

7 APRIL 2010

TOWN BOARD MEETING
CARMEL FIREHOUSE
CARMEL, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 7th day of April 2010 at 7:06 p.m. at the Carmel Firehouse, Gleneida Avenue and Vink Drive, Carmel, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo, and Supervisor Schmitt.

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

MINUTES OF TOWN BOARD MEETINGS HELD ON 2/3/10, 2/17/10, 2/24/10 AND 3/3/10 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on February 3rd, February 17th, February 24th and March 3rd, 2010 were accepted as submitted by the Town Clerk.

TOWN OF CARMEL LITTER CLEANUP DAYS DESIGNATED - 4/30/10 THROUGH 5/15/10

RESOLVED that the Town Board of the Town of Carmel hereby designates the dates of April 30, 2010 through May 15, 2010 as Litter Cleanup Days in the Town of Carmel.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

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

HIGHWAY DEPARTMENT - AWARDING OF BIDS FOR MISCELLANEOUS MATERIALS AND SERVICES AWARDED

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

WHEREAS such bids were received and opened and the Highway Superintendent has recommended the awarding of the bids (after equalizing all FOB bids based on distance to the Town Highway Department yard),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for the purchase of various highway materials and services to the lowest responsible bidders who met specifications as per and in accordance with the Highway Superintendents bid summary memorandum dated March 24, 2010, as attached hereto and made a part thereof:

Run of Bank Gravel	-	Red Wing Properties Inc.
FOB Bidder's Plant & Delivered		PO Box 408
		Stormville, NY 12582

7 APRIL 2010
TOWN BOARD MEETING

(Cont.)

- | | | |
|---|---|---|
| Bituminous Concrete
Asphalt Concrete Type 6 & 6F
Top Course Type 7 and 7F
Binder Course Type 3
Curb Mix
FOB Bidder's Plant | - | Peckham Materials Corp.
Carmel Plant, Route 6
Carmel, NY 10512 |
| Bituminous Concrete
In-Place
In-Place with tack coat
In-Place with keys | - | Kect Construction Corp.
PO Box 201
Patterson, NY 12563 |
| Road Oils, Cutbacks Etc.
Medium Curing Cutbacks
Rapid Curing Cutbacks
Penetration Asphalt
Cationic Emulsified Asphalt | - | Peckham Materials Corp.
20 Haarlem Avenue
White Plains, NY 10603 |
| Tree Felling and
Trimming | - | Laurel Oak Landscaping of NY, Inc.
21 Branch Road
Brewster, NY 10509 |
| Crushed Gravel
FOB - 1/4"
Delivered - 1/4" | - | Thalle Industries, Inc.
172 Route 9
Fishkill, NY 12524 |
| Crushed Gravel
FOB - 3/8"
Delivered - 3/8"
Delivered 3/4"
Delivered 1 1/2 " | - | Nicholas F. Domain Sand & Gravel
2441 Route 22
Dover Plains, NY 12522 |
| Crushed Gravel
Delivered - 3/4" & 1 1/2"
FOB 3/4"
FOB -1 1/2" | - | Putnam Materials Corp.
Rte 311
Patterson, NY |
| Granular Base
Item 4
FOB | | Putnam Materials Corp.
Rte 311
Patterson, NY |
| Granular Base
Item 4
Delivered | | Putnam Materials Corp.
Rte 311
Patterson, NY |
| Steel Culvert Pipe
FOB & DELIVERED
Plain and Perforated
All Sizes | - | Chemung Supply Corporation
Elmira, NY |
| Aluminum Culvert Pipe
FOB & DELIVERED
Plain & Perforated
All sizes | - | Chemung Supply Corporation
Elmira, NY |
| Corrugated Polyethylene
Drainage Pipe
FOB & Delivered | - | Reject all bids & purchase
Under NYS Bid |

7 APRIL 2010
TOWN BOARD MEETING

(Cont.)

Catch Basin Sumps & Tops - M & M Precast Corp.
Delivered 39 Padanaram Road
Danbury, CT 06811

Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilman Lombardi

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

➤ **TOWN OF CARMEL HIGHWAY DEPARTMENT**

Carmel Highway Department
55 McAlpin Avenue
Mahopac, NY 10541

MICHAEL SIMONE
Superintendent of Highways

845.628.7474
FAX 845.628.1471

MSimone@bestweb.net

#5

MEMORANDUM

TO: TOWN BOARD
FROM: MICHAEL SIMONE - HIGHWAY SUPERINTENDENT
RE: SPRING HIGHWAY MATERIAL BID AWARDS
DATE: March 24, 2010

☒ Work Session 3/24/10

☒ Agenda 4/7/10

WE RECOMMEND THE FOLLOWING BIDS BE AWARDED:

<u>RUN OF BANK GRAVEL</u>	<u>Red Wing Properties, Inc</u>
	PER TON
FOB	\$13.00
Delivered	18.00

Asphalt Prices Below Bid @ NYS DOT Base Price \$497.00 (February 2010)

<u>BITUMINOUS CONCRETE - F.O.B.</u>	<u>Peckham Material Corporation</u>
ASPHALT TYPE 6 & 6F	\$73.00 PER TON
BINDER COURSE TYPE 3	\$73.00 PER TON
TOP COURSE TYPE 7 & 7F	\$80.00 PER TON
CURB MIX	\$82.00 PER TON

<u>IN-PLACE - Delivered Type 6 Top</u>	<u>Kect Construction Corporation</u>
IN-PLACE	\$91.00 PER TON
IN-PLACE WITH TACK COAT	\$96.00 PER TON
IN-PLACE WITH KEYS	\$96.00 PER TON

<u>ROAD OILS, CUTBACKS, ETC.</u>	<u>Peckham Material Corporation</u>
MEDIUM CURING CUTBACKS	\$3.40 PER GALLON
RAPID CURING CUTBACKS	\$3.45 PER GALLON
PENETRATION ASPHALT	\$3.40 PER GALLON
CATIONIC	\$2.52 PER GALLON

(Cont.)

TOWN OF CARMEL HIGHWAY DEPARTMENT

TREE FELLING AND TREE TRIMMING

DAILY

Laurel Oak Landscaping of NY, Inc

\$1,340.00

\$167.50 HOURLY, if providing Truck & Chipper for Final Cleanup

GRANULAR BASE - ITEM 4

Putnam Materials Corporation

FOB \$12.00

DELIVERED \$18.00

CRUSHED GRAVEL

Putnam Materials

Domain Sand & Gravel

Thalle Industries

1 1/2" FOB plant	\$17.25		
1 1/2" DELIVERED	\$23.25	\$23.25	
3/4" FOB plant	\$17.25		
3/4" DELIVERED	\$23.25	\$23.25	
3/8" FOB plant		\$13.00	
3/8" DELIVERED		\$22.00	
1/4" FOB plant			\$18.00
1/4" DELIVERED			\$25.00

STEEL CULVERT PIPE

Chemung Supply Corporation

F.O.B

DELIVERED

6 X 18 Plain	\$4.94	\$4.94
Perforated	5.22	5.22
8 X 16 Plain	5.92	5.92
Perforated	6.22	6.22
10 X 16 Plain	6.89	6.89
Perforated	7.28	7.28
12 X 16 Plain	9.84	9.84
Perforated	10.34	10.34
15 X 16 Plain	11.83	11.83
Perforated	12.44	12.44
18 X 16 Plain	14.78	14.78
Perforated	15.58	15.58
21 X 16 Plain	16.74	16.74
Perforated	17.64	17.64
24 X 16 Plain	18.73	18.73
Perforated	19.64	19.64
30 X 14 Plain	29.44	29.44
Perforated	30.94	30.94
36 X 14 Plain	35.34	35.34
Perforated	37.22	37.22

March 24 – 2010 Spring Bid Awards – Page 2 of 3

TOWN OF CARMEL HIGHWAY DEPARTMENT

CORRUGATED POLYETHYLENE DRAINAGE PIPE

FOB & Delivered – Will purchase on State Bid from an authorized ADS distributor.

7 APRIL 2010
TOWN BOARD MEETING

(Cont.)

<u>ALUMINUM CULVERT</u>		<u>Chemung Supply Corporation</u>	
		<u>F.O.B.</u>	<u>DELIVERED</u>
6 X 18	Plain	\$6.99	\$6.99
	Perforated	7.17	7.17
8 X 16	Plain	9.29	9.29
	Perforated	9.49	9.49
10 X 16	Plain	11.58	11.58
	Perforated	12.18	12.18
12 X 16	Plain	14.68	14.68
	Perforated	15.44	15.44
15 X 16	Plain	18.34	18.34
	Perforated	19.29	19.29
18 X 16	Plain	21.99	21.99
	Perforated	23.17	23.17
21 X 16	Plain	25.67	25.67
	Perforated	26.99	26.99
24 X 16	Plain	28.89	28.89
	Perforated	30.42	30.42
30 X 14	Plain	44.94	44.94
	Perforated	47.29	47.29
36 X 14	Plain	54.12	54.12
	Perforated	56.94	56.94
<u>CATCH BASIN SUMPS AND CATCH BASIN TOPS</u>		<u>M & M Precast</u>	
CATCH BASIN SUMPS - Delivered			
36" Height 56" x 45"			\$260.00
48" Height 56" x 45"			275.00
CATCH BASIN TOPS - Delivered			
Flat Type - 8" Thick w/ Grate 36" x 19 1/4"			295.00
Curb Back - 12" Thick w/ Grate 36" x 19 1/4"			305.00

Thanks & Regards,


Michael Simone
Superintendent of Highways

MS/Sen

cc Town Attorney
Town Clerk

March 24 - 2010 Spring Bid Awards - Page 3 of 3

**ENGINEER CONSULTANT TO CIRCULATE REQUEST FOR PROPOSALS FOR
EMERGENCY GENERATOR SERVICING - WATER & SEWER DISTRICTS**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Engineering Consultant John Karell, Jr. P.E., to request proposals for emergency generator servicing for Town of Carmel Sewer and Water Districts in accordance with the Town of Carmel's adopted procurement policy.

ResolutionOffered by: Councilwoman McDonoughSeconded by: Councilman DiCarlo

(Cont.)

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

Prior to the roll call vote, discussion was held regarding potential cost savings measures with regard to the generators.

CARMEL SEWER DISTRICTS #2, #4, #5, #6 & #7 - AWARDING OF BIDS FOR LIQUID SLUDGE HAULAGE AUTHORIZED

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for liquid sludge haulage for Carmel Sewer Districts #2, #4, #5, #6 & #7; and

WHEREAS such bids were received and opened and Engineering Consultant John Karell, Jr., P.E. has recommended the awarding of the bids;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer Districts #2, #4, #5, #6 & #7 hereby awards the bids for sludge haulage to the lowest responsible bidders who met specifications as follows:

<u>District</u>	<u>Vendor/Contractor</u>	<u>Price Per Gallon</u>
Carmel Sewer District #2	Mahopac Septic Mahopac, NY	\$.104
Carmel Sewer District #4	Fred A. Cook Jr., Inc. Montrose, NY	\$.115
Carmel Sewer District #5	Mahopac Septic Mahopac, NY	\$.120
Carmel Sewer District #6	Fred A. Cook Jr., Inc. Montrose, NY	\$.115
Carmel Sewer District #7	Fred A. Cook Jr., Inc. Montrose, NY	\$.115

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman DiCarlo

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

BOND RELEASE AUTHORIZED - MAHOPAC VOLUNTEER FIRE DEPARTMENT - TM #76.22-1-28 & 30

WHEREAS application has been made by Mahopac Volunteer Fire Department for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for Tax Map #76.22-1-28 & 76.22-1-30 with respect to a site plan approval issued for the aforesaid property; and

(Cont.)

WHEREAS said application has been reviewed by the Town Engineering Consultant and release of the bond has been recommended and approved by the Engineering Consultant and the Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for said Tax Map #76.22-1-28 & 76.22-1-30 in the amount of \$250,000.00.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman DiCarlo

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

SIGNING OF INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF PUTNAM AND THE TOWN OF CARMEL RELATIVE TO THE PUTNAM COUNTY STOP-DWI PROGRAM - AUTHORIZED

WHEREAS the Chief of Police has requested that the Town Board authorize the signing of an Intermunicipal agreement between the County of Putnam ("County") and the Town of Carmel ("Carmel") providing for the participation of the Town of Carmel Police Department in the Putnam County Sheriff's Department's "STOP-DWI PROGRAM";

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign on behalf of the Town of Carmel, the Intermunicipal Agreement between the County and Carmel in regard to the participation of the Town of Carmel Police Department in the "STOP-DWI PROGRAM"; and

BE IT FURTHER RESOLVED that a copy of said Intermunicipal Agreement be filed with the Town Clerk after signature by the Town Supervisor.

Resolution

Offered by: Councilman DiCarlo

Seconded by: Councilmen Ravallo and Lombardi

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

DEPARTMENT OF RECREATION AND PARKS - SYCAMORE PARK RENTAL FEE WAIVED - CHABAD OF PUTNAM COUNTY - 5/2/10

WHEREAS, James R. Gilchrist, Director of Town of Carmel Recreation and Parks Department has recommended the waiver of the Sycamore Park rental fee for Chabad of Putnam County requested by Rabbi Avi Koror;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, hereby waives the \$150 rental fee for Sycamore Park in regard to the community barbeque scheduled on May 2, 2010 for Chabad of Putnam County.

(Cont.)

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

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

SOUND AMPLIFICATION PERMIT - FEE WAIVED - NATIONAL MULTIPLE SCLEROSIS SOCIETY - 4/18/10

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee in reference to the application of The National Multiple Sclerosis Society for a sound amplification permit for the MS Walk April 18, 2010 located at the Carmel Firehouse.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman DiCarlo

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

ENTRY INTO CONTRACT WITH PUTNAM COUNTY REAL PROPERTY TAX DEPARTMENT - AUTHORIZED

WHEREAS appropriations have been made in the 2010 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and
WHEREAS said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to enter into and execute, on behalf of the Town, contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

<u>Contractor</u>	<u>Services</u>	<u>Not to Exceed</u>
County of Putnam Real Property Tax Dept.	Real Property Tax Services	\$0.50 per parcel for basic services; \$0.01 per parcel for additional Special District Rolls

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

7 APRIL 2010
TOWN BOARD MEETING

(Cont.)

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

NOTICE REQUIREMENT WAIVED IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR AVELLINO, INC., D/B/A "DANTE'S TRATTORIA"

WHEREAS, Dante's Trattoria, 155 Route 6, Mahopac, NY 10541, has advised that it intends to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Avellino, Inc., d/b/a "Dante's Trattoria", for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that the Town Clerk is authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilman Ravallo

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

PUBLIC HEARING SCHEDULED FOR 4/28/10 - PROPOSED LOCAL LAW ENACTING CHAPTER 96, ENTITLED "DUMPSTERS, GARBAGE CONTAINERS & TRASH ENCLOSURES" OF THE TOWN CODE OF THE TOWN OF CARMEL

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, April 28, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law enacting Chapter 96, entitled "Dumpsters, Garbage Containers & Trash Enclosures" of the Town Code of the Town of Carmel; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

(Cont.)

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

CHAPTER 96. DUMPSTERS, GARBAGE CONTAINERS, TRASH ENCLOSURES

GENERAL REFERENCES

§ 96-1. Legislative intent and title.

This chapter is adopted in view of the increase in illegal dumping of garbage, rubbish, refuse and other offensive materials. It is the intent of the Town Board of the Town of Carmel to restrict and regulate, in a manner consistent with the interest of the residents of the Town of Carmel, the dumping, disposal and accumulation of various wastes and to require that all dumpster(s) be screened and located in proper locations in order to promote the health, safety and general welfare of the persons and property within the Town of Carmel. This chapter shall be known as the "Illegal Dumping/Trash Enclosure Local Law of the Town of Carmel."

§ 96-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMPOST

To heap or pile matter capable of decay, including but not limited to grass cuttings, leaves, brush, decaying foods or paper products, for use as fertilizer.

CLOTHING BIN CONTAINER

A exterior container which is placed for the purpose of obtaining, collection, soliciting the donation of, or the storage of used items, including used clothes, furniture and personalty.

CONSTRUCTION AND DEMOLITION DEBRIS

Any matter that is defined as construction and demolition debris in 6 NYCRR Part 360.

DUMPSTER

A bulk storage container for garbage as defined herein, and other waste materials that can be hauled directly to the point of disposal or emptied into a large compactor-type truck or other conveyance for disposal.

GARBAGE

Includes, but is not limited to:

- A. Food waste of all kinds.
- B. Used food containers or parts thereof, whether metal, paper, wood, glass, plastic or synthetics.
- C. Paper materials used in food packaging.
- D. Dead animals or parts thereof
- E. Any other matter which shall be capable of fermentation or decay except:

(Cont.)

- (1) Lumber as defined herein; and
- (2) Composted garbage used as fertilizer upon farms or gardens.

LITTER

Any waste matter capable or incapable of fermentation or decay, which is not contained in a waste receptacle, garbage can or dumpster.

LUMBER

Includes but is not limited to:

- A. Wood of growing trees sawed or split into boards or planks.
- B. Wood pallets.
- C. Wood used in packing and/or shipping.

RUBBISH

- A. Combustible paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, tires, plastics, Styrofoam and synthetics, wood furniture and bedding, dunnage and all other material subject to burning.
- B. Noncombustible metal, tin cans, metal furniture, glass, crockery and minerals, ashes, cinders and pottery.

SLUDGE

Solids removed during the treatment of:

- A. Domestic or sanitary sewage.
- B. Stormwaters.
- C. Industrial wastewater.
- D. Any combination of the above.

SOLID WASTE

Any matter that is defined as solid waste by 6 NYCRR Part 360.

TOXIC MATERIALS

Materials listed or defined as hazardous by either of the following:

- A. New York State Department of Environmental Conservation; or
- B. United States Environmental Protection Agency.

§ 96-3. Prohibitions and restrictions.

A. Dumping, disposing, burying, burning or littering of any of the following on any public or private lands in the town is prohibited:

(1) Garbage, rubbish or litter, subject to the following:

(a) The storage of garbage or rubbish that is awaiting collection and removal in a durable container in a manner which, in the opinion and discretion of the Director of Codes Enforcement of the Town of Carmel, does not impair the public health or safety shall not be deemed to be prohibited by this section.

(b) The owner of a one family residence or farm may compost on the property comprising said residence or farm matter capable of decay (as defined in § 93-2 above) generated from that residence or farm to be used as a fertilizer, so long as the disposal and composting is done in a nuisance-free manner which does not impair the public health, safety or general welfare.

(c) The disposal on areas within the property boundaries of a family residence or farm of animal carcasses or parts thereof generated from that family residence or farm shall not be deemed prohibited by this section so long as the same shall be disposed of pursuant to the applicable provisions of New York State's Agriculture and Markets Law.

(Cont.)

(2) Sludge; however, the disposal of sludge in accordance with the regulations of the State Department of Environmental Conservation shall not be deemed to be prohibited by this section.

(3) Toxic materials.

(4) Solid waste; however, the disposal of solid waste at a disposal facility authorized and licensed in accordance with regulations set forth in 6 NYCRR Part 360 shall not be deemed to be prohibited by this section.

(5) Construction and demolition debris, subject to the following: The storage of construction and demolition debris that is awaiting collection and removal in a manner which in the opinion and discretion of the Director of Codes Enforcement of the Town of Carmel, does not impair the public health or safety shall not be deemed to be prohibited by this section; provided, however, that said debris is removed from the site within 45 days from the issuance of a building demolition permit.

B. Dumping, disposing or burying of lumber in the town is prohibited, except:

(1) Lumber awaiting use in any construction project stored in a manner, which does not impair the public health or safety.

(2) This section shall not be deemed to prevent the storage of untreated lumber intended for the use as firewood so long as the same shall not be stored in or near any highway or town road right-of-way, or at or near any intersection in such a manner as to obstruct or impair the line of sight for vehicular or pedestrian traffic. No storage of firewood shall be allowed in the front yard of any residential dwelling.

C. Placement of dumpsters is restricted as follows:

(1) A dumpster shall be located within a residential community as placed upon the final plans of approval for the development of the community, or as otherwise approved by the Town Planning Board.

(2) No dumpster shall be located in or on a public right-of-way.

(3) No dumpster shall be located in areas regularly used or as previously approved by the Town Planning Board as designated parking spaces for commercial or business uses, without the Planning Board's approval.

(4) Garbage and other waste material must be completely contained within the dumpster. No accumulation of garbage or other materials, such as litter, rubbish or waste, will be permitted outside the confines of the dumpster, nor will it be permitted to accumulate so that the dumpster cover cannot be firmly closed.

(5) All dumpsters shall be kept in good repair, be structurally sound, leakproof and easily opened and closed. Dumpsters shall be painted as necessary to prevent the showing of rust and deterioration and be so constructed as to stand firmly upright.

(6) All dumpsters ~~and clothing bin containers~~ shall have the name of the company or individual owning such dumpster clearly printed on either the front or the back of such dumpster.

(7) All dumpsters shall be screened as follows:

a. With a minimum six-foot fence, slatted or solid, either Black, Brown or Hunter-Green: or

b. With a minimum six-foot tall living fence, of such density that the dumpster cannot be seen through the living fence. Said living fence must be of evergreen trees and maintained year round: or

c. With a minimum six-foot tall wall, made of brick, stone, or other masonry.

(8) The dumpster enclosure shall be not more than four feet larger than the dumpster to be enclosed within.

(9) No signage is permitted on the enclosure.

(10) The trash enclosure shall not be used for any other use but the enclosure of the dumpster.

(Cont.)

- D. Unlawful acts. It shall be unlawful for any person to dispose of residential waste, ashes, junk goods, recyclable materials, by means of the following:
- (1) Placing the above-stated materials at the pickup area of another residence, business or public park.
 - (2) Placing the above-stated materials in the containers belonging to the place of business or residence of another or the containers of a public park or street.
 - (3) Disposing of any of the above-stated materials other than through the town or private hauler provided by the owner or resident.
 - (4) Disposing of recyclable materials being collected under the town or county recycling program with other residential waste or garbage.
 - (5) For any nonresident of the Town of Carmel, whether it be person and/or corporation, to deposit any junk goods, recyclable materials, garbage or wastes at any site in Carmel, including but not limited to the pickup area of another resident, business or public park, in containers belonging to a place of business or residence of another or in containers of a public park, except for food and beverage waste personally generated in the use of public parks or eating establishments.
- E. Clothing Bin Containers
- (1) No clothing bins shall be placed within the Town of Carmel on any public or private properties.
- F. Existing Dumpsters.
- (1) All properties within the Town of Carmel must be in compliance with this local law within 12 months of the adoption of this local law. If within the 12 month period compliance is not achieved, the Property Compliance officer, Police officer, or any other official charged with enforcement of this code shall issue a violation to the property owner, tenant, or both and seek fines as described in 96-4 of this code.

§ 96-4. Penalties for offenses; enforcement.

- A. Any person, firm or corporation who or which shall violate or fail to comply with any of the provisions of this chapter shall, upon conviction, be sentenced to pay a fine of not less than **\$250 nor more than \$1,000** for each offense, and in default of payment of such fine, be imprisoned for a term not exceeding fifteen days. Each day of violation constitutes a separate offense.
- B. This chapter may be enforced by the Police Department and/or the Code Enforcement Office of the Town of Carmel.

LAKE SECOR PARK DISTRICT - MAILING OF NEWSLETTER AUTHORIZED

RESOLVED that the Town Board, acting as the Commissioners of the Lake Secor Park District, hereby authorizes the mailing to all properties within the district of the newsletter prepared by the Lake Secor Park District Committee and that the cost thereof be charged as a district expense.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman DiCarlo

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

DEPARTMENT OF RECREATION AND PARKS - SALE OF OBSOLETE EQUIPMENT AUTHORIZED

WHEREAS, the Town Board of the Town of Carmel, hereby previously authorized the declaration of certain equipment maintained by the Department of Recreation and Parks as obsolete and further authorized the disposal of said equipment in accordance with Town Law and their sale by sealed public bid;

NOW THEREFORE BE IT RESOLVED that the sale of the following equipment is hereby authorized:

- Bandit Jet Ski Trailer to John Schneider, Mahopac, NY – \$101.00;
- Easylawn Hydro Seeding serial no. 23297 to Michael Naglieri, Mahopac, NY –\$500.00;
- Murray Push Mower serial #7428212221BP118 to Michael Johnson, Carmel, NY- \$25.00;
- Ingersoll Tractor, serial no. unknown to Tim Paraskeva, Stormville, NY \$112.00;
- Ryan aerator serial no. 54488749010 to McGuigan, Carmel, NY – \$151.00;
- Craftsman tractor serial no. 050339D003434 to Tim Paraskeva, Stormville, NY - \$52.00;
- Scag mower serial no. 469022 to Anthony Armistead, Mahopac, NY– \$538.16;
- Scag mower serial no. 4690037 to John Schneider, Mahopac, NY – \$476.00;

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign any and all documentation necessary to effect transfer of title to the aforesaid equipment.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

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

SIGNING OF STIPULATION OF SETTLEMENT AUTHORIZED - TOWN OF CARMEL, AND CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 100, AFSCME, AFL-CIO, TOWN OF CARMEL UNIT, PUTNAM COUNTY LOCAL 840 AND EMPLOYEE # 1036

RESOLVED that the Town Board, hereby accepts the terms of the Stipulation of Settlement between the Town of Carmel, and Civil Service Employees Association, Inc., Local 100, AFSCME, AFL-CIO, Town of Carmel Unit, Putnam County Local 840 and Employee # 1036; and

BE IT FURTHER RESOLVED that The Town Board hereby authorizes and directs Supervisor Kenneth Schmitt to countersign the aforesaid stipulation of settlement.

Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilman Ravallo

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

**MAHOPAC SPORTS ASSOCIATION, PUTNAM COUNTY HUMANE SOCIETY, INC.,
LITERARY UNION (REED MEMORIAL LIBRARY), AND MAHOPAC LIBRARY -
ENTRY INTO 2010 CONTRACTS AUTHORIZED**

WHEREAS appropriations have been made in the 2010 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and

WHEREAS said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to enter into and execute, on behalf of the Town, contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

<u>Contractor</u>	<u>Services</u>	<u>Not to Exceed Amount</u>
Mahopac Sports Association	Recreational Services	\$82,800.00
Putnam County Humane Society, Inc.	Dog Shelter Services & Dog Control Services	\$60,635.00
Literary Union (Reed Memorial Library)	Library Services	\$205,000.00
Mahopac Library	Library Services	\$51,300.00

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman DiCarlo

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

FIRE DEPARTMENTS AND AMBULANCE CORPS - ENTRY INTO 2010 CONTRACTS AUTHORIZED

WHEREAS appropriations have been made in the 2010 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and

WHEREAS said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to enter into and execute, on behalf of the Town, contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

<u>Contractor</u>	<u>Services</u>	<u>Not to Exceed</u>
Mahopac Falls Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #1	\$644,000.00
Mahopac Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #2	\$1,497,529.00
Carmel Fire District & Carmel Fire Department, Inc.	Fire Protection-Fire Protection Dist. #3	\$460,000.00
Carmel Volunteer Ambulance Corps	Ambulance Services-Carmel Ambulance District #1	\$210,000.00

(Cont.)

North Salem Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$11,700.00
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Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Ravallo

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

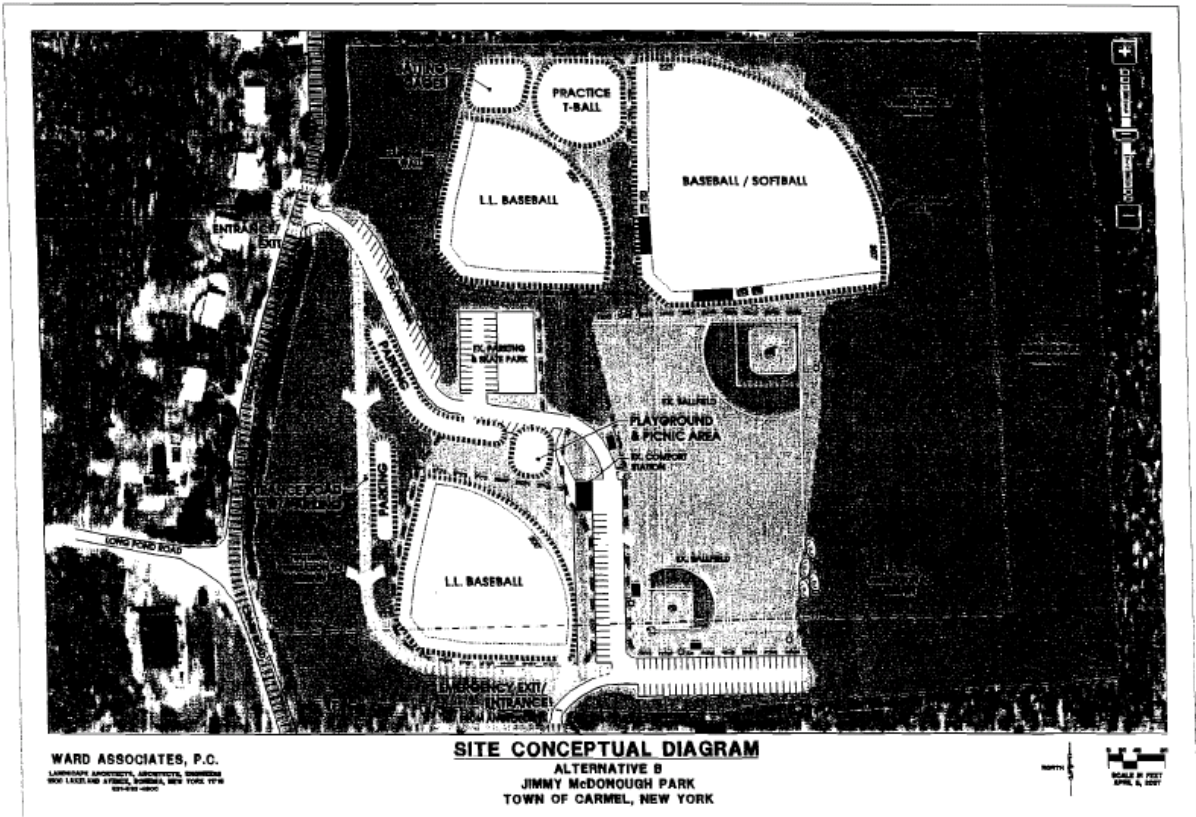
**CAPITAL PROJECTS LIST AMENDED TO INCLUDE PROPOSED IMPROVEMENTS
AT JIMMY MCDONOUGH PARK**

RESOLVED that the Town Board hereby amends its existing Capital Projects List to include proposed improvements at Jimmy McDonough Park as contained and set forth within the Site Conceptual Diagram attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Deputy Comptroller is hereby authorized to establish and fund a Capital Project Fund in connection with the aforesaid project.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

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



JIMMY MCDONOUGH PARK - FUNDS FROM THE PARKLAND TRUST FUND FOR IMPROVEMENTS RESERVED - \$10,600.00

RESOLVED that the Town Board hereby reserves the sum \$10,600.00 in the Parkland Trust Fund to fund the cost of surveying service and/or engineering services for additional improvements at Jimmy McDonough Park.

Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilman Lombardi

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

JIMMY MCDONOUGH PARK - PROPOSAL ACCEPTED FOR SURVEYING & ENGINEERING SERVICES - INSITE ENGINEERING - NOT TO EXCEED \$10,600.00

WHEREAS, James Gilchrist, Director of Recreation and Parks has solicited and received proposals for surveying and engineering services at Jimmy McDonough Park and has recommended the awarding of the proposal to Insite Engineering of Carmel, New York at a cost not to exceed \$10,600.00 as detailed in his memorandum dated March 5, 2010;

NOW THEREFORE BE IT RESOLVED that the Town Board hereby accepts the proposal of Insite Engineering to perform the services at a cost not to exceed \$10,600.00 and

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

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman DiCarlo

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

PUBLIC COMMENTS

Jerry Ravnitzky suggested that the Town of Carmel acquire copies of the grant applications that were recently awarded funding for energy efficiency and conservation projects in preparation of future submissions.

Supervisor Schmitt responded that upon notification that the Town's grant applications to the New York State Energy Research and Development Authority (NYSERDA) were denied, at his request the applications of the municipalities that were awarded funding were requested under the Freedom of Information Law. Discussion ensued.

Judy Ravnitzky spoke in recognition of the Mahopac Public Library and discussion was held regarding their many services and programs.

Marc Pekowsky questioned the improvements proposed at Jimmy McDonough Park.

(Cont.)

Supervisor Schmitt, with assistance from Councilwoman McDonough explained the proposed development of several ball fields at Jimmy McDonough Park and a brief discussion followed.

Mr. Pekowsky inquired about future plans for additional parking to access the bike trail.

Supervisor Schmitt provided an update on Putnam County's commencement of construction of the commuter parking lot at Mount Hope Road. He further provided an update on Putnam County's plans for additional bike trail parking.

Mr. Pekowsky noted in regard to Resolution #8, the correct pronunciation of "Chabad".

David Gagliardi, a Mahopac Public Library trustee, acknowledged the comments made in recognition of the library and expressed appreciation to the Town Board for their support.

TOWN BOARD MEMBER COMMENTS

Supervisor Schmitt announced that the Town of Carmel Recreation and Parks Advisory Committee has scheduled an open meeting at the Town Hall on Thursday, April 8th at 7:30 p.m. The purpose of the meeting is to obtain views from the community on ways to improve and strengthen Recreation Department programs.

Supervisor Schmitt announced that the Lake Mahopac Rotary Club will be holding a "Duck Race" on Sunday, May 16th at the Red Mills Historic Park commencing at 11:00 a.m. All proceeds from the event will benefit Rotary charities.

Supervisor Schmitt announced that the Ladies Auxiliary of the Carmel Fire Department will hold a breakfast buffet on Sunday, April 11th from 9:00 a.m. to 11:00 a.m. at the Carmel Firehouse.

Councilman Lombardi spoke regarding the importance of completing and mailing back 2010 United States Census forms.

Councilman Lombardi announced that local resident Gina Aurisicchio will be hosting "Drink for Pink", a fundraiser in support of the American Cancer Society at the Claddagh Bar in Mahopac on Thursday, April 8th starting at 7:00 p.m.

Councilman Ravallo commented on various aspects of the present financial crisis and the Town Board's attempts to do more with less.

Supervisor Schmitt highlighted items brought forth at the recent New York State Government Finance Officers' Association (GFOA) conference in Albany.

Councilman DiCarlo cited an article that appeared in the newspaper that indicated that almost half of the country does not pay taxes and commented on the impact that it has on Putnam County. Discussion continued with regard to the current poor economic conditions.

Supervisor Schmitt announced that the 10th annual Christopher Tantalos Memorial Dinner Dance will be held on Saturday, April 24th from 7:30 p.m. to 11:30 p.m. at the Mahopac Firehouse. Proceeds will benefit the memorial fund established in memory of Christopher Tantalos, a Mahopac High School graduate who was killed in a motor vehicle accident on his way home from a tryout with a professional baseball team.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilman Lombardi, with all Town Board members present and in agreement, the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Ann Garris, Town Clerk