

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

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 16th day of March 2016 at 7:12 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.

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.

MINUTES OF TOWN BOARD MEETINGS HELD ON 2/3/16, 2/17/16 AND 2/24/16 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Schneider, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on February 3rd, February 17th and February 24th 2016 were accepted as submitted by the Town Clerk.

POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF LIEUTENANT MADE - JOHN DEARMAN

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: Councilman Schneider
Seconded by: Councilman Lupinacci, Councilwoman McDonough,
Councilman Lombardi and Supervisor Schmitt

| <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 | |

Supervisor Schmitt spoke regarding Sgt. John Dearman's dedicated career with the Carmel Police Department which commenced in 2003. Supervisor Schmitt administered his oath of office and the members of the Town Board congratulated him on his promotion to the rank of Lieutenant.

POLICE DEPARTMENT - APPOINTMENT OF POLICE OFFICER MADE - THOMAS EAGAN

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 Civil Service Law and the Putnam County Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Schneider, Councilman Lupinacci,
Councilwoman McDonough and Supervisor Schmitt

(Cont.)

| <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> |

Supervisor Schmitt welcomed Thomas Eagan to the Town of Carmel from the New York City Police Department and administered a ceremonial oath of office to him. The Town Board members expressed congratulatory wishes.

TOWN CLERK’S OFFICE - APPOINTMENT OF ACCOUNT CLERK/TYPIST MADE - ALICE DALY

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: Councilman Lupinacci
Seconded by: Councilwoman McDonough

| <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> |

TOWN ENGINEER’S OFFICE - PROBATIONARY PROMOTIONAL APPOINTMENT OF ACCOUNT CLERK II MADE - DONNA ESTEVES

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: Councilwoman McDonough
Seconded by: Councilmen Lombardi and 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> |

Supervisor Schmitt acknowledged the diligent work ethic of Donna Esteves and congratulated her on her well-deserved promotion.

16 MARCH 2016
TOWN BOARD MEETING

TOWN COMPTROLLER’S OFFICE - PROBATIONARY PROMOTIONAL APPOINTMENT OF ACCOUNT CLERK II MADE - MICHELLE RUSSELL

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: Councilman Schneider
Seconded by: Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt

| <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> |

Supervisor Schmitt expressed congratulations to Michelle Russell on her highly merited promotion.

MCDONOUGH PARK - SIGN REPLACEMENT / INSTALLATION AUTHORIZED - PROPOSED EAGLE SCOUT PROJECT OF RICHARD DUFFY

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: Councilman Lombardi
Seconded by: Councilman Lupinacci and Councilwoman McDonough

| <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> |

BUDGET MODIFICATIONS #2016-01 - AUTHORIZED

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.

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TOWN BOARD MEETING

(Cont.)

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

| Roll Call Vote | YES | NO |
|--------------------|-----|----|
| Jonathan Schneider | X | |
| John Lupinacci | X | |
| Suzanne McDonough | X | |
| Frank Lombardi | X | |
| Kenneth Schmitt | X | |

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 | |
| | 100.1880.0020 | INFORMATION TECHNOLOGY | 13,754.00 | |
| | 100.1880.0021 | DATA IMAGING EQUIPMENT | 25,000.00 | |
| | 100.3120.0024 | POLICE VEHICLE ACCIDENT REPAIR | 2,000.00 | |
| | 100.7020.0046 | 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 | |
| | 100.1810.0010 | CENTRAL SERVICES PERS SVCS | 6,813.00 | |
| | 100.1810.0011 | CENTRAL SERVICES STAFF PERS SVCS | 8,367.00 | |
| | 100.1820.0011 | BUILDING STAFF PERS SVCS | 5,114.00 | |
| | 100.3120.0010 | POLICE STAFF PERS SVCS - NON UNIFORM | 37,187.00 | |
| | 100.3820.0010 | CODE ENFORCEMENT PERS SVCS | 8,001.00 | |
| | 100.3820.0011 | 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 | 12,789.00 | |
| | 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 | | |

16 MARCH 2016
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**MAHOPAC VOLUNTEER FIRE DEPARTMENT - ADDITION TO THE ACTIVE LIST
AUTHORIZED**

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: Councilwoman McDonough
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> |

**ENTRY INTO AGREEMENT / UNDERTAKING WITH NEW YORK STATE
DEPARTMENT OF TRANSPORTATION AUTHORIZED**

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: Councilman Schneider
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> |

PERM 1 (2/12)



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,

(Cont.)

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.

NYSDOT PERM 1

(rev. 2/12)

PERM 1 (2/12)

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.

(Cont.)

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

NYSDOT PERM 1

(rev. 2/12)

**CONTRACT WITH PAT SCANLAN LANDSCAPING FOR LANDSCAPING / GRASS
CUTTING FOR TOWN PARKS - AMENDED**

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: Councilman Lombardi
Seconded by: Councilwoman McDonough

| <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> |

16 MARCH 2016
TOWN BOARD MEETING

HIGHWAY SUPERINTENDENT MICHAEL SIMONE AND DEPUTY HIGHWAY SUPERINTENDENT ROBERT ERICKSON - ATTENDANCE AT SEMINAR AUTHORIZED - 6/5/16 THROUGH 6/7/16

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 7, 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: Councilman Lupinacci
Seconded by: Councilwoman McDonough

| <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> |

PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL SEWER DISTRICT #3 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 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: Councilwoman McDonough
Seconded by: Councilman Lupinacci

(Cont.)

| <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 #3 - INCREASE AND IMPROVEMENT IN THE FACILITIES - RECONSTRUCTION OF SEWER LINES FOR INFILTRATION AND INFLOW REMEDIATION - MAXIMUM ESTIMATED COST OF \$300,000 - OFFERED AS PARAPHRASED AND PRE-FILED

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

(Cont.)

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: Councilman Schneider
Seconded by: Councilmen Lombardi and 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> |

PUBLIC COMMENTS - AGENDA ITEMS

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

16 MARCH 2016
TOWN BOARD MEETING

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

Michael Barile commented that when the start of the last Town Board meeting was delayed, the televised posting advising the public that the meeting would be starting in a few minutes flashed on and off every five minutes. He suggested leaving the posting on at all times until the meeting commences for those viewers who switch the channels back and forth.

Mr. Barile commended the Mahopac Volunteer Fire Department and the Town Board for their efforts in bringing forth their new contract which mirrors the regulations of a fire district without the over \$100,000 expense to taxpayers to change over from a fire protection district. Mr. Barile commented that he has no issue with fire commissioners residing outside the district. He inquired if the member of the Mahopac Volunteer Fire Department who is under investigation for the misappropriation of funds has been indicted.

Supervisor Schmitt replied that he has not.

Mr. Barile asked if extending the Town-wide revaluation out for one more year will increase its associated costs.

Councilman Schneider indicated that it would not.

Mr. Barile asked when a Public Hearing will be held in connection with the project.

Councilman Schneider stated that the matter will be discussed as Work Session agenda items at a few meetings.

Mr. Barile suggested that the revaluation be discussed quarterly. He then went on to address a recent letter he received from the Greater Mahopac-Carmel Chamber of Commerce which conveyed the organization's concerns with regard to what they considered highly restrictive signage revisions proposed by the Town Board last year. Mr. Barile stated that he thought that a dialog was commenced between the Town and the Chamber of Commerce to fix the problems.

Councilwoman McDonough stated that she and Councilman Schneider have been attempting to address the matter with the Chamber of Commerce and that they have been awaiting information from them since last October. Councilwoman McDonough indicated that the Town is prepared to move forward with the amendments to the Town Code regarding signs without the Chamber of Commerce's information.

Mr. Barile said that he appreciated hearing that.

Councilman Schneider added that the matter was also addressed in the Putnam County Chamber of Commerce's most recent newsletter.

Mr. Barile suggested that out of respect, no organization should be permitted to hang banners along the fence next to the 911 Memorial at the Mahopac Volunteer Fire Department. Any banners should be hung across the street.

Councilwoman McDonough stated that she has made a representative of the Fire Department aware of this issue and has been advised that it will no longer be permitted.

Mr. Barile acknowledged the appointments of the new Town of Carmel police officers as well as the promotion in the department.

Supervisor Schmitt reiterated the Town Board's commitment to the Town of Carmel Police Department.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilman Lupinacci announced that the Town of Carmel Recreation and Parks Department Spring 2016 class registration begins March 21st at Sycamore Park. Classes include Baby Time, Intro to Stand Up Paddle Boarding, Hobby Quest Aviation, Hobby Quest Magic, Cupcake Decorating, Mad Science Secret Agent Lab, Introduction to Cake Decorating, Introduction to Knitting, and more.

Supervisor Schmitt announced that the Town of Carmel will be sending out the semi-annual water consumption bills at the end of the month. If not done so already, municipal water district customers are requested to submit their water meter reading as soon as possible to the Comptroller's Office.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 7:59 p.m. to Executive Session for a discussion lead by Councilman Lupinacci with regard to a matter of personnel.

Respectfully submitted,

Ann Spofford, Town Clerk