

MICHAEL S. CAZZARI
Town Supervisor

ROBERT F. SCHANIL, JR.
Town Councilman
Deputy Supervisor

STEPHEN J. BARANOWSKI
Town Councilman
FRANK D. LOMBARDI
Town Councilman
SUZANNE MC DONOUGH
Town Councilwoman

TOWN OF CARMEL
TOWN HALL



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 • Fax (845) 628-6836
www.ci.carmel.ny.us

ANN SPOFFORD
Town Clerk

KATHLEEN KRAUS
Receiver of Taxes

MICHAEL SIMONE
Superintendent of Highways
Tel. (845) 628-7474

TOWN BOARD VOTING MEETING
Wednesday, February 1, 2023 7:00pm

PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE

- **Roll Call Attendance**
- **Public Comments on Town Related Business (Five (5) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**

Public Hearing: On the Fire Protection Contracts and the Ambulance District Contracts for the Year 2023

- **Consider Motion to Close Public Hearing**
- **Consider Motion to Open Voting Meeting**

Town Board Voting Meeting:

- **Accept Town Board Minutes January 4, 2023**
1. Res: Making Appointment of Detective Sergeant in the Town of Carmel Police Department
 2. Res: Making Appointment of Sergeant in the Town of Carmel Police Department
 3. Res: Making Probationary Appointment of Police Officer in the Town of Carmel Police Department
 4. Res: Authorizing Signing of Hold Harmless Agreement Between the Carmel Central School District and the Town of Carmel for Use of Athletic Fields, School Facilities and Town Facilities
 5. Res: Authorizing Attendance at Seminar
 6. Res: Authorizing Entry into Contracts
 7. Res: Acknowledging Pilot Agreement Between the Putnam County Industrial Development Agency and Fishkill Realty GP LLC
 8. Res: Authorizing Entry into Agreement with New York State Department of Environmental Conservation
 9. Res: Accepting Proposal for Lake Boating and Recreation Studies
 10. Res: Authorizing Settlement of Litigation

- **Motion to Move into Executive Session**

Executive Session:

1. Downtown Revitalization Project Contractual (Swan Cove Project)

Public Hearing #1



Ann Spofford

Town Clerk

Town of Carmel

ams@ci.carmel.ny.us

Town Hall
60 McAlpin Avenue
Mahopac, New York 10541

Telephone: 845.628.1500

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the Fire Protection Contracts and the Ambulance District Contracts for the year 2023, to be held on the 1st day of February, 2023 at the Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 p.m. or soon thereafter that evening as possible; said contracts to be advertised and posted as follows:

Contractor	Services	Not to Exceed
Mahopac Falls Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #1	\$ 888,800.00
Mahopac Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #2	\$ 1,600,000.00
Carmel Fire District & Carmel Fire Department, Inc.	Fire Protection-Fire Protection Dist. #3	\$ 906,000.00
Carmel Volunteer Ambulance Corps	Ambulance Services Carmel Ambulance District #1	\$ 480,000.00
North Salem Volunteer Ambulance Corps	Ambulance Services Carmel Ambulance District #1	\$ 13,500.00

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

RESOLUTION #1
RESOLUTION MAKING APPOINTMENT OF DETECTIVE SERGEANT
TOWN OF CARMEL POLICE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department hereby appoints Sergeant Brian Forde to the position of Detective Sergeant effective immediately, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

RESOLUTION #2

**RESOLUTION MAKING APPOINTMENT OF SERGEANT
TOWN OF CARMEL POLICE DEPARTMENT**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department hereby appoints Police Officer Christopher Fox to the position of Sergeant effective immediately, on a promotional probationary basis, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

RESOLUTION #3

RESOLUTION MAKING PROBATIONARY APPOINTMENT OF POLICE OFFICER – TOWN OF CARMEL POLICE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby appoints Anthony Bambach to the position of Police Officer in the Town of Carmel Police Department, effective February 7, 2023, on a probationary basis at an annual salary \$67,238.00 subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

RESOLUTION #4

**RESOLUTION AUTHORIZING SIGNING OF HOLD HARMLESS AGREEMENT
BETWEEN THE CARMEL CENTRAL SCHOOL DISTRICT AND THE TOWN OF CARMEL
FOR USE OF ATHLETIC FIELDS, SCHOOL FACILITIES
AND TOWN FACILITIES**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Michael Cazzari to sign a hold harmless agreement between the Carmel Central School District and the Town of Carmel in regard to the existing intermunicipal agreement allowing for use of the Carmel Central School District by the Town of Carmel, said hold harmless agreement to be form as attached hereto and made a part hereof, and

BE IT FURTHER RESOLVED that a copy of said Hold Harmless Agreement be filed with the Town Clerk after signature by the Town Supervisor.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

HOLD HARMLESS AGREEMENT (USE OF FACILITIES)

The undersigned hereby agrees to defend, indemnify, and hold harmless the Carmel Central School District from and against any and all liability, loss, damages, claims for bodily injury and/or property damages, cost and expense, including attorneys' fees, to the extent permissible by law, that may occur or that may be alleged to have occurred in any way connected to the use of District facilities by the contractor/facility user, whether such claims shall be made by an employee of the contractor/facility user or by a third party. Notwithstanding, such obligation shall not extend to any liability, loss, damages, or claims due to the negligence of the District, or any of the District's officers, employees, or agents.

The contractor/facility user covenants and agrees that they will pay all costs and expenses arising there from and in connection therewith, and if any judgment shall be rendered against the Carmel Central School District, in any such litigation, the Contractor/facility user shall at their own expense satisfy and discharge the same.

The undersigned, on behalf of the organization and all associated participants, understands and agrees that its use of District property and facilities includes, but is not limited to, all areas identified in the application and/or permit, and sidewalks, parking lots, entrances, stairs, and all other areas incidental to and/or connected with the use of the premises (hereinafter referred to as "incidental areas"). Contractor/facility user agrees that its indemnity and insurance obligations extend to areas identified in the application and/or permit and any and all incidental areas.

By: _____
(Signature of Authorized Representative of Contractor using Facility)

Print Name & Title: Michael S. Cazzari, Supervisor

Company Name: Address: Town of Carmel
60 McAlpin Avenue
Mahopac, NY 10541

Date: _____

RESOLUTION #5

RESOLUTION AUTHORIZING ATTENDANCE AT SEMINAR

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Councilman Stephen Baranowski, to attend the Office of the State Comptroller Introduction to Governmental Accounting on Line Seminars, March 8, and 9, 2023 and April 19, and 20, 2023; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel authorizes payment of reasonable and necessary expenses incurred in connection therewith upon audit.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

RESOLUTION #7

**RESOLUTION ACKNOWLEDGING PILOT AGREEMENT BETWEEN
THE PUTNAM COUNTY INDUSTRIAL DEVELOPMENT AGENCY
AND FISHKILL REALTY GP LLC**

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges notification by the Putnam County Industrial Development Agency of its intent to enter into a PILOT agreement with Fishkill Realty GP LLC, under Section 874(1) of the General Municipal Law and Section 412-a of the Real Property Tax Law, with regard to the premises located at 49 Seminary Hill Road also known and designated as Tax Map #55.10-1-3 in the Town of Carmel, said agreement to be in form and substance as is currently on file in the Office of the Town Supervisor.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

RESOLUTION #8

RESOLUTION AUTHORIZING ENTRY INTO AGREEMENT WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes entry into a confidentiality agreement with New York State Department of Environmental Conservation (NYSDEC) with respect to water sampling results obtained by NYSDEC within Mahopac Business District (DEC Site no. 340013) in form as on file in the office of the Town Supervisor; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorize to execute said agreement.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	NO
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

RESOLUTION #9

**RESOLUTION ACCEPTING PROPOSAL FOR LAKE
BOATING AND RECREATION STUDIES**

RESOLVED, that the Town Board of the Town of Carmel hereby accepts the proposal of Clothier Planning & Consulting, Lake George, NY for the performance of lake recreation and boating studies, assessments and reports for Lake Mahopac and Kirk Lake within the Town of Carmel in accordance with the scope of proposal dated January 15, 2023; and

BE IT FURTHER RESOLVED that such services are hereby authorized at a cost of \$85.00 per hour; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to execute said agreement; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any necessary budget adjustments/modifications required in connection with the services authorized hereunder.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

RESOLUTION #10

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500707/2022, a certain lawsuit entitled “Rifkin Group, LLC vs. The Town of Carmel and its Assessor and Board of Assessment Review”;

WHEREAS such litigation was commenced in regard to the assessment of certain real property designated as Tax Map 55.11-1-1 located within the Town of Carmel on the 2022 tax roll; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glen Droese, Town Assessor, and certiorari counsel Gregory L. Folchetti 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 and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that certiorari counsel Gregory Folchetti is hereby authorized to sign, on behalf of the Town of Carmel, the stipulation of settlement and corresponding consent judgment reflecting the terms of the settlement.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Robert Schanil	___	___
Michael Cazzari	___	___