

19 MAY 2010

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 19<sup>th</sup> day of May 2010 at 7:11 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, Councilman DiCarlo, 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.

**MINUTES OF TOWN BOARD MEETING HELD ON 4/21/10 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on April 21<sup>st</sup>, 2010 were accepted as submitted by the Town Clerk.

**TABLED RESOLUTION FROM 4/21/10 - LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE - ISSUANCE AUTHORIZED - TOMPKINS DISPOSAL**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of Tompkins Disposal Services, Inc. dated July 15, 2009, 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
Tompkins Disposal Services, Inc.	Office Address: 70 Old Route Six Carmel, NY 10512	8/16/2009 through 8/15/2010
	Mailing Address: 70 Old Route Six Carmel, NY 10512	

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

Roll Call Vote	YES	NO
Robert Ravallo	<u>X</u>	<u>      </u>
Frank Lombardi	<u>X</u>	<u>      </u>
Suzanne McDonough	<u>X</u>	<u>      </u>
Anthony DiCarlo	<u>X</u>	<u>      </u>
Kenneth Schmitt	<u>X</u>	<u>      </u>

On motion by Councilman Lombardi, seconded by Councilman Ravallo, with all members of the Town Board present voting “aye”, the foregoing resolution was removed from the table and then reoffered.

**RESOLUTION FROM 5/5/10 AMENDED - APPOINTMENT MADE TO THE BOARD OF ASSESSMENT REVIEW - PATRICK BROPHY - RETROACTIVE TO 10/1/09 AND EXPIRING 9/30/14**

RESOLVED that the Town Board of the Town of Carmel hereby re-appoints Patrick Brophy to the Town of Carmel Board of Assessment Review for a term commencing retroactive to October 1, 2009 and expiring September 30, 2014.

(Cont.)

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

**SEQR REVIEW - PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 151, THEREOF, ENTITLED "WATER" – (CROSS-CONNECTION CONTROL)**

Gregory Folchetti, Legal Counsel, reviewed the following Short Environmental Assessment Form with the Town Board.

617.20  
Appendix C  
State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

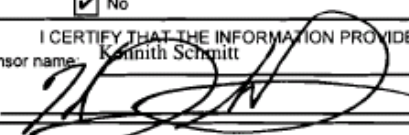
#4

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Carmel	2. PROJECT NAME Cross Connection Control Local Law
3. PROJECT LOCATION: Municipality Town of Carmel County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Town-wide	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Town of Carmel is considering enacting a local law to protect the drinking water supply of the Town of Carmel from the possibility of contamination due to the backflow of contaminants and pollutants through private water system connections.	
7. AMOUNT OF LAND AFFECTED: Initially <u>Town-wide</u> acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	

19 MAY 2010  
TOWN BOARD MEETING

(Cont.)

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Kenneth Schmitt	Date: May, 2010
Signature: 	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

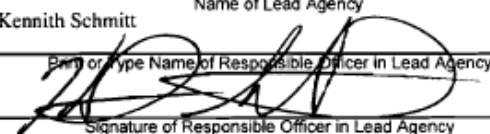
OVER  
1

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: No	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: No	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.	
Town of Carmel Town Board	May, 2010
Name of Lead Agency Kenneth Schmitt	Supervisor
Date	Title of Responsible Officer
Print or Type Name of Responsible Officer in Lead Agency 	Signature of Preparer (If different from responsible officer)
Signature of Responsible Officer in Lead Agency	

**Resol**

19 MAY 2010  
TOWN BOARD MEETING

**PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL,  
CHAPTER 151, THEREOF, ENTITLED "WATER" - (CROSS-CONNECTION  
CONTROL) - DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE  
ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) MADE - NEGATIVE  
DECLARATION**

WHEREAS, the Town Board of the Town of Carmel is considering enacting a local law to protect the drinking water supply of the Town of Carmel from the possibility of contamination due to the backflow of contaminants and pollutants through private water system connections; and

WHEREAS, this local law has been developed to promote the health, safety and general welfare of the persons and property of the Town of Carmel; and

WHEREAS, the project is defined as an Unlisted Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the SEQR Regulations, the Town of Carmel Town Board hereby designates its intention to serve as Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Resolution

Offered by: Councilman Ravallo

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u>          </u>
Frank Lombardi	<u>X</u>	<u>          </u>
Suzanne McDonough	<u>X</u>	<u>          </u>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

SEQR

617.21  
Appendix F  
**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

Project Number                                 

Date May 19, 2010

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Carmel, Town Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:**

Cross-Connection Control Local Law.

**SEQR Status:**

Type I ☐

Unlisted ☒

**Conditioned Negative Declaration:**

Yes ☐

No ☒

(Cont.)

**Description of Action:**

The proposed action involves enacting a local law to protect the drinking water supply of the Town of Carmel from the possibility of contamination due to the backflow of contaminants and pollutants through private water system connections.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town of Carmel, Putnam County

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SEQR Negative Declaration

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**REASONS SUPPORTING THIS DETERMINATION:**

The proposed action involves enacting a local law to protect the drinking water supply of the Town of Carmel from the possibility of contamination due to the backflow of contaminants and pollutants through private water system connections. The law establishes water system inspection requirements, and a procedure to rate individual water systems degree of hazard to the public water supply system. It requires the installation of backflow prevention devices, in accordance with all applicable laws and requirements. The law establishes a fee schedule, enforcement procedures and penalties in addition to specific provisions addressing installation and maintenance, testing and certification, new system approval criteria, site access provisions, retention of experts' provisions and conformance with plumbing, building, fire prevention and sanitary code requirements.

This local law has been prepared to protect the environment and public drinking water supply of the Town of Carmel.

As a result, it can be concluded that the proposed action will not result in any significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

**For Further Information:**

Contact Person: Kenneth Schmitt, Supervisor  
Address: Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541  
Telephone Number: 845-628-1500

**For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:**

Commissioner, Dep't of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-0001  
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561  
Supervisor, Town of Carmel, Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

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19 MAY 2010  
TOWN BOARD MEETING

**LOCAL LAW #3 OF 2010 - A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 151, THEREOF, ENTITLED "WATER" (CROSS CONNECTION CONTROL) - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED**

LOCAL LAW #3 OF THE YEAR 2010  
A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 151,  
THEREOF, ENTITLED "WATER."

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

SECTION 1. Chapter 151 of the Code of the Town of Carmel, is hereby amended by the addition of the following:

ARTICLE IV  
CROSS-CONNECTION CONTROL

**§151-30. Purpose.**

The purpose of this Article is:

**A.1** To protect the public drinkable water supply of the Town of Carmel from the possibility of contamination by isolating within its customers' internal distribution system(s) or its customer's private water system(s) such contaminations or pollutants which could backflow into the public water supply system; and

**A.2** To comply with the requirements of the New York State Sanitary Code Subpart 5 and in particular 5-1.31 and other provisions of the New York State Department of Health (NYSDOH).

**B. Responsibility.** The Town of Carmel Engineering Department and/or Water Department shall be responsible for the protection of all Town of Carmel Water distribution systems from contamination due to the backflow of contaminants through the water service connection. If, in the judgment of said Water Department, an acceptable backflow prevention device is required at any Town water service connection to any customers' premises, for the safety of the water system, the Water Department or its designated agent shall give notice in writing to said customer to install such acceptable backflow prevention device at each service connection to their premises. The customer shall immediately install, such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintained said device or devices shall immediately constitute a ground for discontinuing water service to the premises until such requirements have been met.

**§151-31. Definitions.**

**ACCEPTABLE BACKFLOW PREVENTION DEVICE** – is an acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable, it must be listed on the most current version of the New York State Department of Health List of Acceptable Devices (PWS-14).

**APPROVED** – means accepted by the Engineering Department and/or Water Department and/or Town Engineer as meeting an applicable specification stated or cited in this Article or as suitable for the proposed use.

(Cont.)

AUXILIARY WATER SUPPLY – means any water supply on or available to the premises other than a Town of Carmel approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, stream, rainwater, etc., or used waters or industrial fluids. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

CROSS CONNECTION – means any connection or potential connection, which allows or potentially allows for the intermingling of water from any auxiliary water supply or any substance from any other unauthorized source with water from a Town of Carmel approved public water supply

CUSTOMER'S WATER SYSTEM – means the piping used to convey water supplied by Town of Carmel water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Town Water Department. The control point is either the curb valve or the main valve located in the public right-of-way that isolated the customer's facilities from the Town or District distribution system.

HAZARDOUS FACILITY – is one in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse affect on the health of other water customers. Typical examples: laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries and commercial enterprises. This is also defined as any commercial or business enterprise as defined by zoning or by Business Use Permit.

PUBLIC WATER SUPPLY SYSTEM – means the Town of Carmel water supply system, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This included the distribution system up to its connection with the customer's water system.

REDUCED PRESSURE ZONE(RPZ) DEVICE, ACCEPTABLE – means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing 10 shutoff valves located at each end of the device, and each device shall be fitted with properly located test chocks.

Other terms All other terms are defined in the Department of Health and Town of Carmel Cross Control Manuals and polices as now in force or as amended from time to time.

**§151.32 Requirements.**

- A. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Town of Carmel.
- B. The Town of Carmel shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use and availability of contaminants, the availability of an auxiliary water supply, and the type of fire fighting system in use.

(Cont.)

- C. An acceptable backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served but, in all cases, before the first branch line leaking off the service line, as follows:
- (1) Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.
  - (2) Whenever a customer's water system is rated aesthetically objectionable, as a minimum, an acceptable double check valve assembly shall be installed. Unless otherwise determined by Engineering Department and/or Water Department and/or Town Engineer, one and two family residential water systems shall be deemed to have a non-hazardous classification.
- D. The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State laws and regulations. The design must be approved by the Superintendent and/or its agent and all agencies required by the applicable New York State and town of Carmel Laws and Regulations. It shall be the duty of the customer at any premises classified as hazardous pursuant to C(1) and C(2) above where a reduced pressure zone device, and/or a double check valve assembly is required, to have certified inspections and operational tests done on every containment device, at least once a year. In those instances where the Engineering Department and/or Water Department and/or Town Engineer deems the hazard to be great enough, it may require certified inspections at more frequent intervals. Certified inspections and operational tests must also be made when any reduced pressure zone device is to be installed, repaired, overhauled or replaced, in addition to the requirement of an annual certified inspection and operational test. All inspections and tests shall be at the expense of the customer and shall be performed, by a New York State Department of Health (NYSDOH) certified tester approved by the Engineering Department and/or Water Department and/or Town Engineer. The Engineering Department and/or Water Department and/or Town Engineer shall make available the names, addresses and telephone numbers of those persons who are certified as testers for such backflow prevention devices. It shall be the responsibility of the water customer per NYS Sanitary Code 5.1.31 a, b, and c to see that such certified inspections and operational tests are to be undertaken so that he or his representative may witness the tests if the Engineering Department and/or Water Department and/or Town Engineer so desires. These devices shall be repaired, overhauled, or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Engineering Department and/or Water Department and/or Town Engineer immediately after the work is performed. Protection of the public water supply and the customer's water system must be in full force at all times. Note: There is no "Grace Period" for non-compliance or repairs, etc. under any section of this Article. Nothing contained in this chapter grants a license for non-compliance.
- E. No water service connection to any customer's water system shall be installed or maintained by the Engineering Department and/or Water Department and/or Town Engineer unless the water supply is protected as required by State laws and regulations and this Article. Service of water to any premises shall be discontinued by the Engineering Department and/or Water Department and/or Town Engineer if a backflow prevention device has been removed or by-passed or otherwise



(Cont.)

compromised. Service will not be restored until such conditions or defects are corrected.

- F. No customer shall allow any water or other substance from an auxiliary water supply or other source to enter any portion of the customer's internal distribution system, which is connected directly or indirectly, to any Town of Carmel public water supply.

**§151.33 Enforcement and Penalties.**

- A. No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this Article and such other local, state and federal laws, rules and regulations.
- B. If any facility served by a water system denies a water department person access to their premises for the purpose of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
- C. The following penalties shall be applicable for a violation of this Chapter:
  - (1) Failure to obtain approval for the appropriate backflow prevention device installation within sixty (60) days after the first notice: \$250.00 fine.
  - (2) Failure to install the appropriate backflow prevention device installation within thirty (30) days after the second notice: Termination of Service.
  - (3) Failure to at least annually test and certify that backflow device installation meets the criteria to comply as an acceptable containment device within 10 days of Notice: \$300.00 and/or Termination of Service.
  - (4) Failure to correct, replace or repair a backflow prevention device or the installation as required: \$300.00 and/or Termination of Service.
  - (5) Any water service terminated under this Article shall be subject to the fees of Termination for Nonpayment in effect at the time of violation.
  - (6) Any penalties under this section shall be treated as though it is for water services and may be placed on tax roll as a lien if unpaid.
  - (7) The provisions of this Chapter shall be enforceable by the Town of Carmel Engineering Department, and/or Town Engineer and/or Water Department and/or Director of Codes Enforcement.
  - (8) Every day that the customer is in violation of this Article represents a separate distinct violation punishable as set forth herein.

**§151.34 Fee Schedule**

- A. Fees for plan review by the Engineering Department and/or Water Department and/or Town Engineer
  - (1) ¾ to 1 ½ inch pipe \$100.00;
  - (2) Over 1 ½ inch pipe \$200.00.

(Cont.)

- B. Fees for Inspections for each device shall be required at cost of \$75.00. All other inspections for determination for the need for RPZ shall be at a cost of \$75.00
- C. Additional Reviews and Inspections. Additional reviews and inspections may be charged to the water customer t one-half the Review or Inspection Fee for each additional review or inspection as deemed appropriate by the Engineering Department and/or Water Department and/or Town Engineer.

**§151.35 Installation and Maintenance.**

- A. Backflow Prevention Devices, their Vaults, Protective Enclosures, Appurtenances and other Structures, to include those installations and plumbing inside of buildings: It shall be the sole responsibility of the water customer to install and maintain said items at an acceptable level of condition as determined by the Carmel Water Department and shall be in continuous conformity with governing laws, ordinances, regulations and specifications of the Carmel Water Department and the State of New York as now in force or amended.
- B. It shall be the policy of the Engineering Department and/or Water Department and/or Town Engineer to follow the general regulations and standards regarding water distribution systems, and especially those covering Cross Connection Control as adopted by the New York State Department of Health, notwithstanding the right of the Carmel Water Department to amend and/or modify those regulations and standards to be more detailed or restrictive at its sole election.

**§151.36 Required Testing and Certification.**

The test reports (form DOH 1013) for each device shall be submitted to the Health Department and also to the Carmel Water Department at least annually or more frequently at the discretion of the water supplier. Unacceptable completion of the test report forms submitted by a tester may result in the Engineering Department and/or Water Department and/or Town Engineer barring future testing by that particular certified tester in the Town of Carmel at the sole discretion of the Engineering Department and/or Water Department and/or Town Engineer.

**§151.37. New Systems.**

All containment device installation design plans must be approved by both the health department and the Town of Carmel and the New York State Department of Health. The Engineers report must be accompanied by the Engineering Department and/or Water Department and/or Town Engineer Design Approval Criteria as amended from time to time.

**§151.38 Entrance to Premises.**

For the purpose of inspection, installation, maintenance, repair, turning on or shutting off water, authorized personnel of the Water Department will have free and full access, at all reasonable times, to all parts of any premises supplied with water from the Carmel Water District or upon which application has been made to the Water Department or to which water is reasonably believed to be supplied. Filing of an application shall in addition to the provisions of this Article be deemed consistent to such access.

**§151.39 Experts.**

The Town of Carmel Engineering Department and/or Water Department and/or Town Engineer may engage the services of an expert to manage the cross connection control program and transfer this cost to the customer for the review of said property.

(Cont.)

**§151.40 Plumbing.**

All internal plumbing must conform to and be maintained in continued conformity with the N.Y.S. Uniform Fire Prevention and Building Codes and the N.Y.S. Sanitary Code or any amendments made from time to time as well as any local codes, and may be inspected by the Engineering Department and/or Water Department and/or Town Engineer to qualify its' conformity.

**SECTION 2. This Local Law shall take effect immediately in accordance with the law.**

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Councilman Ravallo expressed his support of the Local Law.

**CARMEL SEWER DISTRICT #2 - WWTP UPGRADE PLUMBING CONTRACT #164B - WITH MEDUSA ELECTRIC, INC. - SIGNING OF STATEMENT OF NO CLAIMS AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of Carmel Sewer District #2, upon the recommendation of the Engineering Consultant John Karell, Jr., P.E. and O'Brien & Gere, Construction Supervisor, hereby authorizes the Town Supervisor to sign a Statement of No Claims, in form as attached hereto and made a part hereof, in connection with the closeout of CSD#2 Regulatory WWTP Upgrade Contract #164B - Electrical Plumbing with Medusa Electric, Inc., Hopewell Junction, NY .

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Abstain
Frank Lombardi	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Anthony DiCarlo	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

April \_\_, 2010

Mr. Harry Nelson, P.E.  
NYS ENVIRONMENTAL FACILITIES CORP.  
625 Broadway  
Albany, New York 12207

Re: CSD#2 Regulatory WWTP Upgrade,  
Contract #164B – Electrical  
Construction Closeout Documents

Dear Mr. Nelson,

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Re: CSD#4 Regulatory WWTP Upgrade,  
Contract #163C – HVAC Construction  
Closeout Documents

**Application for renewal must be made at least 30 days before the expiration of this permit (See Item 8)**

(Cont.)

Permit # \_\_\_\_\_ Tax Map # \_\_\_\_\_

Date Permit Granted: \_\_\_\_\_ Permit Expiration: \_\_\_\_\_  
(One Year from date of Issue)

**NOT TRANSFERABLE** - If title to all or part of the property described in this permit is transferred to a new owner other than the holder of this permit then the new owner must contact the Town of Carmel Environmental Conservation Board (ECB) and pay all fees based upon the current schedule. A copy of the permit in the name of the new owner must be issued before said permit is valid. Permits that have expired must be renewed before they are valid. **NO WORK MAY CONTINUE UNTIL PERMIT IS RE-ISSUED AND THE APPLICABLE FEE IS PAID.**

**CHAPTER 89:** Fresh water Wetlands and Watercourses of the Code of the Town of Carmel, New York. The Carmel Environmental Conservation Board, as approval Authority, has determined that the proposed action is an Unlisted Action under SEQRA and will not have a significant impact. Therefore, a **WETLAND PERMIT** is granted subject to the conditions noted below.

Owner/Permittee: \_\_\_\_\_

Address of Permittee: \_\_\_\_\_

Location of Proposed Work: \_\_\_\_\_

Description of Project: \_\_\_\_\_

**Materials reviewed:**

- 1) Wetland Permit Application Dated: \_\_\_\_\_
- 2) Property Survey By: \_\_\_\_\_ Date: \_\_\_\_\_  
Date and Revision Date: \_\_\_\_\_
- 3) Site Inspection Performed By: \_\_\_\_\_ Date: \_\_\_\_\_

All work to be performed according to the above referenced plans.

**CONDITIONS OF PERMIT**

- 1) The permitted work shall be subject to inspection by the Wetland Inspector, Building Department or Engineering Department and that work authorized under this permit may be ordered suspended if the public interest so requires.
- 2) Any material dredged in the prosecution of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of the waterway or flood plain or deep holes that may have a tendency to cause injury to navigable channels or to the banks of the waterway. Such removed material shall not be disposed of on any other property within the Town of Carmel unless a permit has been issued by the Town of Carmel Planning Board and/or Building Department.
- 3) The Secretary of the ECB is to be personally contacted TEN (10) days prior to commencement of work so that the Wetland Inspector may conduct on site inspection of sediment and erosion controls in place and review the construction sequence with the owner. **No WORK may start until such Inspection has been made.** The Permittee shall notify the ECB Secretary upon completion of the work authorized by this permit.
- 4) Construction shall be accordance with the approved site plan, the conditions stated herein on this permit and the most recent edition of the New York State Department of Environmental Conservation (NYSDEC) New York Standards and Specifications for control.
- 5) All erosion control measures shall be maintained properly throughout the construction process, and remain in place until final site inspection by Wetland Inspector for compliance with permit. Any silt collected by the silt fence shall be removed and placed at least 100 feet from wetland or watercourse or properly disposed of. Unless otherwise specified, the measures shall be maintained in accordance with the most recent edition of the NYSDEC Standards and Specifications for Erosion and Sediment Controls.
- 6) The approved wetland boundary flagging as shown on the approved site plan must be maintained in place for the duration of construction and the 100 foot wetland buffer must be defined by orange construction fence during construction unless the Wetland Inspector determines that this is not necessary or feasible.
- 7) The Wetland Inspector, Building Department or Engineering Department of the Town of Carmel is authorized to make such on site inspections during the permitted activity as are necessary to determine whether the activity is being carried on in compliance with the provisions of the permit.

- 
- 8) The Building Inspector or Town Engineer may, on written notice from the Wetland Inspector, suspend or revoke an issued permit when it finds that the Applicant has not complied with any or all conditions of the permit, has exceeded the authority granted in the permit, or has failed to undertake the project in the manner set forth in the application.
  - 9) Issuance of this permit by the Town does not imply any obligation, liability or responsibility for any damages, direct or indirect of whatsoever nature, as a result or consequence of any action or activity undertaken as a result of the permit.
  - 10) This permit shall not be construed as conveying to the applicant any right to trespass upon the lands or interfere with riparian rights of others to perform the permitted work or as authorizing the impairment of any rights, title or interest in real or personal property held or vested in a person or others in performing the permitted work.
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(Cont.)

- 11) The permit shall expire on the date indicated on the face of the Permit. If the applicant has not completed the permitted action or actions herein granted, then the applicant may apply to the ECB for renewal of the permit for periods not to exceed one (1) year. **Application for renewal MUST be made at least 30 days before the expiration date of the permit.**
- 12) This permit must be maintained and prominently displayed at the project site during the time permitted activities are carried on. The permittee is responsible for obtaining any other permits, approvals and easements and rights which may be required by this project.
- 13) All work carried out under this permit shall be performed in accordance with established engineering practice, in a professional manner and in compliance with all applicable codes, rules and regulations of the Federal, State (NY), County (Putnam) and Town (Carmel).
- 14) The ECB reserves the right to reconsider this approval at any time and after due notice and hearing to continue, rescind or modify this Permit in such a manner as may be found to be just and equitable. If upon the expiration or revocation of this Permit, the modification of the wetland hereby authorized has not been completed, the applicant shall, with no expense to the Town and to such extent and in such a time and manner as the ECB may require removal of all or any portion of the incompleated structure or fill and restore the site to its former condition. NO CLAIM shall be made against the Town on account of such removal or alteration.

**SPECIAL CONDITIONS**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

NON-COMPLIANCE WITH ANY OF THE CONDITIONS ABOVE WILL INVALIDATE THIS WETLAND PERMIT AND MAY RESULT IN A NOTICE OF VIOLATION AND/OR STOP WORK ORDER.

I have read, understand and agree to all the conditions of this permit.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name (Print): \_\_\_\_\_

Chair – ECB Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Chair - ECB Name (Print): \_\_\_\_\_

cc: File  
Applicant  
Building Inspector  
Assessor  
Wetland Inspector  
Town Planner (if applicable)  
Planning Board (if applicable)

Councilman Ravallo stated that the revised Wetland Permit is a precise form that is reflective of environmental issues in 2010, and will protect the applicant as well as the Town.

**SOUND AMPLIFICATION PERMIT FEE WAIVED - THE POLISH AMERICAN HERITAGE CLUB OF MAHOPAC - 6/13/10**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee regarding the application of The Polish American Heritage Club of Mahopac for a sound amplification permit for their annual picnic June 13, 2010 at Sycamore Park.

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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**TEAKETTLE SPOUT LAKES PARK DISTRICT - ADVISORY BOARD**  
**APPOINTMENT MADE - AL BLOCK**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Al Block to the Lake Teakettle Park District Advisory Committee effective immediately.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

<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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**TEAKETTLE SPOUT LAKES PARK DISTRICT - ADVISORY BOARD**  
**APPOINTMENT MADE - DANIEL MCATEER**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Daniel McAteer to the Lake Teakettle Park District Advisory Committee effective immediately.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**CARMEL SEWER AND WATER DISTRICTS - PROPOSAL ACCEPTED FOR**  
**EMERGENCY GENERATOR SERVICING - GENTECH LTD. - NOT TO EXCEED**  
**\$11,990.00 FOR THREE (3) YEARS**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of proposals for emergency generator servicing for the Town of Carmel Sewer and Water Districts; and  
WHEREAS such proposals were received and opened John Karell, Jr., P.E., Engineering Consultant for the Town of Carmel has recommended the awarding of the proposals to GenTech Ltd of New Windsor, NY ,  
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby accepts and awards the proposal and contract for the aforementioned improvements to GenTech Ltd. of New Windsor, NY at an aggregate annual price not to exceed \$11,990.00 for a contract period of three (3) years; and

(Cont.)

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates as required by the proposal and approved by the Town Counsel, the Supervisor is authorized to sign all necessary documents to accept said proposal.

Resolution  
Offered by: Councilman DiCarlo  
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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND ACQUISITION PROJECT - RESOLUTION OF NO OBJECTION - LOCKWOOD LANE - TAX MAP NO. 53. -2-51**

RESOLVED that the Town Board of the Town of Carmel hereby declares that it has no objection to Land Acquisition Project #80 of the New York City Department of Environmental Protection in regard to the purchase of approximately 42 acres of land located off Lockwood Lane in the Town of Carmel, Tax Map No. 53. -2-51, for the purpose of water supply protection.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Abstain
Frank Lombardi	<u>X</u>	<u>          </u>	
Suzanne McDonough	<u>X</u>	<u>          </u>	
Anthony DiCarlo	<u>X</u>	<u>          </u>	
Kenneth Schmitt	<u>X</u>	<u>          </u>	

Councilman Ravallo noted that he had to abstain with regard to anything having to do with New York City Department of Environmental Protection.

Gregory Folchetti explained that the Land Acquisition Program allows New York City to acquire land in the watershed for the purpose of keeping it undeveloped.

Supervisor Schmitt added that the NYCDEP purchases property for this purpose routinely in the area.

**BUDGET MODIFICATIONS - #2010- 04 - AUTHORIZED**

WHEREAS the Deputy Comptroller has reviewed the April 2010 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2010-04;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the April 2010 Budget Modifications/Revisions itemized on Schedule #2010-04 which are attached to this resolution, incorporated herein and made a part hereof.

Resolution  
Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

(Cont.)

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Anthony DiCarlo	X	
Kenneth Schmitt	X	

TOWN OF CARMEL  
BUDGET REVISIONS FOR APRIL 2010  
#2010-04

#13

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>GENERAL FUND</b>				
2010-04-01	100-1989-3820	YOUTH PROGRAM AID	*	8,352.00
	100-1989-2401	INTEREST EARNINGS	*	8,352.00
		- TRANSFER FOR INCREASE IN STATE YOUTH GRANT FUNDING		
2010-04-02	100-1315-0045	COMPTROLLER EQUIP MAINTENANCE	5,020.00	
	100-1315-0044	COMPTROLLER CONSULTING SERVICE		5,020.00
		- TRANSFER FOR EQUIP ANNUAL MAINTENANCE		
2010-04-03	100-1610-0045	CENTRAL SERVICES ADMINISTRATION CONTRACT	1,000.00	
	100-1620-0042	BUILDING UTILITY EXPENSE		1,000.00
		- TRANSFER FOR HUMAN RESOURCES SERVICES		
2010-04-04	100-1620-0012	BLDG STAFF OVERTIME	1,000.00	
	100-1620-0013	BLDG TEMPORARY STAFF		1,000.00
		- TRANSFER FOR BLDG STAFF OVERTIME		
2010-04-05	100-1989-2681	INSURANCE RECOVERY ASSETS	*	3,593.00
	100-3120-0024	POLICE ACCIDENT REPAIRS	3,593.00	
		- PROVIDE FOR ACCIDENT REPAIR EXPENSES		
2010-04-06	100-3310-0020	SIGNS EQUIPMENT EXPENSE	958.00	
	100-3310-0045	SIGNS STREET LINES EXPENSE		958.00
		- TRANSFER FOR EQUIPMENT EXPENSE		
2010-04-07	100-7450-0040	MUSEUM CONTRACTUAL EXPENSE	1,360.00	
	100-7450-0042	MUSEUM UTILITY EXPENSE		1,360.00
		- TRANSFER FOR EMER ELECTRICAL EXPENSE		
<b>LAKE SECOR PARK DISTRICT</b>				
2010-04-08	404-7140-0040	CONTRACTUAL EXPENDITURES	300.00	
	404-7140-0041	LAKE SUPPLIES AND MATERIALS	1,940.00	
	404-7140-0099	REPAIR RESERVE FUND		2,240.00
		- TRANSFER FOR HYDRO RAKING/ COPPER SULFATE COSTS		
<b>LAKE GLENACOM IMPROVEMENT DISTRICT</b>				
2010-04-09	501-9730-0060	BOND PRINCIPAL		10,000.00
	501-9730-0070	BOND INTEREST		5,294.00
	501-9901-0000	TRANSFER TO DEBT FUND 855	15,294.00	
		- TRANSFER TO LAKE GLENACOM DEBT FUND		
<b>CARMEL WATER DISTRICT #2</b>				
2010-04-10	602-8310-0047	EMERGENCY REPAIRS	3,000.00	
	602-8310-0042	UTILITY EXPENSE		3,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		

(Cont.)

TOWN OF CARMEL  
BUDGET REVISIONS FOR APRIL 2010  
#2010-04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #3</b>				
2010-04-11	603-8310-0047	EMERGENCY REPAIRS	5,000.00	
	603-8310-0042	UTILITY EXPENSE		5,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
<b>CARMEL WATER DISTRICT #14</b>				
2010-04-12	614-8310-0045	OPER & MAINT CONTRACT	47.00	
	614-8310-0042	UTILITY EXPENSE		47.00
		- TRANSFER FOR DISTRICT CONTRACT EXPENSE		
<b>CARMEL SEWER DISTRICT #4</b>				
2010-04-13	704-8130-5030	INTERFUND TRANSFER FROM 874 FUND	*	174.00
	704-8130-0041	CHEMICAL EXPENSES		174.00
		- REVISE BUDGET SOURCES		
<b>CARMEL SEWER DISTRICT #5</b>				
2010-04-14	705-8130-5030	INTERFUND TRANSFER FROM 875 FUND	*	96.00
	705-8130-2701	REFUND PRIOR YEAR EXPENSE	*	96.00
		- REVISE BUDGET SOURCES		
<b>BOND REFUNDING DEBT FUNDS</b>				
2010-04-15	810-9710-0060	BOND PRINCIPAL	1,745.00	
	860-9710-0060	BOND PRINCIPAL	4,596.00	
	862-9710-0060	BOND PRINCIPAL	3,489.00	
	863-9710-0060	BOND PRINCIPAL	709.00	
	864-9710-0060	BOND PRINCIPAL	408.00	
	867-9710-0060	BOND PRINCIPAL	883.00	
	868-9710-0060	BOND PRINCIPAL	7,517.00	
	869-9710-0060	BOND PRINCIPAL	2,254.00	
	873-9710-0060	BOND PRINCIPAL	194.00	
	874-9710-0060	BOND PRINCIPAL	1,034.00	
	875-9710-0060	BOND PRINCIPAL	682.00	
	810-9710-0070	BOND INTEREST		1,745.00
	860-9710-0070	BOND INTEREST		4,596.00
	862-9710-0070	BOND INTEREST		3,489.00
	863-9710-0070	BOND INTEREST		709.00
	864-9710-0070	BOND INTEREST		408.00
	867-9710-0070	BOND INTEREST		883.00
	868-9710-0070	BOND INTEREST		7,517.00
	869-9710-0070	BOND INTEREST		2,254.00
	873-9710-0070	BOND INTEREST		194.00
	874-9710-0070	BOND INTEREST		1,034.00
	875-9710-0070	BOND INTEREST		682.00
		- REVISE BUDGET SOURCES FOR BOND REFUNDING		
<b>LAKE GLENACOM DEBT FUND</b>				
2010-04-16	855-5010-5031	TRANSFER FROM 501 FUND	*	15,294.00
	855-9710-0060	BOND PRINCIPAL		10,000.00
	855-9710-0070	BOND INTEREST		5,294.00
		- PROVIDE FOR DEBT SERVICE PYMT		

BudgetRevisions2010-04

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TOWN OF CARMEL  
BUDGET REVISIONS FOR APRIL 2010  
#2010-04

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CWD #4 DEBT FUND</b>				
2010-04-17	864-9710-0060	BOND PRINCIPAL	56.00	
	864-8310-2401	INTEREST EARNINGS	*	844.00
	864-8310-9909	APPROPRIATED FUND BALANCE	*	900.00
		- PROVIDE FOR DEBT SERVICE PRINCIPAL PYMT		
		AND REVISE BUDGET SOURCES		



(Cont.)

<b>CWD #7 DEBT FUND</b>			
2010-04-18	867-9710-0080	BOND PRINCIPAL	69.00
	867-8310-2401	INTEREST EARNINGS	231.00
	867-8310-9909	APPROPRIATED FUND BALANCE	300.00
		- PROVIDE FOR DEBT SERVICE PRINCIPAL PYMT AND REVISE BUDGET SOURCES	
<b>CWD #8 DEBT FUND</b>			
2010-04-19	868-9790-0070	SRLF INTEREST	8,709.00
	868-9710-0070	BOND INTEREST	8,709.00
		- TRANSFER FOR INTEREST DEBT PAYMENT	
2010-04-20	868-9790-0070	SRLF INTEREST	2,267.00
	868-8310-2401	INTEREST EARNINGS	233.00
	868-8310-9909	APPROPRIATED FUND BALANCE	2,500.00
		- PROVIDE FOR DEBT SERVICE PRINCIPAL PYMT AND REVISE BUDGET SOURCES	
<b>CWD #10 DEBT FUND</b>			
2010-04-21	860-9710-0060	BOND PRINCIPAL	1,605.00
	860-8310-2401	INTEREST EARNINGS	495.00
	860-8310-9909	APPROPRIATED FUND BALANCE	2,100.00
		- PROVIDE FOR DEBT SERVICE PRINCIPAL PYMT AND REVISE BUDGET SOURCES	
<b>CSD #4 DEBT FUND</b>			
2010-04-22	874-9710-0060	BOND PRINCIPAL	174.00
	874-9901-0000	TRANSFER TO 704 FUND	174.00
		- TRANSFER FOR DEBT SERVICE PYMT	
<b>CSD #5 DEBT FUND</b>			
2010-04-23	875-9710-0060	BOND PRINCIPAL	96.00
	875-9901-0099	TRANSFER TO 705 FUND	96.00
		- TRANSFER FOR DEBT SERVICE PYMT	
<b>JIMMY MCDONOUGH PARK CAPITAL FUND</b>			
2010-04-24	913-7140-0044	PROJECT ENGINEERING	10,600.00
	913-7140-5030	INTERFUND TRANSFER -PARKLAND TRUST	10,600.00
		- OPEN NEW CAPITAL FUND AND RECORD PARK ENGINEERING/SURVEYING COSTS	
<b>AGENCY &amp; TRUST FUNDS</b>			
2010-04-25	990-0037-0099	TRANSFER TO OTHER FUNDS - (913 Fund)	10,600.00
	990-0037-9909	PARKLANDS TRUST FUND APPROPRIATION	10,600.00
		- PROVIDE FOR JIMMY MCDONOUGH PARK IMPROVEMENTS	

**FINAL 2009 AUDITED BUDGET MODIFICATIONS - AUTHORIZED**

WHEREAS the Deputy Comptroller has reviewed the final 2009 audited budget revisions with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2009-13;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the final 2009 audited budget revisions itemized on Schedule #2009-13 which are attached to this resolution, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

<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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>



**TOWN OF CARMEL  
FINAL 2009 BUDGET REVISIONS - AUDITED  
#2009-13**

BudgetRevisionsFinal2009-13

WHEREAS the Deputy Comptroller has reviewed the proposed special districts multi-year capital plan with the Town Board for the purposes of control and management of special districts infrastructure improvements and capital financing plans;

(Cont.)

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby adopts and ratifies the Town of Carmel Special Districts Multi-Year Capital Plan 2010-2014 which is attached to this resolution, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman DiCarlo  
Seconded by: Councilman Lombardi

Roll Call Vote	YES	NO
Robert Ravallo	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Anthony DiCarlo	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

**TOWN OF CARMEL**  
  
**SPECIAL DISTRICTS MULTI YEAR**  
**CAPITAL PLAN**  
  
**2010 – 2014**

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APRIL 2010

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Town Of Carmel Special Districts  
Multi-Year Capital Plan

**Introduction**

Capital assets, by their very nature, represent a significant commitment of municipal resources. To ensure that essential operations continue uninterrupted, Town of Carmel Managers must effectively plan for the acquisition and replacement of these vital capital assets.

Multi-year capital planning can augment the Town’s economic development policies and the quality of special services. Plans can be made for infrastructure improvements and other amenities that would make the Town of Carmel more attractive to businesses, homeowners and/or tourists.

Capital planning can also improve each government’s bottom line. Planning ahead for these costly purchases can allow management time to increase the down payment, thereby lessening the amount to be borrowed and reducing the associated costs and seeking alternative financing sources (e.g., state and federal aid). The planned replacement of aging assets can prevent costly emergency purchases from inflicting havoc on operations, budgets and tax rates.

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**I. Establishing Capital Plan Goals and Objectives**

A multi-year capital plan is best developed in the context of a larger strategic plan that spells out a municipality’s mission, goals and objectives. Capital acquisitions should support the local government’s long-term goals as providing pure, high quality drinking water and sewer treatment to all residents and maintaining service levels sufficient to meet current and future needs.

To develop an effective capital program, information should be sought from a number of sources. At a minimum, governing board members, department heads, local agencies and the public should have input into the forming of program objectives for the next several years.

**II. Developing a Comprehensive Capital Planning Policy**

Capital program goals and objectives should be included in a formal policy adopted by the governing board. It should address all the implementation aspects of the multi-year program including:

1

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Town Of Carmel Special Districts  
Multi-Year Capital Plan

- Governing board involvement
- Legal ramifications (bidding, borrowing, reserves, etc.)
- Program coordination responsibilities
- Information requirements (content, timing and sources)
- Record-keeping
- Acquisition criteria
- Request process
- Approval process
- Budget information
- Financing
- Program modifications
- Performance measures
- Reporting requirements

**III. Setting Criteria for Capital Projects and Purchases**

The selection criteria for capital acquisitions should be a clearly identified policy. The policy should list, define and prioritize the selection criteria in order of importance so that department heads and others can effectively gauge their requests.

Although the criteria are largely dependent upon the goals and objectives established by the municipality, there are a number of areas to consider when evaluating potential projects and purchases. Some categories to consider include:

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(Cont.)

- Health and safety impacts
- Legal mandates – project is mandated by court or state or federal government
- Fiscal and budget impact – project impact is favorable for existing costs and resources
- Economic development impacts
- Feasibility – project is realistic, reasonable and supported
- Savings potential – project improves the bottom line
- Environmental, aesthetic or social value – project improves environment, neighborhoods or community
- Mission effectiveness – project contributes directly to achievement of goals
- Customer needs – project addresses specific needs/demands for improved service, timeliness or cost savings
- Materiality – project costs are acceptable
- Risks – project risks are acceptable/manageable

2

### Town Of Carmel Special Districts Multi-Year Capital Plan

Deciding upon which of these categories to use and how they are to be weighted should be determined by the wishes of the local officials and their constituents.

Capital project and purchase requests submitted by department heads require a review by legal, engineering, and financial professionals before approval can be granted and the request can become part of the capital plan.

#### **IV. Creating a Multi-Year Capital Plan**

With clear goals and objectives and well-defined criteria for selecting capital projects, the capital plan must be matched to existing capital assets.

Local managers can use established goals, objectives and priorities to target their inventory efforts. Those assets found to be in poor condition or no longer useful may need to be replaced, sooner rather than later.

With current information on key capital assets, another piece is in place to create a formal multi-year action plan. The estimated costs assigned to these projects should be verified through discussions with department heads, purchasing officers, finance, engineers, potential vendors, state agencies and other local governments. All financing sources, state, federal, local and borrowed, should be determined for the next year and beyond. If some of the projects will require the use of in-house labor, then staff work loads will also have to be scheduled into the capital plan.

#### **V. Financing Capital Improvements and Acquisitions**

Capital acquisitions can consume large amounts of financial resources. A multi-year capital plan helps manage this consumption by scheduling expenditures over a number of years and by creating a financing plan to meet those expenditures. A long-term schedule of capital outlays gives managers time to arrange for sufficient financing.



(Cont.)

To ensure that the moneys are available when needed for capital purposes, local managers will consider establishing reserve funds. Through formal resolution, the governing board can establish reserve funds earmarking resources for the future acquisition of essential capital assets.

3

Town Of Carmel Special Districts  
Multi-Year Capital Plan

Similarly, annual funding sources can also be included in the long-term plan. Each year's budget may contain provisions for the partial, or total, funding for designated assets. Because residents are receiving the benefit of new equipment every year, the annual payments match the benefits received by "pay as you go".

Using "other people's money" to finance capital acquisitions is probably a favorite option of many public managers. Donations and grants are at the head of any financing "wish list". Borrowed moneys and lease-purchases (where authorized) might be the last choices, again depending on the financing terms.

**VI. Budgetary Impact**

The acquisition of capital assets can have a significant impact on subsequent operating budgets. This impact should be considered as part of any multi-year capital plan. All areas of the budget should be assessed, operating expenditures, debt and revenues.

When estimating the impact of capital purchases on annual expenditures, consider potential cost savings as well as new operating costs. Even if the project wasn't selected for money-saving reasons, the fact that new equipment is replacing old equipment usually means that less money will be needed for maintenance and repair. These savings should be quantified and figured into annual operating budgets where possible.

If moneys were borrowed to finance all, or part, of a capital acquisition, the principal and interest payments to retire the resulting debt must be planned for in each year's budget for the life of the obligation.

**VII. Adopting a Capital Plan and Budgets**

Once all aspects of the plan (goals, policies, criteria, needs, finances and costs) have been addressed, the capital plan can be formalized. (See Appendix A for a draft 5-year plan). The capital plan should be approved and the annual budget, including capital components, formally adopted by the governing board. The proposed capital plan should also be circulated for public input. Some adjustment to the plan may be necessary to reflect any citizen response. Then the governing board can: approve the multi-year capital program, legally adopt the capital portion of the budget (i.e. the first year of the capital program) and arrange the funding for the capital budget. The out years of the program serve as planning years only.

4

(Cont.)

Town Of Carmel Special Districts  
Multi-Year Capital Plan

A municipality can decide to adopt its capital plan pursuant to General Municipal Law §99-g (See Appendix B). This statute outlines responsibilities and the procedures to be followed, and once adopted must be adhered to so long as the capital program remains in effect. As an alternative, local officials can merely refer to the statute for additional guidance on developing their own plan and procedures.

**VIII. Monitoring Capital Plan Results**

A plan is only as good as its results. Follow-up is essential to determine if capital program goals are being met. Also, routine monitoring of approved capital projects helps to ensure that projects remain on schedule and within budget. Asset performance and budget information should be tracked and communicated to interested parties and relevant external factors should be monitored and reported. Annually, the capital program should be updated to prepare the capital budget and to modify the multi-year plan as conditions change.

Asset performance should also be evaluated. Over time, have the capital purchases and projects produced the expected results? Have long-term goals been met? Are changes necessary? Managers must be able to answer these questions

Local officials should monitor the external environment to help them anticipate changes that might impact the later years of the capital program. Changes in technology or equipment can make portions of the plan obsolete. Changes in anticipated state and federal funding can impact the number and priority of planned projects.

At a minimum, the multi-year capital plan should be reviewed annually. As the current year passes and projects are completed (or not), the needs of the next year come more into focus. Initial work may need to be started (and funded), for a project to be completed two years hence. A new budget will have to be developed and approved for the upcoming fiscal year.

Finally, after the initial capital plan has been completed and projects are underway, a review of the planning process should be undertaken to determine whether changes should be made to improve the process. This step is particularly important for governments developing a capital program for the first time.



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Appendix A-1  
Town of Carmel Special Water Districts  
Multi-Year Capital Plan

Water Districts	Project Description	Total Cost	Prior Years	2010	2011	2012	2013	2014	Balance
CWD #1	Storage Tank	\$ 250,000						\$ 250,000	
CWD #2	Old Town Drive	50,000		50,000					
	Vink Drive	50,000		50,000					
	Investigate Well Field	* 50,000			50,000				
	Everett Road Tank Rehab	100,000			100,000				
CWD #3	New Well Additions	* 50,000				50,000			
CWD #4	Plant Upgrade	150,000					150,000		
CWD #5	Pneumatic Tank	50,000					50,000		
CWD #6	Interconnection & Storage	200,000						200,000	
CWD #7	Pneumatic Tank	50,000		50,000					
CWD #8	Overhill to Mayfair Lane	150,000			150,000				
	Woodland to Kings Ridge	200,000					200,000		
	Prince Road/Emerald Lane	200,000				200,000			
CWD #9	Vista Terrace	150,000		150,000					
	Kirkwood Drive	100,000		100,000					
	Rockledge Terrace	50,000		50,000					
CWD #10	Senior Avenue/Indian Ave	100,000			100,000				
CWD #12	Water Line Saddle Replacements	** 100,000			30,000	30,000	40,000		
CWD #13	Pump Station Upgrade	50,000		50,000					
CWD #14	Water System Upgrades	200,000	62,804	137,196					
	Total Project Uses	\$ 2,300,000	\$ 62,804	\$ 637,196	\$ 430,000	\$ 280,000	\$ 440,000	\$ 450,000	\$ -
	Funding								
	Appropriations	** 100,000			30,000	30,000	40,000		
	Fund Balance	* 100,000			50,000	50,000			
	Reserve Funds								
	Federal/State Aid				350,000				
	Borrowings	2,100,000	62,804	637,196		200,000	400,000	450,000	
	Other Sources								
	Total Project Sources	\$ 2,300,000	\$ 62,804	\$ 637,196	\$ 430,000	\$ 280,000	\$ 440,000	\$ 450,000	\$ -
	Notes: *Excludes permanent emergency generators								

**Appendix A-2**  
**Town of Carmel Special Sewer Districts**  
**Multi-Year Capital Plan**

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Appendix B					
Multi-Year Capital Plan - Two Years*					
Estimated Capital Tax Impact Special Water & Sewer Districts					
Special District	2010 Debt Budget	2010 Taxpayer Costs	2011 Estimated Debt	2012 Estimated Debt	New Taxpayer Costs
CWD #1					
CWD #2	\$ 87,338	\$ 36	\$ 94,338	\$ 101,338	\$ 42
CWD #3	47,592	142	47,592	47,592	142
CWD #4	67,238	508	67,238	67,238	508
CWD #5	5,199	112	5,199	5,199	112
CWD #6	7,684	75	7,684	7,684	75
CWD #7	12,474	90	15,474	15,474	112
CWD #8	227,975	515	227,975	237,975	537
CWD #9	86,831	630	106,831	106,831	775
CWD #10	70,321	549	70,321	77,321	604
CWD #12					
CWD #13	62,288	700	65,288	65,288	734
CWD #14	12,500	100	12,500	12,500	100
CSD #1	31,000	17	31,000	31,000	17
CSD #1, Ext #3	235,476	800	235,476	235,476	800
CSD #2	2,256,325	288	2,256,325	2,256,325	288
CSD #3	3,660	54	3,660	3,660	54
CSD #4	74,186	256	74,186	74,186	256
CSD #5	17,802	256	20,802	20,802	299
CSD #6	4,500	22	4,500	11,500	56
CSD #7	75,692	320	75,692	75,692	320
CSD #8	235,000	360	235,000	235,000	360
*NOTE: THE ABOVE REPRESENTS TYPICAL DISTRICT RESIDENTIAL TAXPAYER COSTS ESTIMATES FOR TWO YEARS CAPITAL PROJECTS.					

**VARIOUS CAPITAL PROJECT FUNDS FOR 2009 - CLOSED**

WHEREAS, it has been determined by the Town Comptroller’s Office that certain Capital Projects are complete and fully accounted for as of December 31, 2009 and the Town has declared such projects to be free of defects, and

WHEREAS, it is the Town policy and procedure to officially authorize the closing of Capital Project Funds;

(Cont.)

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby resolves that the following Capital Project Funds be closed and that any unexpended Capital Project borrowing proceeds be transferred to the appropriate Debt Service Funds to pay capital debt principal and interest and that any unexpended unrestricted financing sources be returned to the original operating funds.

<u>Capital Project Fund Title</u>	<u>Number</u>	<u>Balance</u>	<u>Closing Disposition</u>
Carmel Hamlet Revitalization	901	-0-	No unexpended balance
Landfill Closure Capital Fund	908	\$320,149.38	Transfer to Debt Fund
Highway Machinery Capital Fund	951	\$2,590.90	Transfer to Debt Fund 2007 Balance
Highway Machinery Capital Fund	951	\$10,421.20	Transfer Debt Fund 2008 Balance
Lake Glenacom Road District	501	\$118.00	Transfer to Debt fund
Carmel Sewer District #1 Ext..#3	971	\$359,652.91	Transfer to Debt fund

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Abstain
Frank Lombardi	<u>    X    </u>	<u>          </u>	
Suzanne McDonough	<u>    X    </u>	<u>          </u>	
Anthony DiCarlo	<u>    X    </u>	<u>          </u>	
Kenneth Schmitt	<u>    X    </u>	<u>          </u>	

Supervisor Schmitt clarified that the Landfill Closure Capital Fund and the Carmel Sewer District #1 Extension #3 balances will be used to lower the Town’s debt for the projects.

Councilman Ravallo stated that he abstained because he thought that he may have a conflict of interest.

**PUBLIC HEARING SCHEDULED FOR 6/9/10 - PROPOSED LOCAL LAW  
EXTENDING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR  
OUTDOOR WOOD BOILERS UNDER CHAPTER 59 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, June 9, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law Amending Chapter 59 of the Town Code of the Town of Carmel, as follows:

TOWN OF CARMEL  
PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2010

A LOCAL LAW EXTENDING A MORATORIUM IN REGARD TO THE ISSUANCE OF  
PERMITS FOR OUTDOOR WOOD BOILERS UNDER CHAPTER 59 OF THE TOWN  
CODE OF THE TOWN OF CARMEL

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

(Cont.)

Section 1: PURPOSE

The purpose of this local law is to establish a temporary moratorium on the issuance of permits by the Plumbing Inspector for installation, enlargement or extension of outdoor wood boilers under Section 59-49 of Chapter 59 of the Town Code of the Town of Carmel, entitled “Building Construction and Fire Prevention”.

Section 2: LEGISLATIVE FINDINGS

The Town Board of the Town of Carmel has received numerous complaints in regard to outdoor wood boilers concerning their pollution of the atmosphere and their safety. The Town Board has decided to review the current regulations of the Town in regard to these outdoor wood boilers. In order to allow the Town Board time to complete its review, draft proposed new regulations and enact any new regulations regarding outdoor wood boilers, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any new permits for the installation, enlargement or extension of outdoor wood boilers on a temporary basis.

Section 3: MORATORIUM

Section 59-49 of the Town Code of the Town of Carmel is hereby amended by the addition of a new subparagraph D. which shall read as follows:

- D.     Notwithstanding the foregoing, no permit for the installation, enlargement or extension of an outdoor wood boiler shall be issued by the Plumbing Inspector from the effective date of this Local Law until December 31, 2010.

Section 4: EFFECTIVE DATE.

This local law shall take effect immediately in accordance with law.

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

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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Councilman DiCarlo explained that the temporary moratorium on the issuance of permits for installation, enlargement or extension of outdoor wood boilers is being extended to allow for additional fact finding.

**DEPUTY COMPTROLLER’S SALARY ADJUSTED**

WHEREAS, the Town Board after thorough review of the Town’s Salary Administration Program adopted in October 2008, and evaluation of other data has concluded that the salary for the Deputy Comptroller position is undervalued; and

WHEREAS, the Town Board also compared the Deputy Comptroller position salary to other comparable municipalities; and

WHEREAS, the Adopted Budget for 2010 does include an estimated amount for the position salary adjustment in the Town Board Reserve Appropriation Account;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel determines that the Deputy Comptroller position salary be adjusted and increased to an annual amount of \$77,986.00; this salary being commensurate and comparable to neighboring municipalities and the duties and responsibilities of the Deputy Comptroller position.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman DiCarlo

<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>
Anthony DiCarlo	<u>X</u>	<u>          </u>
Kenneth Schmitt	<u>X</u>	<u>          </u>

Councilman Ravallo spoke regarding the conception and evolution of the Deputy Comptroller position, as well as Mary Ann Maxwell’s extensive experience and exceptional qualifications.

Supervisor Schmitt commented on the outstanding performance of Ms. Maxwell as the Deputy Town Comptroller.

Councilman Lombardi added that the funds for the aforementioned salary increase had been encumbered in the previous budget.

**PUBLIC COMMENTS**

David Gagliardi asked for clarification from Councilman Ravallo in that all of his abstentions at this meeting were due to his employment with the New York City Department of Environmental Protection.

Councilman Ravallo confirmed that they were.

Mr. Gagliardi inquired about the Lake Glenacom Capital Project Fund referred to in Resolution #16.

Supervisor Schmitt explained that the residents of Lake Glenacom Road petitioned the Town to create a road improvement district so that the maintenance of their private road would be taken over by the Town. The cost of the improvements made by the Town to the road are born by the residents on Glenacom Road and included in said capital project fund.

Mr. Gagliardi asked if the term “Special Districts” referenced in Resolution #15 refers to water and sewer districts.

Supervisor Schmitt confirmed that it did.



**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 7:50 p.m. to a previously scheduled Special Work Session to consider advertising for bids for a Town of Carmel garbage district.

Respectfully submitted,

Ann Garris, Town Clerk