

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 28<sup>th</sup> day of April 2010 at 7:10 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.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW ENACTING CHAPTER 96,  
ENTITLED "DUMPSTERS, GARBAGE CONTAINERS & TRASH ENCLOSURES" OF  
THE TOWN CODE OF THE TOWN OF CARMEL**

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

**Carmel**

**NOTICE  
OF PUBLIC  
HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, 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; as follows:

**TOWN OF  
CARMEL  
PROPOSED  
LOCAL LAW #  
OF THE  
YEAR 2010**

**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:

(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 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.

(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.

(Cont.)

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 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.

D. Unlawful acts. It shall be un-

lawful 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 non-resident 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.

At said Public Hearing, all interested residents shall be heard on the subject thereof.

By Order of the Town Board of the Town of Carmel Ann Garris, Town Clerk

P. 4/21 - 619

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:20 p.m. Approximately thirty-five (35) people were in attendance.

Norman Marino inquired about the purpose of the proposed Local Law.

Councilman DiCarlo explained that at the request of community residents, this legislation is being enacted to assist in beautifying the Town by restricting illegal dumping, regulating dumpsters and ensuring enforcement.

Michael Barile spoke in support of the proposed Local Law, noting its importance. He acknowledged Councilman DiCarlo as chairman of the Zoning Code Compliance and Cleanup Initiative Committee, along with the other members of the Town Board, for their efforts with regard to the improved appearance of Route 6.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Ravallo, seconded by Councilman DiCarlo, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:25 p.m.

**HIGHWAY DEPARTMENT - ISSUANCE OF \$391,000 BONDS OF THE TOWN OF CARMEL TO PAY THE COST OF THE PURCHASE OF EQUIPMENT FOR MAINTENANCE PURPOSES - APPROVED - SUBJECT TO PERMISSIVE REFERENDUM**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described have been performed, and

WHEREAS the Town Board of the Town of Carmel is advised by the Superintendent of Highways Michael Simone that the proposed project is a Type II action pursuant to SEQR, specifically §617.5(c)(25) et seq. and no further review is necessary;

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of 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 purchase of equipment for maintenance purposes, each item of which is \$30,000 or more, including incidental equipment and expenses, in and for the Town of Carmel, Putnam County, New York, there are hereby authorized, subject to permissive referendum, to be issued \$391,000 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 said class of objects or purposes is \$391,000 and that the plan for the financing thereof is by the issuance of \$391,000 bonds of said Town authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. 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 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 5. 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. 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 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. 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.

Section 7. 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.

(Cont.)

Section 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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	

**HIGHWAY DEPARTMENT - CONSTRUCTION OF STORM DRAINAGE IMPROVEMENTS THROUGHOUT AND IN THE TOWN OF CARMEL AT A MAXIMUM ESTIMATED COST OF \$600,000 AND THE ISSUANCE OF \$600,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF - AUTHORIZED - SUBJECT TO PERMISSIVE REFERENDUM - OFFERED AS PARAPHRASED AND PRE-FILED**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described have been performed, and

WHEREAS the Town Board of the Town of Carmel is advised by the Superintendent of Highways Michael Simone that the proposed project is a Type II action pursuant to SEQR, specifically §617.5(c)(5) et seq. and no further review is necessary;

WHEREAS, it is now desired to authorize such capital project and its financing;  
NOW, THEREFORE,

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

Section 1. The construction of storm drainage improvements throughout and in and for the Town of Carmel, Putnam County, New York, together with incidental improvements and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$600,000. Said maximum estimated cost is hereby allocated with appropriations of the following amounts:

Lake MacGregor Capital Drainage Project: \$200,000.00;  
Rolling Greens Capital Drainage Project: \$200,000.00;  
Lake Casse-Overlook Drive Capital Drainage Project: \$150,000.00;  
Ossie Club–Barrett Hill @ Hitchcock Hill Capital Drainage Project: \$ 50,000.00.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$600,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds ultimately to be issued shall be reduced to the extent of grants received therefor.

(Cont.)

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 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. 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, 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. All other matters except as provided herein relating to the 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 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 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<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	

28 APRIL 2010

TOWN BOARD SPECIAL MEETING

**HIGHWAY DEPARTMENT - ISSUANCE OF \$500,000 BONDS OF THE TOWN OF CARMEL TO PAY THE COST OF THE RECONSTRUCTION AND RESURFACING OF ROADS THROUGHOUT AND IN AND FOR SAID TOWN - AUTHORIZED - SUBJECT TO PERMISSIVE REFERENDUM - OFFERED AS PARAPHRASED AND PRE-FILED**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described have been performed, and

WHEREAS the Town Board of the Town of Carmel is advised by the Superintendent of Highways Michael Simone that the proposed project is a Type II action pursuant to SEQR, specifically §617.5(c)(4) et seq. and no further review is necessary;

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of 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 reconstruction and resurfacing of roads throughout and in and for the Town of Carmel, Putnam County, New York, including incidental improvements and expenses in connection therewith, there are hereby authorized, subject to permissive referendum, to be issued \$500,000 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 said class of objects or purposes is \$500,000 and that the plan for the financing thereof is by the issuance of \$500,000 bonds of said Town authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. 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 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 5. 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. 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 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. 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.

Section 7. 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.

(Cont.)

Section 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>          </u>	<u>  X  </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>

Supervisor Schmitt detailed the funding reimbursements anticipated from New York State to assist in the financing of the capital projects authorized by the Town Board. He concluded that the amount of bonds ultimately to be issued shall be reduced to the extent of the grants received.

Councilman Lombardi expressed his reluctance to voting in favor of borrowing. In qualifying his vote, he noted that no capital projects were undertaken last year. He stressed the importance of the drainage projects and the State's commitment to reimbursing the Town for these projects.

Councilman Ravallo stated that over the years he has voted in favor of many highway related projects, however, given the current difficult economic conditions, he believed that there were alternative temporary methods to maintain the safety of the roads. He expressed his concerns with regard to the impact that borrowing for capital projects at this time will have on the Town's future borrowing.

Councilman Lombardi held a brief discussion with Councilman Ravallo regarding capital project financing.

**PUBLIC COMMENTS**

Matt Duffler thanked the members of the Town Board who voted in support of the resolution to authorize stormwater drainage improvements in the Ossi Sport Club area and spoke regarding the necessity for said improvements.

Norman Marino asked if any of the work slated will be performed on the private roads within the Ossi Sport Club.

Michael Simone, Highway Superintendent responded no; that the work will be performed on Barrett Hill Road at Hitchcock Hill Road and Barrett Hill Road at Varna Lane.

(Cont.)

Mr. Marino spoke in opposition of a Town recreation complex.

Michael Barile expressed support of the Town Board's authorization to purchase machinery and equipment for the Highway Department, and in support of five-year budget planning for the Town's large departments.

Jerry Ravnitzky stated that the Town should only spend monies that are available; only borrowing for essential items.

Supervisor Schmitt agreed, citing his own previous suggestion that the Town needed to change its philosophy of borrowing year after year thereby creating new debt, and at some point adopting a "pay as you go" policy.

Judy Ravnitzky suggested that alternatives to bonding for paying for improvements to the Town must be considered so that funds will be available for unexpected future catastrophes.

Mr. Marino commented that as a former Town Board member, previous Town Boards have maintained long-term planning. He continued to express his opposition to a Town recreation complex.

#### **TOWN BOARD MEMBER COMMENTS**

Supervisor Schmitt confirmed with Mr. Simone that funding for Breckenridge Road drainage improvements is anticipated.

#### **ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilman DiCarlo, with all members present and in agreement, the meeting was adjourned at 8:10 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Garris, Town Clerk