

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

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KATHLEEN KRAUS
Receiver of Taxes

MICHAEL A. BARILE
Town Councilman
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Town Councilman
JONATHAN SCHNEIDER
Town Councilman

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

TOWN BOARD VOTING MEETING
Wednesday, June 6, 2018 7:00 pm

Pledge of Allegiance – Moment of Silence

Town Board Voting Meeting:

1. Res: Recognizing the Week of June 3 through June 9, 2018 as National Garden Week and declaring Garden Week in the Town of Carmel
2. Res: Adopting Application Town Code § 156-39.5
3. Res: Authorizing Budget Modifications
4. Res: authorizing the Extension of Contract for Supply of Chemicals for Wastewater/Water Treatment Plants at Carmel Sewer Districts #2, #4, #5, #6, and #7 and Carmel Water Districts #2, #3, #4, #5, #6, #7 and #12
5. Res: Authorizing Accepting Proposal and Authorizing Entry into Contract for Information Technology Services – Sullivan Data
6. Res: Authorizing the Awarding of Bid – Sycamore Park Court Rehabilitation
7. Res: Authorizing Payment for Repair – Town of Carmel Highway Department
8. Res: Authorizing the Awarding of Bids for Waste Wood Processing - Town of Carmel Highway Department
9. Res: Authorizing Acceptance of Proposal – Professional Services
10. Res: Appointing Special Counsel
11. Res: Authorizing Subject to Permissive Referendum the Construction if Improvements and Reconstruction of the Airport Park, in and for the Town of Carmel, Putnam County, New York, at a Maximum Estimated Cost of \$2,200,000 and Authorizing the Issuance of \$2,200,000 Bonds of Said Town to Pay the Cost Thereof

- **Public Comment (Three (3) Minutes on Agenda Items Only)**
- **Town Board Member Comments**

Open Forum:

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

Executive Session:

1. **Police Chief Michael Cazzari - Personnel**

RESOLUTION #1

RESOLUTION RECOGNIZING THE WEEK OF JUNE 3rd THROUGH JUNE 9TH AS NATIONAL GARDEN WEEK AND DECLARING GARDEN WEEK IN THE TOWN OF CARMEL

WHEREAS, gardeners have a passion for nurturing the beauty of resources of earth through the care of all plants and riches of their efforts; and

WHEREAS, gardeners seek to add beauty, splendor and nutrition to our lives through the growing of herbs, foliage, vegetables and flowers; and

WHEREAS, gardening furnishes a challenging and productive activity for many citizens, from those just learning to those having years of experience; and

WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress and teaches that diligent effort can be rewarded; and

WHEREAS, gardening enables members of Garden Clubs across the nation and world to serve others in the communities where they reside and work;

NOW THEREFORE BE IT RESOLVED that in an effort to acknowledge the importance of gardening and the numerous contributions of gardeners, the Town Board of the Town of Carmel hereby recognizes the week of June 3, 2018 through June 9, 2018 as National Garden Week and hereby declares same to also be Garden Week within the Town of Carmel.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #2

RESOLUTION ADOPTING APPLICATION TOWN CODE §156-39.5

RESOLVED, that the Town Board of the Town of Carmel hereby adopts the application form pursuant to Town of Carmel Town Code §156-39.5 relating to the housing of chickens within the Town of Carmel , such application to be in form as attached hereto; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to utilize said form for all applications submitted pursuant to Town Code §156-39.5

Resolution

Offered by: _____

Seconded by: _____

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



TOWN OF CARMEL

Town Hall - 60 McAlpin Avenue

Mahopac, NY 10541

845.628.1500

PERMIT APPLICATION TO HOUSE CHICKENS

Applicant Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

Name and Address of Owner of Premises*: _____

Tax Map Number: _____ Lot Size: _____ Number of chickens: _____

The housing of chickens in the Town of Carmel is subject to the following conditions and requirements:

1. A coop for housing chickens and an attached run shall be permitted as an accessory use. The combined square footage of the coop/run area should allow at least four square feet for each chicken being kept in the area. Roosters are prohibited.
2. No coop or run for housing of chickens shall be located on a lot comprised of less than forty-thousand (40,000) square feet of lot area. A lot may only house a **maximum of six chickens for every forty-thousand (40,000) square feet** of lot area comprising such lot. **No lot may house more than 18 (eighteen) chickens in total.**
3. Coops and runs may not be located in any front yard as defined in this chapter. Coops and runs shall be situated completely in a side or rear yard, at least 15 feet from all rear and side property lines.
4. All coops and runs must be kept clean neat and free of debris and be in compliance with all state and local laws pertaining to animals generally.
5. All coops and any attached run shall be screened from view at ground level from adjacent lots by using 4 ft. to 6 ft. fencing, landscaping, or a combination thereof and the screening must be present throughout the year. i.e. evergreen landscaping.
6. All feed shall be kept in rodent-proof containers.
7. All chickens will be contained in coops and runs unless property size is in excess of three acres.
8. Penalties for offenses.
 - A. Any complaint received by the building department or police department pursuant to this chapter pertaining to the cleanliness or sanitary condition of the run/coop may be referred to the Putnam County SPCA for investigation and who is hereby empowered to enforce any and all violations of this code.
 - B. Any person or entity that shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punished as follows:
 - (1) For a first offense: by a fine not to exceed \$50.
 - (2) For a second offense: by a fine not to exceed \$100.
 - (3) For a third offense or any subsequent offenses: by a fine not to exceed \$200 or removal of chickens, coop, and run from said premises, or by both such fine and cessation of use.
 - (4) Each violation of any provision of this chapter and each week that each such violation shall continue shall be deemed to be a separate and distinct offense.
 - (5) In addition to the above provided penalties and punishment, the Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.

By submitting this application and as a condition of receiving a permit, I agree that I will house chickens at the above address in accordance with all provisions set forth in §156-39.5 of the Town Code of the Town of Carmel.

Signature: _____ Date: _____

Building Department Review _____ Date: _____

Approved by: _____ Date: _____

Town Clerk, Town of Carmel

*** If applicant is not property owner, attach written notarized consent from the property owner.**

RESOLUTION #3

RESOLUTION AUTHORIZING BUDGET MODIFICATIONS

WHEREAS the Town Comptroller MaryAnn Maxwell has reviewed the proposed Final Budget Modifications for the period ending April 30, 2018 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedule 2018/02, and 2A;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Final Budget Modifications/Revisions for the period ending April 30, 2018 as shown itemized on schedule 2018/02 and 2A which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

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

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND					
1	100.3120.0019	POLICE COMPENSATED ABSENCES		82,516.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	82,516.00	
		- PROVIDE FOR RETIREMENT PAYOUT OF ACCRUED TIME			
2	100.3120.0019	POLICE COMPENSATED ABSENCES		52,118.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	52,118.00	
		- PROVIDE FOR RETIREMENT PAYOUT OF ACCRUED TIME			
3	100.3120.0012	POLICE OVERTIME EXPENSE		58,030.15	
	100.1989.2680	INSURANCE RECOVERY - PAYROLL	*	58,030.15	
		- PROVIDE FOR POLICE OVERTIME EXPENSE FROM 207C REVENUE RECEIVED			
4	100.7020.0049	RECREATION ADMIN MISC EXPENSES		9,500.00	
	100.1989.2001	PARK AND RECREATION FEES	*	9,500.00	
		- PROVIDE FOR RECREATION CREDIT CARD FEES			
5	100.7180.0040	BEACH CONTRACTUAL EXPENSES		20,000.00	
	100.1989.9878	FUND BALANCE FOR CAPITAL PROJECTS	*	20,000.00	
		- PROVIDE FOR NEW LIFEGUARD BUILDING			
6	100.1010.0046	TOWN BOARD CONSULTING SERVICES		7,500.00	
	100.1950.0040	TAXES AND ASSESSMENTS			7,500.00
		- TRANSFER FOR PARKING CONSULTING SERVICES			
7	100.1420.0049	LEGAL MISC EXPENSE		4,000.00	
	100.1990.0040	CONTINGENT ACCOUNT			4,000.00
		- TRANSFER FOR LEGAL COSTS ASSOCIATED WITH PROPERTY ACQUISITION			
8	100.1460.0045	RECORDS STORAGE EXPENSE		1,200.00	
	100.1410.0086	RETIREES HEALTH INSURANCE			1,200.00
		- TRANSFER FOR RECORDS STORAGE EXPENSE			
9	100.1950.0040	TAXES AND ASSESSMENTS		29,000.00	
	100.1990.0040	CONTINGENT ACCOUNT			29,000.00
		- TRANSFER FOR TAXES AND FEES ASSOCIATED WITH PROPERTY ACQUISITION			
10	100.3620.0047	CODE ENFORCEMENT TRAINING		300.00	
	100.3620.0045	CODES SYSTEM MAINTENANCE			300.00
		- TRANSFER FOR CODE ENFORCEMENT TRAINING EXPENSE			
11	100.3650.0040	BUILDING DEMO EXPENSE		17,000.00	
	100.1990.0040	CONTINGENT ACCOUNT			17,000.00
		- TRANSFER FOR BUILDING DEMOLITION EXPENSE			
12	100.7113.0040	CHAMBER PARK CONTRACTUAL EXPENSES		1,900.00	
	100.7110.0020	PARK MAINTENANCE EQUIPMENT			1,500.00
	100.7270.0040	CONCERT SERIES CONTRACTUAL EXPENSES			400.00
		- TRANSFER FOR MISC EXPENSES AT CHAMBER PARK			
13	100.7117.0020	CARMADA PARK EQUIPMENT		2,500.00	
	100.7111.0020	SYCAMORE BALLFIELD EQUIPMENT			1,000.00
	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSES			1,000.00
	100.7118.0020	BALDWIN MEADOWS EQUIPMENT			500.00
		- TRANSFER FOR PITCHING MOUND AT CARMADA PARK			
14	100.8810.0040	CEMETERIES CONTRACTUAL		1,050.00	
	100.1989.0040	UNCLASSIFIED EXPENDITURE			1,050.00
		- TRANSFER FOR CEMETERY MAINTENANCE CONTRACT			

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
LAKE SECOR PARK DISTRICT					
15	404.7140.0040	CONTRACTUAL EXPENSES		1,000.00	
	404.7140.0041	SUPPLIES AND MATERIALS		1,000.00	
	404.7140.0099	REPAIR RESERVE			2,000.00
		- TRANSFER FOR MISC MAINTENACE SUPPLIES AND REPAIRS			
CARMEL WATER DISTRICT #7					
16	607.8310.0020	EQUIPMENT		3,000.00	
	607.8310.0040	CONTRACTUAL EXPENSES			3,000.00
		- TRANSFER FOR BOOSTER PUMP REPLACEMENT			
CARMEL WATER DISTRICT #13					
17	613.8310.0047	EMERGENCY REPAIRS		2,000.00	
	613.8310.0040	CONTRACTUAL EXPENSES			2,000.00
		- TRANSFER FOR EMERGENCY REPAIRS			
CARMEL SEWER DISTRICT #2					
18	702.8130.0040	CONTRACTUAL EXPENSES		4,030.05	
	702.8130.2681	INSURANCE RECOVERY	*	4,030.05	
		- PROVIDE FOR CONTRACTUAL EXPENSES FROM INSURANCE CLAIM			
CARMEL SEWER DISTRICT #5					
19	705.8130.0020	EQUIPMENT		1,000.00	
	705.8130.0040	CONTRACTUAL EXPENSES			1,000.00
		- TRANSFER FOR DEWATERING PUMPS			
CARMEL SEWER DISTRICT #6					
20	706.8130.0040	CONTRACTUAL EXPENSES		12,651.50	
	706.8130.2681	INSURANCE RECOVERY	*	12,651.50	
		- PROVIDE FOR CONTRACTUAL EXPENSES FROM INSURANCE CLAIM			
MAHOPAC LIGHTING DISTRICT					
21	751.5182.0040	CONTRACTUAL EXPENSES		2,500.00	
	751.5182.0042	CONTRACTUAL UTILITIES			2,500.00
		- TRANSFER FOR ELECTRICAL REPAIRS TO DOWNTOWN LIGHT POSTS			
DRAINAGE CAPITAL PROJECT					
22	900.1989.0012	PROJECT OVERTIME EXPENSE		10,000.00	
	900.1989.0040	CONTRACTUAL EXPENDITURES		105,000.00	
	900.1989.0048	OTHER PROJECT EXPENDITURES		8,500.00	
	900.1989.0080	FICA/MED EXPENSE		1,500.00	
	900.1989.5710	PROCEEDS OF BORROWING	*	125,000.00	
		- RECORD 2018 CAPITAL AUTHORIZATION			
LAND ACQUISITION CAPITAL PROJECT FUND					
23	907.1989.0020	LAND ACQUISITION AND CAPITAL OUTLAY		900,000.00	
	907.1989.5710	PROCEEDS OF BORROWING	*	900,000.00	
		- PROVIDE FOR CAPITAL EXPENSE FROM APPROVED BORROWING			
AIRPORT PARK CAPITAL FUND					
24	910.7140.0044	TRANSFER TO OTHER FUND		4,750.00	
	910.7140.0040	CONTRACTUAL EXPENDITURES			4,750.00
		- TRANSFER FOR ENGINEERING DESIGN COST			

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02

[illegible]

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02A

[illegible]

RESOLUTION #4

RESOLUTION AUTHORIZING THE EXTENSION OF CONTRACT FOR SUPPLY OF CHEMICALS FOR WASTEWATER/WATER TREATMENT PLANTS AT CARMEL SEWER DISTRICTS #2,#4, #5, #6, AND #7 AND CARMEL WATER DISTRICTS #2, #3, #4, #5, #6, #7 AND #12

WHEREAS the Town Board of the Town of Carmel, acting as Commissioners of the various Water Districts and Sewer Districts of the Town of Carmel, has previously awarded the contract for bids for purchase and supply of chemicals for the wastewater treatment plants servicing Carmel Sewer Districts #2, #4, #5, #6, and #7; and the water treatment facilities servicing Carmel Water Districts #2, #3, #4, #5, #6, #7 and #12 to Slack Chemical Supply, Patterson, NY; and

WHEREAS Town Engineer Richard J. Franzetti, P.E. has recommended the extension of said contract for period of one (1) year with Slack Chemical Supply;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer Districts #2, #4, #5, #6, #7 and Carmel Water Districts #2, #3, #4, #5, #6, #7 and #12, hereby authorizes the extension of the existing contract with Slack Chemical Supply for a period of one (1) year, commencing July 7, 2018 ; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to effectuate the authorization granted herein; and

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all necessary budget modifications required in connection with this authorization.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #5

RESOLUTION AUTHORIZING ACCEPTING PROPOSAL AND AUTHORIZING ENTRY INTO CONTRACT FOR INFORMATION TECHNOLOGY SERVICES – SULLIVAN DATA

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the extension and/or renewal of its existing agreement for Information Technology services with Sullivan Data Management, Inc., Yorktown, NY, for a period of three (3) years commencing July 1, 2018 through June 30, 2021 for an aggregate annual sum not to exceed \$53,602.50 (FIFTY THREE THOUSAND SIX HUNDRED TWO AND 50/100DOLLARS) in accordance with Proposal #11637-R1 dated May 30, 2018; and

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

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #6

RESOLUTION AUTHORIZING THE AWARDING OF BID SYCAMORE PARK COURT REHABILITATION

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for rehabilitation of certain courts and facilities at Sycamore Park in the Town of Carmel; and

WHEREAS such bids were received and opened and by Town Clerk Ann M. Spofford on May 11, 2018; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby awards the bids for Contract C230, Sycamore Park Court Rehabilitation to Sport Tech Construction, Brewster, NY, the lowest responsible bidder who met specifications at a cost not to exceed \$147,493.40; and

BE IT FURTHER RESOLVED, that upon presentation of performance bond, labor and materials bond and insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt his hereby authorized to execute any and all documentation reasonably necessary to effectuate the contract for the work authorized hereunder.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #7

RESOLUTION AUTHORIZING PAYMENT FOR REPAIR TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED, the Town Board of the Town of Carmel, and upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes payment to Cues Repair, North Franklin, CT for services rendered in connection with Town of Carmel Highway Department bucket truck repairs in the amount of \$9,760.21, and in accordance with the invoice dated #37632 dated May 14, 2018.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #8

RESOLUTION AUTHORIZING THE AWARDING OF BIDS FOR WASTE WOOD PROCESSING TOWN OF CARMEL HIGHWAY DEPARTMENT

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for various highway materials and services for the Town Highway Department, and

WHEREAS such bids were received and opened and Highway Superintendent Michael Simone has recommended the awarding of the bids as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for Waste Wood Processing for calendar year 2018 to Tri-State Forestry, Inc., the lowest responsible bidder who met specifications at unit prices of \$250 per hour and \$2,000 per day.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #9

RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL PROFESSIONAL SERVICES

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby accepts the proposal of Gotham Contracting Corp., Middle Village, NY to perform asbestos abatement services at property owned by the Town of Carmel at a cost not to exceed \$11,840.00; and

BE IT FURTHER RESOLVED, that the sum of \$1,000 is hereby authorized to be paid to Applied Technology Services, Inc., New Rochelle, NY to provide a closure report in connection with such services; and

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

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

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #10

RESOLUTION APPOINTING SPECIAL COUNSEL

RESOLVED, that the Town Board of the Town of Carmel hereby appoints Daniel Miller, Esq. 704 Route Six Mahopac, NY as special counsel for various Town matters on an as-needed basis; and

BE IT FURTHER RESOLVED that said services are hereby authorized at a rate of \$250.00 for attorney Daniel Miller and an hourly rate of \$125.00 for paralegal services.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #11

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM THE CONSTRUCTION OF IMPROVEMENTS TO AND RECONSTRUCTION OF THE AIRPORT PARK, IN AND FOR THE TOWN OF CARMEL PUTNAM COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,200,000 AND AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF

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

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

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

Section 1. The construction of improvements to and reconstruction of the Airport Park, in and for the Town of Carmel, Putnam County, New York, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$2,200,000, subject to permissive referendum.

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

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19© of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

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

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

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

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

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

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

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

Resolution

Offered by: _____

Seconded by: _____

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