

**01 SEPTEMBER 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 1<sup>st</sup> day of September 2010 at 8:07 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 8/4/10 - 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 meetings held on August 4, 2010 were accepted as submitted by the Town Clerk.

**OPEN DEVELOPMENT STATUS TO DOMINGER AND LOCKWOOD - TM# 44.10-1-1  
- MOTION FAILED**

WHEREAS the Town of Carmel Planning Board has received an application from Martin Dominger and Alice Lockwood for a three (3) lot subdivision in which two lots will not have access to an improved street with a right-of-way width of at least 50 feet;

WHEREAS the subject parcel, designated as Tax Map #44.10-1-1, is located on Glenna Drive, has an approximate area of 10.58 acres and is located in an R Zoning District, and

WHEREAS the proposed subdivision is shown on a plan prepared by Putnam Engineering, Engineers & Architects, entitled: "Proposed Subdivision Prepared for Martin Dominger and Alice Lockwood, Glenna Drive, Town of Carmel, Putnam County, NY", last revised March 29, 2010; and

WHEREAS the applicant has represented it is the owner and/or an authorized agent of the record owner and has agreed, on behalf of the owner, to a lot count of two (2) lots in the open development area and to a total of no more than three (3) lots in the entire subdivision and to the establishment of a limitation on any future subdivision of the property as a term and condition of open development; and

WHEREAS the Town of Carmel Planning Board has recommended granting of open development to the aforementioned subdivision;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby grants open development status to Lots#2, and #3 in the proposed Dominger and Lockwood Subdivision subject to the following terms and conditions:

1. The open development area shall consist of Lots#2, and #3 in the proposed Dominger and Lockwood as shown on a plan prepared by prepared by Putnam Engineering, Engineers & Architects, entitled: "Proposed Subdivision Prepared for Martin Dominger and Alice Lockwood, Glenna Drive, Town of Carmel, Putnam County, NY", last revised March 29, 2010.
2. The maximum number of lots to be established in said open development area shall be two (2). The maximum number of dwelling units to be established in said open development area shall be two (2) single family residence. The maximum number of lots to be established in said subdivision shall be three (3). The maximum number of dwelling units to be established in said subdivision shall be three (3) single family residences.
3. No further subdivision of the open development area, Lots#2, and #3 shall be permitted.
4. The following notes shall be placed on the map in reference to all lots in the subdivision:
  - a. Lot owners are advised that, according to current school district regulations, school buses will not travel the access driveway servicing the lots in the subdivision.

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- b. The access driveway servicing the subdivision is a private driveway and shall remain so forever. All maintenance and repair including snow plowing is the responsibility of the property owners of the Lots in the subdivision.
  - c. No further subdivision of any lot in the open development area is permitted.
5. An Easement and Maintenance Agreement for the access driveway in form satisfactory to the Town Counsel shall be filed simultaneously with the revised final subdivision plat in the Putnam County Clerk’s Office.
6. This Open Development Resolution shall expire two (2) years from the date of enactment if the final subdivision plat has not been approved and signed by the Planning Board and filed in the Putnam County Clerk's Office within that time.
7. The foregoing notes #1 through #5 shall be included on the final subdivision plat and this resolution shall be referenced by date and subject matter in the notes on the final subdivision plat as follows:

"Lots #1, #2, and #3 of this subdivision are subject to the terms, conditions and limitations contained in an Open Development Resolution of the Town Board of the Town of Carmel enacted September 1, 2010."

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman DiCarlo

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

Prior to the roll call vote Councilman Ravallo pointed out the need for a policy and guidelines for the Planning Board regarding open development in the Town of Carmel. He stated that the issue would be discussed on September 29, 2010.

**FEE WAIVED IN REFERENCE TO THE APPLICATION OF THE POLISH AMERICAN HERITAGE CLUB OF MAHOPAC FOR A SOUND AMPLIFICATION PERMIT**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fees regarding the application of The Polish American Heritage Club of Mahopac, seeking a sound amplification permit for their Fall Festival at Sycamore Park on September 19, 2010 (Rain Date September 26, 2010).

Resolution  
Offered by: Councilman DiCarlo  
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>

**ADDITION TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Salvatore Franzese  
Melinda Franzese  
Anthony Ortiz  
Tamara McArdle  
Angela Kortlang

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 expressed gratitude to the new members of the Mahopac Volunteer Fire Department for volunteering.

Supervisor Schmitt also thanked the volunteers and acknowledged their dedication to the community.

**LAKE MAHOPAC PARK DISTRICT – MAILING OF NEWSLETTER - AUTHORIZED**

RESOLVED that the Town Board, acting as the Commissioners of the Lake Mahopac Park District, hereby authorizes the mailing to all properties within the boundries of the Lake Mahopac Park district their newsletter prepared by the Lake Mahopac Park District Advisory Board; and

BE IT FURTHER RESOLVED that the cost thereof be charged as a district expense.

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>

Councilman Ravallo commented on Lake Mahopac Park District Advisory Board’s many contributions to the Town of Carmel including programs that protect Lake Mahopac and the money they contributed towards the purchase of the Police boat.

**2010 TOWN OF CARMEL USER FEE SCHEDULE - AMENDED**

RESOLVED that the Town Board of the Town of Carmel hereby amends and adopts, effective immediately, the Town of Carmel User Fee Schedule for Fiscal Year 2010 as follows:

- Police Department Fees : CD of Photographs from Casefile – \$50 each;
- Recreation & Parks Dept. Fees: Sycamore Dog Park User Fee – \$25 annually (Resident);
- Recreation & Parks Dept. Fees: Sycamore Dog Park User Fee – \$75 annually (Non-Resident).

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>

**RELEASE OF SITE PLAN BOND IN THE AMOUNT OF \$1,000.00 POSTED BY GERARD KRAUS FOR TM# 75.8-2-9 – AUTHORIZED.**

WHEREAS application has been made by Gerard Kraus for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #75.8-2-9; and

WHEREAS said application has been reviewed by the Town Engineering Consultant and release of the bond has been recommended and approved by the Engineering Consultant and the Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #75.8-2-9 in the amount of \$1,000.00.

Resolution

Offered by: Councilman DiCarlo  
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>

**CARMEL SEWER DISTRICT #4 – SIGNING OF CHANGE ORDER #6 TO REGULATORY UPGRADE CONTRACT C-163A WITH BMJ CONSTRUCTION, CO. INC. - APPROVED**

WHEREAS the Town Board has been advised that Change Order #6 to Carmel Sewer District #4 Construction Upgrade Contract C-163A with BMJ Construction, Co. Inc. has been approved by the New York State EFC and the New York City DEP,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign Change Order #6 to the aforementioned contract, in form, as attached hereto and made a part hereof.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman DiCarlo

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

Supervisor Schmitt noted that the project is being funded by NYC Department of Environmental Protection.

CHANGE ORDER NO. ~~4~~ 6  
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5556.25696  
7/29/2010

PROJECT: TOWN OF CARMEL  
CARMEL SEWER DISTRICT #4  
WWTP REGULATORY UPGRADE

OWNER: TOWN OF CARMEL, NY  
60 McALPINE AVENUE  
MAHOPAC, NY 10541

CONTRACTOR: BMJ CONSTRUCTION CO., INC.  
35 E. GRASSY SPRAIN ROAD, SUITE 203  
YONKERS, NY 10512

ENGINEER: O'BRIEN & GERE ENGINEERS, INC.  
22 SAW MILL RIVER ROAD, 1<sup>ST</sup> FLOOR  
HAWTHORNE, NY 10532

Pursuant to the terms of Section GP-9.01 of the General Provisions of the above-referenced Contract, the Contractor is hereby authorized and directed to proceed with the extra work as described below. The Contractor agrees to furnish all labor, material and equipment needed to accomplish these changes in accordance with the applicable portions of the Contract Documents and/or as required in the Modifications.

**MODIFICATION NO.24-163A-GEN**  
Requirement: All piping to the secondary mudwell, except sludge digester supernatant line, is rerouted to the primary mudwell, the primary mudwell pumps are replaced and the pump discharge is diverted from secondary membrane filters to the final clarifiers.

Reason: The secondary membrane filtration system cannot process sand filter backwash due to the presence of sand in the backwash. Since there is no practical way of separating primary membrane backwash from sand filter backwash, it has become necessary to convey all backwash flow to the final clarifiers.

Cost: ADD .....\$82,060

**MODIFICATION NO. 025-163A-GEN**  
Requirement: Delete the allowance for Inspection Agencies and Costs.

Reason: Additional inspection and testing will not be required.

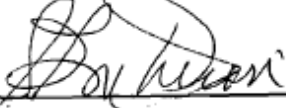
Cost: SUBTRACT.....\$10,000

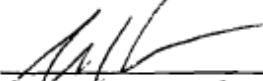
TOTAL COST OF  
CHANGE ORDER NO. 4    ADD .....\$72,060  
TIME EXTENSION..... 0 CALENDAR DAYS

CHANGE ORDER NO. 4  
PAGE 2 OF 2  
5556.25696  
7/29/2010

It is mutually agreed that the lump sum price or prices listed above will be accepted by the Contractor as the sole basis for payment for all work as indicated, including all associated overhead and profit for the work, or as credits to the contract amount if deletions of work are included.

This work must be performed in strict accordance with the terms of the Contract except as herein modified or hereinbefore modified by a previous change order. It is further understood and agreed that, unless otherwise expressly stated herein, the work herein authorized will not extend the time of completion of the work to be performed under the Contract and that the amount of this change order includes full payment or credit, as the case may be, for the extra or deleted work covered hereby, and any damage or expense caused the Contractor by any delays to or interference with other work to be performed under the Contract resulting from or on account of said extra or deleted work.

ACCEPTED BY:                    BMJ CONSTRUCTION CO., INC.  
  
By:  (SIGN), Benjamin Tenori (PRINT)  
Title: President  
Date: August 3, 2010

RECOMMENDED BY:            O'BRIEN & GERE ENGINEERS, INC.  
  
By:  (SIGN), Lowell Kachalsky (PRINT)  
Title: Vice President  
Date: 8/4/2010

AUTHORIZED BY:                TOWN OF CARMEL  
  
By: \_\_\_\_\_ (SIGN), \_\_\_\_\_ (PRINT)  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**ENTRY INTO STIPULATION WITH TOWN OF CARMEL POLICE BENEVOLENT ASSOCIATION SPECIAL CONDITIONS UNIT - TABLED**

RESOLVED, that the Town Board of the Town of Carmel authorizes entry into a stipulation of agreement with the Town of Carmel Police Benevolent Association, Inc., concerning the Special Conditions Unit established within the Town of Carmel Police Department, such stipulation to be in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Kenneth Schmitt, Town Supervisor is hereby authorized to execute the aforesaid stipulation and any and all other necessary documentation required in connection therewith.

Motion to Table

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>



STIPULATION OF AGREEMENT

IT IS HEREBY AGREED by and between the Town of Carmel (hereinafter “Town”) and the Town of Carmel Police Benevolent Association, Inc. (hereinafter “PBA”) as follows:

1. The PBA recognizes that the Town, through its’ Chief of Police, has the sole discretion to assign a patrol officer to the Special Conditions Unit and to remove such patrol officer from that assignment at any time.
2. The Town and the PBA agree that the annual stipend for such assignment shall be Two Thousand (\$ 2,000.00) Dollars, payable in bi-annual installments of One Thousand (\$ 1,000) Dollars in July and December of each year.
3. The Town and the PBA agree that patrol officers who are assigned to the Special Conditions Unit shall receive an annual clothing allowance in the amount of Six Hundred Fifty (\$ 650.00) Dollars, which shall be paid in December of each year following the assignment to the Special Conditions Unit.
4. If an officer assigned to this detail works less than twelve (12) months in a calendar year, the stipend and clothing allowance will be pro-rated for the officers’ actual time in this assignment.
5. The Town and the PBA agree that the annual stipend and the clothing allowance shall be pro-rated for the 2010 calendar year.

IN WITNESS WHEREOF, this Stipulation has been entered into by and between the parties.

Dated: June \_\_\_\_\_, 2010

TOWN OF CARMEL

TOWN OF CARMEL POLICE BENEVOLENT  
ASSOCIATION, INC.

By: \_\_\_\_\_  
Kenneth Schmitt, Supervisor

By: \_\_\_\_\_  
John Dearman, President

<p>In the Matter of The Increase and Improvement of Facilities of Water District No. 2 in the Town of Carmel, Putnam County, New York</p>	<p>PUBLIC INTEREST ORDER</p>
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WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Water District No. 2, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$96,000 and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2010, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Water District No. 2 in said Town at a maximum estimated cost of \$96,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on March 24, 2010, at 7:00 o'clock P.M., Prevailing Time; and

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

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Water District No. 2, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$96,000.

Section 2. This Order shall take effect immediately.

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>

**CARMEL WATER DISTRICT #2 - THE ISSUANCE OF \$96,000 BONDS TO  
PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE  
FACILITIES – AUTHORIZED.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 2, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$96,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review



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Act, which as such will not have a significant effect on the environment NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Water District No. 2, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$96,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$96,000 and that the plan for the financing thereof is by the issuance of the \$96,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 2 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of

said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

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Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
  - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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>

<p><b>In the Matter of The Increase and Improvement of Facilities of Water District No. 5 in the Town of Carmel, Putnam County, New York</b></p>	<p><b>PUBLIC INTEREST ORDER</b></p>
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WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Water District No. 5, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$46,000 and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2010, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Water District No. 5 in said Town at a maximum estimated cost of \$46,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on March 24, 2010, at 7:00 o'clock P.M., Prevailing Time; and

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

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of

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the facilities of Water District No. 5, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$46,000.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilman DiCarlo  
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>

**CARMEL WATER DISTRICT #5 - THE ISSUANCE OF \$46,000 BONDS TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES – AS PARAPHRASED AND PREFILED - AUTHORIZED.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 5, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$46,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have a significant effect on the environment NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Water District No. 5, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$46,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$46,000 and that the plan for the financing thereof is by the issuance of the \$46,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 5 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

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Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
  - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

Resolution

Offered by: Councilman DiCarlo  
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>

<p>In the Matter of The Increase and Improvement of Facilities of Water District No. 6 in the Town of Carmel, Putnam County, New York</p>	<p>PUBLIC INTEREST ORDER</p>
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WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Water District No. 6, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$96,000 and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2010, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Water District No. 6 in said Town at a maximum estimated cost of \$96,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on March 24, 2010, at 7:00 o'clock P.M., Prevailing Time; and

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

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Water District No. 6, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$96,000.

Section 2. This Order shall take effect immediately.

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>

**CARMEL WATER DISTRICT #6 - THE ISSUANCE OF \$96,000 BONDS TO  
PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE  
FACILITIES – AS PARAPHRASED AND PREFILED - AUTHORIZED.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 6, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$96,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review

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Act, which as such will not have a significant effect on the environment NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Water District No. 6, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$96,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$96,000 and that the plan for the financing thereof is by the issuance of the \$96,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 6 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

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Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,  
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

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>

<p><b>In the Matter of The Increase and Improvement of Facilities of Water District No. 7 in the Town of Carmel, Putnam County, New York</b></p>	<p><b>PUBLIC INTEREST ORDER</b></p>
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WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Water District No. 7, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$50,000 and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2010, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Water District No. 7 in said Town at a maximum estimated cost of \$50,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on March 24, 2010, at 7:00 o'clock P.M., Prevailing Time; and

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

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Water District No. 7, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$50,000.

Section 2. This Order shall take effect 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>

**CARMEL WATER DISTRICT #7 - THE ISSUANCE OF \$50,000 BONDS TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES – AS PARAPHRASED AND PREFILED - AUTHORIZED.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 7, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$50,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have a significant effect on the environment NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Water District No. 7, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$50,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$50,000 and that the plan for the financing thereof is by the issuance of the \$50,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 7 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the



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New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
  - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman 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>

<p>In the Matter of The Increase and Improvement of Facilities of Water District No. 9 in the Town of Carmel, Putnam County, New York</p>	<p>PUBLIC INTEREST ORDER</p>
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WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Water District No. 9, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$46,000 and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2010, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Water District No. 9 in said Town at a maximum estimated cost of \$46,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on March 24, 2010, at 7:00 o'clock P.M., Prevailing Time; and

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

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Water District No. 9, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$46,000.

Section 2. This Order shall take effect 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 WATER DISTRICT #9 - THE ISSUANCE OF \$46,000 BONDS TO  
PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE  
FACILITIES – AS PARAPHRASED AND PREFILED - AUTHORIZED.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 9, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$46,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have a significant effect on the environment NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Water District No. 9, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$46,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$46,000 and that the plan for the financing thereof is by the issuance of the \$46,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 9 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

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- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,  
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.
- Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.
- Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman DiCarlo

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

<div>In the Matter of The Increase and Improvement of Facilities of Water District No. 14 in the Town of Carmel, Putnam County, New York</div>	<div>PUBLIC INTEREST ORDER</div>
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WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Water District No. 14, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$46,000 and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2010, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Water District No. 14 in said Town at a maximum estimated cost of \$46,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on March 24, 2010, at 7:00 o'clock P.M., Prevailing Time; and

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

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Water District No. 14, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$46,000.

Section 2. This Order shall take effect immediately.

Resolution  
Offered by:      Councilman DiCarlo  
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>

**CARMEL WATER DISTRICT #14 - THE ISSUANCE OF \$46,000 BONDS TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES – AS PARAPHRASED AND PREFILED - AUTHORIZED.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 14, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$46,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have a significant effect on the environment NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Water District No. 14, in the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$46,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$46,000 and that the plan for the financing thereof is by the issuance of the \$46,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 14 as applicable in the manner provided by law, there shall annually be levied on all the taxable real

property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local

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

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
  - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

Resolution

Offered by: 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>

**ENTRY INTO SIDE LETTER OF AGREEMENT REGARDING RETIREMENT INCENTIVE WITH CSEA LOCAL 1000 AFSCME AFL-CIO TOWN OF CARMEL UNIT PUTNAM COUNTY LOCAL840 - AUTHORIZED**

AMENDED 9/15/10

RESOLVED, that the Town Board of the Town of Carmel authorizes entry into a side letter of agreement with CSEA Local 1000, AFSCME AFL-CIO Town of Carmel Unit, Putnam County Local 840, concerning the offering of a retirement incentive to

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certain qualifying bargaining unit members, such side letter to be in form as attached hereto and made a part hereof; and  
BE IT FURTHER RESOLVED that Kenneth Schmitt, Town Supervisor is hereby authorized to execute the aforesaid agreement and any and all other necessary documentation required in connection therewith.

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>

Prior to the roll call vote Supervisor Schmitt explained that the Town would not be offering the New York State Retirement incentive as it was not cost effective. He further explained that if the eligible employees accepted this offer it would result in a substantial cost savings to the town. Supervisor Schmitt noted that the union still has to review and accept this side letter.  
  
Councilman Ravallo agreed that the Town of Carmel could see a cost savings if this agreement went through and further stated that the retirees would benefit as well.

**SIDE LETTER OF AGREEMENT**

IT IS HEREBY AGREED by and between the Town of Carmel (hereinafter "Town"), the CSEA, Local 1000 AFSCME, AFL-CIO, Town of Carmel Unit, Putnam County Local 840 (hereinafter "CSEA") that a retirement incentive of \$10,000 shall be offered to any CSEA member who meets the following conditions:

- A. The submission of an irrevocable letter of resignation for the purposes of retirement by the CSEA member with an effective retirement date of no later than October 29, 2010, to be received by the Town between the signing of this Agreement and by no later than 4:30 p.m. on October 1, 2010, and at least two weeks prior to the member's retirement, and
- B. Such unit member shall: (i) have completed a minimum of fifteen (15) years of full-time service in the Town; and (ii) be eligible to retire in accordance with the Employees' Retirement System.

This Agreement is subject to the approval of the Town Board.

IN WITNESS WHEREOF, this Agreement has been entered into by and between the parties:

TOWN OF CARMEL

Dated: \_\_\_\_\_ By: \_\_\_\_\_

CSEA, LOCAL 1000 AFSCME, AFL-CIO, TOWN  
OF CARMEL UNIT, PUTNAM COUNTY, LOCAL 840

Dated: \_\_\_\_\_ By: \_\_\_\_\_

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**PLANNING DEPARTMENT - TEMPORARY INCREASE IN PART TIME HOURS OF ROSE TROMBETTA, TYPIST - AUTHORIZED**

RESOLVED that the Town Board authorizes the temporary increase in the part-time employment hours of Rose Trombetta, Part-time Typist in the Planning Department to thirty (30) hours per week in addition to authorizing attendance at Planning Board, Zoning Board, Architectural Review Board and Environmental Conservation Board meetings. This resolution is subject to the individual waiving any medical benefits or any other appropriate benefits from the Town of Carmel.

Resolution

Offered by: Councilman Ravallo

Seconded by: Councilwoman McDonough and 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>

Prior to the roll call vote a brief discussion ensued and the resolution was amended as reflected above.

Supervisor Schmitt explained the situation regarding Peggy Moore’s absence and the resultant need to increase Rose Trombetta’s hours.

**RECOGNITION OF PUBLIC**

No one present wished to be heard.

**RECOGNITION OF TOWN BOARD MEMBERS**

Councilman DiCarlo wished everyone a safe and enjoyable Labor Day weekend and warned the public to pay attention to the storm warnings in regards to Hurricane Earl.

Supervisor Schmitt stated that he has been in contact with Bob McMahon, Commissioner of Emergency Services in regards to Hurricane Earl. He informed the public that our area should be receiving the effects of the outer bands of the hurricane and that we should anticipate rain and wind. He further cautioned that things could change and we should stay informed.

Councilman Ravallo noted that it might be possible that this storm could bring an end to the Town of Carmel’s water emergency.

All agenda items having been addressed, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members present and in agreement, the meeting was adjourned at 9:05 p.m. to Executive Session.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk