

5 OCTOBER 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 5th day of October 2011 at 7:09 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.

LEGISLATIVE UPDATES - SENATOR GREG BALL

Senator Greg Ball provided updates and responded to questions with regard to the New York State budget, the recently enacted 2% property tax cap, unfunded mandate relief, veterans’ issues, the possibility of eliminating the MTA payroll tax, and along with former mayor of White Plains Joseph Delfino, economic development.

**NEW YORK STATE SENATE VETERANS HALL OF FAME - JOSEF TSCHINKEL
NOMINATED**

WHEREAS, the Town Board of the Town of Carmel wishes to recognize the service during World War II of Corporal Josef Tschinkel, 357th Regiment, Company L, United States Army; and

WHEREAS, the Town Board further wishes to recognize Mr. Tschinkel and his receiving of awards for meritorious service in the United States Army during World War II, including the World War II Victory Medal, The Good Conduct Medal, and the European-African Middle Eastern Campaign Medal;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby nominates Josef Tschinkel for the New York State Senate Veterans Hall of Fame.

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>

Supervisor Schmitt explained that Mr. Tschinkel is the first nominee from the Town of Carmel and his induction ceremony will be held on November 10, 2011 at the Putnam County Bureau of Emergency Management.

POLICE DEPARTMENT - COMMENDATIONS AND AWARDS

The Town Board along with Senator Ball read the following narratives and acknowledged the officers and dispatchers for their outstanding service to the Town of Carmel.

“On 6/29/09 at approximately 11:30 PM Officer Kevin Murphy and Sgt. John Dearman responded to a report of a dispute at a residence on Bonniello Drive. After a brief investigation it was determined that one of the individuals had harassed the other and he was taken into custody. While at the residence the officers noticed a large cache of fireworks. The residence was secured and officers obtained a search warrant. The search warrant was executed and approximately \$6,000 worth of fireworks was confiscated as well as controlled substances (oxycodone and hydrocodone) as well as marijuana. As a result the individual was also charged with Unlawfully Dealing with Fireworks, three counts of Criminal Possession of a Controlled Substance 7th Degree, and Unlawful Possession of Marijuana. The Westchester Bomb Squad responded to the scene and safely removed the fireworks. The officers involved

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in this arrest and investigation are awarded commendations for Excellent Police Work. They are Officer Murphy, Detective Bagnarol, and Sgt. Dearman.

On 7/1/09 at approximately 5:15 PM Lt. Brian Karst who was off duty at the time observed what appeared to be a physical altercation at a gas station located at Rt.52 and Fowler Avenue. Lt. Karst was able to separate several individuals as Office Douglas Romeo arrived at the scene to assist him. Apparently one individual was involved in a verbal dispute with several other individuals inside the store. This individual went to his pick-up truck and retrieved a claw hammer and wooden stake and attempted to assault the other individuals, before and during the officer's intervention. He was subsequently arrested and charged with Criminal Possession of a Weapon 4th; Attempted Assault 2nd Degree; Reckless Endangerment as well as Menacing 2nd Degree. The quick and efficient response by Lt. Karst and Officer Romeo prevented serious physical injury or death to the participants involved. Both officers are awarded commendations for Meritorious Police Duty.

On 9/23/09 at approximately 6:25 PM Officer Stephen McCabe responded to a report of a residential fire alarm on Ann Road. Upon his arrival he observed smoke pouring out of the residence. He made his way to the kitchen and utilized a fire extinguisher to put out the fire that was caused by the stove. Officer McCabe's quick actions resulted in preventing extensive damage being incurred to the residence. Officer McCabe is awarded the commendation for Excellent Police Duty.

On 9/30/09 Officer Michael Sheil responded to call of a residence on Dahlia Drive that had possibly been recently burglarized. Officer Sheil discovered that a rear basement window had been forced open and observed by the officer in the interior of the residence were muddy sneaker prints leading upstairs. Officer Sheil had the occupants exit the house and secured the scene. Officer Thomas Raffaele and his K-9 "Cache" responded to the scene and began a half mile track of the suspect which led the officers to a residence on Teakettle Spout Road. The track and grass indentations around the house indicated that someone had recently exited the woods from the area of the burglarized residence. The residence was surrounded and investigation revealed that a male occupant was found inside with sneakers that were muddy and matched the prints at the scene. The male suspect admitted to breaking into the residence and was placed under arrest. Officers Michael Sheil and Thomas Raffaele are awarded commendations for Excellent Police Duty.

On January 16, 2010 at approximately 10 PM Carmel Police received a call for a suicidal EDP that had just left a residence on Everett Rd armed with three handguns. Sgt. Craig D'Andrea and Officers James Evans and Kevin Murphy immediately responded to the residence. Officers Michael Sheil and Thomas Raffaele responded to the area and immediately began canvassing for the male subject and his vehicle. While investigating at the residence it was learned that the subject's wife believed him to be suicidal and that he left the residence after an argument, taking 2 handguns with him. Search of the residence confirmed that 2 handguns were missing from the subject's gun safe. The male's cell phone information was obtained and the process of "pinging" his phone was begun. During investigation the male subject called the residence several times. The subject's wife tried multiple times to convince him to return home or say where he was and he became angrier and refused. Subject's wife then told officers that her husband indicated that he wanted to commit "suicide by cop" several times during the conversations. A radio alert was immediately transmitted to the surrounding agencies. Attempts to "ping" the subject's cell phone failed, however it was learned that his vehicle was equipped with "On-Star". On-Star was contacted, and began to track the subject's vehicle on Interstate 84. Surrounding police agencies were notified and numerous police agencies became involved. Officer Evans is awarded a commendation for Life Saving and Officers Johanson, Fisher, Murphy, Raffaele and Sheil are awarded commendations for Meritorious Police Duty. Dispatcher Lewandowski who coordinated the search for the suspect with telecommunications companies and other police agencies is awarded a Letter of Commendation.

On 3/16/10 at approximately 12:20 PM Carmel Police received a report of a bank robbery involving a suspect armed with a gun at the TD North Bank on Rt. 6N. Numerous police agencies responded to the scene to assist Carmel Police because of the recent string of bank robberies that had recently occurred throughout Westchester County. Members of the Carmel Police Department with assistance of the Putnam County Sheriff's Department secured physical evidence at the scene as well as video images of the suspect, which would ultimately tie one of the suspects to the robbery. Canvassing by Carmel Police personnel revealed that two possible suspects were videotaped prior to the robbery at another store in Mahopac, and as a result, additional DNA and photos of the "get away" driver were secured. A task force of

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multiple police agencies were convened and utilizing the evidence gathered by the Carmel Police and other leads that were followed up by the task force it resulted in identifying both suspects and arresting same. One of the suspects confessed to the robbery, but the second suspect decided to go to trial. It was determined that the evidence and videotapes secured through the investigation by Carmel Police Detectives that the suspect would be tried by the U.S. Attorney's Office for the Carmel robbery. Lt. Brian Karst, Det. Sgt. John Harney and Detective Joseph LoPiccolo are awarded commendations for Meritorious Police Duty.

On 6/19/10 at approximately 9:20 PM Sgt. Craig D'Andrea responded to a report of a serious personal injury car accident that occurred on East Lake Blvd. He discovered that the male driver had been ejected from the vehicle and was seriously injured. Sgt. D'Andrea initiated immediate medical treatment and stabilized the driver taking several lifesaving steps. The patient was further rendered additional care by paramedics and ambulance personnel, who insured he was subsequently airlifted to Westchester Medical Center. The initial care that was rendered by Sgt. D'Andrea mitigated the victim's serious injuries and may have prevented his death or permanent disability. Sgt. D'Andrea is awarded a department commendation for Life Saving.

On 6/22/10 at 12:44 AM Carmel Police received a call from a resident on Scout Hill Road. He advised Dispatcher Robert Lewandowski that someone had shot at his residence and that he was presently armed and would shot anyone who came near his house. Further conversations with the resident revealed that he had been taking drugs and had consumed a large amount of alcoholic beverages and may be hallucinating. Dispatcher Lewandowski kept the caller on the line as Sgt. John Dearman and Officers Stephen McCabe and Louis Lopreato responded to the residence. Dispatcher Lewandowski calmed the resident and advised him that the officers had arrived at his residence and to exit the house without his weapon. The resident disregarded the dispatcher's directions and exited the residence armed with a loaded 22 caliber rifle. He was ordered to put the weapon down and after several tense minutes the resident complied with the request. After interviewing the family members who had earlier fled the residence and examining the exterior of the residence which had no bullet holes, the caller was transported to Putnam Hospital Center for a mental evaluation. The dispatcher and officers' involved displayed professionalism and restraint which resulted in the handling of an apparently mentally disturbed individual armed with a deadly weapon. Sgt. Dearman and Officers McCabe and Lopreato are awarded the commendation of Meritorious Police Duty and Dispatcher Lewandowski is awarded a letter of commendation.

On 10/01/10 Officers Stephen Kunze, Laura Smith and Jeffrey Eagan responded to a report of a structure fire on Olympus Drive. The officers were the first on the scene with Mahopac Assistant Fire Chief Brian Lena. They discovered that the occupants of the residence were trapped by the fire in a bedroom in the house and there was no egress or ingress due to the location of the fire. Officer Kunze located a wooden house ladder and acting as a team positioned the ladder into the bedroom window so that the occupants could escape. Officer Eagan and Asst. Fire Chief Brian Lena climbed the ladder and entered the burning residence to assist the couple down the ladder. At this time members of the Mahopac Fire Department arrived on the scene and a sturdier aluminum ladder was put in place to help the occupants escape. The quick actions by the responding officers and members of the Mahopac Fire Department resulted in the saving of two lives. Officer Egan is awarded the commendation for Exceptional Merit and Officers Smith and Kunze are awarded commendations for Excellent Police Duty.

On 11/13/10 Officers James Terrazas and Brian Shay (members of the Special Conditions Unit) observed what they believed to be a possible drug transaction occurring between occupants of two vehicles while parked in the Hamlet of Carmel. They coordinated with marked patrol units and subsequently conducted traffic stops on both vehicles involved. Investigation revealed that what had occurred was a transaction in which two loaded hand guns—a 357 Magnum and a 9MM handgun had just been sold. It was also ascertained that one of the occupants also had a felony warrant issued by the Commonwealth of Puerto Rico. Upon interviewing the suspects, the officers' obtained statements from the suspects confessing to the illegal gun sales. Officers Terrazas and Shay are awarded the commendation for Exceptional Merit.

On 12/24/10 Carmel Police participated in joint homicide investigation with the Putnam County Sheriffs Department in which a 19 year old female was fatally stabbed to death in her residence on Agor Lane. Detectives conducted themselves professionally in all aspects of the investigation and the suspect, who was her husband was immediately identified. Det. Sgt. John Harney played a major role in securing a confession from the defendant. The defendant pleaded guilty without a trial and was sentenced to 22 years to life prison term. All the officers

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involved are awarded a commendation for Excellent Police Duty. The officers receiving awards are Lt. Karst, Det. Sgt. Harney, Detectives Bagnarol and LoPiccolo.

On 1/30/11 at approximate 10:30 PM Carmel Police were notified of a home invasion robbery that occurred at a private residence on Kennard Road. A male suspect entered the residence wielding a handgun and attempted to rob one of the residents and physically assaulted him. The officers swiftly arrived on the scene, established a suspect, obtained witness statements, and located the suspect at a third party residence on the other side of town, and placed him under arrest. Detective Joseph LoPiccolo conducted a comprehensive follow up investigation, which solidified the case and established a nexus between this crime and a burglary in Peekskill, New York. The collective efforts of all of the officers that responded contributed to the swift and certain resolution of this serious case and a solid case for prosecution. All the officers involved in the investigation and arrest are awarded commendations for Excellent Police Duty. Officers receiving awards are Sgt. Michael Nagle, Sgt. Robert Behan, Detective LoPiccolo, Officers Smith, Eagan and Romeo.

Members of the Special Conditions Unit, Officers James Terrazas and Brian Shay conducted an investigation after developing an informant regarding an individual cultivating a sophisticated marijuana farm in his residence located on Union Valley Road in which he sold some of his crop to local dealers. A search warrant was secured and Carmel Police and the Putnam County Emergency Response Team executed the warrant simultaneously on two buildings on the property on 2/4/11. Confiscated were four pounds of marijuana, a cache of sophisticated cultivation equipment, assorted drug paraphernalia, a 12 gauge shotgun, and \$1,000 in cash. The suspect, who was not at home, was subsequently arrested and charged with Criminal Possession of Marijuana 2nd Degree, Criminal Sale of Marijuana 4th Degree and Unlicensed Growing of Cannabis. As a result of this arrest, it exemplified the ability of these officers to investigate and cultivate informants. Officers Terrazas and Shay are awarded commendations in the form of Excellent Police Duty.

On 3/11/11 and 3/23/11 the Town of Carmel experienced two separate night time robberies of gas stations. The first robbery involved a masked male who wielded an axe and stole money from the clerk at the gas station located at Fair Street and Rt. 52. The second robbery involved a ski masked male who actually used a knife and stabbed the gas station attendant several times before fleeing the gas station located at Rt. 6 and Stoneleigh Avenue. Physical evidence collected at the scene including DNA and videotapes of both crimes by Carmel Police and the Putnam County Sheriff's Crime Scene Unit and a subsequent search warrant that was executed at a possible suspect's residence resulted in obtaining sufficient evidence to substantiate a solid case to pursue prosecution of the suspect. Both Detectives Michael Russo and Robert Bagnarol are awarded commendations for Excellent Police Duty.

On 5/29/11 at approximately 10 PM Putnam 911 dispatched a call of an infant being transported in a private vehicle to Putnam Hospital Center. The infant apparently had a blocked airway and was not breathing. Officer Laura Smith who was on patrol intercepted the vehicle on Stoneleigh Avenue. Officer Smith, who is a licensed Emergency Medical Technician, was able to clear the infant's airway and the infant began breathing again. She provided medical attention until the paramedic and ambulance arrived to transport the infant for further medical attention. Officer Smith is awarded a department commendation for life saving.

On 06/03/11 at 7:27 PM officers assigned to the 4-12 tour responded to a reported suicidal and possibly armed male EDP. The suspect has a long history of mental illness, violence towards family members as well as police officers, and his location was initially unknown. Responding officers began developing a plan to approach the residence and were gathering intelligence from the complainant upon arrival at a staging area near the suspect's residence. While gathering this information Headquarters received a call from the suspect's wife stating he was suicidal and had fled the residence on foot on Cherry Hill Rd towards Stebbins Rd. Officers were already in the area and immediately began canvassing for the suspect. Officers Michael Bodo and Michael Sheil observed and pursued the suspect on foot through the woods, onto West Shore Dr. and into the woods again towards the Croton Falls Reservoir. During the pursuit both officers relayed vital location and direction of travel information to units responding to assist. P.O. McCabe, hearing the radio transmissions of the foot chase, was able to intercept the suspect eventually physically subduing him only a few feet from the water. The suspect continued to exclaim he wanted to kill himself and had to be forcibly transported to the hospital. Responding officers exhibited team work and a complete disregard for their own safety successfully stopping him from harming himself or anyone else. Officers Sheil, Bodo and McCabe are awarded commendations for Excellent Police Duty. The other officers are awarded Letters of Commendation—Raffaele, Kunze, Smith, Shay and Terrazas.

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After a six month long investigation Officers James Terrazas and Brian Shay (members of the Special Conditions Unit) investigated a report of a large amount of drugs being sold from an apartment located on East Lake Blvd. After obtaining and recording three separate transactions of drug buys from the suspect, the suspect was arrested on 7/29/11. He was allegedly selling large quantities of marijuana and hallucinogenic drugs (mushrooms) from his residence. The subsequent arrest and search of the suspect's residence revealed a large quantity of marijuana, psilocybin mushrooms, and the seizure of \$18,000 in cash. The investigation and arrest of this individual by the Special Conditions Unit resulted in the apprehension of this drug dealer, and the officers are awarded commendations for Excellent Police Duty.

On 8/2/11 Carmel Police were notified by the United States Marshalls Service and Ramsey, New Jersey police that they had a warrant of arrest for a male suspect who was wanted for an assault and continued to make threats to kill his wife. The suspect was believed to be armed with a handgun and considered by authorities to be very dangerous. Information was received that the suspect had frequented a service station on Rt. 6 in Mahopac. Officer Thomas Johanson on routine patrol on 8/9/11 observed the suspect at the service station. The suspect attempted to flee the area and attempted to hide behind parked vehicles. Officer Johanson confronted the suspect and took him into custody. The officer's due diligence, perseverance to duty, and powers of observation resulted in the arrest of a fugitive from justice. Officer Johanson is awarded the commendation for Excellent Police Duty.

On 8/4/11 at approximately 3:10 PM Carmel Police received a report of a larceny occurring at the Meadowland car dealership located on Rt. 6. A description of the suspect and his vehicle were broadcast to all units and the vehicle fled west on Rt. 6. Lt. Karst conducted a traffic stop of the suspect vehicle on Rt. 6 near Lake Plaza, whereupon the suspect vehicle fled back into traffic when Lt. Karst exited his vehicle. A brief car chase commenced, before the suspect lost control of his vehicle and struck a telephone pole at Rt.6 and Mount Hope Road and fled on foot into the area of the bike path. He was ultimately located in the rear of a residence on Mount Hope Road. The suspect had just recently been released from state prison and the vehicle he was driving was stolen out of New York City. Lt. Karst, Officers Kunze and Smith are awarded commendations for Meritorious Police Duty and Sgts. D'Andrea and Nagle are awarded commendations for Excellent Police Duty.

After conducting a three month long investigation Officers James Terrazas and Brain Shay (members of the Special Conditions Unit) arrested a 20 year old male suspect on 8/4/11 who sold and distributed large quantities of marijuana and hallucinogenic drugs in the Town of Camel. During the course of the investigation, the suspect sold over nine pounds of marijuana and a hallucinogenic drug known as Psilocybin Mushrooms. The suspect is charged with two class A-2 felonies; one class C felony; 5 counts of class D felonies, and one class A misdemeanor. The investigation and arrest of this individual by the Special Conditions Unit resulted in the apprehension of an established drug dealer. The officers are awarded commendations for Excellent Police Duty.

On 8/8/11 at approximately 4:55 PM Officer Kevin Murphy responded to a report of a serious assault in progress involving a knife attack at a group home on Balla Road. Upon Officer Murphy's arrival at the scene: he took control of the scene by directing the medical care of the victim; securing the suspect and the weapon used; and obtaining critical information from the victim as well as an eyewitness to the crime. He subsequently conducted an investigation that yielded a written confession from the suspect, written statements by a witness, as well as the securing of strong corroborating evidence. The complete and comprehensive investigation resulted in a solid case being presented to the Putnam County District Attorney's Office for prosecution. Officer Murphy is awarded a commendation for Excellent Police Duty.

On Tuesday September 6, 2011 officers responded to a report of a male subject out of control at residence on Willow Road in Lake Secor. Upon arrival officers interviewed the mother outside the residence. The mother stated that her son had asked to borrow the car and when she told him no, he placed a kitchen knife against his own neck and threatened to kill himself. The mother stated she then fled the residence and went to a neighbor's house to call for help, and she was unsure if her son was still home and possessed the knife. At this time Officers Eagan, Brown and Sgt. D'Andrea entered the residence to search for the suspect. Upon entering a bedroom on the second floor P.O. Eagan opened a closet door, finding the suspect crouching inside the closet with a knife. The suspect rose to his feet and raised the knife. P.O. Eagan slammed the door, and retreated to the hall way outside the bedroom. The suspect then closed the bedroom door and stated he would attack anyone who entered the room. A dialogue was started with the suspect while officers covered the closed bedroom door. The suspect

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repeatedly stated he would not come out and that he would stab any officer who tried to enter the bedroom until someone killed him. During this conversation, the decision was made for the officers to retreat downstairs to provide a better and safer tactical position. ERT and Crisis Negotiators were requested, while officers continued to converse with the suspect outside through an open second floor window. After approximately one and a half hours of talking with several officers, the suspect was convinced to surrender peacefully, and be transported to PHC for mental health evaluation. Officer Eagan is awarded the commendation for Meritorious Service and Officer Brown and Sgt. D'Andrea are awarded the commendation for Excellent Police Duty.

The Detectives and Police Officers listed did conduct an investigation and covert sting operation that netted one of the largest marijuana seizures and subsequent arrests in Putnam County history. The Officers involved became aware of a large shipment of marijuana being slated to be delivered to a package store in Mahopac on 09/16/11. The shipment arrived at its pre-determined destination under the watchful eye of the aforementioned Officers, who were conducting close surveillance. A suspect arrived, picked up the packages, exited the store and drove westbound on Rt. 6. A dragnet of Officers, who were strategically pre-positioned, conducted a felony stop and took the suspect into custody without incident. As a result of the arrest the Officers seized over sixty pounds of marijuana with an approximate street value of \$240,000. The planning, implementation and attention to detail regarding this operation was an example of a consummate team effort. Lt. Karst; Det. Sgt. Harney; Detectives Russo, LoPiccolo, and Bagnarol; Officers Shay, Terrazas, Chibbaro and Kunze are awarded commendations for Excellent Police Duty."

PRESENTATION OF TENTATIVE BUDGET FOR FISCAL YEAR 2012 TO TOWN BOARD

Ann Garris, Town Clerk, presented copies of Supervisor Schmitt's 2012 Tentative Budget to the Town Board as filed in the Office of the Town Clerk on September 30, 2010. Supervisor Schmitt then delivered his 2012 Tentative Budget Message.

*Office of the Supervisor
Kenneth Schmitt*



SUPERVISOR'S 2012 TENTATIVE BUDGET MESSAGE

Good Evening ladies and gentlemen, members of the Town Board, residents of the Town of Carmel. As required by Town Law of the State of New York, I hereby submit the Tentative Budget for the Town of Carmel for Fiscal Year 2012.

As the Town of Carmel and our entire nation continue to grapple with the ongoing economic crisis and the financial challenges that many of us have experienced as a result of what is being described as the most devastating fiscal recession since the great depression. The financial collapse along with the tanking of the housing market created severe hardships for many of our residents and business owners. The strong financial years when the markets were healthy and the housing market flourished came to a sudden end in 2008. The reality of an economic recession began to have major impacts on many of our residents. Unemployment numbers began to increase along with the rise of home foreclosure filings as a result of the harsh and painful reality of these very difficult economic times. All levels of government must be pro active in providing tax relief to its residents. Economic recovery will occur; however, this will continue to be a slow process over a period of time. By working together, we will get through

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these difficult times. Since the outset of the fiscal crisis, in the Fall of 2008, significant reductions in spending have been made in an effort to provide property tax relief to our residents. This year's budget process began months ago with myself, our Town Comptroller, Mary Ann Maxwell, knowing how difficult, painstaking and challenging fiscal year 2012 would be regarding budgetary constraints. Going forward during the process, we met with elected officials, department heads and managers advising them that difficult decisions must be made and we need to continue to do more with less. The Town's Comptroller and I have gone over this budget multiple times, line by line, making additional spending cuts and painful decisions, knowing that certain services and outside programs that the Town in the past was able to provide funding for, will now be impacted. I can tell you the organization has been leaned out and cut to the bare bone. In addition, the New York State Legislature has passed legislation this year which capped the growth of the Town's property tax levy at 2% or the rate of inflation, whichever is less. For fiscal year 2012, the cap will be 2%. I am pleased to report this evening that my 2012 Tentative Budget does meet the parameters of the newly imposed property tax cap. The budget contains a 1.8% increase over the 2011 property tax levy. This number reflects allowable exclusions contained within the law. Unfortunately, not included in the tax cap legislation was meaningful mandate relief. I strongly encourage all municipal elected officials and its residents to lobby their State and Federal representatives and demand unfunded mandate relief.

The MTA payroll tax has strained municipal operating budgets which translate into increased tax burdens of approximately \$40,000 in the 2012 budget. This mobility tax which is self serving and benefits one entity should be immediately repealed by our state legislature.

The Town of Carmel will continue to seek alternative funding sources from the State and Federal Government in an effort to save the local taxpayers money. I will continue to pursue and encourage partnerships and shared services including the feasibility of consolidating certain services with neighboring municipalities, Putnam County and School Districts.

Sales Tax Revenue: Putnam County must begin the sharing of sales tax revenue with its Towns and Villages. A significant amount of sales tax dollars are generated from businesses located in the Town of Carmel and currently none of those dollars are returned back to the municipal coffers to be used for property tax relief. Even a 1% sharing of sales tax would be extremely beneficial to the taxpayers. For example, in 2010, Putnam County received \$47,632,078 in total sales tax revenue. One percent (1%) of this number would be \$476,320.00. Revenues have declined steadily over the past four years most notably the mortgage tax revenue generated by home and property sales. For example, in 2004, the mortgage tax revenue received was \$3.5 million dollars. In 2010, \$981,000 was received; and as of 9/30/2011, \$605,000 has been collected from a \$900,000 2011 budgeted amount which currently leaves us with a shortfall of \$295,000.

Town of Carmel Tentative Budget 2012 Major Spending Increases:

Benefits- Health Insurance/Dental	\$311,179.00
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Retirement	\$236,700.00
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Workers Compensation Insurance Policy
NYMIR- Insurance Premium Increase (**Driven by injury claims experience and settlements, Workers Comp Insurance premiums have jumped dramatically. In the past two years, almost a 90% increase. In 2010, The premium amount paid was \$512,771 in 2011, the Town of Carmel paid \$729,488. In 2012, the Town of Carmel will be paying \$976,630, a 33.9% increase from the 2011 Policy*)

	\$247,142.00
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Town of Carmel P.B.A. Collective Bargaining Agreement reflects a 4% salary increase. 2012 will be the final year of a four-year agreement with the PBA	\$228,432.00
Fuel – Highway Department	\$ 70,000.00
Fuel – General-Police, Recreation, Town Offices	\$ 16,500.00
Highway Department – Road Repair (*Increase over the 2011 budget of \$100,000 – 2012 budgeted amount will be \$110,000)	*\$ 10,000.00
- Machine Repair (*Increase over 2011 budget of \$200,000 2012 budgeted amount will be \$325,000)	*\$125,000.00
- Snow Materials (*Increase over 2011 budget of \$500,000 2012 budgeted amount will be \$550,000)	*\$ 50,000.00

Appropriated Fund Balance – Monies used from the designated and undesignated reserves to reduce the property tax levy and offset declining revenues and increasing expenditures:

Total 2012	\$ 690,000.00
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Recreation Department -Two *Full time positions salary/benefits (*These 2 positions are currently vacant: 1 Park Maintenance Supervisor – Resignation 1 Senior Recreation Leader – Resignation)	\$105,712.00
Highway Department – One *Full-time position (*Anticipated Retirement – This position will remain vacant)	\$ 85,452.00
Building Department – One *Full-time position (*Deputy Building Inspector – Currently Filled Position)	\$ 54,493.00
Police Department – One *Full-time position (*Police Dispatcher – Currently Filled Position)	\$ 57,389.00
Financial Consultant (Currently Filled Position)	<u>\$ 58,000.00</u>
Total Full-Time Position Reduction	\$361,046.00

Part-time Staff:	
Recreation Maintenance	\$ 34,000.00
Administration Clerical	\$ 24,500.00
*Beach Life Guards	
<i>(*The Beach at Sycamore Park will close at the conclusion of summer camp due to lack of use by the community.)</i>	\$ 10,000.00
Temporary Labor Line (Part-time staff – Zoning & Planning)	\$ 5,000.00
Total Part-Time Position Reductions	\$ 73,500.00

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<u>Contractual Expenditures:</u>	<u>2012 Budget Proposal</u>	<u>Reduced From</u>
Compensation Reserve	\$ 10,000.00	\$ 20,000.00
Video Recording of Zoning & Planning Board Mtgs. <i>(*\$12,000 remains in 2012 budget for video recordings of Town Board Work Sessions and Voting Meetings)</i>	*\$ 12,000.00	\$ 24,000.00
Legal Counsel – Defense Line	\$ 20,000.00	\$ 40,000.00
Libraries – *Mahopac <i>(*\$50,000 Reduction)</i>	-0-	\$ 50,000.00
Reed Memorial <i>(\$50,000 Reduction)</i>	\$ 155,000.00	\$ 205,000.00
Architectural Review Board	-0-	\$ 5,000.00
Putnam Humane Society	\$ 50,635.00	\$ 60,635.00
Recycle Budget – Special Machine Rental	\$ 10,000.00	\$ 20,000.00
Recreation – Budgeted Expenses <i>(*For each Town Park Facility)</i>	*\$ 5,500.00	
Town wide Debt Service Payment in 2012 decrease by \$33,762.00 a 2.4% decrease in debt payment of principle and interest for 2012		

Total Budget Reductions
(including debt service payment decrease) \$697,681.00

The following Town Employees, Consultants and Town Counsel who voluntarily reduced their salaries in 2011 by 4%, will continue to receive the same salary reduction in the 2012 budget:

Town Supervisor, Kenneth Schmitt
Town Board Members
Town Comptroller, Mary Ann Maxwell
Town Legal Counsel – Gregory Folchetti, Esq.
Town Planning Consultant – Patrick Cleary

Total 2012 Budget Spending Increase	\$1,294,953.00
Total 2012 Budget Reductions	<u>\$ 697,681.00</u>

Total Spending Increase \$ 597,272.00

Town Comptroller, Mary Ann Maxwell, will enumerate the 2012 Budget details along with the proposed budget reductions during her Power Point presentation.

In Summary: The 2012 Budget was perhaps the most difficult and painstaking process by all those involved. Unpleasant decisions perhaps unpopular had to be made. Every effort was made to avoid layoffs and reductions of full-time personnel. The Town of Carmel is committed to providing its residents with a continued level of professional service while remaining cognizant of the extremely difficult economic times.

In closing, my sincere thanks to Town Comptroller, Mary Ann Maxwell, my office staff, Anne Pasquerello and Bella Cimadomo, along with other elected officials, department heads and managers for their diligence and assistance during the preparation of this document.

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Lastly, I would like to express my thanks to the residents of the Town of Carmel and those affected by the budget cuts for their patience and understanding as we move forward through this turbulent and fragile economy that we are all living in.

Respectfully submitted this 30th day of September, 2011



Kenneth Schmitt,
Supervisor, Town of Carmel

2012 TENTATIVE BUDGET FINANCIAL SUMMARY - PRESENTATION

Mary Ann Maxwell, Town Comptroller detailed the following presentation:

TOWN OF CARMEL 2012 Tentative Budget

- **NYS 2% Tax Cap**
- **Tax Levy vs. Tax Rate**
- **Budget Drivers/Reductions**
- **2012 Appropriations**
- **2012 Revenues**
- **Fund Balances**

NYS 2% Tax Cap

- NYS passed legislation capping the growth of the Town's Real Property Tax Levy at 2% with certain allowable exclusions.
- The 2012 Tentative Budget for the Town of Carmel contains a proposed tax levy within the State mandated cap.

NYS 2% Tax Cap

- There are many factors involved in the calculation of the property tax cap:
 - Prior Year Total Tax Levy
 - Tax Base Growth Factor (provided by NYS)
 - PILOTS (payments in lieu of taxes)
 - Allowable Tax Levy Growth (provided by NYS)
 - Allowable Exclusions (Pension Contributions exceeding 2%)

NYS 2% Tax Cap

- Based on calculations provided by the *Office of the State Comptroller*, the **2012 Maximum Total Property Tax Levy** (including special districts) for the Town of Carmel is **\$27,459,713**.
- The Total Property Tax Levy proposed in the **2012 Tentative Budget is at \$27,400,355**, well within the tax cap limit.

(Cont.)

Tax Levy vs. Tax Rate

- **Property Tax Levy** is the total amount of money to be raised by taxes to cover the cost of providing services to the public.
- The annual levy is calculated by taking the Town's total annual expenditures less any revenues and/or appropriated fund balance equity.

+ Expenditures

- Revenues

- Appropriated Fund Balance

= Property Tax Levy

Tax Levy vs. Tax Rate

- The annual **Tax Rate** is determined by dividing the total amount of the **property tax levy** by the total **taxable assessed value** of a town or special district.

= Property Tax Levy / Taxable Assessed Value

= Annual Tax Rate
- The **taxable assessed value** is determined by the Town Assessor.
- The town wide taxable assessed value used for the 2012 Budget is 2,656,793,165, an increase of only \$3 Million from the prior year taxable assessed value.
- More detailed explanation at NYSGFOA website www.nysgfoa.org

Tax Levy vs. Tax Rate

2012 Tentative Budget – Townwide (General/Highway)		
Tax Levy		
Expenditures	\$22,906,610	
(Revenues)	(4,496,982)	
(Appr. Fund Bal)	<u>(690,000)</u>	
Property Tax Levy	\$17,719,628	
Tax Rate		
Property Tax Levy	\$17,719,628 /	
Taxable Assessed Value	<u>2,656,793,165</u>	
2012 Annual Tax Rate Increase		5.56%

Tax Levy vs. Tax Rate

- **Townwide (General/Highway)** - the average homeowner (\$200,000 assessed value) would pay approximately \$1,334 per year, an increase of \$77 from the prior year.
- **Special districts** - Many of annual tax rates in the special districts (water/sewer/park) will be *decreasing* because of *increasing assessed value* in that particular district, as well as *retiring debt* and use of the *undesignated fund balances*.
- Therefore, many homeowners, depending on where they live may see a decrease in their overall town/special district taxes in FY 2012.

2012 Budget Drivers

- **Unfunded State/Federal Mandates** (MTA Mobility Tax, MS4 Federal Clean Water Act/Mandatory Regs.)
- **Increasing Employee Benefits:**
 - * **Health Insurance Costs** increased 30% over the past two years.
 - * **Pension Contributions** ERS 18.6%, PFRS 25.1% of salary
 - * **Workers Comp Rates** increased approx. 90% over the past two years because of experience rating.

2012 Budget Drivers con't

- **Declining Revenues** (State aid, Mortgage Tax Revenue, etc.)
- **Existing Collective Bargaining Agreements** until FYE 2012.
- **New Debt Service** payments from Highway borrowings

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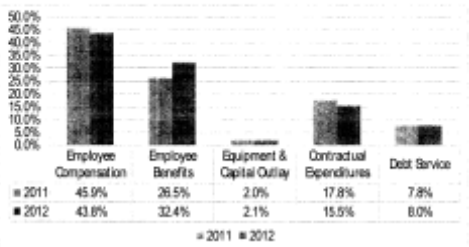
2012 Budget Reductions

- **12 Fewer Full Time Positions** from 2009, replaced with PT staff (cost savings of \$707,511)
- **Outsourcing field maintenance** at certain recreational facilities resulting in cost savings.
- **Salaries frozen** for Department Heads since 2009. Negotiations ongoing with CSEA (2010), Lieutenants (2010) and IBT (2011) Unions.
- **Discretionary spending** with regard to all purchases.
- **Contractual/Program Reductions** line by line.

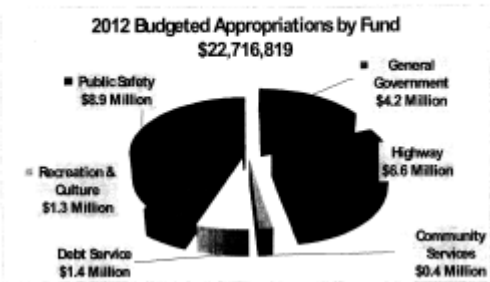
2012 Budget Reductions con't

- **Installation of solar panels** (2012) in Town Hall to reduce utility expense (approx. \$5,000 per year savings).
- Purchasing of **used equipment** through an internet auction website.
- Liquidation of all obsolete surplus equipment.
- Continue **joint purchasing** effort with Putnam County.
- Ongoing **shared services** with MCSD.

SUMMARY OF
APPROPRIATIONS AND OTHER
USES



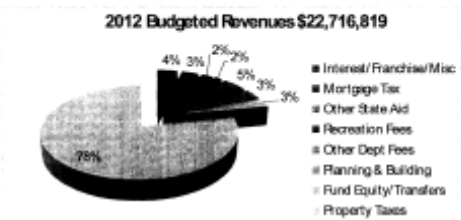
Total 2012 Appropriations
by Fund



Summary of Revenues and
Other Sources

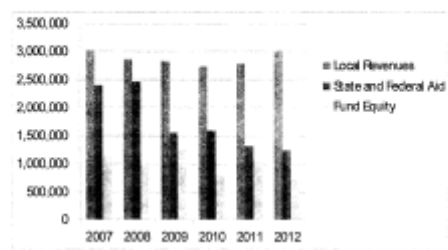
- Local Revenues increased slightly with proposed increases to user fees for FYE 2012.
- Court Fees and Fines is a revenue source.
- State and Federal Aid continues to **decline** from **7.6% in 2011** to **5.5% in 2012**.
- \$690,000 Fund Equity is being appropriated in 2012 Townwide Budget
- *Real Property Taxes* continues to *increase* to offset expenditures and declining revenues.

Carmel Townwide Budgeted
Revenues for Fiscal Year 2012

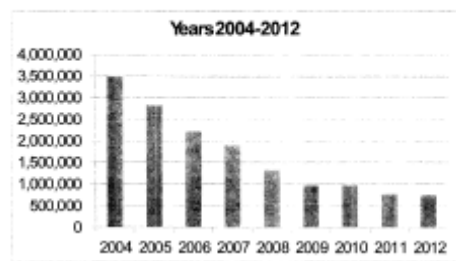


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Summary of Revenue History



Mortgage Tax Revenue History



What’s NOT Included in 2012 Budget

- Employee Raises (CSEA, IBT, Management, Elected Officials)
- Tax Certiorari Settlements
- New Capital Projects & Repairs (Highway & Special Districts)
- Road Paving (beyond CHIPS)
- Snow Removal Overages

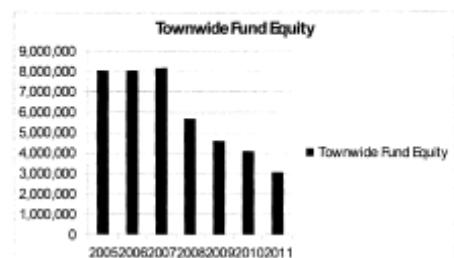
Snow Removal History (Budget vs. Actual Expense)

Year	Budgeted Amount	Actual Expense	\$ Over Budget
2008	\$884,665	\$1,238,850	\$354,185
2009	\$967,347	\$1,309,723	\$342,376
2010	\$1,041,791	\$1,212,436	\$170,645
2011	\$1,110,060	\$1,055,163ytd	????
2012	\$1,228,361	???	???

Why We Need a Healthy Fund Balance

- Cash Flow
- Unexpected Expenses (snow removal, certiorari settlements)
- Under Budgeted Expenses (overtime)
- To Finance Capital Projects
- **Better Bond Rating** which results in lower interest rates

Town of Carmel
Decreasing Fund Equity



(Cont.)

Questions/Answers

- If anyone has any questions or concerns regarding the 2012 budget or clarification on the difference between the tax levy vs. the tax rate please feel free to stop by the Comptroller's Office or call at (845) 628-1500 ext 175.

Mary Ann Maxwell
Town Comptroller
Town of Carmel

Michael Barile commented on the increasing cost to operate the Town of Carmel Police Department. He spoke in favor of cutting the funding to the Mahopac Public Library because they have other sources of funding and against cutting any funding to the Reed Memorial Library because they do not. Mr. Barile spoke against eliminating the funding to video tape Planning Board and Zoning Board of Appeals meetings as well as decreasing the certiorari reserve line. He commented that the Town Board's compensation should be reduced and the Town Board should maintain a spending plan projecting at least two years into the future.

John Butler expressed his frustration with the impact that pension fund increases have on municipal budgets.

Jerry Ravnitzky commented on the affect that global warming may have to produce extreme weather and noted the impact this may have on future budgets.

Don Schiff inquired about the affect that labor union contracts will have on the 2012 Budget.

Councilman Ravallo noted that contract negotiations were currently underway and therefore the Town Board could not comment on the matter.

Councilman Ravallo, Councilwoman McDonough and Councilman Lombardi acknowledged the efforts of Supervisor Schmitt and Mary Ann Maxwell, Town Comptroller with regard to the 2012 Tentative Budget.

John Lupinacci inquired if the format of the budget could be changed to add greater detail.

Mary Ann Maxwell, Town Comptroller indicated that it could be considered.

Mr. Lupinacci inquired about the Town's sign ordinance as it relates to the timeframe for erecting political signs. Discussion ensued.

Diane Ionta Krebs suggested that the Town rent out the beach at Sycamore Park to a private company after camp has concluded to raise revenue.

Councilman Lombardi indicated that the liability costs would be prohibitive.

Councilman Lombardi spoke regarding the need for Putnam County to share sales tax revenues with the towns and discussion was held regarding the matter.

MINUTES OF TOWN BOARD MEETING HELD ON 9/7/11 - 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 meeting held on September 7, 2011 were accepted as submitted by the Town Clerk.

5 OCTOBER 2011
TOWN BOARD MEETING

RECEIVER OF TAXES - PROPOSAL ACCEPTED FOR ELECTRONIC PAYMENT PROCESSING FOR MUNICIPAL TAXES - MUNITRAX ONLINE TAX PAYMENT SPECIALISTS

WHEREAS, Kathleen Kraus, Receiver of Taxes has solicited proposals for services providing for electronic payment of town, county and school taxes to the Town of Carmel Office of the Receiver of Taxes; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, accepts the proposal of MuniTrax Online Tax Payment Specialists, Carle Place, NY for said online tax payment services; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form as approved by the Town Counsel, Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to accept said proposal.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Ravallo and 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>

BOND RELEASE AUTHORIZED - BEN GRUBER, INC. - TM #75.16-1-32

WHEREAS application has been made by Ben Gruber, Inc. for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #75.16-1-32; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #75.16-1-32 in the amount of \$6,827.91.

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 RELEASE AUTHORIZED - PETER PELLEGGRI - TM #74.20-1-61

WHEREAS application has been made by Peter Pellegrini for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #74.20-1-61; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #74.20-1-61 in the amount of \$1,000.00.

(Cont.)

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>

BOND RELEASE AUTHORIZED - CARMEL VOLUNTEER AMBULANCE CORP. - TM #44.14-1-25, 26

WHEREAS application has been made by Carmel Volunteer Ambulance Corp. for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #44.14.1-25 and 26; and WHEREAS said application has been reviewed by the Town Engineer, Ronald Gainer, P.E. and release of the bond has been recommended and approved by the Town Engineer, and the Town of Carmel Planning Board,
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #44.14.1-25 and 26 in the amount of \$22, 695.00.

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>

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

WHEREAS application has been made by Day Road, LLC for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #55.6-1-41; and WHEREAS said application has been reviewed by the Town Engineer, Ronald Gainer, P.E. and release of the bond has been recommended and approved by the Town Engineer, and the Town of Carmel Planning Board,
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #55.6.1.41, Mahopac National Bank #530000139, or any substituted or successor security postings for said site plan in the amount of \$72,000.00.

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>

5 OCTOBER 2011
TOWN BOARD MEETING

BOND RELEASE AUTHORIZED - EWBFLP – DUNKIN DONUTS - TM #55.10-1-14

WHEREAS application has been made by EWBFLP – Dunkin Donuts for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #55.10-1-14; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #55.10-1-41, Union Savings Bank #10452, or any substituted or successor security postings for said site plan the amount of \$107,995.00.

Resolution

Offered by: Councilwoman McDonough
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>

PROPOSAL ACCEPTED FOR QUARTERLY BULK STORAGE COMPLIANCE INSPECTIONS - CONKLIN SERVICES AND CONSTRUCTION, INC.,

WHEREAS, Ronald J. Gainer, P.E., Town Engineer, has solicited proposals for services providing periodic inspection of Town of Carmel Bulk Petroleum Storage facilities in accordance with the directives and recommendations of the New York State Department of Environmental Conservation; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, hereby accepts the proposal of Conklin Services and Construction, Inc., Newburgh, NY for said services for the bulk storage facilities located at Carmel Town Hall and the Town of Carmel Highway Department at a cost not to exceed \$1,450.00 annually; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form as approved by the Town Counsel, Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documents to accept said proposal.

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>

HIGHWAY DEPARTMENT - ADVERTISING WINTER MATERIALS BIDS AUTHORIZED

RESOLVED that, pursuant to the request of Michael Simone, Town of Carmel Highway Superintendent, Town Clerk, Ann Garris is hereby authorized to advertise for bids for the purchase of the following items:

- Sand
- Guide Rail
- Winter Mix
- Street Sweeping Services

**5 OCTOBER 2011
TOWN BOARD MEETING**

(Cont.)

BE IT FURTHER RESOLVED that the Highway Superintendent 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 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>

CARMEL WATER DISTRICT #2 - PUBLIC INTEREST ORDER - THE COST OF THE IMPROVEMENT OF THE FACILITIES AUTHORIZED - INCREASE OF \$30,000 - PURCHASE AND INSTALLATION OF AN EMERGENCY GENERATOR

WHEREAS, by Order dated September 1, 2010, the Town Board of the Town of Carmel, Putnam County, New York, authorized an increase and improvement of the facilities of Water District No. 2, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$96,000; and

WHEREAS, by Order dated September 7, 2011, said Town Board called a public hearing on the question of the increase in the maximum estimated cost of said project from \$96,000 to \$126,000, an increase of \$30,000; and

WHEREAS, notice of said public hearing was duly published and posted in the manner and within the time provided by law and such public hearing was duly held at the time and place specified in said notice at which all persons interested in the subject matter thereof were duly heard; and

WHEREAS, said Town Board has duly considered the evidence given at said public hearing;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is necessary and in the public interest to increase and improve the facilities of Water District No. 2, in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, at a new maximum estimated cost of \$126,000, and said increase and improvement is hereby authorized and approved.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilwoman McDonough
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>

5 OCTOBER 2011
TOWN BOARD MEETING

CARMEL WATER DISTRICT #2 - ISSUANCE OF AN ADDITIONAL \$30,000 BONDS OF THE TOWN OF CARMEL TO PAY PART OF THE COST OF THE IMPROVEMENT OF THE FACILITIES AUTHORIZED - PURCHASE AND INSTALLATION OF AN EMERGENCY GENERATOR

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, on September 1, 2010, duly adopted a bond resolution authorizing the issuance of \$96,000 serial bonds of said Town to pay the cost of the increase and improvement of Water District No. 2, in and for the Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$126,000, an increase of \$30,000 over that was previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$30,000 bonds of said Town for such specific object or purpose to pay a portion of the cost thereof;

NOW, THEREFORE, 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 specific object or purpose of paying additional costs of the increase and improvement of Water District No. 2, in and for said Town of Carmel, Putnam County, New York, consisting of the purchase and installation of an emergency generator, including incidental improvements and expenses in connection therewith, are hereby authorized to be issued an additional \$30,000 bonds of the Town of Carmel, Putnam County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$126,000, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$96,000 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted September 1, 2010; and
- b) by the issuance of the additional \$30,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations for said specific object or purpose.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. 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 serial bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor. 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 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

(Cont.)

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the sale, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, in such officer's discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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
- 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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 expressed his frustration because legislation regulating dumpsters, clothing boxes and political signs are not being enforced.

Supervisor Schmitt thanked Mr. Barile for his comments and stated that he would convey them to the individual responsible for enforcing the Town Code.

(Cont.)

John Butler expressed his concerns regarding the poor condition of and lack of adequate security surrounding the water tank on Kelly Ridge Road.

Supervisor Schmitt explained that the issues with the water tank had been forwarded to the operators of the water district to address. Discussion was held at the conclusion of which, Supervisor Schmitt stated that he would need to obtain an update from the Town Engineer with regard to the matter.

TOWN BOARD MEMBER COMMENTS

Councilman Lombardi announced that the Evening at the Piazza sponsored by the Italian American Club of Mahopac that was cancelled last weekend due to inclement weather conditions has been rescheduled for Sunday, October 9, 2011 from 5:00 p.m. to 9:00 p.m. at the Mahopac Chamber Park.

Councilwoman McDonough announced that the Town of Carmel Historical Society is sponsoring a guided bus tour of Carmel's most interesting and historic cemeteries on October 22, 2011 commencing at 10:00 a.m. at St. John the Evangelist Church.

Councilman Ravallo announced that the American Foundation of Suicide Prevention will be hosting their Out of the Darkness Community Walk on October 30, 2011 commencing at the Carmel Firehouse at 10:00 a.m.

Supervisor Schmitt announced that the Vietnam Veterans Memorial Moving Wall will be on display at the Putnam County Veterans Memorial Park from October 19 through October 23, 2011.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Ravallo and Councilwoman McDonough, with all members present and in agreement, the meeting was adjourned at 10:34 p.m.

Respectfully submitted,

Ann Garris, Town Clerk