

TOWN BOARD MEETING  
TOWN HALL, MAHOPAC, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 3<sup>rd</sup> day of November, 2021 at 7:07 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schanil, Councilman Barile, Councilman Lombardi, Councilwoman McDonough and Supervisor Schmitt.

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 throughout the upcoming holiday season.

Supervisor Schmitt announced that the Town Board met in Executive Session at 6:00 p.m. with Town Justices Thomas Jacobellis and Daniel Miller regarding personnel, with Highway Superintendent Michael Simone regarding personnel, as well as with Director of Recreation and Parks James Gilchrist regarding personnel. In addition, Supervisor Schmitt and Councilman Barile addressed a contractual matter. Supervisor Schmitt noted that Supervisor-elect Michael Cazzari and Councilman-elect Stephen Baranowski were in attendance and will continue to be invited to observe at Executive Sessions until they officially assume their positions on the Town Board on January 1, 2022.

**PUBLIC HEARING HELD - PRELIMINARY BUDGET FOR FISCAL YEAR 2022**

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

|  |  |   |
|--|--|---|
| <p style="text-align: center;"><u><b>LEGAL NOTICE</b></u></p> <p>NOTICE OF PUBLIC HEARING TOWN OF CARMEL PRELIMINARY BUDGET</p> <p>NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 3<sup>rd</sup> day of November, 2021 at Town Hall, 60 McAlpin Avenue, Mahopac, New York, at 7:00 p.m. or as soon thereafter that evening as possible in regard to the Preliminary Budget for the fiscal year 2022 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park</p> | <p>Districts, Fire Districts, Fire Protection Districts, Garbage District and Lighting Districts; and</p> <p>BE IT FURTHER NOTICED that pursuant to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2022 are hereby specified as follows: Supervisor: \$132,388; Town Council Members (ea): \$22,277; Town Clerk \$107,064; and Highway Superintendent \$138,116;</p> <p>AND BE IT FURTHER NOTICED, that the Preliminary Budget for the Town of Carmel has been completed and filed in the Office of the Town Clerk, Town Hall, 60 McAlpin</p> | <p>Avenue, Mahopac, New York, where it is available for public inspection during office hours.</p> <p>At said Public Hearing, any resident may be heard in favor of or against the Preliminary Budget as compiled or for or against any item or items contained therein. 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.</p> <p>By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk</p> |
|--|--|---|

Supervisor Schmitt opened the Public Hearing for public comment at 7:11 p.m. Nineteen (19) people were in attendance.

Louis Astorino inquired why residents did not have the opportunity to decide whether they preferred town wide garbage collection or the option to contract privately for the service as was done in the past. He commented that residents should be permitted to hire their own company for garbage collection if they so choose.

Supervisor Schmitt explained that the way the program is set up, residents may not opt-out of town wide garbage collection and that the cost for the service cannot be removed from a tax bill even if a resident chooses to hire their own private carter to pick up their trash.

Councilman Barile pointed out that there was an overwhelming demand from the public for town wide garbage collection at the time the garbage district was created. He acknowledged that not everyone was happy with the decision.

Mr. Astorino commented that the residents did not have the opportunity to vote on the matter.

Councilman Barile indicated that the projected cost for town wide garbage collection next year will still be less than the individual price that was paid by residents privately before the garbage district was created seven years ago.

3 NOVEMBER 2021  
TOWN BOARD MEETING

(Cont.)

Mr. Astorino asked if a contract was signed with regard to garbage collection for next year yet.

Supervisor Schmitt replied, no. He added that the bids for garbage collection services are being opened tomorrow.

Mr. Astorino asked how much each resident will be paying for their garbage collection.

Councilman Lombardi responded that it will not be known until tomorrow.

Town Comptroller Mary Ann Maxwell stated that based on the first set of bids received, it would be \$37.00 per household per month.

Councilman Schanil added that the cost includes two pickups per household per week, plus two bulk pickups per year. He commented that he did not think that the price mentioned by Ms. Maxwell for this service could be obtained individually.

Councilman Barile stated that the average cost for garbage collection seven years ago ranged from \$32 per month to \$36 per month.

Mr. Astorino asked what the cost will be next year.

Councilman Lombardi stated that the bids will be opened tomorrow and that the Town Board will discuss the results at their meeting next week. He explained that he has requested that the Engineering Department seek the cost for individuals to obtain the service privately for comparison and noted that he believes that the private rate will be higher than the rate included in the bid.

Mr. Astorino asked if the contract will be awarded to the same vendor.

Councilman Lombardi answered that it depends on the bid results.

Supervisor Schmitt concluded that the bids will be opened tomorrow at 11:00 a.m. and that further information will be available next week.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Schanil and Councilman Barile, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:18 p.m.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C**

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

|  |   |   |   |   |
|--|---|---|---|---|
| <div>LEGAL NOTICE</div> <div>NOTICE OF PUBLIC HEARING</div> <div>NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, November 3, 2021 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law to override the limit on the amount of real property taxes that may be levied pursuant to New York General Municipal Law §3-c as follows:</div> <div>PROPOSED LOCAL LAW # _____ OF THE YEAR 2021</div> <div>A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL</div> | <div>LAW 3-C</div> <div>SECTION 1. LEGISLATIVE INTENT.</div> <div>It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Carmel, County of Putnam pursuant to General Municipal Law § 3-c, and to allow the Town of Carmel, County of Putnam to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.</div> <div>SECTION 2. AUTHORITY.</div> | <div>This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.</div> <div>SECTION 3. TAX LEVY LIMIT OVERRIDE.</div> <div>The Town Board of the Town of Carmel, County of Putnam is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.</div> <div>SECTION 4. SEVERABILITY.</div> <div>If any clause, sentence, paragraph, subdivision, or</div> | <div>part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.</div> | <div>SECTION 5. EFFECTIVE DATE.</div> <div>This local law shall take effect immediately upon filing with the Secretary of State.</div> <div>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.</div> <div>By Order of the Town Board of the Town of Carmel</div> <div>Ann Spofford, Town Clerk</div> |
|--|---|---|---|---|

**3 NOVEMBER 2021  
TOWN BOARD MEETING**

(Cont.)

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:22 p.m. Nineteen (19) people were in attendance.

Prakash Tewari stated that when he built his modest home in Carmel twenty-one years ago, his property taxes at the time were around \$7,000.00. They are now about \$18,000.00. He commented that it seems that the Town is applying a factor across the board when assessing properties, increasing the assessed value every year and increasing taxes every year. Mr. Tewari further commented that rising taxes have become very troublesome to elderly residents and is driving them out of the County.

Mr. Tewari expressed his frustration with the increasing assessed values assigned to all properties within the Town despite the pandemic. He stated that if he wanted to sell his home, he would be unable to obtain the value assigned to it by the Town. Mr. Tewari suggested that if a resident lives in a home for twenty or more years and it is not being used for commercial purposes, has not been renovated and is not being rented, the Town should freeze the assessed value. He urged the Town Board to do something to avoid driving all of the elderly residents from the Town.

Jean Hopper from Mahopac questioned if anyone on the Town Board communicated with anyone from another neighboring Town, such as Kent or Yorktown, who held their rate flat and experienced no budget increase.

Supervisor Schmitt said that he wished that an increase was not necessary. He explained that the budget is driven by many factors. Supervisor Schmitt stated that he had not reached out to anyone from a neighboring town to ask them how they were able to do it and perhaps it is a conversation that should take place.

Councilman Schanil pointed out that the Town of Carmel's tax rate will decrease.

Ms. Hopper noted that although the tax rate will decrease, the budget will increase. She asked what were the specific areas that the Town Board tried to tighten when reviewing the budget.

Councilman Schanil indicated that the largest increase will be experienced for town wide garbage collection.

Councilman Barile pointed out that overall spending is down.

Ms. Maxwell stated that if not for the increase in garbage collection costs, it would not be necessary to override the tax levy limit.

Ms. Hopper commented that staying within the tax cap is not something to aspire to. The Town Board should look to decrease taxes or at a minimum remain flat. She inquired about the anticipated dollar amount of the override.

Ms. Maxwell explained that the first bid held with regard to town wide garbage collection came in with bids that would require the Town to override the tax cap by \$1 million. The second bid held resulted in higher bids. The third bid results will be known tomorrow. Ms. Maxwell reiterated that if the garbage contract remained flat, it would not be necessary to override the tax cap.

Ms. Maxwell further explained that when viewing the Budget as a whole, there is a tax rate decrease in the General and Highway Funds. However, increases are seen in certain water and sewer districts, the garbage district and debt funds.

Ms. Hopper inquired about what was driving the budget increases in the water and sewer districts.

Ms. Maxwell stated that it was the costs involved for emergency repairs.

**3 NOVEMBER 2021  
TOWN BOARD MEETING**

(Cont.)

Ms. Hopper commented that this was another reason to move forward with projects that have been drawn out, such as the current piping replacement project, and that if the Town had moved quicker, money could have been saved on repairs.

Councilman Lombardi stated that Ms. Maxwell was not referencing a specific project. He clarified that Ms. Maxwell was referring to repairs in water and sewer districts necessitated by aging infrastructure. Councilman Lombardi noted that there are several districts maintaining a surplus in their reserve.

Ms. Maxwell added that fire and ambulance districts are experiencing increases also.

Ms. Hopper reiterated her recommendation to reach out to municipalities with budgets remaining flat or decreasing.

Councilman Lombardi explained that the Town would have seen a decrease in next year's budget if the garbage contract was not expiring at the end of this year. He noted that the garbage contract increase is driven in part by increasing gas prices.

Ms. Hopper suggested that gas price increases would also impact Yorktown or Kent as well.

Councilman Lombardi explained that if the neighboring town's contract for garbage collection is existing, it may not. They could see an increase when their current contract expires. He noted that although the Town Board is not in favor of it, they could dissolve the garbage district and revert back to residents paying for the service themselves. This would reduce the budget, but residents will be paying more.

Councilman Schanil added that Kent has a sanitation department.

Ms. Hopper asked for the total amount of the budget.

Supervisor Schmitt stated it to be \$51 million.

Ms. Hopper inquired about the maximum allowable tax levy increase.

Ms. Maxwell stated that to keep within the tax cap, the Town would be allowed to raise the levy by about \$900,000 to \$1 million. Awarding the contract for garbage collection will result in the Town being at least \$1 million over.

Councilman Barile reiterated that the increase is strictly a result of the garbage contract. He stated that a lot of things are happening in the Town and spending is less than last year.

Mr. Tewari repeated his frustration with his tax increases, citing other municipalities have decreased their budgets during the pandemic. He then went on to state that his water usage charge has increased from when he first moved into his house, from \$300.00 to \$400.00 per year to about \$1,000.00 per year. He commented that in addition, his water quality is not good.

Councilman Lombardi asked Mr. Tewari if he recently had a new water meter installed.

Mr. Tewari stated that he did.

Councilman Lombardi pointed out that prior to the installation of the new meter, Mr. Tewari was receiving estimated water usage bills.

Mr. Tewari explained that he would email his readings to the Town.

Supervisor Schmitt asked Mr. Tewari what street he lived on.

**3 NOVEMBER 2021  
TOWN BOARD MEETING**

(Cont.)

Mr. Tewari stated that he lives on Stoneleigh Avenue.

Supervisor Schmitt explained to Mr. Tewari that he should not be receiving water meter reading cards anymore. With the installation of the new water meters, readings are being made electronically now.

Mr. Tewari went on to speak about his dissatisfaction with the quality of the municipal water supplied to his home and suggested that the information contained in the reports provided to residents in the water district in connection with their water is incomplete.

At the conclusion held regarding the matter, Supervisor Schmitt stated that he would arrange for someone from the Town Comptroller's office reach out to Mr. Tewari in connection with his water bill, and someone from the Engineering Department with regard to his issue with the water quality reports.

Peter Gebhardt commented that exceeding the tax cap levy limit sets a dangerous precedent. He noted that the tax cap has been in place for a number of years and has provided some relief to the residents of the State. He commented that once a precedent is set to exceed it, other municipalities will follow, and expressed his concern that residents will experience large tax increases as was seen years ago.

Mr. Gebhardt referenced the projected increase for town wide garbage collection and acknowledged the skyrocketing cost of fuel. He commented however that something still must be done to ensure that the 2% tax cap is not exceeded. Mr. Gebhardt stated that he does not live in the Town all year long but pays for garbage collection all year long and would be happy if the Town reverts back to private carting as he will pay less.

Mr. Astorino asked if there is funding allocated in the budget for water main maintenance on Red Mills Road. He expressed his concern with the current asbestos-containing transite pipes cracking.

Town Engineer Richard Franzetti, P.E. stated that there is no money allocated to replace the pipes in Carmel Water District #14 at this time, and that just because the pipes are transite, does not mean that they have to be replaced.

Supervisor Schmitt explained that there is not enough funding in the water district's reserves at this time and that replacing the pipes would be a capital improvement project. He noted that if the project were to be undertaken, it would need to be coordinated between the Highway Superintendent and the Town Engineer.

Councilman Barile concluded that the last time the Town overrode the tax levy was in 2014.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Schanil and Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:49 p.m.

**MINUTES OF TOWN BOARD MEETING HELD ON 10/5/2021 - ACCEPT AS  
SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilman Barile and Councilwoman McDonough, with all members of the Town Board present and voting "aye", the minutes of the Town Board meeting held on October 5<sup>th</sup>, 2021 were accepted as submitted by the Town Clerk.

3 NOVEMBER 2021  
TOWN BOARD MEETING

**NOTICE REQUIREMENT WAIVED - NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE - TBBH, INC.**

WHEREAS, the representatives and/or proprietors of TBBH, Inc., 55 Secor Road, Mahopac, New York 10541, 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 Alcohol Beverage Control 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: Councilman Schanil  
Seconded by: Councilman Lombardi and Councilwoman McDonough

| <u>Roll Call Vote</u> | <u>YES</u> | <u>NO</u>         |
|-----------------------|------------|-------------------|
| Robert Schanil        | <u>X</u>   | <u>          </u> |
| Michael Barile        | <u>X</u>   | <u>          </u> |
| Frank Lombardi        | <u>X</u>   | <u>          </u> |
| Suzanne McDonough     | <u>X</u>   | <u>          </u> |
| Kenneth Schmitt       | <u>X</u>   | <u>          </u> |

**FILING OF SEMI-ANNUAL MS4 STORMWATER REPORT - AUTHORIZED**

WHEREAS the Town Board has been presented with a draft semi-annual MS4 Stormwater Report prepared by the Town of Carmel Engineering Department; and

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

| <u>Roll Call Vote</u> | <u>YES</u> | <u>NO</u>         |
|-----------------------|------------|-------------------|
| Robert Schanil        | <u>X</u>   | <u>          </u> |
| Michael Barile        | <u>X</u>   | <u>          </u> |
| Frank Lombardi        | <u>X</u>   | <u>          </u> |
| Suzanne McDonough     | <u>X</u>   | <u>          </u> |
| Kenneth Schmitt       | <u>X</u>   | <u>          </u> |

**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 7:52 p.m. to a Special Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk