

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 3<sup>rd</sup> day of April 2013 at 7:10 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

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 MEETINGS HELD ON 3/6/13 AND 3/20/13 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on March 6<sup>th</sup> and March 20<sup>th</sup> 2013 were accepted as submitted by the Town Clerk.

**MAHOPAC VOLUNTEER FIRE DEPARTMENT - DELETION TO THE ACTIVE LIST AUTHORIZED**

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

Cody DeNapoli

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

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

**PUTNAM COUNTY DEPARTMENT OF REAL PROPERTY TAX SERVICES - ENTRY INTO CONTRACT AUTHORIZED**

WHEREAS appropriations have been made in the 2013 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and

WHEREAS said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Kenneth Schmitt to enter into and execute, on behalf of the Town, the contract with the Putnam County Department of Real Property Tax Services for preparation of the tentative assessment roll for year 2013 in form as attached hereto and made a part hereof.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman Lupinacci

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

3 APRIL 2013  
TOWN BOARD MEETING

(Cont.)

**PUTNAM COUNTY REAL PROPERTY TAX SERVICE CONTRACT**

AGREEMENT MADE THIS 11<sup>th</sup> DAY OF MARCH BETWEEN: THE TOWN OF CARMEL REFERRED TO AS THE TOWN AND THE COUNTY OF PUTNAM HAVING ITS PRINCIPAL PLACE OF BUSINESS AT 40 GLENEIDA AVENUE, CARMEL, NEW YORK 10512, HEREINAFTER REFERRED TO AS COUNTY.

THE PARTIES HEREIN AGREE AS FOLLOWS:

- 1) THE COUNTY SHALL PREPARE THE TENTATIVE ASSESSMENT ROLL, FOR THE CALENDAR YEAR OF 2013 AND HAVE IT AVAILABLE ON THE COUNTY WEBSITE TO COMPLY WITH RPTL §1591
- 2) EVERY TRANSFER OF PROPERTY, CHANGE OF ADDRESS, DESCRIPTION OR VALUATION, SPECIAL FRANCHISE, PUBLIC UTILITY, SHALL BE DATA ENTERED BY ASSESSOR OF TOWN OR DESIGNATED STAFF MEMBER.
- 3) AFTER CLOSING OF THE BOOKS ON MARCH 1<sup>st</sup>, ALL CHANGES SHALL BE ENTERED ON OR BEFORE APRIL 15<sup>th</sup> BY THE TOWN, THIS IS ESSENTIAL SO THAT THE TENTATIVE ASSESSMENT ROLL IS RUN FOR THE MAY 1<sup>st</sup> DEADLINE.
- 4) ALL GRIEVANCE CHANGES, CORRECTION OF CLERICAL ERRORS, & UNLAWFUL ENTRIES SHALL BE APPROVED BY THE BOARD OF ASSESSMENT REVIEW AND ENTERED BY THE TOWN INTO THE REAL PROPERTY SYSTEM, BACKED UP AND BROUGHT TO THE REAL PROPERTY TAX SERVICE AGENCY NO LATER THAN JUNE 17<sup>th</sup> FOR FINAL ROLL PROCESSING.
- 5) ALL CHANGES FOR THE SCHOOL TAX PROCESSING SHALL BE SUBMITTED BY AUGUST 9<sup>TH</sup>.
- 6) ALL CHANGES FOR COUNTY AND TOWN TAX ROLLS SHALL BE SUBMITTED BY THE TOWN ON OR BEFORE NOVEMBER 18<sup>th</sup>.
- 7) ALL UNPAIDS TO BE MANUALLY ENTERED BY THE COUNTY MUST BE SUBMITTED BY NOVEMBER 1<sup>ST</sup>, RPSV4 MERGEABLE FILES MUST BE SUBMITTED BY NOVEMBER 18<sup>TH</sup>.
- 8) A SEPARATE AGREEMENT SHALL BE NEGOTIATED FOR THE PROVISIONS OF RPTL §1537, OPTIONAL COUNTY SERVICES.

PRICE FOR THE PREPARATION OF THE FOLLOWING IS \$ 0.50 PER PARCEL:

- 1) TENTATIVE ASSESSMENT ROLL (2 COPIES\*) AND ASSOCIATED REPORTS, COA'S
- 2) FINAL ASSESSMENT ROLL (2 COPIES\*)
- 3) TAX ROLL (2 COPIES\*)
- 4) HARD & SOFT BINDERS FOR ROLLS
- 5) BANK CODE LISTINGS
- 6) APPORTIONMENT OF SPECIAL FRANCHISE
- 7) 1 SET OF TAX BILLS IN ENVELOPES
- 8) RPS 145D1, 155D1 & 160D1 TAX EXTRACTS
- 9) TAX MAP BOOK FOR THE INDIVIDUAL TOWN
- 10) DATA ENTRY FOR PRO-RATAS
- 11) 1 SET TAX MAPS 24" x 36"

UNPAID WATER, SEWER, OR OTHER UNPAIDS WILL BE CHARGED A FEE IN THE AMOUNT OF 50.00 PER HUNDRED IF THE DATA HAS TO BE MANUALLY ENTERED, OR IF TAX MAP NUMBERS PROVIDED IN COMPUTER FORMAT ARE INVALID.

IF ANY ADDITIONAL SPECIAL DISTRICT ROLLS ARE REQUIRED THE TOWN WILL BE CHARGED A FEE OF 0.01 PER PARCEL.

IF ANY INSERTS ARE REQUESTED THE TOWN WILL BE CHARGED A FEE OF 0.01 PER ENVELOPE.

\*.02 PER PARCEL WILL BE DEDUCTED IF ONE (1) COPY OF EACH ROLL IS REQUESTED INSTEAD OF TWO (2)

THE TOWN OF CARMEL HEREBY REPRESENTS THAT THE AGREEMENT HEREIN HAS BEEN APPROVED BY RESOLUTION OF THE TOWN BOARD, A COPY OF WHICH IS ANNEXED HERETO AND MADE A PART HEREOF:

(Cont.)

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT IN NEW YORK, ON THE DATE HEREIN ABOVE SET FORTH.

READ AND APPROVED BY:

_____ MaryEllen Odell County Executive	DATE: _____ <i>Lisa A. Johnson</i> Lisa A. Johnson County Director, R.P.T.S.A.	DATE: <u>3/11/13</u>
_____ William J. Carlin Commissioner of Finance	_____ Jennifer S. Bumgarner County Attorney	DATE: _____
_____ Adrienne Spadaccini Risk Manager	_____ Kenneth Schmitt Town Supervisor	DATE: _____

Supervisor Schmitt stated that the price charged by Putnam County for the preparation of the tentative assessment roll for the year 2013 is \$.50 per parcel with an additional \$.01 per parcel fee charged for special districts.

**DEPARTMENT OF RECREATION AND PARKS - SUBMISSION OF APPLICATION FOR GRANT FUNDING AUTHORIZED (\$3,880.00)**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission of the 2013 Municipal Funding Grant Application to the New York State Office of Children and Family Services for Recreation Programs, and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary documentation required in connection with the aforesaid grant application.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilwoman McDonough

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

**POLICE DEPARTMENT - SUBMISSION OF APPLICATION FOR GRANT FUNDING AUTHORIZED (\$3,478.00)**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission of the 2013 Municipal Funding Grant Application to the New York State Office of Children and Family Services for Youth Bureau Programs, and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary documentation required in connection with the aforesaid grant application.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Schneider

(Cont.)

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

**GENERAL AND HIGHWAY FUND EQUITY RESERVE BALANCES FOR FISCAL YEAR END 2012 - AUTHORIZED**

**RESOLVED**, that the Town Board of the Town of Carmel hereby authorizes the Town Comptroller Mary Ann Maxwell to establish and/or modify the balances in the Fund Equity Reserves for the General and Highway Funds for Fiscal Year End 2012 as set forth on the schedule attached hereto, which is incorporated herein and made a part hereof.

Resolution  
Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

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

**TOWN OF CARMEL  
GENERAL AND HIGHWAY FUND COMBINED FUND EQUITY (YEARS 2010-2012)**

DESCRIPTION	2010	2011	2012
<b>GENERAL FUND</b>			
RESERVE FOR PREPAID EXPENSES	263,904	532,604	480,430
RESERVE FOR ENCUMBRANCES	55,110	23,453	85,147
RESERVE FOR COMPENSATED ABS	750,000	600,000	800,000
DESIGNATED FOR TAX CERTIORARI	300,000	300,000	800,000
DESIGNATED FOR RETIREMENT CONTRIBUTIONS	-	-	180,000
DESIGNATED FOR CAPITAL PROJECT	-	-	-
UNRESERVED DESIGNATED EQUITY-FY	300,000	300,000	400,000
UNRESERVED DESIGNATED EQUITY -SUBSEQUENT YEARS BUDGET	850,000	250,000	-
UNRESERVED UNDESIGNATED EQUITY**	1,044,192	1,078,953	1,127,422
TOTAL GENERAL FUND EQUITY	\$ 3,683,208	\$ 3,086,010	\$ 3,842,888
<b>HIGHWAY FUND</b>			
RESERVE FOR PREPAID EXPENSES	123,027	226,467	85,876
RESERVE FOR COMPENSATED ABSENCES	240,000	215,000	276,000
RESERVE FOR SNOW REMOVAL/ROADS	97,592		260,000
UNRESERVED DESIGNATED EQUITY	88,025	13,884	28,692
UNRESERVED UNDESIGNATED EQUITY	-		
TOTAL HIGHWAY FUND EQUITY	\$ 548,644	\$ 455,351	\$ 650,568
TOTAL GENERAL & HIGHWAY EQUITY	\$ 4,231,852	\$ 3,541,361	\$ 4,493,456
General Fund Total Annual Revenue	14,425,546	15,234,610	16,247,142
General Fund Total Annual Expenditures	14,900,222	15,712,806	15,688,843
Year End Surplus/Deficit	(474,676)	(478,196)	558,299
* GENERAL FUND UNDESIGNATED	7.0%	6.9%	7.2%
RATIO TO TOTAL EXPENDITURES & USES			

**CARMEL WATER DISTRICT NO. 5 - EMERGENCY EXPENDITURE OF MONIES FROM THE REPAIR RESERVE FUND AUTHORIZED - NOT TO EXCEED \$19,897**

WHEREAS, the Town of Carmel has a Repair Reserve Fund for Carmel Water District #5 established pursuant to GML 6d, and

WHEREAS, in cases of emergency monies in such fund may be expended by resolution approved by not less than two-thirds of the members of the governing body, and

WHEREAS, it is recommended by MaryAnn Maxwell, Town Comptroller that monies in the fund be used to pay for cost of emergency repairs,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel authorizes the appropriation of monies from the CWD #5 Repair Reserve Fund not to exceed \$19,897 for emergency repair expenditures in 2013, and

BE IT FURTHER RESOLVED that not less than one-half of the monies so expended be repaid in fiscal year 2014 and the total amount shall be repaid in full no later than the last day of fiscal year 2015.

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman Lupinacci

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

**CARMEL CABLE TELEVISION, INC. - RESOLUTION OF OBJECTION AND OPPOSITION TO COMCAST'S DECISION TO CLOSE CARMEL SERVICE OFFICE**

WHEREAS, the Town of Carmel and Carmel Cable Television, Inc. (d/b/a Comcast)are parties to a Franchise Agreement dated November 1, 2005, wherein and whereby Comcast provides cable television and related services to thousands of residents and businesses within the Town of Carmel; and

WHEREAS, the subscribers of Comcast have recently been advised that the cable service office located on Old Route 6 in the Town of Carmel will be closing and that the office will be replaced by a new office located outside the state of New York; and

WHEREAS, it appears that Comcast intends to locate its service office in the City of Danbury, Connecticut, several miles outside the Town of Carmel at a site that is not geographically convenient to the residents of the Town of Carmel or to other Putnam County residents who subscribe to Comcast services for a number of reasons, not the least of which, that it is not served or reachable by public transportation originating in the Town of Carmel or Putnam County; and

WHEREAS, it is the sense of this Town Board that the provisions of the Agreement previously referred to were specifically intended to provide convenience to subscribers and that such convenience was contemplated as an integral part of the franchise arrangement between the Town and Comcast and

WHEREAS, it also is that sense of this Town Board that the unilateral decision by Comcast to relocate its service office at an inconvenient location outside the Town is in bad faith and adversely affects subscribers within the Town of Carmel;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby protests Comcast's actions and formally objects to the relocation of the only service center available to its residents to a point outside of Putnam County to an inconvenient location, not served by any mode of public transportation available to Carmel Residents; and be it further

RESOLVED, that the Town of Carmel shall file a formal complaint with Comcast and with the New York State Public Service Commission objecting to Comcast's breach of its responsibility to the residents and subscribers within the Town of Carmel and County of Putnam; and be it further

(Cont.)

RESOLVED, that the Town Clerk shall forward a copy of this resolution to Comcast and the Public Service Commission forthwith.

Resolution

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

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

Supervisor Schmitt spoke in opposition to the relocation of Comcast’s service center effective April 6, 2013 and recommended that Comcast’s future franchise agreement with the Town of Carmel dictate that they maintain a local location.

Councilman Lupinacci also expressed his opposition, citing the length of time it takes to travel from the Town of Carmel to points within the City of Danbury, Connecticut.

**PUBLIC COMMENTS - AGENDA ITEMS**

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

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

No member of the Town Board wished to comment at this time.

**OPEN FORUM - PUBLIC COMMENTS**

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

**OPEN FORUM - TOWN BOARD MEMBER COMMENTS**

Supervisor Schmitt announced that the Town of Carmel’s Community Clean-up and Zoning Code Compliance Week will be held from April 29, 2013 through May 3, 2013. In an effort to improve the appearance of the Town, the Building Department will be aggressively enforcing the Zoning Code with regard to illegal signs, banners, etc. Supervisor Schmitt urged all property owners to comply.

Councilman Lombardi added that the Building Department has been instructed in general, to issue just one warning before issuing a summons. He noted that a new fine schedule for code violations is currently being developed.

Councilman Lombardi urged residents to keep the Town of Carmel parks clean.

Supervisor Schmitt announced to water district residents that the Town of Carmel will be sending out the semi-annual water consumption bills at the end of the month and if not done so already, to call in meter readings to the Comptroller’s Office, mail to Town Hall or enter on the Town’s website at [www.ci.carmel.ny.us](http://www.ci.carmel.ny.us). as soon as possible. For billing accuracy, he stressed the importance of actual usage readings as opposed to estimates.

Supervisor Schmitt announced that the Town of Carmel received a check yesterday in the amount of \$129,000.00 from FEMA for Hurricane Sandy aid. He anticipates additional checks will follow as the Town is seeking reimbursement for over \$400,000.00 in costs incurred.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lupinacci, seconded by Councilman Lombardi, with all Town Board members present and in agreement, the meeting was adjourned at 7:36 p.m. to Executive Session to discuss a matter of personnel in connection with the Building Department.

Respectfully submitted,

Ann Spofford, Town Clerk