

6 APRIL 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 Deputy Supervisor Robert Ravallo on the 6<sup>th</sup> day of April 2011 at 7:04 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 and Councilwoman McDonough. Supervisor Schmitt was absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to honor those serving in the United States Armed Forces.

**MINUTES OF TOWN BOARD MEETING HELD ON 3/2/11 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on March 2<sup>nd</sup>, 2011 were accepted as submitted by the Town Clerk.

**PUBLIC HEARING SCHEDULED FOR 4/20/11 - PROPOSED LOCAL LAW ENACTING CHAPTER 118, ENTITLED “ON-SITE SANITARY SYSTEMS” OF THE TOWN CODE OF THE TOWN OF CARMEL**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, April 20, 2011 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law enacting Chapter 118, entitled “On-Site Sanitary Systems” of the Town Code of the Town of Carmel; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and instructed to publish and post the necessary notices in the official newspaper 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>	
Kenneth Schmitt	<u>          </u>	<u>          </u>	Absent

TOWN OF CARMEL  
Local Law No.      for 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.

(Cont.)

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.

**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, 2010, 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 of the Putnam County Soil and Water District Office.

**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 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.

(Cont.)

**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.

**DOG LICENSE BROCHURE - ADOPTED**

RESOLVED that the Town Board of the Town of Carmel hereby adopts, effective immediately, the Town of Carmel Dog License Brochure in form and content as attached hereto and made a part hereof.

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>          </u>	<u>          </u> Absent



(Cont.)

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Dog's Name \_\_\_\_\_

Gender \_\_\_\_\_

Breed \_\_\_\_\_

Color \_\_\_\_\_

Dog's Year of birth \_\_\_\_\_



Town of Carmel  
80 McAlpin Avenue  
Mahopac, New York 10641

**Prohibited Activities By Dogs**

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort of any person other than the owner of such dog.

C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner of such property.

D. Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

E. Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

F. Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of such property.

G. If a female dog, when in heat, be off the owner's premises.

**Love Me?**



**License Me!**

**How to License your Dog**

New York State law requires the licensing of every dog over four months old.

To apply for a dog license, residents of the Town of Carmel may mail or bring this form along with the following to the Town Clerk's Office:

- Proof of current rabies vaccination signed by a licensed veterinarian or a certificate stating why the life of the dog would be endangered by the vaccine;

- Spay/Neutering Certificate if applicable; (If the Rabies Certificate indicates that your dog is altered, we will accept that in lieu of the Spay/Neutering Certificate.)

- Appropriate License Fee\*  
Spayed/Neutered \$7.50  
Un-spayed/Un-neutered \$15.50

Checks may be made payable to: Ann Garriss, Town Clerk

\*Upon submission of proper documentation, there shall be no fee charged for the license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog.

If applying by mail, include a self-addressed, stamped envelope. When completed, your license will be mailed to you.

After the application and appropriate certificates are filed and the license fee has been paid, the license will be validated for one year. Each dog is assigned a permanent official identification (ID) number and issued a metal ID tag which is to be attached to the dog's collar. License renewals will be mailed yearly from the office of the Town Clerk.

If you have any questions or need additional information regarding the licensing of your dog, please contact the Town Clerk's office at 845.628.1500.

Send your information to:  
Ann Garriss, Town Clerk  
Town of Carmel  
60 McAlpin Avenue  
Mahopac, NY 10641

**Sycamore Bark Park**

Sycamore Bark Park is located within Sycamore Park at 790 Long Pond Road in Mahopac. The park includes two separate fenced areas for both large and small (under 30 lbs.) dogs. The park is open for members only from 8:00 a.m. to sunset, seven days a week. Dogs must be licensed, and have visible vaccination and ID tags. There is a limit of three dogs per adult handler, and all posted rules must be adhered to. All dog park users must complete a Bark Park Membership Form and submit a resident fee of \$25.00 per year per family with current Town of Carmel ID card. To obtain additional information or to request a membership form, please contact the Town of Carmel Department of Recreation and Parks at 845.628.7888.

**Dog Control Services**

If your dog is lost, contact the Putnam County Humane Society at 845.225.7777. If you find a lost dog, please contact the Carmel Police Department at 845.628.1300.

**SOUND AMPLIFICATION FEE WAIVED - RED MILLS HISTORIC PARK - LAKE MAHOPAC ROTARY CLUB - 5/15/11**

WHEREAS, James R. Gilchrist, Director of Town of Carmel Recreation and Parks Department has recommended the waiver of the sound amplification fee for the Lake Mahopac Rotary Club in connection its annual Duck Race event;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, hereby waives the sound amplification fee in regard to the annual Duck Race event sponsored by the Lake Mahopac Rotary Club scheduled for May 15, 2011.

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>          </u>	<u>          </u> Absent

**BUDGET MODIFICATIONS - #2011-01 & 2011-02 - AUTHORIZED**

WHEREAS the Town Comptroller has reviewed the January 2011 and February 2011 Budget Modifications with the Town Board which are detailed and explained on the attached Budget Revisions Schedule identified as #2011-01 & 2011-02;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the January 2011 and February 2011 Budget Modifications/Revisions itemized on Schedules #2011-01 & 2011-02 which are attached to this resolution, incorporated herein and made a part hereof.

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>          </u>	<u>          </u> Absent

TOWN OF CARMEL  
BUDGET REVISIONS FOR JANUARY/FEBRUARY 2011  
#2011-01,02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<u>GENERAL FUND</u>				
2011-01	100-1010-0040	TOWN BOARD CONTRACTUAL EXPENSE	686.00	
	100-1010-0040	TOWN BOARD CONTRACTUAL EXPENSE	2,744.00	
	100-1010-0046	TOWN BOARD CONSULTING SERVICES	11,000.00	
	100-1010-0046	TOWN BOARD CONSULTING SERVICES	3,200.00	
	100-1110-0020	JUSTICE COURT EQUIPMENT	1,833.00	
	100-3120-0029	POLICE DEPARTMENT SOFTWARE	15,647.00	
	100-5132-0020	HIGHWAY GARAGE - GENERATOR CONNECTION	20,000.00	
	100-1999-9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	55,110.00	
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
2011-02	100-1610-0011	CENTRAL SEVICES STAFF	48,758.00	
	100-1355-0011	ASSESSOR DEPT STAFF	42,911.00	
	100-1355-0011	ASSESSOR DEPT STAFF		48,758.00
	100-3620-0011	BUILDING DEPARTMENT STAFF		42,911.00
		- TRANSFER FOR F/T STAFF RELOCATIONS 2011		
2011-03	100-1355-0013	ASSESSOR TEMP STAFF	2,000.00	
	100-1330-0013	TAX RECEIVER TEMP STAFF		2,000.00
		- TRANSFER FOR TEMP STAFF COST		

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2011-04	100-1440-0046	ENGINEERING CONSULTING SERVICES		16,000.00	
	100-1440-0010	TOWN ENGINEER COMPENSATION			16,000.00
		- TRANSFER FOR APPROVED CONTRACT THRU 4/30/11			
2011-05	100-3120-0028	POLICE EQUIPMENT DONATION		2,500.00	
	100-1989-1522	POLICE SPECIAL REVENUES	*	2,500.00	
		- PROVIDE FOR POLICE EQUIPMENT PURCHASE ERT			
2011-06	100-1330-0045	TAX RECEIVER EQUIPMENT UPGRADE	X	30,000.00	
	100-7020-0013	REC ADMIN TEMP STAFF		12,000.00	
	100-7020-0080	REC ADMIN EMPLOYEE BENEFITS		916.00	
	100-7110-0013	PARK MAINTENANCE TEMP STAFF		19,000.00	
	100-7110-0080	PARK MAINTENANCE EMPLOYEE BENEFITS		1,400.00	
	100-7117-0013	CAMARDA PARK TEMP STAFF		3,000.00	
	100-7110-0011	PARK MAINTENANCE F/T STAFF			48,758.00
	100-7110-0014	PARK MAINTENANCE LONGEVITY			2,800.00
	100-7110-0080	PARK MAINTENANCE EMPLOYEE BENEFITS			12,442.00
	100-7111-0080	EMPLOYEE BENEFITS			2,316.00
		- TRANSFER FOR RECREATION STAFF COST			
2011-07	100-7119-0040	DOG PARK CONTRACTUAL EXPENSE		1,500.00	
	100-1989-2045	DOG PARK MEMBERSHIP FEES	*	1,500.00	
		- PROVIDE FOR DOG PARK EXPENSES			
2011-08	100-7020-0043	BLDG ALARM CONTRACT EXPENSE		240.00	
	100-7020-0042	REC BLDG UTILITY EXPENSE			240.00
		- TRANSFER FOR BLDG ALARM EXPENSE			
2011-09	100-7110-0022	PARK SPECIAL EMERGENCY REPAIRS		11,330.00	
	100-1990-0040	CONTINGENCY ACCOUNT	*		11,330.00
		- TRANSFER FOR EMERGENCY WELL REPAIRS			
2011-10	100-7117-0040	CAMARDA PARK CONTRACTUAL EXPENSE		6,176.00	
	100-1989-2681	INSURANCE RECOVERY - ASSETS	*	6,176.00	
		- PROVIDE FOR PARK PAVILLION DEMOLITION COST			

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TOWN OF CARMEL  
BUDGET REVISIONS FOR JANUARY/FEBRUARY 2011  
#2011-01,02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL FIRE PROTECTION DISTRICT #2</b>				
2011-11	301-3410-0045	EQUIPMENT - DRY HYDRANT	15,000.00	
	301-3410-9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	15,000.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
<b>LAKE CASSE PARK DISTRICT</b>				
2011-12	401-7140-0054	CAPITAL EXPENDITURES	10,000.00	
	401-7140-9909	APPROPRIATED FUND BALANCE ENCUMBRANCES	*	10,000.00
		- RECORD ENCUMBRANCES FORWARD INCREASING BUDGET		
<b>HIGHWAY FUND</b>				
2011-13	500-5142-0012	SNOW CONTROL OVERTIME	37,000.00	
	500-5142-0041	SNOW CONTROL FUEL COST	592.00	
	500-5142-0049	SNOW CONTROL MATERIALS	60,000.00	
	500-5010-9988	FUND BALANCE SNOW RESERVE FUND	*	97,592.00
		- PROVIDE FOR SNOW REMOVAL COST		
<b>CARMEL WATER DISTRICT #4</b>				
	604-8310-9909	APPROPRIATED FUND BALANCE	*	6,000.00
	604-8310-0040	CONTRACTUAL REPAIRS		2,000.00
	604-8310-0048	OTHER OPERATING EXPENDITURES		1,800.00
	604-8310-0099	REPAIR RESERVE FUND		2,200.00
		- REVISE BUDGET FOR FUND DEFICIT		
<b>CARMEL WATER DISTRICT #8</b>				
2011-14	608-8310-0048	OTHER EXPENDITURES	1,420.00	
	608-8310-0040	CONTRACTUAL EXPENDITURES		1,420.00
		- TRANSFER FOR OUT-OF-DISTRICT REFUND		



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<b>CARMEL WATER DISTRICT #12</b>				
	612-8310-9909 612-8310-2140	APPROPRIATED FUND BALANCE METERED WATER RENTS - REVISE BUDGET FOR FUND DEFICIT	*	1,864.00 1,864.00
<b>CARMEL WATER DISTRICT #2 EXTENSION</b>				
	622-8310-9909 622-9902-0000	APPROPRIATED FUND BALANCE TRANSFER TO CWD #2 DEBT FUND - REVISE BUDGET FOR FUND DEFICIT	*	6,500.00 6,500.00
<b>CARMEL SEWER DISTRICT #4</b>				
2011-15	704-8130-0044	ENGINEERING SERVICES		6,550.00
	704-8130-9909	APPROPRIATED FUND BALANCE ENCUMBRANCES - RECORD ENCUMBRANCES FORWARD INCREASING BUDGET	*	6,550.00
<b>CARMEL LIGHTING DISTRICT</b>				
	752-5182-9909 752-5182-0042	APPROPRIATED FUND BALANCE CONTRACTUAL UTILITIES - REVISE BUDGET FOR FUND DEFICIT	*	986.00 986.00

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TOWN OF CARMEL  
BUDGET REVISIONS FOR JANUARY/FEBRUARY 2011  
#2011-01,02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>COUNTRY HILLS LIGHTING DISTRICT</b>				
	754-5182-9909 754-5182-0042	APPROPRIATED FUND BALANCE CONTRACTUAL UTILITIES - REVISE BUDGET FOR FUND DEFICIT	*	150.00 150.00
<b>LAKE MCGREGOR LIGHTING DISTRICT</b>				
	755-5182-9909 755-5182-0042	APPROPRIATED FUND BALANCE CONTRACTUAL UTILITIES - REVISE BUDGET FOR FUND DEFICIT	*	137.00 137.00
<b>CARMEL WATER DISTRICT #2 DEBT FUND</b>				
	862-8310-5030 862-8310-9909	INTERFUND TRANSFER TO 622 FUND APPROPRIATED FUND BALANCE - REVISE BUDGET FOR FUND DEFICIT	* *	6,500.00 6,500.00
<b>STORMWATER MS4 CAPITAL FUND</b>				
2011-16	902-1989-0011	PERSONAL SERVICES		28,000.00
	902-1989-0020	EQUIPMENT		1,468.60
	902-1989-0040	CONTRACTUAL EXPENSES		2,000.00
	902-1989-0044	PROJECT ENGINEERING		23,000.00
	902-1989-0045	CONTRACTED CONSTRUCTION		385,000.00
	902-1989-0048	OTHER PROJECT EXPENSES		13,000.00
	902-1989-3000	STATE AID	*	220,968.60
	902-1989-5710	PROCEEDS OF BONDS	*	231,500.00
		- CARRY FORWARD PROJECT BALANCE		
<b>HAMLET BEAUTIFICATION IMPROVEMENTS CAPITAL FUND</b>				
2011-17	909-1989-0040	CONTRACTUAL EXPENDITURES		89,812.08
	909-1989-0045	IMPROVEMENT CONTRACTS		200,000.00
	909-1989-3901	STATE AID	*	100,000.00
	909-1989-5031	INTERFUND TRANSFER - GNF	*	100,000.00
	909-1989-9909	PROJECT BALANCE	*	89,812.08
		- CARRY FORWARD PROJECT BALANCE		
<b>AIRPORT PARK CAPITAL FUND</b>				
2011-18	910-7140-0044	PROJECT ENGINEERING		29,748.00
	910-7140-9909	PROJECT BALANCE	*	29,748.00
		- CARRY FORWARD PROJECT BALANCE		

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(Cont.)

<b>CAMARDA PARK CAPITAL FUND</b>				
2011-19	911-7140-0020	EQUIPMENT/CAPITAL OUTLAY		5,000.00
	911-7140-0049	GENERAL GOVERNMENT SERVICES		1,763.97
	911-7140-9909	PROJECT BALANCE	*	6,763.97
		- CARRY FORWARD PROJECT BALANCE		
<b>TOWN HALL - BULIDING IMPROVEMENTS CAPITAL FUND</b>				
2011-20	930-1989-0040	CONTRACTUAL EXPENDITURES		100,000.00
	930-1989-3901	STATE AID NY POWER AUTHORITY	*	100,000.00
		- CARRY FORWARD PROJECT BALANCE		

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TOWN OF CARMEL  
BUDGET REVISIONS FOR JANUARY/FEBRUARY 2011  
#2011-01,02

BUDGET REVISION NUMBER	ACCOUNT	ACCOUNT TITLE & TRANSFER DESCRIPTION	INCREASE USES & SOURCES OF FUNDS	DECREASE USES & SOURCES OF FUNDS
<b>CARMEL WATER DISTRICT #8 CAPITAL FUND</b>				
2011-21	968-8310-0044	PROJECT ENGINEERING		100,000.00
	968-8310-5710	PROCEEDS OF BORROWING	*	100,000.00
		- RECORD 2011 AUTHORIZATION		
<b>CARMEL SEWER DISTRICT #2, EFC UPGRADE PROJECT</b>				
2011-22	972-8130-0040	GENERAL EXPENDITURES		50,000.42
	972-8130-0044	PROJECT ENGINEER		29,308.14
	972-8130-0045	CONTRACTUAL EXPENDITURES		37,125.00
	972-8130-0048	OTHER EXPENSES		8,392.50
	972-8130-0049	GENERAL GOVERNMENT SERVICES		17,817.43
	972-8130-3990	STATE EFC SEWER AID	*	142,641.49
		- CARRY FORWARD PROJECT BALANCE		
<b>CARMEL SEWER DISTRICT #4, EFC UPGRADE PROJECT</b>				
2011-23	974-8130-0120	PROJECT EQUIPMENT		33,990.00
	974-8130-0140	GENERAL EXPENDITURES		71,164.90
	974-8130-0144	PROJECT ENGINEERING		12,524.69
	974-8130-0145	PROJECT CONTRACT		31,091.00
	974-8130-0148	OTHER EXPENDITURES		8,305.00
	974-8130-0149	GENERAL GOVERNMENT SERVICES		17,888.78
	974-8130-3990	STATE EFC SEWER AID	*	174,964.37
		- CARRY FORWARD PROJECT BALANCE		
<b>CARMEL SEWER DISTRICT #7, EFC UPGRADE PROJECT</b>				
2011-24	977-8130-0040	GENERAL EXPENSE		158,170.91
	977-8130-0044	PROJECT ENGINEERING		159,909.03
	977-8130-0045	CONTRACTS EXPENDITURES		2,253,922.00
	977-8130-0048	OTHER EXPENSES		9,022.50
	977-8130-0049	GENERAL GOVERNMENT SERVICES		20,972.00
	977-8130-3990	STATE EFC SEWER AID	*	2,601,995.44
		- CARRY FORWARD PROJECT BALANCE		
<b>CARMEL WATER DISTRICT #14, CAPITAL FUND</b>				
2011-25	984-8310-0040	CONTRACTUAL EXPENDITURE		70,000.00
	984-8310-0048	OTHER EXPENSES		5,148.89
	984-8310-0049	GENERAL GOVERNMENT SERVICES		3,000.00
	984-8310-9909	PROJECT BALANCE	*	78,148.89
		- CARRY FORWARD PROJECT BALANCE		

BudgetRevisions2011-JAN-FEB.xls

4

Councilman Ravallo explained that the aforementioned budget modifications were reviewed by the Town Board in detail at the previous Work Session.



6 APRIL 2011  
TOWN BOARD MEETING

**ADVERTISING FOR BIDS FOR BUS TRANSPORTATION FOR THE RECREATION AND PARKS 2011 SUMMER CAMP PROGRAM - AUTHORIZED**

RESOLVED that, pursuant to the request of the Director of Recreation and Parks, the Town Clerk of the Town of Carmel is hereby authorized to advertise for bids for bus transportation for the Town of Carmel Recreation and Parks 2011 Summer Camp Program; and

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

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>          </u>	<u>          </u>	Absent

**ENTRY INTO CONTRACT AUTHORIZED - PUTNAM COUNTY DEPARTMENT OF REAL PROPERTY TAX SERVICES FOR PREPARATION OF THE 2011 TENTATIVE ASSESSMENT ROLL**

WHEREAS appropriations have been made in the 2011 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 the Town Supervisor 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 2011 in form as attached hereto and made a part hereof.

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>          </u>	<u>          </u>	Absent

**PUTNAM COUNTY REAL PROPERTY TAX SERVICE CONTRACT**

AGREEMENT MADE THIS 4<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 2011 AND HAVE IT AVAILABLE ON THE COUNTY WEBSITE TO COMPLY WITH THE PROPOSED RPTL 1591

(Cont.)

- 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 18<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 12<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)
- 2) FINAL ASSESSMENT ROLL (3 COPIES)
- 3) TAX ROLL (2 COPIES)
- 4) EXTENDING ROLLS AND BILLS (COMPUTER TIME)
- 5) HARD & SOFT BINDERS FOR ROLLS
- 6) BANK CODE LISTINGS
- 7) APPORTIONMENT OF SPECIAL FRANCHISE
- 8) 1 SET OF TAX BILLS IN ENVELOPES
- 9) RPS 145D1, 155D1 & 160d1 tax extracts
- 10) REDI DATA TAX MAP BOOK FOR THE INDIVIDUAL TOWN
- 11) DATA ENTRY FOR PRO-RATAS
- 12) 1 SET OF CROSS REFERENCES (ALPHABETIC & NUMERIC)
- 13) 1 SET TAX MAPS 24" x 36"

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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.

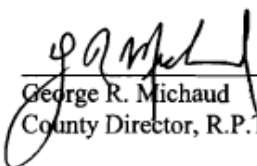
IF ANY ADDITIONAL SPECIAL DISTRICT ROLLS ARE REQUIRED THE TOWN WILL BE CHARGED A FEE OF 0.01 PER PARCEL.

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:

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

(Cont.)

READ AND APPROVED BY:

_____ DATE: _____		DATE: 3/7/11
Paul Eldridge County Executive	George R. Michaud County Director, R.P.T.S.A.	
_____ DATE: _____	_____ DATE: _____	
William J. Carlin Commissioner of Finance	Jennifer S. Bumgarner County Attorney	
_____ DATE: _____	_____ DATE: _____	
Richard B. Honeck Risk Manager	Kenneth Schmitt Town Supervisor	

**CARMEL WATER DISTRICT #8 - PROPOSAL ACCEPTED FOR DESIGN ENGINEERING SERVICES - MASER CONSULTING, PA - \$89,120**

WHEREAS the Town Board of the Town of Carmel has previously authorized, Robert Vara, Engineering Projects Coordinator, to request proposals for design engineering services for the Carmel Water District #8 distribution system capital upgrade project; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes entry into a contract for the design engineering services for the Carmel Water District #8 distribution system capital upgrade project with Maser Consulting, PA at a contract price of \$89,120; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form as approved by the Town Counsel, the Town Supervisor is authorized to sign said Agreement.

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>          </u>	<u>          </u> Absent

Councilwoman McDonough read a brief prepared statement from Supervisor Schmitt expressing his support of the project.

**RESOLUTION AMENDED (12/15/10) - SETTLEMENT OF LITIGATION AUTHORIZED - "BWP DISTRIBUTORS, INC., VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL, AND THE TOWN OF CARMEL, NEW YORK, IN REGARD TO THE ASSESSMENT OF TAX MAP #86.7-1-38**

WHEREAS, there is currently pending in the Supreme Court, County of Putnam, State of New York under Index Nos. 1982/2009 and 2180/2010, lawsuits entitled "BWP Distributors, Inc., vs. Assessor of the Town of Carmel, New York, The Board of Assessment Review of the Town of Carmel, and the Town of Carmel, New York, in regard to the assessment of Tax Map #86.7-1-38 on the 2009 and 2010 assessment rolls; and



(Cont.)

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel is hereby authorized to sign, on behalf of the Town of Carmel, said stipulation of settlement.

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>          </u>	<u>          </u>	Absent

**RESOLUTION AMENDED (12/15/10) - SETTLEMENT OF LITIGATION AUTHORIZED - "BBJ ASSOCIATES, LLC , VS. ASSESSOR OF THE TOWN OF CARMEL, NEW YORK, THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CARMEL, AND THE TOWN OF CARMEL, NEW YORK, IN REGARD TO THE ASSESSMENT OF TAX MAP #44.10-1-4**

WHEREAS, there is currently pending in the Supreme Court, County of Westchester, State of New York under Index Nos. 11122/2003, 10793/2004, 11130/2005 and 13433/2006, lawsuits entitled "BBJ Associates, LLC , vs. Assessor of the Town of Carmel, New York, The Board of Assessment Review of the Town of Carmel, and the Town of Carmel, New York, in regard to the assessment of Tax Map #44.10-1-4 on the 2002, 2003, 2004 and 2005 assessment rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Richard Blancato, Special Counsel and Paul Jonke, Town Assessor, who have recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation as detailed in the stipulation of settlement; and

BE IT FURTHER RESOLVED that Richard Blancato, Special Counsel is hereby authorized to sign, on behalf of the Town of Carmel, said stipulation of settlement.

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>          </u>	<u>          </u>	Absent

**PUBLIC COMMENTS**

Peter Creegan verified that the Public Hearing scheduled for April 20<sup>th</sup> related to the MS4 program mandates discussed at the previous Work Session.

Councilman Ravallo pointed out that the proposed Local Law involves compliance with federal and state, non-monetary provisions.

(Cont.)

Councilman Lombardi added that the purpose of the proposed Local Law is to implement septic system inspections.

David Gagliardi inquired why the resolutions with regard to the litigation settlements did not contain the names of the corporations owning the properties. He also inquired about the locations of the properties.

Councilman Lombardi stated that the names of the property owners were provided in the resolutions, BWP Distributors, Inc. and BBJ Associates, LLC.

Gregory Folchetti, Legal Counsel explained that the litigation settlements were originally authorized in December. However, the tax map number was incorrect on the resolution with regard to the BWP Distributors, Inc. The years needed to be modified with regard to BBJ Associates, LLC. He stated the BBJ Associates, LLC property location to be the Shoprite Plaza. Unsure of the location of BWP Distributors, Inc., he stated that he would provide it to Mr. Gagliardi at a later date.

Ken Levy appealed to the Town Board for assistance with regard to damage that his vehicle sustained due to a pothole in the parking lot of the Post Office in Carmel. He stated that he reported the pothole and registered a complaint to the supervisor of the Post Office. To date, no action has been taken.

Councilman Ravallo explained that the Town Board has no authority over private property or property owned by the federal government.

Councilman Lombardi suggested that Mr. Levy provide the office of the Town Supervisor with further details and a letter may be sent out from the Town with regard to the dangerous situation. Discussion was held regarding the matter.

### **ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with the Town Board members present in agreement, the meeting was adjourned at 7:29 p.m. to a Special Work Session to discuss the operation, repair and maintenance of Carmel Water District #9.

Respectfully submitted,

Ann Garris, Town Clerk