

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 19<sup>th</sup> day of April 2017 at 7:19 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. A moment of silence was held to honor those serving in the United States Armed Forces.

**MINUTES OF TOWN BOARD MEETING HELD ON 3/22/17 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on March 22<sup>nd</sup> 2017 were accepted as submitted by the Town Clerk.

**OLD METHODIST CEMETERY - PERMISSION GRANTED FOR BURIAL OF JOSEPH BELLUCCI AND PETER BELLUCCI - PERMISSION GRANTED FOR FUTURE INTERMENT OF JILL BELLUCCI**

WHEREAS the Town of Carmel is the record owner of the Old Methodist Cemetery, located off of McMahon Place in Mahopac, NY; and

WHEREAS, descendants of Jill Bellucci, Joseph Bellucci and Peter Bellucci have requested permission of the Town Board of the Town of Carmel for interment of the ashes of Decedents Joseph Bellucci and Peter Bellucci, as well as the future interment of the ashes of Jill Bellucci upon her passing at the referenced Old Methodist Cemetery; and

WHEREAS, the Town Board is satisfied that all three individuals qualify for burial in the referenced Old Methodist Cemetery;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby grants permission for the burial of Joseph Bellucci and Peter Bellucci, as well as the future burial of Jill Bellucci at the referenced Old Methodist Cemetery; and

BE IT FURTHER RESOLVED that such matters and activity authorized herein are to be supervised by authorized representatives of the Joseph J. Smith Funeral Home, Mahopac, NY and shall be conducted in conformance with all provisions of New York State Law.

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>

Supervisor Schmitt commented that former Mahopac High School teacher Joseph Bellucci was a great man and the Belluccis are a great family.

**DEPARTMENT OF RECREATION AND PARKS - 2017 SUMMER CAMP PROGRAM BID AWARDED FOR BUS TRANSPORTATION - ROYAL COACH LINES**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for bus transportation for the 2017 summer camp program administered by the Town of Carmel Department of Recreation and Parks, as requested by Director of Parks and Recreation, James R. Gilchrist, and

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(Cont.)

WHEREAS such bids were received and opened on March 22, 2017 and a bid opening memo is on file with Town Clerk Ann Spofford, and

NOW THEREFORE BE IT RESOLVED that upon the recommendation of James R. Gilchrist, the Town Board hereby awards the aforesaid bid to Royal Coach Lines, Yonkers, NY, the lowest responsible bidder meeting specifications for all bus trips scheduled by the Recreation and Parks Department for Summer 2017.

BE IT FURTHER RESOLVED that upon review of insurance certificates in form acceptable to Town Counsel, Kenneth Schmitt, Town Supervisor is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services.

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>

**POLICE DEPARTMENT - APPLICATIONS FOR EDUCATIONAL STIPENDS  
APPROVED - P.O. GARY PIETROPAOLO AND P.O. THOMAS EGAN**

RESOLVED that the Town Board of the Town of Carmel hereby approves the payment of Education Stipends in the sum of \$900 for P.O. Gary Pietropaolo (Bachelor of Science in Criminal Justice at Marist College) and P.O. Thomas Egan in the sum of \$600 (Associate in Liberal Arts and Social Science Westchester Community College), in accordance with the current Collective Bargaining Agreement between the Town of Carmel and the Town of Carmel Police Benevolent Association.

Resolution

Offered by: Councilman Lupinacci  
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>

**POLICE DEPARTMENT- PAYMENT OF ACCRUED SICK TIME AUTHORIZED -  
EMPLOYEE #1455**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of seventy days of accrued sick time to Town of Carmel employee #1455 at a daily rate of \$582.32 for a total of \$30,570.75.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

(Cont.)

<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>

**POLICE DEPARTMENT CERTAIN EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED**

RESOLVED that, upon the recommendation of Town of Carmel Police, Lt. John R. Dearman, Jr., the Town Board of the Town of Carmel hereby declares the following vehicle to be obsolete and authorizes its disposal in accordance with Town Law, including but not limited to Town Law §64(2-a):

- 1989 International ERT Truck VIN 1HTLCCFK8KH662155

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>

**LONG POND ROAD IMPROVEMENT DISTRICT - BID AWARDED FOR THE RECONSTRUCTION OF ROADWAYS (C-238) - LANDSCAPE UNLIMITED, INC. - NOT TO EXCEED \$847,395.00**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for the reconstruction of roadways within the established Long Pond Road Improvement District; and

WHEREAS such bids were received and opened on April 3, 2017 and a bid opening memo is on file with Town Engineer Richard J. Franzetti, P.E.;

NOW THEREFORE BE IT RESOLVED that upon the recommendation of Town Engineer, Richard J. Franzetti, P.E. the Town Board hereby awards the aforesaid bid to Landscape Unlimited, Inc., Somers, NY, the lowest responsible bidder meeting specifications at a cost not to exceed \$847,395.00 (EIGHT HUNDRED FORTY SEVEN THOUSAND THREE HUNDRED NINETY FIVE DOLLARS);

BE IT FURTHER RESOLVED that upon review of insurance certificates, bid bond and performance bond in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt, is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services.

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>

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**HIGHWAY DEPARTMENT - BID AWARDED FOR 2017 FORD F-350 4X4 CAB/CHASSIS WITH ALUMINUM UTILITY BODY AND 9' STAINLESS PLOW - PARK FORD - NOT TO EXCEED \$50,400.00**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for the purchase of a 2017 Ford F-350 4X4 Cab/Chassis with aluminum utility body and 9' stainless plow; and  
WHEREAS such bids were received and opened on April 6, 2017 and a bid opening memo is on file with Town of Carmel Highway Superintendent Michael Simone;  
NOW THEREFORE BE IT RESOLVED that upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, the Town Board hereby awards the aforesaid bid to Park Ford of Mahopac, NY, the lowest responsible bidder meeting specifications at a cost not to exceed \$50,400.00 (FIFTY THOUSAND FOUR HUNDRED DOLLARS);  
BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services.

Resolution  
Offered by: Councilman Lupinacci  
Seconded by: Councilman Lombardi and Councilwoman McDonough

<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	

**HIGHWAY DEPARTMENT - BIDS AWARDED FOR MISCELLANEOUS MATERIALS AND SERVICES - OFFERED AS PRE-FILED**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for various highway materials and services for the Town Highway Department, and  
WHEREAS such bids were received and opened and Highway Superintendent Michael Simone has recommended the awarding of the bids (after equalizing all FOB bids based on distance to the Town Highway Department yard),  
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for the purchase of various highway materials and services to the lowest responsible bidders who met specifications as follows for calendar year 2017:

<u>GRANULAR BASE F.O.B. &amp; DELIVERED -</u> ITEM 4	PUTNAM MATERIALS CORP. RTE 311 PATTERSON, NY
<u>RUN OF BANK GRAVEL FOB&amp; DELIVERED</u>	NICHOLAS F. DOMAIN SAND & GRAVEL 2441 ROUTE 22 DOVER PLAINS, NY 12522
<u>ROAD OILS, CUTBACKS ETC.</u> PENETRATION ASPHALT CATIONIC EMULSIFIED ASPHALT	PECKHAM MATERIALS CORP. 20 HAARLEM AVENUE WHITE PLAINS, NY 10603
<u>CRUSHED GRAVEL</u> 1 1/2" F.O.B. PLANT 1 1/2" DELIVERED 3/4" F.O.B. PLANT 3/4" DELIVERED	PUTNAM MATERIALS CORP. ROUTE 311 PATTERSON, NY 12563

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<u>CRUSHED GRAVEL</u> 3/8" F.O.B. PLANT 3/8" DELIVERED	NICHOLAS F. DOMAIN SAND & GRAVEL 2441 ROUTE 22 DOVER PLAINS, NY 12522
<u>CRUSHED GRAVEL</u> 1/4" F.O.B. PLANT 1/4" DELIVERED	THALLE INDUSTRIES 172 ROUTE 9 FISHKILL, NY 12524
<u>BITUMINOUS CONCRETE - FOB</u> TOP COURSE TYPE 6F TOP COURSE TYPE 7F BINDER COURSE TYPE 3 CURB MIX	PECKHAM MATERIALS CORP. CARMEL PLANT, ROUTE 6 CARMEL, NY 10512
<u>BITUMINOUS CONCRETE - IN PLACE</u> TYPE3 BINDER COURSE IN-PLACE WITH TACK COAT IN-PLACE IN-PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 6F3 TOP COURSE IN-PLACE WITH TACK COAT IN-PLACE IN-PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 7F3 TOP COURSE IN-PLACE WITH TACK COAT IN-PLACE IN-PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 9.5 MM SUPERPAVE TOP F3 IN-PLACE WITH TACK COAT IN-PLACE WITH KEYS IN-PLACE	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 12.5 MM SUPERPAVE TOP F3 IN-PLACE WITH TACK COAT IN-PLACE IN-PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 19.0 MM SUPERPAVE BINDER IN-PLACE WITH TACK COAT IN-PLACE IN-PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 25.0 MM SUPERPAVE BINDER IN-PLACE WITH TACK COAT IN-PLACE IN-PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 37.5 MM SUPERPAVE BASE IN-PLACE WITH TACK COAT IN-PLACE IN-PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
TYPE 6.3 POLYMER MODIFIED TOP IN-PLACE WITH TACK COAT IN-PLACE WITH KEYS	KECT CONSTRUCTION CORP. ROUTE 22 PATTERSON, NY 12563
TYPE 1 BASE WARM MIX IN-PLACE WITH TACK COAT IN-PLACE WITH KEYS IN-PLACE	KECT CONSTRUCTION CORP. ROUTE 22 PATTERSON, NY 12563
TYPE 3 BINDER WARM MIX IN-PLACE WITH TACK COAT IN-PLACE WITH KEYS IN-PLACE	KECT CONSTRUCTION CORP. ROUTE 22 PATTERSON, NY 12563

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TYPE 6F3 TOP WARM MIX IN-PLACE IN PLACE WITH TACK COAT IN PLACE WITH KEYS	KECT CONSTRUCTION ROUTE 22 PATTERSON, NY 12563
<u>ALUMINUM CULVERT PIPE - F.O.B &amp; DELIVERED</u> PLAIN & PERFORATED ALL SIZES	CHEMUNG SUPPLY CORP. ELMIRA, NY
<u>STEEL CULVERT PIPE - DELIVERED</u> PLAIN & PERFORATED ALL SIZES	CHEMUNG SUPPLY CORP. ELMIRA, NY
<u>STEEL CULVERT PIPE - F.O.B.</u> PLAIN & PERFORATED ALL SIZES	EXPANDED SUPPLY PRODUCTS, INC. 3330 ROUTE 9 COLD SPRING, NY 10516
<u>POLYETHYLENE DRAINAGE PIPE - F.O.B &amp; DELIVERED</u> PLAIN & PERFORATED ALL SIZES & TYPES ELBOWS & TEES CORRUGATED & SMOOTH	CHEMUNG SUPPLY ELMIRA, NY  CARMEL WINWATER WORKS CARMEL, NY  EXPANDED SUPPLY PRODUCTS, INC. 3330 ROUTE 9 COLD SPRING, NY 10516  HD SUPPLY WATERWORKS POUGHKEEPSIE, NY
<u>CATCH BASIN SUMPS &amp; TOPS</u> PICKUP & DELIVERED 24"X 24" X 24" 36" X 24" X 24" FLAT TYPE TOPS 3 3/8" X 24" X 24"	MID HUDSON CONCRETE CORP. 3504 ROUTE 9 COLD SPRING, NY 10516
<u>CATCH BASIN SUMPS &amp; TOPS</u> PICKUP & DELIVERED 30"X 24" X24" 36" X 30" X 30" FLAT TYPE TOPS 4" X 30" X 30" 4" X 24" X 24"	CARMEL WINWATER WORKS CO. CARMEL, NY
<u>CATCH BASIN SUMPS &amp; TOPS</u> PICKUP & DELIVERED 36" X 36" X 48" 48" X 36" X 48" 36" X 56" X45" 48" X 56" X 45" FLAT TYPE TOPS 8"X 45" X56" 8" X 56" X 45" CURB BACK 12" X 56" X 45" 12" X 45" X 56"	M&M PRECAST CORPORATION DANBURY, CT
<u>TREE FELLING &amp; TRIMMING</u>	MANTREE, INC. MAHOPAC, NY

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci

(Cont.)

<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 CLERK’S OFFICE - PERMANENT APPOINTMENT OF ACCOUNT CLERK/TYPIST ALICE DALY MADE AND APPOINTMENT OF SUBREGISTRAR OF VITAL STATISTICS ACKNOWLEDGED**

RESOLVED that the Town Board of the Town of Carmel hereby permanently appoints Alice Daly as Account Clerk/Typist in the Town Clerk’s office and acknowledges the appointment by Town Clerk Ann M. Spofford, of Alice Daly as Subregistrar of Vital Statistics for the Town of Carmel.

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>

**EXECUTION OF STIPULATION BETWEEN CSEA, LOCAL 1000, AFSCME, AFL-CIO, TOWN OF CARMEL UNIT, PUTNAM COUNTY, LOCAL 840, STACI NORTON, AND THE TOWN OF CARMEL REGARDING SENIOR ACCOUNT CLERK/TYPIST POSITION - AUTHORIZED**

RESOLVED, that the Town Board of the Town of Carmel hereby ratifies and accepts the Stipulation attached hereto between the Town of Carmel, CSEA Local 1000, AFSCME, AFL-CIO, Town of Carmel Unit, Putnam County, Local 840 (“the CSEA”), and Staci Norton to modify the Collective Bargaining Agreement for the period of January 1, 2013 through December 31, 2017, to include the position of Senior Account Clerk/Typist as a Group 5 position within the collective bargaining unit represented by the CSEA, effective January 1, 2017. The Stipulation was executed on behalf of the CSEA and Staci Norton on April 5, 2017. The Town Board hereby authorizes the Town Supervisor to execute the attached Stipulation.

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>

**STIPULATION**

**WHEREAS**, Civil Service Employees Association, Inc., Local 840, AFSCME, AFL-CIO (“Union”) and Town of Carmel (“Town”) are parties to a Collective Bargaining Agreement with a duration of January 1, 2013 to December 31, 2017 (“CBA”);

(Cont.)

WHEREAS, Staci Norton is currently employed by the Town as an Account Clerk II/Typist in the Highway Department;

WHEREAS, Putnam County recently reclassified Ms. Norton’s position to Senior Account Clerk/Typist; and

NOW, THEREFORE, the Union, the Town, and Ms. Norton agree to the following:

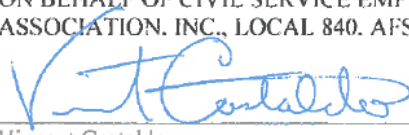
- 1. The Town and Union agree, effective January 1, 2017, to modify the CBA to include “Senior Account Clerk/Typist” to the list of title included in the bargaining unit in Article I, Recognition, and to identify “Senior Account Clerk/Typist” as a Group 5 position on the “Job Titles and Group” page at page 17 of the CBA.
- 2. Because she qualifies for the Senior Account Clerk/Typist position under applicable civil service law and rules, the Town will appoint Ms. Norton to the position of Senior Account Clerk/Typist, effective January 1, 2017. Ms. Norton shall be placed at Group 5, Step 2 on the Salary Schedule at Appendix “E” of the Collective Bargaining Agreement between the Union and the Town dated January 1, 2013 to December 31, 2017.
- 3. The Union and Ms. Norton agree not to contest via the contractual grievance and arbitration procedure, or in any judicial, administrative or other forum, that Ms. Norton should have been placed in the Senior Account Clerk/Typist position prior to January 1, 2017.
- 4. The Union and the Town agree that this Stipulation is non-precedential.
- 5. The Union and the Town agree that neither the entering of, or terms of, this Stipulation shall be construed or considered to be an admission by the Town of violation of the CBA, or any federal, state, or local law, rule or ordinance.
- 6. This Stipulation shall be subject to the approval of the Town Board.

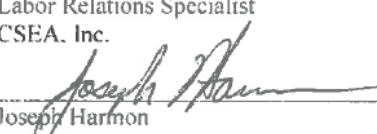
Agreed to:  \_\_\_\_\_ Date 4/5/17  
Staci Norton

ON BEHALF OF TOWN OF CARMEL TOWN BOARD

\_\_\_\_\_  
Kenneth Schmitt  
Town Supervisor Date

ON BEHALF OF CIVIL SERVICE EMPLOYEES  
ASSOCIATION, INC., LOCAL 840, AFSCME, AFL-CIO

 \_\_\_\_\_ Date 4/5/17  
Vincent Castaldo  
Labor Relations Specialist  
CSEA, Inc.

 \_\_\_\_\_ Date 4/5/17  
Joseph Harmon  
Unit President  
CSEA, Inc., Local 840, AFSCME, AFL-CIO



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**PUBLIC HEARING SCHEDULED FOR 5/24/17 - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" BY THE ADDITION OF SECTION 156-39.5 ENTITLED "COOPS AND ATTACHED RUNS FOR CHICKENS"**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, May 24, 2017 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 156 of the Code of the Town of Carmel, entitled "Zoning" by the addition of Section 156-39.5 Entitled "Coops and Attached Runs for Chickens"; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford 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 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>

TOWN OF CARMEL  
PROPOSED LOCAL LAW \_\_\_ OF THE YEAR 2017  
A LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156  
HEREOF, ENTITLED "ZONING"

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

SECTION 1: PURPOSE

The purpose of this local law is to amend the Town Code to allow the ownership and housing of chickens as a permitted accessory use under Chapter 156 of the Town Code of the Town of Carmel Entitled "Zoning".

SECTION 2: AUTHORITY

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

SECTION 3: AMENDMENT OF CHAPTER 156

The Town Code of the Town of Carmel is hereby amended by the amendment of Chapter 156 entitled "Zoning" is hereby amended to add §156-39.5 which shall read as follows:

§ 156-39.5 Coops and Attached Runs for Chickens.  
Definitions:

Coop: a cage or pen designed to contain or house chickens  
and shall contain all of the following components:

- \_ Nesting place for each chicken to lay eggs (at least four inches deep)
- \_ Elevated Roost or Perch area for chickens to sleep

(Cont.)

- Ventilation
- Insulation to prevent drafts & dampness
- Accessibility to eggs and ability to clean out properly

Run: a fenced or fully enclosed area attached to or encompassing a chicken coop in which chickens are allowed to run around and peck.

- A. A coop for housing chickens and an attached run shall be permitted as an accessory use. The combined square footage of the coop/run area should allow at least four square feet for each chicken being kept in the area. Roosters are prohibited.
- B. No coop or run for housing of chickens shall be located on a lot comprised of less than forty-thousand (40,000) square feet of lot area. A lot may only house a maximum of six chickens for every forty-thousand (40,000) square feet of lot area comprising such lot. No lot may house more than 18 (eighteen) chickens in total.
- C. Coops and runs may not be located in any front yard as defined in this chapter. Coops and runs shall be situated completely in a side or rear yard, at least 15 feet from all rear and side property lines.
- D. All coops and runs must be kept clean neat and free of debris and be in compliance with all state and local laws pertaining to animals generally.
- E. All coops and any attached run shall be screened from view at ground level from adjacent lots by using 4 ft. to 6 ft. fencing, landscaping, or a combination thereof and the screening must be present throughout the year. i.e. evergreen landscaping
- F. All feed shall be kept in rodent-proof containers.
- G. All chickens will be contained in coops and runs unless property size is in excess of three acres.
- H. Any lot which houses chickens pursuant to the terms of this chapter and section shall be required to obtain a permit issued by the Town Clerk of the Town of Carmel. Such permit and application therefor shall be in form and content as prescribed and approved by resolution of the Town Board of the Town of Carmel.
- I. Any such permit issued pursuant to the terms of this chapter and section shall require a fee to be established by resolution of the Town Board of the Town of Carmel on an annual basis.
- J. Penalties for offenses.
  1. Any complaint received by the building department or police department pursuant to this chapter pertaining to the cleanliness or sanitary condition of the run/coop may be referred to the Putnam County SPCA for investigation and who is hereby empowered to enforce any and all violations of this code.
  2. Any person or entity that shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punished as follows:
    - (1) For a first offense: by a fine not to exceed \$50.
    - (2) For a second offense: by a fine not to exceed \$100.
    - (3) For a third offense or any subsequent offenses: by a fine not to exceed \$200 or removal of chickens, coop, and run from said premises, or by both such fine and cessation of use.
    - (4) Each violation of any provision of this chapter and each week that each such violation shall continue shall be deemed to be a separate and distinct offense.
    - (5) In addition to the above provided penalties and punishment, the Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.

(Cont.)

#### SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

#### SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

#### SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Councilwoman McDonough pointed out that the date of the Public Hearing has changed from the date discussed at the prior Public Hearing held in connection with the matter, from May 10<sup>th</sup> to May 24<sup>th</sup>.

#### PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

#### TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

#### PUBLIC COMMENTS - OPEN FORUM

No member of the public wished to comment at this time.

#### TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilwoman McDonough announced that a floral arranging workshop will be presented by the Lake Mahopac Garden Club in cooperation with the Friends of Mahopac Public Library on May 11, 2017 at 6:30 p.m. at the Mahopac Public Library.

Councilman Lupinacci announced that registration for the Recreation and Parks Department's 2017 spring classes has begun. A list of classes and registration instructions are available on the Town's website or by calling the office of the Recreation and Parks Department.

Supervisor Schmitt announced that the Town Board's next Work Session is scheduled for April 26, 2017 at 7:00 p.m. at the Carmel Firehouse on Vink Drive. It will be their annual meeting held in the Hamlet of Carmel.

#### 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 7:36 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk