

TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 9th day of September 2015 at 7:18 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

Supervisor Schmitt announced that the Town Board had met at 6:15 p.m. in Executive Session in connection with an Engineering Department matter of personnel.

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

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 114 OF THE CODE OF THE TOWN OF CARMEL ENTITLED "PROPERTY MAINTENANCE"

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,
September 9, 2015 at 7:00
p.m. or as soon thereafter
that evening as possible
on a Local Law amending
Chapter 114 of the Code of
the Town of Carmel entitled
Property Maintenance; as
follows:
PROPOSED LOCAL
LAW # OF THE
YEAR 2015
A LOCAL LAW TO
AMEND THE CODE
OF THE TOWN OF
CARMEL,
CHAPTER 114,
THEREOF, ENTITLED
"PROPERTY
MAINTENANCE"
BE IT ENACTED by the
Town Board of the Town
of Carmel, County of
Putnam, State of New York
as follows:
SECTION 1
This Local Law shall
be known as 2015
Amendments to Chapter
114 entitled PROPERTY
MAINTENANCE.
SECTION 2.
Section 114-7 of Chapter
114 of the Code is hereby
amended to read as follows:
114-7 Responsibility for
Violations
A. The duties,
responsibilities and
obligations prescribed

within this Chapter shall be
applicable and enforceable
against any person who may
create, cause, maintain or
cause to, permit to, continue
or to fail to abate, correct
or remove any condition(s)
prohibited under this
Chapter. For the purposes
of this Chapter, any person
shall be deemed to include
the owner; occupant; tenant;
contractor; mortgagee
or vendee in possession;
mortgagee when the subject
property has deteriorated
in contravention to the
provisions of this Chapter;
mortgagee which has
commenced the foreclosure
process; assignee of rents;
receiver; executor, trustee;
or any other person firm
or corporation directly or
indirectly in control of any
subject property pursuant to
this Chapter.
B. Owners of property
shall be responsible for
compliance with the
provisions of this Chapter
and shall remain responsible
therefore regardless of the
fact that this Chapter may
also place responsibilities
on occupants, tenants,
contractors, mortgagees
and others, regardless of
any agreements between
owners, occupants, tenants,
contractors mortgagees or
others as to which party may
assume such responsibility.
C. Whenever any
person or persons shall
be in actual possession of
or have charge, care or
control of any property
within the Town of Carmel
as executor, administrator,
trustee, guardian or agent,
such person shall be deemed
and taken to be the owner
or owners of said property
within the true intent and
meaning of this Chapter and
shall be bound to comply
with the provisions of this
Chapter to the same extent
of the record owner.
D. The Mortgagee shall
immediately notify the Town
of Carmel in writing of its
notice to the owners failure
to maintain the property
in accordance with the
provisions of this Chapter.
Upon the commencement
of foreclosure proceedings
the mortgagee shall also
immediately notify the Town
of Carmel in writing of such
action.
SECTION 3.
Section 114-15 of Chapter
114 of the Code is hereby
amended to read as follows:
114-15
Action upon
noncompliance
A. Upon the failure,
neglect or refusal of any
owner; occupant; tenant;
contractor; mortgagee etc.,
to properly comply with the

provisions of this Chapter
within the time period
prescribed in any order
of the Building Inspector,
or upon authorization
from the Town Board of
the Town of Carmel, the
Building Inspector is hereby
authorized and empowered
to correct or cause to be
corrected such violations(s).
B. Where the Town
of Carmel has effected
the correction of such
violation(s) and/or has paid
for the correction and/or
removal of such violation(s),
the actual cost thereof,
including all costs incurred
by the Town of Carmel and
its Building Inspector in the
enforcement of this Chapter,
and procurement of all such
contractor services to effect
such correction or
compliance, plus the accrued
legal rate of interest per
annum from the date of the
completion of the work, if
not paid for by such owner,
occupant, tenant, contractor,
mortgagee, etc. prior thereto,
shall be charged by the Town
of Carmel and shall become
due and payable by said
owner, occupant, tenant,
contractor, mortgagee, etc.
C. When the full
amount due the Town of
Carmel is not paid by such
owner, occupant, tenant,
contractor, mortgagee, etc.
within twenty (20) days
after the correction of such
violations as set forth in
subsections A and B above,
then Building Inspector
shall cause to be filed in the
office of the Town Clerk a
sworn statement showing the
costs and expenses incurred
as set forth in subsection
B, the dates of all work
performed and the location
of the subject property
by section, block and lot
number together with the
name of the responsible
owner, occupant, tenant,
contractor and mortgagee
etc. The filing of such sworn
statement shall constitute
a lien on the property and
shall remain in full force
and effect for the amount
due in principal and interest,
plus legal fees incurred until
such final payment has
been made. Said costs and
expenses shall be collected
in the manner fixed by
law for the collection of
taxes, and further shall
be subject to a delinquent
penalty at the legal rate of
interest in the event that
the same is not paid in full
on or before the date the
tax bill upon which such
charge appears delinquent.
Sworn statements filed
in accordance with the
provisions of this Chapter
shall be prima facie evidence
that all legal formalities

have been complied with
and any work has been
properly performed and
shall be full notice to every
party concerned that the
amount set forth therein,
plus interest constitutes a
charge against the property
designated and described
therein and that same is due
and collectible as provided
by law.
SECTION 4
HOME RULE
Nothing in this Local
Law is intended, or shall
be construed (a) to limit the
home rule authority of the
Town under State Law to
limit the Town’s discretion
in setting fees and charges
in connection with any
applications requiring Town
approval.
SECTION 5
SEVERABILITY
If any part or provision
of this Local Law or the
application thereof to any
person or circumstance be
adjudged invalid by any court
of competent jurisdiction,
such judgment shall be
confined in its operation
to the part or provision or
application directly involved
in the controversy in which
judgment shall have been
rendered and shall not affect
or impair the validity of
the remainder of this Local
Law or the application
thereof to other persons or
circumstances, and the Town
Board of the Town of Carmel
hereby declares that it would
have passed this Local Law
or the remainder thereof had
such invalid application or
invalid provision been
apparent.
SECTION 6
Effective Date
This Local Law shall
take effect immediately
upon filing in the office
of the Secretary of State
in accordance with Section
27 of the Municipal Home
Rule Law.
At said Public Hearing, all
interested persons shall be
heard on the subject thereof.
The Town Board will make
every effort to assure that the
Public Hearing is accessible
to persons with disabilities.
Anyone requiring special
assistance and/or reasonable
accommodations should
contact the Town Clerk.
By Order of
the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

Legal Notices are
Due Monday at 9:30
a.m. in the Office

9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING

(Cont.)

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:27 p.m. Seven (7) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:27 p.m.

SEQR REVIEW - PROPOSED LOCAL LAW AMENDING CHAPTER 114 OF THE CODE OF THE TOWN OF CARMEL ENTITLED "PROPERTY MAINTENANCE"

Gregory Folchetti, Legal Counsel, along with the Town Board, reviewed the following State Environmental Quality Review Short Environmental Assessment Form:

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information						
Town of Carmel						
Name of Action or Project: Local Law Amending Chapter 114 Entitled "Property Maintenance"						
Project Location (describe, and attach a location map): Town-wide within the boundaries of the Town of Carmel						
Brief Description of Proposed Action: Amendments to Town of Carmel Town Code Chapter 114 specifically relating to the maintenance of mortgaged real property which is either in default and/or foreclosure as well as the ability of the Town of Carmel to recover the costs incurred in the enforcement of this Chapter.						
Name of Applicant or Sponsor: Town of Carmel c/o Kenneth Schmitt, Town Supervisor		Telephone: 845-628-1500 E-Mail: ks@ci.carmel.ny.us				
Address: 60 McAlpin Avenue						
City/PO: Mahopac	State: NY	Zip Code: 10541				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<table><tr><td>NO</td><td>YES</td></tr><tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr></table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		<table><tr><td>NO</td><td>YES</td></tr><tr><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES					
<input checked="" type="checkbox"/>	<input type="checkbox"/>					
3.a. Total acreage of the site of the proposed action? n/a acres						
b. Total acreage to be physically disturbed? n/a acres						
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? n/a acres						
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland						

9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING

(Cont.)

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

(Cont.)

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ 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.

Town of Carmel

9/9/15

Name of Lead Agency


Date

Kenneth Schmitt

Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Gregory L. Falchetti, Town Counsel

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**SEQR DETERMINATION OF SIGNIFICANCE - PROPOSED LOCAL LAW
AMENDING CHAPTER 114 OF THE CODE OF THE TOWN OF CARMEL ENTITLED
“PROPERTY MAINTENANCE” - NEGATIVE DECLARATION**

WHEREAS, the Town Board of the Town of Carmel is considering enacting a local law to protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions and amendments to the Town of Carmel Code, Chapter 114; and

WHEREAS, this local law has been developed to promote and enhance 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 Schneider
Seconded by: Councilman Lombardi

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

SEQR

617.21

Appendix F

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

Project Number _____ Date September 9, 2015

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 environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

A LOCAL LAW AMENDING CHAPTER 114 ENTITLED "PROPERTY MAINTENANCE " specifically section 114-7 AND 114-15 thereof."

SEQR Status:

Type I ☐ Unlisted ☒

Conditioned Negative Declaration: Yes ☐ No ☒

Description of Action:

The proposed action involves enacting a protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 114 specifically relating to the maintenance of mortgaged real property which is either in default and/or foreclosure as well as the ability of the Town of Carmel to recover the costs incurred in the enforcement of this Chapter.

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

9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING

(Cont.)

SEQR Negative Declaration
Page 2

REASONS SUPPORTING THIS DETERMINATION:

The action involves enacting a local law to protect and enhance the public health and welfare of the residents Town of Carmel protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 114, 114 specifically relating to the maintenance of mortgaged real property which is either in default and/or foreclosure as well as the ability of the Town of Carmel to recover the costs incurred in the enforcement of this Chapter.

This local law has been prepared to protect and enhance 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 #3 OF THE YEAR 2015 - A LOCAL LAW AMENDING CHAPTER 114 OF THE CODE OF THE TOWN OF CARMEL ENTITLED "PROPERTY MAINTENANCE" - ADOPTED AS NOTICED AND PUBLISHED

LOCAL LAW #3 OF THE YEAR 2015
A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL,
CHAPTER 114, THEREOF, ENTITLED "PROPERTY MAINTENANCE"

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

SECTION 1.

This Local Law shall be known as 2015 Amendments to Chapter 114 entitled "PROPERTY MAINTENANCE".

SECTION 2. Section 114-7 of Chapter 114 of the Code is hereby amended to read as follows:

114-7 Responsibility for Violations

- A. The duties, responsibilities and obligations prescribed within this Chapter shall be applicable and enforceable against any person who may create, cause, maintain or cause to, permit to, continue or to fail to abate, correct or remove any condition(s) prohibited under this Chapter. For the purposes of this Chapter, any person shall be deemed to include the owner; occupant; tenant; contractor; mortgagee or vendee in possession; mortgagee when the subject property has deteriorated in contravention to the provisions of this Chapter; mortgagee which has commenced the foreclosure process; assignee of rents; receiver; executor, trustee; or any

**9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING**

other person firm or corporation directly or indirectly in control of any subject property pursuant to this Chapter.

(Cont.)

- B. Owners of property shall be responsible for compliance with the provisions of this Chapter and shall remain responsible therefore regardless of the fact that this Chapter may also place responsibilities on occupants, tenants, contractors, mortgagees and others, regardless of any agreements between owners, occupants, tenants, contractors mortgagees or others as to which party may assume such responsibility.
- C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town of Carmel as executor, administrator, trustee, guardian or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this Chapter and shall be bound to comply with the provisions of this Chapter to the same extent of the record owner.
- D. The Mortgagee shall immediately notify the Town of Carmel in writing of its notice to the owners failure to maintain the property in accordance with the provisions of this Chapter. Upon the commencement of foreclosure proceedings the mortgagee shall also immediately notify the Town of Carmel in writing of such action.

SECTION 3. Section 114-15 of Chapter 114 of the Code is hereby amended to read as follows:

114-15 Action upon noncompliance

- A. Upon the failure, neglect or refusal of any owner; occupant; tenant; contractor; mortgagee etc., to properly comply with the provisions of this Chapter within the time period prescribed in any order of the Building Inspector, or upon authorization from the Town Board of the Town of Carmel, the Building Inspector is hereby authorized and empowered to correct or cause to be corrected such violations(s).
- B. Where the Town of Carmel has effected the correction of such violation(s) and/or has paid for the correction and/or removal of such violation(s), the actual cost thereof, including all costs incurred by the Town of Carmel and its Building Inspector in the enforcement of this Chapter, and procurement of all such contractor services to effect such correction or compliance, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid for by such owner, occupant, tenant, contractor, mortgagee, etc. prior thereto, shall be charged by the Town of Carmel and shall become due and payable by said owner, occupant, tenant, contractor, mortgagee, etc.
- C. When the full amount due the Town of Carmel is not paid by such owner, occupant, tenant, contractor, mortgagee, etc. within twenty (20) days after the correction of such violations as set forth in subsections A and B above, then Building Inspector shall cause to be filed in the office of the Town Clerk a sworn statement showing the costs and expenses incurred as set forth in subsection B, the dates of all work performed and the location of the subject property by section, block and lot number together with the name of the responsible owner, occupant, tenant, contractor and mortgagee etc. The filing of such sworn statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus legal fees incurred until such final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and further shall be subject to a delinquent penalty at the legal rate of interest in the event that the

9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING

same is not paid in full on or before the date the tax bill upon which such charge appears delinquent. Sworn statements filed in accordance with

(Cont.)

the provisions of this Chapter shall be prima facie evidence that all legal formalities have been complied with and any work has been properly performed and shall be full notice to every party concerned that the amount set forth therein, plus interest constitutes a charge against the property designated and described therein and that same is due and collectible as provided by law.

SECTION 4. HOME RULE

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

SECTION 5. SEVERABILITY

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

SECTION 6. EFFECTIVE DATE

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

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

Councilman Lupinacci acknowledged Councilman Schneider for taking the lead role in connection with this legislation.

TABLED RESOLUTION FROM 9/2/15 - PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL SEWER DISTRICT #1 IN THE TOWN OF CARMEL

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 increase and improvement of the facilities of the Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, being the reconstruction of sewer lines for infiltration and inflow remediation, including original furnishings, equipment, machinery, apparatus, appurtenances, and other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,112,310 and

WHEREAS, at a meeting of said Town Board duly called and held on August 5, 2015, 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 Carmel Sewer District No. 1 in said Town at a maximum estimated cost of \$1,112,310, and to hear all persons interested in the subject thereof concerning the same at the

9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING

Town Hall, in Mahopac, New York, in said Town, on August 26, 2015, at 7:00 o'clock P.M., Prevailing Time; and

(Cont.)

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 Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of sewer lines for infiltration and inflow remediation, including original furnishings, equipment, machinery, apparatus, appurtenances, and other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,112,310.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

TABLED RESOLUTION FROM 9/2/15 - CARMEL SEWER DISTRICT #1 - ISSUANCE OF \$1,112,310 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - OFFERED AS PARAPHRASED AND PREFILED - AUTHORIZED

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 Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$1,112,310; and

WHEREAS, said improvements have been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, said regulation provides will not result in any significant environmental effects; 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 purpose of paying the cost of the increase and improvement of Carmel Sewer District No. 1, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of sewer lines for infiltration and inflow remediation, including original furnishings, equipment, machinery, apparatus, appurtenances, and other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$1,112,310 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 purpose is \$1,112,310, which class of objects or purposes is hereby authorized at said maximum estimated cost and that the plan for the financing thereof is by the issuance of the \$1,112,310 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

**9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING**

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

(Cont.)

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 Carmel Sewer District No. 1 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 Environmental Conservation 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 purpose 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,

9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING

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.

(Cont.)

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: Councilman Lupinacci
Seconded by: Councilman Schneider

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

CARMEL SEWER DISTRICT #2 - PURCHASE OF WASTEWATER TREATMENT PLANT PRIMARY CLARIFIER DRIVE AUTHORIZED - GMH ASSOCIATES - NOT TO EXCEED \$59,062.69

WHEREAS, Town Engineer Richard J. Franzetti, P.E. and Carmel Sewer District #2 Wastewater Treatment Plant Operator Severn Trent Environmental Services (STES) have advised the Town Board of the Town of Carmel that the secondary clarifier drive at the Carmel Sewer District #2 Wastewater Treatment Plant is in failure and in need of replacement; and

WHEREAS, the Town Engineer has further advised the Town Board that the need for replacement of the failing clarifier drive is emergency in nature for purposes of SPDES permit compliance and for Wastewater Treatment Plant function, which exempts the Town of Carmel from compliance with the competitive bidding requirements of the New York State General Municipal Law;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, hereby authorizes the acceptance of the proposal of GMH Associates, Trenton, NJ dated September 3, 2015 for the purchase of said clarifier drive equipment at a cost not to exceed \$59,062.69; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all budget transfers necessary to effectuate this authorization.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

9 SEPTEMBER 2015
TOWN BOARD SPECIAL MEETING

Supervisor Schmitt pointed out that the cost of the replacement of the failing clarifier drive will be borne exclusively by the residents in Carmel Sewer District #2.

PUBLIC COMMENTS - AGENDA ITEMS

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

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the Special Meeting was adjourned at 7:40 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk