

21 APRIL 2010

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 21<sup>st</sup> day of April 2010 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 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 3/10/10 AND 3/17/10 - 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 March 10<sup>th</sup> and March 17<sup>th</sup>, 2010 were accepted as submitted by the Town Clerk.

**ASSESSMENT ROLL SEWER CAPITAL CHARGES AMENDED - SEWER DISTRICT #1, EXTENSION #3 - ROSE MOLONEY - TAX MAP 65.17-1-27**

WHEREAS, the Town Board has received the application of Rose Moloney, owner of the property located at East Lake Boulevard, Mahopac, NY also known and designated as Town of Carmel Tax Map #65.17-1-27, seeking modification and/or amendment of the capital charge assessment for the aforesaid property;

WHEREAS, the Town Board has conducted inquiry into the aforesaid application; and

WHEREAS, a public hearing was held on the aforesaid matter on December 9, 2009;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, Acting as Commissioners of Carmel Sewer District #1, Extension #3, hereby determines that the strict application of Chapter 119 of the Town Code, entitled “Sewer Districts” would be inequitable to the aforesaid property owner and property; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel, Acting as Commissioners of Carmel Sewer District #1, authorizes the reduction of the capital charge assessment for Tax Map #65.17-1-27 to zero units, pursuant to Town Code Section 119-11 (F); and

BE IT FURTHER RESOLVED that the Town Assessor is authorized to reduce the sewer district capital charge for the aforesaid property to zero units and make note of said reduction on the corresponding property card; and

BE IT FURTHER RESOLVED that the reduction granted hereunder shall continue until such time as the aforesaid property connects to, attempts to connect to or applies for connection to the Sewer District #1, Extension #3 collection system at which time the aforesaid property’s capital charge assessment shall be reviewed and set in accordance with the Sewer District ordinance and include the imposition of all applicable back-capital charges.

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>

21 APRIL 2010  
TOWN BOARD MEETING

**BUDGET MODIFICATIONS - #2010-03 - AUTHORIZED**

WHEREAS the Deputy Comptroller has reviewed the March 2010 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2010-03;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the March 2010 Budget Modifications/Revisions itemized on Schedule #2010-03 which are attached to this resolution, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

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

TOWN OF CARMEL  
BUDGET REVISIONS FOR MARCH 2010  
#2010-03A

Work Session 4/14/10  
Agenda 4/21/10

#4

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
2010-03-01	100-1110-0047	JUSTICE COURT TRAINING EXPENSE	1,494.00	
	100-1110-0020	JUSTICE COURT EQUIPMENT	X	1,494.00
		- TRANSFER FOR ASSOC OF TOWNS CONFERENCE		
2010-03-02	100-1680-0040	INFORMATION TECH CONTRACTUAL EXPENSES	1,382.00	
	100-1680-0020	INFORMATION TECH EQUIPMENT		1,382.00
		- TRANSFER FOR EXTENDED SERVICE CONTRACT		
2010-03-03	100-1989-2705	GIFTS AND DONATIONS	*	20,000.00
	100-3120-0027	POLICE OTHER EQUIPMENT		20,000.00
		- RECORD DONATION FOR POLICE EQUIPMENT		
2010-03-04	100-1989-2681	INSURANCE RECOVERY ASSETS	*	8,575.00
	100-3120-0021	POLICE EQUIPMENT - MOTOR VEHICLE		28,575.00
	100-3120-0088	POLICE ACCRUED ABSENCES		20,000.00
		- PROVIDE / TRANSFER FOR ADDITION TO POLICE VEHICLE LEASE		
2010-03-05	100-1989-2681	INSURANCE RECOVERY ASSETS	*	10,937.00
	100-1989-2701	REFUND PRIOR YEAR EXPENSE	*	7,918.00
	100-3120-0024	POLICE ACCIDENT REPAIRS		18,855.00
		- PROVIDE FOR ACCIDENT REPAIR EXPENSES		
2010-03-06	100-3620-0047	CODES ENFORCEMENT TRAINING EXPENSE		320.00
	100-3620-0040	CODES ENFORCEMENT CONTR EXPENSE		320.00
		- TRANSFER FOR TRAING EXPENSE		
2010-03-07	100-5132-0020	HIGHWAY GARAGE EQUIPMENT		39,437.00
	100-1990-0040	CONTINGENT ACCOUNT		39,437.00
		- TRANSFER FOR REPAIR/INSTALLATION OF HEATING SYSTEM AT HIGHWAY GARAGE		
2010-03-08	100-1989-2117	PLANNING SPECIAL FEES	*	550.00
	100-8020-0044	PLANNING SPECIAL EXPENSES		550.00
		- PROVIDE FOR SPECIAL CONSULTANT EXPENSE		
<b>HIGHWAY FUND</b>				
2010-03-09	500-5010-882	FUND BALANCE SNOW RESERVE FUND	*	100,000.00
	500-5142-0012	SNOW CONTROL OVERTIME		70,000.00
	500-5142-0049	SNOW CONTROL MATERIALS		30,000.00
		- PROVIDE FOR SNOW REMOVAL COST		
<b>CARMEL WATER DISTRICT #2</b>				
2010-03-10	602-8310-9888	REPAIR RESERVE FUND APPROPRIATION	*	14,450.00
	602-8310-0040	CONTRACTUAL REPAIR EXPENSES		14,450.00
		- RECORD RESOLUTION OF RESERVE FUND USE		

(Cont.)

<b>CARMEL WATER DISTRICT #3</b>				
2010-03-11	603-8310-9882	REPAIR RESERVE FUND APPROPRIATION	*	9,550.00
	603-8310-0040	CONTRACTUAL REPAIR EXPENSES		9,550.00
		- RECORD RESOLUTION OF RESERVE FUND USE		

TOWN OF CARMEL  
BUDGET REVISIONS FOR MARCH 2010  
#2010-03B

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #5, 6, 7, 8, 9</b>				
2010-03-12	605-8310-0045	OPERATION & MAINTENANCE CONTRACT	3.00	
	606-8310-0045	OPERATION & MAINTENANCE CONTRACT		8.00
	607-8310-0045	OPERATION & MAINTENANCE CONTRACT		3.00
	608-8310-0045	OPERATION & MAINTENANCE CONTRACT	3.00	
	609-8310-0045	OPERATION & MAINTENANCE CONTRACT		5.00
	605-8310-0048	OTHER OPERATING EXPENSES		3.00
	606-8310-0048	OTHER OPERATING EXPENSES	8.00	
	607-8310-0048	OTHER OPERATING EXPENSES	3.00	
	608-8310-0048	OTHER OPERATING EXPENSES		3.00
	609-8310-0048	OTHER OPERATING EXPENSES	5.00	
		- TRANSFER FOR MINOR ROUNDING ADJUST TO CONTRACT		
<b>CARMEL WATER DISTRICT #7</b>				
2010-03-13	607-8310-0047	EMERGENCY REPAIRS	1,200.00	
	607-8310-0099	REPAIR RESERVE FUND		1,200.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #8</b>				
2010-03-14	608-8310-0047	EMERGENCY REPAIRS	4,500.00	
	608-8310-0099	REPAIR RESERVE FUND		4,500.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #12</b>				
2010-03-15	612-8310-0041	CHEMICAL EXPENSES	2,000.00	
	612-8310-0042	REPAIRS CONTRACTUAL EXPENSES		2,000.00
		- TRANSFER FOR CHEMICAL EXPENSES		
<b>CARMEL WATER DISTRICT #14</b>				
2010-03-16	614-8310-0045	OPERATION & MAINTENANCE CONTRACT	2,254.00	
	614-8310-2140	METERED WATER RENTS	*	2,254.00
		- PROVIDE FOR INCREASE OF OPER. CONTRACT		
2010-03-17	614-8310-0048	OTHER OPERATING EXPENSES	500.00	
	614-9901-0000	TRANSFER TO DEBT SERV		500.00
		- REVISE FOR DEBT SERVICE TRANSFER		
2010-03-18	614-8310-0099	REPAIR RESERVE FUND	1,000.00	
	614-8310-0047	EMERGENCY REPAIRS		1,000.00
		- TRANSFER FOR ESTABLISHMENT OF REPAIR RESERVE FUND		
<b>CARMEL SEWER DISTRICT #2</b>				
2010-03-19	702-8130-9882	REPAIR RESERVE FUND APPROPRIATION	*	9,585.00
	702-8130-0040	CONTRACTUAL REPAIR EXPENSES		9,585.00
		- RECORD RESOLUTION OF RESERVE FUND USE		

(Cont.)

TOWN OF CARMEL  
BUDGET REVISIONS FOR MARCH 2010  
#2010-03B

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL DEBT FUND</b>				
2010-03-20	810-1989-2401	INTEREST EARNINGS	*	350.00
	810-9730-0071	BAN INTEREST (DRAINAGE)		350.00
		- REVISE BUDGET DEBT SERVICE		
<b>HIGHWAY DEBT FUND</b>				
2010-03-21	850-9710-0060	BOND PRINCIPAL ROADS	84,000.00	
	850-9710-0061	BOND PRINCIPAL MACHINERY	44,000.00	
	850-9710-0070	BOND INTEREST ROADS	36,205.00	
	850-9710-0071	BOND INTEREST MACHINERY	20,655.00	
	850-9730-0060	BAN PRINCIPAL - ROADS		84,000.00
	850-9730-0061	BAN PRINCIPAL - MACHINERY		44,000.00
	850-9730-0070	BAN INTEREST - ROADS		36,205.00
	850-9730-0071	BAN INTEREST - MACHINERY		20,655.00
		- REVISE BUDGET DEBT SERVICE		
<b>CWD # 2 DEBT FUND</b>				
2010-03-22	862-9710-0060	BOND PRINCIPAL	10,000.00	
	862-9710-0070	BOND INTEREST	5,388.00	
	862-9730-0060	BAN PRINCIPAL		10,000.00
	862-9730-0070	BAN INTEREST		5,388.00
		- REVISE BUDGET DEBT SERVICE		
<b>CWD # 9 DEBT FUND</b>				
2010-03-23	869-9710-0060	BOND PRINCIPAL	7,000.00	
	869-9710-0070	BOND INTEREST	4,680.00	
	869-9730-0060	BAN PRINCIPAL		7,000.00
	869-9730-0070	BAN INTEREST		4,680.00
		- REVISE BUDGET DEBT SERVICE		
<b>CSD #1, EXT #3 DEBT FUND</b>				
2010-03-24	881-9730-0060	BAN PRINCIPAL	1,050,000.00	
	881-8130-5031	TRANSFER FROM CAPITAL	*	1,050,000.00
		- RECORD BAN PAYOFF PLAN		
2010-03-25	881-8130-2401	INTEREST EARNINGS	*	1,837.00
	881-9730-0070	BAN INTEREST		1,837.00
		- REVISE BUDGET DEBT SERVICE		
<b>CSD #1, EXT #3 DEBT FUND</b>				
2010-03-26	884-8310-2401	INTEREST EARNINGS	*	150.00
	884-8310-5031	TRANSFER FROM 614	*	400.00
	884-9730-0070	BAN INTEREST		350.00
		- REVISE BUDGET SOURCES		

**PUBLIC HEARING SCHEDULED FOR 5/12/10 - PROPOSED LOCAL LAW  
AMENDING CHAPTER 156, ENTITLED “WATER” OF THE TOWN CODE OF THE  
TOWN OF CARMEL IN REGARD TO THE ENACTMENT OF A CROSS-  
CONNECTION CONTROL ORDINANCE**

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, May 12, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 156, entitled “Water” of the Town Code of the Town of Carmel in regard to the enactment of a Cross-Connection Control Ordinance; 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.

(Cont.)

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>

TOWN OF CARMEL  
PROPOSED LOCAL LAW #        OF THE YEAR 2010

A Local Law to Amend the Code of the Town of Carmel, Chapter 151, thereof, entitled "Water."

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

SECTION 1. Chapter 151 of the Code of the Town of Carmel, is hereby amended by the addition of the following:

**ARTICLE IV**  
**CROSS-CONNECTION CONTROL**

**§151-30. Purpose.**

The purpose of this Article is:

**A.1** To protect the public drinkable water supply of the Town of Carmel from the possibility of contamination by isolating within its customers' internal distribution system(s) or its customer's private water system(s) such contaminations or pollutants which could backflow into the public water supply system; and

**A.2** To comply with the requirements of the New York State Sanitary Code Subpart 5 and in particular 5-1.31 and other provisions of the New York State Department of Health (NYSDOH).

**B. Responsibility.** The Town of Carmel Engineering Department and/or Water Department shall be responsible for the protection of all Town of Carmel Water distribution systems from contamination due to the backflow of contaminants through the water service connection. If, in the judgment of said Water Department, an acceptable backflow prevention device is required at any Town water service connection to any customers' premises, for the safety of the water system, the Water Department or its designated agent shall give notice in writing to said customer to install such acceptable backflow prevention device at each service connection to their premises. The customer shall immediately install, such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintained said device or devices shall immediately constitute a ground for discontinuing water service to the premises until such requirements have been met.



(Cont.)

**§151-31. Definitions.**

ACCEPTABLE BACKFLOW PREVENTION DEVICE – is an acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable, it must be listed on the most current version of the New York State Department of Health List of Acceptable Devices (PWS-14).

APPROVED – means accepted by the Engineering Department and/or Water Department and/or Town Engineer as meeting an applicable specification stated or cited in this Article or as suitable for the proposed use.

AUXILIARY WATER SUPPLY – means any water supply on or available to the premises other than a Town of Carmel approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, stream, rainwater, etc., or used waters or industrial fluids. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

CROSS CONNECTION – means any connection or potential connection, which allows or potentially allows for the intermingling of water from any auxiliary water supply or any substance from any other unauthorized source with water from a Town of Carmel approved public water supply

CUSTOMER'S WATER SYSTEM – means the piping used to convey water supplied by Town of Carmel water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Town Water Department. The control point is either the curb valve or the main valve located in the public right-of-way that isolated the customer's facilities from the Town or District distribution system.

HAZARDOUS FACILITY – is one in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse affect on the health of other water customers. Typical examples: laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries and commercial enterprises. This is also defined as any commercial or business enterprise as defined by zoning or by Business Use Permit.

PUBLIC WATER SUPPLY SYSTEM – means the Town of Carmel water supply system, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This included the distribution system up to its connection with the customer's water system.

REDUCED PRESSURE ZONE(RPZ) DEVICE, ACCEPTABLE – means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing 10 shutoff valves located at each end of the device, and each device shall be fitted with properly located test chocks.

Other terms All other terms are defined in the Department of Health and Town of Carmel Cross Control Manuals and polices as now in force or as amended from time to time.

(Cont.)

**§151.32 Requirements.**

- A. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Town of Carmel.
- B. The Town of Carmel shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use and availability of contaminants, the availability of an auxiliary water supply, and the type of fire fighting system in use.
- C. An acceptable backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served but, in all cases, before the first branch line leaking off the service line, as follows:
  - (1) Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.
  - (2) Whenever a customer's water system is rated aesthetically objectionable, as a minimum, an acceptable double check valve assembly shall be installed. Unless otherwise determined by Engineering Department and/or Water Department and/or Town Engineer, one and two family residential water systems shall be deemed to have a non-hazardous classification.
- D. The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State laws and regulations. The design must be approved by the Superintendent and/or its agent and all agencies required by the applicable New York State and town of Carmel Laws and Regulations. It shall be the duty of the customer at any premises classified as hazardous pursuant to C(1) and C(2) above where a reduced pressure zone device, and/or a double check valve assembly is required, to have certified inspections and operational tests done on every containment device, at least once a year. In those instances where the Engineering Department and/or Water Department and/or Town Engineer deems the hazard to be great enough, it may require certified inspections at more frequent intervals. Certified inspections and operational tests must also be made when any reduced pressure zone device is to be installed, repaired, overhauled or replaced, in addition to the requirement of an annual certified inspection and operational test. All inspections and tests shall be at the expense of the customer and shall be performed, by a New York State Department of Health (NYSDOH) certified tester approved by the Engineering Department and/or Water Department and/or Town Engineer. The Engineering Department and/or Water Department and/or Town Engineer shall make available the names, addresses and telephone numbers of those persons who are certified as testers for such backflow prevention devices. It shall be the responsibility of the water customer per NYS Sanitary Code 5.1.31 a, b, and c to see that such certified inspections and operational tests are to be undertaken so that he or his representative may witness the tests if the Engineering Department and/or Water Department and/or Town Engineer so desires. These devices shall be repaired, overhauled, or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Engineering Department and/or Water Department and/or Town Engineer immediately after the work is performed. Protection of the public water supply and the customer's water

(Cont.)

system must be in full force at all times. Note: There is no "Grace Period" for non-compliance or repairs, etc. under any section of this Article. Nothing contained in this chapter grants a license for non-compliance.

- E. No water service connection to any customer's water system shall be installed or maintained by the Engineering Department and/or Water Department and/or Town Engineer unless the water supply is protected as required by State laws and regulations and this Article. Service of water to any premises shall be discontinued by the Engineering Department and/or Water Department and/or Town Engineer if a backflow prevention device has been removed or by-passed or otherwise compromised. Service will not be restored until such conditions or defects are corrected.
- F. No customer shall allow any water or other substance from an auxiliary water supply or other source to enter any portion of the customer's internal distribution system, which is connected directly or indirectly, to any Town of Carmel public water supply.

**§151.33 Enforcement and Penalties.**

- A. No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this Article and such other local, state and federal laws, rules and regulations.
- B. If any facility served by a water system denies a water department person access to their premises for the purpose of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
- C. The following penalties shall be applicable for a violation of this Chapter:
  - (1) Failure to obtain approval for the appropriate backflow prevention device installation within sixty (60) days after the first notice: \$250.00 fine.
  - (2) Failure to install the appropriate backflow prevention device installation within thirty (30) days after the second notice: Termination of Service.
  - (3) Failure to at least annually test and certify that backflow device installation meets the criteria to comply as an acceptable containment device within 10 days of Notice: \$300.00 and/or Termination of Service.
  - (4) Failure to correct, replace or repair a backflow prevention device or the installation as required: \$300.00 and/or Termination of Service.
  - (5) Any water service terminated under this Article shall be subject to the fees of Termination for Nonpayment in effect at the time of violation.
  - (6) Any penalties under this section shall be treated as though it is for water services and may be placed on tax roll as a lien if unpaid.
  - (7) The provisions of this Chapter shall be enforceable by the Town of Carmel Engineering Department, and/or Town Engineer and/or Water Department and/or Director of Codes Enforcement.
  - (8) Every day that the customer is in violation of this Article represents a separate distinct violation punishable as set forth herein.



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**§151.34 Fee Schedule**

- A. Fees for plan review by the Engineering Department and/or Water Department and/or Town Engineer
  - (1) ¾ to 1 ½ inch pipe \$100.00;
  - (2) Over 1 ½ inch pipe \$200.00.
- B. Fees for Inspections for each device shall be required at cost of \$75.00. All other inspections for determination for the need for RPZ shall be at a cost of \$75.00
- C. Additional Reviews and Inspections. Additional reviews and inspections may be charged to the water customer t one-half the Review or Inspection Fee for each additional review or inspection as deemed appropriate by the Engineering Department and/or Water Department and/or Town Engineer.

**§151.35 Installation and Maintenance.**

- A. Backflow Prevention Devices, their Vaults, Protective Enclosures, Appurtenances and other Structures, to include those installations and plumbing inside of buildings: It shall be the sole responsibility of the water customer to install and maintain said items at an acceptable level of condition as determined by the Carmel Water Department and shall be in continuous conformity with governing laws, ordinances, regulations and specifications of the Carmel Water Department and the State of New York as now in force or amended.
- B. It shall be the policy of the Engineering Department and/or Water Department and/or Town Engineer to follow the general regulations and standards regarding water distribution systems, and especially those covering Cross Connection Control as adopted by the New York State Department of Health, notwithstanding the right of the Carmel Water Department to amend and/or modify those regulations and standards to be more detailed or restrictive at its sole election.

**§151.36 Required Testing and Certification.**

The test reports (form DOH 1013) for each device shall be submitted to the Health Department and also to the Carmel Water Department at least annually or more frequently at the discretion of the water supplier. Unacceptable completion of the test report forms submitted by a tester may result in the Engineering Department and/or Water Department and/or Town Engineer barring future testing by that particular certified tester in the Town of Carmel at the sole discretion of the Engineering Department and/or Water Department and/or Town Engineer.

**§151.37. New Systems.**

All containment device installation design plans must be approved by both the health department and the Town of Carmel and the New York State Department of Health. The Engineers report must be accompanied by the Engineering Department and/or Water Department and/or Town Engineer Design Approval Criteria as amended from time to time.

**§151.38 Entrance to Premises.**

For the purpose of inspection, installation, maintenance, repair, turning on or shutting off water, authorized personnel of the Water Department will have free and full access, at all reasonable times, to all parts of any premises supplied with water from the Carmel Water District or upon which application has been made to the Water Department or to which water is reasonably believed to be supplied. Filing of an application shall in addition to the provisions of this Article be deemed consistent to such access.

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**§151.39 Experts.**

The Town of Carmel Engineering Department and/or Water Department and/or Town Engineer may engage the services of an expert to manage the cross connection control program and transfer this cost to the customer for the review of said property.

**§151.40 Plumbing.**

All internal plumbing must conform to and be maintained in continued conformity with the N.Y.S. Uniform Fire Prevention and Building Codes and the N.Y.S. Sanitary Code or any amendments made from time to time as well as any local codes, and may be inspected by the Engineering Department and/or Water Department and/or Town Engineer to qualify its' conformity.

**SECTION 2. This Local Law shall take effect immediately in accordance with the law.**

Councilman Ravallo called upon Gregory Folchetti, Legal Counsel to explain the purpose of the proposed Local Law.

Mr. Folchetti indicated that this is a model law for cross-connection controls in the water systems within Putnam County that the Health Department has requested that all municipalities enact.

**JUSTICE COURT ASSISTANCE PROGRAM - PROPOSAL ACCEPTED FOR COURTROOM IMPROVEMENTS - ADLER COMMERCIAL CONSTRUCTION - NOT TO EXCEED \$9,680.00**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of proposals for improvements to be constructed in the Town of Carmel Courtroom with grant funding received pursuant to the Justice Court Assistance Program administered by the Office of Court Administration; and

WHEREAS such proposals were received and opened and Pat Genna, Court Clerk has recommended accepting the proposals of Adler Commercial Construction, Thornwood, NY,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby accepts the proposal and contract for the aforementioned improvements to Adler Commercial Construction at an aggregate price not to exceed \$9,680.00; 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: Councilwoman McDonough

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>

21 APRIL 2010  
TOWN BOARD MEETING

**LAKE SECOR PARK DISTRICT - PROPOSAL ACCEPTED FOR HYDRO RAKING  
AND COPPER SULFATE APPLICATION - AQUATIC CONTROL TECHNOLOGY,  
INC. - \$8,740.00**

WHEREAS the Lake Secor Park District Committee has requested that the Town Board authorize the performance of hydro-raking and copper sulfate application on Lake Secor during the summer of 2010; and

WHEREAS, the Engineering Consultant has solicited proposals for the proposed hydro-raking and copper sulfate application and has forwarded a memo with a recommendation for the awarding of the proposal, a copy of which is on file in the Town Engineer's Office;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Secor Park District hereby accepts the proposal of Aquatic Control Technology, Inc., Sutton MA for said services for the year 2010 at a total lump sum cost of \$8,740.00; and

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

**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>

**SOLID WASTE PICKUP AND DISPOSAL AT VARIOUS TOWN OWNED FACILITIES  
PROPOSAL ACCEPTED - MID-HUDSON WASTE - \$10,304.40**

WHEREAS the Town Board of the Town of Carmel has previously authorized the solicitation of proposals for solid waste pick-up and disposal at various Town owned facilities, and

WHEREAS, the Engineering Consultant has solicited proposals for the proposed solid waste pick-up and disposal and has forwarded a memo with a recommendation for the awarding of the proposal, a copy of which is on file in the Town Engineer's Office;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, hereby accepts the proposal of Mid-Hudson Waste, Mahopac, NY for said services for the year 2010 at a total lump sum cost of \$10,304.40; and

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

**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>

21 APRIL 2010  
TOWN BOARD MEETING

**ADDITIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT - 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:

James Scanga, Mahopac, NY

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>

**DEPARTMENT OF RECREATION AND PARKS - RED MILLS HISTORIC PARK RENTAL FEE WAIVED - LAKE MAHOPAC ROTARY - 5/16/10**

WHEREAS, James R. Gilchrist, Director of Town of Carmel Recreation and Parks Department has recommended the waiver of the Red Mills Historic Park rental fee for the Lake Mahopac Rotary Club;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, hereby waives the \$150 rental fee for Red Mills Historic Park in regard to the Duck Race event scheduled on May 16, 2010 sponsored by the Lake Mahopac Rotary Club.

Resolution

Offered by: Councilwoman McDonough  
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>

**SOUND AMPLIFICATION PERMIT FEE WAIVED - LAKE MAHOPAC ROTARY - 5/16/10**

RESOLVED that the Town Board of the Town of Carmel hereby waives the permit fee in reference to the application of Lake Mahopac Rotary Club for a sound amplification permit for the Duck Race Events scheduled for May 16, 2010 at Red Mills Historic Park.

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>

21 APRIL 2010  
TOWN BOARD MEETING

**ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE  
WITHIN THE TOWN OF CARMEL AUTHORIZED - SUPERIOR WASTE DISPOSAL,  
INC. - 9/17/09 THROUGH 9/16/10**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Superior Waste Disposal, Inc., dated September 9, 2009, hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
Superior Waste Disposal	Office Address: 307 White Street Danbury, CT 06810	9/17/2009 through 9/16/2010
	Mailing Address: 307 White Street Danbury, CT 06810	

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>

Prior to the roll call vote, Councilwoman McDonough inquired if all the necessary insurance documents regarding the pending license applications for the collection of refuse and garbage have been received.

Mr. Folchetti stated that with respect to the applications of Superior Waste Disposal, Inc. and Automated Waste Disposal, Inc., he is in possession of all the insurance documents. There is still an insurance issue with Tompkins Disposal Services, Inc.

**ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE  
WITHIN THE TOWN OF CARMEL AUTHORIZED - AUTOMATED WASTE  
DISPOSAL, INC. - 9/19/09 THROUGH 9/18/10**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Automated Waste Disposal, Inc. dated September 10, 2009, hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
Automated Waste Disposal, Inc.	Office Address: 307 White Street Danbury, CT 06810	9/19/2009 through 9/18/2010
	Mailing Address: 307 White Street Danbury, CT 06810	

(Cont.)

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>

**RESOLUTION AUTHORIZING ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE WITHIN THE TOWN OF CARMEL - TABLED**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Tompkins Disposal Services, Inc. dated July 15, 2009, hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
Tompkins Disposal Services, Inc.	Office Address: 8/16/2009 through 8/15/2010 70 Old Route Six Carmel, NY 10512  Mailing Address: 70 Old Route Six Carmel, NY 10512	

MOTION TO TABLE

Offered by: Councilwoman McDonough  
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>

Prior to considering the Resolution, the Town Board was advised by Mr. Folchetti that the applicant has not submitted the appropriate automobile insurance documents. A brief discussion ensued, at the conclusion of which, Councilwoman McDonough offered a motion to table the Resolution which was seconded by Councilman Ravallo. Upon roll call vote, the motion was tabled.

**RESOLUTION ENACTED 12/3/08 AMENDED - AUTHORIZING THE RELEVING OF WATER DISTRICT AND SEWER DISTRICT CHARGES ON THE 2009 TAX BILL**

WHEREAS by resolution enacted on December 3, 2008, the Town Board of the Town of Carmel authorized the relevying of water and sewer district charges on the 2009 tax bill; and

WHEREAS said resolution included previous out of district capital charges among which were charges of \$23,400.00 for Carmel Water District #2 (WD028) and \$355,380.00 for Carmel Sewer District #8 (SW021) relevied on Tax Map # 66.0-2-58 owned by the Putnam Community Foundation; and



(Cont.)

WHEREAS the Town Assessor has advised the Town Board that the charges relevied were erroneous in that the amounts relevied were calculated on an incorrect capital charge assessment and that the correct amounts to be relevied should have been \$11,084.40 for Carmel Water District #2 (WD028) and \$196,290.00 for Carmel Sewer District #8 (SW021) ;

NOW, THEREFORE, BE IT RESOLVED the prior resolution of the Town Board of the Town of Carmel, enacted December 3, 2008, authorized the relevying of delinquent water and sewer district charges on the 2009 tax bill, only as it pertains to Tax Map # 66.0-2-58, Putnam Community Foundation, is hereby amended as follows:

**UNPAID OUT OF DISTRICT CAPITAL CHARGES**

ACCOUNT #	TAX MAP#	OWNER	AMOUNT
WD 028	66.0-2-58	Putnam Community Foundation	\$11,084.40
SW021	66.0-2-58	Putnam Community Foundation	\$196,290.00

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Assessor to process all necessary documentation to authorize the issuance of corrected tax bills and/or corrected tax rolls and/or corrected assessment rolls, as necessary, to effectuate this resolution; and

BE IT FURTHER RESOLVED that the Deputy Town Comptroller is advised to anticipate and authorized to accept a charge back from the County of Putnam in the amount of any funds, in excess of the corrected relevied charges, which were advanced by the County to the Town in its roll as guarantor of taxes in Putnam County.

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>

**PROPOSAL ACCEPTED FOR INSURANCE - THE SPAIN AGENCY, INC - 4/1/10 THROUGH 3/31/11**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of the Spain Agency, Inc, Mahopac, NY to provide liability insurance to the Town of Carmel for the period of April 1, 2010 through March 31, 2011 in form as attached hereto and made a part hereof\*, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign all necessary documentation required to accept such proposal.

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>

Councilman Lombardi and Supervisor Schmitt spoke regarding the reductions to the insurance policy premium.

\*Due to the size of the document, the proposal is on file in the office of the Town Clerk.

**TOWN BOARD MEMBER COMMENTS**

Councilman DiCarlo noted that although licenses for the collection of refuse and garbage had been authorized at the meeting, the Town is progressing with the process of creating a town wide garbage system.

**PUBLIC COMMENTS**

Matt Duftler inquired about the status of the stormwater drainage improvements proposed in the Ossi Sport Club area.

Supervisor Schmitt responded that the Engineering Department has commenced preparation of the specifications for a Request for Proposals for easement surveying services. A brief discussion ensued. Supervisor Schmitt concluded that the matter would be included on a future Work Session agenda.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilman DiCarlo, with all Town Board members present and in agreement, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Ann Garris, Town Clerk