

4 OCTOBER 2017

**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 4th day of October 2017 at 7:15 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 and Supervisor Schmitt. Councilman Lombardi was absent.

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 and for the victims of the recent horrific mass shooting in Las Vegas as well as in memory of part-time Town of Carmel resident Chuck Low.

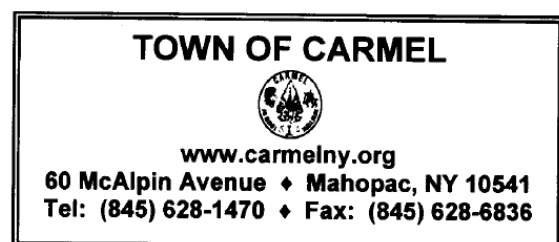
PRESENTATION OF TENTATIVE BUDGET FOR FISCAL YEAR 2018 TO TOWN BOARD

Ann Spofford, Town Clerk, presented copies of Supervisor Schmitt's 2018 Tentative Budget to the Town Board as filed in the Office of the Town Clerk on September 29, 2017.

SUPERVISOR KENNETH SCHMITT - 2018 TENTATIVE BUDGET MESSAGE

Supervisor Schmitt delivered his 2018 Tentative Budget Message.

*Office of the Supervisor
Kenneth Schmitt*



SUPERVISOR'S FISCAL YEAR 2018 TENTATIVE BUDGET MESSAGE

Good evening ladies and gentlemen, members of the Town Board, residents and property owners of the Town of Carmel. One of the most important duties of the Town Supervisor is to initiate and coordinate the annual budget process, and tonight, I am presenting the Tentative Fiscal Year 2018 Budget to the Town Clerk, Town Board Members and the public.

First a note about the process; the Tentative Budget is based on months of preparation and collaboration between myself, the Town Comptroller, Mary Ann Maxwell, the Managers of the various Town departments, as well as other Elected Officials. I wish to thank everyone for the care and consideration they took in the preparation of their budget requests. The Town Comptroller and I worked for many days and hours examining every single line item in the budget. Expenses and revenues were reviewed and carefully considered while formulating the Tentative Budget.

In 2011, New York State established a property tax levy limit for all government municipalities known as the 2% Tax Cap. The Tax Cap law sets a limit on the annual growth of property taxes levied by local governments to 2% or the rate of inflation, whichever is less. In 2018, the rate of inflation increased to 1.84%. The Town's FY 2018 tax levy increase cannot exceed 1.84%. I am pleased to report to you this evening that my Tentative FY 2018 Budget achieves this mandate and will stay under the New York State Tax cap.

The Tentative FY 2018 Budget is still subject to review and amendments made by the Carmel Town Board. Changes to the Tentative Budget may be made by the Board and a Preliminary Budget will be adopted on October 18th. A Public Hearing will be held on November 8th. A final Town wide and FY 2018 budget must be voted on and adopted on or before November 20th, 2017.

It's important to note on September 20th of this year, the Town of Carmel was reviewed by Moody's Investors Service. I'm pleased to report that Moody's has affirmed the Town's Aa1 Rating. The review analyst noted that Carmel is very well managed and finances are strong, which is expected of the Aa1 category.

(Cont.)


Total Town wide tax increase for 2018:

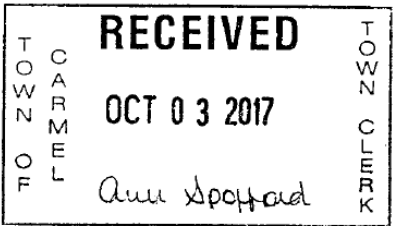
The 2018 FY Tentative Budget reflects a 0% increase in the Town-wide tax rate.
The 2017 adopted budget reflected a 1.6% increase in the Town wide tax rate.

Our Town Comptroller, Mary Ann Maxwell will now present to you the FY 2018 Town of Carmel Supervisor's Tentative budget. This presentation will provide for you an in depth review of the Town's finances identifying projected expenditures and revenues for Fiscal Year 2018.

In closing, my sincere thanks to Town Comptroller, Mary Ann Maxwell, my office staff, Anne Pasquerello and Bella Cimadomo, along with other elected officials, department heads and managers for their diligence and assistance during the preparation of my Tentative FY 2018 Budget.

Respectfully submitted this 4th day of October, 2017


Kenneth Schmitt,
Supervisor, Town of Carmel



2018 TENTATIVE BUDGET FINANCIAL SUMMARY - PRESENTATION

Mary Ann Maxwell, Town Comptroller detailed the following presentation.

TOWN OF CARMEL

2018 Tentative Budget

NYS Property Tax Cap

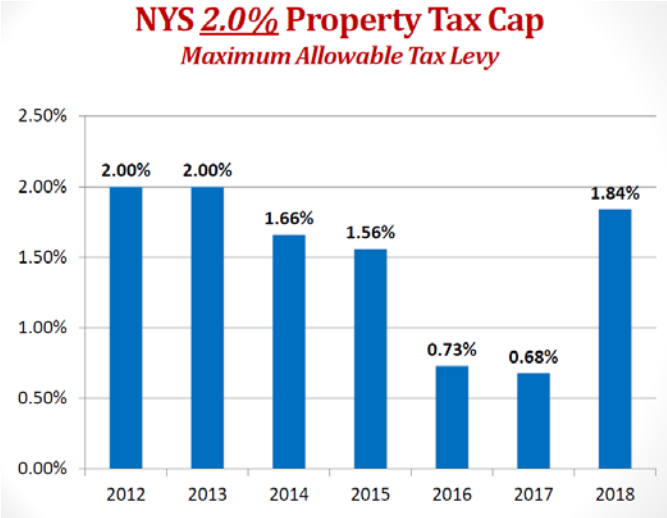
- In 2011 the NYS Office of State Comptroller established the 2% Real Property Tax Cap Law.
- With some exceptions, this law limits the amount local governments and school districts can increase property taxes by the lesser of:

2 percent; or
the rate of inflation.

Tax Levy

- For the 2018 Budget the **Allowable Tax Levy Growth** imposed by NYS Comptroller's Office is 1.84% which is the current rate of inflation.
- For the Town of Carmel (Townwide and Special Districts) this equates to a **Maximum Allowable Tax Levy** increase of \$735,883.

(Cont.)



Total Tax Levy Increase

- Due to a Retired Capital Debt in 2015 the Town of Carmel also has an Available Carryover from 2017 to 2018 of \$519,630.
- Therefore the total **Maximum Allowable 2018 Tax Levy increase** (Townwide/Special Districts) including the carryover is **\$1,255,513**

Maximum Allowable Levy	\$735,883
Available Carryover	<u>\$519,630</u>
Total Allowable Tax Levy Increase	\$1,255,513

Total Tax Levy Increase

- In the 2018 Tentative Budget there is an **Overall Tax Levy Increase** from the 2017 Adopted Levy:

* 2018 Tentative Levy Increase: **\$927,941**

- Tentative 2018 Budget is under the Tax Cap by **\$327,572**
(1,255,513 – 927,941 = 327,572)
- Due to good financial planning and an available carryover from a retired capital debt the Town of Carmel is able to stay under the Tax Cap in the 2018 Tentative Budget.

Tax Levy

- **Property Tax Levy** is calculated by taking the Town’s total annual expenditures less any revenues and/or appropriated fund balance equity.

Expenditures
- Revenues
<u>+(-) Appropriated Fund Balance</u>
= Property Tax Levy

(Cont.)

Tax Rate

- The **annual Tax Rate** is determined by dividing the total amount of the **property tax levy** by the total **taxable assessed value** of a town or special district.
$$\frac{\text{Property Tax Levy}}{\text{Taxable Assessed Value}} = \text{Annual Tax Rate}$$
- The Town-wide *100% Equalized Assessed Value* used for the 2018 Tentative Budget is 4,657,240,122, an *increase* of approx. \$182,613,569 from the prior year equalized assessed value.
- An *increase* in the assessed value would result in an *decrease* in the tax rate if the levy remained the same.

Tax Levy vs. Tax Rate

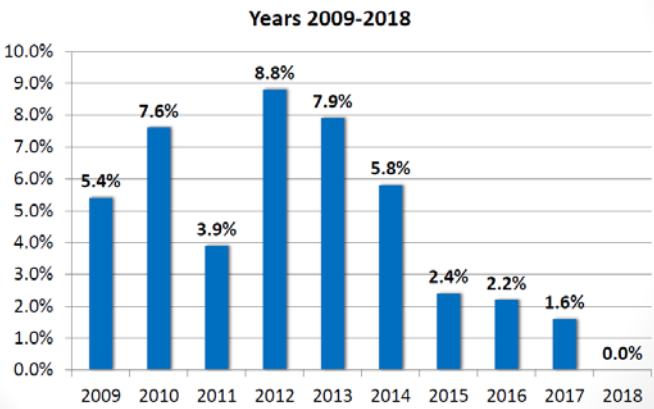
2018 Tentative Budget – Townwide (General/Highway)

<u>Tax Levy</u>	
Expenditures	\$28,536,079
(Revenues)	(5,587,710)
Fund Balances - Reserves	<u>0</u>
Property Tax Levy	\$22,948,369
<u>Tax Rate</u>	
Property Tax Levy	\$22,948,369/
Taxable Assessed Value <i>(100% Equalized)</i>	<u>4,657,240,122</u>
Tax Rate	4.93

*** 2018 Annual Tax Rate Increase 0.0%**
** Represents tax % increase on rate from prior year*

Tax Rate Annual Increase

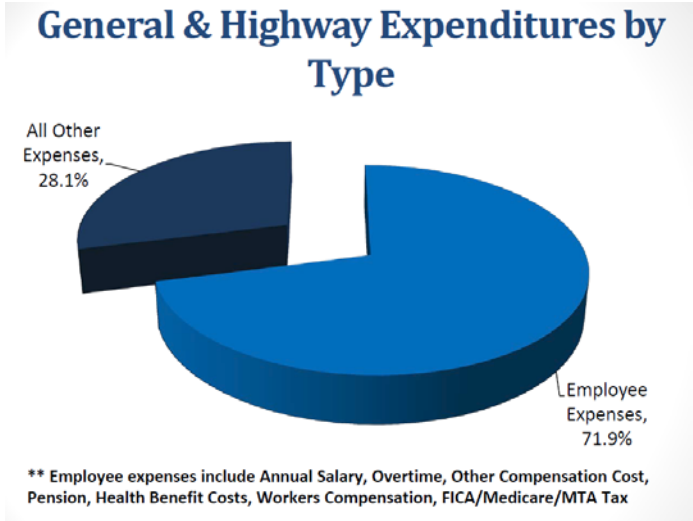
Townwide (General/Highway) – 10 Year History



2018 Tentative Budget

- Townwide (General/Highway)** - the average homeowner (assessed at \$347,000) would pay approximately \$1,711 per year which is a \$0 increase from the prior year. This assessed valuation now reflects the current equalization rate of 100.00%
- Of the \$28.5 million in Townwide Expenditures approximately \$20.5 million is budgeted in 2018 for **Employee Compensation & Benefit Costs**. This represents a percentage of approximately 71.9% of total expenditures.

(Cont.)



Moody's Review

- Last month Moody's confirmed the Town's **Aa1 Bond rating**:
 - "Aa1 is only one-notch away from a Aaa. As an Aa1, Carmel is very well managed and finances are strong"*

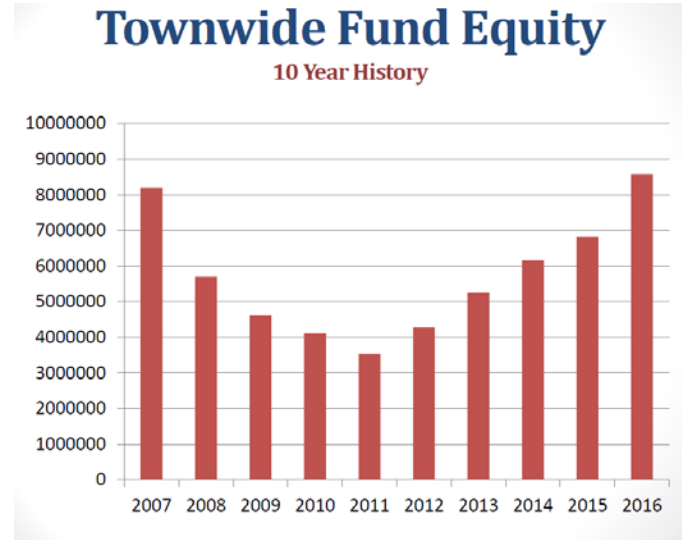
Factors that Could Lead to an Upgrade

- » Significant and sustained growth in reserve levels
- » Substantial improvement in the tax base and wealth and income levels

Factors that Could Lead to a Downgrade

- » Sizable declines in fund balance or cash reserves
- » Significant increase in debt burden

- Townwide Fund Balances** deteriorated substantially from 2007 to 2011. From 2012 to 2016 Townwide reserves increased to a 10 year high in 2016 at \$8,577,158.



BUDGET DRIVERS/HIGHLIGHTS

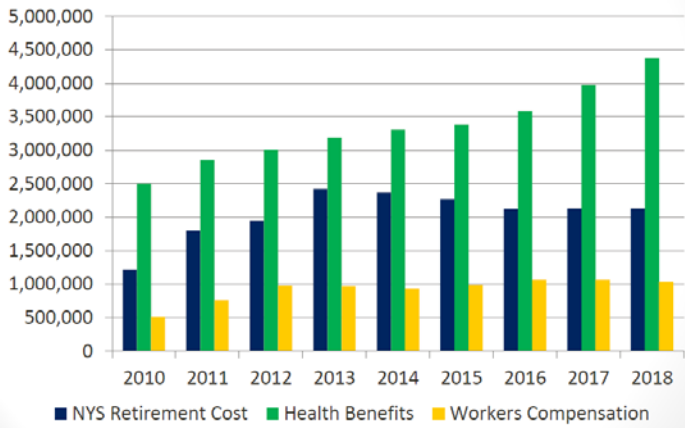
- Employee Benefit Costs:**
 - * Health Insurance Costs continue to increase...currently budgeted at a 10-12% increase.
 - * Pension Contributions decreased slightly (ERS 15.3%, PFRS 24.3% of salary)
 - * Workers Comp Rates is estimated to decrease slightly 3% above the 2017 actual numbers.
- Salaries/Benefits increased** due to PBA and Lieutenants Union Contracts Settlements. Negotiations beginning with CSEA contract which expires Dec 2017. Two new full time positions are funded in the 2018 Tentative Budget.
- Police Overtime** - the 2018 Budget reflects an increase in Police Overtime expense by \$100,000
- Mortgage Tax Revenue** for FY 2017 is on budget with a \$900,000 budget for 2017 (August 2017 monthly revenue at \$107,964. \$900,000 is budgeted in the 2018 Tentative Budget.
- Revenues Increased 6.5% from prior year which helped keep tax rate increase low:**
 - Mortgage Tax Revenue remained flat at \$900,000 in the 2018 Budget
 - Employee HI Contributions Increased 2018 Budget by \$65,000 (due to union contract settlements)
 - Tax, Interest Earned & Penalties increased by \$10,000 in the 2018 Budget
 - Cable Franchise Fees Increased 2018 Budget by \$50,000
- Technology upgrades** - \$70,000 is budgeted in the 2018 for technology upgrades. A fund is established for a future purchase of data imaging equipment.
- Contingent Line** – Budgeted \$200,000 in 2018 Tentative Budget. We also budgeted \$100,000 in the 2017 Budget.

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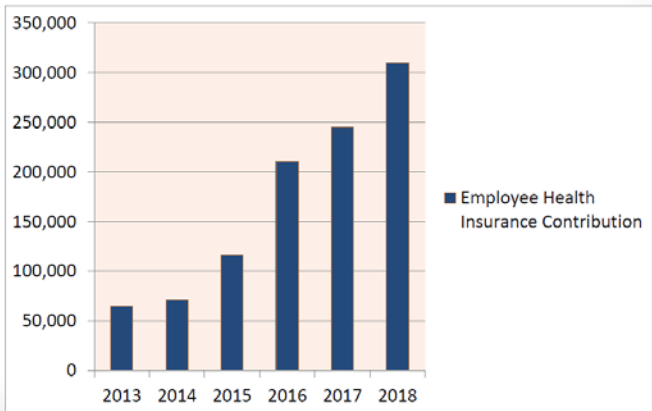
BUDGET DRIVERS/HIGHLIGHTS

- **Highway Fund** - Snow Materials remained the same as prior year. \$700,000 is budgeted in the 2018 Snow Budget for Materials. Also in 2018 Highway Fund Budget \$150,000 is budgeted for Capital Machinery in an attempt to avoid capital borrowing.
- **Highway Snow Reserve Fund Balance as of 12/31/16 was \$600,000.** Due to mild winter (Jan-March 2016) we were able to add to that at FYE 2016 due to surplus balances in OT, fuel and snow materials expense.
- **Townwide Reassessment Project** – In years 2014 – 2017 the Town budgeted \$150,000 each year to cover cost of the Townwide Reassessment Project. The Town will continue to budget for Cyclical Assesments in order to keep the 100% Equalized Assessed Value. We also have \$750,000 in reserves to fund this project as well as other Townwide Capital Projects in an attempt to avoid borrowing.
- **New Debt Service** – 2018 New Debt Payments from Highway Drainage and Resurfacing. Also Capital Debt in the following special districts (CWD #9, CSD #1, CSD #3, CSD #7) Required principal and interest payments on debt - October 2018.
- **CSD #5** will also see a special district tax increase due to a possible WWTP upgrade.
- **Capital Debt “Long Pond Road Improvement District”** – Taxpayers in this district will pay principal/interest on this capital debt in 2018.

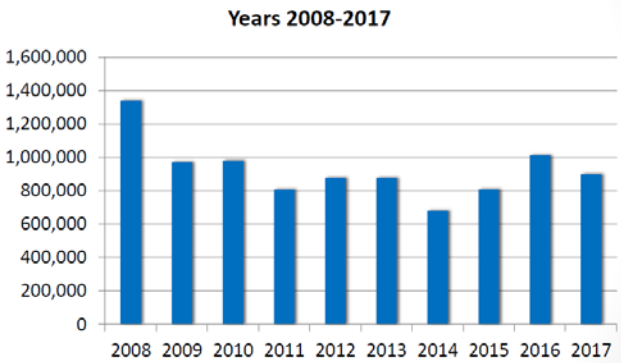
Employee Benefits Cost Increases 2010-2018



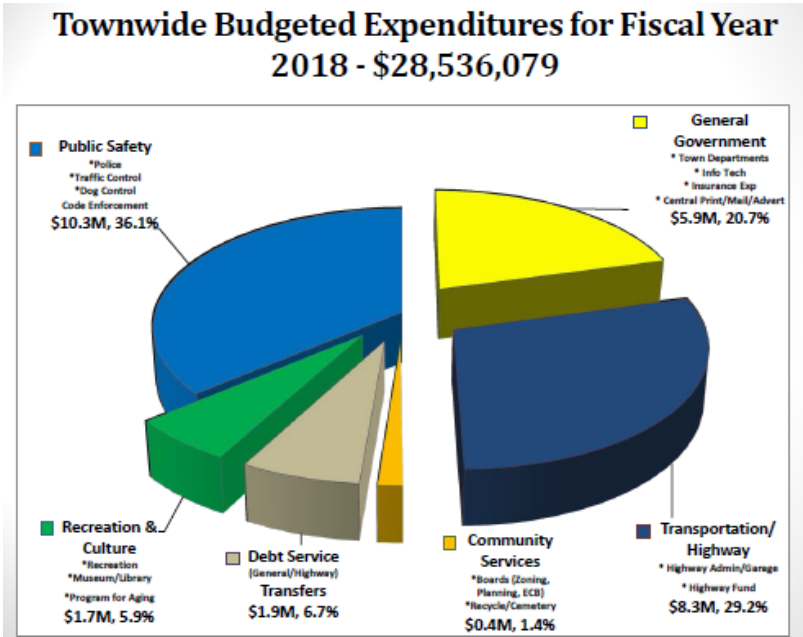
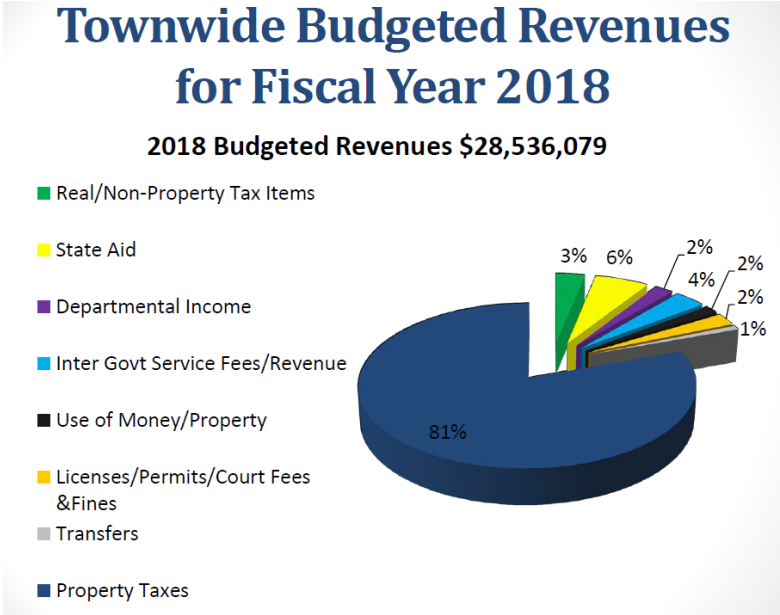
Employee HI Contributions 2013 - 2018



Mortgage Tax Revenue 10 Year History



(Cont.)



Questions/Answers

- If anyone has any questions or concerns regarding the 2018 Tentative Budget please feel free to stop by the Comptroller’s Office or call at (845) 628-1500 ext 175.

Mary Ann Maxwell
Town Comptroller
Town of Carmel

Supervisor Schmitt detailed the timeline with regard to the 2018 Budget adoption process, pointing out that the Public Hearing in connection therewith will be held on November 8, 2017. He stated that the Town Board is expected to adopt the 2018 Budget on November 15, 2017. Supervisor Schmitt then opened the floor to the public for questions and comments on the 2018 Tentative Budget and presentation.

Michael Barile inquired about the available carryover of \$519,630 from 2017 to 2018 referenced in the presentation.

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(Cont.)

Mary Ann Maxwell, Town Comptroller explained that the New York State Comptroller's Office permits a local government to carry over the lesser of the difference between the prior year tax levy limit and the actual levy for the prior fiscal year or 1.5% of the prior year tax levy limit in calculating its tax levy limit for the coming fiscal year.

Mr. Barile noted that the 2018 Tentative Budget reflects a 0% increase in the Town-wide tax rate and went on to ask how much the spending will increase.

Ms. Maxwell stated that the Town-wide spending increase is 4.6% and indicated that the total tax levy will increase \$927,941.

Councilman Schneider expressed his support of the budget presentation and spoke regarding the benefit of the carryover.

Ms. Maxwell further explained how the carryover provided the Town with a larger cushion to stay under the property tax cap.

RESOLUTION FROM 5/17/17 REMOVED FROM THE TABLE - RESOLUTION SETTING ADJUSTED SALARIES FOR FISCAL YEAR 2017 FOR TOWN OF CARMEL EMPLOYEES NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

On motion by Councilman Lupinacci, seconded by Councilman Schneider, with all members of the Town Board present voting "aye", the Resolution Setting Adjusted Salaries for Fiscal Year 2017 for Town of Carmel Employees Not Covered by a Collective Bargaining Agreement was removed from the table.

ADJUSTED SALARIES SET FOR FISCAL YEAR 2017 FOR CERTAIN TOWN OF CARMEL EMPLOYEES NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

RESOLVED that the Town Board of the Town of Carmel hereby sets the adjusted salaries for fiscal year 2017 for the following employees of the Town not covered under the terms of a Collective Bargaining Agreement in the amounts as follows:

Police Chief	\$156,404.72
Town Engineer	\$100,058.70
Town Comptroller	\$109,852.80
Confidential Secretary to Supervisor/ Asst. to the Town Bd.	\$ 79,422.72

BE IT FURTHER RESOLVED that this resolution shall have an effective date retroactive to January 1, 2017.

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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

Councilman Lupinacci stated that the funding for the increases were included within the 2017 Budget.

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TOWN BOARD MEETING

MINUTES OF TOWN BOARD MEETING HELD ON 9/19/17 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Schneider, seconded by Councilman Lupinacci, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on September 19th 2017 were accepted as submitted by the Town Clerk.

ENTRY INTO CONTRACTS AUTHORIZED - MAHOPAC SPORTS ASSOCIATION, CARMEL RAMS YOUTH SPORTS, INC. ASSOCIATION AND CARMEL SPORTS ASSOCIATION, INC.

WHEREAS appropriations have been made in the 2017 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and

WHEREAS said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to enter into and execute, on behalf of the Town, contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

<u>Contractor</u>	<u>Services</u>	<u>Not to Exceed Amount</u>
Mahopac Sports Association	Recreational Services	\$ 5,000.00
Carmel Rams Youth Sports, Inc. Association	Recreational Services	\$ 2,500.00
Carmel Sports Association, Inc.	Recreational Services	\$ 2,500.00

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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

PUBLIC HEARING SCHEDULED FOR 11/1/17 - PROPOSED LOCAL LAW AMENDING CHAPTER 137 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "TAXATION"

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing, to be held on the 1st day of November 2017 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 137 of the Town Code of the Town of Carmel, entitled "Taxation"; 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: Councilwoman McDonough

4 OCTOBER 2017
TOWN BOARD MEETING

(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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that the purpose of the proposed Local Law is to extend the property tax exemptions for Cold War veterans in the Town of Carmel.

PUBLIC HEARING SCHEDULED FOR 11/1/17 - PROPOSED LOCAL LAW AMENDING §156-76 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "WIRELESS TELECOMMUNICATION EQUIPMENT AND DEVICES"

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing, to be held on the 1st day of November 2017 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending §156-76 of the Town Code of the Town of Carmel, entitled "Wireless Telecommunication Equipment and Devices"; 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: Councilwoman McDonough
Seconded by: Councilman Lupinacci and 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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

PROPOSED LOCAL LAW # ____ OF THE YEAR 2017
A LOCAL LAW AMENDING §156-76 OF THE TOWN CODE
OF THE TOWN OF CARMEL, ENTITLED
"WIRELESS TELECOMMUNICATION EQUIPMENT AND DEVICES"

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 of the Town of Carmel to allow the Town of Carmel to properly regulate necessary utility infrastructure for the provision of wireless telecommunications facilities within the Town.

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: ENACTMENT OF CHAPTER 156-62

The Town Code of the Town of Carmel is hereby amended by the addition of Chapter 156-62 entitled "WIRELESS TELECOMMUNICATIONS STRUCTURES AND FACILITES" which shall read as follows:

(Cont.)

§ 156-62 WIRELESS TELCOMMUNICATION STRUCTURES AND FACILITIES

A. Legislative intent.

1. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities. The purpose of this Wireless Telecommunications Ordinance is to provide the Town of Carmel with the authority to properly regulate necessary utility infrastructure for the provision of wireless telecommunications facilities within the Town,
2. The Town Board finds that the regulation of wireless telecommunications facilities is necessary to protect the predominantly suburban and rural residential character of the Town and the property values of the community; such regulation is needed to protect schools, parks, churches, playgrounds and historic structures; to preserve scenic areas; important commercial corridors; to minimize aesthetic impacts; to preserve the health and safety of residents; and to respect the need of wireless telecommunications service providers to relay signals without electronic interference from other service providers' operations, while not unreasonably limiting competition among them.
3. The Town Board declares that the protection of residential areas of the Town is of paramount importance and that any local regulations of wireless telecommunications facilities must furnish all possible protection for residential areas, and further declares that the provisions of this article are to be interpreted to favor protection of residential areas. The Planning Board shall, before issuing a special exception use permit for a wireless telecommunications facility in a residentially zoned area, satisfy itself that all other alternatives have been exhausted.
4. The Town Board finds that the aesthetic appearance of wireless telecommunication facilities is a paramount concern, particularly along the Town's important commercial corridors.
5. In general, shared use and collocation of antennas and antenna- mounting structures are preferred to the construction of new facilities.

B. DEFINITIONS.

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

ADMINISTRATIVE APPROVAL — Zoning approval that the Director of Code Enforcement or designee is authorized to grant after administrative review.

ADMINISTRATIVE REVIEW — Nondiscretionary evaluation of an application by the Director of Code Enforcement or designee. The process is not subject to a public hearing. The procedures for administrative review are established in Section "D" of this chapter.

ANSI — The American National Standards Institute.

ANTENNA — A system of electrical conductors for radiating or receiving radio waves.

ANTENNA, WIRELESS TELECOMMUNICATIONS — Any device, including the supporting structure and all related appurtenances, used for the transmission and reception of radio waves as part of wireless two-way communications.

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(Cont.)

BASE STATION

1. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base station" includes, without limitation:
 1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
 3. Any structure other than a tower that, at the time the relevant application is filed with the Town under this section, supports or houses equipment defined as a "wireless telecommunications facility" that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
2. The term does not include any structure that, at the time the relevant application is filed with the Town under this article, does not support or house equipment defined as a "wireless telecommunications facility."

COLLOCATION — The mounting or installation of a subsequent wireless telecommunications antenna and related transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

ELIGIBLE FACILITY REQUEST OR ELIGIBLE FACILITIES REQUEST — Any request for a wireless communications facility that does not involve substantial change to the physical conditions of a tower, base station or building involving:

1. Collocation of new transmission equipment in a high priority area as defined in § IX; or
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE — Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the Building Department under this article.

EXISTING FACILITY — A constructed tower or base station is existing for purposes of this article if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this article.

FCC — The Federal Communications Commission.

FREQUENCY — The number of sinusoidal cycles made by electromagnetic radiation in one second; usually expressed in units of hertz (Hz).

NIER (NONIONIZING ELECTROMAGNETIC RADIATION) — Electromagnetic radiation of such frequency that the energy of the radiation does not dissociate electrons from their constituent atoms when an atom absorbs the electromagnetic radiation.

RF — Radio frequency.

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SUBSTANTIAL CHANGE — A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. The mounting of the proposed antenna on existing towers, other than towers in the public rights-of-way, would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to avoid interference with existing antennas;
2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;
3. The mounting of the proposed antenna would involve adding an appurtenance to the body of existing towers, other than towers in the public rights-of-way, that would protrude from the edge of the towers more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable;
4. The mounting of the proposed antenna would involve excavation outside the current existing structure site, defined as the current boundaries of the leased or owned property surrounding the existing structure and any access or utility easements currently related to the site;
5. The modification defeats concealment and/or stealth elements of the support structure; or
6. The modification does not comply with prior conditions of the approval for the existing structure site; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

STEALTH TECHNOLOGY- a cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

TOWER — Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

TRANSMISSION EQUIPMENT — Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

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WIRELESS TELECOMMUNICATION FACILITIES — Any facility for the receiving or transmitting of wireless signals for commercial purposes, such as cellular telephone services, personal communication services (PCS), specialized mobile radio (SMR), enhanced mobile radio (ESMR), paging, satellite digital audio radio service (SDARS), fleet communication systems and similar commercial facilities, whether operated in support of another business activity or available for the transmission of signals on a sale or rental basis. As used herein the term shall include any necessary support structure, connection cables and equipment buildings as well as towers or monopoles.

C. SPECIAL EXCEPTION USE PERMIT; POLICIES AND GOALS.

In order to assure that the placement, construction and modification of wireless telecommunications facilities conforms to the Town of Carmel's purpose and intent of this article, such facilities shall require the approval of a special permit. Consideration of a wireless telecommunications facility special permit shall address the following goals:

1. Establish an application procedure for person(s) seeking a special permit for a wireless telecommunications facility.
2. Establish a policy for examining an application for and issuing a special permit for a wireless telecommunications facility that is both fair and consistent.
3. Establish reasonable time frames for granting or not granting a special exception use permit for a wireless telecommunications facility.
4. Promote and encouraging, wherever possible, the sharing and/or collocation of a wireless telecommunications facility among service providers.
5. Promote and encouraging, wherever possible, the placement of a wireless telecommunications facility in such a manner as to cause minimal disruption to the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such facility.
6. Minimize any adverse aesthetic impacts to the community through the proper siting, location, screening, buffering or through the application of effective and innovative design measures and stealth technology.

D. ELIGIBLE FACILITIES REQUEST; APPROVAL.

1. The Town has determined that the full special permit review procedure is unnecessary for certain wireless communications facilities that do not involve a substantial change to the physical characteristics of an existing tower, base station or building involving:
 - (1) Collocation of new transmission equipment in a high priority area as defined in § IX; or
 - (2) Removal of transmission equipment; or
 - (3) Replacement of transmission equipment.
2. Type of review. Upon receipt of an application for an Eligible Facilities Request, the Director of Code Enforcement or designee shall review such application to determine whether the application so qualifies as an Eligible Facility Request as defined in this chapter. If determined to be an Eligible Facility Request, such application shall undergo an administrative review, as defined herein. If it is determined that there will be a substantial change to an existing facility, this section shall not apply.
3. Application. An application form provided by the Building Department shall be provided which shall establish the information necessary for the Town to consider whether an application is an Eligible Facilities Request. Each application shall include the following:

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- (1) An application form provided by the Building Department.
 - (2) A radio frequency safety report demonstrating compliance with FCC safety standards.
 - (3) Certification that the installation will comply with visual standards set forth in § XIV.
 - (4) The payment of a fee for an eligible facilities request, as stated in the Town of Carmel Schedule of User Fees.
4. Timeframe for review. Within 60 days after an Eligible Facilities Request has been received, the Director of Code Enforcement or his designee shall approve the application unless it has been determined that the application creates a substantial change or otherwise does not meet the criteria of an Eligible Facilities Request. Once an Eligible Facilities Request application has been approved, the Director of Code Enforcement shall issue a building permit.
5. Tolling of time frame for review.
 - (a) The sixty-day review period begins to run when the application is filed, and may be tolled by mutual agreement by the Director of Code Enforcement and the applicant.
 - (b) The time frame for review may also be tolled when the Director of Code Enforcement or his designee determines that the application is incomplete. When an application has been determined to be incomplete, the following process shall be used to toll the time frame for review:
 - (a) The Director of Code Enforcement or designee shall provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application or such other reasons why the application has been determined to be incomplete.
 - (b) Within 10 days of a supplemental submission, the Director of Code Enforcement or designee will notify the applicant if his or her application has been deemed complete. If application is still found to be incomplete after a supplemental submission, the applicant must provide additional supplemental submissions until the application has been deemed complete.
 - (c) The time frame for review will not begin to run again until the application has been deemed complete.
6. Failure to act. In the event the Director of Code Enforcement or designee fails to approve or deny a request seeking approval under this section within the time frame for review, accounting for any tolling, the application shall be approved. However, such approval does not become effective until the applicant notifies the Director of Code Enforcement in writing after the review period has expired, accounting for any tolling, that the application has been approved.

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7. Interaction with §n (c)(7). If it is determined that the applicant's request is not covered by § 6409(a)¹ as delineated under this section, the presumptively reasonable time frame under § (c)(7),² as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the decision that the application is not a covered request. To the extent such information is necessary, the Town may request additional information from the applicant to evaluate the application under § 332(c)(7), pursuant to the limitations applicable to other § (c)(7) reviews.

1. Editor's Note: See 47 U.S.C. § 1455(a).
2. Editor's Note: See 47 U.S.C. § 332(c)(7).

E. PROCEDURE FOR SPECIAL PERMIT APPLICATION; FEE.

1. All applicants for a special permit for a wireless telecommunications facility or any modification of such facility and renewal thereof shall comply with the requirements set forth in this section.
2. The applicant shall be required to provide sufficient funds to an escrow account to allow the Planning Board to retain such technical experts as may be necessary to review the proposal, provided that no funds shall be deposited until a scope of work is agreed upon among the applicant, the expert and the Planning Board. In any event, the initial deposit shall be a minimum of \$3,500. A larger deposit may be required if, in the judgment of the Planning Board, the complexity and scope of the proposal requires additional expert review. The applicant shall maintain the escrow account at the amount of the initial deposit and replenish same in a timely manner. Payment in full thereto shall be a condition precedent to any approval by the Planning Board. Any unused funds will be returned to the applicant upon completion of the review. The withdrawal of an application shall not relieve the applicant of the payment obligations of this section.
3. The Planning Board is hereby authorized to issue a special permit under the provisions of this article subject to all of the special requirements and conditions herein and any requirements which may be made a part hereof. Every special permit shall also conform to all special findings that are specified herein.
4. Application to the Planning Board for a special permit under this article shall be accompanied by a fee in accordance with the current Town fee schedule.
5. Prior to or concurrent with the filing of a formal application to the Planning Board to obtain a special permit under this article, the applicant shall submit information needed to meet the requirements of the New York State Environmental Quality Review Act (SEQR). The Planning Board may hold a joint public hearing under the provisions of SEQR and this article whenever practicable. In the event that a final SEQR determination has not been made, no application for a special permit under this article shall be granted. The time periods in which the Planning Board may take action may be extended with the consent of the applicant.
6. The owner of the subject property shall be joined as a co-applicant.
7. In addition to any other applicable notice requirements established elsewhere in the Town Code, the applicant shall cause notice of the public hearing by notifying all property owners by certified mail, return receipt requested, within 1000 feet of the boundary line of the subject property.
8. The applicant is required to provide a physical mockup of the proposed project.

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F. INFORMATION REQUIRED FOR WIRELESS TELECOMMUNICATIONS ANTENNAS.

A. For all proposed wireless telecommunications antennas the following information shall be provided:

1. Name and address of the property owner and the applicant.
2. Address, lot and block and/or parcel number of the property.
3. Zoning district in which the property is situated.
4. Name and address of the person preparing the plan.
5. Size of the property and the location of all lot lines.
6. Approximate location of nearest residential structure.
7. Approximate location of nearest occupied structure.
8. Location of all structures on the property which is the subject of the application.
9. Location, size and height of all proposed and existing antennas and all appurtenant structures on the property.
10. Type, size and location of all proposed landscaping.
11. A report by a New York State licensed professional engineer documenting compliance with applicable structural standards and describing the general structural capacity of any proposed installation.
12. The number and type of antennas proposed.
13. A description of the proposed antennas and all related fixtures, structures, appurtenances and apparatus, including height above grade, materials, color and lighting.
14. A description of the antenna's function and purpose.
15. The make, model and manufacturer of the antenna.
16. The frequency, modulation and class of service.
17. Transmission and maximum effective radiated power.
18. Direction of maximum lobes and associated radiation and compliance with FCC regulations.
19. Consent to allow additional antennas (for purposes of collocating) on any new antenna towers, if feasible.
20. If a collocation, the cumulative impacts, visual and otherwise, of the proposed antenna.

B. The items in Subsection A(12) through (18) shall be included in a report prepared by a radio frequency engineer, health physicist or other qualified professional.

G. FACILITY SERVICE PLAN.

All proposals to provide or operate wireless telecommunications facilities shall be accompanied by a facility service plan, which shall include all the information necessary to allow the Planning Board to understand the existing, proposed and long-range plans of the applicant. The facility service plan shall include at least the following information:

1. The location, height and operational characteristics of all existing facilities of the applicant in and immediately adjacent to the Town.
2. A two-to-five-year plan for the provision of additional facilities in and immediately adjacent to the Town, indicating whether each proposed facility is for initial coverage or capacity-building purposes and showing proposed general locations or areas in which additional facilities are expected to be needed. Subsequent applications will confirm or modify the facility service plan so that the Planning Board may be kept up-to-date on future activities.
3. A commitment to collocate or allow collocation wherever possible on all existing and proposed facilities.

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H. REQUIREMENTS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS ANTENNAS

For all proposed wireless telecommunications antennas the following requirements are applicable:

1. For proposed sites within 100 feet of other sources of RF energy, emanating from other wireless telecommunications facilities, the applicant shall provide an estimate of the maximum total exposure from all nearby stationary sources and a comparison with relevant standards. This assessment shall include individual and ambient levels of exposure. It shall not include such residentially based facilities such as cordless telephones.
2. All obsolete or unused wireless telecommunications antennas (including tower supports) shall be removed within 60 days of cessation of operations at the site. The Town may remove such facilities upon reasonable notice and an opportunity to be heard and treat the cost as a tax lien on the property. The Planning Board may also require at the time of approval, the posting of a bond sufficient to cover the costs of removing an abandoned wireless telecommunications facility.
3. All antennas shall be identified with signs not to exceed six square feet, listing the owner's or operator's name and emergency telephone number, and shall be posted in a conspicuous place.
4. New antennas may not be sited within 500 feet of any existing antenna. This restriction does not apply to the siting of new antennas at an existing site.
5. No source of NIER, including facilities operational before the effective date of this article, shall exceed the federal or state NIER emission standard.
6. New antennas and supporting towers shall be designed to accommodate additional antennas for purposes of collocating.

I LOCATION OF WIRELESS TELECOMMUNICATIONS FACILITIES.

1. Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities, including towers and other tall structures, in accordance with the following priorities, one being the highest priority and six being the lowest priority:
 1. On existing tall structures or wireless telecommunications towers in nonresidential zoning districts.
 2. Collocation on a site with existing wireless telecommunications towers or structures in nonresidential districts, not fronting on NYS Routes 6, 6N, 52 and 301.
 3. Collocation on a site with existing wireless telecommunications towers or structures in any other nonresidential districts.
 4. Installation of a new wireless telecommunications facility in any nonresidential district.
 5. Installation of a new wireless telecommunications facility in any residential district.
 6. On other property in the Town.

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2. If the proposed site for a wireless telecommunications facility is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
3. An applicant may not bypass a site of higher priority by stating that the site presented is the only site selected or secured. An applicant shall address collocation as an option, and, if such option is not proposed, the applicant shall explain why collocation is impracticable. Agreements between providers limiting or prohibiting collocation shall not be considered a valid basis for a claim of impracticability. Notwithstanding the above, the Planning Board may approve any site located within an area in the above list of priorities, provided that the Planning Board finds that the proposed site is in the best interests of the health, safety and welfare of the Town of Carmel and its inhabitants.
4. The applicant shall submit a report demonstrating the applicant's review of the above priorities demonstrating the technical reasons for the site selection and, if the site selected is not the highest priority, a detailed explanation of why sites of higher priority were not selected.
5. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Planning Board may disapprove an application for any of the following reasons:
 - (a) Conflict with safety and safety-related codes and regulations.
 - (b) Conflict with traffic needs or traffic laws, or definitive plans for changes in traffic flow or traffic laws.
 - (c) Conflict with the historic nature of a neighborhood.
 - (d) The use of a wireless telecommunications facility which is contrary to an already stated purpose of a specific zoning or land use designation.
 - (e) The placement and location of a wireless telecommunications facility which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the Town or employees of the service provider or other service providers.
 - (f) Conflicts with the provisions of this article.

J. ANTENNA LOCATIONS WHERE PUBLIC EXPOSURE IS LIKELY.

For roof-mounted, collocated or other situations in which public exposure is likely, the application shall include:

1. An assessment of potential public exposure to radio frequency (RF) energy from the proposed facility indicating the facility's compliance with applicable federal or state standards. The applicant shall identify the maximum exposure level, the locations at which this occurs and the estimated RF levels at specific locations of community interest, such as schools, residences or commercial buildings. Assumptions used in the calculations shall be stated, including building heights and topography.

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2. A multiple-source exposure impact assessment shall be prepared if the wireless telecommunications facility is to be situated on the same site as existing facilities, such as a tower or roof.
3. Evidence that the maximum exposure to the general public will not exceed federal or state standards.
4. An identification of rooftop areas to which the public may have access. The exposure in these areas shall be in compliance with the standards established by any federal or state agencies.
5. An identification of how much of the roof, if any, should be designated a "controlled environment" due to RF field levels in accordance with the applicable federal or state standard.
6. Notification of the building management if any portion of the roof needs to be identified as a "controlled environment" due to RF levels in excess of the guidelines in the applicable federal or state standards.

K. ROOF-MOUNTED ANTENNAS.

Requirements applicable to roof-mounted antennas are as follows:

1. Antennas shall not be placed more than 15 feet higher than the height limitation for buildings and structures within the zoning district in which the antenna is proposed to be erected.
2. Antennas may be set back from the outer edge of the roof a distance equal to or greater than 10% of the rooftop length and width, or such antennas may be attached directly to the roof parapet wall, whichever, in the Planning Board's opinion, will have the minimal visual impact while achieving signal coverage requirements.
3. If the Planning Board requests, antennas shall be the same color of the exterior of the top floor or parapet of the building except to the extent required by law.

L. NEW WIRELESS TELECOMMUNICATIONS TOWERS.

1. The applicant shall demonstrate to the satisfaction of the Planning Board that there exists no tower on which the antenna may collocate or that collocation is not feasible for any of the following reasons:
 - (a) The applicant has been unable to come to a reasonable agreement to collocate on another tower. The names, addresses, phone and fax numbers of other service providers approached shall be provided, accompanied by a written statement as to the reason an agreement could not be reached.
 - (b) The antenna will not unreasonably interfere with the view of or from any park, designated scenic area, historic district, site or structure.
 - (c) The radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
 - (d) The applicant's network of antenna locations is not adequate to properly serve its customers, and the use of facilities of other entities is not suitable for physical reasons.

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- (e) Adequate and reliable service cannot be provided from existing sites in a financially and technologically feasible manner consistent with the service providers' system requirements.
- (f) Existing sites cannot accommodate the proposed antenna due to structural or other engineering limitations (e.g., frequency incompatibilities).
- (g) For proposed monopole or tower facilities, there is a report by a New York State licensed professional engineer specializing in structural engineering certifying that the proposed design is structurally sound.

2. Any application for the approval of a special permit for a wireless telecommunications facility shall include a report by a qualified radio frequency engineer, health physicist or other qualified professional, as determined by the Planning Board, which calculates the maximum amount of nonionizing electromagnetic radiation (NIER) which will be emitted from the proposed wireless telecommunications facility upon its installation and demonstrates that the facility will comply with the applicable federal or state standards.

M. NIER MEASUREMENTS AND CALCULATIONS.

All applicants for wireless telecommunications facilities in any district shall submit calculations of the estimated NIER output of the antenna(s). For antennas mounted on an existing structure not requiring a special permit, the calculations shall be provided to the Director of Code Enforcement prior to the issuance of a permit. For antenna applications requiring a special permit, the calculations shall be provided to the Planning Board at the time of making the application for special permit. NIER levels shall be measured and calculated as follows:

1. Measuring equipment used shall be generally recognized by the Environmental Protection Agency (EPA), National Council on Radiation Protection and Measurement (NCRPM), American National Standards Institute (ANSI), or National Bureau of Standards (NBS) as suitable for measuring NIER at frequencies and power levels of the proposed and existing sources of NIER.
2. Measuring equipment shall be calibrated as recommended by the manufacturer in accordance with methods used by the NBS and ANSI, whichever has the most current standard.
3. The effect of contributing individual sources of NIER within the frequency range of a broadband measuring instrument may be specified by separate measurement of these sources using a narrow band measuring instrument.
4. NIER measurements shall be taken based on maximum equipment output. NIER measurements shall be taken or calculated when and where NIER levels are expected to be highest due to operating and environmental conditions.
5. NIER measurements shall be taken or calculated along the property lines at an elevation six feet above grade at such locations where NIER levels are expected to be highest and at the closest occupied structure.
6. NIER measurements shall be taken or calculated following spatial averaging procedures generally recognized and used by experts in the field of RF measurement or other procedures recognized by the FCC, EPA, NCRPM, ANSI or NBS.
7. NIER calculations shall be consistent with the FCC, Office of Science and Technology (OST) Bulletin 65 or other engineering practices recognized by the EPA, NCRPM, ANSI, MBS or similarly qualified organization.

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8. Measurements and calculations shall be certified by a New York State licensed professional engineer, health physicist or a radio frequency engineer. The measurements and calculations shall be accompanied by an explanation of the protocol, methods and assumptions used.

N. NIER MONITORING AND ENFORCEMENT.

1. The owner and/or operator of the antenna shall perform a NIER level reading as set forth above and shall submit the results of the test to the Town of Carmel Director of Code Enforcement Department within 90 days of initially operating the antenna system, and annually thereafter. The owner or operator shall provide a report from a qualified professional who shall certify, under penalties of perjury, that the installation does not expose the general public to NIER standards in excess of those of any federal or state agency regulating RIF-energy.
2. The Town may measure NIER levels as necessary to ensure that the federal or state standards are not exceeded. Any approval of a wireless telecommunications facility shall be conditioned upon an offer of perpetual consent to allow the Town access to the premises to conduct the required NIER monitoring, should the operator of the wireless communications facility fail to do so.
3. If the standards of any federal or state agency are exceeded at the location of a proposed transmitting antenna, the proposed facility shall not be permitted.

O. BULK REGULATIONS AND HEIGHT.

1. In all zoning districts, all wireless telecommunications facilities shall comply with yard requirements of the Zoning Ordinance for principal buildings. No wireless telecommunications facilities may be located between the principal structure and the street.
2. In residential districts, wireless telecommunications facilities shall not exceed 50 feet in height unless the requirements of Subsection 3 below are met. In nonresidential districts, wireless telecommunications facilities shall not exceed 100 feet in height unless the requirements of Subsection C below are met.
3. In the event that applicants propose a height greater than that listed above, the applicant must demonstrate to the satisfaction of the Planning Board that:
 - a. Alternative means of mounting the antenna have been considered and are not feasible for the applicant.
 - b. The height is the minimum height necessary for adequate operation to meet the applicants' communications needs and the aesthetic intrusion has been minimized to the greatest extent practicable.
 - c. The height does not exceed 50% of the maximum height listed in Subsection 2. above.
 - d. The site or building on which the facility is proposed to be installed does not become nonconforming or increase in nonconformity by reason of the installation of wireless telecommunications facilities. This includes, but is not limited to, yard, buffer, height, floor area ratio for equipment buildings, parking, open space and other requirements. The height requirements of this chapter shall apply to buildings and equipment shelters.

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4. Notwithstanding anything stated herein, the Planning Board shall be permitted to increase the height of any tower beyond any limitations set forth herein in order to accommodate additional users. In reviewing a request for greater height, the Planning Board shall balance the effect of a greater height against the provision of one or more additional towers, collocating or other alternatives.
5. In residential districts, wireless telecommunications towers and monopoles shall be separated from residential buildings on adjacent or abutting properties for a distance by not less than two times the height of the tower or monopole. This provision shall apply to the proposed use for wireless telecommunications facilities of towers or monopoles existing at the time of adoption of this article.

P. VISUAL IMPACT.

1. For all new wireless telecommunication facilities, the applicant shall provide to the Planning Board a short Environmental Assessment Form (EAF), Part I and Visual EAF Addendum, Appendix A and B, including graphic information that accurately portrays the visual impact of the proposed facility from various vantage points selected by the Planning Board or the Planning Board's consultants, such as, but not limited to, residential areas, major commercial corridors, parks, historic buildings or scenic areas, including nighttime visual impacts. This graphic information may be provided in the form of photographs or computer-generated images with the tower superimposed, as may be required by the Planning Board or its consultants.
2. The applicant shall provide a temporary physical mockup of the proposed project. The mockup shall be mounted in the same location(s) at the project site as the proposed project and shall be the same dimensions, color and set at the same height and width as proposed project. The mockup shall be installed two (2) weeks prior to the initial appearance before the Planning Board, and shall remain in place until the Planning Board renders its decision on the application. The applicant shall obtain authorization for the installation of this temporary mockup from the Building Department, to ensure the mockup is installed safely, and does not represent a hazard to public safety. The mockup shall be removed no later than two days after the close of the public hearing where the proposed project is considered.
3. For all buildings or equipment shelters to be located in a residential zoning district, the equipment shelter shall be treated in an architectural manner compatible with the residences in the vicinity.
4. Careful consideration of design details including color, texture, and materials shall be made to ensure the stealth design of the wireless telecommunication facility.
5. All building-mounted wireless telecommunication facilities shall be, at a minimum, designed as stealth facilities. Design techniques shall be employed to minimize visual impacts and provide appropriate camouflage.
6. All building-Mounted wireless telecommunication facility components, including all antenna panels, shall be painted or be designed to match the predominant color and/or design of the structure so as to be visually inconspicuous.
7. A minimum of three (3) live trees with a minimum height of 20-feet shall be planted in close proximity to a wireless telecommunications facility designed as a faux tree. The Planning Board may require additional live mature plantings to assist in mitigating visual impacts of wireless telecommunication facilities designed as faux trees.

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8. Where a wireless telecommunications facility is proposed to be located on a building rooftop, the associated equipment shall be enclosed within an architecturally integrated penthouse or otherwise be completely screened to the satisfaction of the Planning Board. Required screening shall be decorative, of a design, color, and texture that is architecturally integrated with the building it is on.
9. Associated equipment shall be enclosed by a fence, landscaped screening decorative wall, or other screening and buffering measures found to be acceptable by the Planning Board.

Q. COLOR AND LIGHTING STANDARDS.

Except as specifically required by the Federal Aviation Administration (FAA) or the FCC, antennas, including the supporting structure and all related appurtenances, shall:

1. Be colored to reduce the visual impact to the greatest degree possible.
2. Not be illuminated, except that buildings may use lighting required by the New York State Fire Prevention and Building Code or when required for security reasons. When lighting is used, it shall be compatible with the surrounding neighborhood to the greatest degree practicable.

R. FENCING AND NIER WARNING SIGNS.

1. The area surrounding the facility shall:
 - a. Be fenced or otherwise secured in a manner which prevents unauthorized access by the general public to areas where the standards of any federal or state agency are exceeded.
 - b. Contain appropriate signage to warn of areas of the site where:
 1. NIER standards are exceeded.
 2. High risks for shocks or burns exist.
2. For wall-mounted antennas, the signage shall be placed no more than five feet off the ground.
3. No other signage, including advertising, shall be permitted at the facility, antenna or tower or supporting structure, unless required by law.

S. NIER EXPOSURE STANDARDS.

No antenna or combination of antennas shall expose the general public to NIER levels exceeding the standard of any federal or state agencies having jurisdiction. In addition, no antenna facility shall emit radiation such that the general public will be exposed to shock and burn in excess of the standards contained in ANSI C-95.1.

T. REGISTRATION OF ANTENNA OPERATORS.

The Building Department shall keep a list of the names, addresses, type and maximum emissions of all antenna operators in the Town. This list shall be maintained from applications to the Planning Board and Building Department and from FCC or similar inventories of facilities in the Town. If the name or address of the owner or operator of the antenna facility is changed, the Building Department shall be notified of the change within 30 days.

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U. EXPIRATION OF SPECIAL PERMIT.

1. The special permit shall be issued to the use that was the subject of the application and shall expire upon the termination of such use.
2. The Director of Code Enforcement shall require issuance of a revised or new special permit prior to the issuance of a building permit where the proposal requires a special permit use under this article.
3. After issuance of a building permit, the applicant shall provide a report to the Director of Code Enforcement prepared by a New York State licensed professional engineer certifying that any monopole or tower has been constructed in accordance with the plans approved by the Director of Code Enforcement.
4. All special permits issued for any wireless telecommunications facility shall be renewed every two years from the effective date of the approval of the facility. An application for renewal shall be made to the Planning Board. The Planning Board shall review any and all changes in circumstances influencing the wireless telecommunications facility, or the actual facility itself, including its operation and use. If circumstances have materially changed, then the Planning Board shall reconsider the special permit approval. Failure to renew the special exception permit use, or the denial of the renewal by the Planning Board, shall result in the removal of the wireless telecommunications facility in accordance with this article.

V. EXISTING INSTALLATIONS.

Any wireless telecommunications facility legally existing at the time that this article takes effect shall be permitted to continue, provided that the operator submits proof within six months of the enactment of this article that a valid building permit has been issued for the facility and that the facility complies with the standards adopted by the Federal Communications Commission and all requirements of this article, as certified by a professional engineer with qualifications acceptable to the Town of Carmel.

W. SEVERABILITY.

Should any section, paragraph, sentence, clause, word or provision of this article be declared void, invalid or unenforceable, for any reason, such decision shall not affect the remaining provisions of this article.

SECTION 4 – 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.

**POLICE DEPARTMENT - PROPOSAL ACCEPTED AND ENTRY INTO AGREEMENT
FOR GENERAL MUNICIPAL LAW §207-C CONSULTING SERVICES AUTHORIZED
- 207-C INC.**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Chief of Police Michael Cazzari, hereby authorizes the acceptance of the proposal from 207-c Inc., New Paltz, NY and the entry into an agreement for General Municipal Law §207-c Consulting Services with 207-c Inc., a copy of which is attached hereto and made a part hereof, for a term of one (1) year effective September 1, 2017; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is authorized to sign all necessary documents required to effect the purchase on the terms authorized herein; and

(Cont.)

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make any necessary budget modifications required to fund the purchase authorized hereunder.

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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

AGREEMENT FOR CONSULTING SERVICES

This Agreement for “Consulting Services,” is made this _____ day of August 2017 by and between the Town of Carmel with offices at 60 McAlpin Avenue, Mahopac, NY 10541 (“Town”), and 207-c Inc., with offices at 35 Dug Road, New Paltz, NY 12561 (“Consultant”), wherein, the parties agree, as follows:

1. PURPOSE

The Town hereby retains the Consultant to perform General Municipal Law §207-c management services, as provided, and to consult with the Town regarding matters, such as to provide advice and assistance in the coordination of resources concerning the Town’s duties relating to the Town of Carmel Police Department disability benefits, including medical and indemnity claims.

2. TERMS OF AGREEMENT

This agreement shall commence on September 1, 2017 and continue thereafter for a period of one year, to expire on August 31, 2018. The Town shall have the option to renew this Agreement for three (3) additional one year terms, providing that the Town gives thirty (30) days written notice to the Consultant for each and every additional one (1) year renewal. Any such renewal shall also be accepted by the Consultant within said thirty (30) day notice period.

In the event the Consultant refuses or fails to provide services hereunder or has breached, or is in default of any of the terms herein, the Town shall notify the Consultant in writing of said breach or default and the Consultant shall have thirty (30) days to cure said breach or default. If the Consultant fails to cure said breach or default, the Town shall have the right to terminate this agreement.

If the Consultant fails or refuses to comply with any written policy or reasonable directives of the Town, or materially breaches provisions of the Agreement, then the Town may terminate the engagement of the Consultant by written notice.

(Cont.)

3. CONSULTANT'S RESPONSIBILITIES

The Consultant warrants and represents that it will: a) comply with all applicable federal and state laws; b) will use best efforts in providing services herein; c) perform services described herein expeditiously as is reasonable; d) provide both verbal and written reports as requested by Town and Police Chief.

The Consultant is licensed by the State of New York as an Independent Adjuster for Workers' Compensation Medical claims, and as a Private Investigation firm.

The Consultant's services will be expressly limited to disability claims under GML §207-c, and, although information and documentation may be requested from or provided to the Town's Workers' Compensation Administrator, the Consultant is not retained to provide any services relating to the New York State Workers' Compensation Board.

4. LOCATION WHERE SERVICES ARE TO BE RENDERED

The Consultant will perform most of its consultant services at a location of its own choosing. However, the Consultant agrees to travel to the Town's designated location for any meeting or any other business related to this Agreement as may be requested by the Town. Further, the Town agrees, from time to time, to make a suitable room or space available for interviews, meeting or consultations with claimants, associated providers or others, as is reasonably required.

5. INVOICES DUE ON A MONTHLY BASIS

The Consultant shall submit a detailed invoice for services rendered on a monthly basis and payment to the Consultant shall be made within thirty (30) days from receipt by the Town of such invoice from the Consultant.

6. COMPENSATION

The Consultant shall be entitled to an hourly rate of pay of Eighty (\$80.00) Dollars per hour, with any portion of an hour based on a proportionate scale.

The Town shall reimburse the Consultant for out-of-pocket expenses as may be incurred in the reasonable course of business.

7. TRAVEL AND CONSULTANT'S EXPENSES

The Consultant shall be paid for travel time, including travel from Consultant's office to any and all locations in the course of business, at the regular rate of compensation. The Consultant will not bill for mileage, parking, or any other travel related expense, as such are included in the hourly billing rate.

8. OTHER PERSONNEL

The Consultant represents that all professional consultation services shall be completed by consultant or by a sub-contractor of the Consultant, for which the billing rate shall remain unchanged. In the event that Consultant requires additional professional services for which the Consultant is not licensed or not sufficiently proficient to provide, such as medical

(Cont.)

provider services or medical opinion, legal practitioner, stenographer or other, then the Consultant will receive prior written approval from the Town, and the Town shall be responsible for direct payment to such provider.

9. CONFIDENTIALITY

All matters, including medical records, benefits, claims, performance records or projections, reviews and memoranda shall be considered “confidential” and sealed under New York State Civil Rights Law §50-a 1, or any other applicable law preventing disclosure. The Consultant shall not make any findings, records, memorandum or opinion public unless so directed by the Town.

The Consultant is directed and encouraged to communicate and share necessary information with Town officials (including police officials, town attorney or attorney assigned for the prosecution of 207-c matters on behalf of Town), Town’s workers’ compensation vendor (TPA or other claims provider), outside vendors, attorneys, medical providers or any other person or entity with whom the appropriate transmittal of claims information would be expected in the normal course of Consultant’s management of such claims.

If Consultant is required to appear at any legal proceeding or produce papers (duces tecum), then the Consultant shall a) immediately notify the Town; b) be compensated at the regular

rate of pay for such appearance and/or preparation associated with providing documents; and c) this provision shall survive the termination of this agreement.

10. INDEPENDENT CONTRACTOR STATUS

The Consultant, and any sub-contractors hired by the Consultant, acknowledge an independent contractor relationship between the Consultant and the Town. The Consultant further acknowledges that neither it nor any sub-contractor thereof is an employee or official of the Town, and that neither the Consultant nor any sub-contractor of Consultant is covered by workers’ compensation provisions nor any retirement benefits by the Town.

11. NOTICES

All notices required to be given or which may become necessary under this Agreement shall be deemed sufficiently given if delivered to a post office maintained by the United States Government and mailed to the other party at the address hereinabove set forth.

12. ENTIRE AGREEMENT

The within Agreement encompasses the full understanding of the parties and may only be amended in writing and signed by both parties.

207-c Inc.

Town of Carmel

By: _____

By: _____
Supervisor

Date: _____

Date: _____

4 OCTOBER 2017
TOWN BOARD MEETING

**REQUEST FOR PROPOSALS PURSUANT TO PROPERTY MAINTENANCE LAW -
AUTHORIZED - OFFERED AS PARAPHRASED AND PRE-FILED**

RESOLVED that the Town Board of the Town of Carmel, in accordance with Chapter 114 of the Town of Carmel Town Code entitled “Property Maintenance” hereby authorizes Town of Carmel Director of Codes Enforcement Michael Carnazza to solicit/request proposals for the cleanup and correction of the conditions and/or Town Code violations existing at the following properties:

- 66 Orchard Road, Mahopac – Town of Carmel Tax Map # 74.34-1-39
- 39 Colonial Drive Mahopac – Town of Carmel Tax Map # 75.11-2-48
- 40 Northview Drive Mahopac – Town of Carmel Tax Map # 76.17-2-52
- 11 Meadow Drive Carmel – Town of Carmel Tax Map # 55.19-1-19.1.

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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

**IMPROVEMENTS AT RED MILLS HISTORIC PARK AUTHORIZED - PROPOSED
EAGLE SCOUT PROJECT OF SEAMUS ACTON**

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Eagle Scout project of Seamus Acton of Boy Scouts of America hereby authorizes the performance of improvements at Red Mills Historic Park in accordance with the memorandum and plans provided by Director of Recreation and Parks James R. Gilchrist as detailed in his memorandum to the Town Board dated September 18, 2017; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced.

Resolution
Offered by: Councilwoman McDonough
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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt expressed appreciation to Seamus Acton for selecting the Red Mills Historic Park location for his proposed Eagle Scout project.

**MAHOPAC CHAMBER PARK - PROPOSAL ACCEPTED AND ENTRY INTO
AGREEMENT FOR INSTALLATION AND MAINTENANCE OF VIDEO
SURVEILLANCE SYSTEM AUTHORIZED - COMMERCIAL INSTRUMENTS &
ALARM SYSTEMS, INC.**

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist, hereby authorizes the acceptance of the proposal from Commercial

4 OCTOBER 2017
TOWN BOARD MEETING

(Cont.)

Instruments & Alarm Systems, Inc., Fishkill, NY and the entry into an agreement for the installation of video surveillance system at Mahopac Chamber Park in accordance with the proposals dated June 30, 2017; and

BE IT FURTHER RESOLVED that the authorized costs for each system shall be \$11,306.00 for the installation of the surveillance systems at Mahopac Chamber Park and

BE IT FURTHER RESOLVED that the cost of maintenance Option #1 under said proposals as an annual expense is hereby authorized as well; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is authorized to sign all necessary documents required to effect the purchase on the terms authorized herein; and

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make any necessary budget modifications required to fund the purchase authorized hereunder.

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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

Councilman Schneider confirmed that the annual cost of maintenance Option #1 is 10% of the total installation price.

JIMMY MCDONOUGH PARK - PROPOSAL ACCEPTED AND ENTRY INTO AGREEMENT FOR INSTALLATION AND MAINTENANCE OF VIDEO SURVEILLANCE SYSTEM AUTHORIZED - COMMERCIAL INSTRUMENTS & ALARM SYSTEMS, INC.

RESOLVED that the Town Board of the Town of Carmel upon the recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist, hereby authorizes the acceptance of the proposal from Commercial Instruments & Alarm Systems, Inc., Fishkill, NY and the entry into an agreement for the installation of video surveillance systems at Jimmy McDonough Park in accordance with the proposal dated June 30, 2017; and

BE IT FURTHER RESOLVED that the authorized costs for said system shall be \$14,479.00; and

BE IT FURTHER RESOLVED that the cost of maintenance Option #1 under said proposal as an annual expense is hereby authorized as well; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is authorized to sign all necessary documents required to effect the purchase on the terms authorized herein; and

BE IT FURTHER RESOLVED, that Town Comptroller MaryAnn Maxwell is hereby authorized to make any necessary budget modifications required to fund the purchase authorized hereunder.

Resolution

Offered by: Councilman Lupinacci

Seconded by: Councilman Schneider and Councilwoman McDonough

(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> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

Councilman Lupinacci reiterated that the annual cost of maintenance Option #1 is 10% of the total installation price.

**CARMEL WATER DISTRICT #2 - PROPOSAL ACCEPTED FOR DISTRIBUTION
SYSTEM FACILITY PLAN ENGINEERING SERVICES - J. ROBERT FOLCHETTI
ASSOCIATES, LLC**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, hereby accepts the proposal of J. Robert Folchetti Associates, LLC of Brewster, NY for the performance and provision of a Distribution System Facility Plan for Carmel Water District #2 in accordance with the proposal of September 14, 2017, as amended September 26, 2017 and at a cost not to exceed \$43,000.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilwoman McDonough
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> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

**CARMEL WATER DISTRICT #9 - PROPOSAL ACCEPTED FOR DISTRIBUTION
SYSTEM UPGRADES ENGINEERING SERVICES - J. ROBERT FOLCHETTI
ASSOCIATES, LLC**

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #9, hereby accepts the proposal of J. Robert Folchetti Associates, LLC of Brewster, NY for the services required in connection with the construction and performance of Carmel Water District #9 distribution system upgrades, including survey design, permitting, bid assistance and construction administration services in accordance with the proposal of August 28, 2017 and at a cost not to exceed \$160,500.00; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

4 OCTOBER 2017
TOWN BOARD MEETING

(Cont.)

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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

CARMEL WATER DISTRICT #8 - EMERGENCY REPAIRS AUTHORIZED - LEGACY VALVE, LLC - \$21,000

RESOLVED THAT the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes payment for emergency repairs performed by Legacy Valve, LLC on or about September 20, 2017 at a cost of \$21,000 and in accordance with the invoice dated September 20, 2017; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider 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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

LAKE CASSE PARK DISTRICT - EXTENSION/RENEWAL OF CONTRACT FOR MAINTENANCE AUTHORIZED - TERRANCE KELLY

WHEREAS the Town Board of the Town of Carmel has previously authorized and awarded the contract for Lake Casse Maintenance to Mr. Terrance Kelly for years 2016 and 2017;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Casse Park District and upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes the extension of the aforesaid contract services with Terrance Kelly for fiscal year 2018 at a cost not to exceed \$13,000; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute any extension or amendment as well as any necessary documentation required connection therewith.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

4 OCTOBER 2017
TOWN BOARD MEETING

(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> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

Supervisor Schmitt pointed out that the costs associated with the aforementioned contract services will be borne solely by the residents in the Lake Casse Park District.

EXTENSION/RENEWAL OF CONTRACT FOR VIDEO RECORDING OF TOWN OF CARMEL BOARD MEETINGS AUTHORIZED - ALESCA VIDEO PRODUCTIONS

WHEREAS the Town Board of the Town of Carmel has previously authorized the awarded the contract for video recording of Town of Carmel Board meetings, including Town Board, Planning Board, Zoning Board of Appeals, Environmental Conservation Board meetings to Alesca Video Productions, Mahopac, NY for years 2016 and 2017;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes the extension of the aforesaid contract services with Alesca Video Productions for fiscal year 2018 at a cost not to exceed \$16,250.00; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute any extension or amendment as well as any necessary documentation required connection therewith.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough and 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> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

BUDGET MODIFICATIONS AUTHORIZED - #2017/05

WHEREAS Town Comptroller MaryAnn Maxwell has reviewed the 2017 year-to-date Budget Modifications/Revisions for the period of July 1, 2017 through August 31, 2017 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedule identified as #2017/05;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the 2017 year-to-date Budget Modifications/Revisions for the period of July 1, 2017 through August 31, 2017 as itemized on Schedule #2017/05 which is attached hereto, incorporated herein and made a part hereof.

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> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

4 OCTOBER 2017
TOWN BOARD MEETING

(Cont.)

TOWN OF CARMEL
BUDGET REVISIONS JULY-AUGUST 2017 - #2017/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.1620.0022	SPECIAL EQUIPMENT	39,500.00	
	100.1989.9871	RESERVE FOR EQUIPMENT PURCHASES	*	39,500.00
		- PROVIDE FOR THE PURCHASE OF (1) 2017 FORD EXPLORER XLT 4WD VEHICLE		
2	100.3120.0012	POLICE STAFF OVERTIME	38,552.00	
	100.1989.2680	INSURANCE RECOVERY - PAYROLL	*	38,552.00
		- PROVIDE FOR POLICE OVERTIME EXPENSE FROM WORKERS COMP REVENUE RECEIVED		
3	100.3120.0012	POLICE STAFF OVERTIME	1,357.00	
	100.1989.3391	POLICE STATE AID - ERT	*	1,357.00
		- PROVIDE FOR POLICE OVERTIME FROM ERT CALLOUT REVENUE RECEIVED		
4	100.5010.0019	HIGHWAY ADMIN STAFF - OTHER	16,293.10	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	16,293.10
		- PROVIDE FOR SICK TIME PAYOUT AS AUTHORIZED BY RESOLUTION		
5	100.7110.0040	PARK CONTRACTUAL EXPENSE	1,082.25	
	100.1989.2681	INSURANCE RECOVERY	*	1,082.25
		- PROVIDE FOR TREE REMOVAL FROM INSURANCE CLAIM		
6	100.7112.0041	MCDONOUGH SKATE PARK	2,820.00	
	100.1989.2770	OTHER REVENUE	*	2,820.00
		- PROVIDE FOR REPAIRS AT MCDONOUGH SKATE PARK FROM INSURANCE CLAIM		
7	100.1110.0040	JUSTICE COURT OFFICE EXPENSE	2,000.00	
	100.1110.0020	JUSTICE COURT EQUIPMENT		2,000.00
		- TRANSFER FOR JUSTICE COURT OFFICE EXPENSES		
8	100.1355.0013	ASSESSOR TEMPORARY STAFF	20,000.00	
	100.1355.0046	ASSESSOR CONTRACT SERVICES		20,000.00
		- TRANSFER FOR PART TIME ASSESSOR STAFF		
9	100.1420.0046	BOND LEGAL SERVICES	500.00	
	100.1420.0049	LEGAL MISC EXPENSE		500.00
		- TRANSFER FOR BOND LEGAL SERVICES		
10	100.1620.0021	BUILDING MOTOR VEHICLES	8,000.00	
	100.1620.0045	BUILDING GROUNDS SPECIAL IMPROVEMENT		8,000.00
		- TRANSFER FOR MISC VEHICLE REPAIRS		
11	100.1640.0011	CENTRAL GARAGE STAFF	131.00	
	100.3310.0011	SIGN CONTROL STAFF		131.00
	100.8090.0011	RECYCLING STAFF		131.00
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		393.00
		- TRANSFER FOR STAFF SALARY INCREASE MORTGAGE TAX REVENUE SALARY ADJUSTMENT		
12	100.1910.0041	INSURANCE CLAIMS EXPENSE	3,000.00	
	100.1910.0040	INSURANCE EXPENSE UNISTR		3,000.00
		- TRANSFER FOR INSURANCE CLAIMS EXPENSE		
13	100.3620.0011	CODE ENFORCEMENT STAFF	1,456.00	
	100.1010.0016	TOWN BOARD RESERVE COMPENSATION		1,456.00
		- TRANSFER FOR STAFF PROMOTION SALARY EXPENSE		
14	100.3620.0040	CODES CONTRACTUAL EXPENSES	2,000.00	
	100.3620.0045	CODES SYSTEM MAINTENANCE		2,000.00
		- TRANSFER FOR CODES CONTRACTUAL EXPENSES		
15	100.7020.0012	RECREATION ADMIN STAFF OVERTIME	4,000.00	
	100.7112.0020	MCDONOUGH FIELDS EQUIPMENT	50.00	
	100.7180.0013	BEACH TEMPORARY STAFF	3,900.00	
	100.7180.0020	BEACH EQUIPMENT	1,500.00	
	100.7180.0080	BEACH EMPLOYEE BENEFITS	100.00	
	100.7310.0013	YOUTH PROGRAM TEMPORARY STAFF	2,500.00	
	100.7610.0040	PROGRAM FOR THE AGING CONTRACTUAL EXPENSES	2,500.00	
	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSES		50.00
	100.7140.0013	PLAYGROUND TEMPORARY STAFF		12,900.00
	100.7140.0080	PLAYGROUND EMPLOYEE BENEFITS		100.00
	100.7180.0040	BEACH CONTRACTUAL EXPENSES		1,500.00
		- TRANSFER FOR MISC RECREATION EXPENSES		

Budget Revisions July-August 2017 cover sheet

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TOWN OF CARMEL
BUDGET REVISIONS JULY-AUGUST 2017 - #2017/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
HIGHWAY FUND				
16	500.5130.0011	MACHINERY REPAIR LABOR	542.00	
	500.5140.0011	WEEDS AND BRUSH LABOR	278.00	
	500.5142.0011	SNOW REMOVAL LABOR	400.00	
	500.5110.0013	GENERAL REPAIR TEMPORARY LABOR		1,220.00
		- TRANSFER FOR STAFF SALARY INCREASE MORTGAGE TAX REVENUE SALARY ADJUSTMENT		
CARMEL FIRE PROTECTION DISTRICT # 1				
17	301-9025-0090	LOSAP CONTRIBUTION	10,000.00	
	301-3410-0099	WORKERS COMP INS PREMIUM		3,000.00
	301-3410-9909	APPROPRIATED FUND BALANCE	*	7,000.00
		- PROVIDE AND TRANSFER FOR LOSAP CONTRIBUTION		

4 OCTOBER 2017
TOWN BOARD MEETING

(Cont.)

CARMEL FIRE PROTECTION DISTRICT # 2				
18	302.9025.0090	LOSAP CONTRIBUTION	10,000.00	
	302.3410.0099	WORKERS COMP INSURANCE PREMIUM	5,159.00	
	302.3410.0049	SERVICES - OTHER DEPTARMENTS		5,159.00
	302.3410.9909	APPROPRIATED FUND BALANCE	*	10,000.00
		- PROVIDE AND TRANSFER FOR LOSAP CONTRIBUTION AND WORKERS COMP INSURANCE		
LAKE CASSE PARK DISTRICT				
19	401.7140.0013	TEMPORARY LABOR	4,400.00	
	401.7140.0082	SOCIAL SECURITY	100.00	
	401.7140.0020	EQUIPMENT		4,500.00
		- TRANSFER FOR TEMPORARY LABOR		
LAKE MAHOPAC PARK DISTRICT				
20	402.7110.0040	CONTRACTUAL EXPENSES	1,300.00	
	402.7110.0049	SERVICES OTHER DEPARTMENTS/GOVERNMENTS		1,300.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		
LAKE SECOR PARK DISTRICT				
21	404.7140.0040	CONTRACTUAL EXPENSES	1,500.00	
	404.7140.0049	SERVICES OTHER DEPARTMENTS/GOVERNMENTS	300.00	
	404.7140.0013	TEMPORARY LABOR		1,800.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		
CARMEL WATER DISTRICT #3				
22	603.8310.0048	OTHER OPERATING EXPENSES	5,000.00	
	603.8310.0040	CONTRACTUAL EXPENSES		5,000.00
		- TRANSFER FOR LABORATORY SAMPLING EXPENSES		
CARMEL WATER DISTRICT #4				
23	604.8310.0047	EMERGENCY REPAIRS	5,000.00	
	604.8310.0040	CONTRACTUAL EXPENSES		2,000.00
	604.8310.0099	REPAIR RESERVE FUND		3,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL SEWER DISTRICT #4				
24	704.8130.0042	UTILITY EXPENSES	38,000.00	
	704.8130.0140	MICRO - CONTRACTUAL EXPENSES		8,000.00
	704.8130.9909	APPROPRIATED FUND BALANCE	*	30,000.00
		- PROVIDE AND TRANSFER FOR UTILITY EXPENSES		
CARMEL SEWER DISTRICT #1 EXT#3				
25	713.8130.0040	CONTRACTUAL EXPENSES	4,000.00	
	713.8130.0041	CHEMICAL EXPENSES		2,500.00
	713.8130.0099	REPAIR RESERVE FUND		1,500.00
		- TRANSFER FOR CONTRACUTAL REPAIRS		

TOWN OF CARMEL
BUDGET REVISIONS JULY-AUGUST 2017 - #2017/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
MISCELLANEOUS SPECIAL DISTRICTS				
26	401.7140.0044	ENGINEERING SERVICES	200.00	
	402.7110.0044	ENGINEERING SERVICES	150.00	
	403.7140.0044	ENGINEERING SERVICES	200.00	
	404.7140.0044	ENGINEERING SERVICES	200.00	
	601.8310.0044	ENGINEERING SERVICES	200.00	
	602.8310.0044	ENGINEERING SERVICES	2,300.00	
	603.8310.0044	ENGINEERING SERVICES	800.00	
	604.8310.0044	ENGINEERING SERVICES	200.00	
	605.8310.0044	ENGINEERING SERVICES	100.00	
	606.8310.0044	ENGINEERING SERVICES	200.00	
	607.8310.0044	ENGINEERING SERVICES	150.00	
	608.8310.0044	ENGINEERING SERVICES	1,300.00	
	609.8310.0044	ENGINEERING SERVICES	200.00	
	610.8310.0044	ENGINEERING SERVICES	200.00	
	612.8310.0044	ENGINEERING SERVICES	300.00	
	613.8310.0044	ENGINEERING SERVICES	100.00	
	614.8310.0044	ENGINEERING SERVICES	100.00	
	622.8310.0044	ENGINEERING SERVICES	200.00	
	701.8130.0044	ENGINEERING SERVICES	200.00	
	702.8130.0044	ENGINEERING SERVICES	2,900.00	
	703.8130.0044	ENGINEERING SERVICES	100.00	
	704.8130.0044	ENGINEERING SERVICES	2,050.00	
	705.8130.0044	ENGINEERING SERVICES	200.00	
	706.8130.0044	ENGINEERING SERVICES	250.00	
	707.8130.0044	ENGINEERING SERVICES	1,150.00	
	708.8130.0044	ENGINEERING SERVICES	400.00	
	713.8130.0044	ENGINEERING SERVICES	100.00	

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TOWN BOARD MEETING

(Cont.)

	401.7140.0099	REPAIR RESERVE FUND			200.00
	402.7110.0099	REPAIR RESERVE FUND			150.00
	403.7140.0099	REPAIR RESERVE FUND			200.00
	404.7140.0099	REPAIR RESERVE FUND			200.00
	601.8310.0099	REPAIR RESERVE FUND			200.00
	602.8310.0099	REPAIR RESERVE FUND			2,300.00
	603.8310.0099	REPAIR RESERVE FUND			800.00
	604.8310.0099	REPAIR RESERVE FUND			200.00
	605.8310.0099	REPAIR RESERVE FUND			100.00
	606.8310.0099	REPAIR RESERVE FUND			200.00
	607.8310.0099	REPAIR RESERVE FUND			150.00
	608.8310.0099	REPAIR RESERVE FUND			1,300.00
	609.8310.0099	REPAIR RESERVE FUND			200.00
	610.8310.0099	REPAIR RESERVE FUND			200.00
	612.8310.0099	REPAIR RESERVE FUND			300.00
	613.8310.0099	REPAIR RESERVE FUND			100.00
	614.8310.0099	REPAIR RESERVE FUND			100.00
	622.8310.0099	REPAIR RESERVE FUND			200.00
	701.8130.0099	REPAIR RESERVE FUND			200.00
	702.8130.0099	REPAIR RESERVE FUND			2,900.00
	703.8130.0099	REPAIR RESERVE FUND			100.00
	704.8130.0099	REPAIR RESERVE FUND			2,050.00
	705.8130.0099	REPAIR RESERVE FUND			200.00
	706.8130.0099	REPAIR RESERVE FUND			250.00
	707.8130.0099	REPAIR RESERVE FUND			1,150.00
	708.8130.0099	REPAIR RESERVE FUND			400.00
	713.8130.0099	REPAIR RESERVE FUND			100.00
		- TRANSFER FOR GENERAL GOVERNMENT CHARGES - ENGINEERING SERVICES			

PUBLIC COMMENTS - AGENDA ITEMS

Michael Barile inquired why the motion that was removed from the table was not included on tonight’s Town Board meeting agenda and that no resolution or backup information was available for the public to view in connection therewith.

Councilman Lupinacci stated that the resolution was first introduced in May or June and that it was tabled to provide the opportunity to conduct further due diligence. He indicated since that time, a comparison report was prepared consisting of the salaries of the various towns in the area.

Mr. Barile expressed his extreme frustration that the matter was considered by the Town Board without being listed on the agenda and posted on the Town’s website. Discussion was held regarding the matter.

Mr. Barile commented that he personally believes that certain increases provided to employees in the resolution are not sufficient while one employee who was granted a raise should possibly not be employed by the Town. Mr. Barile then asked about the percentage increase for each raise.

Councilman Lupinacci indicated that an increase of \$5,000 would be awarded per individual. However, he stated that the percentages would need to be calculated.

Mr. Barile requested that the Town Board be prepared to produce corroborating documentation with regard to the \$35,000 in permitting fees included in the cost estimate for the proposed Carmel Water District #9 water main reconstruction project.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

**4 OCTOBER 2017
TOWN BOARD MEETING**

PUBLIC COMMENTS - OPEN FORUM

Jean Hopper acknowledged Councilman Lombardi's years of service with the Town and expressed best wishes to him in his future endeavors. Ms. Hopper referenced the Mahopac Volunteer Fire Department. She inquired about the misappropriation of over \$5 million and whether or not any funds will be recouped to taxpayers in connection therewith.

Supervisor Schmitt stated that the responsible individual was convicted, sentenced and due to enter federal prison. He stated that a \$1 million payment was made to the Mahopac Volunteer Fire Department relating to an insurance policy and that the Town will not be receiving any monies directly back. Discussion ensued.

Ms. Hopper went on to speak regarding the unsightly appearance of the abandoned construction sites throughout the Town. She referenced a site on Route 6 that had a large portion of a hill carved out, with the soil and rock removed purportedly sold by the builder.

Supervisor Schmitt stated that the applicant had received site plan approval from the Planning Board to construct a commercial building and that it was expected that the lot was being excavated and cleared for that purpose.

Ms. Hopper asked if a bond was in place in connection with the project.

Legal Counsel Gregory Folchetti explained that a performance bond was secured. However, he would have to check with the Planning Board attorney as to the status of the project. Discussion followed.

Ms. Hopper referenced the American Legion's sewer problem necessitating their use of portable toilets at their Hall on Buckshollow Road. She inquired if there was a possibility for the Town to assist the organization with their issue.

Supervisor Schmitt indicated that members of the Town Board have attempted to bring both parties involved together to craft an agreement that would allow the American Legion Hall's sewer lateral to run through a privately owned parking lot. A conversation ensued.

Supervisor Schmitt readdressed Ms. Hopper's earlier comments regarding the Mahopac Volunteer Fire Department. He pointed out that when the seized assets are sold by the federal government, additional funds may be recovered by the fire department.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that the Carmel Town Hall will be closed on October 9, 2017 in observance of Columbus Day.

Supervisor Schmitt announced that Putnam County will hold a Household Hazardous Waste Collection Day for Putnam County residents on October 7, 2017 from 9:00 a.m. to 12:00 p.m. at the Donald B. Smith County Government Campus on Old Route 6 in Carmel.

Supervisor Schmitt announced that registration has begun for Core De Force Live adult fitness classes to be held on Saturdays in October from 10:00 a.m. to 11:00 a.m. at Sycamore Park. Further information is available from the Department of Recreation and Parks.

Councilman Schneider acknowledged the Recreation and Parks Department for instituting free recreational kayaking on Lake Mahopac for veterans.

4 OCTOBER 2017
TOWN BOARD MEETING

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lupinacci, seconded by Councilman Schneider, with all Town Board members present in agreement, the meeting was adjourned at 8:22 p.m. to Executive Session for a litigation update from the Town of Carmel Legal Counsel.

Respectfully submitted,

Ann Spofford, Town Clerk