00	67,500.00	380.025	299.025	2,195.775	116.1	2990.925
2009	450,000.00	382,500.00	67,500.00	\$408.38	\$308.48	\$2,257.88	\$116.10	\$3,090.83
2010	450,000.00	382,500.00	67,500.00	N/A	N/A	2367.9	N/A	2367.9
<b>Total \$</b>				<b>2,099.93</b>	<b>1,543.73</b>	<b>15,562.80</b>	<b>712.80</b>	<b>19,919.25</b>

**SETTLEMENT OF LITIGATION AUTHORIZED - "BWP DISTRIBUTORS, INC. VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL AND THE TOWN OF CARMEL, NEW YORK, RESPONDENTS" - TAX MAP #66.-2-6**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1982/2009 and 2180/2010, lawsuits entitled "BWP Distributors, Inc. vs. Assessor of the Town of Carmel, New York, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, New York, Respondents" in regard to the assessment of Tax Map #66.-2-6 on the 2009 and 2010 assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, said Stipulation of Settlement.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

At an IAS Term of the Supreme Court of the State of New York, held in and for the County of Putnam, at the Courthouse located in Carmel, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF PUTNAM

-----X  
In the Matter of the Application of

BWP DISTRIBUTORS, INC., : **Index Nos.**  
Petitioner, : 1982/09  
: 2180/10  
-against- :

THE TOWN OF CARMEL, A Municipal : **CONSENT**  
Corporation, its Assessor and Board of Review, : **JUDGMENT**  
: Respondents, :

For a review under Article 7 of the Real Property Tax : **Designated by the**  
Law of the State of New York of various assessments : **assessing unit as:**  
of certain real property situated in respondent : 86.7-1-38  
municipal corporation, located in the County of :  
Putnam, State of New York. :  
-----X

The above Petitioner having duly filed and served the Petitions and Notices to review the property tax assessments fixed by the Town of Carmel for the assessment years 2009 and 2010 upon certain real property located at 265 Route 6, Mahopac, New York 10541, in the Town of Carmel and designated on the Town of Carmel Official Tax Map as 86.7-1-38; and

The issues of these proceedings having been duly assigned and scheduled for trial at an IAS Term of this Court, and the Petitioner having appeared by Allan S. Moller LLC, and the Respondents having appeared by Richard Blancato, Esq., Special Counsel to the Town of Carmel, and the parties having agreed as set forth in this Order and Judgment; it is

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**ORDERED, ADJUDGED AND DECREED**, that the assessments against the property described as 86.7-1-38 on the Town of Carmel assessment roll be and hereby are reduced, corrected and fixed for the assessment years as follows (\$ .00's omitted):

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(Cont.)

<u>Assessment Roll Year</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>	<u>Amount of Reduction</u>
2009	\$452,600	\$330,000	\$122,600
2010	\$452,600	\$360,000	\$92,600

and it is further

**ORDERED, ADJUDGED, AND DECREED**, that such corrected assessments may be apportioned as between land and improvements on such basis as the Respondents shall determine; and it is further

**ORDERED, ADJUDGED, AND DECREED**, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct said entries in conformity with this Order and Judgment and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order and Judgment; and it is further

**ORDERED, ADJUDGED AND DECREED**, that there shall be audited and allowed and paid to the Petitioner by the Town of Carmel the amounts, if any, paid by Petitioner as Town taxes and any other taxes or assessments relating to any special taxing or assessment district for which the Town collects such taxes or assessments, against the original assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been made as determined by this Order and Judgment, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes, if any, together with interest thereon from the date of payment thereof as provided by statute; and it is further

**ORDERED, ADJUDGED AND DECREED**, that there shall be audited and allowed and paid to the Petitioner by the Mahopac Central School District the amounts, if any, paid by Petitioner as School taxes against the original assessments in excess of what the School taxes would have been if said assessments made in the aforesaid years had been made as determined by this Order and Judgment, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes, if any, together with interest thereon from the date of payment thereof as provided by statute; and it is further

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(Cont.)

**SIGNING AND ENTRY OF THE WITHIN  
ORDER IS HEREBY CONSENTED TO:**

**RICHARD T. BLANCATO, ESQ.**  
Special Counsel to the Town of Carmel  
65 South Broadway – Suite 101  
Tarrytown, NY 10591  
(914) 332-5723

**ALLAN S. MOLLER LLC**  
Attorney for Petitioner  
110 West 78<sup>th</sup> Street  
New York, NY 10024  
(212) 799-2400

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**BWP Distributors, Inc. 86.7-1-38**

Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2009	452,600.00	330,000.00	122,600.00	741.73	560.28	4,510.45	219.45	6,031.92
2010	452,600.00	360,000.00	92,600.00	N/A	N/A	3,485.46	N/A	3,485.46
<b>Total</b>				<b>741.73</b>	<b>560.28</b>	<b>7,995.92</b>	<b>219.45</b>	<b>9,517.38</b>

**PUBLIC HEARING SCHEDULED FOR 12/29/10 - PROPOSED LOCAL LAW  
EXTENDING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR  
OUTDOOR WOOD BOILERS UNDER CHAPTER 59 OF THE TOWN CODE OF THE  
TOWN OF CARMEL**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, December 29, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law Amending Chapter 59 of the Town Code of the Town of Carmel, as follows:

TOWN OF CARMEL  
PROPOSED LOCAL LAW # \_\_\_\_ OF THE YEAR 2010  
A LOCAL LAW EXTENDING A MORATORIUM IN REGARD TO THE ISSUANCE OF  
PERMITS FOR OUTDOOR WOOD BOILERS UNDER CHAPTER 59 OF THE TOWN  
CODE OF THE TOWN OF CARMEL

(Cont.)

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 permits by the Plumbing Inspector for installation, enlargement or extension of outdoor wood boilers under Section 59-49 of Chapter 59 of the Town Code of the Town of Carmel, entitled "Building Construction and Fire Prevention".

Section 2: LEGISLATIVE FINDINGS

The Town Board of the Town of Carmel has received numerous complaints in regard to outdoor wood boilers concerning their pollution of the atmosphere and their safety. The Town Board has decided to review the current regulations of the Town in regard to these outdoor wood boilers. In order to allow the Town Board time to complete its review, draft proposed new regulations and enact any new regulations regarding outdoor wood boilers, 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 new permits for the installation, enlargement or extension of outdoor wood boilers on a temporary basis.

Section 3: MORATORIUM

Section 59-49 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph D. which shall read as follows:

- D. Notwithstanding the foregoing, no permit for the installation, enlargement or extension of an outdoor wood boiler shall be issued by the Plumbing Inspector from the effective date of this Local Law until June 30, 2011.

Section 4: EFFECTIVE DATE.

This local law shall take effect immediately in accordance with law.

BE IT FURTHER RESOLVED, that the Town Clerk 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: Councilwoman McDonough

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**PUBLIC COMMENTS**

Peter Creegan commended the Town Board for their efforts with regard to the garbage, rubbish and refuse legislation and requested clarification with regard to how they established the rate for monthly pickup.

(Cont.)

Councilman Lombardi explained that the Town Board reviewed advertised prices in local newspapers. Discussion ensued regarding the matter.

Ann Fanizzi inquired if the Town went out to bid for consulting services for MS4 permit compliance.

Gregory Folchetti, Legal Counsel, explained that professional services are exempt from General Municipal Law and a brief discussion followed.

Ms. Fanizzi inquired if there were funds allocated for a MS4 steering committee.

Supervisor Schmitt stated that a grant application has been submitted for reimbursement of the costs. Discussion was held with respect to upcoming MS4 meetings.

Ms. Fanizzi inquired when a Public Hearing will be scheduled with regard to blasting legislation.

Councilman DiCarlo stated that it will take place some time in January.

Jerry Ravnitzky thanked Councilman DiCarlo for moving forward the garbage legislation and the blasting legislation. Mr. Ravnitzky expressed his concern with regard to the penalties in place for carters who operate in the Town of Carmel without a license. He commented that the way the local law is written, it allows for competition as carters can charge less than the \$25.00 monthly rate established by the Town Board. Mr. Ravnitzky suggested that someone needs to step forward to fill Councilman DiCarlo's position on the Zoning Code Compliance and Cleanup Initiative Committee.

Bill McCormack stated that he would also like to see the efforts of Councilman DiCarlo continued. Mr. McCormack spoke in support of the local law with regard to garbage. He concluded by expressing his support of the activities held at the Red Mills Historic Park.

Mike Barile applauded the efforts of Councilman DiCarlo. He went on to express his optimism with regard to the future of Putnam County.

Anita Olivier commented on illegal signs posted throughout the Town.

Supervisor Schmitt indicated that the Building Department issues violations with regard to the matter and discussion was held.

### **PRESENTATION OF PLAQUE TO ANTHONY DICARLO**

The members of the Town Board presented Councilman DiCarlo with a plaque in recognition of his seven years of dedicated service to the Town of Carmel. Each member spoke in recognition of his efforts and wished him well in his new position as Putnam County Legislator.

Councilman DiCarlo expressed his appreciation to the members of Town Board for their support throughout his tenure.

### **TOWN BOARD MEMBER COMMENTS**

Supervisor Schmitt spoke about the Carmel/Mahopac senior citizen group's annual holiday party held earlier in the day.

Supervisor Schmitt wished a happy holiday season to all and cautioned against drinking and driving.

(Cont.)

Supervisor Schmitt reported on the grand re-opening of the Carmel Cinema and an upcoming event at the theater.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman DiCarlo, seconded by Councilman Ravallo, with all Town Board members present and in agreement, the meeting was adjourned at 9:25 p.m. to Executive Session.

Respectfully submitted,

Ann Garris, Town Clerk