

15 JUNE 2011

**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 15<sup>th</sup> day of June 2011 at 7:06 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.

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 5/11/11, 5/18/11 AND 6/1/11 -  
ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on May 11<sup>th</sup>, May 18<sup>th</sup> and June 1<sup>st</sup>, 2011 were accepted as submitted by the Town Clerk.

**BUDGET MODIFICATIONS #2011-05 - AUTHORIZED**

WHEREAS the Town Comptroller has reviewed the May, 2011 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2011-05;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the May, 2011 Budget Modifications/Revisions itemized on Schedule #2011-05 which is attached hereto, incorporated herein and made a part hereof.

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

**TOWN OF CARMEL  
BUDGET REVISIONS FOR MAY 2011  
#2011-05**

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<u>GENERAL FUND</u>				
01	100-1315-0047	COMPTROLLER CONFERENCE EXPENSES	100.00	
	100-1315-0040	COMPTROLLER CONTRACTUAL EXPENSES		100.00
		- TRANSFER FOR FINANCIAL CONSULT TRAVEL EXP		
02	100-1420-0043	SPECIAL COUNSEL BOARDS	4,000.00	
	100-1420-0048	DEFENSE LEGAL COUNSEL		4,000.00
		- TRANSFER FOR LEGAL EXPENSES - BOARDS		
03	100-1880-0042	INFORMATION TECH WEB EXPENSE	500.00	
	100-1880-0040	INFORMATION TECH CONTRACTUAL EXPENSE		500.00
		- TRANSFER FOR WEBSITE UPDATE EXPENSE		
04	100-3310-0020	SIGNS EQUIPMENT EXPENSE	300.00	
	100-3310-0040	SIGNS CONTRACTUAL EXPENSE		300.00
		- TRANSFER FOR TRAFFIC EQUIPMENT EXPENSE		
05	100-7020-0019	RECREATION STAFF PAID ABSENSES	29,170.00	
	100-1989-9877	RESERVE FOR COMPENSATED ABSENCES	*	29,170.00
		- PROVIDE FOR EMPLOYEE SICK/VACATION PAYOUTS		

(Cont.)

06	100-7310-0013	YOUTH PROGRAM TEMP STAFF		500.00	
	100-7310-0045	YOUTH SELF SUSTAIN PROGRAM			500.00
		- TRANSFER FOR YOUTH TEMP STAFF COSTS			
07	100-7110-0020	PARK MAINTENANCE EQUIPMENT		5,810.00	
	100-7020-0011	RECREATION ADMIN FULL TIME STAFF			5,810.00
		- TRANSFER FOR PURCHASE OF PARK MAINTENANCE EQUIP PURCHASE			
HIGHWAY FUND					
08	500-5110-0012	GENERAL REPAIR OVERTIME		8,000.00	
	500-5110-0018	GENERAL REPAIR LABOR - OTHER			1,000.00
	500-5110-0019	GENERAL REPAIR PAID ABSENCES			5,000.00
		- TRANSFER FOR GENERAL REPAIR OT			
09	500-5112-0020	CHIPS CONTRACTUAL EXPENSE		72,720.00	
	500-5010-3502	CHIPS STATE AID - CAPITAL	*	72,720.00	
		- PROVIDE FOR 2011 CHIPS AID PROJECT EXPENSE			
10	500-5142-0048	CONTRACTUAL SWEEPING		1,952.00	
	500-5140-0040	WEEDS AND BRUSH EXPENSE			1,952.00
		- TRANSFER FOR CONTRACTUAL SWEEPING EXPENSE			
CARMEL FIRE PROTECTION DIST #1					
11	301-3410-0045	DRY HYDRANT EXPENDITURES			9,861.00
	301-3410-9909	APPROPRIATED FUND BALANCE	*		9,861.00
		- REVISE BUDGET USES			

TOWN OF CARMEL  
BUDGET REVISIONS FOR MAY 2011  
#2011-05

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL WATER DISTRICT #2				
12	802-8310-0047	EMERGENCY REPAIRS	2,000.00	
	802-8310-0099	REPAIR RESERVE FUND		2,000.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #9				
13	809-8310-0047	EMERGENCY REPAIRS	20,000.00	
	809-8310-9888	REPAIR RESERVE FUND APPROPRIATION	*	20,000.00
		- RECORD RESOLUTION FOR RESERVE FUND USE		
CARMEL SEWER DISTRICT #2				
14	702-8130-0140	CONTRACTUAL EXPENSES - MICROFILTRATION	20,000.00	
	702-8130-0141	CHEMICAL EXPENSES - MICROFILTRATION	5,000.00	
	702-8130-0040	CONTRACTUAL EXPENSES		20,000.00
	702-8130-0041	CHEMICAL EXPENSES		5,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS		
CARMEL SEWER DISTRICT #4				
15	704-8130-0140	CONTRACTUAL EXPENSES - MICROFILTRATION	6,000.00	
	704-8130-0141	CHEMICAL EXPENSES - MICROFILTRATION	5,000.00	
	704-8130-0040	CONTRACTUAL EXPENSES		6,000.00
	704-8130-0041	CHEMICAL EXPENSES		5,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS		

**BOND RELEASE - MICHAEL’S GLEN SUBDIVISION - TM #44.14-1-56 & #44.14-1-57 - AUTHORIZED**

WHEREAS application has been made by Putnam County Builders, Inc. for release of a subdivision bond posted in accordance with the Land Subdivision and/or Zoning Regulations for the Michael’s Glen Subdivision, Tax Map TM #44.14-1-56 & #44.14-1-57; and

WHEREAS said application has been reviewed by the Town Engineer Ronald J. Gainer, P.E. and a release of the bond has been recommended and approved by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the aforementioned bond, Mahopac National Bank Letter of Credit No. 200646, for the Michael’s Glen Subdivision in the amount of \$208,820.

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

**BOND REDUCTION - TM #55.6-1-41 - DAY ROAD, LLC - AUTHORIZED**

WHEREAS application has been made by Day Road, LLC for reduction of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for the Day Road, LLC site plan, Tax Map #55.6-1-41 ; and

WHEREAS said application has been reviewed by the Town Engineer Ronald J. Gainer, P.E., and a reduction of the bond has been recommended and approved by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the reduction of the aforementioned bond posted for the Day Road, LLC, from its original amount of \$143,573 to a reduced amount of \$72,000.

Resolution

Offered by: Councilwoman McDonough  
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>
Kenneth Schmitt	<u>X</u>	<u>          </u>

**DEPARTMENT OF RECREATION AND PARKS - ADVERTISING FOR BIDS AUTHORIZED - POST-AND-CHAIN FENCING AT THE HISTORIC RED MILLS PARK**

RESOLVED that, pursuant to the request of the Director of Recreation and Parks, Ann Garris, Town Clerk of the Town of Carmel is hereby authorized to advertise for bids for installation of post-and-chain fencing at the Historic Red Mills Park; and

BE IT FURTHER RESOLVED that the James R. Gilchrist Director of Recreation and Parks is to furnish detailed specifications for the above to the Town Clerk Ann Garris to be used in conjunction with the Town's general bid conditions and specifications.

(Cont.)

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

Supervisor Schmitt explained that upon receipt of the bids, if the Town Board chooses to move forward with the installation of the post-and-chain fencing at the Historic Red Mills Park, the funding will come out of the parkland trust account.

**PARK RENTAL FEE AND SOUND AMPLIFICATION PERMIT FEE WAIVED IN REFERENCE TO THE APPLICATIONS OF COMMUNITY CARES**

RESOLVED that the Town Board of the Town of Carmel hereby waives the park rental fee and sound amplification permit fee regarding the applications of Community Cares for its charity give-back event scheduled for June 18, 2011 at Sycamore Park.

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

Supervisor Schmitt and Councilman Ravallo expressed appreciation to Community Cares for their efforts.

**SOUND AMPLIFICATION PERMIT FEE WAIVED IN REFERENCE TO THE APPLICATION OF THE ST. JAMES THE APOSTLE CHURCH**

RESOLVED that the Town Board of the Town of Carmel hereby waives the fee regarding the application of St. James the Apostle Church which seeks a sound amplification permit for their annual feast July 6, 2011 through July 9, 2011 at Gleneida Avenue, Carmel, NY.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilmen Ravallo and 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>
Kenneth Schmitt	<u>X</u>	<u>          </u>

15 JUNE 2011  
TOWN BOARD MEETING

**ADDITIONS 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:

Evan Fieldale  
Daniel Shea

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

Councilman Ravallo acknowledged the members of the Mahopac Volunteer Fire Department for their service.

**PERFORMANCE BOND CALLED OF 3J-MAC REAL ESTATE, LLC IN REGARD TO THE SITE PLAN IMPROVEMENTS PROPOSED AT 834 ROUTE SIX, MAHOPAC**

WHEREAS 3J-Mac Real Estate, LLC has failed to complete the improvements called for in the approved site plan for the premises at 834 Route Six, Mahopac, NY, Town of Carmel Tax Map No. 65.17-1-38 and/or has failed to comply with all the terms and conditions of its site plan approval with respect to the performance of the improvements called for thereon; and

WHEREAS 3J-Mac Real Estate, LLC posted a performance bond, assignment of Mahopac National Bank, Account # 021-15892-4, in the amount of \$51,453 indemnifying and guaranteeing the Town of Carmel against the failure of 3J-Mac Real Estate, LLC to perform said obligations;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby calls Mahopac National Bank account # 021-15892-4 in the amount of \$51,453, posted by 3J-Mac Real Estate, LLC, to secure performance of said site work identified as the responsibility of 3J-Mac Real Estate, LLC; and

BE IT FURTHER RESOLVED that Town Counsel, Gregory L. Folchetti, is to notify Mahopac National Bank and Applicant of the calling of its bond and forward to it a certified copy of this resolution with attachments.

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

Supervisor Schmitt stated that the referenced property was located at the site of the former Mahopac Mower Mart. Discussion was held between the members of the Town Board and Gregory Folchetti, Legal Counsel, with regard to the process of calling the bond.

**PUBLIC COMMENTS**

Judy Ravnitzky inquired if the owners of the property at 834 Route Six would be given an opportunity to complete the work called for in their site plan.

Mr. Folchetti explained that the applicant still owns the lot. The Town's major concern is that the improvements to the premises are completed.

Ms. Ravnitzky praised the Historic Red Mills Park and with regard to the source of the funding for its proposed fencing, inquired about the account balance in the parkland trust account.

Supervisor Schmitt explained that the amount is available in the Comptroller's office. A brief discussion ensued regarding the parkland trust account.

Michael Barile commented that the amount posted for the site plan improvements for the premises at 834 Route Six would not be sufficient to cover the cost to complete the required work. He suggested that upon calling the bond, the Town Board deposit the funds in the bank, have the Highway Department secure the road, and commence a lawsuit against the property owner to obtain the remaining funds that will be necessary to complete the work.

Bill McCormack thanked the members of the Town Board for moving forward with the improvements to the Historic Red Mills Park.

Jerry Ravnitzky encouraged residents to participate in the Public Hearing scheduled for June 22, 2011 for the purpose of establishing maximum rates with respect to residential garbage and refuse collections.

Mr. Ravnitzky suggested that the Zoning Compliance Committee would benefit from the addition of new members and directed interested persons to contact the Supervisor's office.

**TOWN BOARD MEMBER COMMENTS**

Councilwoman McDonough reported on the recent meeting of the Zoning Compliance Committee, noting that discussion was held regarding sign legislation and garbage legislation compliance. Also discussed was the concept of a "litter free" month in conjunction with local law enforcement as well as enacting steep slope legislation, among other topics.

Supervisor Schmitt reported on the progress of the remediation of a pile of contaminated soil resulting from the removal of oil storage tanks located on Route 6 in Mahopac.

Councilman Lombardi reported as a result of the efforts of the Town of Carmel and State of New York, in addition to the multitude of tires removed from the former junkyard on Union Valley Road, the rusted and abandoned vehicles have been removed. Discussion regarding the matter was held.

Councilman Lombardi reminded residents that a second Mahopac Central School District budget vote will be held on June 21, 2011 from 6:00 a.m. to 9:00 p.m.

Supervisor Schmitt invited the public to attend the Mahopac Sports Association's 1<sup>st</sup> Annual 5<sup>th</sup> and 6<sup>th</sup> Grade Lacrosse Invitational Tournament on June 18, 2011 at the Mahopac High School, from 8:30 a.m. to 2:00 p.m.

(Cont.)

Supervisor Schmitt announced that on June 16, 2011, he will be traveling with a contingent of first responders to JFK Airport to pick up the steel beams and other artifacts that will be included in the Town of Carmel 911 Memorial. They will be returning to Town Hall at approximately 1:45 p.m. at which time Father Brennan from St. John the Evangelist Church and Rabbi Hammerman from Temple Beth Shalom will bless the artifacts at a brief ceremony.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Ravallo, with all Town Board members present and in agreement, the meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Ann Garris, Town Clerk