

8 DECEMBER 2010

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 8th day of December 2010 at 7:16 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo, and Supervisor Schmitt.

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 ESTABLISHING A
MORATORIUM IN REGARD TO THE ISSUANCE OF APPROVALS FOR PROPOSED
SUBDIVISIONS REQUIRING THE ESTABLISHMENT OF AN OPEN DEVELOPMENT
AREA PURSUANT TO NEW YORK TOWN LAW §280-a(4)**

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

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, December 8, 2010 at 7:30pm or as soon thereafter that evening as possible on a proposed Local Law Amending Chapter 131, entitled "Subdivision of Land" of the Town Code of the Town of Carmel; as follows:
**TOWN OF CARMEL
PROPOSED LOCAL LAW
_____ OF THE YEAR
2010
A LOCAL LAW
ESTABLISHING A
MORATORIUM IN
REGARD TO
THE ISSUANCE
OF APPROVALS
FOR PROPOSED
SUBDIVISIONS
REQUIRING THE
ESTABLISHMENT OF AN
OPEN DEVELOPMENT
AREA PURSUANT TO
NEW YORK TOWN LAW
§280-a(4)**
Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:
Section 1: PURPOSE
The purpose of this local law is to establish a temporary moratorium on the issuance of approvals by the Town of Carmel Planning Board for any proposed subdivision requiring the establishment of any open development area pursuant to New York

Town Law §280-a(4) when such subdivision approval is sought pursuant to Chapter 131 entitled "Subdivision of Land" of the Town Code of the Town of Carmel.
Section 2: LEGISLATIVE FINDINGS
The Town Board of the Town of Carmel has received numerous complaints in regard to subdivision applications requiring the establishment of an open development area pursuant to NY Town Law §280-a(4), specifically concerning the future viability of the subdivision lots and private roads created by such approvals. The Town Board has decided to review and consider imposing specific guidelines and/or criteria for the establishment of open development areas in the Town of Carmel, so that future Town Boards may more efficiently and effectively review such subdivision applications. The Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any subdivision approvals for any proposed subdivision requiring the establishment of any open development area pursuant to New York Town Law §280-a(4).
Section 3: MORATORIUM
Section 131-7 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph "I" which shall read as follows:

I. Notwithstanding the foregoing, no approvals for any preliminary subdivision plat requiring the establishment of any open development area pursuant to New York Town Law §280-a(4) shall be issued by the Planning Board from the effective date of this Local Law until June 30, 2011.
Section 131-8 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph "L" which shall read as follows:
L. Notwithstanding the foregoing, no approval for any final subdivision plat requiring the establishment of any open development area pursuant to New York Town Law §280-a(4) shall be issued by the Planning Board from the effective date of this Local Law until June 30, 2011.
Section 4: EFFECTIVE DATE.
This local law shall take effect immediately in accordance with law.
At said Public Hearing, all interested residents shall be heard on the subject thereof.
By Order of the Town Board of the Town of Carmel
Ann Garriss, Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:18 p.m. Sixteen (16) people were in attendance.

Councilman Ravallo explained that The Town Board has decided to review and consider imposing specific guidelines for the establishment of open development areas in the Town so that future Town Boards may more efficiently and effectively review such subdivision applications. He went on to express his support of the proposed Local Law.

(Cont.)

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

PROPOSED LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF APPROVALS FOR PROPOSED SUBDIVISIONS REQUIRING THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA PURSUANT TO NEW YORK TOWN LAW §280-A(4) - SEQR DETERMINATION MADE - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #7 of 2010 concerning amendments to Town of Carmel Town Code Chapter 131 entitled “Subdivision of Land” is a Type II action under SEQR and no further review is necessary.

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman DiCarlo

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

LOCAL LAW #7 OF THE YEAR 2010 - A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF APPROVALS FOR PROPOSED SUBDIVISIONS REQUIRING THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA PURSUANT TO NEW YORK TOWN LAW §280-a(4) - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED

TOWN OF CARMEL
LOCAL LAW #7 OF THE YEAR 2010

A LOCAL LAW ESTABLISHING A MORATORIUM IN REGARD TO
THE ISSUANCE OF APPROVALS FOR PROPOSED SUBDIVISIONS
REQUIRING THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA
PURSUANT TO NEW YORK TOWN LAW §280-a(4)

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

Section 1: PURPOSE

The purpose of this local law is to establish a temporary moratorium on the issuance of approvals by the Town of Carmel Planning Board for any proposed subdivision requiring the establishment of any open development area pursuant to New York Town Law §280-a(4) when such subdivision approval is sought pursuant to Chapter 131 entitled “Subdivision of Land” of the Town Code of the Town of Carmel.

Section 2: LEGISLATIVE FINDINGS

8 DECEMBER 2010
TOWN BOARD SPECIAL MEETING

(Cont.)

The Town Board of the Town of Carmel has received numerous complaints in regard to subdivision applications requiring the establishment of an open development area pursuant to NY Town Law §280-a(4), specifically concerning the future viability of the subdivision lots and private roads created by such approvals. The Town Board has decided to review and consider imposing specific guidelines and/or criteria for the establishment of open development areas in the Town of Carmel, so that future Town Boards may more efficiently and effectively review such subdivision applications. The Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any subdivision approvals for any proposed subdivision requiring the establishment of any open development area pursuant to New York Town Law §280-a(4).

Section 3: MORATORIUM

Section 131-7 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph “I” which shall read as follows:

- I. Notwithstanding the foregoing, no approvals for any preliminary subdivision plat requiring the establishment of any open development area pursuant to New York Town Law §280-a(4) shall be issued by the Planning Board from the effective date of this Local Law until June 30, 2011.

Section 131-8 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph “L” which shall read as follows:

- L. Notwithstanding the foregoing, no approval for any final subdivision plat requiring the establishment of any open development area pursuant to New York Town Law §280-a(4) shall be issued by the Planning Board from the effective date of this Local Law until June 30, 2011.

Section 4: EFFECTIVE DATE.

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

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

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

**AMENDED RESOLUTION RATIFYING SIDE LETTER OF AGREEMENT
REGARDING RETIREMENT INCENTIVE WITH CSEA LOCAL 1000 AFSCME AFL-
CIO TOWN OF CARMEL UNIT PUTNAM COUNTY LOCAL840 - AUTHORIZED**

RESOLVED, that the Town Board of the Town of Carmel authorizes entry into a side letter of agreement with CSEA Local 1000, AFSCME AFL_CIO Town of Carmel Unit, Putnam County Local 840, concerning the offering of a retirement incentive to certain qualifying bargaining unit members, such side letter to be in the amended form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Kenneth Schmitt, Town Supervisor is hereby authorized to execute the aforesaid agreement and any and all other necessary documentation required in connection therewith.

(Cont.)

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman DiCarlo

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

SIDE LETTER OF AGREEMENT

IT IS HEREBY AGREED by and between the Town of Carmel (hereinafter "Town"), the CSEA, Local 1000 AFSCME, AFL-CIO, Town of Carmel Unit, Putnam County Local 840 (hereinafter "CSEA") that a retirement incentive of \$10,000 shall be offered to any CSEA member who meets the following conditions:

- A. The submission of an irrevocable letter of resignation for purposes of retirement by the CSEA member with an effective resignation date of no later than December 31, 2010, to be received by the Town between the signing of this Agreement and by no later than 4:30 p.m. on December 15, 2010;
- B. Such unit member shall: (i) have completed a minimum of fifteen (15) years of full-time service in the Town; and (ii) be eligible to retire in accordance with the Employees' Retirement System.

This Agreement is subject to the approval of the Town Board.

IN WITNESS WHEREOF, this Agreement has been entered into by and between the parties:

TOWN OF CARMEL

Dated: _____ By: _____

CSEA, LOCAL 1000 AFSCME, AFL-CIO, TOWN
OF CARMEL UNIT, PUTNAM COUNTY, LOCAL 840

Dated: _____ By: _____

Dated: _____ By: _____

Supervisor Schmitt explained the purpose of the Side Letter of Agreement, noting it allows for a fifth employee to enter into a Retirement Incentive, and cited the cost savings to the Town.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all Town Board members present in agreement, the meeting was adjourned at 7:32 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Garris, Town Clerk