

**SPECIAL TOWN BOARD 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 24th day of April, 2019 at 9:45 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, 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.

Prior to the scheduled public hearing a presentation regarding the proposed upgrades to Carmel Water District #2 was given by Richard Franzetti, PE, Town Engineer, John Folchetti, PE, Engineering Consultant and Mary Ann Maxwell, Town Comptroller at a Special Open Meeting.

Supervisor Schmitt opened the informational meeting at 6:05 p.m. by giving an overview of the status of Carmel Water District #2. He introduced the county and state representatives that were in attendance including Carl Albano, Putnam County Legislator, Aidan Bode representing Senator Peter Harkham and Paige Banfield representing Congressman Sean Patrick Maloney. Supervisor Schmitt explained that their support would be helpful in trying to secure grant or low interest funds for the water district projects.

Approximately one hundred (100) people were in attendance. After the presentation approximately twenty-five people addressed the Town Board Members and town officials with their questions and concerns regarding Carmel Water District #2 and the proposed projects.

The Informational Open Meeting was closed at 9:40 p.m.

**PUBLIC HEARING HELD REGARDING CARMEL WATER DISTRICT #2**

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

NOTICE OF PUBLIC HEARING  
TOWN OF CARMEL  
CARMEL WATER DISTRICT NO. 2  
REVISED

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the **Carmel High School Library, 30 Fair Street**, in Carmel, New York, on April 24, 2019, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of Carmel Water District No. 2, in said Town, consisting of the reconstruction of and construction of new water mains at various locations within said Carmel Water District No. 2, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$13,301,400.

Said capital 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, said regulations provide will not result in any significant adverse environmental impacts.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: Mahopac, New York,  
April 18, 2019

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

Ann Spofford  
Town Clerk

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With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 9:49 p.m. Six (6) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Schneider, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 9:50 p.m.

**PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL WATER DISTRICT NO. 2**

<p><b>In the Matter of The Increase and Improvement of Facilities of Carmel Water District No. 2 in the Town of Carmel, Putnam County, New York</b></p>	<p><b>PUBLIC INTEREST ORDER</b></p>
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WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly 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 proposed increase and improvement of the facilities of Carmel Water District No. 2, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of and construction of new water mains at various locations within said Carmel Water District No. 2, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$13,301,400 and

WHEREAS, at a meeting of said Town Board duly called and held on March 6, 2019, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Carmel Water District No. 2 in said Town at a maximum estimated cost of \$13,301,400, and to hear all persons interested in the subject thereof concerning the same at the Carmel High School, in Carmel New York, in said Town, on April 24, 2019, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly as set forth in said notice, at which all persons desiring to be heard were duly heard; 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 in the public interest to make the increase and improvement of the facilities of Carmel Water District No. 2, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of and construction of new water mains at various locations within said Carmel Water District No. 2, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$13,301,400.

Section 2. This Order shall take effect immediately.

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Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	___
Jonathan Schneider	<u>X</u>	___
John Lupinacci	<u>X</u>	___
Suzanne McDonough	<u>X</u>	___
Kenneth Schmitt	<u>X</u>	___

**CARMEL WATER DISTRICT NO. 2 - ISSUANCE OF \$13,301,400 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK AUTHORIZED TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - OFFERED AS PARAPHRASED AND PRE-FILED**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Carmel Water District No. 2, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$13,301,400; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, pursuant to the provisions of 6 CRR NY 617.5, including but not limited to 6 CRR NY 617.5(c)(2) which as such will not have any significant adverse impacts on the environment; 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:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Carmel Water District No. 2, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of and construction of new water mains at various locations within said Carmel Water District No. 2, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$13,301,400 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 the aforesaid specific object or purpose is \$13,301,400, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$13,301,400 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 1 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 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

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monies raised from said Carmel Water District No. 2 in the manner provided by law, 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 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, 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. 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, the Supervisor shall comply fully 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, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health 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 specific object or purpose 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.

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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 the Local Finance Law.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lupinacci and Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	___
Jonathan Schneider	<u>X</u>	___
John Lupinacci	<u>X</u>	___
Suzanne McDonough	<u>X</u>	___
Kenneth Schmitt	<u>X</u>	___

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Schneider, seconded by Councilwoman McDonough, with all members present and in agreement, the meeting was adjourned at 9:55 p.m. to the scheduled work session to consider a matter regarding the airport park water supply.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk