

**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 10<sup>th</sup> day of June, 2020 at 7:08 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schanil, Councilman Barile, Councilman Lombardi, Councilwoman McDonough, and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces, as well as first responders, medical personnel, frontline workers, victims and their families in the wake of the COVID-19 pandemic.

Supervisor Schmitt stated that the Town Board is back to meeting at Town Hall for the first time in two months. The officials, managers and public in attendance at the meeting are seated at least six feet apart to maintain social distancing.

**CARMEL SEWER DISTRICT #1 - PUBLIC HEARING HELD - IMPROVEMENT OF THE FACILITIES INCREASED TO \$461,536 - ADDITIONAL \$291,536.00 BONDS**

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**  
**TOWN OF CARMEL SEWER DISTRICT NO. 1**  
**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Carmel, Putnam County, New York, will conduct a public hearing virtually through the Zoom platform on the 10th day of June, 2020, at 7:00 o'clock PM Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report including an amended estimate of cost prepared in relation to the proposed increase and improvement of the facilities of Carmel Sewer District No. 1 in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of approximately 450 linear feet of 8 inch sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right of way, including original furnishings, equipment,

machinery, apparatus, appurtenances and incidental improvements and expenses. The new maximum estimated cost of the aforesaid increase and improvement of the facilities of Carmel Sewer District No. 1 in the Town is \$461,536, consisting of an increase of \$291,536 for such improvements. Public participation will be afforded through Zoom. The particulars will be provided on the Town of Carmel's website (ci.carmel.ny.us) and bulletin board in advance of the meeting, and email comments may be directed to the Town Board at: TownBoard@ci.carmel.ny.us. The capital project described above has been determined to be a "Type II Action" pursuant to the regulations promulgated under the State Environmental Quality Review Act ("SEQRA") which such regulations provide will not result in any significant environmental adverse impacts. The map, plan and report are available

in the office of the Town Clerk, where they may be inspected during regular office hours. At said public hearing said Town Board will hear all persons interested in the subject matter thereof. Dated: Mahopac, New York May 21, 2020  
BY ORDER OF THE  
TOWN BOARD OF THE  
TOWN OF CARMEL,  
PUTNAM COUNTY, NEW YORK  
ANN SPOFFORD  
TOWN CLERK

Supervisor Schmitt opened the Public Hearing for public comment at 7:13 p.m. Eight (8) people were in attendance. Per Governor Cuomo's Executive Order No. 202.1 addressing health and safety concerns related to the COVID-19 virus, public participation was also afforded virtually through video conferencing on the Zoom platform.

With no one wishing to be heard on the subject of the Public Hearing via Zoom, in attendance, or by email to the Town Board, on motion by Councilman Lombardi, seconded by Councilman Schanil, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:14 p.m.

**PUBLIC INTEREST ORDER ADOPTED IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL SEWER DISTRICT NO. 1 - ADDITIONAL COSTS OF \$291,536**

WHEREAS, by Orders heretofore adopted, the Town Board of the Town of Carmel, Putnam County, New York, authorized an increase and improvement of the facilities of Consolidated Sewer District No. 1, consisting of the purchase and installation of approximately 450 linear feet of 8 inch sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right of way, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$170,000; and

WHEREAS, by Order dated May 13, 2020, said Town Board called a public hearing on the question of the increase in the maximum estimated cost of said capital project from \$170,000 to \$461,536 an increase of \$291,536; and

WHEREAS, notice of said public hearing was duly published and posted in the manner and within the time provided by law and such public hearing was duly held at the time and place specified in said notice at which all persons interested in the subject matter thereof were duly heard; and

WHEREAS, said Town Board has duly considered the evidence given at said public hearing;

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is necessary and in the public interest to increase and improve the facilities of Consolidated Sewer District No. 1, in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, at a new maximum estimated cost of \$461,536 and said increase and improvement is hereby authorized and approved.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilman Schanil  
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u>          </u>
Michael Barile	<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>

**CARMEL SEWER DISTRICT #1 - ISSUANCE OF ADDITIONAL \$291,536 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK AUTHORIZED TO PAY PART OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - APPROXIMATELY 450 LINEAR FEET OF SEWER LINE - OFFERED AS STATED BY LEGAL COUNSEL AND PRE-FILED**

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, on August 15, 2018, duly adopted a bond resolution authorizing the issuance of \$170,000 serial bonds of said Town to pay the cost of the increase and improvement of Consolidated Sewer District No. 1, in and for the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of approximately 450 linear feet of 8 inch sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right of way, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, and

10 JUNE 2020  
TOWN BOARD SPECIAL MEETING

WHEREAS, said project 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 ("SEQRA"), the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impacts; and

WHEREAS, it has now been determined that the maximum estimated cost of such class of objects or purposes is \$461,536, an increase of \$291,536 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$291,536 bonds of said Town for such specific object or purpose to pay a portion of the cost thereof; 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 specific object or purpose of paying additional costs of the increase and improvement of Consolidated Sewer District No. 1, in and for said Town of Carmel, Putnam County, New York, consisting of the purchase and installation of approximately 450 linear feet of 8 inch sewer line, including three (3) manholes, two (2) service laterals and restoration of NYSDOT right of way, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$291,536 bonds of the Town of Carmel, Putnam County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$461,536, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$170,000 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted August 15, 2018; and
- b) by the issuance of the additional \$291,536 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations for said specific object or purpose. It is hereby further determined that the maximum maturity of said bonds shall exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. To the extent not paid from monies raised from said Consolidated Sewer District No. 1 in the manner provided by law, 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 obligations 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor. 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. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully

(Cont.)

10 JUNE 2020  
TOWN BOARD SPECIAL MEETING

with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial 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 serial 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 8. The Supervisor is hereby further authorized, in such officer's discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of Local Finance Law.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u>          </u>
Michael Barile	<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>

**ORDER ADOPTED CALLING PUBLIC HEARING IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CARMEL WATER**

10 JUNE 2020  
TOWN BOARD SPECIAL MEETING

**DISTRICTS NOS. 2, 9 AND 14 IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK - ADDITIONAL COSTS**

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has heretofore caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Carmel Water Districts Nos. 1, 2, 3, 8, 9, 10, 13 and 14 in the Town of Carmel, Putnam County, New York, being in each such district, the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$25,315 to Carmel Water District No. 1, \$1,562,615 to Carmel Water District No. 2, \$282,538 to Carmel Water District No. 3, \$360,296 to Carmel Water District No. 8, \$17,684 to Carmel Water District No. 9, \$53,658 to Carmel Water District No. 10, \$35,221 to Carmel Water District No. 13, and \$391,063 to Carmel Water District No. 14; and

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act ("SEQRA"), have been performed, it having been determined that said capital projects are each a Type II Action as to which the SEQRA regulations provide that there is no significant adverse impact pursuant to 6 NYCRR Part 617.5(c)(2); and

WHEREAS, it is now determined that the maximum estimated cost to Carmel Water District No. 2 is \$2,762,615, an increase of \$1,200,000 over that previously estimated; and

WHEREAS, it has now been determined that the maximum estimated cost to Carmel Water District No. 9 is \$40,184, an increase of \$22,500 over that previously estimated; and

WHEREAS, it has now been determined that the maximum estimated cost to Carmel Water District No. 14 is \$431,063, an increase of \$40,000 over that previously estimated;

WHEREAS, it is now desired to call a respective public hearing on the question of the increase and improvement of the facilities of said Carmel Water District Nos. 2, 9 and 14 in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, in Mahopac, New York, in said Town, on July 1, 2020, at 7:00 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of Carmel Water Districts Nos. 2, 9 and 14 in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspapers, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

(Cont.)

Roll Call Vote	YES	NO
Robert Schanil	X	
Michael Barile	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will have a virtual meeting at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on July \_\_\_\_, 2020, at \_\_\_\_\_ o'clock P.M., Prevailing Time, for the purpose of conducting a respective public hearing upon a certain map, plan and report, including a revised estimate of cost, in relation to the proposed increase and improvement of the facilities of Carmel Water Districts Nos. 2, 9 and 14 in said Town, consisting in each district of the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a revised maximum estimated cost of \$2,762,615 to Carmel Water District No. 2, (an increase of \$1,200,000), \$40,184 to Carmel Water District No. 9, (an increase of \$22,500), and \$431,063 to Carmel Water District No. 14, (an increase of \$40,000).

Said capital projects have 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 ("SEQRA"), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts.

Public participation at the virtual public hearing will be as follows:

\_\_\_\_\_and \_\_\_\_\_ e-mail  
comments may be directed to the Town Board at:  
\_\_\_\_\_.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Mahopac, New York,  
\_\_\_\_\_, 2020.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF  
CARMEL, PUTNAM COUNTY, NEW YORK

Ann Spofford  
Town Clerk

Supervisor Schmitt pointed out that the Town Board has been discussing the planned improvements to the water storage tanks in the hamlet of Carmel for over two years, particularly the one on Everett Road because of its poor condition and area residents' concerns. He stated that based upon the evaluation performed by the Town's consultants at Weston & Sampson, the current 300,000 gallon water tank on Everett Road will be replaced with a 500,000 gallon water tank to accommodate future development demands for an additional \$140,000. Supervisor Schmitt noted with regard to Carmel Water District #14, that the increase in cost is due to the decision to replace two older water storage tanks with one larger water storage tank.

Councilman Schanil confirmed with Town Engineer Richard J. Franzetti, P.E. that the expenditure for Carmel Water District #2 came in below last year's cost estimate.

Supervisor Schmitt added that this district will also be getting a new larger water storage tank as opposed to refurbishing the current one as originally planned.

ADJOURNMENT

**10 JUNE 2020  
TOWN BOARD SPECIAL MEETING**

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lombardi, with all Town Board members present and in agreement, the meeting was adjourned at 7:29 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk