

20 JULY 2011

**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 20th day of July 2011 at 7:17 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi and Supervisor Schmitt. Councilwoman McDonough was absent.

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

PUBLIC HEARING CONTINUED FROM 6/22/11 - THE ESTABLISHMENT OF RATES FOR RESIDENTIAL GARBAGE AND REFUSE PICKUP FOR YEAR 2011

At 7:17 p.m. Supervisor Schmitt reopened the Public Hearing that was commenced on June 22, 2011 with regard to the establishment of rates for residential garbage and refuse pickup for the year 2011. Twenty-one (21) people were in attendance.

Norman Marino inquired if all carters would be subject to the new rates.

Supervisor Schmitt stated that they would be when the rates are established for 2011. The current rate is \$25.00 per month for once-a-week pickup. The law was recently amended to include twice-a-week pickup.

Mr. Marino inquired if the new rate will be \$25.00 per month.

Supervisor Schmitt stated that the rate is yet to be determined.

Mr. Marino inquired if the garbage carting companies were providing input with regard to setting the rates.

Supervisor Schmitt stated that input is being sought from carters and residents.

Mr. Marino inquired why some carters are still charging over \$25.00 for monthly garbage pickup.

Gregory Folchetti, Town Counsel, explained that the only rate in effect at this time is \$25.00 per month for once-a-week pickup. The law was amended a month ago to establish that a rate will be set for once-a-week pickup, up to a maximum of 96 gallons of refuse and twice-a-week pickup, up to a maximum of 192 gallons of refuse. When the Public Hearing is closed and the Town Board processes the information from the Public Hearing along with the submissions from the carters and private individuals, they will set ceiling rates for 2011 for once-a-week pickup and twice-a-week pickup. The carters may choose to set their rates at or below this rate.

Mr. Folchetti noted that it was his belief that every application that has been approved since the Town Board established the \$25.00 monthly rate in December has been at that rate or lower. The carters charge what they believe they need to charge for twice-a-week pickup because there is no established rate for that at this time.

Mr. Marino asked if there were previously approved carter licenses applications not at the \$25.00 monthly rate.

Mr. Folchetti indicated that there were.

Mr. Marino asked if the public will be given the opportunity to further comment on the rates before they are set.

Supervisor Schmitt stated that it was the intent of the Town Board to close the Public Hearing tonight and to set the rates at a subsequent meeting.

(Cont.)

Councilman Ravallo pointed out that a lengthy discussion was held when this Public Hearing commenced at a prior meeting. Input from the public with regard to the rates, as well as any other matter was received.

Supervisor Schmitt explained that this was the time for the public to provide their input with regard to the rates. There will not be any further opportunity to comment with regard to what the rates will be.

Mr. Marino stated that he did not want to propose a rate. However, he would like to know what the Town Board's proposed rates are before he would comment on them. He said that if the rate returns to \$40.00, nothing has been accomplished.

Councilman Ravallo noted that prior to voting on a resolution, the matter is discussed at a Work Session. The public will have the opportunity to comment on the matter at the end of that Work Session.

Mr. Marino inquired if the Town Board has come to a determination with regard to setting the rates at this time.

Supervisor Schmitt replied, no.

David Gagliardi referenced a comment made at an earlier meeting and asked if there are eight carters operating in the Town.

Supervisor Schmitt replied, yes.

Mr. Gagliardi confirmed that there would not be an issue with a ninth or tenth carter doing business in the Town of Carmel.

Supervisor Schmitt indicated that there would not be as long as they meet the licensing criteria established by the Town.

Councilman Ravallo stated that they want to welcome competition, not curtail it.

Michael Barile stated that a couple of years ago, when the issue of town-wide garbage collection fell upon the Route 6 Compliance Committee, they conducted research. They concluded that since the Town of Carmel had established garbage districts, it would be worthwhile to find out what it would cost taxpayers if town-wide garbage collection was implemented. Mr. Barile stated that the Town Board chose to stop the fact finding process without an explanation and he expressed his frustration for them doing so.

James Constantino, General Counsel for Royal Carting asked the Town Board to consider that the rate being set is a maximum rate, not *the* rate. He asked the Town Board to consider that not all carters have the same cost structure. For example, a company's labor costs are impacted by whether or not they are a union shop. Some companies have buying power, others do not. Some companies are operated by an individual and do not require workers' compensation insurance.

Mr. Constantino stated with regard to town-wide garbage collection districts, that the Town of Yorktown's recent unofficial bid result for twice-a-week pickup is \$23.95 per month. However, this rate does not include disposal. The Town of Yorktown will pay the disposal costs directly to the Westchester County RESCO IMA. He added that there is no bulk service included. Mr. Costantino stated that there has been protracted litigation over the Town of Southeast's low bid at \$23.95 which does not include disposal or bulk service.

Councilman Ravallo asked if disposal costs and tipping fees are the same thing.

(Cont.)

Mr. Constantino stated that they were and unlike Yorktown which has a contracted disposal site, Putnam County has no relationships or contracts for the disposal of garbage.

Mr. Constantino asked the Town Board not to penalize a company and not allow them to do business in the Town of Carmel because for whatever reason, their cost structure is different than the company who can operate at the lowest cost level. He stated that there are companies, Royal Carting being one of them, that \$25.00 per month for twice-a-week and bulk pickup would not cover their costs. He concluded that each business should be allowed to determine their own rates for the services that they choose to provide.

Beverly Wallace spoke in favor of town-wide garbage collection and inquired why the Town Board is not pursuing it.

Councilman Ravallo stated that implementing town-wide garbage districts will eliminate competition and that competition is what drove the garbage rates to the current low level. He stated that the rates for town-wide garbage collection will not be lower than the rate of \$25.00 per month presently being charged by certain carters. Councilman Ravallo spoke regarding the disadvantages associated with losing competition.

Ms. Wallace stated that she would like to pay the same rates paid by residents in the towns of Southeast and Patterson.

Councilman Ravallo pointed out that there are additional costs to a municipality associated with town-wide garbage collection.

Supervisor Schmitt stated that there was extensive dialog held and good viewpoints expressed by both sides. However, it was the decision of the Town Board not to move forward with town-wide garbage collection. The rates will be set annually. He indicated that this did not preclude the Town Board from revisiting the matter at a future date.

Jerry Ravnitzky speaking as a member of the Zoning Compliance Committee spoke in favor of town-wide garbage collection. He commented that competition would be occurring when the Town solicits bids from carters for three garbage districts.

Mr. Folchetti clarified that the garbage district that was formed in 1985 is a town-wide district. The bid structure that was considered was three separate sectors within the district.

Councilman Ravallo spoke to the effectiveness of the Town's current system for garbage collection. He noted that if town-wide garbage collection was implemented, it would be an added expense for residents who currently do not pay for garbage collection because they partner with a neighbor for services or dispose of their garbage in some other way.

Judy Ravnitzky pointed out the presence of a stenographer at the meeting and inquired who was paying for her services.

Supervisor Schmitt stated that the stenographer is not being paid by the Town of Carmel.

Ms. Ravnitzky speculated that the services of the stenographer were being paid for by a carter.

Jonathon Schneider inquired about a committee being formed to assist the Town Board with establishing the rates for 2011. He also inquired if the Town Board received financial information from any of the carters and if so, how many.

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TOWN BOARD MEETING

(Cont.)

Mr. Folchetti stated that establishing a committee to gather information with regard to the rates was a suggestion that he had made to the Town Board which they decided not to move forward with. Mr. Folchetti stated that the statute allows for the Town Board to review financials. However, he was unsure if any had been received.

Councilman Ravallo stated that the Town Board has the right to audit the carters and has done so in the past.

Supervisor Schmitt added that when the concept of a committee was brought up, certain members of the public spoke out against it.

Councilman Lombardi pointed out that the Public Hearing with regard to the rates was extended to tonight to allow for the carters to present whatever documentation they chose to. He indicated that two submissions were received.

Mr. Marino commented to the Town Board that they work for the citizens not the carters and that he was not in favor of town-wide garbage collection. Mr. Marino stated that the carters must include their financial information in their license application.

Mr. Folchetti stated that there are questions regarding any bankruptcy proceedings on the license application.

Mr. Marino stated that the rates for garbage collection should either be lowered or remain the same. He expressed his frustration with high taxes.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Ravallo, with all members present in agreement the Public Hearing was closed at 7:59 p.m.

BUDGET MODIFICATIONS #2011-06 - AUTHORIZED

WHEREAS the Town Comptroller has reviewed the June, 2011 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2011-06;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the June 2011 Budget Modifications/Revisions itemized on Schedule #2011-06 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Ravallo

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

☒ Work Session 7/13/11

☐ Agenda

TOWN OF CARMEL
BUDGET REVISIONS FOR JUNE 2011
#2011-06

#3

(Cont.)

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
01	100-1989-2401	INTEREST EARNINGS	*	17,235.00
	100-1989-2411	RENT MOBILE HOME	*	4,900.00
	100-1989-2557	FIRE INSPECTION FEES	*	50,000.00
	100-1989-3001	STATE AID - PER CAPITA	*	2,865.00
	100-1989-0040	MORTGAGE TAX REVENUE	*	100,000.00
	100-1989-2116	ENGINEERING/INSPECTION FEE	*	25,000.00
	100-1010-0010	TOWN BOARD SALARY		18,490.00
	100-1010-0080	TOWN BOARD EMPLOYEE BENEFITS		6,510.00
	100-1440-0080	ENGINEERING EMPLOYEE BENEFITS		7,500.00
	100-3120-0080	POLICE RETIREMENT EXPENSE		50,000.00
	100-3120-0082	POLICE FICA/MED EXPENSE		5,000.00
	100-3120-0084	POLICE HEALTH INSURANCE EXPENSE		40,000.00
	100-3620-0080	CODES ENFORCEMENT EMPLOYEE BENEFITS		10,000.00
	100-7020-0080	RECREATION EMPLOYEE BENEFIT EXPENSE		7,500.00
	100-7110-0080	PARK MAINTENANCE EMPLOYEE BENEFIT EXPENSE		5,000.00
		- REDUCE REVENUES BASED ON ACTUAL RESULTS		
02	100-1989-3089	STATE AID - CRIMINAL JUSTICE (JCAP)	*	5,200.00
	100-1989-3389	STATE AID - POLICE EQUIP	*	28,000.00
	100-1989-3391	STATE AID - POLICE SPECIAL ERT TRAINING	*	13,000.00
	100-1110-0020	JUSTICE COURT EQUIPMENT		5,200.00
	100-3120-0029	POLICE EQUIPMENT - GRANTS		41,000.00
		- PROVIDE FOR POLICE/COURT EQUIP PURCHASES		
03	100-1420-0043	ASSESSOR STAFF OVERTIME		500.00
	100-1420-0048	ASSESSOR CONTRACTUAL EXPENSE		500.00
		- TRANSFER FOR STAFF OVERTIME		
04	100-1620-0021	BUILDING MOTOR VEHICLES		1,000.00
	100-1620-0040	BUILDING CONTRACTUAL EXPENSE		1,000.00
		- TRANSFER FOR WEBSITE UPDATE EXPENSE		
05	100-3120-0027	POLICE OTHER EQUIPMENT		4,800.00
	100-3120-0040	POLICE CONTRACTUAL EXPENSE		4,800.00
		- TRANSFER FOR POLICE EQUIPMENT		
06	100-3310-0020	SIGNS EQUIPMENT EXPENSE		250.00
	100-3310-0048	SIGNS MISC EXPENSE		250.00
		- TRANSFER FOR TRAFFIC EQUIPMENT EXPENSE		
07	100-3620-0013	CODE ENFORCEMENT TEMPORARY STAFF		5,000.00
	100-1989-2555	BUILDING PERMIT FEES	*	5,000.00
		- PROVIDE FOR CODE ENFORCEMENT TEMP STAFF PAY		
08	100-5132-0021	HIGHWAY GARAGE SPECIAL EXPENSE		2,500.00
	100-5132-0040	HIGHWAY GARAGE CONTRACTUAL EXPENSE		500.00
	100-5132-0041	HIGHWAY GARAGE EQUIPMENT EXPENSE		3,000.00
		- TRANSFER FOR HIGHWAY GARAGE EXPENSE		

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BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
09	100-7020-0044	REC BLDG CONCESSION EXPENSE	25.00	
	100-7020-0040	REC BLDG CONTRACTUAL EXPENSE		25.00
		- TRANSFER FOR CONCESSION EXPENSE		
10	100-7270-0040	SUNSET CONCERT SERIES	600.00	
	100-1989-2070	PARK CONTRIBUTIONS	*	600.00
		- PROVIDE FOR SUNSET CONCERT SERIES		

(Cont.)

HIGHWAY FUND				
11	500-5010-2401	INTEREST EARNINGS	*	6,000.00
	500-5010-2402	RESERVE INTEREST EARNINGS	*	1,000.00
	500-5010-2680	INSURANCE RECOVERY - PAYROLL	*	35,000.00
	500-5010-2681	INSURANCE RECOVERY - ASSETS	*	2,000.00
	500-5110-0041	GENERAL REPAIR FUEL COST		10,000.00
	500-5130-0040	MACHINERY REPAIR EXPENSES		20,000.00
		- REDUCE REVENUES AND PROVIDE FOR FUEL/ MACHINERY REPAIR COST		
12	500-5130-0020	MACHINERY REPAIR TOOLS		2,100.00
	500-5130-0041	MACHINERY REPAIR CAPITAL REPAIRS		56,000.00
	500-5130-0016	MACHINERY REPAIR CENTRAL GARAGE EXP		2,100.00
	500-5130-0040	MACHINERY REPAIR EXPENSES		56,000.00
		- TRANSFER FOR MACHINERY REPAIR EXPENSE		
CARMEL AMBULANCE COPRS				
13	201-4540-0083	WORKERS COMPENSATION		5,550.00
	201-9025-0090	LOSAP CONTRIBUTION		5,035.00
	201-4540-9909	APPROPRIATED FUND BALANCE	*	10,585.00
		- PROVIDE FOR WORKERS COMP EXP		
CARMEL FIRE PROTECTION DIST #1				
14	301-3410-0099	WORKERS COMPENSATION		2,455.00
	301-9025-0040	LOSAP CONTRIBUTION		145.00
	301-3410-9909	APPROPRIATED FUND BALANCE	*	2,600.00
		- PROVIDE FOR WORKERS COMP EXP		
CARMEL FIRE PROTECTION DIST #2				
15	302-3410-0099	WORKERS COMPENSATION		17,125.00
	302-9025-0040	LOSAP EXPENSE		1,175.00
	302-9025-0090	LOSAP CONTRIBUTION		3,300.00
	302-3410-9909	APPROPRIATED FUND BALANCE	*	15,000.00
		- PROVIDE FOR WORKERS COMP EXP		
CARMEL FIRE PROTECTION DIST #3				
16	303-3410-0099	WORKERS COMPENSATION		4,342.00
	303-9025-0040	LOSAP EXPENSE		258.00
	302-3410-9909	APPROPRIATED FUND BALANCE	*	4,600.00
		- PROVIDE FOR WORKERS COMP EXP		

TOWN OF CARMEL
BUDGET REVISIONS FOR JUNE 2011
#2011-06

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL WATER DISTRICT #2				
17	602-8310-0047	EMERGENCY REPAIRS	7,000.00	
	602-8310-0090	CONTINGENCY		7,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #3				
18	603-8310-0047	EMERGENCY REPAIRS	658.00	
	603-8310-0090	INSURANCE RECOVERY ASSET	*	658.00
		- PROVIDE FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #4				
19	604-8310-0047	CHEMICAL EXPENSES	230.00	
	604-8310-0090	EQUIPMENT EXPENSE		230.00
		- TRANSFER FOR CHEMICAL EXPENSES		

(Cont.)

CARMEL WATER DISTRICT #6				
20	606-8310-0047	EMERGENCY REPAIRS	4,000.00	
	606-8310-0040	CONTRACTUAL REPAIRS		2,000.00
	606-8310-0042	UTILITY EXPENSE		2,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #8				
21	608-8310-0046	PURCHASE OF WATER	2,000.00	
	608-8310-0042	UTILITY EXPENSE		2,000.00
		- TRANSFER FOR PURCHASE OF WATER		
CARMEL WATER DISTRICT #10				
22	610-8310-2701	REFUND PRIOR YR EXPENSE	2,740.00	
	610-8310-2140	METERED WATER RENTS		2,740.00
		- REVISED BUDGET REVENUE SOURCES		
23	610-8310-0047	EMERGENCY REPAIRS	3,500.00	
	610-8310-0099	REPAIR RESERVE		3,500.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #12				
24	612-8310-0047	EMERGENCY REPAIRS	3,200.00	
	612-8310-0040	CONTRACTUAL REPAIRS		3,200.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #14				
25	614-8310-0047	EMERGENCY REPAIRS	600.00	
	614-8310-0099	REPAIR RESERVE		600.00
		- TRANSFER FOR EMERGENCY REPAIRS		

TOWN OF CARMEL
BUDGET REVISIONS FOR JUNE 2011
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BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL SEWER DISTRICT #5				
26	705-8130-0141	CHEMICAL EXPENSES	1,955.00	
	705-8130-0040	CONTRACTUAL EXPENSES		1,955.00
		- TRANSFER FOR CHEMICAL EXPENSES		
CARMEL LIGHTING DISTRICT				
27	752-5182-0040	CONTRACTUAL EXPENSES	750.00	
	752-5182-0042	UTILITY EXPENSE		750.00
		- TRANSFER FOR EMERGENCY REPAIR TO LIGHT POST		
CAMARDA PARK CAPITAL PROJECT				
28	911-7140-0020	PARK EQUIPMENT	6,358.00	
	911-7140-0040	PARK CONTRACTUAL REPAIRS	6,177.00	
	911-7140-2681	INSURANCE RECOVERY	15,535.00	
		- PROVIDE FOR REPAIRS DUE TO PAVILLION COLLAPSE		
CARMEL SEWER DISTRICT #7 CAPITAL FUND				
29	977-8130-0045	CONTRACT IMPROVEMENT COST	1,904.00	
	977-8130-3990	STATE AID	1,904.00	
		- RECORD CHANGE ORDER APPROVED		

CARMEL WATER DISTRICT #4 - EMERGENCY EXPENDITURE OF MONIES FROM THE REPAIR RESERVE FUND AUTHORIZED - NOT TO EXCEED \$12,393

WHEREAS, the Town of Carmel has established a Repair Reserve Fund for Carmel Water District #4 pursuant to New York General Municipal law §6-d; and

WHEREAS, in cases of emergency, monies in said Repair Reserve fund may be expended by resolution approved by not less than two-thirds of the members of the governing body; and

WHEREAS, it is recommended by the Office of the Town Comptroller that monies in the aforesaid Repair Reserve Fund be used to pay for the cost of emergency repairs;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as commissioners of Carmel Water District #4, hereby authorizes the appropriation of monies from the Carmel Water District #4 Repair Reserve Fund in a sum not to exceed \$12,393 for emergency repair expenditures in 2011; and

BE IT FURTHER RESOLVED, that not less than one-half the monies so expended be repaid in fiscal year 2012 and the total amount shall be repaid in full not later than the last day of fiscal year 2013.

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

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

Prior to the roll call vote, Mr. Folchetti clarified that this resolution requires adoption by two-thirds of the membership of the Town Board.

DIRECTOR OF CODES ENFORCEMENT MICHAEL CARNAZZA AND ASSISTANT BUILDING INSPECTOR, STEVEN VELARDO - ATTENDANCE AUTHORIZED AT NEW YORK STATE DEPARTMENT OF STATE SEMINAR - 9/14/11

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Director of Codes Enforcement Michael Carnazza and Assistant Building Inspector, Steven Velardo to attend the seminar offered by the State of New York Department of State entitled "Inspecting Existing Public Assemblies", on September 14, 2011

AND BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of his reasonable and necessary expenses upon audit.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Ravallo

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

2011 USER FEE SCHEDULE - AMENDED

RESOLVED that the Town Board of the Town of Carmel hereby amends, effective immediately, the Town of Carmel User Fee Schedule for Fiscal Year 2011, with the addition of the following fee(s):

(Cont.)

Blasting Permit: \$100.00 per month.

Resolution
Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

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

HIGHWAY DEPARTMENT - DONATION OF VACATION TIME - ACCEPTED AND APPROVED

RESOLVED, that the Town Board of the Town of Carmel hereby accepts and approves the donation of thirteen (13) days vacation time from Employee # 1699 to Employee # 2997.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Ravallo

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

The members of the Town Board acknowledged Employee #1699 for his generous donation to Employee #2997 who was injured in a non-work related motor vehicle accident.

VIDEO RECORDING OF TOWN MEETINGS - REQUEST FOR PROPOSALS AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Robert J. Vara, Engineering Projects Coordinator, to request proposals for the Video Recording of Town Board, Planning Board and Zoning Board of Appeals meetings over a three (3) year period.

Resolution
Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

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

SETTLEMENT OF LITIGATION AUTHORIZED - “MARGARET HOLDINGS VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL AND THE TOWN OF CARMEL, NEW YORK, RESPONDENTS” - TAX MAP NOS. 87.10-1-25, 87.10-1-24 AND 87.7-1-24

WHEREAS there is currently pending in the Supreme Court, County of Westchester State of New York under Index Nos. 013431/2006; 013233/2007; 015529/2008; 015633/2009; and 017332/2010 certain lawsuits entitled “Margaret Holdings vs. Assessor of the Town of Carmel, New York, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, New York, Respondents” in regard to the assessment of Tax Map Nos. 87.10-1-25, 87.10-1-24 and 87.7-1-24 on the Town of Carmel assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the summary sheets attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, a Stipulation of Settlement reflecting the terms as agreed to herein.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman Ravallo

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

Margaret Holdings, LLC 87.10-1-25

Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2006	\$30,000.00	\$25,000.00	\$5,000.00	\$22.15	\$14.70	\$137.45	\$15.60	\$189.90
2007	\$50,000.00	\$25,000.00	\$25,000.00	\$124.75	\$90.50	\$841.75	\$36.25	\$1,093.25
2008	\$50,000.00	\$25,000.00	\$25,000.00	\$133.25	\$111.00	\$854.00	\$37.50	\$1,135.75
2009	\$50,000.00	\$25,000.00	\$25,000.00	\$140.75	\$110.75	\$886.25	\$38.25	\$1,176.00
2010	\$50,000.00	\$25,000.00	\$25,000.00	\$151.25	\$114.25	\$919.75	\$41.00	\$1,226.25
Total				\$572.15	\$441.20	\$3,639.20	\$168.60	\$4,821.15

Margaret Holdings, LLC 87.10-1-24

Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2006				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$150,000.00	\$100,000.00	\$50,000.00	\$249.50	\$181.00	\$1,683.50	\$72.50	\$2,186.50
2008	\$150,000.00	\$100,000.00	\$50,000.00	\$266.50	\$222.00	\$1,708.00	\$75.00	\$2,271.50
2009	\$150,000.00	\$100,000.00	\$50,000.00	\$281.50	\$221.50	\$1,772.50	\$76.50	\$2,352.00
2010	\$150,000.00	\$100,000.00	\$50,000.00	\$302.50	\$228.50	\$1,839.50	\$82.00	\$2,452.50
Total				\$1,100.00	\$853.00	\$7,003.50	\$306.00	\$9,262.50

(Cont.)

Margaret Holdings, LLC 87.7-1-24								
Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2006	\$97,300.00	\$50,000.00	\$47,300.00	\$209.54	\$139.06	\$1,300.28	\$147.58	\$1,796.45
2007	\$177,300.00	\$50,000.00	\$127,300.00	\$635.23	\$460.83	\$4,286.19	\$184.59	\$5,566.83
2008	\$177,300.00	\$50,000.00	\$127,300.00	\$678.51	\$565.21	\$4,348.57	\$190.95	\$5,783.24
2009	\$177,300.00	\$50,000.00	\$127,300.00	\$716.70	\$563.94	\$4,512.79	\$194.77	\$5,988.19
2010	\$177,300.00	\$50,000.00	\$127,300.00	\$770.17	\$581.76	\$4,683.37	\$208.77	\$6,244.07
Total				\$3,010.14	\$2,310.80	\$19,131.19	\$926.65	\$25,378.78

Supervisor Schmitt provided the reduction amounts for Town and Special Districts. He added that funds have been set aside in the budget in anticipation of certioraris awards.

SETTLEMENT OF LITIGATION AUTHORIZED - “STONELEIGH WOODS AT CARMEL, LLC VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL AND THE TOWN OF CARMEL, NEW YORK, RESPONDENTS”

WHEREAS there is currently pending in the Supreme Court, County of Putnam State of New York under Index Nos. 1990/2009 and 2319/2010 certain lawsuits entitled “Stoneleigh Woods at Carmel, LLC vs. Assessor of the Town of Carmel, New York, the Board of Assessment Review of the Town of Carmel and the Town of Carmel, New York, Respondents” in regard to the assessment of Tax Map Nos. 55.15-1-36 and 55.15.-1-37 on the Town of Carmel assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel, and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the summary sheets attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel, is hereby authorized to sign, on behalf of the Town of Carmel, a Stipulation of Settlement reflecting the terms as agreed to herein.

Resolution

Offered by: Councilman Ravallo
Seconded by: Supervisor Schmitt

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

Stoneleigh Woods at Carmel 55.15-1-36								
Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction
2009	\$4,500,000.00	\$3,000,000.00	\$1,500,000.00	\$8,445.00	\$6,645.00	\$48,795.00	\$2,580.00	\$66,465.00
2010	\$3,600,000.00	\$2,220,000.00	\$1,380,000.00	\$6,886.20	\$4,995.60	\$46,464.60	\$2,387.40	\$60,733.80
2011	\$3,720,000.00	\$2,222,000.00	\$1,498,000.00	\$9,422.42	\$6,726.02	\$52,549.84	\$2,651.46	\$71,349.74
Total				\$24,753.62	\$18,366.62	\$147,809.44	\$7,618.86	\$198,548.54

(Cont.)

Stoneleigh Woods at Carmel 55.15-1-37									
Year	Current AV	Proposed AV	Reduction in AV	Town Tax Reduction	County Tax Reduction	School Tax Reduction	Fire / Special Districts	Total Reduction	
2010	\$100,000.00	\$1,000.00	\$99,000.00	\$494.01	\$358.38	\$3,333.33	\$171.27	\$4,356.99	

Supervisor Schmitt provided the reduction amounts. He added that these amounts are significantly higher than the previous “Margaret Holdings vs. Assessor of the Town of Carmel” because the property is larger and they pay more taxes.

NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE WAIVED - LOCRI CORP., DBA CACCIATORI PIZZA RESTAURANT

WHEREAS, Locri Corp., dba Cacciatori Pizza Restaurant, 2 Mahopac Plaza, Mahopac, NY 10541, has advised that it intends to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Section 64-2(a) ABC Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty day notice requirement contained in Section 64 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding the application of Locri Corp., dba Cacciatori Pizza Restaurant, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that the Town Clerk is authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Ravallo

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

Councilman Lombardi noted that the Police Department was notified prior to the Town Board agreeing to authorize the Waiver.

SPECIAL COUNSEL APPOINTED FOR NEGOTIATION OF A RENEWAL AND/OR EXTENSION OF THE CABLE FRANCHISE AGREEMENT BETWEEN THE TOWN OF CARMEL AND COMCAST CABLE - JOSEPH A. CHARBONNEAU, ESQ.,

RESOLVED that the Town Board of the Town of Carmel hereby appoints Joseph A. Charbonneau, Esq., 1441 Route 22, Suite 204A, Brewster, New York 10509, as special counsel for the purpose of negotiation of a renewal and/or extension of the cable franchise agreement between the Town of Carmel and Comcast Cable, said counsel services to be rendered at a total cost not to exceed \$4,000.

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

(Cont.)

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

Supervisor Schmitt stated that the current cable franchise agreement between the Town of Carmel and Comcast Cable expires at the end of the year. Negotiations will begin shortly.

PUBLIC COMMENTS

David Gagliardi asked for the total dollar amount for Town and Special Districts for the Margaret Holdings and Stoneleigh Woods at Carmel, LLC. litigation settlements.

Supervisor Schmitt approximated the amount to be \$37,487.00.

Norman Marino asked if those properties are zoned residential or commercial.

Supervisor Schmitt stated that the property owned by Margaret Holdings is residentially zoned vacant property. Stoneleigh Woods is residential senior housing. Discussion ensued regarding the properties.

Mr. Marino expressed his frustration with regard to school taxes. He then went on to speak about his recent Freedom of Information Law (FOIL) request with regard to the filing of the Town of Carmel’s tax rolls.

Mr. Folchetti suggested that the Town Board not discuss the job performance of a certain individual.

Supervisor Schmitt stated that he would be responding to Mr. Marino’s FOIL request and a brief discussion regarding the matter was held.

TOWN BOARD MEMBER COMMENTS

Councilman Lombardi announced the details of the upcoming 2011 Town of Carmel Sunset Concert Series to be held at the Mahopac Chamber Park.

Supervisor Schmitt announced the details of the 40th Annual Putnam County 4-H Fair sponsored by the Cornell Cooperative Extension which will be held from July 29th through the 31st at the Putnam County Veterans Memorial Park.

Councilman Lombardi commented that it has been through the efforts of the Town Board that garbage collection rates have been reduced. He expressed his concern that implementing town-wide garbage collection may have resulted in higher taxes. He added that it would be another mandatory tax for residents who chose not to contract for garbage collection services. Councilman Lombardi also expressed his concern that if the number of carters were reduced as a result of the implementation of town-wide garbage collection, individuals may lose their jobs.

Councilman Lombardi commended the Carmel Police Department's Special Conditions Unit for their progress in working to bring to an end the problem of prescription drug abuse among the youth in the community.

Councilman Ravallo commented that this Town Board and many before them have deliberated implementing town-wide garbage collection and concluded that it will cost the taxpayers more money.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Supervisor Schmitt, with the Town Board members present in agreement, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Ann Garris, Town Clerk