

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, July 6, 2022 7:00pm

• **Roll Call - Attendance**

PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE

PUBLIC HEARING #1: IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL SEWER DISTRICT #5 IN THE TOWN OF CARMEL PUTNAM COUNTY, NEW YORK

Town Board Voting Meeting:

• **Public Comment Three (3) Minutes Agenda Items Only**

1. Res: Making Probationary Appointment of Police Officer in the Town of Carmel Police Department
2. Res: Making Probationary Appointment of Police Officer in the Town of Carmel Police Department
3. Res: Authorizing, subject to Permissive Referendum, the Birch Road Culvert Rehabilitation, In and for the Town of Carmel, Putnam County, New York at a Maximum Estimated Cost of \$1,800,000 Bonds of Said Town to Pay the Cost Thereof
4. Res: Regarding Town of Carmel Police Department 2022 Voluntary Retirement Incentive Program
5. Res: Waiving the Notice Requirement in Section 64 of the New York State ABC Law with Respect to a Liquor License for Thai Golden, LLC
6. Res: Authorizing Improvements at Sycamore Park
7. Res: Authorizing Scheduling of Public Hearing on a Proposed Local Law Amending Chapter 147 of the Code of the Town of Carmel entitled, "Vehicles and Traffic" Making Certain Street(s) within the Town of Carmel One-Way Traffic/Travel Only (July 20, 2022)
8. Res: Authorizing the Awarding of Bids for the Purchase and Supply of Chemicals for Carmel Sewer Districts and Carmel Water Districts

9. Res: Accepting Proposal for Catch Basin Contamination Investigation
10. Res: Accepting Proposal for MDM Data Hosting Services
11. Res: Authorizing Execution of Exempt Participating Member Agreement – UDIG, NY
12. Res: Authorizing Re-Scheduling of Public Hearing On a Proposed Local Law which is Proposing Multiple Amendments to Chapter 156 of the Code of the Town of Carmel, entitled “Zoning” (August 3, 2022)
13. Res: Authorizing Re-Scheduling of Public Hearing Pursuant to New York Town Law §272-A and §272-A(6) on a Draft Comprehensive Plan (August 3, 2022)
14. Res: Authorizing Settlement of Litigation
15. Res: Public Interest Order in the Matter of the Increase and Improvement of Facilities of Carmel Sewer District #5 in the Town of Carmel, Putnam County, New York
16. Res: Authorizing the Issuance of \$1,018,690 Bonds of the Town of Carmel, Putnam County, New York, to Pay the Cost of the Increase and Improvement of the Facilities of the Carmel Sewer District #5 in the Town of Carmel, Putnam County, New York

- **Town Board Comments**
- **Motion to Move into Executive Session**

Executive Session:

1. Inframark – Contractual
2. John Folchetti, PE, Town Engineer, Update on Acquisition of Real Property

- **Motion to Adjourn Meeting**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on July 6, 2022, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a Public Hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of the Carmel Sewer District #5, in said Town, being the replacement in kind on site of the existing Wastewater Treatment Plant, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,018,690.

Said capital project has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, as such will not result in any significant environmental impact.

At said public hearing said Town Board will hear all persons interested in the subject matter 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.

Dated: Mahopac, New York,
June 16, 2022.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
CARMEL, PUTNAM COUNTY, NEW YORK

Ann Spofford
Town Clerk

RESOLUTION #1

RESOLUTION APPOINTING POLICE OFFICER

RESOLVED that the Town Board of the Town of Carmel hereby appoints Anthony Tarantino of Mahopac, NY as a police officer of the Town of Carmel, effective immediately on a probationary basis, at the transfer rate of \$65,598.00 per year subject to the provisions of Civil Service Law and the Putnam County 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 #2

RESOLUTION APPOINTING POLICE OFFICER

RESOLVED that the Town Board of the Town of Carmel hereby appoints Connor Carroll of White Plains, NY as a police officer of the Town of Carmel, effective immediately, on a probationary basis at the transfer rate of \$65,598.00 per year subject to the provisions of Civil Service Law and the Putnam County 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 AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE BIRCH ROAD CULVERT REHABILITATION, IN AND FOR THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,800,000, AND AUTHORIZING THE ISSUANCE OF \$1,800,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize such capital project and its financing;

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

Section 1. The Birch Road culvert rehabilitation, in and for the Town of Carmel, Putnam County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,800,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$1,800,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, 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 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 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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

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

Resolution

Offered by: _____

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 REGARDING TOWN OF CARMEL POLICE DEPARTMENT
2022 VOLUNTARY RETIREMENT INCENTIVE PROGRAM**

WHEREFORE, the Town Board for the Town of Carmel (“Town Board”) has developed a Voluntary Retirement Incentive Program (the “Program”) for the members of the Uniformed Patrol Division of the Town of Carmel Police Department (“Department”) who are eligible to retire under a New York State Retirement System plan offered by the Town;

WHEREFORE, the Program and requirements therefore are fully described in the General Announcement to Eligible Employees (“General Announcement”) and the attachments thereto;

WHEREFORE, the Town of Carmel Lieutenants Benevolent Association (“LBA”) has agreed to the terms of the Program and has executed a Memorandum of Agreement regarding same (“MOA”);

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to take all necessary steps for the implementation and execution of the Program, including but not limited to, on behalf of the Town: (i) executing the MOA with the LBA; (ii) signing any individual Retirement Agreement and General Release; and (iii) authorizing payments required under the Program.

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 #5

RESOLUTION WAIVING THE NOTICE REQUIREMENT IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE FOR THAI GOLDEN, LLC.

WHEREAS, the representatives and/or proprietors of Thai Golden, LLC 5 Seminary Hill Road, Carmel, New York, have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the ABC Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty-day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

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 #6

RESOLUTION AUTHORIZING IMPROVEMENTS AT SYCAMORE PARK

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Boy Scout Eagle Project of Max Head, Boy Scout Troop #1, Mahopac, hereby authorizes the performance of improvements at Sycamore Park in accordance with the memorandum and plans provided by Director of Recreation and Parks James R. Gilchrist as detailed in his memorandum to the Town Board dated June 7, 2022; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates for all vendors and contractors proposed to perform improvements in connection with this authorization in form acceptable to Town Counsel, the aforesaid work may be commenced.

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 AUTHORIZING SCHEDULING OF PUBLIC HEARING

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 July 20, 2022 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 147 of the Code of the Town of Carmel entitled "Vehicles and Traffic" making certain street(s) within the Town of Carmel one-way traffic/travel only; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and instructed to publish and post the necessary notices in the official newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

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	___	___

PROPOSED LOCAL LAW # _____ OF THE YEAR 2022

**A LOCAL LAW AMENDING CHAPTER 147 OF THE TOWN CODE
OF THE TOWN OF CARMEL, ENTITLED “VEHICLES AND TRAFFIC”**

SECTION 1

This Local Law shall be known as 2022 Amendments to Chapter 147 entitled “Vehicles and Traffic”.

SECTION 2.

Chapter 147 of the Town Code of the Town of Carmel, §147-39, Schedule II: One Way Streets:

In accordance with the provision of §147-5, no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

<u>NAME OF STREET</u>	<u>DIRECTION OF TRAVEL</u>	<u>LIMITS</u>
CHERRY LANE	NORTH ONLY	BETWEEN ROUTE 6 AND ROUTE 6N

SECTION 3 – HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 4 – SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5 – Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION #8

**RESOLUTION AUTHORIZING THE AWARDING OF BIDS
FOR THE PURCHASE AND SUPPLY OF CHEMICALS
FOR CARMEL SEWER DISTRICTS AND CARMEL
WATER DISTRICTS**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for purchase and supply of chemicals for the wastewater treatment plants servicing the various Carmel Sewer Districts and the water treatment facilities servicing the various Carmel Water Districts; and

WHEREAS such bids were received and opened and Town Engineer Richard J. Franzetti, P.E. has recommended the awarding of the bids to Slack Chemical Supply, Carthage, NY,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of all Carmel Sewer Districts and Carmel Water Districts hereby awards the bids for the purchase and supply of chemicals in said Districts, to Slack Chemical Supply, Carthage NY the lowest responsible bidder who met specifications at the prices set forth in the bid documents received and currently on file in the Office of the Town Engineer.

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 #9

**RESOLUTION ACCEPTING PROPOSAL FOR CATCH BASIN
CONTAMINATION INVESTIGATION**

RESOLVED THAT the Town Board of the Town of Carmel, hereby authorizes the acceptance of the proposal of Northeast Aquatic Services, LLC, Mansfield Center, CT for catch basin contamination investigation services in the Lake Casse and Kirk Lake watersheds, at an overall cost not to exceed \$3,053.00 and in accordance with the proposal dated June 15, 2022; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Michael Cazzari is hereby authorized to execute any and all necessary contract documentation to effect acceptance of this proposal upon the terms authorized herein.

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 ACCEPTING PROPOSAL FOR MDM DATA HOSTING SERVICES

RESOLVED THAT the Town Board of the Town of Carmel, hereby authorizes the acceptance of the proposal of National Metering Services, Inc., Kearney, NJ for MDM Data Hosting and reporting services for Town of Carmel water districts during the period commencing immediately through June 30, 2023, at an overall cost not to exceed \$8,526.00 and in accordance with the proposal dated June 8, 2022; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Michael Cazzari is hereby authorized to execute any and all necessary contract documentation to effect acceptance of this proposal upon the terms authorized herein.

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 #11

RESOLUTION AUTHORIZING EXECUTION OF EXEMPT PARTICIPATING MEMBER AGREEMENT – UDIG, NY

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes Town Supervisor Michael Cazzari to execute the Exempt Participating Member Agreement with UDIG NY, East Syracuse, NY, in form as attached hereto and made a part hereof.

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	___	___



UDig NY
6706 Collamer Road
East Syracuse, NY 13057

MemberSupport@UDigNY.org
O: (800) 309-8289x1
F: (315) 437-2621
UDigNY.org

Exempt Participating Member Agreement

The undersigned hereby applies for admission as an **Exempt Participating Member** of UDig NY, Inc., located at 6706 Collamer Road, East Syracuse, New York 13057 and in connection therewith, covenants and agrees when accepted as an Exempt Participating Member:

1. To actively participate in progressing the objectives and administration of UDig NY;
2. To promptly pay the charges as fixed and from time to time reestablished by UDig NY's board of Directors;
3. To waive and disclaim, and applicant hereby does waive and disclaim, any and all claims for damages arising solely out of the operation of the communications service provided by UDig NY, including claims for damage resulting from negligence in the operation of said communications service by UDig NY, its agents, servants, or employees from and after the date of applicant's acceptance as an Exempt Participating Member;
4. To abide by the by-laws and operating procedures of UDig NY;
5. That exempt participating membership is limited to three categories of members (i) municipalities, which include only cities, counties, towns, and villages that operate underground facilities; (ii) authorities that operate underground facilities, and (iii) operators of underground facilities that provide water services to less than four thousand customers;
6. That each Exempt Participating Member is entitled to receive UDig NY service at one designated location at no charge and that any additional services requested will be paid for by the Exempt Participating Member.

Applicant: _____
(Organization)

I, _____, represent and warrant that _____
(Print Name) (Organization)

Is entitled to admission as an Exempt Participating Member of UDig NY because it is a _____
(city/town/village/county/authority/operator of underground facilities that provides water service to less than four thousand customers). That I am legally authorized to execute this

application and bind the organization to the above covenants and agreements and, by my signature, do so bind the organization, and that UDig NY, can justifiably rely on these representations and warranties in accepting the organization as an Exempt Participating Member.

(Signature)

(Date)

(Title)

UDig NY, Inc. office use only	
Date Received: ____ / ____ / ____	Title: Board Secretary
Approved by: _____	Date: _____
Revised on 8/24/2011	

RESOLUTION #12

RESOLUTION AUTHORIZING RE-SCHEDULING OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday August 3, 2022 at 7:00 p.m. or as soon thereafter that evening as possible, on a proposed Local Law which is proposing multiple amendments to Chapter 156 of the Town Code of the Town of Carmel, entitled "Zoning" and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford 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: _____

Seconded by: _____

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

RESOLUTION #13

RESOLUTION AUTHORIZING RE-SCHEDULING OF PUBLIC HEARING

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday August 3, 2022 at 7:00 p.m. or as soon thereafter that evening as possible, pursuant to New York Town Law §272-A and §272-A(6) on the Draft Comprehensive Plan being proposed in and for the Town of Carmel; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford 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: _____

Seconded by: _____

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

RESOLUTION #14

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 501022/2021 a certain lawsuit entitled “99 Gleneida Avenue Realty, LLC” in regard to recreation the assessment of certain real property known and designated as, Town of Carmel Tax Map Nos. 44.13-2-18 on the 2021 tax rolls; 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 L. 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	_____	_____

RESOLUTION #15

PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL SEWER DISTRICT #5 IN THE TOWN OF CARMEL PUTNAM COUNTY NEW YORK

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Carmel Sewer District #5, in the Town of Carmel, Putnam County, New York, consisting of the replacement in kind on site of the existing Wastewater Treatment Plant, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,018,690; and

WHEREAS, at a meeting of said Town Board duly called and held on June 15, 2022, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Carmel Sewer District #5 in said Town at a maximum estimated cost of \$1,018,690, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on July 6, 2022, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; 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 in the public interest to make the increase and improvement of the facilities of Carmel Sewer District #5, in the Town of Carmel, Putnam County, New York, consisting of the replacement in kind on site of the existing Wastewater Treatment Plant, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,018,690.

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	___	___

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

I, the undersigned Clerk of the Town of Carmel, Putnam County, New York (the “Issuer”),

DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 6th day of July, 2022.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the “Open Meetings Law”.
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this _____ day of July, 2022.

Town Clerk

(CORPORATE
SEAL)

RESOLUTION #16

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,018,690 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CARMEL SEWER DISTRICT #5, IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Carmel Sewer District #5, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$1,018,690; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Carmel Sewer District #5, in the Town of Carmel, Putnam County, New York, consisting of the replacement in kind on site of the existing Wastewater Treatment Plant, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$1,018,690 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,018,690, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$1,018,690 bonds of said Town authorized to be issued pursuant to this bond resolution; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such specific object or purpose or the Town Board shall appropriate other monies of the Town therefor, the amount of bonds to be issued pursuant

to this resolution shall be reduced dollar-for-dollar.

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 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Carmel Sewer District #5 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 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, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 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, the Supervisor 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.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, 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, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation 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 specific 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: _____

Seconded by: _____

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

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

I, the undersigned Clerk of the Town of Carmel, Putnam County, New York (the “Issuer”),

DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 6th day of July, 2022.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the “Open Meetings Law”.
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this _____ day of July, 2022.

Town Clerk

(CORPORATE
SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on July 6, 2022, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Carmel, Putnam County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Mahopac, New York,

July 6, 2022.

/s/Ann Spofford

Town Clerk

BOND RESOLUTION DATED JULY 6, 2022.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,018,690 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CARMEL SEWER DISTRICT #5, IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK.

Specific object or purpose:	Carmel Sewer District #5 improvements, being the replacement in kind on site of the existing Wastewater Treatment Plant
Maximum estimated cost:	\$1,018,690
Amount of obligations to be issued:	\$1,018,690 bonds (to be reduced by grants-in-aid received)
SEQRA status:	Type II Action. 6 NYCRR part 617.5(c)(2). SEQRA compliance materials on file in the office of the Town Clerk where they may be inspected during normal office hours by appointment.