

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 25th day of February 2015 at 7:21 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

MINUTES OF TOWN BOARD MEETINGS HELD ON 1/7/15 AND 1/21/15 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on January 7th and January 21st 2015 were accepted as submitted by the Town Clerk.

BUDGET MODIFICATIONS - #2014-05/06 - AUTHORIZED

WHEREAS the Town Comptroller has reviewed the 2014 year-to-date Budget Modifications/Revisions for the period ending December 31, 2014 with the Town Board, which are detailed and explained on the attached Budget Revisions Schedules identified as #2014-05 and #2014-06;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the 2014 year-to-date Budget Modifications/Revisions for the period of ending December 31, 2014 on #2014-05 and #2014-06 which are attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

Roll Call Vote	YES	NO
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Frank Lombardi	X	
Kenneth Schmitt	X	

☒ Work Session 2/6/15

TOWN OF CARMEL
BUDGET REVISIONS FOR YEAR ENDING 12/31/14 - #2014/05

☒ Agenda 2/25/15

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100-1620-0045	BLDG SPECIAL IMPROVEMENTS	9,042.00	
	100-1989-2770	OTHER REVENUE	9,042.00	
		- PROVIDE FOR BLDG SPECIAL IMPROVEMENT		
2	100-1110-0040	JUSTICE COURT OFFICE EXPENSE	600.00	
	100-1220-0040	SUPERVISOR OFFICE EXPENSE	200.00	
	100-1315-0040	COMPTROLLER OFFICE EXPENSE	100.00	
	100-1330-0048	TAX RECEIVER POSTAGE EXPENSE	3,500.00	
	100-1460-0045	RECORDS STORAGE EXPENSE	100.00	
	100-8090-0013	RECYCLING TEMPORARY STAFF	1,000.00	
	100-1110-0044	JUSTICE COURT RECORDER SERVICES		600.00
	100-1220-0080	SUPERVISOR EMPLOYEE BENEFIT		200.00
	100-1315-0044	COMPTROLLER CONSULTING SERVICES		100.00
	100-1330-0086	TAX RECEIVER RETIREE HEALTH INSURANCE		3,500.00
	100-1460-0048	RECORDS MGMT MISC EXPENSE		100.00
	100-8090-0045	RECYCLE TRASH DISPOSAL		1,000.00
		- TRANSFER FOR MISC EXPENSES		
3	100-1420-0047	CERTIORARI LEGAL SERVICES	6,000.00	
	100-1420-0048	DEFENSE LEGAL SERVICES	300.00	
	100-1930-0040	CERTIORARI SETTLEMENTS		6,000.00
	100-1420-0049	LEGAL MISC EXPENSE		300.00
		- TRANSFER FOR LEGAL EXPENSES		

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

4	100-1440-0020	EQUIPMENT	8,400.00	
	100-1440-0045	ENGINEER EQUIPMENT MAINT		3,000.00
	100-1440-0080	ENGINEER EMPLOYEE BENEFIT		3,400.00
		- TRANSFER FOR WATER METERS		
5	100-1620-0020	BLDG EQUIPMENT EXPENSE	1,000.00	
	100-1620-0021	BLDG MOTOR VEHICLE EXPENSE	1,000.00	
	100-1620-0040	BLDG CONTRACTUAL EXPENSE	13,000.00	
	100-1620-0042	BLDG UTILITY EXPENSE	1,000.00	
	100-1970-0040	OFFICE SUPPLY GENERAL EXPENSE	2,000.00	
	100-1910-0040	INSURANCE EXPENSE		18,000.00
		- TRANSFER FOR BLDG EXPENSES		
6	100-1670-0040	CENTRAL PRINTING EXPENSE	500.00	
	100-1670-0049	CENTRAL MAIL EXPENSE		500.00
		- TRANSFER FOR CENTRAL MAIL EXP		
7	100-3120-0041	POLICE MOTOR VEHICLE FUEL	3,000.00	
	100-3120-0042	POLICE OFFICE UTILITIES	300.00	
	100-3120-0045	POLICE VEHICLE MAINTENANCE	10,500.00	
	100-3120-0046	POLICE RENTALS/LEASES	600.00	
	100-3120-0084	POLICE HEALTH INSURANCE		1,000.00
	100-3120-0085	POLICE OPTICAL & DENTAL		6,700.00
	100-3120-0086	POLICE RETIREES HEALTH INSURANCE		6,700.00
		- TRANSFER FOR POLICE EXPENSES		
8	100-3120-0027	POLICE SPECIAL EQUIPMENT	13,350.50	
	100-3120-0082	POLICE SOCIAL SECURITY		13,350.50
		- TRANSFER FOR POLICE VEHICLE COMPUTERS & MOUNTS		
9	100-5132-0020	HIGHWAY GARAGE EQUIPMENT	300.00	
	100-5132-0042	HIGHWAY GARAGE UTILITY EXPENSE	100.00	
	100-5132-0044	HIGHWAY GARAGE PROPERTY LEASE	100.00	
	100-5132-0040	HIGHWAY GARAGE CONT EXP		500.00
		- TRANSFER FOR MISC EXPENSES		

1

TOWN OF CARMEL
BUDGET REVISIONS FOR YEAR ENDING 12/31/14 - #2014/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
10	100-7020-0040	RECREATION ADMIN CONTRACTUAL EXP	700.00	
	100-7020-0042	RECREATION UTILITIES	3,000.00	
	100-7110-0013	PARK MAINT TEMP STAFF	600.00	
	100-7110-0040	PARK CONTRACTUAL EXP	4,000.00	
	100-7110-0045	PARK MAINT CONTRACT	100.00	
	100-7112-0042	CRANE RD UTILITIES	1,400.00	
	100-7118-0042	BALDWIN MEADOW UTILITY	300.00	
	100-7180-0042	BEACH UTILITIES EXP	150.00	
	100-7020-0013	RECREATION ADMIN TEMP STAFF		700.00
	100-7020-0080	RECREATION ADMIN EMPLOYEE BENEFITS		5,600.00
	100-7020-0086	RETIREE HEALTH INSURANCE		1,400.00
	100-7110-0042	PARK BUILDING UTILITIES		100.00
	100-7110-0080	PARK EMPLOYEE BENEFITS		2,000.00
	100-7118-0040	BALDWIN MEADOW CONT EXP		300.00
	100-7180-0020	BEACH EQUIPMENT		150.00
		- TRANSFER FOR RECREATION EXPENSES		
HIGHWAY FUND				
11	500-5110-0012	GENERAL REPAIR LABOR OVERTIME	1,000.00	
	500-5110-0040	GENERAL REPAIR CONTRACTUAL EXPENSE	8,200.00	
	500-5110-0086	RETIREES HEALTH INSURANCE	1,000.00	
	500-5130-0014	MACHINERY REPAIR STAFF LONGEVITY	407.00	
	500-5130-0020	MACHINERY REPAIR TOOLS	100.00	
	500-5140-0012	WEEDS & BRUSH OVERTIME	200.00	
	500-5110-0013	GENERAL REPAIR TEMP LABOR		1,000.00
	500-5110-0041	GENERAL REPAIR GAS & FUEL		8,200.00
	500-5110-0085	EMPLOYEE WELFARE FUND		1,000.00
	500-5130-0013	MACHINERY REPAIR TEMP LABOR		407.00
	500-5130-0021	MACHINERY & EQUIPMENT		100.00
	500-5140-0082	SOCIAL SECURITY		200.00
		- TRANSFER FOR MISC EXPENSES		
12	500-5142-0012	SNOW REMOVAL OVERTIME	30,000.00	
	500-5142-0041	SNOW REMOVAL GAS & FUEL	1,600.00	
	500-5142-0082	SOCIAL SECURITY	3,600.00	
	500-5142-0049	SNOW CONTROL MATERIALS		35,000.00
	500-5142-0084	HEALTH INSURANCE		200.00
		- TRANSFER FOR SNOW REMOVAL OT & EXPENSES		
LAKE CASSE PARK DIST				
13	401-7140-0040	CONTRACTUAL EXPENSES	400.00	
	401-7140-0042	UTILITIES EXPENSE	500.00	
	401-7140-0041	SUPPLIES & MATERIALS		900.00
		- TRANSFER FOR CONTRACTUAL/UTILITIES EXP		

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

LAKE MAHOPAC PARK DIST				
14	402-7110-0040	CONTRACTUAL EXPENSES	2,500.00	
	402-7110-0048	OTHER OPERATING EXPENSES	1,500.00	
	402-7110-9909	APPROPRIATED FUND BALANCE	*	4,000.00
	- PROVIDE FOR DAMN CLASSIFICATION STUDY/NEWSLETTER EXPENSE			
TEAKETTLE SPOUT PARK DIST				
15	403-7140-0040	CONTRACTUAL EXPENSES	200.00	
	403-7140-0041	SUPPLIES & MATERIALS		200.00
	- TRANSFER FOR CONTRACTUAL EXPENSES			

TOWN OF CARMEL
BUDGET REVISIONS FOR YEAR ENDING 12/31/14 - #2014/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL WATER DISTRICT #1					
16	601-8310-0049	SERVICES OTHER GOVT		110,912.00	
	601-8310-2770	OTHER REVENUE	*	25,000.00	
	601-8310-9909	APPROPRIATED FUND BALANCE	*	85,912.00	
		- PROVIDE FOR CORRECTION OF RE-LEVY TO COUNTY			
CARMEL WATER DISTRICT #3					
17	603-8310-0042	UTILITIES EXPENSE		800.00	
	603-8310-0047	EMERGENCY REPAIRS		8,000.00	
	603-8310-0040	CONTRACTUAL EXPENSES			8,800.00
		- TRANSFER FOR EMERGENCY/UTILITIES EXP			
CARMEL WATER DISTRICT #6					
18	606-8310-0042	UTILITIES EXPENSE		300.00	
	606-8310-0048	OTHER OPERATING EXPENSES		1,200.00	
	606-8310-0046	PURCHASE OF WATER			1,500.00
		- TRANSFER FOR UTILITIES/OTHER EXP			
CARMEL WATER DISTRICT #7					
19	607-8310-0048	OTHER OPERATING EXPENSES		600.00	
	607-8310-0040	CONTRACTUAL EXPENSES			600.00
		- TRANSFER FOR MISC EXPENSES			
CARMEL WATER DISTRICT #8					
20	608-8310-0041	CHEMICAL EXPENSES		300.00	
	608-8310-0040	CONTRACTUAL EXPENSES			300.00
		- TRANSFER FOR CHEMICAL EXPENSES			
CARMEL WATER DISTRICT #9					
21	609-8310-0047	EMERGENCY REPAIRS		2,800.00	
	609-8310-0048	OTHER OPERATING EXPENSES		300.00	
	609-8310-0049	SERVICES OTHER DEPTS/GOVTS			3,100.00
		- TRANSFER FOR EMERGENCY REPAIRS			
CARMEL WATER DISTRICT #10					
22	610-8310-0047	EMERGENCY REPAIRS		7,000.00	
	610-8310-2681	INSURANCE RECOVERY	*	2,424.00	
	610-8310-9909	APPROPRIATED FUND BALANCE	*	4,576.00	
		- PROVIDE FOR EMERGENCY REPAIR EXPENSE			

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

TOWN OF CARMEL
BUDGET REVISIONS FOR YEAR ENDING 12/31/14 - #2014/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL SEWER DISTRICT #1				
23	701-8130-0040	CONTRACTUAL REPAIRS	12,000.00	
	701-8130-0042	UTILITIES EXPENSE		1,000.00
	701-8130-0099	REPAIR RESERVE		5,000.00
	701-8130-9909	APPROPRIATED FUND BALANCE	6,000.00	
		- PROVIDE/TRANSFER FOR CONTRACTUAL REPAIRS		
CARMEL SEWER DISTRICT #2				
24	702-8130-0042	UTILITIES EXPENSE	5,000.00	
	702-8130-0047	SLUDGE REMOVAL	30,000.00	
	702-8130-0040	CONTRACTUAL REPAIRS		35,000.00
		- TRANSFER FOR UTILITIES/SLUDGE REMOVAL		
CARMEL SEWER DISTRICT #4				
25	704-8130-0042	UTILITIES EXPENSE	2,500.00	
	704-8130-0047	SLUDGE REMOVAL	4,500.00	
	704-8130-0099	REPAIR RESERVE FUND		7,000.00
		- TRANSFER FOR UTILITIES/SLUDGE REMOVAL		
26	704-8130-0142	MICRO-UTILITIES EXPENSE	1,400.00	
	704-8130-0140	MICRO-CONTRACTUAL REPAIRS		1,400.00
		- TRANSFER FOR MICRO UTILITIES		
CARMEL SEWER DISTRICT #5				
27	705-8130-0040	CONTRACTUAL REPAIRS	500.00	
	705-8130-0047	SLUDGE REMOVAL	3,800.00	
	705-8130-0048	OTHER OPERATING EXPENSES	200.00	
	705-8130-9909	APPROPRIATED FUND BALANCE	4,500.00	
		- PROVIDE FOR SLUDGE AND OTHER OPERATING EXP		
CARMEL SEWER DISTRICT #7				
28	707-8130-0020	EQUIPMENT	1,600.00	
	707-8130-0047	SLUDGE REMOVAL	1,000.00	
	707-8130-0042	UTILITIES EXPENSE		2,600.00
		- TRANSFER FOR MOTORS/SLUDGE REMOVAL		
29	707-8130-0142	MICRO-UTILITIES EXPENSE	500.00	
	707-8130-0140	MICRO-CONTRACTUAL EXPENSE		500.00
		- TRANSFER FOR MICRO EXPENSES		
CARMEL SEWER DISTRICT #1 EXT#3				
30	713-8130-0048	OTHER OPERATING EXPENSES	100.00	
	713-8130-0099	REPAIR RESERVE		100.00
		- TRANSFER FOR MISC EXPENSES		

4

TOWN OF CARMEL
BUDGET REVISIONS FOR YEAR ENDING 12/31/14 - #2014/05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
LIGHTING DISTRICTS				
31	751-5182-0040	CONTRACTUAL EXPENSES	1,500.00	
	752-5182-0040	CONTRACTUAL EXPENSES	1,200.00	
	751-5182-0042	UTILITIES EXPENSE		1,500.00
	752-5182-0048	OTHER EXPENSES		1,200.00
		- TRANSFER FOR CONTRACTUAL EXPENSES		
ALL TOWN/SPECIAL DISTRICT DEBT FUNDS				
32	850-9730-0061	BAN PRINCIPAL - MACHINERY	10,000.00	
	850-9730-0071	BAN INTEREST - MACHINERY	10,800.00	
	866-9730-0070	BAN INTEREST	450.00	
	850-5010-9909	APPROPRIATED FUND BALANCE	20,800.00	
	866-8310-9909	APPROPRIATED FUND BALANCE	450.00	
		- PROVIDE FOR PRINCIPAL & INTEREST BAN PMTS ON CAPITAL PROJECTS		

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

33	868-9730-0070	BAN INTEREST		16,312.00	
	868-8310-0040	CONTRACTUAL EXPENSES			90.00
	868-9730-0060	BAN PRINCIPAL			4,800.00
	868-9790-0070	EFC LOAN INTEREST			6,122.00
	868-8310-9909	APPROPRIATED FUND BALANCE	*	5,300.00	
		- PROVIDE/TRANSFER FOR BAN INTEREST PAYMENT			
34	882-8130-0048	SD#2 DEBT SERV - OTHER EXPENSES		500.00	
	882-8130-0040	SD#2 DEBT SERV - CONTRACTUAL EXPENSES			500.00
		- TRANSFER FOR ADJUSTMENT TO TAX WARRANT			
CAPITAL FUNDS					
35	962-8310-0099	WD#2 CAP FUND - TRANSFER TO DEBT FUND		6,351.50	
	965-8310-0099	WD#5 CAP FUND - TRANSFER TO DEBT FUND		1,913.00	
	967-8310-0099	WD#7 CAP FUND - TRANSFER TO DEBT FUND		2,347.00	
	969-8310-0099	WD#9 CAP FUND - TRANSFER TO DEBT FUND		2,132.00	
	984-8310-0099	WD#14 CAP FUND-TRANSFER TO DEBT FUND		1,980.00	
	987-8310-0099	WD#12 CAP FUND-TRANSFER TO DEBT FUND		3,715.00	
	962-8310-0040	WD#2 CAP FUND - CONTRACTUAL EXP			6,351.50
	965-8310-0040	WD#5 CAP FUND - CONTRACTUAL EXP			1,913.00
	967-8310-0040	WD#7 CAP FUND - CONTRACTUAL EXP			2,347.00
	969-8310-0040	WD#9 CAP FUND - CONTRACTUAL EXP			2,132.00
	984-8310-0040	WD#14 CAP FUND-CONTRACTUAL EXP			1,018.76
	984-8310-0048	WD#14 CAP FUND-OTHER PROJECT EXP			961.24
	987-8310-0040	WD#12 CAP FUND-CONTRACTUAL EXP			3,715.00
		- TRANSFER TO DEBT SERVICE FROM EXCESS			
		GENERATOR FUNDS			

5

TOWN OF CARMEL
BUDGET REVISIONS FOR YEAR ENDING 12/31/14 - #2014/06

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
1	100-3120-0024	POLICE ACCIDENT REPAIRS	9,704.00	
	100-3120-0082	POLICE SOCIAL SECURITY		1,000.00
	100-1989-2681	INSURANCE RECOVERY - ASSET	* 8,704.00	
		- TRANSFER/PROVIDE FOR POLICE ACCIDENT REPAIRS		
CARMEL WATER DISTRICT #2				
	602-8310-0047	EMERGENCY REPAIRS	16,895.00	
	602-8310-2681	INSURANCE RECOVERY - ASSET	* 16,895.00	
		- PROVIDE FOR EMERGENCY REPAIR COSTS AT GLENEIDA AVE 12/22/14		
	602-8310-0020	EQUIPMENT COST	1,020.00	
	602-8310-0041	CHEMICAL EXPENSE	12,750.00	
	602-8310-0042	UTILITY EXPENSE	6,570.00	
	602-8310-0047	EMERGENCY REPAIRS	9,660.00	
	602-8310-0046	PURCHASE OF WATER		20,040.00
	602-8310-0048	OTHER OPERATING EXPENSE		9,850.00
	602-8310-0049	SERVICES OTHER GOVT		110.00
		- PARTIAL TRANSFER FOR CWD #2 EXPENSES		

✓ Work Session 2/6/15
✓ Agenda 2/25/15

25 FEBRUARY 2015
TOWN BOARD MEETING

ENCUMBRANCES OF 2014 FUNDS FOR EXPENDITURES IN 2015 - AUTHORIZED

WHEREAS, it is recommended by the Town Comptroller's Office that 2014 Government Budget Funds be encumbered or reserved for the 2015 Budget Appropriations, based on recently approved Town Board Resolutions and/or specific projects in progress for various purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel authorizes the Town Comptroller's Office to Encumber or Reserve unexpended 2014 Government Fund monies for expenditures in fiscal year 2015 as follows:

<u>Purpose of Encumbrance</u>	<u>Accounts</u>	<u>Maximum</u>	<u>Explanation/Comments</u>
<u>General Fund</u>			
Assessor Contract Expense	100-1355-0046	13,598.00	Reassessment Contract Balance 12/14
Building Special Improvements	100-1620-0045	2,970.00	Tax Receiver Office Improvements
Information Technology	100-1680-0020	26,100.00	Municipity 5 Software (Bal) 12/14
Data Imaging Equipment	100-1680-0021	15,000.00	Data Imaging Equipment
Police Equipment	100-3120-0027	13,350.00	Island Tech-Computers/Mounts for vehicles
Recreation Bldg. Special Repairs	100-7020-0045	<u>18,500.00</u>	Balance Insurance Claim
<u>Total General Fund Encumbrances</u>		<u>\$89,518.00</u>	
<u>Highway Fund</u>			
	500-5130-0041	\$100,000.00	Machinery/Equipment Capital Expense
<u>Special Districts</u>			
Mahopac Falls Fire Dept.	301-3410-0045	\$ 26,000.00	Dry Hydrant Installation Estimate

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

CARMEL FIRE PROTECTION DISTRICTS #1, #2 AND #3 - ENTRY INTO CONTRACTS WITH PENFLEX INC. FOR SERVICE AWARD PROGRAM ADMINISTRATION - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel, acting as the commissioners of Carmel Fire Protection Districts #1, #2 and #3, hereby authorizes entry into Service Award Program Service Agreements with Penflex Inc., of Latham, NY for administration services for the Fire Protection District Service Award Programs for 2015 as contained within the proposal of September 17, 2014 which is attached hereto and made a part hereof, at estimated costs of \$5,800.00 for Fire Protection District #1; \$6,600.00 for Fire Protection District #2 and \$5,300.00 for Fire Protection District #3; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign said agreements on behalf of the Town of Carmel.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

Roll Call Vote	YES	NO
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Frank Lombardi	X	
Kenneth Schmitt	X	

Penflex, Inc. 11/1/2014-10/31/2015 Service Fee Agreement
TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 1
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: \$3,450, \$100 Change from 2013
Per-Participant Fee: \$17, \$0 Change from 2013
Payment certification and trustee directive letters: \$75 per letter, \$0 Change from 2013

Total Estimated Standard and Distribution Services Fees: \$5,800

Optional Services Fee Schedule

PLEASE CHECK ONE BOX:

- ☐ COMPLETE the 'LOSAP Audit Package' for a fee of \$495.
Auditing Firm: _____
Contact Name: _____
Email Address: _____
Please note: the LOSAP Audit Package does not satisfy the LOSAP audit requirement, but it assists the accounting firm performing the audit.
- ☐ DO NOT COMPLETE the 'LOSAP Audit Package' and bill us for the cost of Penflex services for preparing and communicating information we direct you to prepare and forward to the accounting firm which will audit our Service Award Program.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

Supervisor
Town of Carmel

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex, Inc.

Penflex, Inc. 11/1/2014-10/31/2015 Service Fee Agreement
TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 2
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: \$3,450, \$100 Change from 2013
Per-Participant Fee: \$17, \$0 Change from 2013
Payment certification and trustee directive letters: \$75 per letter, \$0 Change from 2013

Total Estimated Standard and Distribution Services Fees: \$6,600

Optional Services Fee Schedule

PLEASE CHECK ONE BOX:

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

- ☐ COMPLETE the 'LOSAP Audit Package' for a fee of \$495.
Auditing Firm: _____
Contact Name: _____
Email Address: _____
Please note: the LOSAP Audit Package does not satisfy the LOSAP audit requirement, but it assists the accounting firm performing the audit.
- ☐ DO NOT COMPLETE the 'LOSAP Audit Package' and bill us for the cost of Penflex services for preparing and communicating information we direct you to prepare and forward to the accounting firm which will audit our Service Award Program.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

Supervisor
Town of Carmel

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex, Inc.

Penflex, Inc. 11/1/2014-10/31/2015 Service Fee Agreement
TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 3
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: \$3,450, \$100 Change from 2013
Per-Participant Fee: \$17, \$0 Change from 2013
Payment certification and trustee directive letters: \$75 per letter, \$0 Change from 2013

Total Estimated Standard and Distribution Services Fees: \$5,300

Optional Services Fee Schedule

PLEASE CHECK ONE BOX:

- ☐ COMPLETE the 'LOSAP Audit Package' for a fee of \$495.
Auditing Firm: _____
Contact Name: _____
Email Address: _____
Please note: the LOSAP Audit Package does not satisfy the LOSAP audit requirement, but it assists the accounting firm performing the audit.
- ☐ DO NOT COMPLETE the 'LOSAP Audit Package' and bill us for the cost of Penflex services for preparing and communicating information we direct you to prepare and forward to the accounting firm which will audit our Service Award Program.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

Supervisor
Town of Carmel

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex, Inc.

25 FEBRUARY 2015
TOWN BOARD MEETING

**SUPERINTENDENT OF HIGHWAYS MICHAEL SIMONE - ATTENDANCE AT
CONFERENCE AUTHORIZED - 3/3/15 TO 3/4/15**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Superintendent of Highways Michael Simone to attend the 2015 Grassroots Advocacy Campaign for Local Roads & Bridges on March 3-4, 2015 in Albany, NY; and
BE IT FURTHER RESOLVED that the cost of registration and other necessary expenses be advanced or reimbursed by the Town Comptroller's Office upon audit and approval.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u></u>
John Lupinacci	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

LAKE MAHOPAC PARK DISTRICT MANAGEMENT PLAN – AMENDED

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Mahopac Park District, hereby amend the Management Plan for the Lake Mahopac Park District, said amended Management Plan to be in form as attached hereto and incorporated herein.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u></u>
John Lupinacci	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

AMENDED PLAN OF MANAGEMENT

FOR

LAKE MAHOPAC PARK DISTRICT

1. Organization:

Management of the Lake Mahopac Park District shall be vested in a five (5) member Board of Managers, which shall be appointed by the Town Board of the Town of Carmel. The membership for such board shall consist of five (5) members, all of whom shall be owners of property within the Lake Mahopac Park District boundaries. Said members shall be volunteers who have submitted their names in writing to the Town Board. All members shall be appointed for a one (1) year term commencing on the 1st day of January and conclude on the 31st day of December each calendar year.

There shall also be created a seven (7) member subcommittee for the purposes of consulting with, and assisting the Board of Managers referenced above. The membership of such subcommittee shall consist of seven (7) members, each of whom shall be owners of property within the Lake Mahopac Park District boundaries. Said members shall be volunteers who have submitted their names to the Town Board of the Town of Carmel for consideration of appointment. All subcommittee members shall be appointed for a one (1) year term by the Town Board, commencing January 1st of each calendar year and concluding on December 31st of each calendar year. The subcommittee created hereunder shall have no voting or executive power or authority.

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

2. Duties:

The Board of Managers of the Lake Mahopac Park District shall be vested with the power and duties of seeing to the day to day management of the Lake Mahopac Park District and the preparation of a proposed budget for the District for each year. The day to day management vested with the Board of Managers and shall be subject to the approval of the Town Board of the Town of Carmel.

3. Budget:

The Board of Managers shall be responsible for the preparation of a submission to the Town Board of the Town of Carmel of a proposed budget for said District in the same manner as all Departments within the Town of Carmel are required to submit their budget requests. Ultimate approval of any budget for the Lake Mahopac Park District and any rates to be assessed to the properties and/or residents within the District Boundaries shall rest with the Town Board of the Town of Carmel.

4. Amendment:

The Town Board of the Town of Carmel does hereby reserve the power to further amend this management plan by resolution, from time to time as the Town Board may deem appropriate.

Supervisor Schmitt read from the amended Management Plan and noted that the change was made at the request of the Lake Mahopac Park District Advisory Board.

LAKE MAHOPAC PARK DISTRICT ADVISORY BOARD APPOINTMENTS MADE - EDWARD BARNETT, MARTY GREENBERG, JAY CRAWFORD, CHARLES LANGLITZ, AND JAMES MAXWELL - COMMENCING RETROACTIVE TO 1/1/15 AND EXPIRING 12/31/15

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Mahopac Park District Advisory Board for a term commencing retroactive to January 1, 2015 and expiring December 31, 2015:

Edward Barnett
Marty Greenberg
Jay Crawford
Charles Langlitz
James Maxwell

Resolution

Offered by: Councilman Lombardi
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>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

LAKE MAHOPAC PARK DISTRICT SUBCOMMITTEE APPOINTMENTS MADE - WILLIAM FRUMKIN, JOSEPH MASSARO, SHIELA MARGOLIS, JOHN MAXWELL, BERT MELCHNER, MARK ROBERTSON, AND WILLIAM SPAIN - COMMENCING 2/25/15 AND EXPIRING 12/31/15

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Mahopac Park District Subcommittee for a term commencing immediately and expiring December 31, 2015:

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

William Frumkin
Joseph Massaro
Shiela Margolis
John Maxwell
Bert Melchner
Mark Robertson
William Spain

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

Supervisor Schmitt recognized the appointed members of the Lake Mahopac Park District Advisory Board and Sub-Committee for their service to the community.

DONATION OF IMPROVEMENTS AT BALDWIN MEADOWS PARK ACCEPTED AND AUTHORIZED - JENNA NOLAN MEMORIAL

RESOLVED that the Town Board of the Town of Carmel hereby accepts the donation of materials and services contemplated for the Jenna Nolan Memorial located at Baldwin Meadows Park, as outlined and detailed in the memorandum of Director of Recreation and Parks, James R. Gilchrist, dated February 10, 2015; and

BE IT FURTHER RESOLVED the improvements contemplated and detailed therein are hereby authorized by the Town Board to be performed; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel from all contractors involved in the aforesaid improvements, said improvements may be immediately commenced.

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

RE-VALUATION CONTRACT WITH VISION GOVERNMENT SOLUTIONS - AMENDMENT #1 AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel hereby approves and authorizes amendment #1 to the Contract with Vision Government Solutions for Real Property Assessment Located within the Corporate Limits of the Town of Carmel, New York in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to execute the aforesaid agreement on behalf of the Town of Carmel.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

(Cont.)

Roll Call Vote	YES	NO
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Frank Lombardi	X	
Kenneth Schmitt	X	



AMENDMENT 1
TO CONTRACT FOR REAL PROPERTY REASSESSMENT PROJECT
LOCATED WITHIN THE CORPORATE LIMITS OF
THE TOWN OF CARMEL, NEW YORK

This Amendment, made this _____ day of _____, 20____, by and between the TOWN OF CARMEL, a municipal corporation located in the State of New York, ("TOWN") acting by and through its Supervisor having been so duly authorized with its principal place of business at Carmel Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541 and Vision Government Solutions, Inc., a Massachusetts corporation with its principal place of business at 44 Bearfoot Road, Northborough, MA 01532 hereinafter termed the CONTRACTOR, hereby amends the contract titled, "Real Property Reassessment Project Located within the Corporate Limits of the Town of Carmel, New York" dated June 5, 2014 and executed by and between the parties ("Agreement"). All capitalized terms used herein shall have the meanings attributed to them within the Agreement unless otherwise noted. The parties agree that the Agreement and its Exhibits, Schedules and other attachments shall remain in full force and effect unless specifically modified herein.

NOW THEREFORE, for mutual consideration the following terms and conditions are hereby amended:

1. TOWN is exercising the certain option listed in Exhibit F1 to the Agreement which states that "Removal of rental office space would be a **savings of \$10,000.**" For avoidance of doubt, by exercising this option, TOWN shall supply suitable space for the CONTRACTOR's use throughout this project including providing landline telephone service and office technologies as may be required;
2. Exhibit A of the Agreement is hereby removed and replaced with the Exhibit A attached to this Amendment; and
3. As a result of 1. and 2. above, the total price of the Agreement is reduced by \$10,000, and is now \$832,000.

By signing below, the parties represent and warrant that they have read and understand the provisions of this Amendment, as well as the terms and conditions set forth in the Agreement.

Town of Carmel, New York

Vision Government Solutions, Inc.

By: _____

By: _____

Printed Name & Title

Printed Name & Title

Date: _____

Date: _____

(Cont.)

EXHIBIT A

PROJECT COST ITEMIZATION

CATEGORY	AMOUNT
Project Management (including RFP Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.20, 5, 6, and 7)	\$64,000
Data Collection (including RFP Sections 4.8, 4.9, and 4.10 except that Vision will use existing field cards)	\$388,000
Valuation Analysis and Production (RFP Section 4.11)	\$105,600
Field Review (RFP Section 4.12 excluding tablets)	\$112,000
Informal Review Meetings including BAR (RFP Section 4.17)	\$70,000
Photo/Images (Street Level)	\$27,000
CAMA Software --Software License Fee = \$27,000 --Software Conversion and Implementation = \$35,000 --Web Hosting (1 Year) = \$3,400	\$65,400
TOTAL	\$832,000

Options	
Public Utility Property	
-Structural	See Exceptions
-Non-Structural	See Exceptions

Per-Diem Charges	
Additional Classroom Training/Workshops	5 Days included, additional at \$650 per Diem
Small Claims	\$1,200 per Diem
Certiorari Report Preparation	\$1,200 per Diem
Certiorari Court Testimony	\$1,200 per Diem

Please see Exhibit G for Aerial Imaging Pricing from Pictometry

PUBLIC COMMENTS - AGENDA ITEMS

Michael Barile, in regard to the Contract with Vision Government Solutions for Real Property Assessment, expressed his extreme dissatisfaction that the largest property owner in the Town of Carmel, the City of New York, is not included in the revaluation project.

Councilman Schneider explained that he has addressed the issue with a representative from the New York State Office of Real Property Tax Services and that the Town is in the process of researching the different options to remedy this.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Mr. Barile commented on the underassessment of property owned by the City of New York. He pointed out that property purchased by the City of New York fourteen years ago for \$5.6 million has been assessed at a full market value of \$87,859.00 for the last thirteen years. Mr. Barile suggested that if NYC paid their fair share of taxes, a decrease in taxes over the last ten years would be had by all.

PUBLIC COMMENTS - OPEN FORUM

Mr. Barile cited the rebate check that he received from New York State resulting from the Mahopac Central School District's compliance with the 2% property tax cap and spoke regarding the potential for additional savings for homeowners attributable to the program. Mr. Barile then inquired about the recent arbitration hearings held in connection with the Town of Carmel PBA contract negotiations.

Councilman Lupinacci reported on the hearings and the binding arbitration process. He stated that the Town presented an excellent case, however it was an expensive endeavor that is now in the hands of the independent arbitrator. Councilman Lupinacci expressed his concern that this ruling in arbitration could hinder the Town's ability to achieve the property tax cap in the future. Discussion ensued.

Supervisor Schmitt agreed that the City of New York is not paying enough in taxes and conveyed his frustration that the residents in the hamlet of Carmel must pay up to \$500,000.00 annually for their water which is obtained from NYC owned Lake Gleneida.

Putnam County Legislator Carl Albano pointed out that not only do Hamlet of Carmel residents pay for their water from Lake Gleneida, for every ten gallons, eight or nine gallons are returned back at a better standard to the City of New York though a sewer plant. Legislator Albano suggested that there should be a different tax structure for a natural body of water.

Joe Tock commended Michael Simone, Highway Superintendent and his staff for their outstanding efforts cleaning the roadways throughout the recent snowstorms.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING"

Supervisor Schmitt thanked the public for their attendance at the Public Hearing. He encouraged comments and emphasized that they will be taken under consideration by the Town Board. Supervisor Schmitt noted that the proposed Local Law is subject to change and that most likely, the Public Hearing will not be closed tonight. Written submissions to the Town Board in connection with the matter will be accepted. He stated that if substantive changes are made to the proposed Local Law, another Public Hearing will be held.

Councilman Lupinacci added that in the past, input from the public helped the Town Board to modify legislation, citing the Local Law enacted three years ago with regard to blasting in the Town of Carmel. He further noted that legislation to establish and impose restrictions upon the installation and operation of portable bathrooms remains open because of comments made by the public. Councilman Lupinacci apologized if anyone felt slighted for not being included in the drafting of the proposed Local Law and stressed the need for future dialog.

Supervisor Schmitt spoke regarding his open door policy. He added that the Town Board is business friendly and emphasized that communication between the Town Board and the community must be improved.

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the notice were made available to the public.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10341 on Wednesday, February 23, 2015 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 156, entitled "Zoning" of the Town Code of the Town of Carmel as follows:

**TOWN OF CARMEL
PROPOSED LOCAL
LAW # OF THE
YEAR 2015**

A Local Law Amending the Code of the Town of Carmel, Chapter 156, thereof, entitled "Zoning" BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

SECTION 1.
This Local Law shall be known as 2015 Amendments to Chapter 156 entitled "Zoning."

SECTION 2. Article X of Chapter 156 of the Code Entitled "Stormwater Control" is hereby amended to read as follows:

A R T I C L E X :
STORMWATER CONTROL
§156-30 "DEFINITIONS"
is hereby amended as follows:

LAND DEVELOPMENT ACTIVITY - Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

THE DEFINITION FOR "SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP 02 01" IS HEREBY REPEALED AND REPLACED WITH:

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES - A general permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of land. GP 0 10 001 or most recent version.

THE DEFINITION FOR "SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEWER SYSTEMS GP 02 02" IS HEREBY REPEALED AND REPLACED WITH:

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEWER SYSTEMS

A general permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate stormsewers for compliance with EPA established water quality standards and/or to specify stormwater control standards. GP 0 10 002 or most recent version.

SECTION 3. § ZONING 156 Attachment 2
Town of Carmel Sample Stormwater Control Facility Maintenance Agreement is hereby amended to read as follows:

**Town of Carmel
Sample Stormwater
Facility Maintenance
Agreement**

Whereas, the Town of Carmel, County of Putnam, State of New York ("Municipality") and ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Therefore, the Municipality and the facility owner agree as follows:

1. This agreement inures to the benefit of the Municipality and binds the facility

owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.

2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The

stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.

3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a professional engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality, within 30 days of the inspection, a written report of the findings, including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.

6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The facility owner shall provide to the Municipality, within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of a bond, letter of credit or escrow account.

8. This agreement shall be recorded in the Office of the County Clerk, County of Putnam together with the deed for the subject premises.

9. In the event that the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

10. Nothing within this agreement shall be construed to impose any affirmative obligation or covenant of performance on the Municipality.

11. This agreement is effective

Facility Owner:

Owner's Representative:

Representative Signature:

SECTION 4.

Subsection §156-61(C) (3) of Chapter 156 entitled "Zoning" is hereby amended to read as follows:

(3) Design review criteria.

(a) Building plans shall be reviewed in several aspects:

(1) Proportion. The relationship between the width and height of the front elevation of a building should be similar to the adjacent buildings. Proportion can also apply to the relationship between windows and doors and their relationship to the building itself.

(2) Rhythm. The rhythm of the building and its components is the spacing or repetition of architectural elements or details. The regularity, frequency and placement of doors, windows, porches and ramps and the placement within a facade is a type of rhythm. Rhythm between adjoining buildings can exist when building types are repeated along street.

(3) Scale. Scale is the relationship between architecture and people or between the architectural mass and the space which surrounds it. The scale of The Town of Carmel is intimate in nature. Any building built on a monumental scale will seem out of place and foreign. Certain already built buildings are deemed inappropriate in some areas of the town.

(4) Height. New buildings will be in harmony with appropriate buildings and subject to the requirements of The Town of Carmel Zoning Ordinance.

(5) Facade treatment. The exterior features of all buildings should be visually and physically compatible with those facades surrounding them. Components to consider are color, texture and type of building materials. Specific details such as roof shape, cornices and moldings should be repeated to unify buildings and not used to create visual distractions.

(6) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

(b) Development requirements.

(1) Materials will be selected to create harmony with the adjoining appropriate buildings and for suitability to the type and use of the buildings. A building shall use the same materials or those that are architecturally harmonious for all building walls and other exterior building components wholly or partly visible to the public.

(2) Colors shall be harmonious and shall use only compatible accents.

(3) Large mechanical equipment or other utility hardware on the roof, ground or buildings shall be screened from public view with materials harmonious to the building.

(4) Exterior lighting shall be part of the

architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.

(5) Service yards, storage area, yards and exterior work areas shall be screened from public view with materials harmonious with the building and in compliance.

(6) Dumpsters must be placed in compliance with section 96-3C(1) through (10).

(c) Special regulations. Application for development within the town shall be reviewed, evaluated and determined by the Planning Board. Among criteria for review will be in compliance with the following measures:

(1) Locate the building at a minimum setback line with the maximum length of the building facing along street to provide frequent and convenient pedestrian connections between buildings and public sidewalks; minimize the public view of large parking areas and service facilities; provide a continuous edge along the street; and visually enclose and define public street space that is comfortable to pedestrians in proportion and scale.

(2) Design and place buildings in order to preserve and enhance special street views. In particular, views of important buildings and natural features, focal points at T-intersections and views along curbs and roadways should be encouraged.

(3) Position new buildings to insure the adjacent properties have visual privacy and sunlight as well as protection from the new development's site illumination, noise and odor.

(4) In terms of shape, style, rooflines, color and materials, buildings shall be designed to complement and contribute to a desirable community character.

(5) Design landscaping and building adjacent to historic properties that are complementary to the significant historical features.

(6) Design and position buildings to screen unsightly elements, such as shipping and loading areas, transformers, dumpsters and meters from public view.

(7) Design the building roof to screen mechanical equipment from view and contribute to an attractive visual setting.

(8) Design the building to insure adequate blending of the storm drainage requirement with the local environment.

(9) Provide a minimum 10' (ten-foot) "buffer island" which shall be landscaped (trees, bushes, flowers, etc.) in front of all non-residential lots.

(10) Provide a minimum 20' (twenty-foot) landscaped buffer area/zone on all sides of site plan bordering residentially zoned properties. For purposes of this section landscaping shall include evergreen trees,

plantings and/or shrubbery which in the discretion of the Planning Board shall minimize impact of proposed site plan improvements upon neighboring residential properties.

(11) Signs; The criteria for signs are similar to that of buildings.

[a] Signs should be visible but not obnoxious in size, content, or color.

[b] Proportion. The relationship between the width and the height of the sign should be similar to the adjacent signs. Proportion can also apply to the relationship between the building shape and size and sign shape and size.

[c] Corporate logos shall be permitted provided they do not exceed 10% of the allowable area of any building sign nor 20% of the allowable area of any freestanding sign. Signs shall not include any words, pictures, or logos that are considered inappropriate.

[d] Colors shall be harmonious and shall use only compatible accents. All colors shall be muted in nature (earth tones) and not brilliant.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

(e) Signs installed, replaced, or substantially repaired (after the date of adoption of this law) shall be indirectly illuminated. Back lit signs will no longer be permitted.

(f) Signs erected inside buildings that are visible from the outside through a window, shall not exceed 10% of the window area and shall not blink, flash, or scroll.

(12) Screening. The following items shall be located so as to minimize visibility from the roadway, adjacent properties and other public areas and shall be screened from public view.

- (a) Service bays;
- (b) Loading docks and platforms;
- (c) Rooftop utilities;
- (d) Satellite dishes;
- (e) Dampers (per section 96-3C(1)-(10));
- (f) Storage areas;

(13) If in the opinion of the Planning Board, a deviation from the stated architectural design standards is warranted to yield superior architectural quality and neighborhood design, said change may be required from the Planning Board.

(14) Nothing in this Article shall be taken or construed to prevent work and repairs on any structure for normal maintenance where a building permit is not required. Nothing in this Article affects the right to complete any work for which a building permit or authorization issued prior to the enactment hereof.

SECTION 5.

Chapter 156 entitled "Zoning," specifically subsection §156-41 entitled "Signs" is hereby amended to add the following subsection §156-41C.

(11) Application and approval procedures Signs in Existing Buildings.

A. Any person making an application for approval of plan to construct, reconstruct, replace or move a sign within The Town of Carmel that is not currently before the Planning Board, shall submit all necessary specifications to the Building Inspector. The submission shall be reviewed by the Building Inspector for conformance with all applicable ordinances of the town.

(1) The applicant shall provide to the Building Inspector a plan containing a placement survey, elevation drawings, along with general information such as type, texture and color of materials to be used for the sign(s).

(2) The Building Inspector shall review the plan for the following criteria:

(a) Proportion. The relationship between the width and the height of the sign should be similar to the adjacent signs. Proportion can also apply to the relationship between the building shape and size and sign shape and size.

(b) Corporate logos shall be permitted provided they do not exceed 10% of the allowable area of any building sign nor 20% of the allowable area of any freestanding sign. Signs shall not include any words, pictures, or logos that are considered inappropriate.

(c) Colors shall be harmonious and shall use only compatible accents. All colors shall be muted in nature (earth tones) and not brilliant.

(d) Signs installed, replaced, or substantially repaired (after the date of adoption of this law) shall be indirectly illuminated. Back lit signs will no longer be permitted.

(e) Signs erected inside buildings that are visible from the outside through a window, shall not exceed 10% of the window area and shall not blink, flash, or scroll.

SECTION 6.

Subsection §156-41 A.(4) of Chapter 156 entitled "Zoning" is hereby amended to read as follows:

§156-41 A.(4) The following types of signs are prohibited:

(d) All bare incandescent light sources and neon lights; LED lights that flash, move, change colors, intermittently illuminate or change the message more than 1 time per day (All LED signs shall be dimmed in the evening to minimize the glare to drivers and pedestrians); reflection signs; or luminous signs banners; flags.

SECTION 7.

§156-41 A.(4) of Chapter 156 entitled "Zoning" is hereby amended to add the following subsection:

§156-42(A)(4) The following types of signs are prohibited:

(f) Sandwich board signs when placed on the property, right-of-way, or on a vehicle regardless of location of said vehicle.

SECTION 8.

§156-41(C)(10) of Chapter 156 entitled "Zoning" is hereby amended to read as follows:

10. Promotional signs shall be permitted, provided that a temporary permit for the use of such devices is obtained from the Building Department of the Town of Carmel at least 10 days in advance of the use of said devices and subject to the following conditions:

(a) No property shall be permitted to use such outside promotional devices more than six times per year.

(b) The use of such devices shall be limited to no more than five consecutive days.

(c) Said promotional devices shall be set up no earlier than 6:00 a.m. on the first day of the temporary permit and shall be removed no later than 6:00 p.m. on the last day of the temporary permit.

(d) The Building Inspector, when issuing such temporary permit, shall charge and collect a fee therefore. Said fee shall be established annually by the Town Board and shall be on file in the office of the Town Clerk.

(e) The Building Inspector, when issuing such temporary permit, shall collect a security deposit in the form of cash to insure the removal of said promotional devices at the expiration of the temporary permit. The amount of said deposit shall be established annually by the Town Board and shall be on file in the office of the Town Clerk. The security deposits collected hereunder by the Building Inspector shall be forwarded to the appropriate person in the Town for deposit in the Town's Trust and Agency Funds. Upon the proper removal of all promotional devices by the permit holder, in accordance with the temporary permit, the Town shall refund said security deposit. In the event the permit holder fails to remove the promotional devices at the expiration of the temporary permit for such devices, then the Building Inspector is authorized to effect said removal and to charge the cost of said removal plus an administrative fee against the security deposit.

(f) Notwithstanding any provision of this Chapter or the Town Code of the Town of Carmel to the contrary, temporary promotional banners shall be permitted to be placed or erected in, on or across any State, Local or County right of way upon the following terms and conditions:

(i) A temporary permit for such temporary promotional banners shall be obtained from the Building Department of the Town of Carmel at least 10 days in advance of the use

(ii) The Building Inspector, when issuing such temporary permit, shall charge and collect a

fee therefore. Said fee shall be established annually by the Town Board and shall be on file in the office of the Town Clerk.

(iii) Any jurisdictional permits required for the placement of temporary promotional banners shall be obtained prior to the issuance of such temporary permit by the Building Inspector.

(iv) That the placement of such temporary promotional banners shall be limited to no more than thirty (30) consecutive days.

SECTION 9 - HOME RULE

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

SECTION 10 - SEVERABILITY

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

SECTION 11 - 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.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

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

With no one objecting to the public notice, Supervisor Schmitt opened the Public Hearing for public comment at 8:06 p.m. Approximately one hundred and twenty five (125) people were in attendance.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Michael Barile, forty-three year member of the Chamber of Commerce, spoke regarding the need for greater participation from the community at Town Board meetings and called upon local businesses to come forward with ideas that will benefit the Town. He commented that the appearance of Mahopac has improved over the last five years to which he credited the Town Board as well as the former Zoning Code Compliance Committee which he suggested should be revived. Mr. Barile stated that he believed that the Public Hearing is being held to improve the appearance of Route 6 and help bring code violators into compliance.

Ken Lauro commented that a property owner along Route 6 was permitted to mine stone and gravel for four years, leaving a large unsightly crater while another property owner will be in violation for putting up a sandwich board sign. He commented that while a condemned strip mall on Route 6 has been allowed to remain vacant and unattractive for over six years, he has received violations for his signs. Mr. Lauro expressed his frustration with purported selective enforcement of the Town Code as well as with the Town of Carmel's part-time codes enforcement officer. He argued against prohibiting neon signs. Mr. Lauro commented that the Town Board should meet with a committee of Chamber of Commerce members to examine the proposed Local Law line by line to develop compromise legislation. Mr. Lauro pointed out that the business owners want the Town to look attractive, too.

Councilman Schneider stated that eight years ago he served on the board of the Chamber of Commerce as the political liaison and questioned if there was currently anyone serving in this capacity. He agreed that there has been a lack of communication between the Town Board and the business community.

Mr. Lauro commented that local businesses are hurting and cautioned that if a business fails, the tax burden will go on to the homeowners. He concluded that with a 20 percent vacancy along Route 6 in Mahopac, legislation that will allow tasteful signs is necessary.

Patrick O'Malley, resident and chairman of the Northern Westchester-Putnam St. Patrick's Day Parade committee, expressed the committee's concern with and disapproval of the proposed Local Law. In regard to temporary promotional banners, he pointed out that most of the temporary banners put up in the Town are for events run by non-profit organizations and the proposed increase to the fee charged in connection with installing the banners would be excessive. Regarding the changes governing business signage to give the Town a small town New England feel, Mr. O'Malley commented that Carmel is no longer a sleepy little town. He stated that if the Town Board is to meaningfully improve the direction that Carmel's growth takes, they must acknowledge the Town for what it truly is and start working with the business community and the community at large to best determine what is needed going forward. He concluded that restrictive regulations for business signage benefit no one and requested that the Town Board not adopt the proposed legislation.

Matt Bevilacqua, former president of the Chamber of Commerce commented on the need for industry in the Town of Carmel. He expressed his concern that restrictive legislation will discourage new businesses and spoke regarding the need for compromise.

Putnam County Legislator Carl Albano, forty-year Chamber of Commerce member and business owner on Route 6 in Mahopac, commented that the Town Board has good intentions with regard to improving the aesthetics of Carmel. However, the Local Law as proposed will hurt businesses. He suggested before changes are considered, an actual plan and conceptual vision for the Town should be developed. Legislator Albano recommended pursuing creative ideas to encourage people to comply with the plan when implemented and suggested as an example that if a business owner is replacing a sign that meets with the direction the Town is pursuing, their fee should be waived or reduced.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Mike Bucci, the Greater Mahopac-Carmel Chamber of Commerce executive director, stated for interested members of the community that comments in connection with the proposed legislation may be emailed to him at mike@mahopaccarmelchamber.com and he will forward the comments to the Town Board for consideration. Mr. Bucci stated that he was prepared to discuss the proposed Local Law line by line and offer differing opinions on a good deal of what was brought forth, such as regulations proposed in connection with backlit signs and neon signs, but will not at this time because of the Town Board's commitment to continue the Public Hearing. He commented that now, at the end of a recession, is not the time to adopt new regulations without a plan.

Mr. Bucci praised the Town Board for commencing a dialog and encouraged members of the business community to get involved. He stated that the Chamber of Commerce will put together another legislative committee to provide input to the Town Board. Mr. Bucci spoke regarding the value of signage to local businesses.

Jennifer Maher, chairwoman, the Putnam County Chambers of Commerce, former chairwoman of the Greater Mahopac-Carmel Chamber of Commerce and business owner along Route 6 in Mahopac, paraphrased from an article she wrote that appeared in the Putnam County Courier. She commented that the proposed changes in connection with signs threatens efforts to improve the local economy and may hamper the conducting of business in the area. Ms. Maher commented that in theory, a sign ordinance is a good idea. However, it should be done in conjunction with a larger vision and plan for the commerce districts. Ms. Maher went on to encourage the Town Board to pursue CFA funding for the business community.

Bill Nulk, president of the Putnam County Chambers of Commerce stated that sign ordinances in other towns have caused consternation. He further stated that he was happy for the open conversation with the Town Board and expressed his hope for a plan that is amenable to all. Mr. Nulk commented that the tone of the proposed Local Law seems negative. He cited the provision for muted colors and pointed out that the purpose of a sign is to attract attention. Mr. Nulk commented that some of the terminology in the proposed Local Law is contrary to modern technology and noted that the use of LED lighting has bypassed the use of some backlit signage. He asked the Town Board to seriously consider the limitation of allowing only 10% of window space in a building as being available for signage.

Henry Boyd, Chairperson of the Carmel/Kent Chamber of Commerce, commented that he was not in favor of certain regulations contained in the proposed legislation. He stated that he would like to see the Town Board table the matter and meet with the business people in the community to negotiate a better plan.

Dave Nichols stated that although he does not have a business in the Town, he has many tenants who do and they are all either angry or worried. He stated that he disagreed with most of the proposed legislation. He expressed support for sandwich boards and banners. Mr. Nichols commented that most of the commercial property in the Town will be in violation of the Town Code should this legislation be adopted, if they are not already. He questioned if every time a gas station changes the price of their gas, will they be required to obtain a new sign permit. Mr. Nichols expressed his frustration with tax increases and suggested that the Town Board cut spending to reduce them. He expressed his frustration with regard to being charged a fee in connection with fire inspections and noted that Carmel is the only town that he knows of that does.

Ms. Maher expressed frustration about the proposed fee increase in connection with banner permits from \$100.00 to \$1,500.00, citing the impact on not-for-profit organizations.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Councilman Schneider pointed out that the proposed \$1,500.00 charge is just under the actual cost to the Town of Carmel for erecting a banner.

Ms. Maher suggested raising the fee in increments.

Councilman Schneider advocated designating areas on the sides of certain roads where there are natural intersections for posting the banners thus alleviating the necessity to charge \$1,500.00 to install it across a road.

Ms. Maher agreed that the Town should cover their costs. However, she stated that the fee should not increase from \$100.00 to \$1,500.00 without dialog. Ms. Maher suggested that the Police Department and Highway Department staff should be required to volunteer three days a year to improve the Town.

Jack Tesler, Mahopac resident and father of Jen and Jerry's Deli in Carmel's owner, stated that in the fifty-year time span that he and his family have lived in Putnam County, the Town has grown and expanded uniformly. Mr. Tesler stated that the increase in businesses and schools necessitate keeping people well informed and that among the things used to disseminate information to the community are signs. He stated that the reduction or elimination of these signs would be very detrimental, as would the prohibition or the placement of new ones. Mr. Tesler concluded that the removal or limiting of signs would negatively impact the growth of the area, put a greater tax burden on existing businesses and homeowners, and be contrary to the desire to attract people.

Joe Tock, twenty-seven year Town resident, twenty-four year business owner and twenty-two year member of the Chamber of Commerce stated that the best outcome from this meeting would be the creation of a committee that will meet with several members of the Town Board to discuss what has been presented. He stated that initially he was going to address seven or eight areas of the proposed Local Law, however, will highlight only one or two if the Town Board is open to having a meaningful dialog as to how this legislation affects current businesses and future businesses. Mr. Tock asked if the proposed Local Law addresses preexisting signs.

Gregory Folchetti, Legal Counsel replied, yes.

Mr. Tock asked the Town Board to consider that since the legislation applies to preexisting signs, that many business owners have invested in renovating their buildings and purchasing signs. Mr. Tock then went on to comment in opposition of the proposed section in the legislation that requires all colors shall be muted in nature (earth tones) and not brilliant, pointing out that the Ford logo is blue, the Dunkin Donuts logo is pink and orange, the Sunoco logo is bright blue and yellow, and the Law Offices of Joseph J. Tock logo is bright green. He further commented that the purpose of a sign is to attract attention.

Mr. Tock emphasized the need for communication. He stated with regard to the Town Board's desire to maintain a New England feel for Carmel, that Mahopac is not Ridgefield where the town hub is walkable. Carmel does not have people walking to our businesses and therefore depend on appropriate signage. Mr. Tock suggested that the Town Board create a comprehensive plan and not cherry pick items to address. He then spoke against the proposed increase to \$1,500.00 for banner permits citing the impact on the volunteers of the not-for-profit organizations.

Councilman Schneider stated that the Town Board is not only addressing the fee for banners. Effective January 1, 2016 it is the intention of the Town Board to charge a fee to cover the cost of parades or will be establishing routes and structured procedures to reduce costs. They will be evaluating every cost associated with the Town to make it run more efficiently.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Mr. Tock commented that if not-for-profit organizations are charged \$1,500.00 to erect a banner, then they will no longer host their events here and it would tear the fabric of the community.

Ken Lauro commented that if the Town Board chooses to move forward with the proposed legislation, the landscape of Route 6 would change, as pickup trucks with billboards on them would line the road in lieu of signage.

Kevin Bailey, former president of the Carmel-Mahopac Chamber of Commerce, thanked the Town Board for agreeing to hold the Public Hearing open. He pointed out that the Chamber had provided input to the Town in connection with legislation adopted twenty years ago. He further pointed out that the last time that the Chamber had a liaison with the Town was about seven years ago.

Mr. Bailey commented that many storeowners in the Town are also homeowners and therefore, are double taxed. He commented that there should be no fees associated with signs, suggesting it should not be a revenue source for the Town. Mr. Bailey commented that the recession is not over for small businesses and that small businesses are the lifeblood of the community.

Richard D'Andrea, owner of Park Ford on Route 6, commented that the Town Board should be doing everything in their power to be business friendly. He commented that anything in the proposed legislation that is not business friendly should be addressed such as the provision regulating corporate logos.

Mr. D'Andrea commented on the need for infrastructure improvements throughout the Town to attract new businesses that will generate tax revenue and lessen the burden on residents. Mr. D'Andrea stated that in 2014, he collected \$1,317,000 in State sales tax, of which 60% went to Putnam County.

Mr. D'Andrea commented that everyone wants this Town to look great. However, it starts with a major plan. He suggested offering tax incentives to reface buildings and establishing a review board.

Councilman Lombardi pointed out that none of the sales tax paid to Putnam County is conveyed to the Town of Carmel. He appealed to the Chamber of Commerce to assist the Town Board in their continued efforts to lobby Putnam County to share their sales tax revenue with the Town.

Councilman Lupinacci spoke regarding the challenges associated with achieving New York State's property tax cap and explained how even a small percentage of Carmel's portion of Putnam County's sales tax revenue would benefit the Town.

Councilman Schneider expressed his concern that Putnam County has approached New York State to extend one of the highest sales tax rates. He suggested that if Putnam County had a comparable sales tax rate to Dutchess County, Westchester County, Rockland County and Fairfield County, maybe more businesses would be attracted to the County as we would not be 2% higher for the exact same products.

Mike Bucci indicated that he was unaware of the sales tax issue and asked how the business community can be of support to the Town Board.

Larry Zacks, fifty-year Mahopac resident and local realtor, commended the ideas brought forward by the business community as well as the cooperation of the Town Board. Mr. Zacks commented that a plan for the future of the Town needs to be adopted that addresses issues such as the appearance of Route 6, sales tax revenue sharing, water, sewer, and parking. He commented that a committee of local business owners should be formed to help address such issues.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

G. Trugia, resident, property and business owner in the Town of Carmel, spoke regarding signage issues at Lupi Plaza. He commented that he has been targeted with regard to code enforcement and that he has received mixed messages from the Town with regard to his signs. Mr. Trugia spoke against regulating the appearance of signs, commenting that a sign should reflect a business's personal identity and that they are needed to attract business. He pointed out that when he parked his truck with a sign on it, on the street, customers came in. He urged the Town Board to support the small business community.

William Lefurgy, Route 6 property owner, commented that he has recently installed a new sign that would need to be taken down and replaced, because it does not comply with the proposed legislation. Mr. Lefurgy commented against regulating the colors of signs and suggested that the Town Board address other problems before signage.

Charlie Melchner acknowledged the Town Board for their hard work. Mr. Melchner commented that Michael Carnazza, Director of Codes Enforcement/Building Inspector and Denis Marousek, Property Compliance Officer are good men and urged the Town Board to do what they can to help them do their job properly.

Pat Maffucci, owner of the Route 6 Bistrant in Mahopac, commented that because she does not live in the Town, she relies on signage to identify places where she would like to shop along Route 6. Ms. Maffucci commented that signs should be unique and identifying. She further commented that certain regulations in the proposed Local Law are subjective and would be enforced arbitrarily, citing the section of the legislation that states that the signs should not be obnoxious, as well as the section that states that the sign should not include any words, pictures, or logos that are considered inappropriate. Ms. Maffucci questioned who would be making that determination and suggested that the verbiage be amended.

Ruth Ayala-Quezada, owner of Mahopac Taxi and Carmel Taxi, Greater Mahopac-Carmel Chamber of Commerce, Carmel/Kent Chamber of Commerce and Putnam County Chambers of Commerce board member, as well as twenty-three year Town resident, stated that when she was growing up, there were numerous vacancies in the area shopping centers. She commented on how the business community has improved greatly and expressed her concerns that the proposed changes in connection with signage may hinder the improved business community.

Maria Stiefeld, owner of Salon Amore in Mahopac, commented that it is a privilege and honor to own a business in this Town. Ms. Stiefeld stated that although she has advertised in every newspaper in this Town, nothing generates more revenue than the A-frame sign that they post outside the salon. She commented in opposition of the proposed section in the legislation that requires all colors shall be muted in nature.

Thom Ianniccari, insurance broker in the Town of Carmel and Greater Mahopac-Carmel Chamber of Commerce treasurer, commented that finally the community has come together. Mr. Ianniccari commented that in neighboring Yorktown, when they had a signage issue, the chamber there made suggestions and the Town Board worked with them to develop a new code. He commented that the best thing to come out of this meeting tonight would be the commitment to develop an updated master plan. Mr. Ianniccari indicated that he is associated with the Putnam County Chambers of Commerce and that he will be bringing forward to them several issues brought forth at this meeting including the matter of sales tax revenue sharing.

Mr. Ianniccari requested that the Town Board revisit the criteria for signs in the proposed Local Law noting that a standard 5' by 3' sign with a 10% logo equates to approximately 6" by 3" of signage. The signage on a typical 8' by 4' storefront plate glass would be less than 10" by 5".

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Bobby Cozi, owner of CoZi's Barbershop on Routed 6N in Mahopac, commented that the palette of colors proposed in the Local Law will not allow for barber colors. Mr. Cozi commented that his sign is rooted in his profession and noted that in a Town without foot traffic, a business has five seconds to show who they are.

Wendy Wulkan, co-owner of South Side Inn in Mahopac as well as the Bull & Barrel Brew Pub in Brewster, commented that she has been in the community for fifteen years and has had challenges in the past in connection with her signs. She commented that it forces your hand to be creative and when you are forced to be creative, you do things like put signs in the back of pick-up trucks to get exposure. She commented that if the Town Board is looking for a clean and cohesive look, taking away a business's ability to identify who they are and capture new business is not the way to go about it. Ms. Wulkan expressed her frustration with signage issues in connection with her business in Brewster pointing out that she is one of the largest buildings in that town, yet people still drive by it because of signage limitations.

Vincent D'Ambrosio, chairman of the board of directors of the Greater Mahopac-Carmel Chamber of Commerce thanked the Town Board for the open dialog. Mr. D'Ambrosio compared the Town Board's effort to adopt the proposed Local Law to New York State's Common Core education standards. He commented that one size does not fit all and that every business wants to express themselves differently.

Artie Divila, owner of Bryant Pond Laundry on Secor Road since 2005 commented that his A-frame sign brings many customers into his store. He stated that many residents have told him that until they saw his sign, they were not aware of the existence of his store. Mr. Divila spoke regarding the importance of branding to businesses and concluded that if all colors are required to be the same, it would make it difficult for businesses to differentiate their branding.

Donna Massaro, forty-two year resident of the Town and five year business owner of the Freight House Café in Mahopac, commented that she is proud to be a part of the community and expressed her appreciation to the Town Board for listening to the concerns of the business owners.

Grace Pietrosanti, owner of Sacred Heart Catholic Goods on Route 6 commented that approximately 17,000 vehicles pass by her storefront daily and bring with it the potential to keep her business active and visible. She asked the Town Board to consider the small businesses because she would hate to see future generations of children not having the opportunity to visit a small store.

Mark Anthony, forty-year Town of Carmel resident, co-owner of South Side Inn in Mahopac, as well as owner of O'Grady's Public House in Yorktown, commented that he had worked with the Town Board in Yorktown and found them to be very business friendly and accommodating when he changed his sign which had a different look from the rest of the buildings. Mr. Anthony commented that he found the proposed Local Law off-putting and inquired who drafted the proposed legislation.

Supervisor Schmitt stated that the proposed Local Law was drafted with input from the Town Board, the Director of Codes Enforcement/Building Inspector and Town Counsel, and includes sections replicated from other municipalities.

Mr. Anthony commented that the tone of the proposed Local Law seemed harsh. However, it may have been a good thing because it prompted the business community to attend this meeting. He commented that in Brewster, there is an example of a muted colored sign on Route 22. Because the muted colors appear white on white, the name of the restaurant on the sign cannot be read and therefore does not promote the establishment effectively. Mr. Anthony thanked the Town Board for the open dialog.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Alan Bates, Town of Carmel resident and owner of the Iguana Wanna Car Wash for five years, commented that his business identity is in his signs and the colors on them are necessary. Mr. Bates addressed the issue of freedom of speech and commented that the Town Board cannot dictate what goes on a sign. He also cautioned the Town Board to consider traffic safety, noting that if signs are not backlit and not visible, it may result in motorists stopping short to read them which could result in accidents. Mr. Bates suggested that the Town Board should be focusing their efforts on revitalizing the shopping centers in Carmel.

Marc Stiefeld, co-owner of Salon Amore, confirmed that no study was conducted to determine the necessity of this legislation and asked how many complaints were received by the Town Board with regard to sandwich board signs to prompt the proposed Local Law.

Councilman Schneider, Councilwoman McDonough and Supervisor Schmitt indicated that they have received many.

Mr. Stiefeld asked from whom.

Councilman Schneider stated that the complaints were received from business owners, as well as longtime and new Town of Carmel residents.

Mr. Lauro inquired about the percentage of complaints in comparison to the population of the Town of Carmel.

Councilman Schneider indicated that it may be close to 1%.

Mr. Stiefeld asked if the Town Board obtained a legal opinion as to whether the proposed amendments are constitutional.

Mr. Folchetti replied, absolutely and cited the time, place and manner restrictions on speech.

Mr. Stiefeld verified the seminal court case that Mr. Folchetti was referencing, "Ward v. Rock Against Racism" and commented that this case, along with "Central Hudson Gas & Electric Corp. v. Public Service Commission" stand for the proposition that the issue can be regulated if there is a significant government interest in it. He questioned what the significant government interest is in this matter. Mr. Stiefeld stated that the Town Board's indication that they want Carmel to have a New England style appearance is not a significant interest and extends well beyond what the law allows. He asked what the Town Board is going to do to address those constitutional issues because he does not see anything that allows them to take the measures that they are proposing with what they have done today.

Mr. Folchetti pointed out that the Town Board has not taken any action today. He explained that the time, place and manner restrictions are permitted under strict scrutiny tests under challenge and agreed that it would have to be a compelling governmental interest. When the Town Board considers adopting the law, it can make the determination as to what governmental interest it is compelling or interest(s) that they are looking to achieve and that will be the basis for any challenge.

Mr. Stiefeld added that the referenced case also requires that the Town take into consideration three other things: whether or not it is justified with reference to the content of the signs, whether the amendments are narrowly tailored to serve a significant government interest, and whether they leave open and ample channels for communication. He commented that if the Town is taking away someone's sandwich board that they paid \$100.00 for and brings in business, the only other ample channel for communication left would be to advertise in local newspapers which is cost prohibitive.

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

Mr. Folchetti pointed out that sandwich board signs are already prohibited. The proposed Local Law further expands the prohibition so that they are not in vehicles, generally. If there are no sandwich boards, businesses are not restricted to print media for advertising. There are many other permitted signs that they may utilize to achieve the same ends.

Tim Conlin, owner of TC Graphics commented that as a sign maker, his business is branding and creating a unique look for every individual. He commented that towns should never be involved in the appearance of a sign. It should only matter that it is UL Listed, hung correctly and safe.

Councilman Lupinacci stated that the message has been heard. He stated that the Public Hearing would be closed at this time and no action will be taken because he added, the Town Board needs to start from scratch.

Councilman Schneider pointed out that the first half of the proposed Local Law contains regulations that need to be adopted.

Councilman Lupinacci stated that there are certain pieces of the legislation that do not relate to signs that need to be addressed and sent to the Planning Board. Those regulations will be parceled out and a new Public Hearing will be noticed and held.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lupinacci, seconded by Councilman Lombardi, with all members of the Town Board present and in agreement, the Public Hearing was closed at 10:16 p.m. Councilman Lombardi excused himself from the meeting and a recess was held. The meeting reconvened at 10:33 p.m.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 96 THEREOF, ENTITLED "ILLEGAL DUMPING"

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the notice were made available to the public.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a

Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, February 25, 2015 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending the Code of the Town of Carmel, Chapter 96 thereof, entitled "Illegal Dumping" as follows:

TOWN OF CARMEL PROPOSED LOCAL LAW # _____ OF THE YEAR 2015

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 96, THEREOF, ENTITLED "ILLEGAL DUMPING"

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New

York as follows:

SECTION 1

Chapter 96 of the Code of the Town of Carmel, specifically §96-3(C) is hereby amended to read as follows:

C. Placement of dumpsters and trash receptacles is restricted as follows:

(1) A dumpster and trash receptacle shall be located within a residential community as placed upon the final plans of approval for the development of the community, or as otherwise approved by the Town Planning Board.

(2) No dumpster or trash receptacle shall be stored in or on a public right-of-way.

(3) No dumpster or trash receptacle shall be located in areas regularly used or as previously approved by the Town Planning Board as designated parking spaces for commercial or business uses, without the Planning Board's approval.

(4) Garbage and other waste material must be completely contained within the dumpster and/or trash receptacle(s). No accumulation of garbage or other materials, such as litter, rubbish or waste, will be permitted outside the confines of the

dumpster, nor will it be permitted to accumulate so that the dumpster cover cannot be firmly closed.

(5) All dumpsters and trash receptacles shall be kept in good repair, be structurally sound, leak-proof and easily opened and closed. Dumpsters shall be painted as necessary to prevent the showing of rust and deterioration and be so constructed as to stand firmly upright.

(6) All dumpsters shall have the name of the company or individual owning such dumpster clearly printed on either the front or the back of such dumpster.

(7) All dumpsters and trash receptacles shall be screened as follows:

(a) With a minimum six-foot fence, slatted or solid, either black, brown or hunter green; or

(b) With a minimum six-foot-tall living fence, of such density that the dumpster cannot be seen through the living fence. Said living fence must be of evergreen trees and maintained year round; or

(c) With a minimum six-foot-tall wall, made of brick, stone, or other masonry.

(8) The dumpster/trash receptacle enclosure shall be not more than four feet larger than the dumpster or trash receptacle(s) to be enclosed within.

(9) No signage is permitted on the enclosure.

(10) The dumpster/trash receptacle enclosure shall not be used for any other use but the enclosure of the dumpster.

SECTION 2 - HOME RULE

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

SECTION 3 - SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its

operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 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.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

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

**25 FEBRUARY 2015
TOWN BOARD MEETING**

(Cont.)

With no one objecting to the public notice, Supervisor Schmitt opened the Public Hearing for public comment at 10:33 p.m. Four (4) people were in attendance.

Tracy DeMarco six-year Mahopac resident, expressed her opposition to the section in the proposed Local Law that states that all dumpsters and trash receptacles shall be screened with a minimum six-foot-tall living fence, of such density that the dumpster cannot be seen through the living fence or with a minimum six-foot-tall wall, made of brick, stone, or other masonry. She commented that having to reach six feet to empty garbage into an enclosure or prying open frozen enclosure doors would be difficult for her as well as her elderly and disabled neighbors. Ms. DeMarco further commented that a six-foot enclosure would be an eyesore in addition to being a safety hazard, as it would block her visibility when backing her car out of her driveway.

Councilwoman McDonough asked Ms. DeMarco if she lived in a private home.

Ms. DeMarco indicated that she lived in a multi-family building on East Lake Boulevard. She commented that in the past, the building had a dumpster and that currently there are six trashcans on the property under an evergreen tree. Ms. DeMarco commented that there is no issue with garbage overflow and she maintains the cleanliness of the trashcans.

Supervisor Schmitt inquired who owned the property.

Ms. DeMarco stated that Dave Nichols is the property owner.

Supervisor Schmitt pointed out that complying with the Town Code would be the responsibility of the property owner.

Councilman Lupinacci asked Ms. DeMarco if there was a problem when there was a dumpster on the property.

Ms. DeMarco commented that it was unsightly. She added that the trashcans are very clean and neat.

Mr. Carnazza clarified that the screening may be a minimum six-foot-tall living fence *or* a minimum six-foot-tall wall, made of brick, stone, or other masonry. It does not have to be both and it does not have to be enclosed on all sides. Mr. Carnazza explained that the intent is so that the trash reciprocals are buffered from the road.

Dave Nichols stated that he has had dumpsters removed from multiple properties and replaced with trashcans so that he would not be required to build enclosures.

Mr. Carnazza reiterated that building an enclosure is not necessarily required. The screening can be evergreens. He added that if the trash reciprocals cannot be seen from the road they do not have to be screened.

Mr. Nichols inquired if the proposed Local Law would require the screening of freestanding trashcans.

Mr. Carnazza replied, yes.

Councilwoman McDonough suggested that the Town Board postpone action in connection with the proposed Local Law

Mr. Nichols questioned if every house would be subject to the provisions of the proposed legislation.

25 FEBRUARY 2015
TOWN BOARD MEETING

(Cont.)

Mr. Carnazza stated that the way the proposed Local Law has been drafted, it applies to everyone.

Mr. Nichols spoke against town-wide garbage collection, citing its expense to property owners.

Councilman Lupinacci acknowledged that there may be a few residents whose garbage collection costs have increased. However, stated that the vast majority of residents benefit from it.

Mr. Nichols once again questioned if the legislation applies to every residence that has a garbage can.

Mr. Carnazza stated that if the trash reciprocals are not being brought down from the road to their house where they would be concealed, yes. If the trash reciprocal is being kept adjacent to the road, it must be screened.

Aileen Orta, stated that she is a small business owner on Route 6 in Carmel and that when she purchased the property, she inherited a dumpster from the business before her. When the law was enacted that required dumpsters be enclosed, she eliminated the dumpster and replaced it with trashcans because of the proposed cost of \$1,200.00 to have an enclosure installed. She commented that she did not know of any resident who would support having to pay to have a structure built to enclose their trashcan.

Supervisor Schmitt stated that single-family homeowners will not be asked to construct structures around their trashcans.

Councilman Schneider clarified that if it is a multi-family home of three or more individual residences within a building, they would be subject to the legislation.

Ms. Orta commented that she was not in favor of the proposed Local Law discussed at the prior Public Hearing in connection with regulating signs. She commented on the need for greater communication between the Town Board and the business community. Ms. Orta asked that the Town Board consider that even an evergreen screen poses an additional financial cost to a business owner.

Mr. Nichols asked for clarification. He pointed out that it was just stated that the legislation would apply to three-family residences or greater, however, earlier in the meeting it was stated that the proposed Local Law applies to everyone.

Mr. Carnazza stated that the way the proposed Local Law was written originally, it applies to all. The Town Board is now discussing changing it.

Supervisor Schmitt stated that the Public Hearing will remain open, no action will be taken to enact the legislation, and the proposed Local Law will be revisited to determine if any modifications should be made.

Mr. Nichols commented that it did not make sense for the trash reciprocal screening to be over twice the height of the trash reciprocal.

At 10:58 p.m. with no one else present wishing to be heard on the subject of the Public Hearing, Councilman Lupinacci offered a motion to keep the Public Hearing open. The motion was seconded by Supervisor Schmitt. All members of the Town Board present were in agreement.

Mr. Folchetti indicated that if substantive changes are made to the proposed Local Law, a new notice and Public Hearing would be required.

25 FEBRUARY 2015
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 10:58 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk