

4 MAY 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 4th day of May 2011 at 7:45 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.

CARMEL WATER DISTRICT #9 - PUBLIC HEARING HELD - APPROPRIATION/USE OF THE REPAIR RESERVE FUND

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

LEGAL NOTICE
PUBLIC HEARING FOR
APPROPRIATION/USE
OF THE REPAIR
RESERVE FUND FOR
CARMEL WATER
DISTRICT #9
NOTICE IS HEREBY
GIVEN, that the Town Board
of the Town of Carmel, acting
as Commissioners of Carmel
Water District #9 will hold a
Public Hearing to consider
the appropriation and use of
funds from the repair reserve
fund for Carmel Water
District #9 in an amount to
be determined by the Town
Board, upon consultation
with the Town Engineer
and Town Comptroller,
for water distribution line
repair and/or replacement
within Carmel Water District
#9 on May 4, 2011 at 7:00
p.m. or as soon thereafter as
possible, at Town Hall, 60
McAlpin Avenue, Mahopac,
NY 10541.
At said Public Hearing,
all interested residents of
Carmel Water District #9
shall be heard on the subject
thereof.
By Order of the Town
Board
of the Town of Carmel
Ann Garris Town Clerk

Supervisor Schmitt opened the Public Hearing for public comment at 7:46 p.m. Ten (10) people were in attendance.

Supervisor Schmitt explained that the cost of the repairs will not exceed \$20,000.00 and will be borne solely by the residents in Carmel Water District #9.

Councilman Ravallo pointed out that the repairs are not being made on an emergency basis and because the funds for the project are being taken from the repair reserve fund, those residents will not be receiving an extra charge.

Supervisor Schmitt stated that Carmel Water District is located in the Vista Terrace section of Mahopac.

Councilman Ravallo added that the area is also known as Mahopac Hills.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Ravallo, seconded by Councilman Lombardi, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:48 p.m.

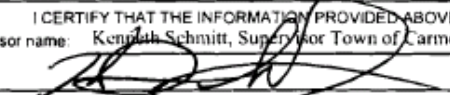
4 MAY 2011
TOWN BOARD MEETING

**SEQR REVIEW - PROPOSED LOCAL LAW ENACTING CHAPTER 118, ENTITLED
"ON-SITE SANITARY SYSTEMS" OF THE TOWN CODE OF THE TOWN OF
CARMEL**

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

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

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

1. APPLICANT/SPONSOR Town of Carmel	2. PROJECT NAME ON-SITE SANITARY SYSTEMS LOCAL LAW
3. PROJECT LOCATION: Municipality: Town of Carmel County: Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Town Wide	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Adoption of Local Law to implement and enforce a program to ensure that on-site sanitary systems are inspected maintained or rehabilitated within the Town of Carmel as required pursuant to the provisions of Part IX.A.3.b of the New York State DEC, SPDES General Permit GP-0-10-002 ("Permit") for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4)	
7. AMOUNT OF LAND AFFECTED: Initially: <u>Town-wide</u> acres Ultimately: <u>Town wide</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Kenneth Schmitt, Supervisor Town of Carmel</u> Date: <u>May 4, 2011</u> Signature: 	

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

OVER
1

Reset

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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?	If yes, coordinate the review process and use the FULL EAF.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

(Cont.)

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
None

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes

☒ No

If Yes, explain briefly

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes

☒ No

If Yes, explain briefly.

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

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

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination

Town of Carmel Town Board

May 4, 2011

Name of Lead Agency


Date

Kenneth Schmitt

Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Signature of Preparer (if different from responsible officer)

Signature of Responsible Officer in Lead Agency

Reset

PROPOSED LOCAL LAW ENACTING CHAPTER 118, ENTITLED “ON-SITE SANITARY SYSTEMS” OF THE TOWN CODE OF THE TOWN OF CARMEL - SEQR DETERMINATION OF SIGNIFICANCE - NEGATIVE DECLARATION

WHEREAS, the Town Board of the Town of Carmel is considering enacting a local law to implement and enforce a program to ensure that on-site sanitary systems are inspected and, where necessary, maintained or rehabilitated within the Town of Carmel as required pursuant to the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 (“Permit”) for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4) ; and

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

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

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

(Cont.)

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

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

SEQR

617.21

Appendix F

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

Project Number

Date May 4, 2011

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

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

Name of Action:

A LOCAL LAW ENACTING CHAPTER 118 OF THE TOWN CODE
OF THE TOWN OF CARMEL, ENTITLED "ON-SITE SANITARY SYSTEMS."

SEQR Status:

Type I Unlisted

Conditioned Negative Declaration: Yes No

Description of Action:

The proposed action involves enacting a local law designed to implement and enforce a program to ensure that on-site sanitary systems are inspected and, where necessary, maintained or rehabilitated within the Town of Carmel as required pursuant to the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 ("Permit") for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4) .

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

Town of Carmel, Putnam County

(Cont.)

SEQR Negative Declaration

Page 2

REASONS SUPPORTING THIS DETERMINATION:

The action involves enacting a local law to to implement and enforce a program to ensure that on-site sanitary systems are inspected and, where necessary, maintained or rehabilitated. This local law has been prepared to protect the health, safety and welfare of the residents of the Town of Carmel.

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

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

For Further Information:

Contact Person: Kenneth Schmitt, Supervisor

Address: Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

Telephone Number: 845-628-1500

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

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

LOCAL LAW #2 OF THE YEAR 2011 - A LOCAL LAW ENACTING CHAPTER 118, ENTITLED "ON-SITE SANITARY SYSTEMS" OF THE TOWN CODE OF THE TOWN OF CARMEL - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED

TOWN OF CARMEL
Local Law No. 2 of the Year 2011

BE IT ENACTED by the Town Board of the Town of Carmel as follows:

A new Chapter 118 to be entitled On-Site Sanitary Systems is hereby added to the Town Code of the Town of Carmel to read as follows:

Chapter 118: On-site Sanitary Systems

Section 118-1: Purpose and Intent.

The Town of Carmel hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Carmel that on-site sanitary systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health, to minimize their potential for failure and to protect the drinking water supplies which pass through the Town of Carmel.

This local law is intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 ("Permit") for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4) effective May 1,2010, which requires that the Town implement and enforce a program to ensure that on-site sanitary systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b of the Permit and/or similar provisions in successor Permits.

(Cont.)

Section 118-2: Definitions.

APPEALS AUTHORITY shall mean the Municipal Code Enforcement Officer.

INSPECTION shall mean the evacuation and removal of septage as necessary from a Separate Sewage Disposal System/On-Site Sanitary System and subsequent reporting by a Septage Collector that is licensed by the Putnam County Department of Health.

MUNICIPAL CODE ENFORCEMENT OFFICER shall mean the Building Inspector of the Town of Carmel, Assistant Building Inspector of the Town of Carmel or any other individual duly authorized by resolution of the Town Board of the Town of Carmel.

SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE SANITARY SYSTEM, a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, each being designed for the treatment of less than 1,000 gallons per day, regardless of location with respect to any building or structure or premises thereby served. Such system shall include, but shall not be limited to, septic tanks, cesspools, absorption fields and other facilities for the treatment or modification or required control of sewage.

SEPTAGE COLLECTOR, an individual or entity licensed by the Putnam County Health Department who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Putnam County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

SEPTAGE shall mean the contents of any container including but not limited to a septic tank, which is designed and intended to hold sewage.

SEWAGE shall mean the combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

Section 118-3: Inspections and Requirements.

1. Beginning on May 1, 2011, the owner of any parcel located within the Town of Carmel which relies upon a Separate Sewage Disposal System/On-Site Sanitary System shall cause an inspection to be performed on said Separate Sewage Disposal System/On-Site Sanitary System at a minimum frequency of once every five (5) years.
2. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection, which will be provided to the owner by the Septage Collector, for a minimum of six(6) years.
3. The Septage Collector shall furnish one (1) copy of the record of inspection to the Municipal Code Enforcement Officer in the town/village in which the Separate Sewage Disposal System/On-Site Sanitary System is located and one (1) copy of the record of inspection with the Putnam County Department of Health.

Section 118-4: Waivers/Variance.

The Appeals Authority shall not grant a waiver or exemption from any of the requirements of this local law provided, however, that the Appeals Authority may vary the time requirements as referenced within this local law, upon the submission and

(Cont.)

consideration of evidence which may necessitate an extension of time to comply with all aspects of this local law. Such extension shall not exceed one hundred eighty (180) days.

Section 118-5: Enforcement and Penalties.

Any owner of a parcel which is located in the Town of Carmel and is served by a Separate Sewage Disposal System/On-Site Sanitary System that fails to comply with the provision of this local law, shall be guilty of a violation, and shall be subject to a penalty as follows:

- (1) The Municipal Code Enforcement Officer shall first issue a written notice of violation to the owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within thirty (30) days.
- (2) Any person or corporation, whether as owner, lessee, principal , agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding two hundred fifty dollars, for conviction of a first offense: for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars no more than seven hundred dollars and upon conviction of a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each fourteen day (14) period of continued violation shall constitute a separate additional violation.

Section 118-6: Compliance with Other Laws.

Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations codes or laws.

Section 118-7: Severability.

In the event that any provision of this local law shall be held unconstitutional or unlawful, the remaining provisions in this local law shall remain in full force and effect.

Section 118-8: Effective Date.

This local law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	Abstain
Robert Ravallo	<u> </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 abstained because of his employment with the New York City Department of Environmental Protection.

4 MAY 2011
TOWN BOARD MEETING

TABLED RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$443,543 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF EQUIPMENT FOR MAINTENANCE PURPOSES IN AND FOR SAID TOWN - OFFERED AS PRE-FILED - MOTION FAILED

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the purchase of equipment for maintenance purposes, each item of which is \$30,000 or more, including incidental equipment and expenses, in and for the Town of Carmel, Putnam County, New York, there are hereby authorized, subject to permissive referendum, to be issued \$443,543 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 said class of objects or purposes is \$443,543 and that the plan for the financing thereof is by the issuance of \$443,543 bonds of said Town authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. 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 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 5. 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. 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 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. 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.

Section 7. 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 8. 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

**4 MAY 2011
TOWN BOARD MEETING**

(Cont.)

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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilwoman McDonough

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

On motion by Councilwoman McDonough, seconded by Councilman Ravallo, with all members of the Town Board present and voting "aye", the foregoing Resolution was removed from the table. The Resolution was then offered as paraphrased by Councilman Ravallo and seconded by Councilwoman McDonough for discussion.

Supervisor Schmitt spoke regarding his recent visit with Councilman Lombardi to the Highway Department and their inspection of the aging fleet of trucks. He expressed his support of the Highway Superintendent's request to bond for the purchase of machinery despite these difficult economic times, for the safety of the residents and Highway Department employees.

Councilman Lombardi concurred with the Supervisor's assessment. He expressed his support for the motion and noted that repairing the oldest trucks would not be financially prudent. He recommended the yearly allocation of funds for the replacement of trucks in future budgets so that it would not be necessary to borrow to pay their cost.

Councilwoman McDonough expressed her support for the purchase of the machinery. She noted that the newer trucks require less sand which in turn would necessitate less street sweeping and result in a cost saving.

Councilman Ravallo stated his concern with regard to borrowing money during these difficult financial times. He went on to agree that the two oldest trucks should not be repaired. However, based upon his comparison of the number of large trucks utilized in Yorktown and Cortlandt, he would not support the purchase of two new trucks. He considered 26 trucks in the Highway Department to be sufficient at his time.

The Town Board members held discussion with Michael Simone, Highway Superintendent regarding the matter at the conclusion of which, the aforementioned roll call vote resulted.

MINUTES OF TOWN BOARD MEETING HELD ON 4/13/11 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Ravallo, seconded by Councilman Lombardi, with all members of the Town Board present and voting "aye", the minutes of the Town Board meeting held on April 13th, 2011 were accepted as submitted by the Town Clerk.

**DEPARTMENT OF RECREATION AND PARKS - PROBATIONARY APPOINTMENT
MADE - PARK MAINTENANCE SUPERVISOR - ROBERT CORRERA**

RESOLVED, that Town Board of the Town of Carmel hereby appoints Robert Correra to the position of Park Maintenance Supervisor in the Town of Carmel Department of Recreation and Parks on a probationary basis, Group 5, Step 1, effective May 9, 2011.

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>

Supervisor Schmitt explained that this position was previously filled however, the individual resigned.

James Gilchrist, Director of Recreation and Parks, introduced Mr. Correra and spoke regarding his qualifications and experience.

**CARMEL WATER DISTRICT #9 - APPROPRIATION OF \$20,000 FROM THE
REPAIR RESERVE FUND - AUTHORIZED**

WHEREAS, the Town of Carmel has previously established a Repair Reserve Fund pursuant to NY General Municipal Law §6-D; and

WHEREAS, the Town Board of the Town of Carmel, upon consultation with Ron Gainer, PE, Town Engineer and its Carmel Water District #9 operator, Bee & Jay Plumbing, Inc., has determined that water distribution line repair and/or replacement in various locations within Carmel Water District #9 is necessary, required and in the best interests of the property owners and residents within Carmel Water District #9; and

WHEREAS, it is intended that monies in the amount of \$20,000 from the aforesaid Reserve Fund be used towards the payment of these costs; and

WHEREAS, on May 4, 2011, a public hearing was held at the Town Hall, 60 McAlpin Avenue, Mahopac, NY with regard to the appropriation of \$20,000 for the aforesaid water distribution line repair and/or replacement;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #9, hereby appropriates the sum of \$20,000 from the aforesaid Repair Reserve Fund for such repair costs in fiscal year 2011; and

BE IT FURTHER RESOLVED that the Office of the Comptroller of the Town of Carmel is hereby authorized to make the necessary budget transfers to accomplish and effect the intent of this resolution.

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>

BUDGET MODIFICATIONS #2011-03 - AUTHORIZED

WHEREAS the Town Comptroller has reviewed the March, 2011 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2011-03;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the March, 2011 Budget Modifications/Revisions itemized on Schedule #2011-03 which is attached hereto, incorporated herein and made a part hereof.

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

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

TOWN OF CARMEL
BUDGET REVISIONS FOR MARCH 2011
#2011-03

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
GENERAL FUND				
01	100-1315-0047	COMPTROLLER CONFERENCES	1,000.00	
	100-1610-0047	CENTRAL SERVICES CONFERENCES	300.00	
	100-1315-0044	COMPTROLLER CONSULTING SERVICES		1,000.00
	100-1610-0040	CENTRAL SERVICES CONTRACTUAL EXPENSES		300.00
		- TRANSFER FOR GFOA CONFERENCE EXPENSES		
02	100-1355-0046	ASSESSOR CONTRACT SERVICES	750.00	
	100-1355-0041	ASSESSOR STAR PROGRM EXP		750.00
		- TRANSFER FOR CONTRACT EXPENSES		
03	100-1930-0040	CERTERIORI SETTLEMENTS	14,000.00	
	100-1969-9876	RESERVE FOR CERTERIORI SETTLEMENTS	* 14,000.00	
		- PROVIDE FOR CERTERIORI SETTLEMENTS		
04	100-3120-0021	POLICE MOTOR VEHICLES	19,334.00	
	100-1969-1522	POLICE SPECIAL REVENUES	* 19,334.00	
		- PROVIDE FOR POLICE CAR LEASE PURCHASE		
05	100-7112-0020	MCDONOUGH PARK EQUIPMENT	1,650.00	
	100-7112-0040	MCDONOUGH PARK CONTRACTUAL EXPENSE		1,650.00
		- TRANSFER FOR EQUIPMENT PURCHASE		
06	100-7310-0013	YOUTH PROGRAM TEMP STAFF	230.00	
	100-7310-0045	YOUTH SELF SUSTAIN PROGRAM		230.00
		- TRANSFER FOR YOUTH TEMP STAFF COSTS		
HIGHWAY FUND				
07	500-5142-0040	SNOW REMOVAL RENTALS	368.00	
	500-5110-0040	GENERAL REPAIR CONTRACTUAL EXPENSES		368.00
		- TRANSFER FOR WEATHER SERVICE RENTAL EXP		
CARMEL AMBULANCE DISTRICT				
08	201-4540-0048	OTHER EXPENDITURES	1,415.00	
	201-4540-9909	APPROPRIATED FUND BALANCE	* 1,415.00	
		- PROVIDE FOR CERTERIORI SETTLEMENTS		
CARMEL FIRE PROTECTION DISTRICT #3				
09	303-9025-0040	LOSAP ADMIN EXPENSE	300.00	
	302-3410-0048	OTHER EXPENDITURES		300.00
		- TRANSFER FOR LOSAP ADMIN EXPENSE		

(Cont.)

CARMEL FIRE PROTECTION DISTRICT #3			
10	303-3410-0048	OTHER EXPENDITURES	4,595.00
	303-3410-9909	APPROPRIATED FUND BALANCE	* 4,595.00
		- PROVIDE FOR CERTERIORI SETTLEMENTS	

BudgetRevisions2011-MARCH.xls

1

TOWN OF CARMEL

BUDGET REVISIONS FOR MARCH 2011

#2011-03

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL FIRE DISTRICT				
11	351-3410-0048	OTHER EXPENDITURES	810.00	
	351-9025-0090	LOSAP CONTRIBUTIONS		810.00
		- TRANSFER FOR CERTERIORI SETTLEMENTS		
LAKE GLENACOM ROAD IMPROVEMENT DISTRICT				
12	501-5112-0049	SERVICES OTHER GOVTS		300.00
	501-9901-0000	TRANSFER TO OTHER FUNDS		15,000.00
	501-5112-1030	TAXES - GLENACOM RD	*	17,328.00
	501-5112-2401	INTEREST EARNINGS	*	172.00
	501-5112-9909	APPROPRIATED FUND BALANCE	* 2,200.00	
		- REVISE BUDGET FOR FUND CONSOLIDATION		
CARMEL WATER DISTRICT #2				
13	602-8310-0020	EQUIPMENT	700.00	
	602-8310-0047	EMERGENCY REPAIRS	8,300.00	
	602-8310-0099	REPAIR RESERVE FUND		9,000.00
		- TRANSFER FOR EMERGENCY REPAIRS/EQUIPMENT PURCHASE		
CARMEL WATER DISTRICT #9				
14	609-8310-0047	EMERGENCY REPAIRS	5,500.00	
	609-8310-0099	REPAIR RESERVE FUND		5,500.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL WATER DISTRICT #12				
15	612-8310-0047	EMERGENCY REPAIRS	5,300.00	
	612-8310-0099	REPAIR RESERVE FUND		5,300.00
		- TRANSFER FOR EMERGENCY REPAIRS		
CARMEL SEWER DISTRICT #2				
16	702-8130-0140	CONTRACTUAL EXPENES - MICROFILTRATION	4,000.00	
	702-8130-0141	CHEMICAL EXPENNSSES - MICROFILTRATION	3,000.00	
	702-8130-0142	UTILITY EXPENSES - MICROFILTRATION	1,000.00	
	702-8130-0040	CONTRACTUAL EXPENES		4,000.00
	702-8130-0041	CHEMICAL EXPENSES		3,000.00
	702-8130-0042	UTILITY EXPENSES		1,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS		
CARMEL SEWER DISTRICT #4				
17	704-8130-0140	CONTRACTUAL EXPENES - MICROFILTRATION	8,000.00	
	704-8130-0141	CHEMICAL EXPENNSSES - MICROFILTRATION	1,000.00	
	704-8130-0142	UTILITY EXPENSES - MICROFILTRATION	12,000.00	
	704-8130-0040	CONTRACTUAL EXPENES		8,000.00
	704-8130-0041	CHEMICAL EXPENSES		1,000.00
	704-8130-0042	UTILITY EXPENSES		12,000.00
		- REVISE BUDGET FOR MICROFILTRATION COSTS		

(Cont.)

TOWN OF CARMEL

BUDGET REVISIONS FOR MARCH 2011

#2011-03

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
CARMEL SEWER DISTRICT #1 EXT 3				
18	713-8130-0020	EQUIPMENT	2,505.00	
	713-8130-0099	REPAIR RESERVE FUND		2,505.00
		- TRANSFER FOR EQUIPMENT PURCHASE		
CARMEL LIGHTING DISTRICT				
19	752-5182-0048	OTHER EXPENDITURES	996.00	
	752-5182-0042	CONTRACTUAL UTILITIES		996.00
		- TRANSFER FOR CERTERIORI SETTLEMENTS		
LAKE GLENACOM DEBT FUND				
20	855-5010-0049	SERVICES OTHER GOVTS	300.00	
	855-5010-1030	TAXES - GLENACOM RD	* 17,328.00	
	855-5010-5031	TRANSFER FROM 501 FUND	*	15,000.00
	855-5010-2401	INTEREST EARNINGS	* 172.00	
	855-5010-9909	APPROPRIATED FUND BALANCE	* 2,200.00	
		- REVISE BUDGET FOR FUND CONSOLIDATION		

**CARMEL SEWER DISTRICT #7 - SIGNING OF CONTRACT COST AMENDMENT -
REGULATORY UPGRADE PROGRAM - AUTHORIZED**

WHEREAS the Town Board has been advised that Amendment #4 to Carmel Sewer District #7 Contract 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, acting as Commissioner of Carmel Sewer District #7 hereby authorizes the Town Supervisor to sign Amendment #4 to the aforementioned contract.

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

Gregory Folchetti, Legal Counsel stated that the aggregate total of the overall construction Upgrade Contract price has been increased to \$3,711,992.00 which is funded by the NYCDEP through the NYSEFC.

**CARMEL SEWER DISTRICT #2 - SIGNING OF CHANGE ORDER #5 TO
CONSTRUCTION UPGRADE CONTRACT - AUTHORIZED**

WHEREAS the Town Board has been advised that Change Order #5 to Carmel Sewer District #2 Construction Upgrade Contract 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 #5 to the aforementioned contract, in form as attached hereto and made a part hereof.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

(Cont.)

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

CHANGE ORDER NO.5

PAGE 1 of 3

5556/25693

January 13, 2011

PROJECT:

REGULATORY UPGRADE FOR THE CSD#2 WWTP

CONTRACT NO. 164A – GENERAL CONSTRUCTION

OWNER:

TOWN OF CARMEL

60 MCALPIN AVENUE, TOWN HALL

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, 1ST 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. 013-164A-GEN

Requirement: Safety grating for the horizontal access doors to the equalization tank and mudwell is added.

Reason: To provide enhanced operator fall safety protection.

Cost: ADD\$3,127

Modification No. 023-164A-GEN

Requirement: Revise Payment Item Payment Item G.4.1 (Steel H-Piles) to as-built quantities.

Reason: Estimated quantities in the bid form exceed as built quantities.

Cost: SUBTRACT.....\$37,125

Contractor RCO No. 02-164A-GEN

Requirement: Flexible couplings were furnished for piping connections to the membrane filtration skids.

Reason: The supply of the flexible couplings was originally within the scope of the membrane filtration system supply contract. The installation (General Construction) contract was based on the flexible couplings being supplied by the membrane filtration system supplier. Subsequently, the membrane filtration system supplier modified their reviewed

F:\Carmel-T.5556\25693.Upgrade-Carmel\4_NOTES\construction\Change Orders\BMJ\CSD#2_BMJ_Change Order_5.doc

CHANGE ORDER NO.5

PAGE 2 of 3

5556/25693

January 13, 2011

shop drawings by adding a note that the flexible couplings supply was by others. The membrane filtration system pre-purchase contract was reduced (credit change order) by \$7,025 to offset this addition to the General Construction Contract.

Cost: ADD\$7,025

(Cont.)

<u>Contractor RCO No. 10-164A-GEN</u>	
Requirement:	Valve boxes were removed and re-installed and the new piping from the membrane filtration building to the sludge thickener was rerouted to avoid interference with the existing gravity thickener overflow line.
Reason:	The elevation of the below grade portion of the existing gravity thickener overflow line conflicted with the grade of the proposed pipes from the membrane filtration building to the sludge thickener. This conflict was not evident from existing as-built drawings. The rerouting also necessitated the removal and re-installment of existing valve boxes.
Cost:	ADD\$4,237
<u>Contractor RCO No. 19-164A-GEN</u>	
Requirement:	Additional expenses incurred by the Contractor as a result of the extended performance testing period.
Reason:	Multiple membrane filtration equipment failures and lack of responsiveness from the membrane filtration system manufacturer.
Cost:	ADD\$108,437
<u>Contractor RCO No. 20-164A-GEN</u>	
Requirement:	Four chemical drums containing MemClean® chemical were removed from the project site.
Reason:	The membrane filtration system for this project was pre-purchased by the Owner. From the time of manufacture to the time of installation, the membrane filtration skids were placed in storage with MemClean® solution within the membrane modules. The disposal this MemClean® solution was not specified in the membrane filtration system pre-purchase contract specifications nor the general construction contract specifications.
Cost:	ADD\$1,279
TOTAL COST OF	
CHANGE ORDER # 5	ADD\$86,980

I:\Carmel-T.5556\25693.Upgrade-Carmel4_NOTES\construction\Change Orders\BMJ\CSD#2_BMJ_Change Order_5.doc

CHANGE ORDER NO.5
PAGE 3 of 3

5556/25693
January 13, 2011

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)

Print: Benjamin Tenori

Title President

Date: _____

(Cont.)

RECOMMENDED BY: O'BRIEN & GERE ENGINEERS, INC.
By: _____ (SIGN)
Print: Lowell Kachalsky
Title: Vice President
Date: _____

AUTHORIZED BY: TOWN OF CARMEL
By: _____ (SIGN)
Print: Kenneth Schmitt
Title: Town Supervisor
Date: _____

E:\Carmel-T.5556\25693.Upgrade-Carmel\4_NOTES\construction\Change Orders\BMJ\CSD#2_BMJ_Change Order_5.doc

POLICE DEPARTMENT - PURCHASE OF POLICE CAR (2011 FORD CROWN VICTORIA) AUTHORIZED - NOT TO EXCEED \$25,000

WHEREAS the Town of Carmel received a grant from the Byrne JAG Equipment Award in the amount of \$25,000, and
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Johnson to proceed to purchase one (1) new 2011 Ford Crown Victoria, at a cost not to exceed \$25,000 under NY State Contract PC64893; and
BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign all necessary documents to lease said vehicles from Warnock Automotive in East Hanover, New Jersey, and
BE IT FURTHER RESOLVED that the Comptroller of the Town of Carmel is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transactions as well as the cost of retro-fitting the leased vehicles set forth herein and de-commissioning any vehicles removed from the existing Carmel Police Department fleet.

Resolution
Offered by: Councilman Ravallo
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>

Councilman Lombardi stated that the entire cost of the vehicle will be borne by the Byrne JAG Equipment Award.

Councilman Ravallo commended the Chief of Police and his managers for their efforts to secure the grant funding.

Citing his dissatisfaction with the failed motion to purchase the highway department trucks, Supervisor Schmitt stated that he would not have voted in favor of the purchase of the vehicle if it was not being obtained with grant funds.

RESOLUTION AUTHORIZING SIGNING OF CHANGE ORDER #1 TO CARMEL SEWER DISTRICT #7 CONSTRUCTION UPGRADE CONTRACT - TABLED

WHEREAS the Town Board has been advised that Change Order #1 to Carmel Sewer District #7 Construction Upgrade Contract 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 #1 to the aforementioned contract, in form as attached hereto and made a part hereof.

MOTION TO TABLE

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

The foregoing Resolution was offered by Councilwoman McDonough and seconded by Councilman Lombardi. Prior to the roll call vote, Mr. Folchetti recommended that the motion be tabled because the Town has not yet received the appropriate back-up documentation with regard to the specific amount of the Change Order.

Councilwoman McDonough then offered a motion to table the Resolution. The motion to table was seconded by Councilman Lombardi. The aforementioned roll call vote resulted.

POLICE DEPARTMENT - PURCHASE OF LIVE STREAMING VIDEO SYSTEM AND VIDEO RECORDING SYSTEM AUTHORIZED - COBAN TECHNOLOGIES - \$139,023.25

WHEREAS, the Town of Carmel has received a federal grant in the amount of \$140,000 for the purpose of installing and utilizing live streaming video recording systems for the Town of Carmel Police vehicles and the Town of Carmel Police communications desk, as well as for video recording systems within the Town of Carmel Police Department; and

WHEREAS, Chief of Police Michael Johnson has formed a special committee consisting of Town of Carmel Police Officers Lt. Michael Cazzari, Sgt. Robert Behan and P.O. Brown to research the purchase and installation of various video systems for Town of Carmel Police vehicles; and

WHEREAS, the specific terms and requirement of the aforesaid grant required that only companies that could supply streaming video to the communications desk within the Town of Carmel Police Department be considered; and

WHEREAS, the above referenced special committee has performed extensive research and investigation into several companies which could comply with the aforesaid grant requirements; and

WHEREAS, the consensus of the above referenced committee was that Coban Technologies, Stafford TX, was the least expensive of the companies researched, provided the best streaming video of said companies and that the computer technology was the most technologically advanced; and

WHEREAS, the above referenced committee has determined and recommended to the Town Board of The Town of Carmel that the purchase and installation of the Coban Technologies System is in the public interest, has no reasonable equivalent, and is in fact available from only one source;

(Cont.)

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel determines that the purchase and installation of the Coban Technologies System is indeed in the public interest, has no reasonable equivalent, and is in fact available from only one source; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Michael Johnson to purchase the Coban Technologies System as hereinbefore described at a purchase price of \$139,023.25; and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign all necessary documents to effectuate such purchase and installation of the aforesaid Coban Technologies System; and

BE IT FURTHER RESOLVED that the MaryAnn Maxwell, Comptroller of the Town of Carmel is hereby authorized to make any and all necessary budget revisions to effect the aforesaid transaction.

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>

PUBLIC COMMENTS

Michael Barile commented that the motion regarding the purchase of Highway Department trucks failed because of the vacant seat on the Town Board. He believed that if a fifth member had been appointed, there would have been four votes in favor.

Mr. Barile went on to address Councilman Ravallo with regard to the Town’s annual budget. He indicated that it lacks funding allocations for the replacement of vehicles and upgrading of equipment. He spoke regarding the poor condition of the fleet of trucks in the Highway Department and the need for new trucks.

Councilman Ravallo held a brief discussion with Mr. Barile regarding his vote on the matter.

Councilman Lombardi stated with regard to the issue of filling the vacancy on the Town Board that it was he who placed the matter on a meeting agenda. He clarified that when the discussion was held, there were two members against filling the vacancy and consequently, he did not give his opinion on the matter.

Councilwoman McDonough noted that a fifth member on the Town Board may not necessarily have made a difference. No one knows how that person would have voted.

Councilman Ravallo agreed with Councilwoman McDonough. Discussion ensued regarding the filling of the vacancy on the Town Board.

Supervisor Schmitt concluded that originally he did not support appointing a fifth member to the Town Board. However, based upon subsequent discussions, he changed his mind. He was in favor of filling the vacancy and agreed with Mr. Barile that if there was a fifth member on the Town Board, the outcome of the vote regarding the Highway Department trucks may have been different.

(Cont.)

Dave Nicholas expressed his support for replacing Highway Department trucks on a schedule, cutting costs elsewhere in the Town's budget so there is no ensuing tax increase.

Mr. Nicholas then spoke out against the Local Law with regard to dumpster enclosures and cited the lack of notification to the community. He asked that provisions within the Local Law be readdressed.

Supervisor Schmitt explained that a Public Hearing held on the Local Law was duly noticed and discussion regarding the matter was held.

TOWN BOARD MEMBER COMMENTS

Councilman Lombardi spoke about the large amount of signs along the Route 6 corridor and the need for business owners to comply with the Town's sign legislation.

Councilwoman McDonough announced that the next meeting of the Zoning Compliance Committee will be held on May 9, 2011. She suggested extending Compliance Week as the Building Inspector and his assistant will be out of the office for two of its scheduled days.

Councilman Ravallo indicated that he did not vote in favor of the purchase of Highway Department trucks and equipment because he did not believe it to be in the best interest of the Town.

Supervisor Schmitt announced that the Lake Mahopac Garden Club will be holding its Annual Spring Plant Sale on May 7, 2011 from 10:00 a.m. to 3:00 p.m. at the Lake Mahopac United Methodist Church.

Supervisor Schmitt expressed appreciation to the employees of Comcast for their recent beautification efforts at the Mahopac Chamber Park.

Supervisor Schmitt announced that the Mahopac School District "Arts in the Park", an art exhibition and concert, will take place on May 14, 2011 from noon to 5:00 p.m. at the Mahopac Chamber Park.

Supervisor Schmitt announced that the Lake Mahopac Rotary Club will be conducting their second annual benefit Duck Race on May 15, 2011 at the Red Mills Historic Park commencing at 10:00 a.m.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 9:27 p.m. to Executive Session for updates on the Police Lieutenants Union Contract and CSEA Union Contract negotiations.

Respectfully submitted,

Ann Garris, Town Clerk