

7 JULY 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 7th day of July 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 ELECTING A RETIREMENT INCENTIVE PROGRAM AUTHORIZED PURSUANT TO CHAPTER 105 OF THE 2010 LAWS OF THE STATE OF NEW YORK

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, July 7, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law Adopting the 2010 Retirement Incentive Program as authorized by Chapter 105 of the Laws of 2010 of the State of New York, as follows:
PROPOSED LOCAL LAW # OF THE YEAR 2010
A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AUTHORIZED PURSUANT TO CHAPTER 105 OF THE 2010 LAWS OF THE STATE OF NEW YORK
SECTION 1. The following local law is hereby adopted as follows:
The purpose of this local law is to adopt a retirement incentive program for the employees of the Town of Carmel pursuant to Chapter 105 of the 2010 Laws of the State of New York. The Town Board hereby finds that it is in the interests of the Town of Carmel to adopt such a retirement incentive program.
BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CARMEL AS FOLLOWS:
1. That the Town Board of the Town of Carmel hereby elects to provide all of its eligible employees with a retirement incentive plan authorized by Chapter 105 of the 2010 Laws of the State of New York.
2. The commencement date of the retirement incentive program shall be September 1, 2010.
3. The open period during which employees may retire and receive the additional retirement benefits shall be 90 (ninety) days in length.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Carmel for each employee who receives the retirement benefits payable under this local law.
SECTION 2. This Local Law shall take effect immediately in accordance with the law.
At said Public Hearing, all interested residents shall be heard on the subject thereof.
By Order of the Town Board
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. Fourteen (14) people were in attendance.

John Butler inquired if the Town intends to adopt both Part A and Part B of the Retirement Incentive Program.

Supervisor Schmitt replied that it does.

(Cont.)

Gregory Folchetti, Legal Counsel stated that it is subject to New York State's approval of the proposed plan put in place.

Mr. Butler asked if the Town would be targeting eligible job titles.

Supervisor Schmitt replied that it would be.

Mr. Butler asked if there has been any preliminary determination as to whether or not those jobs will be replaced.

Supervisor Schmitt indicated that it has not been determined yet. Supervisor Schmitt added that he has asked the comptroller's office to calculate all costs associated with the program.

Mr. Butler asked if the Town will be eliminating positions or replacing them at a fifty percent savings.

Supervisor Schmitt stated that it has not been determined yet.

Councilman DiCarlo noted that it could be a combination of both.

Councilman Ravallo asked if each individual position must realize a fifty percent savings.

Supervisor Schmitt stated that it may be achieved in the aggregate.

Mr. Butler asked if the Town intends on paying out in one lump sum or five annual installments.

Supervisor Schmitt stated that it has not been determined yet. It would be whatever proves to be most beneficial to the Town.

Mr. Butler asked if there was a cap to the number of employees who may participate in the program.

Councilman DiCarlo replied that there was not.

Supervisor Schmitt stated that he was aware of at least three employees who are considering the retirement incentive. He expressed support of the program if the Town can recognize a savings.

Councilman Ravallo noted that in the past, retirement incentives offered to employees have been successful.

Councilman DiCarlo recommended that eligible employees should consult with their unions as well as the New York State Retirement System to see if this program will be beneficial to them.

Supervisor Schmitt concluded that the retirement incentive program may open positions for new hires.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman DiCarlo, seconded by Councilman Ravallo, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:21 p.m.

Discussion as to whether or not to adopt the proposed Local Law was held. It was determined by the Town Board that further review was necessary and the proposed Local Law would not be considered for a vote at this time.

7 JULY 2010
TOWN BOARD MEETING

**MINUTES OF TOWN BOARD MEETINGS HELD ON 5/19/10, 6/3/10 AND 6/9/10 -
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 May 19th, June 3rd and June 9th, 2010 were accepted as submitted by the Town Clerk.

**LAKE SECOR PARK DISTRICT - HIRING OF TEMPORARY SUMMER HELP
AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Secor Park District, upon the recommendation of the Lake Secor Park District Advisory Board, hereby authorizes the hiring of the following as temporary summer help subject to submission of necessary certifications to the Director of Recreation and Parks and subject to obtaining of working papers, if required by law:

NAME	POSITION	HOURLY RATE
Gregory Lorenzini	Gate Guard	\$7.25

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>

**ENVIRONMENTAL CONSERVATION BOARD - APPOINTMENT MADE - MARC
PEKOWSKY - 7/7/10 - 6/13/13**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Marc Pekowsky to the Town of Carmel Environmental Conservation for a term commencing immediately and expiring June 13, 2013.

Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilwoman McDonough

<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>

Councilman Ravallo stated with respect to the candidate, that his vote was not personal.

Supervisor Schmitt acknowledged Mr. Pekowsky.

Mr. Pekowsky expressed his appreciation to the Town Board for the opportunity to serve on the Environmental Conservation Board.

7 JULY 2010
TOWN BOARD MEETING

ENVIRONMENTAL CONSERVATION BOARD - APPOINTMENT MADE - VINCENT TURANO - 7/7/10 - 6/13/13

RESOLVED that the Town Board of the Town of Carmel hereby appoints Vincent Turano to the Town of Carmel Environmental Conservation for a term commencing immediately and expiring June 13, 2013.

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>

Supervisor Schmitt congratulated Mr. Turano and commended former members, Lynn Greenwood and Milton Kramer for their years of service on the Environmental Conservation Board.

SETTLEMENT OF LITIGATION AUTHORIZED - "NICHOLAS DAGNONE, PETITIONER VS. THE ASSESSOR OF THE TOWN OF CARMEL, THE BOARD OF ASSESSMENT REVIEW - TAX MAP NO. 55.12 BLOCK 2 LOT 10

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1787/2008 and 2135/2009, lawsuits entitled "Nicholas Dagnone, Petitioner vs. The Assessor of the Town of Carmel, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, Respondents"; and

WHEREAS the aforementioned lawsuits concern the assessment of Tax Map No. 55.12 Block 2 Lot 10 on the 2008 and 2009 assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the Consent Judgment attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, said Consent Judgment and any other related documentation necessary to finalize and effect the terms of the settlement authorized herein.

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>

7 JULY 2010
TOWN BOARD MEETING

(Cont.)

At an IAS Term of the Supreme Court of the
State of New York held for the County of
Putnam, at the Courthouse located in White
Plains, New York

PRESENT:

HON. JOHN R. LaCAVA,

Justice.

-----X
In the Matter of the Application of

NICHOLAS DAGNONE BY TENNIS AND FITNESS
ENTERPRISES LLC,

Petitioner,

- against -

THE ASSESSOR OF THE TOWN OF CARMEL,
THE BOARD OF REVIEW OF THE TOWN OF
CARMEL and THE TOWN OF CARMEL,

Respondents,

For Review Under Article 7 of the RPTL.
-----X

In the Matter of the Application of

NICHOLAS DAGNONE,

Petitioner,

- against -

THE ASSESSOR OF THE TOWN OF CARMEL,
THE BOARD OF REVIEW OF THE TOWN OF
CARMEL and THE TOWN OF CARMEL,

Respondents,

For Review Under Article 7 of the RPTL.
-----X

**CONSENT
JUDGMENT**

Index No.

01787/08

**CONSENT
JUDGMENT**

Index No.

02135/09

The above petitioners having heretofore served and filed the Petitions and
Notices to review the tax assessment fixed by the Town of Carmel for the assessment
years 2008 and 2009 upon certain real property located at 111 Old Route 6, designated as
Section 55.12, Block 2, Lot 10 on the Official Assessment Map of the Town of Carmel, and
upon certain real property located at 131 Old Route 6, designated as Section 55.12, Block
2, Lot 11 on the Official Assessment Map of the Town of Carmel, and

7 JULY 2010
TOWN BOARD MEETING

(Cont.)

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by **WILLIAM E. SULZER, ESQ.**, of Griffin, Coogan, Blose & Sulzer, P.C., and the respondents having appeared by **RICHARD T. BLANCATO, ESQ.**, Special Counsel, and the parties having made their settlement, it is

ORDERED, that the assessment on the above-referenced property be and the same is hereby reduced, corrected and fixed for the assessment years as follows:

55.12/ 2/ 10

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2008	1,800,000	1,262,500	537,500
2009	1,800,000	1,340,000	460,000

55.12/ 2/ 11

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2008	89,000	89,000	Ø
2009	89,000	89,000	Ø

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessment and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said roll, opposite of said entry, that the same has been corrected by the authority of this order, and it is further

ORDERED, ADJUDGED AND DECREED, that the **COMMISSIONER OF FINANCE, COUNTY OF PUTNAM**, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, of ad valorem State, County, Town, Refuse, Judiciary, Fire, Light, Water, Ambulance, Sewer or Parking District

(Cont.)

or any other ad valorem taxes paid by the petitioner as taxes against the erroneous assessment in excess of what the taxes would have been if the said assessment had been determined by this Order, together with interest thereon from the date of payment as provided by statute, and it is further;

ORDERED, that there shall be audited, allowed and paid to the petitioner by the **TOWN OF CARMEL** the amount of all Town, Fire, Ambulance, Light, Water, Sewer or Parking District taxes paid by the petitioner as taxes against the said erroneous assessment in excess of what the taxes would have been if the said assessment made in the aforesaid year had been determined by this Order, together with interest thereon from

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the date of payment thereof as provided by statute, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the **BREWSTER CENTRAL SCHOOL DISTRICT** the amount of all School and Library taxes paid by the petitioner as taxes against the said erroneous assessment in excess of what the taxes would have been if the said assessment made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; provided, however, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry upon the respective taxing authorities, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the **COUNTY OF PUTNAM** and/or any of the various taxing authorities, be made by check or draft payable to the order of **GRIFFIN, COOGAN, BLOSE & SULZER, P.C.**, as attorneys for the petitioners, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further

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jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475
and it is further

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ORDERED, that this Order hereby constitutes and represents full settlement
of each of the tax review proceedings herein, and there are no costs or allowances
awarded to, by or against any of the parties, and that upon compliance with the terms of
this Order, the above-entitled proceedings be and the same are settled and discontinued.

Dated:

ENTER,

HON. JOHN R. LaCAVA, J.S.C.

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

RICHARD T. BLANCATO, ESQ.

Special Counsel
Attorneys for Respondents
65 South Broadway, Suite 101
Tarrytown, New York 10591
(914) 332-5723

WILLIAM E. SULZER, ESQ.

Griffin, Coogan, Blose & Sulzer, P.C.
Attorneys for Petitioner
51 Pondfield Road
Bronxville, New York 10708
(914) 961-1300

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Supervisor Schmitt noted that the certiorari settlement with the property owners of Carmel Racquet and Fitness Club had a \$7,547.83 impact on the Town.

7 JULY 2010
TOWN BOARD MEETING

SETTLEMENT OF LITIGATION AUTHORIZED - ENTITLED "CENTENNIAL GOLF CLUB OF NEW YORK, LLC , PETITIONER VS. THE ASSESSOR OF THE TOWN OF CARMEL, THE BOARD OF ASSESSMENT REVIEW - TAX MAP NOS. 44, BLOCK 2 LOT 2.1; LOT 2.2; LOT 3.1; LOT 3.2; LOT 4.1 AND LOT 4.2

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under, lawsuits entitled "Centennial Golf Club of New York, LLC , Petitioner vs. The Assessor of the Town of Carmel, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, Respondents"; and

WHEREAS the aforementioned lawsuits concern the assessment of Tax Map Nos. 44, Block 2 Lot 2.1; Lot 2.2; Lot 3.1; Lot 3.2; Lot 4.1 and Lot 4.2 on the 2008 and 2009 assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the Consent Judgment attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, said Consent Judgment and any other related documentation necessary to finalize and effect the terms of the settlement authorized herein.

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>

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Putnam, at the Courthouse in White Plains, New York on the day of , 2009.

P R E S E N T: Hon. John R. LaCava,

Justice.

-----X

In the Matter of the Application of

CENTENNIAL GOLF CLUB OF NEW YORK, LLC,

Petitioner,

- against -

PAUL JONKE, ASSESSOR OF THE TOWN OF CARMEL, THE TOWN OF CARMEL and THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL,

Respondents,

To review a certain real property assessment under Article 7 of the Real Property Tax Law.

-----X

**CONSENT ORDER
and JUDGMENT**

Westchester County
Index Nos.
16502-08
16575-09

Petitioners having heretofore served and filed Notices of Petition and Petitions to review the assessments made by the Town of Carmel for the assessment years 2008 and 2009 upon certain

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property located in the Town of Carmel and designated as Parcels 44-2-2.1, 44-2-2.2, 44-2-3.1, 44-2-3.2, 44-2-4.1 and 44-2-4.2 upon the tax maps and assessment rolls of the Town of Carmel for the assessment years 2008 and 2009;

The issues of these proceedings having duly come before this Court, and Petitioner having appeared by Paul B. Bergins, Esq. and Respondents having appeared by Richard T. Blancato, Esq., counsel to the Town Attorney of the Town of Carmel, and the parties having agreed to a settlement of these proceedings;

Now, upon the consent of the parties as indicated by the signatures of the attorneys for each of the respective parties indicated hereon, and due deliberation having been had thereon, it is hereby:

ORDERED, ADJUDGED AND DECREED that the assessment of Petitioner's real property designated and described as Parcels 44-2-2.1, 44-2-2.2, 44-2-3.1, 44-2-3.2, 44-2-4.1 and 44-2-4.2 on the tax map and assessment roll of the Town of Carmel be reduced and amended as follows:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>	<u>Amount of Reduction</u>
2008	\$3,761,467	\$2,176,297	\$1,585,170
2009	\$3,761,467	\$2,186,880	\$1,574,587

For the year 2008 the corrected assessment shall be allocated among the several parcels as follows:

<u>Parcel</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>
44-2-2.1	\$2,803,000	\$1,621,977
44-2-2.2	\$200,000	\$115,715
44-2-3.1	\$250,000	\$144,635
44-2-3.2	\$250,000	\$144,635
44-2-4.1	\$41,539	\$23,980
44-2-4.2	\$216,928	\$125,355

For the year 2009 the corrected assessment shall be allocated among the several parcels as follows:

<u>Parcel</u>	<u>Original Assessment</u>	<u>Corrected Assessment</u>
44-2-2.1	\$2,803,000	\$1,629,625
44-2-2.2	\$200,000	\$116,275
44-2-3.1	\$250,000	\$145,480
44-2-3.2	\$250,000	\$145,480
44-2-4.1	\$41,539	\$24,055
44-2-4.2	\$216,928	\$125,965

and it is further

(Cont.)

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the aforesaid assessment rolls of the Town of Carmel shall make or cause to be made upon the proper books and records and upon the assessment rolls of said Town the entries, changes and corrections necessary to conform said assessments to such correct and reduced valuations; and it is further

ORDERED, ADJUDGED AND DECREED that there shall be audited, allowed and paid to the petitioner by the Town of Carmel the amounts, if any, paid as Town taxes and Town Special District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as stipulated to herein, with interest in accordance with RPTL, §726; and it is further

ORDERED, ADJUDGED AND DECREED that there shall be audited, allowed and paid to the petitioner by the Brewster Central School District the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as stipulated to herein, with interest in accordance with RPTL, §726; and it is further

ORDERED, ADJUDGED AND DECREED that there shall be audited, allowed and paid to the petitioner by the Carmel Central School District the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as stipulated to herein, with interest in accordance with RPTL, §726; and it is further

ORDERED, ADJUDGED AND DECREED that there shall be audited, allowed and paid to the petitioner by the County of Putnam the amounts, if any, paid as State, County, Sewer District, Refuse District and any other County Special District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as stipulated to herein, with interest in accordance with RPTL, §726; and it is further

ORDERED, ADJUDGED AND DECREED that notwithstanding the provisions of the third, fourth, fifth and sixth decretal paragraphs hereof, if any such tax refund payable pursuant to this order shall be paid within sixty (60) days of service hereof with Notice of Entry and proof of payment, no interest shall be required to be paid thereon. Taxes refunded thereafter shall be paid with interest from the date of each tax payment in accordance with the provisions of the third, fourth and fifth decretal paragraphs hereof, and it is further

ORDERED, ADJUDGED AND DECREED that the refunds hereinabove directed to be paid shall be paid by check or draft payable to the order of Paul B. Bergins, Esq. of counsel to the

(Cont.)

attorneys for petitioner, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of this Court in regard to his attorney's lien, pursuant to Judiciary Law Section 475; and it is further

ORDERED, ADJUDGED AND DECREED that this Order and Judgment hereby constitutes and represents full settlement of the tax review proceedings herein, and that there are no costs or disbursements awarded to, by or against any party and that upon compliance with the terms of this Order and Judgment, the above proceedings shall be, and the same hereby are, settled and discontinued with prejudice.

E N T E R

Justice of the Supreme Court

**SIGNING AND ENTRY OF THE WITHIN
ORDER AND JUDGMENT IS HEREBY
CONSENTED TO:**

PAUL B. BERGINS, ESQ.
Attorney for Petitioner

RICHARD T. BLANCATO, ESQ.
Attorney for Respondents

Supervisor Schmitt noted that the certiorari settlement with the property owners of Centennial Golf Club had a \$23,964.27 impact on the Town.

**SETTLEMENT OF LITIGATION AUTHORIZED - "ONE HUNDRED TWELVE
CROSSROAD CORP., PETITIONER VS. THE ASSESSOR OF THE TOWN OF
CARMEL, THE BOARD OF ASSESSMENT REVIEW - TAX MAP NO. 55.6 BLOCK 1
LOTS 42**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 2128/2009, a lawsuit entitled "One Hundred Twelve Crossroad Corp., Petitioner vs. The Assessor of the Town of Carmel, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, Respondents"; and

WHEREAS the aforementioned lawsuits concern the assessment of Tax Map No. 55.6 Block 1 Lots 42 on the 2009 assessment roll; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the Consent Judgment attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, said Consent Judgment and any other related documentation necessary to finalize and effect the terms of the settlement authorized herein.

Resolution

Offered by: Councilman DiCarlo
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>

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM
-----X
In the Matter of the Application of

ONE HUNDRED TWELVE CROSSROAD CORP.,

Petitioner,

- against -

The Assessor of the Town of Carmel, New York,
the Board of Assessment Review of the Town of Carmel, New York and the Town of Carmel, New York,

Respondents,

For Review of the Assessment of Certain Real Property in the Town of Carmel, New York
-----X

Index No. 2128/09

ORDER AND JUDGMENT

The petitioner, having duly filed and served the Notice and Petition to review property tax assessments fixed by the Town of Carmel for the Assessment Year 2009 for purposes of taxation upon certain real property located at 1828 Route 6, Town of Carmel, and known as 55.6-1-42 on the Official Assessment Map of the Town of Carmel, and

The issues of these proceedings having been duly assigned and scheduled for trial at an IAS Term of this Court, and the petitioner having appeared by Watkins & Watkins, L.L.P., by John E. Watkins, Jr., and the respondents having appeared by their Special Counsel, Richard T. Blancato, and the parties having agreed as set forth in this Order, it is

ORDERED, ADJUDGED and DECREED that the assessment of the petitioner's property upon the assessment roll of the Town of Carmel, be and hereby is reduced, corrected and fixed as follows:

Assessment	<u>Assessed Valuation</u>		Assessment
<u>Year</u>	<u>Reduced from</u>	<u>Reduced to</u>	<u>Reduction</u>
2009	\$280,000	\$75,000	\$205,000

and it is further

ORDERED, ADJUDGED and DECREED that the allocations between land and improvements of said assessment, as reduced, shall be left to the sole discretion of the Assessor of the said municipality, and it is further

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(Cont.)

ORDERED, ADJUDGED and DECREED that the officer or officers having custody of the assessment roll upon which the above-mentioned assessment and any taxes levied thereon is entered shall correct said entry in conformity with this Order and Judgment and shall note upon the margin of said roll, opposite said entry, that the same has been corrected by the authorization of this Order and Judgment, and it is further

ORDERED, ADJUDGED and DECREED that there shall be audited, allowed and paid to the petitioner by the Town of Carmel, the amounts paid by petitioner as Town taxes, and taxes relating to any special taxing district for which the Town collects such taxes, as appropriate, against the original assessment in excess of what the taxes would have been if said assessment made in the aforesaid year had been made as determined by this Order and Judgment, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes, and interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that there shall be audited, allowed and paid to the petitioner by the Carmel Central School District, the amount paid by the petitioner as School taxes, and taxes relating to any special taxing district for which the Carmel Central School District collects such taxes, as appropriate, against the original assessment in excess of what the taxes would have been if the assessment made in the aforesaid year had been made as herein determined by this Order and Judgment, together with interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that the County Legislators of the County of Putnam, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amounts, if any, of County, Judiciary, Sewer and other special district taxes for which the County collects such taxes, which were paid by the petitioner as taxes against the said original assessment in excess of what the taxes would have been if the said assessment made in the aforesaid year had been made as determined by this Order and Judgment, together with the interest as provided by Section 726 of the Real Property Tax Law, and it is further

ORDERED, ADJUDGED and DECREED that all payments hereinabove directed to be made by respondents, the Town of Carmel, and/or any of the various taxing authorities, be made by check or draft, payable to the Order of Watkins & Watkins, L.L.P., as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law Section 475 and it is further

ORDERED, ADJUDGED and DECREED that interest required to be paid hereby shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order and Judgment with notice of entry upon the respective taxing districts and proof of

payment of County taxes, and it is further

ORDERED, ADJUDGED and DECREED that this Order and Judgment hereby constitutes and represents full settlement of the tax review proceedings herein, and that there are no costs or allowances awarded to, by or against any party and that upon compliance with the terms of this Order and Judgment the above entitled proceedings be and the same are settled and discontinued with prejudice.

Dated: May 10, 2010
White Plains, New York

SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:

By: JOHN E. WATKINS, JR.
Watkins & Watkins, L.L.P.
Attorneys for Petitioner

DEPARTMENT OF RECREATION AND PARKS - FEE WAIVED IN REFERENCE TO THE APPLICATION OF COMMUNITY CARES, INC. FOR A PARK RENTAL PERMIT

Offered by: Councilman Ravallo
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	

Offered by: Councilwoman McDonough
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	

(Cont.)

Councilman DiCarlo noted that litter cleanup should be practiced year round.

Supervisor Schmitt encouraged all residents to participate. He stated that orange trash bags were available free of charge at the Highway Garage.

**DONATION OF SICK TIME AND/OR VACATION TIME BY TOWN OF CARMEL
HIGHWAY EMPLOYEES - OFFERED AS PARAPHRASED AND PRE-FILED -
APPROVED**

RESOLVED that the Town Board of the Town of Carmel approves the donation of sick leave and accruals and/or vacation time to Employee No. 1591:

From Employee No. 1978 2 (two) sick days;
From Employee No. 1529 2 (two) sick days;
From Employee No. 2295 2 (two) sick days;
From Employee No. 1653 2 (two) sick days;
From Employee No. 1544 2 (two) sick days;
From Employee No. 1545 2 (two) sick days;
From Employee No. 1422 2 (two) sick days;
From Employee No. 1496 2 (two) sick days;
From Employee No. 1500 2 (two) sick days;
From Employee No. 1833 2 (two) sick days;
From Employee No. 1503 2 (two) sick days;
From Employee No. 1502 2 (two) sick days;
From Employee No. 1896 2 (two) sick days;
From Employee No. 1161 2 (two) sick days;
From Employee No. 1685 2 (two) sick days;
From Employee No. 1423 2 (two) sick days;
From Employee No. 1366 2 (two) sick days;
From Employee No. 1507 2 (two) sick days;
From Employee No. 2105 2 (two) sick days;
From Employee No. 1505 2 (two) sick days;
From Employee No. 1975 2 (two) sick days;
From Employee No. 1980 2 (two) sick days;
From Employee No. 1765 2 (two) sick days;
From Employee No. 1699 6 (six) vacation days;
From Employee No. 1646 2 (two) sick days;
From Employee No. 1869 2 (two) sick days;
From Employee No. 1286 2 (two) sick days;

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>

Supervisor Schmitt explained that an employee with the Highway Department was involved in a serious motor vehicle accident. His coworkers are donating time because he did not have enough accumulated sick days to cover the length of his recovery. Supervisor Schmitt thanked the members of the Highway Department for their donations.

7 JULY 2010
TOWN BOARD MEETING

PROPOSAL ACCEPTED FOR ENGINEERING CONSULTING SERVICES - JOHN E. FOLCHETTI, PE OF J. ROBERT FOLCHETTI & ASSOCIATES, PLLC

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of John E. Folchetti, PE of J. Robert Folchetti & Associates, PLLC, dated May 3, 2010, for the provision of engineering consulting services, commencing immediately in accordance with the provisions of the proposal which is attached hereto and made a part hereof, and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form and content satisfactory to counsel, Supervisor Kenneth Schmitt is authorized to execute a contract for said services and any other documentation necessary to accept the aforementioned proposal.

Resolution

Offered by: Councilman DiCarlo
Seconded by: Councilman Lombardi

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

☒ *Executive* Work Session 6/23/10
☒ Agenda 7/7/10

J. ROBERT FOLCHETTI & ASSOCIATES, LLC

CIVIL/ENVIRONMENTAL ENGINEERS

May 3, 2010

Hon. Kenneth Schmitt, Supervisor
Town of Carmel
Town Hall
60 McAlpin Avenue
Mahopac, New York 10541

Exhibit "A"

**RE: TOWN ENGINEER
MUNICIPAL AND TECHNICAL ENGINEERING SERVICES**

Dear Supervisor Schmitt and Members of the Town Board:

J. Robert Folchetti & Associates (JRFA) is pleased to present our engineering qualifications to the Town of Carmel. The task of choosing a Town Engineer is an important obligation that faces you and your community. We recognize the significance of this decision and do not take our obligation to you lightly.

At JRFA we specialize in municipal engineering. Established in 1984, we have specialized in serving municipal clients since that time. Historically, 60% of our work is for municipal clients. We do not retain private sector clients that do work in the municipalities we serve, even if that client requests us to work on a project in a different municipality. We bring to you extensive experience in water, wastewater treatment, collection systems, stormwater, flooding, drainage, roadways, and funding. Our office is located in Somers, New York, approximately 7.5 miles from the Town Hall. We hope the enclosed qualifications statement gives you a better understanding of our firm and capabilities.

We offer the specialization, staffing and experience with regulatory agencies to provide quality, cost-effective engineering services. Our experience is current, our track record is proven. Our projects are completed on time and at or under budget without sacrificing quality. As a result, our clients retain us on a repetitive basis.

• 247 ROUTE 100
PINWOOD BUSINESS CENTER
SOMERS, NY 10589
914-232-2500
Fax 914-232-6827

• 815 WINTERTON ROAD
MIDDLETOWN, NY 10940
845-224-9347
Fax 914-232-6827

(Cont.)

Hon. Kenneth Schmitt
Proposal for Town Engineer, Municipal and Technical Engineering Services
May 3, 2010
Page 2

Understanding

We understand the following duties are associated with this position:

1. Planning Board
Review of applications
Meeting Attendance
2. Oversight of all Water and Sewer Districts
District O&M contract oversight
Identification of Capital Improvement requirements
Inspection of repair work
Invoice review and approval
3. MS4 reporting and compliance
4. Capital Projects
Permitting
Design
Construction inspection and oversight
5. Grant identification and writing
6. Meet with Town Board as required
7. Meet with Town Supervisor as required

Proposed Scope of Services

We propose a daily presence in the Town. We guarantee our presence either in the Town Hall or in one of the numerous utility districts for 4 hours per day, 5 days per week. J. E. Folchetti, PE will be present in the Town Hall and will coordinate site visits as needed with the Supervisor's office.

TASK 1 Planning Board

John E. Folchetti, P.E. will attend Planning Board meetings on the 2nd & 4th Wednesdays of each month. We will review & comment on all applications to the Planning Board as part of our normal scope of services under this contract.

TASK 2 Water and Sewer District Oversight

As part of our daily presence in the Town, we will tour each district with the operator on a regular basis. This inspection tour will allow us to develop an understanding of the needs of each district and to accurately assess and report on the capital needs of each.

Hon. Kenneth Schmitt
Proposal for Town Engineer, Municipal and Technical Engineering Services
May 3, 2010
Page 3

JRFA will review each operation and maintenance and emergency service contract the Town has with the various operators to develop an understanding of the specific requirements and obligations of the contractors to the Town. Additionally, we will review the O&M history and GASB 34 standing of the infrastructure in each district in order to develop appropriate capital improvement strategies for each. In this regard we will provide input to annual budget requests for O&M and capital improvements.

TASK 3 MS4 Reporting and Compliance

JRFA has been deeply involved in the Phase II Stormwater permitting and MS4 Compliance arenas for years. We are intimately familiar with the requirements of the NYSDEC and are the only Professional Engineering firm in New York State authorized by the NYSDEC to provide on-line training in Sediment and Erosion Control in accordance with GP 10-002 requirements.

(Cont.)

The following MS4's count on JRFA for compliance with their permit requirements:

Village of Brewster
Village of Highland Falls
Town of Mount Pleasant
Town of Putnam Valley
Croton Harmon School District
Scarsdale School District
Yorktown Central School District

JRFA will review the Town's history of reports to NYSDEC in order to understand what the Town has accomplished to date. Once we have developed an understanding of the progress made towards permit compliance we will identify necessary actions to ensure future compliance.

TASK 4 Capital Projects

Capital projects have long been our specialty. Our history of successful permitting, design and construction projects, particularly for municipalities in the NYC Watershed, is unparalleled. Our design and construction team has just completed a \$30 million water and wastewater construction system in the Village of Brewster. The Town agrees to retain JRFA to provide design, bidding and construction administration services for each infrastructure project that exceeds a preliminary cost estimate of \$35,000.00; budget for such services will be determined when the scope is finalized. Additionally, JRFA will work with the Town Highway Superintendent to prioritize capital projects.

Hon. Kenneth Schmitt
Proposal for Town Engineer, Municipal and Technical Engineering Services
May 3, 2010
Page 4

TASK 5 Grant Identification and Writing

In conjunction with our Capital Project Services, JRFA offers the capabilities of a full time in house grant writer. We have successfully negotiated and procured over \$45 million in grants for our municipal clients over the past ten years.

TASK 6 Meetings and Reports

As discussed above, we offer to meet with the Supervisor on a weekly basis. Consistent with our obligations to the planning board, John E. Folchetti will attend the Town Board meetings on the 2nd and 4th Wednesdays of each month. At this meeting we will deliver a monthly report to the Town Board. This report will be by project, detailing JRFA activities, contractor activities, budget, percent complete and other information as required. The report will be delivered in person.

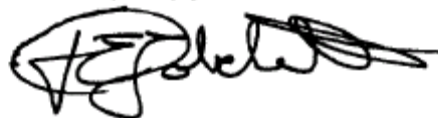
SCHEDULE AND FEES FOR PROPOSED SERVICES

We propose to assume the duties as Town Engineer on May 31, 2010. The fee for said services is \$10,000.00 per month. We propose that this be paid in equal monthly installments. We will invoice the Town 30 days ahead; payment is expected within 30 days of invoice.

In summary, we believe that we are the best-qualified firm to represent the Town. We are pleased to have this opportunity to present our proposal to you and would welcome a chance for a meeting to discuss issues, alternatives to our proposal, and to answer any questions.

We look forward to hearing from you and wish you the best in your endeavors.

Very truly yours,



John E. Folchetti, P.E.
CEO

Supervisor Schmitt stated that Mr. Folchetti will replace retired Town Engineer John Karell as the Town's engineering consultant because Mr. Karell was not granted a Section 211 Waiver from the New York State Civil Service Commission. Discussion was held regarding the matter.

PAYMENT OF COMPENSATORY TIME - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of seventy-two (72) hours of compensatory time to Town of Carmel Employee no. 1149 for year 2010; and

BE IT FURTHER RESOLVED that the Town Comptroller’s Office is hereby authorized to make any budget transfers or modifications necessary to effect the foregoing.

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>

PROPOSAL FOR PLANNING CONSULTING SERVICES ACCEPTED - PATRICK CLEARY OF CLEARY CONSULTING

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Patrick Cleary of Cleary Consulting, Northport, NY, for the provision of planning consulting services, commencing immediately, for an annual sum not to exceed \$70,000, and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form and content satisfactory to counsel, Supervisor Kenneth Schmitt is authorized to execute a contract for said services and any other documentation necessary to accept the aforementioned 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>

INTENT TO SERVE AS SEQR LEAD AGENCY FOR THE TOWN OF CARMEL PARK AND ATHLETIC COMPLEX AT THE “AIRPORT PROPERTY” - DECLARED

WHEREAS the Town of Carmel is proposing the development of the “Airport Property” as a park and athletic complex comprised of five (5) multi purpose/soccer fields, a playground/picnic area, future building, grandstands and associated gravel parking; and

WHEREAS, in accordance with the provisions of 6NYCRR Part 617, the Town Board of the Town of Carmel intends to serve as Lead Agency for the SEQR Review of this Type I Action, and in this capacity, will determine if the proposed action will have a significant effect on the environment; and

WHEREAS it is the intention of the Lead Agency to undertake a coordinated review of this action.

(Cont.)

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby declares its intent to serve as Lead Agency for the SEQR Coordinated Review of this action, and authorizes the Town Clerk to circulate this Lead Agency Notice Resolution, along with the Full Environmental Assessment Form for the project, to all Involved Agencies; and.

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby notifies all Involved Agencies that, absent any objection from any other involved agency, it will declare itself Lead Agency upon the expiration of the 30 day time period set forth in §617.6(b)(3)(i); and.

BE IT FURTHER RESOLVED that this resolution shall have an effective date of July 7, 2010.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilwoman McDonough

Roll Call Vote	<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>

WATER EMERGENCY DECLARED PURSUANT TO SECTION 151-22 OF THE TOWN CODE

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Water Districts of the Town of Carmel, and pursuant to Section 151-22 of the Code of the Town of Carmel, hereby determines, upon the advice of and consultation with the operators of the respective water districts and the Engineering Department, that a water emergency exists and hereby promulgates the following restrictions on the use of water for nonessential purposes:

RESTRICTIONS

During said water emergency, it shall be unlawful for any person to use water supplied by any water district of the Town for the following nonessential purposes:

- (1) The washing of motor vehicles except for windshields, mirrors and the like.
- (2) The cleaning or washing of the outside of buildings or other structures by the use of water or steam.
- (3) The filling of swimming pools, portable and otherwise, except swimming pools designed and used exclusively for medical treatment.
- (4) The watering of lawns and private gardens.

Violation of the foregoing restrictions shall be punishable by a fine or imprisonment in accordance with Section 151-26 of the Town Code.

BE IT FURTHER RESOLVED that the Town Clerk is directed to publish this resolution in the official newspapers of the Town and to post said resolution on the official bulletin Board of the Town.

Resolution

Offered by: Councilman DiCarlo

Seconded by: Councilwoman McDonough

<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>

(Cont.)

Representatives from the operators of the Town's water systems, Joe Scollan from Bee & Jay Plumbing & Heating Corp. and Dale Post from Severn Trent Services, reported on the water consumption emergency and responded to questions from the Town Board.

Councilman DiCarlo addressed the issue of reoccurring vandalism at the Town's pump house on Heather Drive in Mahopac. Mr. Scollan explained that his company recently incurred the cost of residing a section of the pump house to repair the vandalism. Discussion followed.

PUBLIC COMMENTS

Mike Barile commended the Highway Department employees who donated sick/vacation time to their fellow worker. Mr. Barile also commended Joe Scollan, from Bee & Jay Plumbing & Heating Corp. for repairing the Town's pump house at his expense. Mr. Barile emphasized the need for litter cleanup along the route of the upcoming Mahopac Volunteer Fire Department parade following the event. He then expressed his support of the Town of Carmel Dog Park and requested that it once again be addressed at a Work Session to respond to complaints from neighbors.

Supervisor Schmitt indicated that the Dog Park was already included as an item on the next Work Session agenda.

Peter Creegan praised the Highway Department workers who donated their sick/vacation time. Mr. Creegan went on to suggest that the residents in the municipal water districts be supplied a copy of the water consumption reports. With regard to the vandalism at the pump house, he inquired if there are surveillance video cameras installed in the vicinity, and if not, could there be.

Supervisor Schmitt explained that the vandalism was under police investigation.

Ann Fanizzi suggested posting the information regarding the water emergency on the Town's Web site.

Councilman DiCarlo said that it would be.

Ms. Fanizzi commented on the commuter parking lot currently being constructed on Mt. Hope Road. She then asked in regard to the project at the Airport Property, if the Full EAF referenced in the resolution refers to a "long form".

Supervisor Schmitt replied that it did.

Jerry Ravnitzky spoke regarding the recent vandalism that occurred at the Hill Agor Farm. In regard to the water emergency, Mr. Ravnitzky proclaimed the importance of public notification and the need for all residents, whether or not they are on a municipal water system, to conserve water. In addition, he questioned the adequacy of the water supply in Carmel Water District #2 upon completion of planned senior housing in the hamlet of Carmel.

Councilman Lombardi suggested erecting temporary signage for public notification of the water emergency. The Town Board held discussion regarding various methods for notification, as well as the issue of enforcement of the restrictions on water use.

John Butler commented on the negative fiscal impact that the full buildout of proposed senior housing will have on Carmel Water District #2. He then went on to ask if the Town currently has an engineering consultant.

Supervisor Schmitt indicated that the engineering consultant's contract became effective upon adoption of the resolution earlier in the meeting.

(Cont.)

Mr. Butler asked if the Town Board has a timeline for hiring a full-time Town Engineer.

Supervisor Schmitt stated that the replacement search will commence immediately. Discussion regarding the position followed.

Mr. Butler went on to comment against the practice of hiring retirees as consultants. He held discussion with Councilman Ravallo regarding the matter.

Judy Ravnitzky inquired about the funding for the "Airport Property" improvements.

Supervisor Schmitt indicated that the Town Board has not decided whether or not it will complete the improvements. They are moving forward in the event that they choose to do so in the future.

Councilwoman McDonough added that the monies would come from the parkland trust fund.

Mrs. Ravnitzky also commented against the practice of hiring retirees as consultants and held discussion regarding the matter with the Town Board.

Ann Fanizzi inquired about the Pulte Homes litigation.

Greg Folchetti explained the status of the appeal and briefly held discussion with Ms. Fanizzi.

Mark Pekowsky commended the Highway Department workers who donated their time, as well as the Town Board for their approval of the donation.

TOWN BOARD MEMBER COMMENTS

Councilman Lombardi spoke about the Greater Mahopac - Carmel Chamber of Commerce Visitors Center and the abundance of information regarding local restaurants, goods and services available at the center.

Councilman DiCarlo addressed the recently received draft traffic study for Route 6 and Mt. Hope Road with regard to the commuter parking lot. He outlined the issues and concerns included in the study and stated that the final study will be forwarded with recommendations to Putnam County.

Councilman DiCarlo requested that the pending issues of outdoor wood boiler restrictions and town-wide garbage collection be included on the next Work Session agenda.

Councilman DiCarlo and Supervisor Schmitt applauded the efforts of the organizers and sponsors associated with the July 4th concert at the Red Mills Historic Park.

Councilman Lombardi inquired if the Town has obtained additional information from other agencies in regard to outdoor wood boiler regulations.

Councilman DiCarlo stated that it has and discussion regarding the matter ensued.

Supervisor Schmitt announced that the "The Saints" will be performing on July 11th at 6:00 p.m.; the first of the 2010 Town of Carmel Sunset Concert Series to be held at the Mahopac Chamber Park.

Supervisor Schmitt announced that the Mahopac Volunteer Fire Department's annual parade will commence at 7:00 p.m. on July 8th. He urged everyone who attends the event to clean up after themselves.

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 8:59 p.m.

Respectfully submitted,

Ann Garris, Town Clerk