

27 APRIL 2011

**TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.**

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 27th day of April 2011 at 9:48 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, Councilwoman McDonough and Supervisor Schmitt.

**RESOLUTION FROM 4/20/11 AMENDED - AUTHORIZING THE AWARDING OF
BIDS FOR MISCELLANEOUS HIGHWAY DEPARTMENT MATERIALS AND
SERVICES**

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

WHEREAS such bids were received and opened and the Highway Superintendent has recommended the awarding of the bids (after equalizing all FOB bids based on distance to the Town Highway Department yard),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby awards the bids for the purchase of various highway materials and services to the lowest responsible bidders who met specifications as follows:

Run of Bank Gravel FOB Bidder's Plant & Delivered		Red Wing Properties Inc. PO Box 408 Stormville, NY 12582
Bituminous Concrete Asphalt Concrete Type 6 & 6F Top Course Type 7 and 7F Binder Course Type 3 Curb Mix	-	Peckham Materials Corp. Carmel Plant, Route 6 Carmel, NY 10512
Bituminous Concrete In-Place In-Place with tack coat In-Place with keys		Bilotta Construction Corporation 296 Purchase Street Rye, NY 10580
Road Oils, Cutbacks Etc. Medium Curing Cutbacks Rapid Curing Cutbacks Penetration Asphalt Cationic Emulsified Asphalt	-	Peckham Materials Corp. 20 Haarlem Avenue White Plains, NY 10603
Tree Felling and Trimming	-	Laurel Oak Landscaping of NY, Inc. 21 Branch Road Brewster, NY 10509
Crushed Gravel FOB - 1/4" Delivered - 1/4"	-	Thalle Industries, Inc. 172 Route 9 Fishkill, NY 12524
Crushed Gravel FOB - 3/8"	-	Nicholas F. Domain Sand & Gravel 2441 Route 22 Dover Plains, NY 12522
Crushed Gravel Delivered 3/4" Delivered 1 1/2 " Delivered 3/8"		West Hook Sand & Gravel 25 West Hook Road Hopewell Jct., NY 12533
Crushed Gravel FOB 3/4" FOB -1 1/2 "	-	Putnam Materials Corp. Rte 311 Patterson, NY

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(Cont.)

Granular Base Item 4 FOB	-	Putnam Materials Corp. Rte 311 Patterson, NY
Granular Base Item 4 Delivered	-	Putnam Materials Corp. Rte 311 Patterson, NY
Steel Culvert Pipe FOB & DELIVERED Plain and Perforated All Sizes	-	Chemung Supply Corporation Elmira, NY
Aluminum Culvert Pipe FOB & DELIVERED Plain & Perforated All sizes	-	Chemung Supply Corporation Elmira, NY
Corrugated Polyethylene Drainage Pipe FOB Delivered	-	Delivered Off of State Bid Carmel Winwater Award Bid per NYS Contract
Catch Basin Sumps & Tops Delivered	-	M & M Precast Corp. 39 Padanaram Road Danbury, CT 06811

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

Councilman Lombardi explained that the award for Corrugated Polyethylene Drainage Pipe was amended.

CARMEL VOLUNTEER AMBULANCE CORPS. - CONTRACT AMENDMENT AUTHORIZED

WHEREAS appropriations have been made in the 2011 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and
WHEREAS said contracts are on file in the office of the Town Clerk for the inspection and review of all Town Board members, and
WHEREAS a public hearing was held on January 26, 2011 at which time all persons wishing to be heard and/or interested in these matters were afforded due opportunity to be so heard;
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to enter into and execute, on behalf of the Town, contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

<u>Contractor</u>	<u>Services</u>	<u>Not to Exceed Amount</u>
Carmel Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$210,000.00

(Cont.)

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>

RESOLUTION FROM 4/20/11 AMENDED - AUTHORIZING HIRING OF TEMPORARY SUMMER HELP FOR LAKE SECOR PARK DISTRICT – AMENDED 6/1/11

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:

<u>NAME</u>	<u>POSITION</u>	<u>HOURLY RATE</u>
Caitlin Perrotta	Head Lifeguard	\$13.75
Deirdre Hickey	Lifeguard	\$11.50
Nicholas Lopilato	Lifeguard	\$10.50
Christopher Gray	Lifeguard	\$10.50
Daniel Kenney	Lifeguard	\$10.50
Gregory Lorenzini	Lifeguard	\$10.00
Kaitlin Nolan	Junior Lifeguard	\$ 9.50

Resolution

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

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the proposed action is hereby determined to be a Type II action pursuant to §617.5(c)(5) of the SEQR regulations; and

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

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

(Cont.)

Section 1. For the class of objects or purposes of paying the cost of the construction of drainage improvements throughout and in and for the Town of Carmel, Putnam County, New York, together with incidental improvements and expenses in connection therewith, there are hereby authorized, subject to permissive referendum, to be issued \$200,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of said class of objects or purposes is \$200,000 and that the plan for the financing thereof is by the issuance of \$200,000 bonds of said Town authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years**.

Section 4. 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 5. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

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

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

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

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

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

(Cont.)

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>

**RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE
ISSUANCE OF \$500,000 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY,
NEW YORK, TO PAY THE COST OF THE ROAD RECONSTRUCTION AND
RESURFACING, THROUGHOUT AND IN AND FOR SAID TOWN - ADOPTED**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, has been performed; and

WHEREAS, the proposed action is hereby determined to be a Type II action pursuant to §617.5(c)(4) of the SEQR regulations;

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of road reconstruction and resurfacing, throughout and in and for the Town of Carmel, Putnam County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized, subject to permissive referendum, to be issued \$500,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of said class of objects or purposes is \$500,000 and that the plan for the financing thereof is by the issuance of \$500,000 bonds of said Town authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. 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, 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 5. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for

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the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. 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.

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

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

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

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

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

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>

RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$443,543 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF EQUIPMENT FOR MAINTENANCE PURPOSES IN AND FOR SAID TOWN - OFFERED AS PRE-FILED - TABLED TO 5/4/11

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the purchase of equipment for maintenance purposes, each item of which is \$30,000 or more, including incidental equipment and expenses, in and for the Town of Carmel, Putnam County, New York, there are hereby authorized, subject to permissive referendum, to be issued \$443,543 bonds of said Town pursuant to the provisions of the Local Finance Law.

(Cont.)

Section 2. It is hereby determined that the maximum estimated cost of said class of objects or purposes is \$443,543 and that the plan for the financing thereof is by the issuance of \$443,543 bonds of said Town authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen 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 bonds herein authorized will exceed five years.

Section 4. 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, 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 5. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. 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.

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

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

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

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

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

(Cont.)

MOTION TO TABLE

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>

The foregoing resolution was offered by Councilwoman McDonough as pre-filed and seconded by Councilman Ravallo.

Councilman Ravallo then offered a motion to table the resolution to May 4, 2011 to allow time to compile additional information concerning the matter. Councilman Lombardi, who added that further review was necessary with regard to the equipment, seconded the motion. A roll call vote was taken on the motion to table which was unanimously approved.

TOWN BOARD MEMBER COMMENTS

Councilwoman McDonough acknowledged the Mahopac High School Varsity and Junior Varsity lacrosse teams for their recent fundraiser benefiting cancer research.

Supervisor Schmitt reminded local business owners that from May 2nd through May 6th, the Town of Carmel building department will be out enforcing zoning code violations, citing illegal banners and signs as examples. He thanked those businesses who have already commenced their cleanup.

Supervisor Schmitt announced that he is seeking volunteers to assist him with his litter cleanup initiative along Town roadways on April 30, 2011, meeting at Town Hall at 9:00 a.m.

Supervisor Schmitt spoke about the annual MS Walk to benefit the Multiple Sclerosis Society which will be held on May 1, 2011 and commence at the Carmel Firehouse.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilwoman McDonough, with all members present and in agreement, the Special Meeting was adjourned at 10:16 p.m. to Executive Session for a discussion with the Police Chief in regard to the Police IT server contract.

Respectfully submitted,

Ann Garris, Town Clerk