

1 JUNE 2011

**TOWN BOARD MEETING  
CARMEL FIREHOUSE  
CARMEL, N.Y.**

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 1<sup>st</sup> day of June 2011 at 7:06 p.m. at the Carmel Firehouse, Gleneida Avenue and Vink Drive, Carmel, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough and Supervisor Schmitt.

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.

**TABLED RESOLUTION FROM 5/7/11 - CHANGE ORDER #1 TO CARMEL SEWER DISTRICT #7 CONSTRUCTION UPGRADE CONTRACT - AUTHORIZED**

WHEREAS the Town Board has been advised that Change Order #1 to Carmel Sewer District #7 Construction Upgrade Contract has been approved by the New York State EFC and the New York City DEP,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign Change Order #1 to the aforementioned contract, in form as attached hereto and made a part hereof.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

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

**CHANGE ORDER NO.1  
PAGE 1 of 2**

**5556/36556  
February 21, 2010**

**PROJECT:** CARMEL SEWER DISTRICT #7 WWTP;  
REGULATORY UPGRADE

**OWNER:** TOWN OF CARMEL  
60 MCALPIN AVENUE  
MAHOPAC, NEW YORK 10541

**CONTRACTOR:** ROK-BUILT CONSTRUCTION INC.  
1725 FRONT STREET  
YORKTOWN HEIGHTS, NY 10598

**ENGINEER:** O'BRIEN & GERE ENGINEERS, INC.  
SAW MILL RIVER ROAD, 1<sup>ST</sup> FLOOR  
HAWTHORNE, NY 10532

Pursuant to the terms of Section GP-9.01 of the General Provisions of the above-referenced Contract, the Contractor is hereby authorized and directed to proceed with the extra work as described below. The Contractor agrees to furnish all labor, material and equipment needed to accomplish these changes in accordance with the applicable portions of the Contract Documents and/or as required in the Modifications.

**MODIFICATION NO. CSD-A-02**

**Requirement:** Upgrade metal building coating from a silicone-polyester finish to coated exterior colors of Butler-Cote finish system, a full strength, 70% Kynar 500 fluoropolymer coating.

**Reason:** Upgraded Kynar 500 fluoropolymer coating improves weatherability of the metal building exterior.

**Cost:** ADD .....\$1,904.64

**TOTAL COST OF  
CHANGE ORDER # 1** ADD.....\$ 1,904.64

1 JUNE 2011  
TOWN BOARD MEETING

(Cont.)

It is mutually agreed that the lump sum price or prices listed above will be accepted by the Contractor as the sole basis for payment for all work as indicated, including all associated overhead and profit for the work, or as credits to the contract amount if deletions of work are included.

This work must be performed in strict accordance with the terms of the Contract except as herein modified or hereinbefore modified by a previous change order. It is further understood and agreed that, unless otherwise expressly stated herein, the work herein authorized will not extend the time of completion of the work to be performed under the Contract and that the amount of this change order

CHANGE ORDER NO.1  
PAGE 2 of 2

5556/36556  
February 21, 2010

includes full payment or credit, as the case may be, for the extra or deleted work covered hereby, and any damage or expense caused the Contractor by any delays to or interference with other work to be performed under the Contract resulting from or on account of said extra or deleted work.

ACCEPTED BY: ROK-BUILT CONSTRUCTION INC..

By: Angelo Ferri-Sec (SIGN), Angelo Ferri-Sec  
Title: Secretary  
Date: 2-21-11

RECOMMENDED BY: O'BRIEN & GERE ENGINEERS, INC.

By: R. Mello (SIGN), Robert Mello  
Title: Construction Manager  
Date: 2/22/11

AUTHORIZED BY: TOWN OF CARMEL

By: \_\_\_\_\_ (SIGN), \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with Councilman Lombardi, Councilwoman McDonough, and Supervisor Schmitt voting "aye" and Councilman Ravallo "abstain"; the foregoing Resolution was removed from the table and reoffered.

Supervisor Schmitt noted that the Carmel Sewer District #7 Construction Upgrade Project is funded by the New York City Department of Environmental Protection.

MINUTES OF TOWN BOARD MEETINGS HELD ON 4/20/11, 4/27/11 AND 5/4/11 -  
ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and voting "aye", the minutes of the Town Board meetings held on April 20<sup>th</sup>, April 27<sup>th</sup> and May 4<sup>th</sup>, 2011 were accepted as submitted by the Town Clerk.

**PURCHASE OF EQUIPMENT TO REBUILD CERTAIN EQUIPMENT AND VEHICLES USED FOR MAINTENANCE PURPOSES BY THE TOWN OF CARMEL HIGHWAY DEPARTMENT, AT A MAXIMUM ESTIMATED COST OF \$56,000 - AUTHORIZED AND ISSUANCE OF UP TO \$56,000 BONDS TO PAY THE COST THEREOF – AUTHORIZED**

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

Section 1. The cost of the purchase of equipment to rebuild certain equipment and vehicles used for maintenance purposes by the Highway Department, in and for the Town of Carmel, Putnam County, New York, including incidental expenses related thereto, is hereby authorized at a maximum estimated cost of \$56,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$56,000 bonds of said Town, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

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

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

(Cont.)

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

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilwoman McDonough

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

**BUDGET MODIFICATIONS #2011-04 - AUTHORIZED**

WHEREAS the Town Comptroller has reviewed the April, 2011 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2011-04;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the April, 2011 Budget Modifications/Revisions itemized on Schedule #2011-04 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

TOWN OF CARMEL  
BUDGET REVISIONS FOR APRIL 2011  
#2011-04

*Revised 5/31/11*

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
01	100-1220-0047	SUPERVISOR CONFERENCES	88.00	
	100-1220-0040	SUPERVISOR CONTRACTUAL EXPENSES		88.00
		- TRANSFER FOR GFOA CONFERENCE EXPENSES		
02	100-1620-0045	BUILDING SPECIAL IMPROVEMENT - OTHMER HOUSE	3,904.00	
	100-3120-0024	POLICE ACCIDENT REPAIR	1,616.00	
	100-7112-0040	McDONOUGH PARK CONTRACTUAL EXPENSE	3,150.00	
	100-1989-2681	INSURANCE RECOVERY - ASSET	8,670.00	
		- PROVIDE FOR VARIOUS REPAIRS		
03	100-3620-0047	CODE ENFORCEMENT TRAINING	550.00	
	100-3620-0040	CODE ENFORCEMENT CONTRACTUAL EXPENSE		550.00
		- TRANSFER FOR CONFERENCE EXPENSES		

(Cont.)

04	100-5132-0021	HIGHWAY GARAGE SPECIAL EXPENSE		5,000.00	
	100-5132-0042	HIGHWAY GARAGE UTILITY EXPENSE			5,000.00
		- TRANSFER FOR HWY GARAGE HYDROLIC LEAK EXPENSE			
05	100-7020-0013	RECREATION ADMIN TEMP STAFF		22,660.00	
	100-7111-0013	SYCAMORE TEMPORARY STAFF		2,000.00	
	100-7112-0013	MCDONOUGH FIELDS TEMPORARY STAFF		4,000.00	
	100-7113-0013	CHAMBER PARK TEMPORARY STAFF		1,500.00	
	100-7114-0013	RED MILLS PARK TEMPORARY STAFF		1,500.00	
	100-7115-0013	AIRPORT FIELDS TEMPORARY STAFF		3,000.00	
	100-7117-0013	CAMARDA PARK TEMPORARY STAFF		6,000.00	
	100-7118-0013	BALDWIN MEADOWS TEMPORARY STAFF		3,000.00	
	100-7111-0080	TEMPORARY MAINTENANCE EMPLOYEE BENEFITS		5,000.00	
	100-7020-0011	RECREATION ADMIN FULL TIME STAFF			28,000.00
	100-7020-0080	RECREATION ADMIN EMPLOYEE BENEFITS			13,660.00
	100-7110-0011	PARK MAINTENANCE FULL TIME STAFF			7,000.00
		- TRANSFER FOR TEMPORARY STAFF EXPENSE			
06	100-7310-0013	YOUTH PROGRAM TEMP STAFF		270.00	
	100-7310-0045	YOUTH SELF SUSTAIN PROGRAM			270.00
		- TRANSFER FOR YOUTH TEMP STAFF COSTS			
07	100-8010-0086	ZONING BOARD RETIREE BENEFITS		2,870.00	
	100-8020-0086	PLANNING BOARD RETIREE BENEFITS		2,870.00	
	100-8010-0080	ZONING BOARD EMPLOYEE BENEFITS			2,870.00
	100-8020-0080	PLANNING BOARD EMPLOYEE BENEFITS			2,870.00
		- TRANSFER FOR RETIREE BENEFIT COST			
<b>CARMEL AMBULANCE DISTRICT</b>					
08	201-4540-0040	CARMEL AMBULANCE CONTRACT			100,000.00
	201-4540-9909	APPROPRIATED FUND BALANCE	*		100,000.00
		- REVISE BUDGET BASED ON NEW CONTRACT			

TOWN OF CARMEL  
BUDGET REVISIONS FOR APRIL 2011  
#2011-04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION		INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>HIGHWAY FUND</b>					
	500-5130-0040	MACHINERY REPAIR EXPENSE		100,000.00	
	500-5010-5710	PROCEEDS OF BOND ISSUE	*	56,000.00	
	500-5110-0040	GENERAL REPAIR CONTRACTUAL EXPENSE			44,000.00
		- PROVIDE/TRANSFER FOR MACHINERY REPAIR COST			
	500-5110-0040	GENERAL REPAIR CONTRACTUAL EXPENSE		44,000.00	
	500-5142-0049	SNOW MATERIALS EXPENSE			44,000.00
		- TRANSFER FOR ROAD REPAIR DUE TO PLOW/SNOW REMOVAL			
<b>CARMEL WATER DISTRICT #4</b>					
09	604-8310-0047	EMERGENCY REPAIRS		7,000.00	
	604-8310-0040	CONTRACTUAL REPAIR EXPENSE			3,195.00
	604-8310-2681	INSURANCE RECOVERY - ASSET	*	3,805.00	
		- PROVIDE/TRANSFER FOR EMERGENCY REPAIRS			
<b>CARMEL WATER DISTRICT #6</b>					
10	606-8310-0047	EMERGENCY REPAIRS		7,000.00	
	606-8310-0040	CONTRACTUAL REPAIR EXPENSE			500.00
	606-8310-0099	REPAIR RESERVE FUND			6,500.00
		- TRANSFER FOR EMERGENCY REPAIRS			

(Cont.)

<b>CARMEL WATER DISTRICT #9</b>					
11	609-8310-0047	EMERGENCY REPAIRS		8,000.00	
	609-8310-0040	CONTRACTUAL REPAIR EXPENSE			2,650.00
	609-8310-0099	REPAIR RESERVE FUND			5,000.00
	609-8310-2681	INSURANCE RECOVERY - ASSET	*	350.00	
		- PROVIDE/TRANSFER FOR EMERGENCY REPAIRS			
<b>CARMEL SEWER DISTRICT #2</b>					
12	702-8130-0140	CONTRACTUAL EXPENSES - MICROFILTRATION		8,000.00	
	702-8130-0141	CHEMICAL EXPENSES - MICROFILTRATION		1,050.00	
	702-8130-0040	CONTRACTUAL EXPENSES			8,000.00
	702-8130-0041	CHEMICAL EXPENSES			1,050.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS			
<b>CARMEL SEWER DISTRICT #4</b>					
13	704-8130-0140	CONTRACTUAL EXPENSES - MICROFILTRATION		1,000.00	
	704-8130-0040	CONTRACTUAL EXPENSES			1,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS			

TOWN OF CARMEL  
BUDGET REVISIONS FOR APRIL 2011  
#2011-04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL SEWER DISTRICT #1 EXT 3</b>				
14	713-8130-0020	EQUIPMENT	2,475.00	
	713-8130-0099	REPAIR RESERVE FUND		2,475.00
		- TRANSFER FOR EQUIPMENT PURCHASE		
<b>CARMEL SEWER DISTRICT #1 EXT 3</b>				
15	713-8130-0048	OTHER OPERATING EXPENSE	9,562.00	
	713-8130-9909	APPROPRIATED FUND BALANCE	*	9,562.00
		- PROVIDE FOR REFUND OF O & M CHARGES 2009/2010		
<b>TOWNWIDE DRAINAGE CAPITAL FUND</b>				
16	900-1989-0045	DRAINAGE CONTRACTUAL IMPROVEMENTS	200,000.00	
	900-1989-5710	PROCEEDS OF BORROWING	*	200,000.00
		- RECORD 2011 AUTHORIZATION		
<b>HIGHWAY PAVING CAPITAL FUND</b>				
17	950-5112-0045	CONTRACTED PAVING SERVICES	500,000.00	
	950-5112-5710	PROCEEDS OF BORROWING	*	500,000.00
		- RECORD 2011 AUTHORIZATION		
<b>CARMEL WATER DISTRICT #8 CAPITAL FUND</b>				
18	968-8310-0048	OTHER OPERATING EXPENSE	1,500.00	
	968-8310-0044	ENGINEERING SERVICES		1,500.00
		- TRANSFER FOR SOFT COST - CAPITAL PROJECT		

Supervisor Schmitt explained that \$44,000.00 transferred within the budget from the Snow Materials Expense line to the General Repair Contractual Expense line will be combined with \$56,000.00 bonds for a total of \$100,000.00 for the repair of equipment and vehicles used for maintenance purposes by the Highway Department.

**CARMEL WATER DISTRICT #12 - REFUND OF OUT-OF-DISTRICT CHARGES  
LEVIED - TAX MAP NO. 63.20-1-3 - AUTHORIZED**

WHEREAS, the Town Board has been advised by the Office of the Town Comptroller, as well as Severn Trent Environmental Services, Inc., operator for Carmel Water District #12, that the property known and designated as Town of Carmel Tax Map No. 63.20-1-3 is not presently connected as an out-of district user for Carmel Water District #12; and

WHEREAS, neither the current owners of said Tax Map No. 63.20-1-3 nor their predecessors had entered into any approved out of district user agreement, nor had the required back capital charges for such agreements been paid to the Town of Carmel at any time; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12 hereby authorizes the refund of the aggregate sum of \$1,302.00 for out-of-district capital water charges paid to the Town of Carmel for Tax Map No. 63.20-1-3 for years 2008, 2009 and 2010.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilwoman McDonough

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

**MS4 REQUIREMENTS - PAYMENT OF LEGAL FEES - EAST OF HUDSON  
MUNICIPALITIES - AUTHORIZED**

WHEREAS, the Town Board of the Town of Carmel is presently participating in conjunction with East of Hudson Municipalities in negotiations with, and potential litigation against the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection relating to heightened MS4 requirements, and

WHEREAS, Rapport Meyers, LLP had presented a proposed legal budget to East of Hudson Municipalities in Putnam and Westchester Counties for the express purposes of NYSDEC and NYCDEP negotiations and/or litigation dated December 2, 2010, a copy of which is on file in the office the Town Supervisor;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of the sum not to exceed \$1,810.28 to the Putnam County Commissioner of Finance, as the Town of Carmel's proportionate share for services rendered by Rapport Meyers, LLP, from January 1, 2011 through March 31, 2011 in accordance with the aforesaid proposal.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

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

Supervisor Schmitt noted that this was a cost associated with the federal unfunded mandate for clean water protection.

**CARMEL FIRE PROTECTION DISTRICTS #1, #2 AND #3 - PROPOSAL FOR INVESTMENT SERVICES FOR SERVICE AWARD PROGRAMS ACCEPTED - RBC WEALTH MANAGEMENT**

WHEREAS Town Comptroller Maryann Maxwell has solicited proposals for investment services for the Town of Carmel Fire Protection Districts #1, #2 and #3 Service Award Programs and has reviewed all such proposals with the Town Board of the Town of Carmel;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Fire Protection Districts #1, #2 and #3, hereby accepts the proposal of RBC Wealth Management, 677 Broadway, Albany, NY to render such investment services for the Service Award Programs as described herein for a term of five (5) years; and

BE IT FURTHER RESOLVED that Town Comptroller Maryann Maxwell be authorized to determine the appropriate termination date with current investment services consultant UBS Services and to implement the transitional period to RBC Wealth Management commencement of services within thirty (30) days of such termination; and

BE IT FURTHER RESOLVED that Kenneth Schmitt, Town Supervisor hereby authorized to sign any and all documentation required to be executed in connection with the acceptance of said proposal and contract for such services.

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

Supervisor Schmitt explained that the Service Award Program is a retirement benefit offered to attract new members and retain existing members of the volunteer fire departments and ambulance corps.

**CARMEL WATER DISTRICT #9 - PROPOSAL ACCEPTED FOR SURVEYING SERVICES - KAYLER GEOSCIENCE - \$4,642.00**

WHEREAS the Town Board of the Town of Carmel has previously authorized the Office of the Town Engineer, to request proposals for design surveying services for the Carmel Water District #9 distribution system capital upgrade project in accordance with the Multi-Year Capital Plan adopted by the Town Board; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Kayler Geoscience, Mahopac, NY and authorizes entry into a contract for said surveying services at a contract price of \$4,642.00; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form as approved by the Town Counsel, the Town Supervisor is authorized to sign any and all documents required to be executed in connection with the acceptance of said proposal and contract for such services.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Ravallo

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

Supervisor Schmitt explained that the cost of the surveying services will be borne by the residents in Carmel Water District #9.

**TOWN OF CARMEL ENGINEERING DEPARTMENT - PROPOSAL ACCEPTED FOR CADD SERVICES - TFR ENTERPRISES**

WHEREAS the Ronald, Gainer, PE, Town of Carmel Town Engineer has solicited proposals for computer-aided design and drafting (CADD) surveying to be utilized by the Town of Carmel Engineering Department in connection with pending and future capital projects requiring engineering design;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal TFR Enterprises, Brewster, NY to render such CADD services to the Town of Carmel and authorizes entry into a one (1) year contract with said entity to provide said services at a rate of \$25.00 per hour; and

BE IT FURTHER RESOLVED that upon presentation any required insurance certificates in form as approved by the Town Counsel, the Town Supervisor is authorized to sign any and all documents required to be executed in connection with the acceptance of said proposal and contract for such services.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilwoman McDonough

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

**RECREATION DEPARTMENT - BID AWARDED FOR BUS TRANSPORTATION 2011 SUMMER CAMP PROGRAM - BAUMANN & SONS BUSES, INC.,**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for bus transportation for the 2011 summer camp program administered by the Town of Carmel Department of Recreation and Parks, as requested by Director of Parks and Recreation, James R. Gilchrist, and

WHEREAS such bids were received and opened and James R. Gilchrist, who has prepared a bid opening memo which is on file with the Town Clerk, and

WHEREAS, James R. Gilchrist has recommended the awarding of the aforesaid bid to Baumann & Sons Buses, Inc., Ronkonkoma, NY, the low responsible bidder meeting specifications for all six (6) bus trips scheduled by the Recreation and Parks Department for Summer 2011,

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

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilmen Lombardi and Ravallo

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

Councilwoman McDonough noted Baumann & Sons Buses, Inc. to be the low bidder.

Supervisor Schmitt added that they have provided excellent service to the Town of Carmel in the past.

**AMENDMENT OF INTERMUNICIPAL AGREEMENT FORMING EAST OF HUDSON COALITION - AUTHORIZED**

WHEREAS, certain municipalities located in the New York City Watershed east of the Hudson River, (“EOH Municipalities”) have entered into an intermunicipal agreement (“IMA”) to form the EOH Coalition; and

WHEREAS, the Town Board of the Town of Carmel duly authorized the entry in to such IMA forming the aforesaid EOH Coalition by resolution dated April 13, 2011; and

WHEREAS, Article 3 of the IMA provides that there shall be an executive committee consisting of the three representatives from Putnam County and three representatives from Westchester County; and

WHEREAS, municipalities in Dutchess County have indicated an interest in joining the EOH Coalition by the execution of the aforesaid IMA and have requested that one representative from Dutchess County be added to the executive committee; and

WHEREAS, the EOH Coalition held a meeting of its members on May 10, 2011, at which a quorum was present and voted unanimously to amend the IMA to add on representative from Dutchess County to the executive committee; and

WHEREAS, the vote by each member’s representative is not binding upon the respective municipality unless the municipal board approves the amendment to the IMA;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby approves the amendment of the aforesaid IMA by the revision paragraph 3.1 to read as follows: “There shall be an executive committee consisting of three representatives from Putnam County, three representatives from Westchester County and one representative from Dutchess County”; and

BE IT FURTHER RESOLVED that a new paragraph no. 3.1.5 is hereby added to the IMA to read as follows: “One representative shall be elected by a majority vote of the Members from Dutchess County and shall serve for a term of two years”; and

BE IT FURTHER RESOLVED that all provisions of the aforesaid IMA not expressly modified or added pursuant to this resolution shall remain unchanged.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

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

Councilman Ravallo explained that he would be abstaining because the primary purpose of the EOH Coalition is to negotiate with the New York City Department of Environmental Protection.

(Cont.)

Supervisor Schmitt stated that the Village of Pawling in is the Watershed and by participating in the EOH Coalition, they will be sharing in legal costs.

**RESOLUTION FROM 4/27/11 AMENDED - AUTHORIZING HIRING OF TEMPORARY SUMMER HELP - LAKE SECOR PARK DISTRICT**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Secor Park District, upon the recommendation of the Lake Secor Park District Advisory Board hereby authorizes the hiring of the following as temporary summer help subject to submission of necessary certifications to the Director of Recreation and Parks and subject to obtaining of working papers, if required by law:

NAME	POSITION	HOURLY RATE
Caitlin Perrotta	Head Lifeguard	\$13.75
Deirdre Hickey	Lifeguard	\$11.50
Nicholas Lopilato	Lifeguard	\$10.50
Christopher Gray	Lifeguard	\$10.50
Clarice Laura Chastang	Junior Lifeguard	\$9.50
Gregory Lorenzini	Lifeguard	\$10.00

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilwoman McDonough

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

**HIGHWAY DEPARTMENT - PAYMENT OF WAGES TO EMPLOYEE NUMBER 1896 - AUTHORIZED**

WHEREAS, on or about August 16, 2010, Town of Carmel employee no. 1896 sustained an on-the-job injury to which the aforesaid employee is entitled to New York Workers Compensation Benefits; and

WHEREAS, Michael Simone, Highway Superintendent of the Town of Carmel has advised the Town Board that the aforesaid employee is presently unable to return to his work duties; and

WHEREAS, the Highway Superintendent has recommended extension of the aforesaid employees wages pursuant to the terms and conditions of the Town of Carmel Employee Handbook, as well as the terms and conditions of the contract between the aforesaid employee's bargaining unit and the Town of Carmel;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the payment of wages to employee # 1896 for a period of an additional three (3) months commencing May 16, 2011 and terminating August 16, 2011.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilmen Lombardi and Ravallo

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

**FILING OF ANNUAL MS4 STORMWATER REPORT - AUTHORIZED**

WHEREAS the Town Board has been presented with a draft annual MS4 Stormwater Report prepared by Jeffrey J. Contelmo of Insite Engineering; and

WHEREAS public comment on the draft annual report was received by the Town Board and the Town Board has considered said comments;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Insite Engineering.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

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

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

RESOLVED that the Town Board of the Town of Carmel hereby schedules a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541 on Wednesday, June 22, 2011 at 7:00 PM or as soon thereafter that evening as possible for the purpose of establishing maximum rates for the year 2011 with respect to residential garbage and refuse collections by licensees authorized under Chapter 95 of the Town Code to engage in the collection and disposal of refuse and garbage in the Town of Carmel; and

BE IT FURTHER RESOLVED that such Public Hearing will be conducted for the express purpose of establishing said rates pursuant to Town of Carmel Town Code §95-31, *et seq.*, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel may consider the establishment of an additional period not to exceed forty-five (45) days from June 22, 2011 to keep the public hearing open for the purpose of receiving and considering written submission and comment concerning the rates to be established pursuant to the aforesaid provisions of the Town of Carmel Town Code; and

BE IT FURTHER RESOLVED that the relevant factors to be considered by the Town Board concerning the rates to be established pursuant to the provisions of the Town of Carmel Town Code shall include, but not be limited to the following:

- Costs of Waste Disposal to licensees;
- Overhead and Labor costs to licensees;
- Fuel Costs to licensees;
- Fair and reasonable return to licensees;
- Protection of residents utilizing services from excessive or unreasonable charges;

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilwoman McDonough

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

**DONATION ACCEPTED OF TWO (2) AUTOMATED EXTERNAL DEFIBRILLATORS AND ENTRY INTO COLLABORATIVE AGREEMENT WITH HUDSON VALLEY REGIONAL EMERGENCY MEDICAL SERVICES COUNSEL, INC. AUTHORIZED**

WHEREAS, the Town of Carmel has received a donation of two automated external defibrillator devices from a private source; and

WHEREAS, the Town Board of the Town of Carmel wishes to accept the donation of the aforesaid defibrillator devices and to also enter into an agreement for the procedures, protocols and training program for the use of said devices;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby accepts the donation of two aforesaid automated external defibrillator devices; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes entry into a collaborative agreement with Hudson Valley Regional Emergency Medical Services Council, Inc., regarding the use, procedures, protocols and training of said devices, 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 for a period of one (1) year from the date of execution thereof.

Resolution

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

Supervisor Schmitt thanked the local resident who wished to remain anonymous, for the donation of two automated external defibrillator devices which will be utilized at the Highway and Recreation Departments.

**PUBLIC COMMENTS**

Peter Creegan suggested that all matters with regard to the MS4 Program included on an agenda should be incorporated within one Town Board Resolution. He inquired about funds disbursed to municipalities to subsidize the costs involved with the MS4 Program.

Supervisor Schmitt explained that there was an initial \$4.5 million for filtration avoidance and a \$20 million allocation in funding from the New York City Department of Environmental Protection to be used toward regulatory upgrades with respect to the MS4 requirements. Discussion was held regarding the matter.

Mr. Creegan inquired about the status of the proposed Local Law with regard to On-Site Sanitary Systems.

Supervisor Schmitt replied that the Local Law had been adopted. Discussion ensued.

**TOWN BOARD MEMBER COMMENTS**

Councilwoman McDonough announced that the annual American Cancer Society Relay for Life fundraiser will be held from Saturday, June 4, 2011 overnight to Sunday, June 5, 2011 at the Mahopac High School.

Councilwoman McDonough congratulated the Mahopac High School varsity lacrosse team for their recent regional championship and wished them luck in the State quarterfinals.

Supervisor Schmitt announced that "Woofstock", an event for dogs and their owners, hosted by The Friends of Sycamore Bark Park to raise funds to help support local rescue groups, will be held on June 12, 2011 from 10:00 a.m. to 4:00 p.m.

Supervisor Schmitt spoke regarding an upcoming visit of the crew of NBC's "George to the Rescue" home improvement television program to refurbish a local family's backyard.

Supervisor Schmitt announced that the Carmel Town Board along with the American Legion Post 1080 are sponsoring a Relief Drive from June 1, 2011 to June 17, 2011 to collect much needed supplies for the victims devastated by the recent tornado in Joplin, Missouri.

Supervisor Schmitt invited residents to attend the Lake Mahopac Garden Club's annual flower show. "Taking on Color" will be held on June 3, 2011 from 2:00 pm. to 8:00 p.m. and June 4, 2011 from 10:00 a.m. to 4:00 p.m. at Sycamore Park.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Ann Garris, Town Clerk