

18 AUGUST 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 18<sup>th</sup> day of August 2010 at 7:00 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo and Supervisor Schmitt. Councilman Ravallo was absent.

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.

**RABBI HAMMERMAN - TEMPLE BETH SHALOM**

Supervisor Schmitt welcomed new Rabbi, Eytan Hammerman from Temple Beth Shalom to the community. Rabbi Hammerman in turn, presented Supervisor Schmitt with a framed article that recently appeared in the Jerusalem Post detailing his bicycle ride from White Plains to his new position in Mahopac. The article featured a photograph which included Supervisor Schmitt who acted as an escort for a portion of the ride.

**MINUTES OF TOWN BOARD MEETINGS HELD ON 7/7/10 AND 7/21/10 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members of the Town Board present voting “aye”, the minutes of the Town Board meetings held on July 7<sup>th</sup> and July 21<sup>st</sup>, 2010 were accepted as submitted by the Town Clerk.

**RESOLUTION FROM 8/4/10 AMENDED - BID AWARDED FOR HIGHWAY DEPARTMENT CAPITAL EQUIPMENT - 2011 MACK HEAVY DUTY SINGLE AXLE 47,120 GVW CAB AND CHASSIS - MID HUDSON MACK, INC - \$110,818.20**

WHEREAS the Town Board of the Town of Carmel has previously authorized the solicitation of bids for the purchase of Highway Department Equipment in form of a Heavy Duty Single-Axle Cab and Chassis; and

WHEREAS said bids were received and opened by Town Clerk Ann Garriss, who has prepared and forwarded a bid opening memo to the Town Board dated July 20, 2010, a copy of which is on file in the Town Clerk’s Office;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the aforesaid bid for the purchase of a 2011 Mack Heavy Duty Single Axle 47,120 GVW Cab and Chassis to Mid Hudson Mack, Inc., Montgomery, NY, the lowest responsible bidder who met specifications at a bid price of \$110,818.20; and

BE IT FURTHER RESOLVED that the Town Highway Superintendent, Michael Simone, is hereby authorized to execute any documentation necessary to effect the aforesaid purchase.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

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

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**CARMEL SEWER DISTRICT #2 AND CARMEL WATER DISTRICT #2 -  
DEDICATION OF WATER AND SEWER FACILITIES ACCEPTED - ALBANO  
ESTATES IV**

WHEREAS, Carl Albano and Louis Albano are the owners of certain private water and sewer transmission facilities, equipment and appurtenances located upon the private road known as Oslo Path and within the subdivision known as “Albano Estates IV” as filed in the office of the Clerk of the County of Putnam on September 8, 2006 as Map No. 3030, and

WHEREAS, Carl Albano and Louis Albano, have offered and tendered the aforesaid water and sewer transmission facilities, equipment and appurtenances located within the subdivision known as Albano Estates IV, also as same are located within Carmel Sewer District #2 and Carmel Water District #2, respectively, to the Town of Carmel for dedication; and

WHEREAS, John E. Folchetti, P.E. Engineering Consultant has reviewed the proposed dedication of the aforesaid water and sewer transmission facilities, equipment and appurtenances, etc., and has recommended acceptance thereof by the Town of Carmel; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the dedication of the aforesaid sewer and water facilities upon receipt of as-built plans and/or drawings in form and content acceptable to the Town of Carmel and its Engineering Consultant, as well as upon receipt of a bill of sale in form acceptable to Town Counsel.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

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

**SOUND AMPLIFICATION PERMIT - FEE WAIVED IN REFERENCE TO THE  
APPLICATION OF THE CHAMBER OF COMMERCE OF THE MAHOPACS, INC. -  
10/2/10**

RESOLVED that the Town Board of the Town of Carmel hereby waives the permit fee regarding the application of the Chamber of Commerce of the Mahopacs, Inc. seeking a sound amplification permit for its community street festival and merchant showcase October 2, 2010 in Mahopac.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

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

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**NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW  
WITH RESPECT TO A LIQUOR LICENSE FOR JAMES MCCUE ASSOCIATES, INC.,  
D/B/A MARCO'S RESTAURANT - WAIVED**

WHEREAS, James McCue Associates, Inc., d/b/a Marco's Restaurant, 612 Route 6, Mahopac, NY 10541, has advised that it intends to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

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

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

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

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

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Absent
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 purpose of the waiver and noted that waivers of this nature were granted on a fairly regular basis.

Councilman Lombardi added that these waivers were not granted pro forma, as a pure formality. The Town Board reviews each request on an individual basis.

**PAUL JONKE, TOWN ASSESSOR - ATTENDANCE AT ANNUAL SEMINAR  
AUTHORIZED - 9/26/10 THROUGH 9/29/10**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Assessor Paul Jonke to attend the New York State Assessor's Association Annual Meeting and Seminar from September 26 through September 29, 2010 in Lake Placid , NY; and

BE IT FURTHER RESOLVED that the cost of registration and other necessary expenses be advanced or reimbursed by the Town Comptroller's Office upon audit and approval.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Absent
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 stated the cost of the seminar to be \$375.00 with a partial reimbursement from the State.

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**BUDGET MODIFICATIONS - #2010-07 - AUTHORIZED**

WHEREAS the Deputy Comptroller has reviewed the July 2010 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2010-07;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the July 2010 Budget Modifications/Revisions itemized on Schedule #2010-07 which are attached to this resolution, incorporated herein and made a part hereof.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

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

TOWN OF CARMEL  
BUDGET REVISIONS FOR JULY 2010  
#2010-07

Work Session 8/11/10  
Agenda 8/18/10

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
2010-07-01	100-1989-2401	INTEREST EARNINGS		21,066.00
	100-1989-2555	BUILDING PERMIT FEES		30,000.00
	100-1989-3005	MORTGAGE TAXES		50,000.00
	100-1989-3391	STATE AID - POLICE SPECIAL REVENUE	13,200.00	
	100-9902-0000	TRANSFER TO HIGHWAY FUND	X	87,866.00
		- REDUCE REVENUES TO OFFSET EXPENDITURES		
2010-07-02	100-1220-0019	SUPERVISOR STAFF OTHER PAY	2,302.00	
	100-1989-9877	APPROPRIATE FUND BALANCE - COMP ABS	*	2,302.00
		- PROVIDE FOR COMPENSATORY TIME RESOLUTION		
2010-07-03	100-1420-0044	LABOR LEGAL SERVICES	1,303.00	
	100-1990-0040	CONTINGENT ACCOUNT		1,303.00
		- TRANSFER FOR LEGAL EXPENSES		
2010-07-04	100-1440-0012	ENGINEERING STAFF OT	7,358.00	
	100-1440-0013	ENGINEERING PART TIME STAFF	5,000.00	
	100-1440-0046	ENGINEERING CONSULTANT	20,042.00	
	100-1440-0010	ENGINEERING PERS SERVICE		32,400.00
		- TRANSFER FOR ENGINEER STAFF/CONSULTANT PAY		
2010-07-05	100-1989-0040	UNCLASSIFIED EXPENDITURES	X	23,787.00
	100-1820-0042	GENERAL UTILITY EXPENSES		13,180.00
	100-3120-0042	POLICE UTILITY EXPENSES		4,567.00
	100-5132-0042	HIGHWAY GARAGE UTILITY EXPENSES		3,020.00
	100-7020-0042	RECREATION UTILITY EXPENSES		3,020.00
		- TRANSFER FOR UTILITY AUDIT EXPENSE & CREDITS		
2010-07-06	100-3121-0040	LAKE PATROL CONTRACTUAL EXPENSES	100.00	
	100-3123-0012	COMMUNITY POLICE OVERTIME	200.00	
	100-3123-0040	COMMUNITY POLICE CONTRACTUAL EXPENSES		300.00
		- TRANSFER FOR POLICE PATROL OT/EXPENSES		
2010-07-07	100-7110-0040	PARK MAINTENANCE CONTRACTUAL EXPENSES	X	10,000.00
	100-7115-0040	AIRPORT CONTRACTUAL EXPENSES		1,000.00
	100-7117-0042	CAMARDA PARK UTILITIES		3,000.00
	100-7118-0020	BALDWIN MEADOW EQUIPMENT		2,000.00
	100-7140-0020	PLAYGROUND EQUIPMENT		2,000.00
	100-7180-0020	BEACH EQUIPMENT		2,000.00
		- TRANSFER FOR PARK MAINTENANCE CONTRACTUAL EXPENSES		
2010-07-08	100-7114-0040	RED MILLS PARK CONTRACTUAL EXPENSE	300.00	
	100-7116-0040	VOLZ PARK CONTRACTUAL EXPENSE		300.00
		- TRANSFER FOR BARRIER FENCE PURCHASE		

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<b>HIGHWAY FUND</b>				
2010-07-09	500-5010-2401	INTEREST EARNINGS	*	20,000.00
	500-5010-2680	INSURANCE RECOVERY PAYROLL	*	10,000.00
	500-5010-2701	REFUND PRIOR YEAR EXPENSE	*	5,000.00
	500-5010-2770	OTHER REVENUES	*	5,000.00
	500-5110-0086	RETIREES GHI EXPENSE		40,000.00
		- REVISE REVENUE SOURCES		

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	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL AMBULANCE DISTRICT</b>				
2010-07-10	201-9025-0090	LOSAP CONTRIBUTION		4,670.00
	201-9025-0040	LOSAP ADMINISTRATION EXPENSE	4,670.00	
		- RECLASS EXCESS APPROPRIATION		
<b>CARMEL FIRE PROTECTION DISTRICT #1</b>				
2010-07-11	301-9025-0090	LOSAP CONTRIBUTION		16,399.00
	301-9025-0040	LOSAP ADMINISTRATION EXPENSE	1,399.00	
	301-3410-0090	WORKER'S COMPENSATION INSURANCE	15,000.00	
		- RECLASS EXCESS APPROPRIATION		
<b>CARMEL FIRE PROTECTION DISTRICT #2</b>				
2010-07-12	302-9025-0090	LOSAP CONTRIBUTION		3,621.00
	302-9025-0040	LOSAP ADMINISTRATION EXPENSE	3,621.00	
		- RECLASS EXCESS APPROPRIATION		
2010-07-13	302-9025-0040	LOSAP ADMINISTRATION EXPENSE		4,621.00
	302-3410-0049	GENERAL GOVERNMENT SERVICES		2,000.00
	302-3410-0090	WORKER'S COMPENSATION INSURANCE		1,911.00
	302-3410-9909	APPROPRIATED FUND BALANCE	X	8,532.00
		- REVISE DEFICIT FUND BALANCE BUDGET		
<b>CARMEL FIRE PROTECTION DISTRICT #3</b>				
2010-07-14	303-9025-0090	LOSAP CONTRIBUTION		13,781.00
	303-9025-0040	LOSAP ADMINISTRATIVE EXPENSE	1,781.00	
	303-3410-0090	WORKER'S COMPENSATION INSURANCE	12,000.00	
		- RECLASS EXCESS APPROPRIATION		
<b>LAKE CASSE PARK DISTRICT</b>				
2010-07-15	401-7140-0040	CONTRACTUAL EXPENSES	1,000.00	
	401-7140-0045	MAINTENANCE CONTRACT		1,000.00
		- TRANSFER EXCESS ON BUDGET		
<b>TEAKETTLE LAKE PARK DISTRICT</b>				
2010-07-16	403-7140-0040	CONTRACTUAL EXPENSES	1,950.00	
	403-7140-0099	REPAIR RESERVE FUND		950.00
	403-7140-9909	APPROPRIATED FUND BALANCE	*	1,000.00
		- PROVIDE FOR MISCELLANEOUS EXPENSES		
<b>LAKE SECOR PARK DISTRICT</b>				
2010-07-17	404-7140-0040	CONTRACTUAL EXPENSES	300.00	
	404-7140-0045	MAINTENANCE CONTRACT		300.00
		- TRANSFER EXCESS ON BUDGET		
<b>GLENACOM HIGHWAY FUND</b>				
2010-07-18	501-5112-0049	GENERAL GOVERNMENT SERVICES		794.00
	501-5112-9909	APPROPRIATED FUND BALANCE	*	794.00
		- REVISE BUDGET FOR PARTIAL DEFICIT		

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BUDGET REVISIONS FOR JULY 2010  
#2010-07

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #2</b>				
2010-07-19	602-8310-0020	EQUIPMENT	599.00	
	602-8310-0047	EMERGENCY REPAIRS	9,401.00	
	602-8310-0042	UTILITY EXPENSES		8,000.00
	602-8310-2701	REFUND PRIOR YEAR EXPENSE	2,000.00	
		- TRANSFER FOR EQUIP/EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #3</b>				
2010-07-20	603-8310-0047	EMERGENCY REPAIRS	8,000.00	
	603-8310-9909	APPROPRIATED FUND BALANCE	8,000.00	
		- PROVIDE FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #4</b>				
2010-07-21	604-8310-0047	EMERGENCY REPAIRS	4,500.00	
	604-8310-0099	REPAIR RESERVE FUND		4,500.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #8</b>				
2010-07-22	608-8310-0047	EMERGENCY REPAIRS	4,500.00	
	608-8310-0041	CHEMICAL EXPENSES		2,000.00
	608-8310-0048	OTHER OPERATING EXPENSES		2,500.00
		- TRANSFER FOR EMERGENCY REPAIRS		
2010-07-23	608-8310-2401	INTEREST EARNINGS		4,996.00
	608-8310-2701	REFUND PRIOR YEAR EXPENSE	4,996.00	
		-REVISE BUDGET FOR SOURCES		
<b>CARMEL WATER DISTRICT #9</b>				
2010-07-24	609-8310-0040	CONTRACTUAL EXPENSES	2,000.00	
	609-8310-0047	EMERGENCY REPAIRS	3,000.00	
	609-8310-0090	CONTINGENCY		5,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #10</b>				
2010-07-25	610-8310-0047	EMERGENCY REPAIRS	4,000.00	
	610-8310-0090	REPAIR RESERVE FUND		4,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #12</b>				
2010-07-26	612-8310-0047	EMERGENCY REPAIRS	4,000.00	
	612-8310-0042	UTILITY EXPENSES		4,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #14</b>				
2010-07-27	614-9901-0000	TRANSFER TO DEBT FUND		1,000.00
	614-8310-0040	CONTRACTUAL EXPENSES		2,000.00
	614-8310-9909	APPROPRIATED FUND BALANCE		3,000.00
		- REVISE DEFICIT FUND BALANCE		
<b>CARMEL SEWER DISTRICT #2</b>				
2010-07-28	702-8130-0040	EQUIPMENT	599.00	
	702-8130-0048	OTHER OPERATING EXPENSES		599.00
		- TRANSFER FOR EQUIPMENT PURCHASE		

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	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL SEWER DISTRICT #3</b>				
2010-07-29	703-8130-0040	CONTRACTUAL EXPENSES	9,428.00	
	703-8130-9882	APPROPRIATED RESERVE FUND	9,428.00	
		- PROVIDE FOR SPECIAL REPAIRS PER RESOLUTION		
<b>CARMEL SEWER DISTRICT #4</b>				
2010-07-30	704-8130-0040	CONTRACTUAL EXPENSES	16,000.00	
	704-8130-0090	CONTINGENCY		10,000.00
	704-8130-0099	REPAIR RESERVE FUND		6,000.00
		- TRANSFER FOR EMERGENCY REPAIR		

(Cont.)

<b>CARMEL LIGHTING DISTRICT</b>				
2010-07-31	752-5182-0040	LIGHTING EXPENSE		5,206.00
	752-5182-9909	APPROPRIATED FUND BALANCE	*	5,206.00
		* - REVISE BUDGET FOR FUND DEFICIT		
		- REVIEW UTILITY BILLING 2009	*	
		COMPARE TO PREVIOUS YEARS BILLS		
<b>LAKE MACGREGOR LIGHTING DISTRICT</b>				
2010-07-32	755-5182-0040	LIGHTING EXPENSE		234.00
	755-5182-9909	APPROPRIATED FUND BALANCE	*	234.00
		* - REVISE BUDGET FOR FUND DEFICIT		
		- REVIEW UTILITY BILLING 2009		
		COMPARE TO PREVIOUS YEARS BILLS		
<b>GENERAL DEBT FUND</b>				
2010-07-33	810-9730-0071	BAN INTEREST		350.00
	810-9710-0070	BOND INTEREST		350.00
		- REVISE BUDGET FOR DEBT SERVICE		
<b>HIGHWAY DEBT FUND</b>				
2010-07-34	850-5010-2401	INTEREST EARNINGS	*	171.00
	850-5010-9909	APPROPRIATED FUND BALANCE	*	15,000.00
	850-9710-0060	BOND PRINCIPAL		5,511.00
	850-9710-0070	BOND INTEREST		10,160.00
		- REVISE BUDGET USES & SOURCES		
<b>CARMEL WATER DISTRICT #2, DEBT</b>				
2010-07-35	862-9710-0070	BOND INTEREST		474.00
	862-8310-2401	INTEREST EARNINGS	*	474.00
		- REVISE BUDGET FOR DEBT SERVICE		
<b>CARMEL WATER DISTRICT #3, DEBT</b>				
2010-07-36	863-9710-0070	BOND INTEREST		205.00
	863-8310-2401	INTEREST EARNINGS	*	205.00
		- REVISE BUDGET FOR DEBT SERVICE		
<b>CARMEL WATER DISTRICT #9, DEBT</b>				
2010-07-37	869-9710-0070	BOND INTEREST		137.00
	869-8310-2401	INTEREST EARNINGS	*	137.00
		- REVISE BUDGET FOR DEBT SERVICE		

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	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL SEWER DISTRICT #3, DEBT</b>				
2010-07-38	873-9710-0070	BOND INTEREST		12.00
	873-8130-2401	INTEREST EARNINGS	*	12.00
		- REVISE BUDGET FOR DEBT SERVICE		
<b>CARMEL SEWER DIST #1, EXT #3, DEBT</b>				
2010-07-39	881-8130-0040	CONTRACTUAL EXPENSES	289.00	
	881-9730-0071	BAN INTEREST	1,837.00	
	881-9790-0070	SRLF INTEREST		2,126.00
		- REVISE BUDGET FOR DEBT SERVICE		
<b>CARMEL WATER DISTRICT #14, DEBT</b>				
2010-07-40	884-9730-0070	BAN INTEREST	350.00	
	884-8310-9909	APPROPRIATED FUND BALANCE	*	350.00
		- REVISE BUDGET SOURCES		

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REVISE DISTRICT REVENUE SOURCES				
2010-07-41	201-4540-2401	CARMEL AMB DIST INTEREST EARNINGS	*	3,000.00
	301-3410-2401	CFPD #1 INTEREST EARNINGS	*	4,000.00
	302-3410-2401	CFPD #2 INTEREST EARNINGS	*	5,000.00
	303-3410-2401	CFPD #3 INTEREST EARNINGS	*	1,500.00
	501-5112-2401	LAKE GLENACOM INTEREST EARNINGS	*	100.00
	602-8310-2401	CWD #2 INTEREST EARNINGS	*	14,000.00
	603-8310-2401	CWD #3 INTEREST EARNINGS	*	2,000.00
	604-8310-2401	CWD #4 INTEREST EARNINGS	*	2,000.00
	608-8310-2401	CWD #8 INTEREST EARNINGS	*	5,000.00
	610-8310-2401	CWD #10 INTEREST EARNINGS	*	1,000.00
	612-8310-2401	CWD #12 INTEREST EARNINGS	*	1,000.00
	622-8310-2401	CWD #2, EXT 2 INTEREST EARNINGS	*	1,000.00
	702-8130-2401	CSD #2 INTEREST EARNINGS	*	3,000.00
	708-8130-2401	CSD #8 INTEREST EARNINGS	*	2,000.00
	862-8310-2401	CWD #2 DEBT INTEREST EARNINGS	*	1,500.00
	878-8130-2401	CSD #8 DEBT INTEREST EARNINGS	*	4,000.00
	882-8130-2401	CSD #2 DEBT INTEREST EARNINGS	*	8,000.00
	883-8310-2401	CWD #13 DEBT INTEREST EARNINGS	*	1,000.00
	201-4540-9909	APPROPRIATED FUND BALANCE	*	3,000.00
	301-3410-0090	WORKER'S COMPENSATION INSURANCE		4,000.00
	302-3410-0090	WORKER'S COMPENSATION INSURANCE		5,000.00
	303-3410-0090	WORKER'S COMPENSATION INSURANCE		1,500.00
	501-5112-0049	SERVICES OTHER GOVT		100.00
	602-8310-0049	SERVICES OTHER GOVT		14,000.00
	603-8310-0042	UTILITY EXPENSES		2,000.00
	604-8310-0042	UTILITY EXPENSES		2,000.00
	608-8310-9909	APPROPRIATED FUND BALANCE	*	5,000.00
	610-8310-0042	UTILITY EXPENSES		1,000.00
	612-8310-0042	UTILITY EXPENSES		1,000.00
	622-8310-0049	SERVICES OTHER GOVT		1,000.00
	702-8130-9909	APPROPRIATED FUND BALANCE	*	3,000.00
	708-8130-9909	APPROPRIATED FUND BALANCE	*	2,000.00
	862-8310-9909	APPROPRIATED FUND BALANCE	*	1,500.00
	878-8130-9909	APPROPRIATED FUND BALANCE	*	4,000.00
	882-8130-9909	APPROPRIATED FUND BALANCE	*	8,000.00
	888-8310-2401	APPROPRIATED FUND BALANCE	*	1,000.00
		-REVISE BUDGET SOURCES		

BudgetRevisions2010-07

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TOWN OF CARMEL  
BUDGET REVISIONS FOR JULY 2010  
#2010-07

	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>HAMLET BEAUTIFICATION IMPROVEMENTS CAPITAL FUND</b>				
2010-07-42	909-1989-2770	GOOD NEIGHBOR FUNDS REVENUE	*	200,000.00
	909-1989-3901	NYS DOT MULT MODAL STATE AID	*	100,000.00
	909-1989-0040	CONTRACTUAL IMPROVEMENTS		100,000.00
	909-1989-0045	IMPROVEMENT CONTRACTS		200,000.00
		- OPEN NEW CAPITAL FUND FOR MAHOPAC HAMLET		
<b>TOWN HALL - BULIDING IMPROVEMENTS CAPITAL FUND</b>				
2010-07-43	930-1989-3999	STATE AID - NY POWER AUTHORITY	*	100,000.00
	930-1989-0040	CONTRACTUAL EXPENDITURES		100,000.00
		- OPEN NEW CAPITAL FUND FOR PHOTOVOLTAIC CELL SYSTEM		
<b>HIGHWAY RESURFACING CAPITAL FUND</b>				
2010-07-44	950-5112-0048	OTHER PROJECT EXPENDITURE		1,000.00
	950-5112-0045	CONTRACTED PAVING SERVICES		1,000.00
		- TRANSFER FOR MISC. CAPITAL EXPENSES		
<b>HIGHWAY RESURFACING CAPITAL FUND</b>				
2010-07-45	951-5130-0048	OTHER PROJECT EXPENDITURE		1,000.00
	951-5130-0024	PURCHASE OF HIGHWAY MACHINERY		1,000.00
		- TRANSFER FOR MISC. CAPITAL EXPENSES		

BudgetRevisions2010-07

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18 AUGUST 2010  
TOWN BOARD MEETING

**ANNUAL FINANCIAL REPORT OF INDEPENDENT AUDITOR FOR FISCAL YEAR 2009 - ACCEPTED**

RESOLVED, that the Town Board of the Town of Carmel hereby accepts the Comprehensive Financial Independent Audit Report of the Town's independent auditor, the Bennett, Kielson, Storch & DeSantis division of O'Connor, Munns, Davies & Dobbins, LLP for fiscal year 2009; and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Carmel is hereby authorized and directed to publish all required notices in the official newspapers of the Town of Carmel.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman DiCarlo

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

Supervisor Schmitt acknowledged Mary Ann Maxwell, Deputy Comptroller and Thomas Carey, Financial Consultant, for their efforts with regard to the audit.

**FORWARDING OF RESPONSE TO INDEPENDENT AUDITOR REPORT ON INTERNAL CONTROLS FISCAL YEAR 2009 - AUTHORIZED**

RESOLVED, that the Town Board of the Town of Carmel hereby accepts the draft response to the Independent Auditor Report on Internal Controls for fiscal year ending December 31, 2009, in form as attached hereto and made part hereof; and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the forwarding of said response to the Bennett, Kielson, Storch and DeSantis division of O'Connor, Davies, Munns & Dobbins, LLP.

Resolution

Offered by: Councilman DiCarlo

Seconded by: Councilman Lombardi

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

**KENNETH SCHMITT**  
*Town Supervisor*

**ANTHONY DI CARLO**  
*Town Councilman*  
*Deputy Supervisor*

**FRANK D. LOMBARDI**  
*Town Councilman*  
**SUZANNE MC DONOUGH**  
*Town Councilwoman*  
**ROBERT J. RAVALLLO**  
*Town Councilman*

**TOWN OF CARMEL**  
TOWN HALL



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 • Fax (845) 628-6836  
[www.carmelny.org](http://www.carmelny.org)

**ANN GARRIS**  
*Town Clerk*

**KATHLEEN KRAUS**  
*Receiver of Taxes*

**MICHAEL SIMONE**  
*Superintendent of Highways*  
Tel. (845) 628-7474

18 AUGUST 2010  
TOWN BOARD MEETING

(Cont.)

August 4, 2010



O'Connor, Davies, Munns & Dobbins LLP  
Bennett, Kielson, Storch, DeSantis Division  
One Barker Avenue, 5th Floor  
White Plains, NY 10601-1503

☒ Work Session 8/11/10  
☒ Agenda 8/18/10

Dear Sirs:

The following statements represent the Town of Carmel's Response to the items identified in your Independent Auditor Report on Internal Controls for fiscal year ending December 31, 2009. The audit report comments are summarized followed by the town's response in bold print.

#### **Operating Fund Deficits**

The financial statements of the Town indicate undesignated deficits of \$28,069 in Water District No. 12, \$13,954 in Water District No. 14, \$17,574 in Sewer District No. 5, \$530 in Sewer District No. 6, \$5,206 in Carmel Street Lighting District, \$234 in Lake McGregor Street Lighting District and \$25,188 in Fire Protection District No. 2 at December 31, 2009. We suggest that the current year's operations continue to be monitored to ensure that these deficits are completely eliminated. If this is not achieved, we would recommend a provision in the subsequent year's budget to eliminate any remaining deficit. It should be noted that these deficits are reported to the Board on an annual basis and an action plan is developed.

**The Town Board reviews and approves Plans and Provisions annually to address Special District Deficits, documentation attached.**

#### **Planning Board Escrow Fees**

We noted that the General Fund has amounts on deposit for Planning Board escrow fees in the amount of \$72,291 that has been held in excess of six years. We suggest that these amounts be investigated and that the proper disposition of the funds takes place.

**The Planning Escrow Fee deposits will be investigated and these funds will be cleared by December 31, 2010.**

#### **Purchasing**

We have provided the Town Board with observations, findings and recommendations over the years relating to the purchasing function. A particular concern is purchasing with oral and/or written purchase orders without the encumbrance forwarded to the Comptroller's Office for entry into the financial accounting system. This is especially evident in the Engineering office, regarding water and sewer district expenditures.

One of our past recommendations to the Town was the establishment of a centralized purchasing system, which would be able to satisfy the requirements of all departments while at the same time possibly provide savings and improvements. The centralization of the purchasing functions will help to ensure compliance by all departments with the town's formal purchasing policy and State regulations as well as utilize the Town's purchase order system to control expenditures more effectively. We believe the town board should once again consider the advantages of centralized purchasing in the very near future.

**The Town Board will once again discuss the benefits of Centralized Purchasing during the 2011 Budget process.**

#### **Capital Projects Fund**

Our audit disclosed that retainages reflected on the books and records in the amount of \$49,554 have remained outstanding in excess of one year. We recommend that the Town investigate the status of these obligations.

**The retainages were reviewed by the Town Engineer and will be cleared when the Sewer Upgrade Projects are completed.**

(Cont.)

**Fiduciary Fund**

The Fiduciary Fund is used to account for assets held by the Town in an agency capacity on behalf of others. Our audit of this fund disclosed that there is an amount on deposit totaling \$12,850 that has been held by the Town in excess of six years. We suggest that these items be reviewed to determine their status.

**The Town will review the status of these deposits and will resolve disposition by December 31, 2010.**

**Justice Court**

The Town Justices and Town Board are responsible for the financial affairs of the Town's Justice Court. This responsibility includes the establishment and maintenance of an effective system of internal control which adequately safeguards the Court's assets. During the course of our audit of the Town Justice Court, we noted certain matters involving internal control over financial reporting and other operational matters. The results of our observations and finding are as follows:

Bail held by the Justice Court in excess of six years is required to be remitted to the Town. Our audit indicated that bail, aggregating \$19,055, was still being held by the Justice Court and had not been remitted to the Town.

We recommend that the Town Board have the Comptroller's Office review its financial controls over the Justice Court and institute a level of oversight that will detect errors or irregularities on a timely basis

**The Justice Court items were referred to the Town Justices for corrective action and the Comptroller's Office will audit these deposits by December 31, 2010.**

**Fund Balance Reporting and Fund Type Definitions (GASB 54 Compliance)**

GASB Statement No. 54 distinguishes fund balance between amounts that are considered nonspendable (such as fund balance associated with inventories) and other amounts that are classified based on the relative strength of the constraints that control the purposes for which specific amounts can be spent. Accordingly, fund balance amount will be reported in the following classifications:

- Restricted – amounts stipulated by constitution, external resource providers or through enabling legislation.
- Committed – amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.
- Assigned – amounts that are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the General Fund, assigned fund balance represents the remaining amount that is not restricted or committed.
- Unassigned – amounts that are not constrained at all in the government's General Fund and includes all spendable amounts not contained in other classifications.

GASB Statement No. 54 also clarifies the definitions of individual governmental fund types. It provides an interpretation of certain terms within the definition of special revenue fund types, while further clarifying the debt service and capital projects fund type definitions. GASB Statement No. 54 is effective for the Town's fiscal year ending December 31, 2011 with earlier implementation encouraged.

**The Town Comptroller's Office will address compliance to GASB 54 by December 31, 2010.**

**Written Investment Policy**

We suggest that a review of the written investment policy, collateral agreements and FDIC coverage regulations be performed to ensure that all deposits are fully covered and that the list of acceptable collateral instruments to secure deposits in excess of FDIC limits in the written investment policy is consistent with the collateral agreements with the banks.

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(Cont.)

The Town Comptroller's Office is in the process of reviewing all written financial policies and will address Investments by year end.

Sincerely,

The Town Board of the Town of Carmel

Kenneth Schmitt Town Supervisor	Anthony DiCarlo Town Councilmember	Thomas M. Carey Financial Consultant
Frank Lombardi Town Councilmember	Suzanne McDonough Town Councilmember	Mary Ann Maxwell Deputy Comptroller
	Robert Ravallo Town Councilmember	

612  
"Audited"  
#12

* GOVERNMENT FUND DEFICITS AS OF 12/31/09 EXCLUDING RESERVE FUND BALANCES					DEFICIT RECOVERY PLANS		
FUND	12/31/2008	2009	2009 USES	12/31/09	BUDGET	BUDGET	COMMENTS
	BALANCE	SOURCES		DEFICIT	2010	2011	
302	(14,968)	1,718,112	(1,728,332)	(25,188)	25,188		RECOVERY IN 2010
612	(47,502)	126,488	(107,055)	(28,069)	18,069	10,000	RECOVERY OVER 2 YEARS
614		16,668	(30,622)	(13,954)	3,954	10,000	RECOVERY OVER 2 YEARS
705	(25,123)	58,584	(51,035)	(17,574)	17,574		RECOVERY IN 2010
706	(11,864)	93,652	(82,318)	(530)	530		RECOVERY IN 2010
752	286	31,501	(36,993)	(5,206)		5,006	BUDGET FOR 2011
755	659	1,881	(2,774)	(234)		234	BUDGET FOR 2011

☒ Work Session 5/12/10  
☐ Agenda

**CARMEL WATER DISTRICT #2 EXTENSION - REPAIR RESERVE FUND FOR MAJOR REPAIRS AND CAPITAL IMPROVEMENTS OR EQUIPMENT - ESTABLISHED**

RESOLVED, that pursuant to §6-d of the New York General Municipal Law, as amended, The Town Board of the Town of Carmel, Acting as Commissioners of Carmel Water District #2 Extension, does hereby establish a Repair Reserve Fund to finance the cost of major repairs and/or capital improvements or equipment in the aforesaid improvement district extension; and

BE IT FURTHER RESOLVED that Kenneth Schmitt, Supervisor of the Town of Carmel, is hereby directed and authorized to deposit monies of the Repair Reserve Fund established herein in a special bank account designated for the "Repair Reserve Fund for Carmel Water District No. 2 Extension" and is authorized to invest, from time to time, monies of this fund pursuant to §6-d of the New York General Municipal Law; and

BE IT FURTHER RESOLVED that no expenditure shall made from this fund, except upon authorization of the Town Board of the Town of Carmel pursuant to §6-d of the New York General Municipal Law.



(Cont.)

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

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

Gregory Folchetti indicated that the actual dollar amount to finance the cost of major repairs and/or capital improvements or equipment in the aforesaid improvement district extension shall be designated in a future resolution.

**CARMEL WATER DISTRICT #12 - ADVANCEMENT OF GOVERNMENT FUND MONIES AS TEMPORARY LOAN AUTHORIZED - NOT TO EXCEED \$40,000**

RESOLVED, that the Town Board of the Town of Carmel, pursuant to Town Law §209-b, hereby authorizes the temporary advancement of monies from the Town of Carmel's General Fund as of July 31, 2010 to Carmel Water District #12 at a maximum amount not to exceed \$40,000 to be repaid with the periodic interest rate when revenue sources or debt proceeds are received.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

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

**CARMEL SEWER DISTRICT #2 - EMERGENCY EXPENDITURE OF MONIES FROM THE REPAIR RESERVE FUND AUTHORIZED - NOT TO EXCEED \$21,431.00**

WHEREAS, the Town of Carmel has established a Repair Reserve Fund for Carmel Sewer District #2 as established pursuant to §6-d of the General Municipal Law; and

WHEREAS in cases of emergency, monies in such fund may be expended by resolution approved by not less than two thirds of the members of the governing body, and

WHEREAS, it is recommended by the Town Comptroller's Office that monies in the fund be used to pay for the cost of emergency repairs;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, Acting as Commissioners of Carmel Sewer District #2, hereby authorizes the appropriation of monies from the Repair Reserve Fund not to exceed \$21,431.00 for emergency repair expenditures in 2010; and

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

Resolution  
Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

(Cont.)

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

**CARMEL SEWER DISTRICT #4 - EMERGENCY EXPENDITURE OF MONIES FROM THE REPAIR RESERVE FUND AUTHORIZED - NOT TO EXCEED \$22,074.00**

WHEREAS, the Town of Carmel has established a Repair Reserve Fund for Carmel Sewer District #4 as established pursuant to §6-d of the General Municipal Law; and

WHEREAS in cases of emergency, monies in such fund may be expended by resolution approved by not less than two thirds of the members of the governing body, and

WHEREAS, it is recommended by the Town Comptroller's Office that monies in the fund be used to pay for the cost of emergency repairs;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, Acting as Commissioners of Carmel Sewer District #4, hereby authorizes the appropriation of monies from the Repair Reserve Fund not to exceed \$22,074.00 for emergency repair expenditures in 2010; and

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

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

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

Supervisor Schmitt noted that the appropriations from the aforementioned Repair Reserve Funds are not town wide expenditures. The dollar amounts are borne by the residents in those districts.

**CARMEL AMBULANCE DISTRICT NO. 1 VOLUNTEER AMBULANCE WORKER SERVICE AWARD PROGRAM - PROPOSED AMENDMENT - PUBLIC REFERENDUM IN AN ELECTION SCHEDULED FOR 10/19/10** **AMENDED 9/15/10**

WHEREAS eligible voters of the Town of Carmel approved a proposition to establish a Service Award Program, effective January 1, 2004, for active volunteer ambulance worker members of the Carmel Volunteer Ambulance Corporation, in accordance with Article 11-AAA of the New York State General Municipal Law; and;

WHEREAS Article 11-AAA authorizes the Town Board of the Town of Carmel to seek voter approval of amendments to the Service Award Program; and;

WHEREAS many of these amendments are intended to enable the Town to improve the Service Award Program benefits for active volunteer ambulance workers; and;

WHEREAS such improvement in Service Award Program benefits is consistent with the intent of the Program to help the Carmel Volunteer Ambulance Corporation recruit and retain active volunteer ambulance workers; and;

(Cont.)

WHEREAS persons who serve as active volunteer ambulance workers of the Carmel Volunteer Ambulance Corporation, after having attained the program Entitlement Age of 65 and having commenced receiving a service award, have, under the current program provisions, been denied the opportunity to earn subsequent Service Award Program service credit; and;

WHEREAS Article 11-AAA was amended by Chapter 647 of the laws of 2003 to explicitly state that a Volunteer Ambulance Worker Service Award Program may allow a program participant who is being paid a service award to continue to earn additional service credit under the Service Award Program Point System;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, as authorized by Article 11-AAA of the New York State General Municipal Law, directs that there shall be a public referendum of eligible voters of the Town Carmel, in an election to be held on October 19, 2010 between the hours of 10:00 AM and 6:00 PM at the Carmel Firehouse, 85 Gleneida Avenue, Carmel, NY 10512, to determine whether the Carmel Ambulance District No. 1 Service Award Program shall be amended effective January 1, 2011 to allow program participants who have attained the entitlement age and commenced receiving their monthly service award payments to continue to be eligible to earn Service Award Program service credit under the Point System and to thereby increase their monthly Service Award payments by \$20 for each such year of additional service credit earned in a calendar years after 2010, and during or after the calendar year the participant effectively commenced receiving his/her monthly service award payments. Such payment increases shall be effective the January 1st following the year in which the additional service credit was earned. The certain period remaining in such cases, if that optional form of payment was chosen by the participant, shall be based on the original benefit commencement date (the effective date of the first monthly service award payment made after the attainment of entitlement age). Service credit shall continue to be limited by the maximum years of service credit allowed under the provisions of the Service Award Program.

The 2009 annual cost of funding the Carmel Ambulance District No. 1 Service Award Program is about \$45,400 including the cost of administration. Should voters approve this amendment, the annual cost of the amended program may increase by as much as \$22,000 for current volunteers.

All other provisions of the Carmel Ambulance District No. 1 Service Award Program which required voter approval shall not change and the program shall continue to be administered by the New York State Comptroller in accordance with Article 11-AAA of the New York State General Municipal Law as such law is amended from time to time, as well as with the applicable rules and regulations for Volunteer Ambulance Worker Service Award Programs promulgated by the New York State Comptroller.

BE IT FURTHER RESOLVED that absentee balloting shall be allowed at such referendum.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

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

Supervisor Schmitt explained that the Service Award Program is a retirement benefit for volunteer ambulance workers and firefighters. Its purpose is to attract and retain members.

**DEPARTMENT OF RECREATION AND PARKS - PROPOSAL FOR ENGINEERING CONSULTING SERVICES FOR MCDONOUGH PARK ACCEPTED - INSITE ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, PC - NOT TO EXCEED \$3,500.00**

WHEREAS, James R. Gilchrist, Director of Recreation and Parks has solicited proposals for continuing engineering services for the capital work proposed at Jimmy McDonough Park, and has done so in accordance with the Town of Carmel procurement policy;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, hereby accepts the proposal of Insite Engineering, Surveying and Landscape Architecture, PC at a total lump sum cost not to exceed \$3,500.00; and

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

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Absent
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 stated that the fee for the engineering services will be coming out of the Parkland Trust Fund.

**PUBLIC HEARING SCHEDULED FOR 9/15/10 - PROPOSED LOCAL LAW AMENDING CHAPTER 147 OF THE TOWN CODE OF THE TOWN OF CARMEL - OVERHILL ROAD**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, September 15, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law Amending Chapter 147 of the Town Code of the Town of Carmel, as follows:

TOWN OF CARMEL  
PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2010

A LOCAL LAW AMENDING CHAPTER 147 OF THE TOWN CODE  
OF THE TOWN OF CARMEL, ENTITLED "VEHICLES AND TRAFFIC"

SECTION 1. Chapter 147 of the Code of the Town of Carmel, Section 147-45. Schedule VI: Stop Intersections is hereby amended by the addition of the following:

<b>Road</b>	<b>Intersection</b>	<b>Stop Sign on</b>
Overhill Road	McAlpin Avenue & Lakeview Elementary	Overhill Road at Southeast corner of intersection with Lakeview Elementary School

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



(Cont.)

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

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>          </u>	Absent
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 area residents made the request for the stop sign. The Chief of Police and Highway Superintendent supported the stop sign under the condition that it is installed on a bulb-out or island at the intersection to provide maximum public observation.

**PROPOSAL OF DONOGHUE, THOMAS, AUSLANDER & DROHAN, LLP FOR 2010  
LABOR COUNSEL SERVICES - ACCEPTED**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Donoghue, Thomas, Auslander & Drohan, LLP for the 2011 labor counsel rates, said proposal dated July 29, 2010; and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign said proposal on behalf of the Town.

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>          </u>	Absent
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 stated that the fees for labor counsel services have not changed.

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING - PROPOSED  
LOCAL LAW PROHIBITING OUTDOOR WOOD BURNING FURNACES AND  
ESTABLISHING REGULATIONS FOR THE ISSUANCE OF PERMITS FOR  
EXISTING OUTDOOR WOOD BURNING FURNACES (PROPOSED CHAPTER 107  
OF THE TOWN CODE OF THE TOWN OF CARMEL) - TABLED**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, September 15, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law Prohibiting Outdoor Wood Burning Furnaces and Establishing Regulations for the Issuance of Permits For Existing Outdoor Wood Burning Furnaces (Proposed Chapter 107 of the Town Code of the Town of Carmel), as follows:

(Cont.)

**PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2010  
A LOCAL LAW PROHIBITING OUTDOOR WOOD BURNING FURNACES AND  
ESTABLISHING REGULATIONS FOR THE ISSUANCE OF PERMITS  
FOR EXISTING OUTDOOR WOOD BURNING FURNACES**

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 amend the Town Code to prohibit the future use of outdoor wood burning furnaces and to establish regulations for the issuance of permits by the Building Inspector for preexisting outdoor wood burning furnaces.

Section 2: AMENDMENT OF THE TOWN CODE

The Town Code of the Town of Carmel is hereby amended by the addition of a new chapter entitled, "CHAPTER 107, OUTDOOR WOOD BURNING FURNACES" which shall read as follows:

**CHAPTER 107, OUTDOOR WOOD BURNING FURNACES**

§ 107-1. Purpose.

The Town Board of the Town of Carmel has received numerous complaints in regard to outdoor wood burning furnaces concerning their pollution of the atmosphere and their safety. Although outdoor wood burning furnaces may provide an economical alternative to conventional heating systems, it is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood burning furnaces, creates noxious and hazardous smoke, soot, fumes. Odors and air pollution can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, it is the intention of the Town Board of the Town of Carmel to establish and impose restrictions upon the construction and operation of outdoor wood burning furnaces for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants This chapter is intended to prohibit the construction and/or replacement of any future outdoor wood burning furnaces and to ensure that existing outdoor wood burning furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.

§ 107-2. Authority

This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law,

§ 107-3. Enforcement

The Town of Carmel Director of Codes Enforcement, Building Inspector and Code Enforcement Officer, or any other person who may hereafter be designated by resolution of the Town Board is hereby authorized in the name and on behalf of the Town of Carmel to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this article including the issuance of appearance tickets.

§ 107-4. Definitions

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

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FIREWOOD -- Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

OUTDOOR WOOD BURNING FURNACE -- Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of wood fuel to produce heat or energy used as a component of a heating system providing heat and/or hot water for any interior space in any principal structure or any other site, building, or structure.

UNTREATED LUMBER -- Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

VIOLATOR OR ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE - Any person who owns or occupies the property at the time the outdoor wood boiler has been installed and/or operated.

- § 107-5. New construction and operation prohibited.  
The construction and/or installation of any new outdoor wood burning furnaces are hereby prohibited within the Town of Carmel.
- § 107-6. Existing outdoor wood burning furnaces  
Except as hereinafter provided, the lawful use of any outdoor wood burning furnace existing at the time of the adoption of this chapter may be continued, subject to the provisions of the section
- A. No outdoor wood burning furnace existing at the time of the adoption of this chapter shall thereafter be extended or enlarged.
  - B. Any existing outdoor wood burning furnace which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be reestablished and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the outdoor wood burning furnace by the end of said seven-consecutive-month period, the Town of Carmel Code Enforcement Officer/Building Inspector shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor wood burning furnace is located. Such notice shall provide that said owner shall remove the outdoor wood burning furnace within 15 days of the date the notice is either postmarked or personally served upon the owner. Should the outdoor wood burning furnace not be removed within the time specified, the Code Enforcement Officer/Building Inspector shall take reasonable steps to effect its removal. The costs incurred by the Town to effect said removal including attorney's fees shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said thirty -day time frame, then said expense shall be charged to the property so affected by including such expense in the next annual Town tax levy against the property.
  - C. No existing outdoor wood burning furnace which has been damaged by any reason to the extent of more than 75% of its assessed value for Town of Carmel tax purposes shall be repaired or rebuilt.

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- D. All outdoor wood burning furnaces in existence on the effective date of this chapter shall be permitted to remain, provided that the owner applies for and receives a permit from the Town Building Inspector within one year of the effective date of this chapter. If the owner of an existing outdoor wood burning furnace does not receive a permit within one year of the effective date of this chapter, the outdoor wood burning furnace shall be removed. "Existing" or "in existence" means that the outdoor wood burning furnace is in place and operational on the effective date of this chapter. Application for a permit shall be made to the Building Inspector on the forms provided.

§ 107-7. Continuing requirements for the continuing use of existing outdoor wood burning furnaces.

All existing outdoor wood burning furnaces which receive permits from the Building Inspector shall be subject to the following regulations which constitute continuing conditions for the permit:

- A. Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor wood burning furnace. Burning of any and all other materials, including but not limited to trash, plastics, gasoline, rubber, household garbage, material treated with petroleum products such as particle board, railroad ties and pressure treated wood, leaves, paper products and cardboard, in an outdoor wood burning furnace is prohibited.
- B. Permitted zones. Outdoor wood burning furnaces shall be permitted only in the R-3 Zoning District as shown on the Town's Zoning Map provided the parcel is at least 3 acres in size.
- C. Minimum lot size. Outdoor wood burning furnaces shall be permitted only on lots of three acres or more.
- D. Setbacks. Outdoor wood burning furnaces shall be set back not less than 200 feet from the nearest lot line and must be within 25 feet of the house that it serves and are permitted in the rear yard only.
- E. Months of operation. Outdoor wood burning furnaces shall be operated only between October 1 and April 30.
- F. Spark arrestors. All outdoor wood burning furnaces shall be equipped with properly functioning spark arrestors which shall be maintained in proper working order at all times.
- G. Lighter fluids, gasoline or chemicals may not be used to start the furnace are prohibited.

§ 107-8. Suspension of permit.

A permit issued pursuant to this chapter may be suspended by the Code Enforcement Officer/Building Inspector to protect the public health, safety and welfare of the residents of the Town of Carmel if any of the continuing conditions in § 107-7 is violated. A suspended permit may be reinstated once the condition which resulted in suspension is remedied. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this chapter subject to the penalties provided in § 107-9 hereof.

§ 107-9. Penalties for offenses.

- A. Failure to comply with any of the provisions of this chapter shall be a violation and, upon conviction thereof, shall be punishable by a fine of not less than \$500 or imprisonment for a period of not more than 10 days, or both, for the first



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offense. Any subsequent offense shall be punishable by a fine of not less than \$1,000 or imprisonment for a period of not more than 30 days, or both. In addition, any permit issued pursuant to this chapter shall be revoked upon conviction of a second offense and the subject outdoor wood burning furnace shall not be eligible for another permit and shall be removed. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter.

- B. Compliance with the provisions of this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction.
- C. In the event the Town is required to take legal action to enforce the provisions of this chapter, the violator will be responsible for any and all necessary costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court.
- D. Any fine imposed and any costs incurred hereunder shall constitute a lien upon the real property where the outdoor wood burning furnace is located. If such fine and/or costs assessed by the court are not paid in full within 30 days from the date determined and assessed by the Court, such fine and/or costs shall be charged to the property so affected by including such expense in the next annual Town tax levy against the property

§ 107-10. Effect on other regulations.  
Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, New York State Department of Environmental Conservation, or any other federal, state, regional or local agency. Outdoor wood burning furnaces, and any electrical, plumbing or other apparatus or device used in connection with an outdoor wood burning furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this chapter and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

Section 3: REPEAL OF SECTION 59-49 D OF THE TOWN CODE  
Section 59-49 D of the Town Code is hereby repealed.

Section 4: EFFECTIVE DATE  
This Local Law shall take effect immediately in accordance with the law of the State of New York.

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

MOTION TO TABLE

Offered by: Councilman DiCarlo  
Seconded by: Councilwoman McDonough

(Cont.)

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

Supervisor Schmitt explained that further research and discussion regarding the proposed Local Law needed to be conducted.

Councilman DiCarlo added that the Town Board had concerns regarding a variety of issues with regard to the language in the proposed Local Law and was not attempting to delay the matter.

Councilman Lombardi stated that based on consultation with Legal Counsel and the Building Inspector, additional wording may be required to assure that the law is as tight as possible.

**TOWN BOARD CONSENTS TO THE DEDICATION OF ATHENA COURT IN THE DEEP WOODS ESTATES SUBDIVISION**

WHEREAS an application to dedicate Athena Court in the Deep Woods Estates Subdivision to the Town of Carmel together with a Dedication and Release has been filed by OL MAHOPAC LLC, and

WHEREAS the Town Highway Superintendent and the Town Engineering Consultant have recommended that the road be accepted for dedication,

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, that the Town Board of the Town of Carmel hereby consents to the dedication of Athena Court in the Deep Woods Estates Subdivision and hereby authorizes the Town Highway Superintendent to sign an Order Laying Out said Athena Court as a Town Highway upon being advised by the Town Counsel that all necessary documents required in connection with said dedication have been received; and

BE IT FURTHER RESOLVED that, upon the recommendation of the Highway Superintendent and the Town Engineering Consultant, the posting of a maintenance bond for said road is hereby waived since the top course of pavement has been in place for over one year.

**Resolution**

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

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

**PUBLIC COMMENTS**

Peter Creegan referenced Resolutions #10, #11, #12 and #13. He inquired about the procedure in connection with capital improvements and the transfer of monies from the General Fund to the water and sewer districts funds.

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Supervisor Schmitt explained that the operators of the water and sewer districts contact the Engineering Department with their requests for capital improvements. The requests are reviewed by the Engineering Department and forwarded to the Town Board for approval if deemed appropriate. The funds for the improvements are transferred by the Comptroller's Office from the General Fund to the various district funds through budget modifications. Discussion ensued regarding the matter.

Judy Ravnitzky reminded residents that a water emergency continues to exist in the Town and that the use of water for nonessential purposes is restricted.

Mrs. Ravnitzky announced that Curves of Mahopac will be accepting donations of school supplies throughout the month of August on behalf of Putnam Community Action Program.

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

Councilman Lombardi extended best wishes to the Carmel and Mahopac youth football teams in their upcoming season.

Councilwoman McDonough praised the 2010 Town of Carmel Sunset Concert Series held at the Mahopac Chamber Park. She acknowledged the Department of Recreation and Parks, the Greater Mahopac Carmel Chamber of Commerce and the Mahopac National Bank, sponsors of the events.

Supervisor Schmitt thanked the members of the American Legion for their donation to the Town of a twenty foot flag pole which was erected alongside the existing two flag poles at the Mahopac Chamber Park.

Supervisor Schmitt commended the Putnam County Sheriff's Department and their work crew for their recent repairs and painting at the Red Mills Historic Park.

#### **ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman DiCarlo, with all Town Board members present in agreement, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Ann Garris, Town Clerk