

**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 10th day of July 2013 at 7:48 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi, and Supervisor Schmitt.

ISSUANCE OF \$250,000 BONDS FOR RECONSTRUCTION OF THE HIGHWAY GARAGE AUTHORIZED - MAXIMUM ESTIMATED COST OF \$250,000 - OFFERED AS PRE-FILED - SUBJECT TO PERMISSIVE REFERENDUM

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 as a Type II Action requiring no further review and/or action, have been performed; 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, The reconstruction of the Highway Garage at 55 McAlpin Avenue in Carmel, New York, in and for the Town of Carmel, Putnam County, New York, including replacement of the existing lift equipment and remediation of the site thereof, together with incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$250,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$250,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law. OHSUSA:754072240.1

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) 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.

(Cont.)

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 Schneider
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

RESOLUTION FROM 7/3/13 AMENDED AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR 8/7/13 - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING" AND CHAPTER 131 THEREOF, ENTITLED "SUBDIVISION OF LAND" (GREENWAY CONNECTIONS)

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 7, 2013 at 7:00 pm or as soon thereafter that evening as possible on a Local Law amending the Code of the Town of Carmel, Chapter 156 thereof, entitled "Zoning" and Chapter 131 thereof, entitled "Subdivision of Land"; 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: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

(Cont.)

PROPOSED LOCAL LAW # _____ OF THE YEAR 2013

**A Local Law to Amend the Code of the Town of Carmel,
Chapter 156, thereof, entitled "Zoning" and Chapter 131
Entitled "Subdivision of Land"**

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

Section 1. Adoption of Greenway Connections

1. Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the Town of Carmel hereby adopts the statement of land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities" (hereinafter referred to as "Greenway Connections"), by which action the Town of Carmel becomes a participating community in the Greenway compact.
2. Proposals to amend Greenway Connections may from time to time be made by The Hudson River Valley Greenway Communities Council (hereinafter referred to as "Greenway Council") in response to requests from participating communities. Within ninety days of receipt of any such proposal from the Greenway Council, the Town Board of the Town of Carmel shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of Greenway Connections as adopted by the Town of Carmel. Any proposed amendment rejected by the Town Board will not be considered to be an amendment of Greenway Connections for the Town of Carmel, and notice of such rejection shall promptly be provided to the Greenway Council.
3. It is the stated policy of the Town of Carmel, that to the extent the Town amends its current, or enacts new, land use laws and regulations, such new or amended laws and regulations, where appropriate, will be designed to be consistent with the Greenway Connections.

Section 2. Amendment of Zoning Law

To implement Greenway Connections in the Town of Carmel, the Zoning Law of the Town of Carmel is hereby amended by the addition of the following provision:

Article 11 Greenway Connections

§156-90. By Local Law No. ____ of the year 2013 the Town of Carmel has adopted the "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities," as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this zoning law, the reviewing agency should take into consideration said statement of policies, principles and guides.

(Cont.)

Section 3. Amendment of Subdivision Law

Article VII Greenway Connections

To implement Greenway Connections in the Town of Carmel, the Subdivision Law of the Town of Carmel is hereby amended by the addition of the following provision:

§131-33 Greenway Connections. By Local Law No. ____ of the year 2013 the Town of Carmel has adopted the "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities," as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this subdivision law, the reviewing agency should take into consideration said statement of policies, principles and guides.

Section 4. Home Rule Authority and Withdrawal

Nothing in this local law, in the adoption of the Greenway Connections, or in becoming a participating community in the Greenway compact is intended or shall be construed (a) to limit the home rule authority of the Town under state law to make local land use and zoning decisions, (b) to authorize any other entity to supercede the Town's land use laws and regulations or to impose any requirements on the Town, or (c) to prevent the Town in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway compact or the Greenway Connections.

Section 5. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with the Municipal Home Rule Law.

RESOLUTION FROM 7/3/13 AMENDED AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR 8/7/13 - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING" (MISC. ZONING REVISIONS)

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 7, 2013 at 7:00 pm or as soon thereafter that evening as possible on a Local Law amending the Code of the Town of Carmel, Chapter 156 thereof, entitled "Zoning"; 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.

(Cont.)

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

TOWN OF CARMEL
PROPOSED LOCAL LAW # _____ OF THE YEAR 2013

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL,
CHAPTER 156, THEREOF, ENTITLED "ZONING"**

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

SECTION 1. The following sections of Chapter 156 of the Code of the Town of Carmel are hereby amended to read as follows:

ARTICLE I: GENERAL PROVISIONS

§156-8 “DEFINITIONS” is hereby amended to add the following definitions:

RESIDENTIAL STORAGE SHED

A building in excess of 150 square feet with a height no greater than 14 feet, accessory to a one-family dwelling, for storage such as but not limited to residential tools, gardening supplies, furniture, sporting goods, etc. located in a rear or side yard of a lot in the residential zone.

SMALL RESIDENTIAL STORAGE SHED

A building, not more than 150 square feet with a height no greater than 14 feet, accessory to a one-family dwelling, for storage such as but not limited to residential tools, gardening supplies, furniture, sporting goods, etc. located in a rear or side yard of a lot in the residential zone.

WATERCRAFT

A boat, ship, or water vehicle driven by air, motor, or human power, intended for recreational purposes.

ARTICLE III: DISTRICT REGULATIONS

§156-19 “Private Swimming Pools and Tennis Courts” is hereby amended to read as follows:

§156-19 Private Swimming Pools and Tennis Courts

Private swimming pools and tennis courts for use by the residents and their guests on the premises shall be permitted, provided that:

- A. Said pools or tennis courts and all appurtenances thereto shall not be located in the front setback area of the lot or within 10 feet of any property line.

(Cont.)

- B. All private swimming pools shall be fully enclosed by a fence or wall in compliance with the New York State Building Code.
- C. A fence around a tennis court shall not exceed 10 feet in height. Said fence must be an "open air" fence.

§156-27 "Private Water-Related Facilities" is hereby amended as follows:

§156- 27 Private Water-Related Facilities

A private beach, wharf, dock, boathouse or bathhouse shall be permitted, provided that:

- A. A private beach, wharf, dock, boathouse or bathhouse, when not located on a parcel improved by at least one (1) residential dwelling unit, shall require minimum lake frontage of at least 50 feet, a minimum mean depth of at least 30 feet and a minimum area of at least 3,000 square feet.
- B. The use of the site shall be limited to the owner or lessee and the immediate family or bona fide guests of such owner or lessee of the parcel.
- C. No boathouse, wharf or dock or such similar improvement, which is physically attached to any lakefront property, shall extend into or over the surface of any lake for a distance of more than 25 feet from the high-water mark. Boathouses shall not exceed 10 feet in height. A side yard of at least 15 feet shall be provided adjoining a boathouse.
- D. No bathhouse shall be designed and/or used for cooking, sleeping or other functions generally occurring in a dwelling and is erected at least 15 feet from any property line. Such bathhouse shall be no more than 10 feet in height and may be equipped with appropriate sanitary facilities approved by the County of Putnam and subject to any other standards of the Town's Environmental Conservation Board.
- E. One off-street parking space shall be provided for each 750 square feet of lot area or major portion thereof for any parcel improved not by at least one (1) residential dwelling unit.
- F. Fencing or screening of any such parcel shall not exceed four feet in height.

ARTICLE VII: PLANNING BOARD

§156-60 "POWERS AND DUTIES" is hereby amended to read as follows:

§156-60 Powers and Duties

- A. The Planning Board shall have power and authority to employ experts, clerks and a secretary and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the Town Board.
- B. The Planning Board shall have all the powers and duties prescribed by law and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of said Board that is conferred by law:
 - (1) The Planning Board shall have full power and authority to make such investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the Town.

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(Cont.)

(2) The Planning Board shall have full power and authority to approve, conditionally approve or disapprove:

- (a) Site plan applications as defined herein.
- (b) Subdivision plats in accordance with the Subdivision Ordinance of the Town of Carmel. Editor's Note: See Ch. 131, Subdivision of Land.
- (c) Lot Line Changes and/or Lot Line Adjustments in accordance with the provisions §156-61(M) herein.
- (3) The Planning Board may prepare and change a Comprehensive Master Plan for the development of the entire area of the Town, in accordance with § 272-a of the Town Law of the State of New York.
- (4) The Planning Board may review any matter or class of matters referred to it by other boards and commissions of the Town of Carmel, as provided by Town Law.

Section 156-61(M) is hereby added to the Town of Carmel Town Code and shall read as follows:

§156-61 (M) Lot Line Adjustment/lot Line Change

DEFINITION

- (1) Lot Line Adjustment and /or Lot Line Change shall be defined as any change in existing property lines between two or more adjoining properties, excluding the joinder or combination of one or more lots into a larger single parcel.

SUBMISSION REQUIREMENTS

- (2) In order that the Planning Board may adequately understand the proposed lot line adjustment, the initial submission shall consist of eight (8) copies of the following documents:
 - (a) Application Form
 - (b) Copies of all prior actions of the Town Board, Zoning Board of Appeals, and any other County, State, or Federal Agency.
 - (c) Copies of any restrictions or easements on the land (copy of deed).
 - (d) Lot line Adjustment Plan. The Lot line Adjustment Plan shall contain the information as outlined in sections 156-61(M)(9)(a) through (m).
 - (e) A short form Environmental Assessment Form (EAF).
- (3) The review fee for lot line adjustment consideration in an amount as set forth by the Town Board and accepted in the Town of Carmel Annual Fee Schedule.

PROCEDURES FOR THE REVIEW OF A LOT LINE ADJUSTMENT.

- (4) An application for a lot line adjustment shall be submitted to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Board accompanied by ten (10) copies of the items described in A.

(Cont.)

- (5) A lot line adjustment plan shall not be considered complete until a negative declaration has been filed or until notice of completion of the draft environmental impact statement (DEIS) has been filed in accordance with the provisions of the state environmental quality review act (SEQRA). The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- (6) Within sixty-two (62) days of the receipt of a complete application the Planning Board by resolution shall disapprove or approve, with or without modifications and/or conditions and authorize the signing of the plat.
- (7) A conditional Final Approval of lot line adjustment plat shall expire within one hundred eighty (180) days of the approval if the conditions of the approval have not been complied with. The signature of the duly authorized officer(s) of the Planning Board shall constitute final approval by the Planning Board of the plat. Final plat approval shall expire within sixty-two (62) days of the signing of the plat unless such plat has been filed or recorded by the owner in the office of the County Clerk.
- (8) A lot line adjustment shall not result in additional lots, any lot becoming substandard nor increase/decrease of any lot by more than twenty-percent (20%) or twenty thousand (20,000) square feet of its original lot area.

LOT LINE ADJUSTMENT DETAILS

- (9) Lot line adjustments submitted to the Planning Board shall be drawn to a scale of not more than 1" = 50', submitted on uniform size sheets not more than 36" by 48" and shall show the following information:
 - (a) Proposed project name or identifying title. (MUST INCLUDE "LOT LINE ADJUSTMENT" IN THE TITLE)
 - (b) Date, North Point, and Scale.
 - (c) Name, address, seal and signature of professional engineer or land surveyor preparing the plat.
 - (d) A key map at a scale of one inch equals 800 feet, showing the relation of the portion to be subdivided to the entire tract and the relation of the entire tract to its neighborhood for at least 1,000 feet beyond its boundaries.
 - (e) A legend, including, names of all adjacent landowners and those within 500 feet of any property line; zoning district the site is located in with the requirements of said zone compared to the proposed standards, as well as the abutting zones in the subdivision; names and addresses of owner(s).
 - (f) All proposed lot lines, dimensions in feet and the areas of all lots in square feet. Meets and bounds description of all proposed lot lines.
 - (g) The location of proposed setback lines (setback envelope).
 - (h) Existing or proposed covenants or deed restrictions applying to the site.
 - (i) Location, composition, and approximate size of all monuments.
 - (j) Signature Block for Planning Board Chairman to endorse approved Plat.
 - (k) Label "old" and "new" property lines.
 - (l) Location of all structures, wells, and septic systems.
 - (m) Putnam County Dept. of Health approval.

(Cont.)

SECTION 2

Chapter 134 of the Town Code of the Town of Carmel entitled: “Swimming Pools” from §134-1 through §134-8 inclusive, is hereby repealed in its entirety.

SECTION 3 - SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 4 – Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with law.

RESOLUTION FROM 6/5/13 AMENDED - PUBLIC HEARING RE-SCHEDULED FROM 7/17/13 TO 8/7/13 - PROPOSED LOCAL LAW AMENDING THE TOWN OF CARMEL TOWN CODE AND ADDING CHAPTER 95-A, THERETO ENTITLED “HYDRAULIC FRACTURING”

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the re-scheduling of a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, August 7, 2013 at 7:00 p.m. or as soon thereafter that evening as possible to consider the adoption of a proposed local law amending the Town of Carmel Town Code and adding Chapter 95-a, thereto entitled “Hydraulic Fracturing”; 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: Councilwoman McDonough
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

TOWN OF CARMEL
PROPOSED LOCAL LAW # _____ OF THE YEAR 2013

**A LOCAL LAW PROHIBITING THE USE OF
NATURAL GAS WASTE WITHIN THE TOWN OF CARMEL**

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

Section 1: PURPOSE

The purpose of this local law is to amend the Town Code to prohibit the use and application of natural gas waste on public and private properties within the Town of Carmel.

(Cont.)

Section 2: AMENDMENT OF THE TOWN CODE

The Town Code of the Town of Carmel is hereby amended by the addition of a new chapter entitled, "CHAPTER 95-A, HYDRAULIC FRACTURING" which shall read as follows:

CHAPTER 95-A HYDRAULIC FRACTURING

§ 95-A-1. Definitions.

1. As used in this Chapter the term "hydraulic fracturing" shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
2. As used in this Chapter the term "natural gas extraction activities" shall mean all geologic and/or geophysical activities related to the exploration for and/or extraction of natural gas and/or other subsurface hydrocarbon deposits, including but not limited to core and rotary drilling and/or hydraulic fracturing.
3. As used in this Chapter the term "natural gas waste" shall mean any waste which is generated as a result of natural gas extraction activities, which may consist of water, chemical additives or naturally occurring radioactive materials [NORMS] and heavy metals. Natural gas waste includes, but is not limited to leachate from solid wastes associated with natural gas extraction activities.
4. As used in this Chapter the term "application shall mean the physical act of placing or spreading natural gas waste.

95-A-2. Prohibitions

1. The introduction of natural gas into any wastewater treatment facility within the Town of Carmel, regardless of whether owned by The Town of Carmel, and duly formed improvement district of the Town of Carmel or any other entity, public or private, is prohibited.
2. The application of natural gas waste on any Town of Carmel owned road, Town owned property or privately owned real property with the Town of Carmel is prohibited.

95-A-3. Bids & Contracts

1. All contracts and bid specifications related to the purchase or acquisition of materials to be used to construct or maintain a Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.
2. All contracts and bids related to the retention or securing of services in connection with the construction, maintenance and/or reclamation of any Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.

(Cont.)

95-A-4. Duty of Employees

The Town Supervisor, or at the option of the Town Supervisor, any department head or Superintendent of Highways is authorized to develop policies and procedures to ensure the familiarity of Town Employees to the provisions of this Chapter and to take such steps as are directed by the Supervisor or Superintendent of Highways to ensure a diligent effort by the Town that materials supplied to the Town or used on Town roads or property comply with this chapter. This section shall not excuse non-compliance by a Contractor or Vendor of the Town.

95-A-5. Penalties and Enforcement

1. This Chapter shall be enforceable by the Town of Carmel Building Inspector and/or any other individual duly authorized by Resolution of the Town of Carmel Town Board.
2. Any violation of this Chapter shall be an unclassified misdemeanor offense punishable by a minimum fine of \$1,000 and not to exceed \$10,000 per violation of this Chapter and/or up to thirty (30) days imprisonment.

95-A-6. Severability

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declared to be severable.

Section 3: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

CARMEL WATER DISTRICT #2 - PROPOSAL ACCEPTED FOR LINDY DRIVE WATER STORAGE TANK - WAYNE MARTIN ENTERPRISES - NOT TO EXCEED \$13,201.40

WHEREAS the Town Board of the Town of Carmel has been advised by Town Engineer Ronald J. Gainer, P.E. and Carmel Water District #2 Severn Trent Environmental Services there has been an electronic communications system failure with the Lindy Drive Water Storage Tank; and

WHEREAS, the Town Board of the Town of Carmel has been further advised by the Town Engineer that an emergency exists with respect to the need to replace the electronic communications system that would preclude the ability to comply with the Town of Carmel's Procurement Policy and/or General Municipal Law bidding requirements;

NOW THEREFORE BE IT RESOLVED, that the Town of Carmel Town Board, acting as Commissioners of Carmel Water District #2 hereby adopts the recommendations of the Town Engineer and determines that an emergency exists with respect to the need to replace failed electronic communications system at the Lindy Drive Water Storage Tank in Carmel Water District #2 pump referenced herein that would preclude the ability to comply with the Town of Carmel's Procurement Policy and/or General Municipal Law bidding requirements; and

(Cont.)

BE IT FURTHER RESOLVED; that the Town Board of the Town of Carmel hereby accepts the proposal of Wayne Martin Enterprises, Pleasantville, NY replace the electronic communications system at the Lindy Drive Water Storage Tank in Carmel Water District #2 in accordance with the proposal attached herein and made a part hereof, at a cost not to exceed \$13,201.40; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to accept said proposal on the terms and conditions set forth therein.

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

Roll Call Vote	YES	NO
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Frank Lombardi	X	
Kenneth Schmitt	X	

Wayne Martin Enterprise
448 Manville Rd. Rear Bldg.
Pleasantville, NY 10570
Phone (914) 424-9328
Fax (914) 769-6756

Estimate

DATE	ESTIMATE NO.
7/6/2013	441

NAME / ADDRESS
Engineering Dept. Town of Carmel Town Hall Maulpin Ave. Mahopac, N.Y. 10541 Attn: Mike Bate

ITEM	DESCRIPTION	QTY	COST	TOTAL
	REPLACE WATER #2 RADIO COMMUNICATIONS NETWORK FROM FILTER PLANT TO WATER STORAGE TANKS AND RAW WATER PUMP STATION WITH NEW ETHERNET SUPPORTED WIRELESS SYSTEM.			
FGB-115RE	900 MHz 115 KBAUD SPREAD SPECTRUM ETHERNET WIRELESS TRANSCIVER WITH ENCLOSURE. 24 VDC POWERED.	5	1,968.75	9,843.75
EAN0900YA	900 MHz 10 dB Yagi Directional Antenna	4	165.00	660.00
EAN0900WB	900 MHz 6dB 65° OMNIDIRECTIONAL FIBERGLASS ANTENNA WITH HEAVY DUTY MOUNTING BRACKET.	1	240.00	240.00
ASC0254NN	25 FOOT LMR-400 COAXIAL CABLE WITH N TYPE MALE RF CONNECTOR.	5	141.53	707.65
Service Hr.	PROGRAM, INSTALL AND TEST THE ABOVE WIRELESS SYSTEM.	14	125.00	1,750.00
		Total	513,201.40	

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TOWN BOARD SPECIAL MEETING

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

Supervisor Schmitt explained that the resolution authoring the issuance of \$250,000.00 in bonds for the reconstruction of the Highway Department refers to the replacement of the existing lift equipment as well as for remediation of the site along with incidental improvements and expenses in connection therewith.

OPEN FORUM - PUBLIC COMMENTS

Fred Swanson stated that he supports improvements to the highway garage. He went on to express the frustration of him and his wife upon reading recently that a fire inspector is being hired when the Town did not have funding last year to retain the long time cleaner at Town Hall. Mr. Swanson inquired if the Town of Carmel has ever had a fire inspector and inquired where the money is coming from to fund this position.

Supervisor Schmitt stated that the Town of Carmel had a fire inspector many years ago.

Councilman Lupinacci clarified that no new funds are being sought. The fire inspector is a funded position that replaces the position of deputy building inspector that was recently vacated. Discussion was held regarding the matter.

Carl Eberle expressed his concerns with regard to the replacement of the water main on Kennicut Hill Road currently underway. He inquired when the project will be completed as well as who would be responsible for repairing the blacktop and road curbing damaged during construction.

Ron Gainer, Town Engineer stated that the contractor will be responsible for any damage. He estimated the project to be completed over the course of the summer. Mr. Gainer pointed out that some rehab work is being done by the Highway Department in anticipation of paving. Discussion was held at the conclusion of which, Mr. Gainer indicated that he would look into the issues brought forth and report back to Mr. Eberle, the Town Board and the Highway Superintendent.

OPEN FORUM - TOWN BOARD MEMBER COMMENTS

Supervisor Schmitt announced that the Mahopac Volunteer Fire Department will be hosting their annual parade along Route 6 at 7:00 p.m. on Thursday, July 11, 2013 followed by the commencement of their annual carnival at their firehouse.

Councilman Lombardi urged motorists to observe the crosswalks on Route 6N in Mahopac citing that New York State Law requires all vehicles to stop for pedestrians.

Supervisor Schmitt announced that the Town Board is seeking applicants for the positions of fire inspector. He stated the job duties, requirements and salary range. He noted that all resumes must be submitted to the Supervisor's Office no later than July 22, 2013.

Supervisor Schmitt announced that due to a limited amount of agenda items, the Town Board meeting scheduled for July 17, 2013 has been rescheduled to July 24, 2013. The scheduled Work Session will immediately follow.

10 JULY 2013
TOWN BOARD SPECIAL MEETING

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schneider and Councilwoman McDonough, with all Town Board members present and in agreement, the Special Meeting was adjourned at 8:14 p.m. to Executive Session to discuss a matter of personnel.

Respectfully submitted,

Ann Spofford, Town Clerk