

5 JULY 2023

**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 5th day of July 2023 at 7:05 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 and a moment of silence was held to honor those serving in the United States Armed Forces.

PRESENTATION OF CARNEGIE HERO AWARD TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION POLICE OFFICER DANIEL FRANZ

Supervisor Cazzari explained that the Carnegie Hero Award is bestowed on individuals in the United States and Canada who risk death or serious physical injury to an extraordinary degree, saving or attempting to save the lives of others. Congressman Michael Lawler presented New York State Department of Environmental Conservation Police Officer Daniel Franz of Mahopac with the Carnegie Medal in connection with his efforts to free a driver and his dog trapped in a burning vehicle perched on an embankment adjacent to a reservoir in Carmel. The Town Board presented Officer Franz with a proclamation in recognition of his heroism. Supervisor Cazzari acknowledged Officer Franz on behalf of Assemblyman Matthew Slater, and forwarded a recognition certificate to him from the Putnam County Legislature.

PUBLIC HEARING HELD - THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CARMEL WATER DISTRICTS NOS. 1, 2, 8, 10 AND 13 IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK - ADDITIONAL \$900,000 (WATER TANK OR SHARED WATER TANK AND RELATED EQUIPMENT AND SITE IMPROVEMENTS)

Supervisor Cazzari asked the 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, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on July 5, 2023, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a respective public hearing upon a certain map, plan and report, including a revised estimate of cost, in relation to the proposed increase and improvement of the facilities of Carmel Water Districts Nos. 1, 2, 8, 10 and 13 in said Town, consisting in each district of the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a revised maximum estimated cost of \$71,315 to Carmel Water District No. 1 (an increase of \$18,400), \$3,762,615 to Carmel Water District No. 2 (an increase of \$700,000), \$652,796 to Carmel Water District No. 8 (an increase of \$117,000), \$151,158 to Carmel Water District No. 10 (an increase of \$39,000), and \$99,221 to Carmel Water District No. 13 (an increase of \$25,600).

Said capital projects have 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, said regulations provide will not result in any significant adverse environmental impacts.

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

Dated: Mahopac, New York,
June 8, 2023.

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

Ann Spofford
Town Clerk

With no one objecting to the public notice as read, Supervisor Cazzari opened the Public Hearing for public comment at 7:20 p.m. Eight (8) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:21 p.m.

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TOWN BOARD MEETING

PUBLIC HEARING HELD - THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE LAKE MAHOPAC PARK DISTRICT IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK - ADDITIONAL \$300,000 (LAKE MAHOPAC DAM)

Supervisor Cazzari asked the 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, Putnam County, New York, will meet at the Town Hall, in Mahopac, New York, in said Town, on the 5th day of July, 2023, 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 prepared in relation to the proposed increase and improvement of the facilities of the Lake Mahopac Park District in the Town of Carmel, Putnam County, New York, being the construction of improvements to the Lake Mahopac Dam, including incidental improvements and expenses in connection therewith. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the Lake Mahopac Park District in the Town is \$475,000, consisting of \$300,000, plus \$175,000 heretofore authorized for engineering assessment expenses.

Said 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

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 8, 2023

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

_____/s/Ann Spofford
Town Clerk

With no one objecting to the public notice as read, Supervisor Cazzari opened the Public Hearing for public comment at 7:22 p.m. Nine (9) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:23 p.m.

PUBLIC COMMENTS

Maria Barry explained that she and Gail Driscoll Silke administer the military tribute banner program in the hamlet of Carmel as well as in the Town of Kent, and that they have been attempting to get clarification from the Town Board with regard to issues with the program. Ms. Barry stated that although their volunteer organization donates \$25.00 per banner to veterans’ causes in Putnam County, totaling tens of thousands of dollars, the other vendor who administers military banners is not contributing anything to the veterans. In addition, the other vendor is infringing on the area of the Town where it was agreed that their banners would be posted.

Gail Driscoll Silke added that the vendor that they currently use for their copyrighted protected banners sent the other vendor a cease and desist letter, and that if their vendor does not hear back by Friday, legal action may be taken. Ms. Driscoll Silke stated that Councilwoman McDonough had previously advised the other vendor to increase the price that they charge for their banners by \$25.00 which was supposed to go to the local veterans. However, no money has been given to them in the two years since the program started. She stated that the other vendor needs to be held accountable.

Councilwoman McDonough stated that when she sent an email out to that business owner, she was later advised that she should not have, because she is not authorized to dictate what businesses do and/or charge. Councilwoman McDonough went on to read aloud an email that she drafted after recently speaking with Ms. Barry regarding the program. She pointed out that the veterans’ banner program was started as a Girl Scout Gold Award project which has since concluded, and therefore, the Town of Carmel’s involvement has concluded.

(Cont.)

Town Attorney Gregory Folchetti stated that his recollection was that the Town Board did not undertake any part of the program other than to be supportive of it. He stated that there was no determination by the Town Board to contribute to it, and the banners are not being hung on Town property. Because it is not a Town sponsored project, the Town’s control of it is limited.

Town Attorney Folchetti stated that the possibility of copyright infringement is a separate issue, and there may be private rights to be enforced in that regard. He stated that the Town Board is not in a position to dictate who has a specific geographic region of the Town, or who is creating the banners. He stated that the Town Board can visit the matter at a future time because at this time, their hands are somewhat tied. Discussion ensued regarding the matter.

IMPROVEMENTS AT SYCAMORE PARK AUTHORIZED - SCOUT EAGLE PROJECT OF SAMUEL GRIMM

RESOLVED that the Town Board of the Town of Carmel, in connection with the proposed Scout Eagle project of Samuel Grimm, 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 13, 2023; 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: Councilman Lombardi
Seconded by: Councilman Schanil and 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>

DEPARTMENT OF RECREATION AND PARKS - CERTAIN EQUIPMENT DECLARED OBSOLETE AND DISPOSAL AUTHORIZED - 2009 FORD F35 DUMP TRUCK

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Recreation and Parks, James Gilchrist in his memo dated June 13, 2023, hereby declares Car #P59, 2009 Ford F35 Dump Truck VIN# 1FDWF37R49EB09202 to be obsolete and authorizes disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

Resolution

Offered by: Councilman Schanil
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>

DONATION FROM THE MAHOPAC SPORTS ASSOCIATION ACCEPTED TO CONSTRUCT A LACROSSE PRACTICE WALL - AIRPORT PARK

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes and accepts the donation from the Mahopac Sports Association to construct a Lacrosse Practice Wall at Airport Park; and

BE IT FURTHER RESOLVED, that subject to the provisions of the New York State Labor Law, the Town Board of the Town of Carmel hereby authorizes the volunteer construction of the proposed lacrosse practice wall at Airport Park; and

BE IT FURTHER RESOLVED that the construction of the proposed lacrosse practice wall shall be conducted and performed in accordance with the plans and specifications provided by Director of Recreation and Parks James R. Gilchrist to the Town Board on June 21, 2023, as same may be amended hereafter upon consent of the Town Board and the Town Engineer Richard J. Franzetti, P.E.; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates from all contractors and/or vendors proposed to install the lacrosse practice wall improvements as set forth herein in form acceptable to Town Counsel, the aforesaid work may be commenced.

Resolution

Offered by: Supervisor Cazzari
Seconded by: Councilwoman McDonough and Councilman Schanil

<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>

RESOLUTION ADOPTED IN SUPPORT OF TOWN OF CARMEL POLICE DEPARTMENT DARE PROGRAM

WHEREAS the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, has previously established the DARE Program within the Town of Carmel Police Department; and

WHEREAS, the referenced DARE Program was incorporated into the Town of Carmel Police Department by virtue of an Agreement previously executed between the Town of Carmel and the Town of Carmel Police Benevolent Association; and

WHEREAS, the Officers of the DARE Program have been asked to help address the growing issue of drugs and vaping amongst the students within the Town’s school districts; and

WHEREAS it is the Town Board of the Town of Carmel’s desire to reinforce drug prevention programs;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department, hereby declares its full and complete support of promptly supporting the extension of the DARE Program, under the guidance and recommendation of Chief of Police Anthony Hoffmann, so that the Town of Carmel Police Department is able to provide said services to the students of the Town’s School Districts as soon as is possible.

Resolution

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

<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>

RESOLUTION FROM 4/19/2023 AMENDED - CARMEL WATER DISTRICT #8 - EMERGENCY PURCHASE OF RAW WATER PUMP AUTHORIZED - BEE & JAY PLUMBING - NOT TO EXCEED \$17,091.00

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8, and upon the recommendation of Town Engineer Richard Franzetti, in his memo dated March 27, 2023, hereby accepts the quote, dated March 21, 2023, from Bee & Jay Plumbing, Mahopac, NY for the emergency purchase of a raw water intake pump at the Carmel Water District #8 Treatment facility, at a cost not to exceed \$17,091.00 and in accordance with the proposal dated March 21, 2023; and

BE IT FURTHER RESOLVED that the cost of said repairs and improvements be assessed proportionately among Carmel Water Districts #1, #8, #10 and #13; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to execute any and all documentation reasonably necessary to effectuate the purchase authorized hereunder; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any budgetary transfers or modifications required pursuant to this authorization.

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>

PUBLIC INTEREST ORDER ADOPTED IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF CARMEL WATER DISTRICTS NOS. 1, 2, 8, 10 AND 13 IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK - ADDITIONAL COSTS - (WATER TANK OR SHARED WATER TANK AND RELATED EQUIPMENT AND SITE IMPROVEMENTS) - OFFERED AS PRE-FILED

WHEREAS, by proceedings heretofore had and taken, the Town Board of the Town of Carmel, Putnam County, New York, authorized an increase and improvement of the facilities of the Carmel Water Districts Nos. 1, 2, 8, 10 and 13, being in each such district, the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$71,315 to Carmel Water District No. 1 (an increase of \$18,400), \$3,762,615 to Carmel Water District No. 2 (an increase of \$700,000), \$652,796 to Carmel Water District No. 8 (an increase of \$117,000), \$151,158 to Carmel Water District No. 10 (an increase of \$39,000), and \$99,221 to Carmel Water District No. 13 (an increase of \$25,600); and

WHEREAS, by Order dated June 7, 2023, said Town Board called a joint public hearing on the question of the increase in the aggregate maximum estimated cost of said project of \$900,000 allocated to said water districts as hereinafter provided, at a new aggregate maximum estimated cost to said water districts of \$4,737,105 of the new aggregate maximum estimated cost of \$5,833,890 to all districts; 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;

(Cont.)

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 the Carmel Water Districts Nos. 1, 2, 8, 10 and 13, in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, at a new maximum estimated cost of \$71,315 to Carmel Water District No. 1 (an increase of \$18,400), \$3,762,615 to Carmel Water District No. 2 (an increase of \$700,000), \$652,796 to Carmel Water District No. 8 (an increase of \$117,000), \$151,158 to Carmel Water District No. 10 (an increase of \$39,000), and \$99,221 to Carmel Water District No. 13 (an increase of \$25,600), and said increases and improvements is hereby authorized and approved.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilman Lombardi
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>

CARMEL WATER DISTRICTS NOS. 1, 2, 8, 10 AND 13 - ISSUANCE OF AN ADDITIONAL \$900,000 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, AUTHORIZED TO PAY PART OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - (WATER TANK OR SHARED WATER TANK AND RELATED EQUIPMENT AND SITE IMPROVEMENTS) - OFFERED AS PRE-FILED

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, on August 21, 2019, July 1, 2020 and August 11, 2021, duly adopted bond resolutions authorizing the issuance of an aggregate \$4,933,890 serial bonds of said Town to pay the cost of the increase and improvement of the Carmel Water Districts Nos. 1, 2, 3, 8, 9, 10, 13 and 14, in and for the Town of Carmel, Putnam County, New York (the “Water Districts”), being in each such district, the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, and

WHEREAS, said capital project has been determined to be a Type II Action, with a Negative Declaration 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 it has been determined will not result in any significant environmental adverse effect; and

WHEREAS, it has now been determined that the maximum estimated cost of such class of objects or purposes is \$5,833,890, an increase of \$900,000 over that previously authorized related to Carmel Water Districts Nos. 1, 2, 8, 10 and 13; and

WHEREAS, it is now desired to authorize the issuance of an additional \$900,000 bonds of said Town for such class of objects or purposes 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:

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(Cont.)

Section 1. For the class of objects or purposes of paying additional costs of the increase and improvement of the Carmel Water Districts Nos. 1, 2, 8, 10 and 13, in and for said Town of Carmel, Putnam County, New York, being in each such district, the construction of improvements to the district water tank or shared water tank and related equipment and site improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$900,000 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 class of objects or purposes is now determined to be \$5,833,890, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$2,728,390 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted August 21, 2019;
- b) by the issuance of the \$1,262,500 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted July 1, 2020;
- c) by the issuance of the \$943,000 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted August 11, 2021; and
- d) by the issuance of the additional \$900,000 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 class of objects or purposes 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 class of objects or purposes.

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 monies raised in said Water Districts in the manner provided by law, 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 said officer 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, said officer 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.

(Cont.)

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:

- a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- b) 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
- c) 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, or a summary thereof, 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 Schanil
Seconded by: Councilman Lombardi

<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>

PUBLIC INTEREST ORDER ADOPTED IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE LAKE MAHOPAC PARK DISTRICT IN THE TOWN OF CARMEL, PUTNAM COUNTY, NY - ADDITIONAL \$300,000 - (LAKE MAHOPAC DAM)

WHEREAS, by proceedings heretofore had and taken, the Town Board of the Town of Carmel, Putnam County, New York, authorized preliminary planning for the construction of improvements to the Lake Mahopac Dam in the Lake Mahopac Park District, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$175,000; and

WHEREAS, by Order dated June 7, 2023, said Town Board called a public hearing on the question of the increase and improvement of the facilities of the Lake Mahopac Park District at a maximum estimated cost of \$475,000, being \$300,000 plus the \$175,000 previously authorized for engineering assessment expenses; and

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(Cont.)

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 the Lake Mahopac Park District, in the Town of Carmel, Putnam County, New York, in the manner described in the preambles hereof, at a maximum estimated cost of \$475,000, and said increase and improvement is hereby authorized and approved.

Section 2. This Order shall take effect immediately. The question of the adoption of the foregoing Order was duly put to a vote on roll, which resulted as follows:

Resolution

Offered by: Supervisor Cazzari
Seconded by: Councilman Lombardi and 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>

LAKE MAHOPAC PARK DISTRICT - ISSUANCE OF AN ADDITIONAL \$300,000 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, AUTHORIZED TO PAY PART OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES IN AND FOR SAID TOWN - (LAKE MAHOPAC DAM) - OFFERED AS PRE-FILED

WHEREAS, by a bond resolution dated August 26, 2020, the Town Board of the Town of Carmel, Putnam County, New York, authorized the issuance of \$100,000 serial bonds of said Town to pay the cost of engineering assessment expenses in connection with improvements to the Lake Mahopac Dam, including expenses related thereto, in and for said Town; and

WHEREAS, by a bond resolution dated April 20, 2022, the Town Board of the Town of Carmel, Putnam County, New York, authorized the issuance of \$75,000 serial bonds of said Town to pay the additional cost of engineering assessment expenses in connection with improvements to the Lake Mahopac Dam, including expenses related thereto, in and for said Town

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, the regulations provide will not result in any significant environmental effects; and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$475,000, an increase of \$300,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$300,000 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:

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Section 1. For the specific object or purpose of paying additional costs of the increase and improvement of the Lake Mahopac Park District, in and for said Town of Carmel, Putnam County, New York, consisting of the construction of improvements to the Lake Mahopac Dam, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$300,000 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 \$475,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$100,000 bonds of said Town authorized to be issued pursuant to the aforesaid bond resolution dated and duly adopted on August 26, 2020;
- b) by the issuance of an \$75,000 additional bonds of said Town authorized to be issued pursuant to the aforesaid bond resolution dated and duly adopted on April 20, 2022; and
- c) by the issuance of the additional \$300,000 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 thirty (30) years, pursuant to subdivision 22 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. The period of probable usefulness stated in the preliminary engineering expenses provided in the bond resolutions adopted August 26, 2020 and April 20, 2022 is hereby determined to be thirty (30) years as provided herein, and said bond resolutions are hereby amended to so provide. 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 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 monies raised in said Lake Mahopac Park District in the manner provided by law, 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 said officer 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, said officer 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

(Cont.)

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 or 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 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:

- a. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- b. 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
- c. 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, or a summary thereof, 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: Councilwoman McDonough
Seconded by: Councilman Lombardi and 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>

RESOLUTION ADOPTED IN SUPPORT OF THE “OLD PUTNAM MOTORS BUILDING” TO BE USED AS OPEN SPACE

RESOLVED, that the Town Board of the Town of Carmel, hereby requests that the Putnam County Legislature not authorize the sale of the real property owned by the County of Putnam, known as of the “Old Putnam Motors Building” located at 34 Gleneida Avenue, Carmel, New York; and

(Cont.)

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby requests that the said property be converted to open space to provide additional outdoor area for community activities, public events and ceremonies;

BE IT FURTHER RESOLVED the Town Supervisor Michael Cazzari is hereby authorized to transmit a copy of this resolution to Paul Jonke, Chairman, and the Putnam County Legislature, immediately.

Resolution

Offered by: Councilman Baranowski
Seconded by: Councilwoman McDonough and Councilman Lombardi

<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>

Councilman Baranowski explained that local veterans’ organizations have been lobbying Putnam County against the sale of the vacant “Old Putnam Motors Building”, proposing instead that the building be razed and left as open space at least until such time as some other use may be found for it. He expressed his support of the resolution, stating that the location of the property is beautiful and sits directly in front of the courthouse.

Supervisor Cazzari agreed, noting that it would be a perfect location to hold ceremonies.

Supervisor Cazzari added as a follow up to the recent resolution adopted in support of the preservation of the Belden House and his correspondence to the local officials that followed, that the Mayor of New York City’s office has assured Assemblyman Slater that the New York City Department of Environmental Protection will not be demolishing the building. He stated that the next step is to raise funding and pressure New York City to restore the building.

COMMENTS/ANNOUNCEMENTS

Supervisor Cazzari announced that the Carmel Police Department will be participating in National Night Out, a community-building campaign that promotes police-community partnerships and neighborhood camaraderie. The event will be held on August 1, 2023 from 6:00 p.m. to 9:00 p.m. at the Mahopac Chamber Park.

Supervisor Cazzari announced that Assemblyman Slater is sponsoring a blood drive at the Carmel Town Hall on August 4, 2023, from 10:00 a.m. to 3:00 p.m.

Supervisor Cazzari announced that the next Town Board meeting will be held on August 2, 2023.

Supervisor Cazzari announced that the Mahopac Volunteer Fire Department’s annual parade will be held on July 6, 2023 commencing at 7:00 p.m. It will proceed along Route 6 from Clark Place to their firehouse.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Baranowski, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 8:00 p.m. to their scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk