

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 5<sup>th</sup> day of June 2013 at 7:07 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi 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.

**PRESENTATION TO REED MEMORIAL LIBRARY**

In celebration of their 100<sup>th</sup> year anniversary, the Reed Memorial Library was presented with a proclamation by the Town Board. Members of the library’s board of directors accepted the honor. Jeanne Buck, Director of Reed Memorial Library spoke regarding their progress towards establishing a district taxing authority to assist with future funding.

Supervisor Schmitt expressed his support of the library’s services and discussion was held regarding their efforts to acquire special district status. Ms. Buck went on to speak about upcoming events to be held in connection with their anniversary celebration.

**PUBLIC HEARING SCHEDULED FOR 7/17/13 - PROPOSED LOCAL LAW AMENDING THE TOWN OF CARMEL TOWN CODE AND ADDING CHAPTER 95-A, THERETO ENTITLED “HYDRAULIC FRACTURING” AMENDED 7/10/13**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, July 17, 2013 at 7:00 p.m. or as soon thereafter as possible to consider the adoption of a proposed local law amending the Town of Carmel Town Code and adding Chapter 95-a, thereto entitled “Hydraulic Fracturing”; and  
BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

TOWN OF CARMEL  
PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2013

**A LOCAL LAW PROHIBITING THE USE OF  
NATURAL GAS WASTE WITHIN THE TOWN OF CARMEL**

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

Section 1: PURPOSE

The purpose of this local law is to amend the Town Code to prohibit the use and application of natural gas waste on public and private properties within the Town of Carmel.

(Cont.)

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 95-A, HYDRAULIC FRACTURING" which shall read as follows:

**CHAPTER 95-A HYDRAULIC FRACTURING**

**§ 95-A-1. Definitions.**

1. As used in this Chapter the term "hydraulic fracturing" shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
2. As used in this Chapter the term "natural gas extraction activities" shall mean all geologic and/or geophysical activities related to the exploration for and/or extraction of natural gas and/or other subsurface hydrocarbon deposits, including but not limited to core and rotary drilling and/or hydraulic fracturing.
3. As used in this Chapter the term "natural gas waste" shall mean any waste which is generated as a result of natural gas extraction activities, which may consist of water, chemical additives or naturally occurring radioactive materials [NORMS] and heavy metals. Natural gas waste includes, but is not limited to leachate from solid wastes associated with natural gas extraction activities.
4. As used in this Chapter the term "application shall mean the physical act of placing or spreading natural gas waste.

**95-A--2. Prohibitions**

1. The introduction of natural gas into any wastewater treatment facility within the Town of Carmel, regardless of whether owned by The Town of Carmel, and duly formed improvement district of the Town of Carmel or any other entity, public or private, is prohibited.
2. The application of natural gas waste on any Town of Carmel owned road, Town owned property or privately owned real property with the Town of Carmel is prohibited.

**95-A-3. Bids & Contracts**

1. All contracts and bid specifications related to the purchase or acquisition of materials to be used to construct or maintain a Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.
2. All contracts and bids related to the retention or securing of services in connection with the construction, maintenance and/or reclamation of any Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.

(Cont.)

**95-A-4. Duty of Employees**

The Town Supervisor, or at the option of the Town Supervisor, any department head or Superintendent of Highways is authorized to develop policies and procedures to ensure the familiarity of Town Employees to the provisions of this Chapter and to take such steps as are directed by the Supervisor or Superintendent of Highways to ensure a diligent effort by the Town that materials supplied to the Town or used on Town roads or property comply with this chapter. This section shall not excuse non-compliance by a Contractor or Vendor of the Town.

**95-A-5. Penalties and Enforcement**

- 1. This Chapter shall be enforceable by the Town of Carmel Building Inspector and/or any other individual duly authorized by Resolution of the Town of Carmel Town Board.
- 2. Any violation of this Chapter shall be an unclassified misdemeanor offense punishable by a minimum fine of \$1,000 and not to exceed \$10,000 per violation of this Chapter and/or up to thirty (30) days imprisonment.

**95-A-6. Severability**

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declared to be severable.

Section 3: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

**ANNUAL MS4 STORMWATER REPORT FILING AUTHORIZED**

WHEREAS a presentation was given on Wednesday, May 22 ,2013 in regard to the Town of Carmel’s draft annual MS4 Stormwater Report prepared by Jeffrey J. Contelmo of Insite Engineering; and

WHEREAS public comment on the draft annual report was received by the Town Board and the Town Board has considered said comments;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Insite Engineering.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

5 JUNE 2013  
TOWN BOARD MEETING

**REFUND OF BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY FEES  
AUTHORIZED - WILLIAM GRAVIT - 7 EVERETT ROAD**

RESOLVED that upon the recommendation of Town of Carmel Director of Codes Enforcement Michael Carnazza, the Town Board of the Town of Carmel hereby authorizes the return of \$230 in building permit and certificate of occupancy fees to William Gravit, for the premises located at 7 Everett Road in the Town of Carmel.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**BUDGET MODIFICATIONS - #2013-01 - AUTHORIZED**

WHEREAS the Town Comptroller has reviewed the 2013 year-to-date Budget Modifications/Revisions for the period of January 1, 2013 through April 30, 2013 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedule identified as #2013-01;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the 2013 year-to-date Budget Modifications/Revisions for the period of January 1, 2013 through April 30, 2013 with the Town Board as itemized on Schedule #2013-01 which is attached hereto, 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>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

TOWN OF CARMEL				
BUDGET REVISIONS FOR PERIOD ENDING 4/30/13 - #2013-01				
			Work Session <u>5/22/13</u>	
			<div><div>#4</div><div>Agenda</div></div>	
BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
01	100-1110-0020	JUSTICE COURT EQUIPMENT	3,453.00	
	100-1440-0045	ENGINEERING DEPT - EQUIPMENT	3,500.00	
	100-1680-0020	INFORMATION TECHNOLOGY	9,000.00	
	100-5132-0020	HIGHWAY GARAGE - GENERATOR CONNECTION	20,000.00	
	100-7020-0045	RECREATION BLDG SPECIAL REPAIRS	29,194.00	
	100-1989-9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	65,147.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
02	100-3620-0019	CODES ENFORCEMENT OTHER COMP	2,547.00	
	100-1989-9877	RESERVE COMP ABSENCES	*	2,547.00
		- PROVIDE FOR YEAR END PAYOUT PER UNION CONTRACT		

(Cont.)

03	100-1010-0088	TOWN BOARD BENEFIT RESERVE	112,000.00	
	100-1010-0080	TOWN BOARD EMPLOYEE BENEFIT EXPENSE		2,000.00
	100-1110-0080	JUSTICE COURT EMPLOYEE BENEFIT EXPENSE		5,000.00
	100-1315-0080	COMPTROLLER EMPLOYEE BENEFIT EXPENSE		4,000.00
	100-1330-0080	TAX RECEIVER EMPLOYEE BENEFIT EXPENSE		2,000.00
	100-1355-0080	ASSESSOR EMPLOYEE BENEFIT EXPENSE	4,000.00	
	100-1410-0080	TOWN CLERK EMPLOYEE BENEFIT EXPENSE		10,000.00
	100-1440-0080	ENGINEERING EMPLOYEE BENEFIT EXPENSE		6,000.00
	100-1610-0080	ACCOUNTING EMPLOYEE BENEFIT EXPENSE		1,000.00
	100-3120-0080	POLICE EMPLOYEE BENEFIT EXPENSE		60,000.00
	100-3620-0080	CODES ENFORCEMENT EMPLOYEE BENEFIT EXPENSE		16,000.00
	100-5010-0080	HIGHWAY ADMIN EMPLOYEE BENEFIT EXPENSE		3,000.00
	100-7020-0080	RECREATION ADMIN EMPLOYEE BENEFIT EXPENSE		3,000.00
	100-7110-0080	PARK MAINTENANCE EMPLOYEE BENEFIT EXPENSE		4,000.00
		- TRANSFER EXCESS BENEFIT EXPENSE TO TOWN BOARD RESERVE ACCOUNT		
04	100-1010-0088	TOWN BOARD BENEFIT RESERVE	95,000.00	
	100-1010-0086	TOWN BOARD RETIREE BENEFIT EXPENSE		500.00
	100-1110-0086	JUSTICE COURT RETIREE BENEFIT EXPENSE		3,500.00
	100-1315-0086	COMPTROLLER RETIREE BENEFIT EXPENSE		17,000.00
	100-1330-0086	TAX RECEIVER RETIREE BENEFIT EXPENSE		2,000.00
	100-1410-0086	TOWN CLERK RETIREE BENEFIT EXPENSE		2,000.00
	100-1610-0086	ACCOUNTING RETIREE BENEFIT EXPENSE		3,000.00
	100-3120-0086	POLICE RETIREE BENEFIT EXPENSE		61,000.00
	100-3620-0086	CODES ENFORCEMENT RETIREE BENEFIT EXPENSE		2,000.00
	100-5010-0086	HIGHWAY ADMIN RETIREE BENEFIT EXPENSE		2,000.00
	100-7020-0086	RECREATION ADMIN RETIREE BENEFIT EXPENSE		2,000.00
		- TRANSFER EXCESS BENEFIT EXPENSE TO TOWN BOARD RESERVE ACCOUNT		
05	100-1010-0041	TOWN BOARD EXPENSE - SM	500.00	
	100-1010-0042	TOWN BOARD EXPENSE - JL	500.00	
	100-1010-0086	TOWN BOARD RETIREE BENEFIT EXPENSE		1,000.00
		- TRANSFER FOR CONFERENCE EXPENSE		
06	100-1220-0047	SUPERVISOR CONFERENCE EXPENSE	1,000.00	
	100-1220-0086	SUPERVISOR RETIREE BENEFIT EXPENSE		1,000.00
		- TRANSFER FOR CONFERENCE EXPENSE		

TOWN OF CARMEL  
BUDGET REVISIONS FOR PERIOD ENDING 4/30/13 - #2013/01

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
07	100-1110-0011	JUSTICE COURT STAFF SALARY EXP	9,800.00	
	100-1220-0011	SUPERVISOR STAFF SALARY EXP	2,200.00	
	100-1315-0011	COMPTROLLER STAFF SALARY EXP	4,200.00	
	100-1330-0011	TAX RECEIVER STAFF SALARY EXP	2,200.00	
	100-1355-0011	ASSESSOR STAFF SALARY EXP	3,800.00	
	100-1440-0011	ENGINEERING STAFF SALARY EXP	6,200.00	
	100-1610-0010	CENTRAL SERVICES OFFICER SALARY EXP	3,650.00	
	100-1610-0011	CENTRAL SERVICES STAFF SALARY EXP	4,500.00	
	100-1620-0011	BUILDING MAINTENANCE STAFF SALARY EXP	4,150.00	
	100-3120-0010	POLICE CIVILIAN DISPATCHER SLARY EXP	26,000.00	
	100-3620-0010	CODES ENFORCEMENT OFFICER SALARY EXP	4,500.00	
	100-5010-0011	HIGHWAY ADMIN STAFF SALARY EXP	4,650.00	
	100-7020-0011	RECREATION ADMIN STAFF SALARY EXP	4,200.00	
	100-7110-0011	PARK MAINTENANCE STAFF SALARY EXP	4,950.00	
	100-1010-0088	TOWN BOARD BENEFIT RESERVE		85,000.00
		- TRANSFER FOR CSEA RETRO PAY		
08	100-3120-0011	LEIUTENANTS SALARY EXPENSE	10,000.00	
	100-1010-0088	TOWN BOARD BENEFIT RESERVE		10,000.00
		- TRANSFER FOR CSEA RETRO PAY		
09	100-1420-0044	LABOR LEGAL SERVICES EXPENSE	60,000.00	
	100-1010-0088	TOWN BOARD BENEFIT RESERVE EXPENSE		60,000.00
		- TRANSFER FOR LABOR LAGAL EXPENSE		
HIGHWAY FUND				
10	500-5130-0019	MACHINERY REPAIR OTHER PAY	1,763.00	
	500-5010-9877	RESERVE COMP ABSENCES	1,763.00	
		- PROVIDE FOR YEAR END SICK PAY PER IBT CONTRACT		

(Cont.)

11	500-5112-0012	CHIPS OVERTIME EXPENSE		10,000.00	
	500-5112-0020	CHIPS CONTRACT EXPENSE		339,000.00	
	500-5112-0082	CHIPS FICA/MED EXPENSE		1,582.00	
	500-5010-3502	CHIPS STATE AID - CAPITAL	*	350,582.00	
		- PROVIDE FOR CHIPS CAPITAL EXPENSE 2013 NYS BUDGET			
12	500-5110-0088	TOWN BOARD BENEFIT RESERVE		50,000.00	
	500-5110-0084	GENERAL REPAIR EMPLOYEE BENEFIT EXPENSE			35,000.00
	500-5110-0086	GENERAL REPAIR RETIREE BENEFIT EXPENSE			15,000.00
		- TRANSFER EXCESS BENEFIT EXPENSE TO TOWN BOARD RESERVE ACCOUNT			

TOWN OF CARMEL  
BUDGET REVISIONS FOR PERIOD ENDING 4/30/13 - #2013/01

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL GARBAGE DISTRICT (571 FUND)</b>				
13	571-8160-0013	TEMPORARY STAFF EXPENSE	9,000.00	
	571-8160-0048	MISCELLANEOUS CONTRACT EXPENSE	500.00	
	571-8160-0080	FICA/MED EXPENSE	500.00	
	571-8160-0099	REPAIR RESERVE FUND		10,000.00
		- TRANSFER FOR TEMP STAFF EXPENSE		
14	571-9901-0099	TRANSFER TO 572 FUND	15,000.00	
	571-8160-0099	REPAIR RESERVE FUND		15,000.00
		- ROVIDE FOR TRANSFER TO 572 FUND		
<b>CARMEL GARBAGE DISTRICT - CLUSTER (572 FUND)</b>				
15	572-8160-0045	GARBAGE CONTRACT EXPENSE	50,000.00	
	572-8160-0099	REPAIR RESERVE FUND		50,000.00
		- TRANSFER FOR TEMP STAFF EXPENSE		
16	572-8160-0045	GARBAGE CONTRACT EXPENSE	15,000.00	
	572-8160-5030	TRANSFER FROM 571 FUND	*	15,000.00
		- PROVIDE FOR TRANSFER FROM 571 FUND		
<b>CARMEL FIRE PROTECTION DISTRICT #1</b>				
17	301-3410-0045	EQUIPMENT - DRY HYDRANT	15,000.00	
	301-3410-9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	15,000.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
<b>CARMEL WATER DISTRICT #5</b>				
18	605-8310-0047	EMERGENCY REPAIRS	1,247.00	
	605-8130-0047	EMERGENCY REPAIRS	18,650.00	
	605-8310-9888	REPAIR RESERVE APPROPRIATION	*	19,897.00
		- PROVIDE FOR EMERGENCY REPAIR EXPENSE		
<b>CARMEL SEWER DISTRICT #2</b>				
19	702-8130-0140	CONTRACTUAL EXPENSES - MICROFILTRATION	70,000.00	
	702-8130-0040	CONTRACTUAL EXPENSES		70,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS		
<b>CARMEL SEWER DISTRICT #3</b>				
20	703-8130-0040	CONTRACTUAL REPAIRS	2,100.00	
	703-8130-0099	REPAIR RESERVE FUND		2,100.00
		- TRANSFER FOR CONTRACTUAL REPAIRS		
<b>CARMEL SEWER DISTRICT #4</b>				
21	704-8130-0140	CONTRACTUAL EXPENSES - MICROFILTRATION	70,000.00	
	704-8130-0040	CONTRACTUAL EXPENSES		70,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS		

(Cont.)

TOWN OF CARMEL					
BUDGET REVISIONS FOR PERIOD ENDING 4/30/13 - #2013/01					
BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<u>CARMEL SEWER DISTRICT #7</u>					
22	707-8130-0140	CONTRACTUAL EXPENSES - MICROFILTRATION		70,000.00	
	707-8130-0040	CONTRACTUAL EXPENSES			70,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS			
<u>CARMEL SEWER DISTRICT #8</u>					
23	708-8130-0040	CONTRACTUAL EXPENSES		2,600.00	
	708-8130-0099	REPAIR RESERVE FUND			2,600.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS			

Budget Revisions 2013-PERIOD ENDING APRIL 2013.xls 4

**CARMEL WATER DISTRICT #8 FILTER PLANT - ACCEPTANCE OF PROPOSAL AUTHORIZED - BEE & JAY PLUMBING - NOT TO EXCEED \$22,780.00**

WHEREAS the Town Board of the Town of Carmel has been advised by Town Engineer Ronald J. Gainer, P.E. and Carmel Water District #8 operator Bee and Jay Plumbing that there has been a high lift turbine pump failure in the main clear well of the Carmel Water District #8 Water Filtration Plant; and

WHEREAS, the Town Board of the Town of Carmel has been further advised by the Town Engineer that an emergency exists with respect to the need to replace failed turbine pump referenced herein that would preclude the ability to comply with the Town of Carmel's Procurement Policy and/or General Municipal Law bidding requirements;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel Town Board, acting as Commissioners of Carmel Water District #8 hereby adopts the recommendations of the Town Engineer and determines that an emergency exists with respect to the need to replace failed turbine pump referenced herein that would preclude the ability to comply with the Town of Carmel's Procurement Policy and/or General Municipal Law bidding requirements; and

BE IT FURTHER RESOLVED; that the Town Board of the Town of Carmel hereby accepts the proposal of Bee & Jay Plumbing of Mahopac NY to replace the aforesaid turbine pump in accordance with the proposal attached herein and made a part hereof, at a cost not to exceed \$22,780.00; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to accept said proposal on the terms and conditions set forth therein.

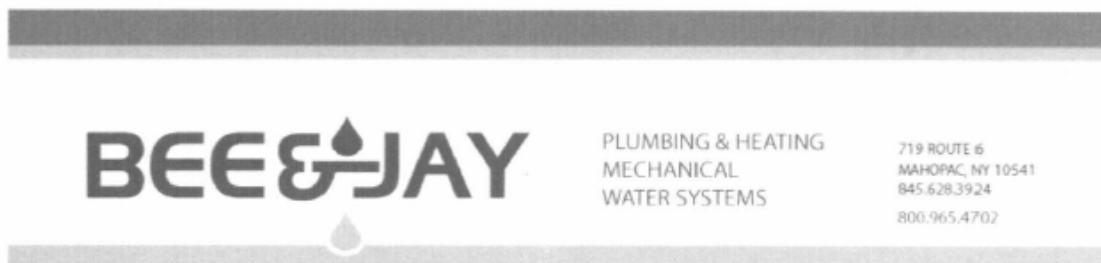
Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

5 JUNE 2013  
TOWN BOARD MEETING

(Cont.)



May 9, 2013

Town of Carmel  
Engineering Dept.  
60 McAlpin Ave.  
Mahopac, NY 10541

Ron Gainer – Town Engineer

RE: CWD# 8 Filter Plant

- Main clear well high lift turbine pump failure. Note: Original pump installed 1996.
- On April 30, 2013 Bee and Jay noticed abnormal noises accruing during operation of #2 turbine pump greased 20 hp motor as normal maintenance. The shaft bearing in lower turbine pump assembly remained. Monitored pump operation closely and found intermitted noise due to shaft vibration.
- May 7, 2013 during normal filter plant O&M visits found #2 turbine, heavy vibration and serious damage to internal shaft and bearing causing impeller to rub casing in wet well. Shut down, adjusted shaft to max settings, no results,

NOTE: Bee and Jay rebuilt and replaced shaft bearing, shaft and packing gland, adjusted pump stages twice in past 15 years at cost of approximately \$4,500.00 - \$4,700.00. Labor and Material during O&M maintenance.

We need replacement of turbine pump end only and will salvage 20 hp motor and reinstall.

- Goulds 20 hp turbine pump end and discharge assembly. **Material \$18,490.00**
- Dismantle and remove 20 hp motor, rigging and hoisting of 8 foot pump and dismantle of existing pump **Labor and Material \$1,900.00.**
- Installation and mounting of new pump, reinstall existing motor, adjust and test. **Labor and Material \$2,240.00**
- Miscellaneous gaskets and bolts. **Material \$150.00**

**Total \$22,780.00**

Ted Kugler

Master Plumber Lic # W.C 556 P.C. 363

Email: [service@beeandjayplumbing.com](mailto:service@beeandjayplumbing.com)



[www.BEEANDJAYPLUMBING.com](http://www.BEEANDJAYPLUMBING.com)

Supervisor Schmitt explained that Carmel Water District #8 services approximately 450 residences primarily throughout the Mahopac Ridge area. The cost to replace the failed turbine pump will be borne by those within that district.

Councilman Lupinacci added that Carmel Water District #8 feeds water to Carmel Water District #10 and Carmel Water District #13 therefore; the three water districts will share the cost.

**ISSUANCE OF LICENSE FOR THE COLLECTION OF COMMERCIAL REFUSE AND GARBAGE WITHIN THE TOWN OF CARMEL AUTHORIZED - PANICHI HOLDING CORP. D/B/A ROYAL CARTING SERVICE - 1/1/13 - 12/31/13**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Panichi Holding Corp., LLC, hereby authorizes the issuance of a license for the collection of commercial refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:



(Cont.)

APPLICANT	ADDRESS	LICENSE PERIOD
Panichi Holding Corp. d/b/a Royal Carting Service	Office Address: 409 Route 82: P.O. Box 1209 Hopewell Jct., NY 12533	1/1/13 -- 12/31/13

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Supervisor Schmitt stressed that this license applies to the collection of commercial not residential refuse and garbage within the Town of Carmel.

**ISSUANCE OF LICENSE FOR THE COLLECTION OF COMMERCIAL REFUSE AND GARBAGE WITHIN THE TOWN OF CARMEL AUTHORIZED - SANI-PRO DISPOSAL SERVICES CORP. D/B/A SUBURBAN CARTING CO. - 1/1/13 - 12/31/13**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Sani-Pro Disposal Services Corp. dba Suburban Carting Co., hereby authorizes the issuance of a license for the collection of commercial refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
Sani-Pro Disposal Services Corp. d/b/a Suburban Carting Co.	566 North State Road Briarcliff Manor, NY 10510	1/1/13 -- 12/31/13

Resolution  
Offered by: Councilman Lupinacci  
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Supervisor Schmitt stated that this license applies to the collection of commercial refuse and garbage within the Town of Carmel.

**LEASING OF FIVE (5) COPIERS AUTHORIZED FOR TOWN HALL - KONICA MINOLTA - ESTIMATED AGGREGATE ANNUAL COST OF \$11,574.00**

WHEREAS, the Town Board of the Town of Carmel had previously authorized the solicitation of proposals for the replacement of copying and scanning machinery and equipment in the Town of Carmel Town Hall; and

(Cont.)

WHEREAS, said proposals have been received and reviewed by the Office of the Town Comptroller as well as the Town Board and input has been solicited and received from the Town of Carmel’s Internet Technology Consultant, Sullivan Data Management;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the lease of five (5) copying units from Konica Minolta for the Town Hall facilities, including the Police Department, at an estimated aggregate annual cost of \$11,574.00;

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign all necessary documents to lease said equipment at the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED that the Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid lease transactions.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilmen Lupinacci and Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Supervisor Schmitt spoke regarding the necessity of the copiers. He pointed out that two thirteen-year-old copiers, two nine-year-old copiers, and one eight-year-old copier are being replaced.

**LEASING OF PLOTTER AUTHORIZED FOR THE ENGINEERING DEPARTMENT - HP FEDERAL SALES - \$533.25 PER MONTH**

WHEREAS, Town Engineer Ronald J. Gainer, P.E. has solicited proposals from vendors seeking the acquisition of a plotter in the Town of Carmel Engineering Department;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the lease of a Hewlitt Packard Design Jet 1200 HD Multifunction Plotter/Scanner for the Town Engineering Department at monthly cost of \$533.25 per month for a term of 5 years from HP Federal Sales, Herndon, VA;

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign all necessary documents to lease said equipment at the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED that the Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid lease transactions.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci and Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

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Supervisor Schmitt stated that the replacement plotter is desperately needed in the Engineering Department to make large, high-resolution copies of designs and maps.

Councilman Schneider pointed out the versatility of the plotter, noting that it has scanner capabilities.

**HIGHWAY DEPARTMENT - ISSUANCE OF \$900,000 BONDS OF THE TOWN OF CARMEL TO PAY THE COST OF THE ROAD RECONSTRUCTION AND RESURFACING - OFFERED AS PRE-FILED - SUBJECT TO PERMISSIVE REFERENDUM**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, with the proposed action being a Type II action requiring no further review,

NOW THEREFORE BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Road reconstruction and resurfacing, throughout and in and for the Town of Carmel, Putnam County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$900,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$900,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

(Cont.)

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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

Section 10. This resolution is adopted subject to permissive referendum.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>          </u>
John Lupinacci	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**HIGHWAY DEPARTMENT - ISSUANCE OF \$100,000 BONDS OF THE TOWN OF CARMEL TO PAY THE COST OF THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS - OFFERED AS PRE-FILED - SUBJECT TO PERMISSIVE REFERENDUM**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, with the proposed action being a Type II action requiring no further review, have been performed; and

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

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

Section 1. The construction of drainage improvements throughout and in and for the Town of Carmel, Putnam County, New York, together with incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$100,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$100,000 bonds of said Town is hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

(Cont.)

Section 5. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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

Section 10. This resolution is adopted subject to permissive referendum.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u>      </u>
John Lupinacci	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

**APPOINTMENTS MADE TO TOWN OF CARMEL BOARD OF ETHICS - PATRICIA HICKEY, ANGELA HOWARD, CATHLEEN BEYRER AND MICHAEL SCLAFANI**

WHEREAS the Town of Carmel, pursuant to Article 18 of the New York General Municipal Law has established a Board of Ethics; and

WHEREAS, pursuant to §13-6 of the Town Code of the Town of Carmel, the members of the Board of Ethics serve in such capacity at the Town Board's pleasure;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby appoints Patricia Hickey of Mahopac, NY to the Town of Carmel Board of Ethics commencing immediately, replacing Anthony Battista; and

(Cont.)

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby appoints Angela Howard of Mahopac, NY to the Town of Carmel Board of Ethics effective immediately, replacing Thomas Honohan; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby appoints Cathleen Beyrer of Mahopac, NY to the Town of Carmel Board of Ethics commencing immediately, replacing Lisa Rucker; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby appoints Michael Sclafani of Mahopac, NY to the Town of Carmel Board of Ethics effective immediately, replacing Michael Barnett.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider		X
John Lupinacci	X	
Suzanne McDonough	X	
Frank Lombardi	X	
Kenneth Schmitt	X	

**PUBLIC COMMENTS - AGENDA ITEMS**

Michael Barile inquired about the purpose of the proposed Local Law Amending the Town of Carmel Town Code and Adding Chapter 95-a, thereto Entitled “Hydraulic Fracturing”.

Councilman Schneider replied that the Local Law is being proposed to prevent any radioactive byproducts from being used and placed on the Town of Carmel roadways.

Mr. Barile expressed his concern with regard to the impact that the enactment of this legislation may have on the process of fracturing in connection with water well expansions.

Mr. Barile inquired about the proposed one-year, three-year and five-year plans for truck replacement in the Highway Department. He stated that there is one truck in the current fleet from 1988 and two trucks from 1990 that have safety issues. Mr. Barile asked why the Town Board is not replacing at least one of them this year.

Mr. Barile further inquired if the Town Board would respond at their next meeting, when they will be taking action with regard to a Town-owned dilapidated building which continues to deteriorate. He suggested that it could be repaired and utilized by Highway Department employees for breaks during winter snowstorms.

Supervisor Schmitt stated with respect to the purchase of equipment for the Highway Department that the Highway Superintendent has requested a six-wheel truck outfitted with a plow and a sanding body, a ten-wheel truck also equipped with a plow and a sanding body, a rubber tire loader and new lifts.

Councilman Lupinacci added that after the Highway Superintendent’s requests were discussed at the prior Work Session, the Town Board had reservations as to whether or not all of the requested equipment is needed. He indicated that further discussion with the Highway Superintendent is warranted. Discussion was held.

Supervisor Schmitt concluded that the Town Board will be discussing the proposed purchase of trucks and equipment with the Highway Superintendent at their next Work Session.

**TOWN BOARD MEMBER COMMENTS**

No member of the Town Board wished to comment at this time.

**OPEN FORUM - PUBLIC COMMENTS**

Mr. Barile stated that to date, with the exception of discussions held with regard to contract negotiations and personnel in Executive Session, the Town Board has not addressed the 2013-2014 budget. He asked why the Town Board is not discussing their annual budgets on a quarterly basis. Mr. Barile then went on to inquire why all contract negotiations are conducted privately.

Councilman Lupinacci stated that because of the annual audits, the first quarter of the year is a very busy time for the Town's limited staff. However, a recap of the first and second quarter is forthcoming. He added that the union contracts dictate the budget and agreed that all contract negotiations should be known to the public.

Mr. Barile inquired how many Town of Carmel employees earn more money than the Town Supervisor.

Councilman Lupinacci estimated that there are 35-40 employees that earn more than \$100,000.00.

Gregory Folchetti, Legal Counsel explained that under Public Officers Law, collective bargaining negotiations are subject to Executive Session. It would be the decision of the Town Board and the Labor Union as to whether or not they choose to negotiate in a public forum. Mr. Folchetti stated that strategically he has advised against it. Discussion ensued.

Councilwoman McDonough stated that she and the Town Supervisor meet with the department managers on a quarterly basis to discuss their year to date budgets.

Mr. Barile expressed his frustration with the annual budget increases and rising property taxes.

Mr. Barile pointed out that there are two signs that are in violation of the Town Code as they are still posted in connection with the school board election that was held in May. He suggested that Town employees should not be responsible for removing them and that a telephone call should be made to the candidates to arrange to have them taken down.

Councilwoman McDonough stated that they have already been contacted. Councilman Lupinacci added that further contact should be made. Discussion was held.

Matt Hitchcock addressed the Town Board with regard to issues arising from an extensive Christmas display that is set up annually by his neighbors at 6 Duke Drive since 2011. Noting that he had attempted to resolve the matter in the past, Mr. Hitchcock spoke on behalf of his family and several neighbors about the noise, litter and traffic congestion that the holiday decorations attract.

Mr. Hitchcock went on to speak about his safety concerns, noting that there are spotlights erected for the display that are directed towards the street that impair drivers' visibility posing a danger to motorists and pedestrians. He suggested that a law enforcement officer should be posted to direct traffic.

Mr. Hitchcock expressed his extreme frustration with the amplified music played along with the display for thirty-three days that can be heard inside his home even though the neighbors' offer an option to tune car radios to a particular radio station to listen. Mr. Hitchcock urged the Town Board to amend the regulations in connection with the sound amplification permit process.

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Supervisor Schmitt asked Mr. Hitchcock if he had reached out to the neighbors who assemble the display to discuss their issues.

Mr. Hitchcock said that he did. Discussion ensued regarding the sound amplification permit process.

Curt Vendel also expressed his safety concerns with regard to the traffic congestion as a result of the many vehicles coming to view the display. He commented that taxpayers should not have to pay for a law enforcement officer to monitor the area because of the inconvenience caused by this homeowner. Mr. Vendel added that the rebar used on the neighbor's lawn to erect the decorations is a serious hazard to children at play. He commented that this display is bringing down the quality of life in their neighborhood. Discussion continued.

Supervisor Schmitt concluded that the Town Board will address the matter to consider what action may be taken and that he would report back to Mr. Hitchcock.

**OPEN FORUM - TOWN BOARD MEMBER COMMENTS**

Supervisor Schmitt announced that Woofstock 2013 will take place on June 9<sup>th</sup> from 11:00 a.m. to 4:00 p.m. at Sycamore Park. There will be doggy demos, food, raffles, contests, pet adoptions and more.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 8:26 p.m. to Executive Session to discuss a matter of personnel with Labor Counsel.

Respectfully submitted,

Ann Spofford, Town Clerk