

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 6th day of June 2018 at 7:08 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilwoman McDonough and Supervisor Schmitt. Councilman Schneider and Councilman Lupinacci were 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 as well as for the safe return of Mahopac brothers Raymond and Jesse Ferrieri who went missing while bear hunting along the Idaho/Montana border on May 21st.

THE WEEK OF JUNE 3RD THROUGH JUNE 9TH RECOGNIZED AS NATIONAL GARDEN WEEK AND GARDEN WEEK DECLARED IN THE TOWN OF CARMEL

WHEREAS, gardeners have a passion for nurturing the beauty of resources of earth through the care of all plants and riches of their efforts; and
WHEREAS, gardeners seek to add beauty, splendor and nutrition to our lives through the growing of herbs, foliage, vegetables and flowers; and
WHEREAS, gardening furnishes a challenging and productive activity for many citizens, from those just learning to those having years of experience; and
WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress and teaches that diligent effort can be rewarded; and
WHEREAS, gardening enables members of Garden Clubs across the nation and world to serve others in the communities where they reside and work;
NOW THEREFORE BE IT RESOLVED that in an effort to acknowledge the importance of gardening and the numerous contributions of gardeners, the Town Board of the Town of Carmel hereby recognizes the week of June 3, 2018 through June 9, 2018 as National Garden Week and hereby declares same to also be Garden Week within the Town of Carmel.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Barile and Supervisor Schmitt

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt acknowledged the dedicated members of the Lake Mahopac Garden Club for their outstanding efforts in serving the community.

Lake Mahopac Garden Club president JoAnn Carpanzano expressed the club's appreciation to the Town Board for their continued support.

APPLICATION FORM PURSUANT TO CARMEL TOWN CODE §156-39.5 RELATING TO THE HOUSING OF CHICKENS - ADOPTED

RESOLVED, that the Town Board of the Town of Carmel hereby adopts the application form pursuant to Town of Carmel Town Code §156-39.5 relating to the housing of chickens within the Town of Carmel , such application to be in form as attached hereto; and
BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to utilize said form for all applications submitted pursuant to Town Code §156-39.5

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

6 JUNE 2018
TOWN BOARD MEETING

(Cont.)

Roll Call Vote	YES	NO	
Michael Barile	X		
Jonathan Schneider			Absent
John Lupinacci			Absent
Suzanne McDonough	X		
Kenneth Schmitt	X		



TOWN OF CARMEL
Town Hall - 60 McAlpin Avenue
Mahopac, NY 10541
845.628.1500

PERMIT APPLICATION TO HOUSE CHICKENS

Applicant Name: _____
Address: _____
Telephone Number: _____ Email Address: _____
Name and Address of Owner of Premises*: _____
Tax Map Number: _____ Lot Size: _____ Number of chickens: _____

The housing of chickens in the Town of Carmel is subject to the following conditions and requirements:

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

By submitting this application and as a condition of receiving a permit, I agree that I will house chickens at the above address in accordance with all provisions set forth in §156-39.5 of the Town Code of the Town of Carmel.

Signature: _____ Date: _____
Building Department Review _____ Date: _____
Approved by: _____ Date: _____
Town Clerk, Town of Carmel

* If applicant is not property owner, attach written notarized consent from the property owner.

6 JUNE 2018
TOWN BOARD MEETING

BUDGET MODIFICATIONS 2018/02 AND 2A - AUTHORIZED

WHEREAS the Town Comptroller Mary Ann Maxwell has reviewed the proposed Final Budget Modifications for the period ending April 30, 2018 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedule 2018/02, and 2A;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Final Budget Modifications/Revisions for the period ending April 30, 2018 as shown itemized on schedule 2018/02 and 2A which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Barile

Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100.3120.0019	POLICE COMPENSATED ABSENCES	82,516.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	82,516.00
		- PROVIDE FOR RETIREMENT PAYOUT OF ACCRUED TIME		
2	100.3120.0019	POLICE COMPENSATED ABSENCES	52,118.00	
	100.1989.9877	FUND BALANCE FOR COMPENSATED ABSENCES	*	52,118.00
		- PROVIDE FOR RETIREMENT PAYOUT OF ACCRUED TIME		
3	100.3120.0012	POLICE OVERTIME EXPENSE	58,030.15	
	100.1989.2680	INSURANCE RECOVERY - PAYROLL	*	58,030.15
		- PROVIDE FOR POLICE OVERTIME EXPENSE FROM 207C REVENUE RECEIVED		
4	100.7020.0049	RECREATION ADMIN MISC EXPENSES	9,500.00	
	100.1989.2001	PARK AND RECREATION FEES	*	9,500.00
		- PROVIDE FOR RECREATION CREDIT CARD FEES		
5	100.7180.0040	BEACH CONTRACTUAL EXPENSES	20,000.00	
	100.1989.9878	FUND BALANCE FOR CAPITAL PROJECTS	*	20,000.00
		- PROVIDE FOR NEW LIFEGUARD BUILDING		
6	100.1010.0046	TOWN BOARD CONSULTING SERVICES	7,500.00	
	100.1950.0040	TAXES AND ASSESSMENTS		7,500.00
		- TRANSFER FOR PARKING CONSULTING SERVICES		
7	100.1420.0049	LEGAL MISC EXPENSE	4,000.00	
	100.1990.0040	CONTINGENT ACCOUNT		4,000.00
		- TRANSFER FOR LEGAL COSTS ASSOCIATED WITH PROPERTY ACQUISITION		
8	100.1460.0045	RECORDS STORAGE EXPENSE	1,200.00	
	100.1410.0086	RETIREES HEALTH INSURANCE		1,200.00
		- TRANSFER FOR RECORDS STORAGE EXPENSE		
9	100.1950.0040	TAXES AND ASSESSMENTS	29,000.00	
	100.1990.0040	CONTINGENT ACCOUNT		29,000.00
		- TRANSFER FOR TAXES AND FEES ASSOCIATED WITH PROPERTY ACQUISITION		
10	100.3620.0047	CODE ENFORCEMENT TRAINING	300.00	
	100.3620.0045	CODES SYSTEM MAINTENANCE		300.00
		- TRANSFER FOR CODE ENFORCEMENT TRAINING EXPENSE		
11	100.3650.0040	BUILDING DEMO EXPENSE	17,000.00	
	100.1990.0040	CONTINGENT ACCOUNT		17,000.00
		- TRANSFER FOR BUILDING DEMOLITION EXPENSE		
12	100.7113.0040	CHAMBER PARK CONTRACTUAL EXPENSES	1,900.00	
	100.7110.0020	PARK MAINTENANCE EQUIPMENT		1,500.00
	100.7270.0040	CONCERT SERIES CONTRACTUAL EXPENSES		400.00
		- TRANSFER FOR MISC EXPENSES AT CHAMBER PARK		
13	100.7117.0020	CARMADA PARK EQUIPMENT	2,500.00	
	100.7111.0020	SYCAMORE BALLFIELD EQUIPMENT		1,000.00
	100.7112.0040	MCDONOUGH FIELDS CONTRACTUAL EXPENSES		1,000.00
	100.7118.0020	BALDWIN MEADOWS EQUIPMENT		500.00
		- TRANSFER FOR PITCHING MOUND AT CARMADA PARK		
14	100.8810.0040	CEMETERIES CONTRACTUAL	1,050.00	
	100.1989.0040	UNCLASSIFIED EXPENDITURE		1,050.00
		- TRANSFER FOR CEMETERY MAINTENANCE CONTRACT		

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(Cont.)

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
	LAKE SECOR PARK DISTRICT			
15	404.7140.0040	CONTRACTUAL EXPENSES	1,000.00	
	404.7140.0041	SUPPLIES AND MATERIALS	1,000.00	
	404.7140.0099	REPAIR RESERVE		2,000.00
		- TRANSFER FOR MISC MAINTENACE SUPPLIES AND REPAIRS		
	CARMEL WATER DISTRICT #7			
16	607.8310.0020	EQUIPMENT	3,000.00	
	607.8310.0040	CONTRACTUAL EXPENSES		3,000.00
		- TRANSFER FOR BOOSTER PUMP REPLACEMENT		
	CARMEL WATER DISTRICT #13			
17	613.8310.0047	EMERGENCY REPAIRS	2,000.00	
	613.8310.0040	CONTRACTUAL EXPENSES		2,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
	CARMEL SEWER DISTRICT #2			
18	702.8130.0040	CONTRACTUAL EXPENSES	4,030.05	
	702.8130.2681	INSURANCE RECOVERY	*	4,030.05
		- PROVIDE FOR CONTRACTUAL EXPENSES FROM INSURANCE CLAIM		
	CARMEL SEWER DISTRICT #5			
19	705.8130.0020	EQUIPMENT	1,000.00	
	705.8130.0040	CONTRACTUAL EXPENSES		1,000.00
		- TRANSFER FOR DEWATERING PUMPS		
	CARMEL SEWER DISTRICT #6			
20	706.8130.0040	CONTRACTUAL EXPENSES	12,651.50	
	706.8130.2681	INSURANCE RECOVERY	*	12,651.50
		- PROVIDE FOR CONTRACTUAL EXPENSES FROM INSURANCE CLAIM		
	MAHOPAC LIGHTING DISTRICT			
21	751.5182.0040	CONTRACTUAL EXPENSES	2,500.00	
	751.5182.0042	CONTRACTUAL UTILITIES		2,500.00
		- TRANSFER FOR ELECTRICAL REPAIRS TO DOWNTOWN LIGHT POSTS		
	DRAINAGE CAPITAL PROJECT			
22	900.1989.0012	PROJECT OVERTIME EXPENSE	10,000.00	
	900.1989.0040	CONTRACTUAL EXPENDITURES	105,000.00	
	900.1989.0048	OTHER PROJECT EXPENDITURES	8,500.00	
	900.1989.0080	FICA/MED EXPENSE	1,500.00	
	900.1989.5710	PROCEEDS OF BORROWING	*	125,000.00
		- RECORD 2018 CAPITAL AUTHORIZATION		
	LAND ACQUISITION CAPITAL PROJECT FUND			
23	907.1989.0020	LAND ACQUISITION AND CAPITAL OUTLAY	900,000.00	
	907.1989.5710	PROCEEDS OF BORROWING	*	900,000.00
		- PROVIDE FOR CAPITAL EXPENSE FROM APPROVED BORROWING		
	AIRPORT PARK CAPITAL FUND			
24	910.7140.0044	TRANSFER TO OTHER FUND	4,750.00	
	910.7140.0040	CONTRACTUAL EXPENDITURES		4,750.00
		- TRANSFER FOR ENGINEERING DESIGN COST		

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
	HIGHWAY RESURFACING CAPITAL PROJECT			
25	950.5112.0012	PROJECT OVERTIME	4,500.00	
	950.5112.0045	CONTRACTED PAVING SERVICES	725,000.00	
	950.5112.0048	OTHER PROJECT EXPENDITURES	20,000.00	
	950.5112.0082	FICA/MED EXPENSE	500.00	
	950.5112.5710	PROCEEDS OF BORROWING	*	750,000.00
		- RECORD 2018 CAPITAL AUTHORIZATION		

[illegible]

TOWN OF CARMEL
BUDGET REVISIONS MARCH-APRIL 2018 - #2018/02A

[illegible]

CARMEL SEWER DISTRICTS #2, #4, #5, #6, AND #7 AND CARMEL WATER DISTRICTS #2, #3, #4, #5, #6, #7 AND #12 - EXTENSION OF CONTRACT FOR SUPPLY OF CHEMICALS FOR WASTEWATER/WATER TREATMENT PLANTS AUTHORIZED - SLACK CHEMICAL SUPPLY

WHEREAS the Town Board of the Town of Carmel, acting as Commissioners of the various Water Districts and Sewer Districts of the Town of Carmel, has previously awarded the contract for bids for purchase and supply of chemicals for the wastewater treatment plants servicing Carmel Sewer Districts #2, #4, #5, #6, and #7; and the water treatment facilities servicing Carmel Water Districts #2, #3, #4, #5, #6, #7 and #12 to Slack Chemical Supply, Patterson, NY; and

(Cont.)

WHEREAS Town Engineer Richard J. Franzetti, P.E. has recommended the extension of said contract for period of one (1) year with Slack Chemical Supply;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer Districts #2, #4, #5, #6, #7 and Carmel Water Districts #2, #3, #4, #5, #6, #7 and #12, hereby authorizes the extension of the existing contract with Slack Chemical Supply for a period of one (1) year, commencing July 7, 2018; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to effectuate the authorization granted herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget modifications required in connection with this authorization.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

EXTENSION AND/OR RENEWAL OF EXISTING AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES WITH SULLIVAN DATA MANAGEMENT, INC. - AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the extension and/or renewal of its existing agreement for Information Technology services with Sullivan Data Management, Inc., Yorktown, NY, for a period of three (3) years commencing July 1, 2018 through June 30, 2021 for an aggregate annual sum not to exceed \$53,602.50 (FIFTY THREE THOUSAND SIX HUNDRED TWO AND 50/100 DOLLARS) in accordance with Proposal #11637-R1 dated May 30, 2018; and

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

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Councilman Barile pointed out that the Town Board denied Sullivan Data Management’s request for an increase in their contract amount. Therefore, their annual cost will remain the same.

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TOWN BOARD MEETING

DEPARTMENT OF RECREATION AND PARKS - BID AWARDED FOR SYCAMORE PARK COURT REHABILITATION - SPORT TECH CONSTRUCTION - NOT TO EXCEED \$147,493.40

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for rehabilitation of certain courts and facilities at Sycamore Park in the Town of Carmel; and

WHEREAS such bids were received and opened by Town Clerk Ann M. Spofford on May 11, 2018; and

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 awards the bids for Contract C230, Sycamore Park Court Rehabilitation to Sport Tech Construction, Brewster, NY, the lowest responsible bidder who met specifications at a cost not to exceed \$147,493.40; and

BE IT FURTHER RESOLVED, that upon presentation of performance bond, labor and materials bond and insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt his hereby authorized to execute any and all documentation reasonably necessary to effectuate the contract for the work authorized hereunder.

Resolution

Offered by: Councilman Barile

Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that \$129,100 of the funding for the project will be obtained from a New York State grant. The balance of the funding will be drawn from the Town’s Parkland Trust Fund.

HIGHWAY DEPARTMENT - PAYMENT FOR BUCKET TRUCK REPAIRS AUTHORIZED - CUES REPAIR - \$9,760.21

RESOLVED, the Town Board of the Town of Carmel, and upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes payment to Cues Repair, North Franklin, CT for services rendered in connection with Town of Carmel Highway Department bucket truck repairs in the amount of \$9,760.21, in accordance with the invoice #37632 dated May 14, 2018.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

HIGHWAY DEPARTMENT - BID AWARDED FOR 2018 WASTE WOOD PROCESSING - TRI-STATE FORESTRY, INC.

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for various highway materials and services for the Town Highway Department, and

WHEREAS such bids were received and opened and Highway Superintendent Michael Simone has recommended the awarding of the bids as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for Waste Wood Processing for calendar year 2018 to Tri-State Forestry, Inc., the lowest responsible bidder who met specifications at unit prices of \$250 per hour and \$2,000 per day.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that as a result of the many recent violent storms, the Highway Department has been maintaining a substantial stockpile of fallen trees and large branches that need to be processed.

TOWN OWNED PROPERTY ASBESTOS ABATEMENT - ACCEPTANCE OF PROPOSALS FOR PROFESSIONAL SERVICES AUTHORIZED - GOTHAM CONTRACTING CORP. AND APPLIED TECHNOLOGY SERVICES, INC.

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby accepts the proposal of Gotham Contracting Corp., Middle Village, NY to perform asbestos abatement services at property owned by the Town of Carmel at a cost not to exceed \$11,840.00; and

BE IT FURTHER RESOLVED, that the sum of \$1,000 is hereby authorized to be paid to Applied Technology Services, Inc., New Rochelle, NY to provide a closure report in connection with such services; 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: Councilman Barile
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

SPECIAL COUNSEL APPOINTED - DANIEL MILLER, ESQ.

RESOLVED, that the Town Board of the Town of Carmel hereby appoints Daniel Miller, Esq. 704 Route Six Mahopac, NY as special counsel for various Town matters on an as-needed basis; and

BE IT FURTHER RESOLVED that said services are hereby authorized at a rate of \$250.00 for attorney Daniel Miller and an hourly rate of \$125.00 for paralegal services.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM THE CONSTRUCTION OF IMPROVEMENTS TO AND RECONSTRUCTION OF THE AIRPORT PARK, IN AND FOR THE TOWN OF CARMEL PUTNAM COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,200,000 AND AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF - TABLED

WHEREAS, the capital project hereinafter described is hereby determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impact; and

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

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

Section 1. The construction of improvements to and reconstruction of the Airport Park, in and for the Town of Carmel, Putnam County, New York, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$2,200,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$2,200,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

(Cont.)

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

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

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

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

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

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

Motion to Table

Offered by: Councilwoman McDonough

Seconded by: Councilman Barile and Supervisor Schmitt

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that the matter was tabled because the bonding resolution for a capital project must be adopted by the affirmative vote of a supermajority, four members of the entire voting strength of the Town Board. He indicated that the resolution may be acted upon at a Special Meeting next week when the required number of board members are present.

PUBLIC COMMENTS - AGENDA ITEMS

Phyllis Hoening, Mahopac inquired about the appointment of a special counsel.

Supervisor Schmitt indicated that attorney Daniel Miller was appointed as a special counsel with regard to a recent Freedom of Information Law request in which both Legal Counsel Gregory Folchetti and Special Counsel Joseph Charbonneau recused themselves in connection therewith.

Jean Hopper, Mahopac requested clarification as to why the cost for waste wood processing was broken down as \$250 per hour and \$2,000 per day.

**6 JUNE 2018
TOWN BOARD MEETING**

(Cont.)

Councilman Barile explained that the hourly rate is assessed if the Highway Superintendent retains the vendor for less than an eight hour day. Discussion ensued.

Ms. Hopper inquired where the Town owned property is located with regard to the asbestos abatement authorization.

Supervisor Schmitt stated that the asbestos abatement services were authorized at Swan Cove.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

PUBLIC COMMENTS - OPEN FORUM

Ms. Hopper commented that the Town Board's informational meeting held the prior week in conjunction with the other various boards, committees and department heads was very informative. She expressed support for revisiting a municipal pool and a hotel in Putnam County.

Judie Mirra asked about a noise heard throughout the Town yesterday.

Supervisor Schmitt stated that the noise was produced by test shots and drills at West Point.

Ms. Mirra inquired why the Carmel High School's commencement exercise was held in Danbury, Connecticut and commented regarding the need for a local facility to hold such types of events.

Discussion followed. At the conclusion of which, Councilman Barile suggested that the ceremony may have been held there to allow enough seating for extended family members.

Ms. Mirra encouraged residents to visit the Putnam County Traffic Safety Board's Facebook page and website for engineering updates on the current Route 6 repaving project.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Councilwoman McDonough announced that the Department of Recreation and Parks will be presenting "Music Fest" on June 16, 2018 from 4:00 p.m. to 8:00 p.m. at the Mahopac Chamber Park. The rain date is June 17, 2018 and admission is free.

Supervisor Schmitt explained how there was significant progress made at a recent meeting regarding the ongoing sewer issue at the American Legion Hall. He noted that construction is anticipated to commence sometime in mid-July.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Barile, with all Town Board members present in agreement, the meeting was adjourned at 7:55 p.m. to Executive Session with Police Chief Michael Cazzari with regard to personnel; two police officer candidate interviews.

Respectfully submitted,

Ann Spofford, Town Clerk