

29 DECEMBER 2010

**TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.**

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 29th day of December 2010 at 7:20 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 and Supervisor Schmitt. Councilman DiCarlo was absent.

Prior to the start of official business, the Pledge of Allegiance to the Flag was observed and a moment of silence was held for those serving in the United States Armed Forces.

**PUBLIC HEARING HELD - 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**

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

PUBLIC NOTICE

**NOTICE
OF PUBLIC
HEARING**

**NOTICE IS
HEREBY GIVEN,**
that the Town Board
of the Town of Carmel
will conduct a Public
Hearing at the Town Hall,
60 Mc Alpin Avenue,
Mahopac, New York
10541 on Wednesday,
December 29, 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 2011 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:

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
June 30, 2011.

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.

At said Public
Hearing, all interested
residents shall be
heard on the subject
thereof.

**By Order of the
Town Board
of the Town of
Carmel
Ann Garris, Town
Clerk
P. 12/22 - 158**

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:23 p.m. Eight (8) people were in attendance.

29 DECEMBER 2010
TOWN BOARD SPECIAL MEETING

(Cont.)

David Gagliardi expressed his support of the proposed Local Law. He went on to inquire about how to report a violation.

Supervisor Schmitt stated that if a resident suspects smoke is coming from a certain area associated with an outdoor wood boiler, they may contact the office of Michael Carnazza, Director of Codes Enforcement.

Councilman Ravallo noted that a fireplace could also emit the smell of smoke.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Ravallo, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:25 p.m.

**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 - SEQR DETERMINATION
MADE - TYPE II ACTION**

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #10 of 2010 concerning amendments to Town of Carmel Town Code Chapter 59 entitled “Building Construction and Fire Prevention” is a Type II action under SEQR and no further review is necessary.

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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

**LOCAL LAW #10 OF THE YEAR 2010 - 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 - ADOPTED AS
NOTICED, PUBLISHED AND PRE-FILED**

TOWN OF CARMEL
LOCAL LAW #10 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:

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”.

(Cont.)

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 June 30, 2011.

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: 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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

OPERATIONS AND MAINTENANCE OF CARMEL SEWER DISTRICTS #1, #2, #3, #4, #5, #6, #7 AND #8, AS WELL AS OPERATIONS AND MAINTENANCE OF CARMEL WATER DISTRICTS #2, #3 AND #12 - SIGNING OF EXTENSION OF AGREEMENT BETWEEN THE TOWN OF CARMEL AND SEVERN TRENT ENVIRONMENTAL SERVICES, INC. - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the extension of the existing contracts for operations and maintenance of Carmel Sewer Districts #1, #2, #3, #4, #5, #6, #7 and #8, as well as operations and maintenance of Carmel Water Districts #2, #3 and #12 with Severn Trent Environmental Services, Inc., for a period of six (6) months from January 1, 2011 through June 30, 2011 at the identical terms and conditions set forth in the existing contract between the Town of Carmel and Severn Trent Environmental Services, Inc. dated August 29, 2005; and

BE IT FURTHER RESOLVED that upon review and approval of insurance certificates in form satisfactory to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary documentation required in connection with said contract extensions.

29 DECEMBER 2010
TOWN BOARD SPECIAL MEETING

(Cont.)

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<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> </u>	<u> </u>	Absent
Kenneth Schmitt	<u> X </u>	<u> </u>	

Councilman Ravallo indicated that this may be an issue that involves the New York City Department of Environmental Protection.

Supervisor Schmitt explained that the extension of the existing contracts is necessary to provide time for the Town to solicit Requests for Proposals for the operation and maintenance of the water and sewer districts.

PUBLIC COMMENTS

David Gagliardi inquired about the monetary amount of the contract with Severn Trent Environmental Services, Inc. A brief discussion ensued.

Supervisor Schmitt concluded that he did not have the terms available, but would provide the information to him at a later time.

Peter Creegan acknowledged that the Town should look to maintain quality of service, not only competitive prices, when requesting proposals.

TOWN BOARD MEMBER COMMENTS

The members of the Town Board expressed their best wishes for a healthy, happy and prosperous New Year.

Supervisor Schmitt announced that the next meeting of the Town Board will be held on Wednesday, January 5, 20011 at 7:00 p.m.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Ravallo, with all Town Board members present in agreement, the meeting was adjourned at 7:37 p.m. to Executive Session to discuss an engineering consultant agreement.

Respectfully submitted,

Ann Garris, Town Clerk