

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Deputy Supervisor Anthony DiCarlo on Tuesday the 23<sup>rd</sup> day of November 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 Ravallo, Councilman Lombardi, Councilwoman McDonough and Councilman DiCarlo. Supervisor Schmitt was absent.

Prior to the start of official business, the Pledge of Allegiance to the Flag was observed and a moment of silence was held for those serving in the United States Armed Forces.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 95,  
ENTITLED GARBAGE, RUBBISH AND REFUSE OF THE TOWN CODE**

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

**NOTICE  
OF PUBLIC  
HEARING**

NOTICE IS  
HEREBY GIVEN,  
that the Town Board  
of the Town of Carmel  
will conduct a Public  
Hearing at the Town  
Hall, 60 Mc Alpin  
Avenue, Mahopac,  
New York 10541 on  
Tuesday, November  
23, 2010 at 7:00 p.m.  
or as soon thereafter  
that evening as poss-  
ible on a Local Law  
amending Chapter  
95, entitled Garbage,  
Rubbish and Refuse  
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 95 OF  
THE TOWN CODE  
OF THE TOWN  
OF CARMEL,  
ENTITLED  
"GARBAGE,  
RUBBISH AND  
REFUSE"**

**SECTION 1.**  
Chapter 95 of the  
Town Code of the  
Town of Carmel, is  
hereby amended by  
the addition of the  
following subsection,  
designated as §95-  
28C and to read as  
follows:  
C. Every person  
or entity who desires  
to collect or engage  
in the business of  
collecting refuse and  
garbage within the  
Town of Carmel and  
seeks licensure pur-  
suant to this Chapter,  
shall, in addition to  
all other requirements  
set forth within this  
Chapter, provide the  
following services

with respect to resi-  
dential refuse and  
garbage collection  
within the Town of  
Carmel:

(1) Provide re-  
cyclable item pickup  
for items as defined  
in Article II of this  
Chapter for resi-  
dential customers at  
a minimum interval  
of one (1) time per  
week.

(2) Provide  
Curbside Bulk Pickup  
for residents' house-  
holds at a minimum  
interval of two (2)  
times per year, sub-  
ject to the following:

a. Curbside  
Bulk Pickup applies  
to household items  
only and must be at  
the curb by the night  
before the scheduled  
pickup;

b. The Curbside  
Bulk Pickup require-  
ment is limited to  
three (3) cubic yards  
per household per  
pickup. Any amount  
in excess of three (3)  
cubic yards per pick-  
up shall be governed  
by private agreement  
between hauler and  
the property owner  
and/or occupant.

c. The following  
items are not includ-  
ed for Curbside Bulk  
Pickup: paint, chemi-  
cals, liquids, stumps,  
tree, masonry, lum-  
ber, logs, brick, used  
oil, batteries, stone,  
tires, propane tanks,  
construction, reno-  
vation or remodel-  
ing debris including  
kitchens, baths, decks  
and windows.

d. Refuse Col-  
lector shall not be  
responsible for Curb-  
side Bulk Pickup of  
refrigerators, freez-  
ers, air condition-  
ers, etc., unless same  
have been de-charged  
and certified by an  
individual or entity  
licensed accordingly  
by the State of New  
York.

(3) Provide dis-  
carded Christmas  
Tree pickup during  
the week of January  
7 through January 14  
each year. This pro-  
vision shall not apply  
to artificial Christmas  
Trees.

(4). Establish  
and maintain its peri-  
odic and/or unit-cost  
rates for household  
pickup in accordance  
with and not exceed-  
ing the periodic and/  
or unit cost rates set  
by the Town Board of  
the Town of Carmel  
by resolution annu-  
ally.

**SECTION 2.**  
This Local Law shall  
take effect immedi-  
ately in accordance  
with the law.  
At said Public  
Hearing, all interest-  
ed residents shall be  
heard on the subject  
thereof.

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

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With no one objecting to the public notice as read, Deputy Supervisor DiCarlo opened the Public Hearing for public comment at 7:08 p.m. Fifteen (15) people were in attendance.

Gregory Folchetti provided an overview of the proposed Local Law, detailed in the Notice of Public Hearing.

(Cont.)

Councilman DiCarlo noted that residents will not be required to change anything with regard to their garbage collection. Residents are free to contract for services of their choice.

Councilman Ravallo expressed his support of the way the proposed Local Law was crafted, noting that the consumer would have the option of paying for the services that they want. He suggested revising the permit application to collect garbage in the Town of Carmel to include who owns 20% or more of the company.

Phyllis Hoenig spoke in support of the proposed Local Law, commenting that it would provide greater services to the taxpayers at less cost. She questioned Councilman Ravallo's position in regard to the issue.

Councilman Ravallo explained that his objective was to give consumers freedom of choice.

Beverly Wallace spoke in favor of the proposed Local Law. She hoped that it would eliminate dumping on the sides of the roads. Ms. Wallace asked if the fees will be included in property tax bills.

Councilman DiCarlo replied, no. It would be a private agreement between the resident and the carter.

Ms. Wallace asked how it will be cheaper.

Councilman DiCarlo stated that the Town Board will set a ceiling on the amount that the carters can charge its customers.

Ms. Wallace asked if it will take a long time for the carters to facilitate agreements individually.

Councilman DiCarlo responded, not necessarily.

Ms. Wallace asked how the proposed Local Law will address persons who do not presently contract for garbage collection.

Councilman DiCarlo stated that they still will not have to.

Ms. Wallace commented that they are the ones who are dumping on Town roads; therefore, the service should be required by all and funded through taxes.

Councilman DiCarlo indicated that the proposed Local Law is a compromise. He spoke regarding the Town Board's deliberations with regard to town-wide garbage pickup and its decision not to move forward with it. A discussion regarding the matter ensued.

Jerry Ravnitzky stated his agreement with Councilman Ravallo with regard to requiring identification of those with 20% ownership of a company. Mr. Ravnitzky commended Councilman DiCarlo for moving this issue forward. He spoke in support of the proposed Local Law. In regard to the littering issue, he suggested imposing stiffer penalties for violators.

Michael Barile spoke regarding the events leading up to the consideration of the proposed Local Law which began with the inception of the Zoning Code Compliance and Cleanup Initiative Committee chaired by Councilman DiCarlo. Mr. Barile spoke in favor of a town-wide garbage district which would force everyone to participate in garbage collection and saving taxpayer dollars. He stated his agreement with Councilman Ravallo with regard to requiring identification of those with 20% ownership of a company. He commented on a rash of unlicensed and intoxicated garbage truck drivers, concluding that the problem should be tied into the carter's license renewal.

(Cont.)

Don Schipf stated that he was satisfied with his current company. He spoke about the cost of town-wide garbage collection in Yorktown and New Castle. Mr. Schipf commented against the Town's involvement in the issue.

Peter Creegan commended the Town Board for working toward the betterment of the residents despite having differences of opinion regarding the matter. He commented on the lack of a recycling plant in Putnam County and the need for one.

Councilman DiCarlo stated that the matter was discussed at a meeting of the Zoning Code Compliance and Cleanup Initiative Committee. Support was expressed for a small recycling plant operated by Putnam County which could generate revenue.

David Gagliardi commended Councilman DiCarlo for his efforts with regard to the issue. He confirmed that residents who choose not to contract for garbage collection will continue to not be required to do so and residents currently sharing their garbage collection services with others still may. Discussion was held regarding the matter.

Mr. Gagliardi expressed his concern that multiple carters licensed to pick up garbage in the Town increase the amount of garbage trucks which in turn increase traffic, as well as wear and tear on the roads.

Councilman Ravallo noted his concern regarding having one company owning many entities. He spoke about the benefits of competition with regard to garbage collection services and discussion ensued on the subject.

Anita Olivier asked why she should care where the garbage ultimately ends up.

Councilman Ravallo replied, because it effects how much is paid for the service. If there is competition picking up the garbage, in addition to competition where it is brought, prices will be controlled. A brief discussion took place.

Michael Angiuli referenced the referendum held over twenty years ago with regard to town-wide garbage collection and questioned why it has taken the Town so long to move forward with this legislation. He commented that multiple garbage trucks travel in his cul-de-sac to pick up one container and considered it a waste of gas, contributed to air pollution and potholes in the road. Mr. Angiuli concluded with regard to competition, that if other municipalities can provide town-wide garbage collection efficiently, so should the Town of Carmel.

Pat Capozza requested notification be provided to residents with regard to which carters are licensed, along with their rates. She commented that in Yonkers and Yorktown, the garbage trucks pick up trash on different roads on different days.

Councilman Ravallo explained that the carter information could be posted on the Town of Carmel's Web site.

Councilwoman McDonough added that the licensed carters have stickers visible on their trucks. Discussion was held regarding the matter.

Ms. Wallace addressed the question of recycling.

Councilman DiCarlo stated that it was included.

Ms. Hoenig requested clarification in regard to the Town Board setting the rates for household pickup.

Mr. Folchetti explained that the Town Board will establish an overall cap as to what can be charged by the carters. Residents make their contractual arrangements individually with the carters.

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(Cont.)

Mr. Barile stated that letters from the Town should be sent to the carters regarding their billing and if they do not comply with the established rates, they should be subject to fines.

Councilwoman McDonough encouraged residents to be aware of unlicensed carters and supported posting a list of the licensed carters on the Town of Carmel Web site.

Mr. Ravnitzky clarified that the proposed Local Law provides for the minimum services to be offered at the maximum cost, which allows for competition among the carters.

Anita Olivier asked when a vote will be taken on the proposed Local Law.

Mr. Folchetti indicated that a SEQR must be conducted and if the Town Board wishes, a vote may be taken before the end of the year.

Councilman DiCarlo stated that he would like to see the Local Law adopted prior to the end of the year. Discussion was held with regard to when it will be adopted.

Mr. Schipf asked what residents will do who reside elsewhere during the winter months and would like to suspend their service.

Mr. Folchetti stated that the issue would be between the carter and the individual. The Town will not be involved.

Councilman Lombardi suggested that the matter be addressed by the individual prior to signing a contract with their carter.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Ravallo, with all members of the Town Board present and in agreement; the Public Hearing was closed at 8:15 p.m.

Councilman Ravallo expressed his support of the way the proposed Local Law is written. A brief discussion followed.

**RESOLUTION FROM 11/17/10 AMENDED - PUBLIC HEARING SCHEDULED FOR 12/15/10 TO HEAR OBJECTIONS TO ASSESSMENT ROLLS FOR THE OPERATION AND MAINTENANCE OF THE IMPROVEMENTS OF THE SEWER AND WATER DISTRICTS FOR FISCAL YEAR 2011**

WHEREAS the Town of Carmel hereby has completed its assessment rolls for the operation and maintenance of the improvements serving Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7 and #8 and extensions thereto as well as Carmel Water Districts #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14 and extensions thereto of said Town for fiscal year 2011; and

WHEREAS said assessment rolls have been filed with the Town Clerk of the Town of Carmel;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby schedules a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541 on Wednesday, December 15, 2010 at 7:00 PM or as soon thereafter that evening as possible for the purpose of considering any objections which may be made to said assessment rolls.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Ravallo

(Cont.)

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

Councilman DiCarlo explained that the previously adopted resolution was being amended to meet the ten day notice requirement for the Public Hearing.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Ravallo, with all Town Board members present in agreement, the meeting was adjourned at 8:20 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Garris, Town Clerk