

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 Michael Cazzari on the 1<sup>st</sup> day of February 2023 at 7:01 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Baranowski, Councilman Lombardi, Councilwoman McDonough, Councilman Schanil, and Supervisor Cazzari.

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

**MINUTES OF TOWN BOARD MEETING HELD ON 1/4/2023 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Schanil, seconded by Councilman Baranowski and Councilwoman McDonough with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on January 4<sup>th</sup> were accepted as submitted by the Town Clerk.

Supervisor Cazzari introduced Police Chief Anthony Hoffmann to speak about the new promotions and appointment in the Carmel Police Department.

Chief Hoffmann announced the promotion of Sergeant Brian Forde to the position of Detective Sergeant. Chief Hoffmann stated that Sergeant Ford has done an outstanding job and will now become the Supervisor of the Detective Division. Sergeant Forde was unable to attend tonight’s meeting.

Chief Hoffmann stated that with the promotion of Sergeant Forde, there is an opening to be filled with the promotion of Police Officer Christopher Fox to the position of Sergeant. Officer Fox has 22 years in law enforcement and has shown a calm, steady leadership. With the promotion of Officer Fox, the vacant position of Police Officer will be filled with the appointment of Anthony Bambach. Anthony has been a Police Officer with the city of White Plains and has shown leadership qualities and has had a lot of training.

**POLICE DEPARTMENT – PROBATIONARY PROMOTIONAL APPOINTMENT OF DETECTIVE SERGEANT MADE – BRIAN FORDE**

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: Councilman Lombardi  
Seconded by: Councilwoman McDonough and Councilman Schanil

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

**POLICE DEPARTMENT – PROBATIONARY PROMOTIONAL APPOINTMENT OF SERGEANT MADE – CHRISTOPHER FOX**

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: Councilman Schanil  
Seconded by: Councilwoman McDonough

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

**POLICE DEPARTMENT – PROBATIONARY APPOINTMENT OF POLICE OFFICER MADE – ANTHONY BAMBACH**

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 of \$67,238.00 subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Supervisor Cazzari  
Seconded by: Councilwoman McDonough, Councilman Lombardi and Councilman Baranowski

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

Supervisor Cazzari administered the Oaths of Office for Sergeant Fox and Police Officer Bambach and the members of the Town Board congratulated them on their promotion and appointment.

**PUBLIC COMMENTS**

Putnam County Legislator Erin Crowley, resident of Mahopac, addressed an email she sent to the Town Board this week regarding an incident that happened at one of the vape shops in town. Ms. Crowley noted that there are currently eleven vape shops within the Town of Carmel. She has heard from many constituents regarding their concerns about this issue. She suggested the possibility of implementing a moratorium on vape shops similar to what was done in 2018 and 2019. Ms. Crowley also stated that while the Comprehensive Master Plan and zoning laws are currently under review, this may be a good time to address the zoning laws as it relates to these types of businesses.

Ms. Crowley stated that she looks forward to working together with the Town Board.

1 FEBRUARY 2023  
TOWN BOARD MEETING

(Cont.)

Dave Nicholas, Mahopac resident, inquired about the Town Board hiring a firm to do a study of Lake Mahopac. Mr. Nicholas asked if this item was discussed at a public meeting and if this firm is going to do the same study as the one done recently by Bonnie Franson, of Nelson, Pope & Voorhis, LLC.

Supervisor Cazzari stated that the hiring of the firm to conduct the study is a contractual issue. He said that this study will include health, safety and welfare information as both lakes are water supplies. Councilwoman McDonough added that the prior firm was hired to do the Comprehensive Master Plan which included the lakes but is not the same type of study.

Mr. Nicholas stated that long time Town of Carmel employee Rob Vara will be retiring after over thirty years of service. He inquired if the board had planned a celebration for Mr. Vara. Supervisor Cazzari said that was not something Mr. Vara wanted.

**PUBLIC HEARING HELD ON THE FIRE PROTECTION CONTRACTS AND  
AMBULANCE DISTRICT CONTRACTS FOR THE YEAR 2023**

Supervisor Cazzari asked the Deputy Town Clerk to read the following Notice of Public Hearing as published in the Town’s official newspapers:

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 1 <sup>st</sup> 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		

With no one objecting to the public notice as read, Supervisor Cazzari opened the Public Hearing for public comment at 7:10 p.m. Twelve (12) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Baranowski, seconded by Councilwoman McDonough, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:12 p.m.

**SIGNING OF HOLD HARMLESS AGREEMENT AUTHORIZED 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

(Cont.)

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 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: Councilwoman McDonough

Seconded by: Councilman Baranowski

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

**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: \_\_\_\_\_

**ATTENDANCE AT SEMINARS AUTHORIZED – COUNCILMAN STEPHEN BARANOWSKI - THE OFFICE OF THE STATE COMPTROLLER INTRODUCTION TO GOVERNMENTAL ACCOUNTING ON LINE SEMINARS**

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: Councilman Baranowski  
Seconded by: Councilwoman McDonough

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

**ENTRY INTO VARIOUS SERVICE CONTRACTS AUTHORIZED - MAHOPAC FALLS FIRE DEPARTMENT, INC., MAHOPAC VOLUNTEER FIRE DEPARTMENT, INC., CARMEL FIRE DEPARTMENT, INC., NORTH SALEM AMBULANCE CORPS., CARMEL VOLUNTEER AMBULANCE CORPS., PUTNAM COUNTY HUMANE SOCIETY, INC., PUTNAM COUNTY SOCIETY FOR PROTECTION OF CRUELTY TO ANIMALS, INC., REED MEMORIAL LIBRARY, MAHOPAC LIBRARY, AND COUNTY OF PUTNAM**

WHEREAS appropriations have been made in the 2023 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel; and

WHEREAS a public hearing was duly held on said contract amounts on February 1, 2023; and copies of said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor Michael Cazzari to execute contracts with the following contractors for the services indicated in an amount not to exceed that set forth below:

<u>CONTRACTOR</u>	<u>SERVICES</u>	<u>NOT TO EXCEED AMOUNT</u>
MAHOPAC FALLS VOLUNTEER FIRE DEPARTMENT	FIRE PROTECTION-FIRE PROTECTION DIST. #1	\$888,800.00
MAHOPAC VOLUNTEER FIRE DEPARTMENT	FIRE PROTECTION-FIRE PROTECTION DIST. #2	\$1,600,000.00
CARMEL FIRE DEPARTMENT	FIRE PROTECTION-FIRE PROTECTION DIST. #3	\$906,000.00
NORTH SALEM VOLUNTEER AMBULANCE CORPS	AMBULANCE SERVICES-CARMEL AMBULANCE DISTRICT #1	\$13,500.00
CARMEL VOLUNTEER AMBULANCE CORPS	AMBULANCE SERVICES-CARMEL AMBULANCE DISTRICT #1	\$480,000.00
PUTNAM COUNTY HUMANE SOCIETY, INC.	DOG SHELTER SERVICES	\$50,635.00
PUTNAM SPCA	DOG CONTROL SERVICES	\$10,000.00

1 FEBRUARY 2023  
TOWN BOARD MEETING

(Cont.)

REED MEMORIAL LIBRARY	LIBRARY SERVICES	\$40,000.00
MAHOPAC LIBRARY	LIBRARY SERVICES	\$60,000.00
COUNTY OF PUTNAM	OUTREACH SERVICES	\$5,000.00

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Schanil

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

**PILOT AGREEMENT ACKNOWLEDGED 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: Councilman Schanil  
Seconded by: Councilman Lombardi

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

**ENTRY INTO AGREEMENT WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AUTHORIZED**

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 authorized to execute said agreement.

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Resolution

Offered by: Supervisor Cazzari  
Seconded by: Councilman Schanil

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

Prior to reading the next resolution, Supervisor Cazzari explained that the request to hire a firm to study Lake Mahopac and Kirk Lake came about as a result of all of the comments received from concerned residents. In the best interest of the health, safety and welfare of our residents; as well as the recreational users and the people that consume the water supplies from the lakes, the Town Board wanted to hire a firm that specializes in these types of studies. This study will gain information about the water quality and also how best to craft zoning in the Comprehensive Plan.

**PROPOSAL ACCEPTED FOR LAKE BOATING AND RECREATIONAL STUDIES – CLOTHIER PLANNING & CONSULTING**

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: Councilwoman McDonough  
Seconded by: Councilman Lombardi and Councilman Schanil

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

**SETTLEMENT OF LITIGATION AUTHORIZED – “RIFKIN GROUP, LLC VS. TOWN OF CARMEL AND ITS ASSESSOR AND BOARD OF ASSESSMENT REVIEW” INDEX NO. 500707/2022**

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

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“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 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: Councilman Baranowski  
Seconded by: Councilwoman McDonough

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

**COMMENTS/ANNOUNCEMENTS**

Councilwoman McDonough congratulated the Mahopac High School Cheerleading Team on their victory at Nationals.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schanil with all Town Board members present and in agreement, the meeting was adjourned at 7:33 p.m. to Executive Session to discuss the Downtown Revitalization Project (Swan Cove Project).

Respectfully submitted,

Alice Daly, Deputy Town Clerk