

16 FEBRUARY 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 16th day of February 2011 at 7:12 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.

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.

CARMEL WATER DISTRICT # 8 - REFUND AUTHORIZED - OUT-OF-DISTRICT CHARGES LEVIED - BRENDAN AND SUSAN O'CONNOR, TM# 76.9-2-7 AND GAIL HARNEY, TM# 76.9-2-8

WHEREAS, by resolution on November 7, 2007, the Town Board of the Town of Carmel authorized the entry into an Out-of-District Water Service Agreement for Carmel Water District # 8 with Brendan and Susan O'Connor, the owners of that parcel of real property known and designated as Town of Carmel Tax Map No. 76.9-2-7; and

WHEREAS, by resolution on November 7, 2007, the Town Board of the Town of Carmel authorized the entry into an Out-of-District Water Service Agreement for Carmel Water District # 8 with Gail Harney, the owner of that parcel of real property known and designated as Town of Carmel Tax Map No. 76.9-2-8; and

WHEREAS the Town Board has been advised by the Office of the Town Comptroller as well as the Office of the Town Engineer that neither of the above-referenced properties actually entered into the proposed out of district agreements, nor were the required back capital charges paid to the Town of Carmel;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8 hereby authorizes the refund of the aggregate sum of \$1,119.40 for out-of-district capital water charges paid to the Town of Carmel for Tax Map No. 76.9-2-7 for years 2009 and 2010; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8 hereby authorizes the refund of the aggregate sum of \$300.09 for out-of-district capital water charges paid to Town of Carmel with relation for Tax Map No. 76.9-2-8 for years 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>

ACCOUNTING DEPARTMENT - POSITION OF ASSISTANT PAYROLL CLERK CREATED AND PROVISIONAL APPOINTMENT MADE - BARBARA ALOSCO

RESOLVED that the Town Board of the Town of Carmel hereby creates the position of Assistant Payroll Clerk in the Town of Carmel Accounting Department and hereby appoints Barbara Alosco to said position, effective immediately, at a CSEA Group 4, Step 4 salary level, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

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>

Councilman Ravallo explained that the Town Board is not increasing the amount of positions at Town Hall. Staff is being moved from one office to another as a cost savings measure.

ASSESSOR'S OFFICE - FULL-TIME POSITION OF SENIOR OFFICE ASSISTANT CREATED

RESOLVED that the Town Board of the Town of Carmel hereby creates the full-time position of Senior Office Assistant in the Town of Carmel Assessor's Office.

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>

PUBLIC HEARING SCHEDULED FOR 3/16/11 - PROPOSED LOCAL LAW ADOPTING A NEW CHAPTER OF THE TOWN CODE, PROPOSED AS CHAPTER 53, ENTITLED "BLASTING" OF THE TOWN CODE OF THE TOWN OF CARMEL

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, March 16, 2011 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law adopting a new chapter of the Town Code, proposed as Chapter 53, entitled "Blasting" of the Town Code of the Town of Carmel; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and instructed to publish and post the necessary notices in the official newspaper of the Town and on the Town bulletin board regarding this Public Hearing.

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>

Councilman Ravallo expressed his concern regarding the addition to the proposed Local Law of the requirement of seismograph readings.

Supervisor Schmitt stated that the addition was made at the request of the New York State Department of Labor. The readings would be used in the event of an accident or a lawsuit. Discussion was held regarding the matter.

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**ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE
WITHIN THE TOWN OF CARMEL AUTHORIZED - SANI-PRO DISPOSAL D/B/A
SUBURBAN CARTING - 7/6/10 TO 7/5/11**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Sani-Pro Disposal Inc., dated July 6, 2010, hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
Sani-Pro Disposal	Office Address:	7/6/10 to 7/5/11
d/b/a Suburban Carting	566 North State Road	
	Briarcliff Manor, NY 10510	

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>

Councilman Lombardi inquired if the amendments made by Sani-Pro Disposal Inc. submitted in letter form were incorporated into their actual application for ease of public inspection.

Gregory Folchetti, Legal Counsel indicated that the applicant may substitute the first page of their application.

Councilman Ravallo pointed out that based on the license period and prior discussions held, this application falls under the previous Licensing Law.

**ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE
WITHIN THE TOWN OF CARMEL AUTHORIZED - PANICHI HOLDING CORP. D/B/A
ROYAL CARTING SERVICE - 2/17/11- 2/16/12**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Panichi Holding Corp. d/b/a Royal Carting Service, dated January 7, 2011, hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
Panichi Holding Corp.	Office Address:	2/17/11- 2/16/12
d/b/a Royal Carting Service	409 Route 82	
	P.O. Box 1209	
	Hopewell Jct., NY 12533	

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>

(Cont.)

Councilman Ravallo stated that technically this application complies with the new licensing law.

Supervisor Schmitt directed the representative from Sani-Pro Disposal in attendance, to submit a revised first page of their application as soon as possible.

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 no. 1896 for a period of an additional three (3) months commencing February 16, 2011.

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>

Supervisor Schmitt stated that the Highway Department employee sustained the serious injury in August and wished him well as he continues on his path to recovery.

CARMEL WATER DISTRICT #8 - COST OF ENGINEERING AND DESIGN STUDIES FOR WATER MAIN REPLACEMENT AUTHORIZED AND ISSUANCE OF UP TO \$100,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF AUTHORIZED

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

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

WHEREAS, it is now desired to authorize the financing thereof; NOW, THEREFORE,

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

Section 1. The cost of engineering and design studies for water main replacement in Carmel Water District No. 8, 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 \$100,000, pursuant to General Municipal Law Section 99-d.

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Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$100,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62(2nd) 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.

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

Councilman Ravallo suggested utilizing the Town of Carmel's consulting engineer or future Town Engineer to design the project in an effort to save money, similar to what was done in the past with Carmel Water District #9.

Supervisor Schmitt spoke in favor of proceeding as planned to avoid any delays for the benefit of the residents in Carmel Water District #8 who have been dealing with discolored water for years. He noted that Requests for Proposals have already been circulated and proposals from vendors received for the project.

Councilman Ravallo stated utilizing in-house services may not necessarily cause a delay. Discussion ensued.

Councilwoman McDonough spoke in favor of proceeding as planned to avoid any delay in the project. She added that she would have no objection to looking into the suggestion further.

Councilman Lombardi cited the Town Board's commitment to the residents with regard to the project and suggested that the Town Board move forward with both options as long as there is no resulting delay.

**MAHOPAC SPORTS ASSOCIATION, PUTNAM COUNTY HUMANE SOCIETY, INC.,
LITERARY UNION (REED MEMORIAL LIBRARY), MAHOPAC LIBRARY - ENTRY
INTO CONTRACTS 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 Supervisor for the inspection and review of all Town Board members,

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>
Mahopac Sports Association	Recreational Services	\$ 26,000.00
Putnam County Humane Society, Inc.	Dog Shelter Services & Dog Control Services	\$ 60,635.00
Literary Union (Reed Memorial Library)	Library Services	\$205,000.00
Mahopac Library	Library Services	\$ 51,300.00

Resolution

Offered by: Councilwoman McDonough
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 Mahopac Sports Association's contract amount has been reduced from last year's \$82,000.00 to this year's \$26,000.00, which will be used to cover their insurance premiums. He added that there is no change to the contract amounts from last year for the Putnam County Humane Society, Inc., Literary Union (Reed Memorial Library) and the Mahopac Library.

FIRE PROTECTION AND AMBULANCE SERVICES - ENTRY INTO CONTRACTS 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 Supervisor for the inspection and review of all Town Board members,

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</u>
Mahopac Falls Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #1	\$ 675,000.00
Mahopac Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #2	\$1,572,405.00
Carmel Fire District & Carmel Fire Department, Inc.	Fire Protection-Fire Protection Dist. #3	\$ 475,000.00
Carmel Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$ 210,000.00
North Salem Volunteer Ambulance Corps	Ambulance Services- Carmel Ambulance District #1	\$ 12,200.00

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>

Supervisor Schmitt explained that the aforementioned contract amounts are the same as the amounts considered during the budget process.

PUBLIC COMMENTS

Michael Barile inquired how long it will take for the Town Board to correct the error from once-a-week pickups to twice-a-week pickups in the recently adopted Local Law amending Chapter 95 Garbage, Rubbish and Refuse.

Councilman Ravallo stated that a revision is being drafted at the present time and estimated that would be complete in a couple of weeks. Discussion ensued.

Mr. Barile asked Councilwoman McDonough why she was not in favor of appointing a fifth member to the Town Board to fill the current vacancy.

Councilwoman McDonough stated that she believed that the public should make the decision. She indicated however that if at any time there becomes an issue with Town Board votes resulting in ties, she would support accepting letters of interest from residents for the position.

Councilwoman McDonough went on to clarify that the Town Board is amending other areas of Chapter 95, including the first page of the license application to collect garbage and refuse.

Mr. Barile spoke in favor of the Town Board appointing a fifth Town Board member.

Jerry Ravnitzky commented with regard to the proposed Local Law regulating blasting, that it is essential that reputable and independent companies perform seismographic readings prior to any blasting to protect residents. Discussion was held regarding the matter.

Mr. Ravnitzky stated in regard to the contract with the Mahopac Sports Association that he supports sporting activities for the youth, however, organizations that engage in partisan political activities should not receive public funding.

Mr. Ravnitzky stated that twice-a-week pickup, not once-a-week pickup was mentioned when the Local Law amending Chapter 95 was being discussed.

Councilman Lombardi indicated that a once-a-week pick up provision already existed in Chapter 95. Discussion regarding the matter resumed.

Lori Kemp asked Councilman Ravallo what his concern was with regard to including the requirement of seismographic readings in the proposed Local Law regulating blasting.

Councilman Ravallo stated that he would like to know more about it.

Ms. Kemp expressed support of the inclusion of seismographic readings in the proposed Local Law. Ms. Kemp spoke regarding the need for legislation to regulate mining. She inquired if the Town Board has any plans to do so.

Supervisor Schmitt responded not at this time, however, did not rule out considering it at a future time.

Greg Ellner asked at what dollar threshold the Town goes out to bid or Requests for Proposals (RFPs) for professional services.

Mr. Folchetti explained that professional services are exempt from the Town of Carmel's procurement policy and General Municipal Law. He added that an RFP was circulated for the design studies for Carmel Water District #8, as was done in the past for other projects, even though it was not required.

Councilman Ravallo spoke regarding the competitive bidding process and Requests for Proposals. Discussion regarding the issue followed.

TOWN BOARD MEMBER COMMENTS

Councilman Lombardi announced the upcoming Lake Mahopac Rotary Club benefit basketball game against the Harlem Magic Masters on March 11th at 7:00 p.m. at the Mahopac High School.

Councilman Lombardi commended the Chief of Police and the Special Conditions Unit of the Carmel Police Department for their efforts with regard to the recent arrest of a nineteen year old for selling drugs at the Mahopac High School. Discussion was held regarding the importance of rectifying the problem of substance abuse among the youth in the community.

Councilwoman McDonough announced that the Carmel Rotary Club and the Carmel Interact Club will be hosting a benefit basketball shoot-out on March 13th from 11:00 a.m. to 2:00 p.m.

Councilwoman McDonough spoke regarding an incident that occurred at a local nail salon in which a patron performed the Heimlich Maneuver on a child who was choking. She would like to invite the patron to an upcoming Town Board meeting to be recognized.

Supervisor Schmitt expressed appreciation to Putnam County Sherriff Don Smith, Correctional Officer Frank Caruso and the Inmate Work Detail, for their recent assistance in clearing the roof at Town Hall of significant snow.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilwoman McDonough, with all Town Board members present in agreement, the meeting was adjourned at 8:35 p.m. to Executive Session to discuss an Engineering Department personnel matter and a Comptroller's Office personnel matter.

Respectfully submitted,

Ann Garris, Town Clerk