

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

FRANK D. LOMBARDI
Town Councilman
Deputy Supervisor

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KATHLEEN KRAUS
Receiver of Taxes

JOHN D. LUPINACCI
Town Councilman
SUZANNE MC DONOUGH
Town Councilwoman
JONATHAN SCHNEIDER
Town Councilman

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

TOWN BOARD VOTING MEETING
Wednesday, March 16, 2016 7:00pm

Pledge of Allegiance – Moment of Silence

Town Board Voting Meeting:

1. Accept Town Board Minutes February 3, 17, and 24 2016
 2. Res: Making Promotional Probationary Appointment of Lieutenant in the Police Department
 3. Res: Appointing Police Officer
 4. Res: Making Appointment of Account Clerk/Typist in the Town Clerk's Office
 5. Res: Making Promotional Probationary Appointment of Account Clerk II in the Engineering Department
 6. Res: Making Promotional Probationary Appointment of Account Clerk II in the Comptroller's Department
 7. Res: Authorizing Sign Replacement/Installation – McDonough Park
 8. Res: Authorizing Budget Modifications #2016-01
 9. Res: Authorizing Addition to the Active List of the Mahopac Volunteer Fire Department
 10. Res: Authorizing Entry into Agreement/Undertaking with New York State Department of Transportation
 11. Res: Amending Contract for Landscaping/Grass Cutting for Town Parks
 12. Res: Authorizing Attendance at Seminar
 13. Public Interest Order in the Matter of the Increase and Improvement of the Facilities of Carmel Sewer District #3 WWTP
 14. Res: Authorizing the Issuance of \$300,000 Bonds of the Town of Carmel, Putnam County, New York to Pay the Cost of Reconstruction of Sewer Lines for Infiltration and Inflow Remediation at the Treatment Plant of Carmel Sewer District #3 in the Town of Carmel, Putnam County, New York
- **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. Councilman John Lupinacci – Personnel

Resolution #2

**RESOLUTION MAKING PROBATIONARY PROMOTIONAL APPOINTMENT OF
LIEUTENANT IN THE POLICE DEPARTMENT**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Police Department hereby appoints Sgt. John Dearman to the position of Lieutenant, effective March 17, 2016, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #3

RESOLUTION APPOINTING POLICE OFFICER

RESOLVED that the Town Board of the Town of Carmel hereby appoints Thomas Eagan, of Mahopac, NY as a police officer for the Town of Carmel, effective March 21, 2016 at the transfer rate of \$55,033.36 per year upon completion of the provisions of the of the Civil Service Law and the Putnam County Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by:_____

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

Resolution #4

**RESOLUTION MAKING APPOINTMENT OF
ACCOUNT CLERK/TYPIST
IN THE TOWN CLERK’S OFFICE**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Alice Daly to the position of Account Clerk/Typist in the Office of the Town Clerk, effective April 4, 2016, at a CSEA Group 2, Step 1 salary level on a probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by:_____

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

Resolution #5

**RESOLUTION MAKING PROBATIONARY PROMOTIONAL APPOINTMENT OF
ACCOUNT CLERK II
IN THE ENGINEER'S OFFICE**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Donna Esteves to the position of Account Clerk II in the Office of the Engineer, effective immediately, at a CSEA Group 4, Step 1 salary level on a promotional probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #6

**RESOLUTION MAKING PROBATIONARY PROMOTIONAL APPOINTMENT OF
ACCOUNT CLERK II
IN THE COMPTROLLER’S OFFICE**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Michelle Russell to the position of Account Clerk II in the Office of the Town Comptroller, effective immediately, at a CSEA Group 4, Step 1 salary level on a promotional probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #7

**RESOLUTION AUTHORIZING
SIGN REPLACEMENT/INSTALLATION – MCDONOUGH PARK**

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Eagle Scout project of Richard Duffy of Boy Scouts of America Scout Troop 271, hereby authorizes the installation and replacement of the McDonough Park sign located at Angela Drive and Crane Road in accordance with plans provided by Director of Recreation and Parks James R. Gilchrist as detailed in his memorandum to the Town Board dated March 4, 2016; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced.

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #8

RESOLUTION AUTHORIZING BUDGET MODIFICATIONS #2016-01

WHEREAS Town Comptroller MaryAnn Maxwell has reviewed the 2016 year-to-date Budget Modifications/Revisions for the period of January 1, 2016 through February 29, 2016, which are detailed and explained on the attached Budget Revisions Schedule identified as #2016-01;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the 2016 year-to-date Budget Modifications/Revisions for the period of January 1, 2016 through February 29, 2016 as itemized on Schedule #2016-01 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: _____

Seconded by:_____

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

TOWN OF CARMEL
BUDGET REVISIONS JANUARY-FEBRUARY 2016 - #2016/01

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.1110.0020	JUSTICE COURT SPECIAL IMPROVEMENTS	1,820.00	
	100.1680.0020	INFORMATION TECHNOLOGY	13,754.00	
	100.1680.0021	DATA IMAGING EQUIPMENT	25,000.00	
	100.3120.0024	POLICE VEHICLE ACCIDENT REPAIR	2,000.00	
	100.7020.0045	RECREATION BLDG SPECIAL REPAIRS	44,204.00	
	100.7113.0020	CHAMBER PARK IMPROVEMENT	15,774.00	
	100.7117.0040	CHAMBER PARK CONTRACTUAL REPAIRS	658.00	
	100.8090.0046	RECYCLE EQUIPMENT RENTAL EXPENSE	15,000.00	
	100.1989.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	118,210.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
2	100.1110.0011	JUSTICE COURT STAFF PERS SVCS	17,771.00	
	100.1220.0011	SUPERVISOR STAFF PERS SVCS	4,074.00	
	100.1315.0011	COMPTROLLER STAFF PERS SVCS	8,807.00	
	100.1330.0011	TAX RECEIVER STAFF PERS SVCS	4,074.00	
	100.1355.0011	ASSESSOR STAFF PERS SVCS	9,257.00	
	100.1440.0011	ENGINEERING STAFF PERS SVCS	11,507.00	
	100.1610.0010	CENTRAL SERVICES PERS SVCS	6,813.00	
	100.1610.0011	CENTRAL SERVICES STAFF PERS SVCS	8,367.00	
	100.1620.0011	BUILDING STAFF PERS SVCS	5,114.00	
	100.3120.0010	POLICE STAFF PERS SVCS - NON UNIFORM	37,167.00	
	100.3620.0010	CODE ENFORCEMENT PERS SVCS	8,001.00	
	100.3620.0011	CODE ENFORCEMENT STAFF PERS SVCS	9,433.00	
	100.5010.0011	HIGHWAY ADMIN STAFF PERS SVCS	8,400.00	
	100.7020.0011	RECREATION ADMIN STAFF PERS SVCS	12,769.00	
	100.7110.0011	PARK MAINTENANCE STAFF PER SVCS	9,256.00	
	100.1010.0016	TOWN BOAD RESERVE COMPENSATION		160,810.00
		- TRANSFER PER UNION CONTRACTS FOR 2016 SALARY ADJUSTMENTS		
3	100.1355.0042	ASSESSOR UTILITIES EXPENSE	1,000.00	
	100.5010.0042	HIGHWAY ADMIN UTILITIES EXPENSE	500.00	
	100.1355.0080	ASSESSOR EMPLOYEE BENEFIT		1,000.00
	100.5010.0080	HIGHWAY ADMIN EMPLOYEE BENEFIT		500.00
		- TRANSFER FOR TABLET EXPENSE		
4	100.3120.0011	POLICE PERS SVCS - UNIFORM	125,710.00	
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		125,710.00
		- TRANSFER PER UNION CONTRACTS FOR 2016 SALARY ADJUSTMENTS		
5	100.7110.0022	PARK SPECIAL EQUIPMENT	2,600.00	
	100.7110.0020	PARK MAINTENANCE EQUIPMENT		2,600.00
		- TRANSFER FOR FIELD GROOMER PURCHASE PER RESOLUTION		
HIGHWAY FUND				
6	500.5130.0041	MACHINERY/EQUIPMENT CAPITAL EXPENSE	150,000.00	
	500.5010.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	150,000.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
7	500.5110.0019	GEN REP PAID ABSENCES	968.89	
	500.5130.0019	PAID COMPENSATED ABSENCES	2,004.60	
	500.5140.0019	WEEDS & BRUSH OTHER COMP	935.48	
	500.5010.9877	FUND BALANCE COMP ABSENCES	*	3,908.97
		- PROVIDE FOR SICK PAY PAYOUTS PER CONTRACT		
8	500.5142.0040	SNOW REMOVAL RENTALS	500.00	
	500.5142.0041	SNOW REMOVAL GAS & FUEL		500.00
		- TRANSFER FOR SNOW REMOVAL RENTALS		
9	500.5142.0084	HEALTH INSURANCE	12,000.00	
	500.5110.0084	HEALTH INSURANCE		12,000.00
		- TRANSFER FOR EMPLOYEE HEALTH INSURANCE COST		
CARMEL FIRE PROTECTION DISTRICT #1				
10	301.3410.0045	DRY HYDRANT EXPENDITURES	36,000.00	
	301.3410.9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	36,000.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
CARMEL SEWER DISTRICT #2				
11	702.8130.0020	EQUIPMENT	20,000.00	
	702.8130.0040	CONTRACTUAL EXPENSES		20,000.00
		- TRANSFER FOR PURCHASE OF VFD DRIVES & EMERGENCY PUMPS		

Resolution #9

**RESOLUTION AUTHORIZING ADDITION TO
THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Jake Mastro, Mahopac, NY

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #10

RESOLUTION AUTHORIZING ENTRY INTO AGREEMENT/UNDERTAKING WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the entry into an undertaking and agreement with the New York State Department of Transportation concerning work involving New York State Highways, said agreement and undertaking being in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute said instrument on behalf of the Town of Carmel.

Resolution

Offered by: _____

Seconded by: _____

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



UNDERTAKING

For the benefit of
The New York State Department of Transportation
In connection with work affecting state highways
(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned _____ (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, _____ (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

Authorized Agent

Date

Print Name/Title

Address

()
Phone number

Address

e-mail

Resolution #11

RESOLUTION AMENDING CONTRACT FOR LANDSCAPING/GRASS CUTTING FOR TOWN PARKS

WHEREAS the Town Board of the Town of Carmel has previously authorized the awarded and extended the bid and contract to Pat Scanlan Landscaping, New City, NY, for landscaping/grass cutting services at Airport Park, Camarda Park, Mahopac Chamber Park and McDonough Park, at a current annual contract price of \$35,125.00; and

WHEREAS, on March 19, 2015 the Town Board authorized extension of the aforesaid contract for a period of one (1) year;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the extension of the aforesaid contract services with Pat Scanlan Landscaping, New City, NY for an additional year through and including March 19, 2016 at an annual contract cost of \$35,125.00; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the amendment of said contract to add landscaping/grass cutting services at Carmel Town Hall at an annual additive cost not to exceed \$2,125.00; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute amendment as well as any necessary documentation required connection therewith.

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #12

RESOLUTION AUTHORIZING ATTENDANCE AT SEMINAR

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Highway Superintendent Michael Simone and Deputy Highway Superintendent Robert Erickson to attend the New York State Highway School Seminar on June 5, 2016 through June 7th 2016 at Cornell University, Ithaca, NY; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #13

PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CARMEL SEWER DISTRICT #3

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Sewer District No. 3, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of sewer lines for infiltration and inflow remediation, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$300,000 and

WHEREAS, at a meeting of said Town Board duly called and held on February 17, 2016, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Sewer District No. 3 in said Town at a maximum estimated cost of \$300,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on March 9, 2016, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Sewer District No. 3, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of sewer lines for infiltration and inflow remediation, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$300,000.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: _____

Seconded by: _____

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

Resolution #14

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE SEWER DISTRICT NO. 3, IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Sewer District No. 3, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$300,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have a significant effect on the environment and requiring no further environmental review;

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

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of Sewer District No. 3, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of sewer lines for infiltration and inflow remediation, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$300,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$300,000 and that the plan for the financing thereof is by the issuance of the \$300,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial 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. To the extent not paid from monies raised from said Sewer District No. 3 in the manner provided by law, 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, 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. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial 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 serial 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 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments

thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: _____

Seconded by: _____

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