

9 JUNE 2010

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 9th day of June 2010 at 7:11 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 EXTENDING A
MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR OUTDOOR
WOOD BOILERS UNDER CHAPTER 59 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:

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, June 9, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law Amending Chapter 59 of the Town Code of the Town of Carmel, as follows:
TOWN OF CARMEL
PROPOSED LOCAL LAW
_____ OF THE YEAR
2010
A LOCAL LAW
EXTENDING A
MORATORIUM IN REGARD
TO THE ISSUANCE OF
PERMITS FOR OUTDOOR
WOOD BOILERS UNDER
CHAPTER 59 OF THE
TOWN CODE OF THE
TOWN OF CARMEL
Be it enacted by the Town Board of the Town of Carmel,
Putnam County, State of New York as follows:
Section 1: PURPOSE
The purpose of this local law is to establish a temporary moratorium on the issuance of permits by the Plumbing Inspector for installation, enlargement or extension of outdoor wood boilers under Section 59-49 of Chapter 59 of the Town Code of the Town of Carmel, entitled "Building Construction and Fire Prevention".
Section 2: LEGISLATIVE FINDINGS
The Town Board of the Town of Carmel has received numerous complaints in regard to outdoor wood boilers concerning their pollution of the atmosphere and their safety. The Town Board has decided to review the current regulations of the Town in regard to these outdoor wood boilers. In

order to allow the Town Board time to complete its review, draft proposed new regulations and enact any new regulations regarding outdoor wood boilers, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any new permits for the installation, enlargement or extension of outdoor wood boilers on a temporary basis.
Section 3: MORATORIUM
Section 59-49 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph D. which shall read as follows:
D. Notwithstanding the foregoing, no permit for the installation, enlargement or extension of an outdoor wood boiler shall be issued by the Plumbing Inspector from the effective date of this Local Law until December 31, 2010.
Section 4: EFFECTIVE DATE.
This local law shall take effect immediately in accordance with law.
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 Garriss, Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:15 p.m. Nine (9) people were in attendance.

(Cont.)

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Ravallo, seconded by Councilman Lombardi, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:15 p.m.

PROPOSED LOCAL LAW EXTENDING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR OUTDOOR WOOD BOILERS UNDER CHAPTER 59 OF THE TOWN CODE OF THE TOWN OF CARMEL - SEQR DETERMINATION MADE - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #5 of 2010 concerning amendments to Town of Carmel Town Code Chapter 59 entitled “Building Construction and Fire Prevention” is a Type II action under SEQR and no further review is necessary.

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 DiCarlo explained that the Town is continuing with the process of reviewing other legislation from around the State and drafting new regulations regarding outdoor wood boilers. The crux of the issue is the size of the outdoor wood boilers’ stack and ensuring that the smoke blows up and out, away from the neighbors.

Supervisor Schmitt noted that the moratorium is being extended to allow the Building Inspector, Michael Carnazza, time to further conduct research regarding the matter.

Councilman Ravallo added that the moratorium applies to new units and commented on possible requirements for the installation of new units.

LOCAL LAW #5 OF THE YEAR 2010 - A LOCAL LAW EXTENDING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR OUTDOOR WOOD BOILERS UNDER CHAPTER 59 OF THE TOWN CODE OF THE TOWN OF CARMEL - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED

TOWN OF CARMEL
LOCAL LAW #5 OF THE YEAR 2010
A LOCAL LAW EXTENDING A MORATORIUM IN REGARD TO THE ISSUANCE OF
PERMITS FOR OUTDOOR WOOD BOILERS UNDER CHAPTER 59 OF THE TOWN
CODE OF THE TOWN OF CARMEL

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

Section 1: PURPOSE

The purpose of this local law is to establish a temporary moratorium on the issuance of permits by the Plumbing Inspector for installation, enlargement or extension of outdoor wood boilers under Section 59-49 of Chapter 59 of the Town Code of the Town of Carmel, entitled “Building Construction and Fire Prevention”.

(Cont.)

Section 2: LEGISLATIVE FINDINGS

The Town Board of the Town of Carmel has received numerous complaints in regard to outdoor wood boilers concerning their pollution of the atmosphere and their safety. The Town Board has decided to review the current regulations of the Town in regard to these outdoor wood boilers. In order to allow the Town Board time to complete its review, draft proposed new regulations and enact any new regulations regarding outdoor wood boilers, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any new permits for the installation, enlargement or extension of outdoor wood boilers on a temporary basis.

Section 3: MORATORIUM

Section 59-49 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph D. which shall read as follows:

- D. Notwithstanding the foregoing, no permit for the installation, enlargement or extension of an outdoor wood boiler shall be issued by the Plumbing Inspector from the effective date of this Local Law until December 31, 2010.

Section 4: EFFECTIVE DATE.

This local law shall take effect immediately in accordance with law.

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Richard O'Keefe	<u>X</u>	<u> </u>
Carmine DiBattista	<u>X</u>	<u> </u>
Anthony DiCarlo	<u>X</u>	<u> </u>
Robert Ravallo	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

CARMEL WATER DISTRICT #8 - EMERGENCY DECLARED AND EXPENDITURE OF MONIES FROM THE REPAIR RESERVE FUND - AUTHORIZED

WHEREAS, the Town Board of the Town of Carmel has been advised by its Engineering Consultant John Karell, Jr., P.E. that there exist emergency conditions and circumstances which concern and may effect the quality of the public water supply in Carmel Water District #8 at the present time; and

WHEREAS, the Town of Carmel maintains a Repair Reserve Fund for Carmel Water District #8, duly established pursuant to General Municipal Law §6-d; and

WHEREAS, in cases of emergency, monies in such Repair Reserve Fund may be expended pursuant to resolution approved by not less than two-thirds of the members of the governing body; and

WHEREAS, it is recommended by the Office of the Town Comptroller that monies in the Repair Reserve Fund be used to pay for the cost of emergency repairs to the water supply and distribution lines within Carmel Water District #8;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8, hereby determines and declares that an emergency situation presently exists with respect to the public water supply within Carmel Water District #8; and

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(Cont.)

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8, hereby authorizes the appropriation of monies from the Carmel Water District #8 in a total amount to be determined and established by future resolution of the Town Board;

BE IT FURTHER RESOLVED that not less than one-half of the monies so expended be repaid in fiscal year 2011 and that the total amount of the monies so expended be repaid in full not later than the last day of fiscal year 2012.

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>

Supervisor Schmitt explained the emergency conditions regarding the quality of the water supply in Carmel Water District #8 in that the residents on Country Road are experiencing brown water coming out of their faucets.

Robert Vara, Town Engineering Project Coordinator, detailed his investigation with regard to the problem and outlined the Town’s options for remediation. Mr. Vara then went on to address questions posed by the members of the Town Board at the conclusion of which, Supervisor Schmitt called for a roll call vote.

Prior to voting, Councilman Ravallo expressed his concern regarding the last paragraph included in the aforementioned resolution and the potential cost of the repairs.

Greg Folchetti, Town Counsel noted that the purpose for the resolution is to declare that an emergency situation presently exists in Carmel Sewer District #8 with the monies to be expended to be determined and established by future resolution of the Town Board.

Mary Ann Maxwell, Deputy Comptroller pointed out that if the cost of the repairs exceeds the funds in the Repair Reserve Fund, the Town will be required to borrow monies.

Discussion continued regarding the matter, at the conclusion of which, Supervisor Schmitt resumed the aforesaid roll call vote.

PUBLIC COMMENTS

Lance Marino, a resident of Country Lane addressed the issue of his poor water quality, noting that it has worsened over that past several months. Mr. Marino commented on possible solutions.

Supervisor Schmitt assured the residents of Carmel Water District #8 that the Town will continue to investigate the problem, maintain communication with regard to the problem and remedy it.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members present and in agreement, the meeting was adjourned at 7:40 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Garris, Town Clerk