

17 JANUARY 2024

**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 17th day of January 2024 at 7:02 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Kearns, Councilman Lombardi and Supervisor Cazzari. Councilwoman McDonough was absent.

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.

Supervisor Cazzari explained that the Town Board Meetings are not the place to discuss potential code violations, personnel issues or the nature of any allegations or possible enforcement. If anyone suspects a violation and would like to report it, they should contact the Supervisor or the Building Department. This can be done in person or residents can submit it in writing. The Building Department will investigate any complaints that are not anonymous and will take any appropriate enforcement action if necessary. This policy is in place to protect not only the individual that there are allegations against but also to protect the Town and the residents from possible litigation from the things that are discussed in open meetings that could be used against us. These meetings are to conduct the people's business.

The Supervisor said that we need to get back to having appropriate order and decorum. Your input and your opinions are valued. The Town Board wants the residents, property owners and tax payers to come to the meetings and speak. However, the use of profanity, speaking from the audience, causing disruptions, interrupting board members or consultants is not permitted. If this does occur, individuals will be given a warning. If they do not comply, they will be asked to leave.

PUBLIC COMMENTS

Michael Barile, former Councilman and current resident and taxpayer, asked why Councilman Kearns is not seated next to the Town Attorney. In the past, new Council Members would be seated next to the Town Attorney in case there were any questions.

He also stated that Councilman Kearns and Supervisor Cazzari ran their campaigns on term limits. He wanted to know why there are not term limits set for Council members and for the Supervisor. He also wanted to know why the Executive Session from last week for one personnel item took over an hour.

Supervisor Cazzari thanked Mr. Barile for his comments.

Frank Ciano, long time resident, said that he has questions but they were already answered by James Gilchrist, the Director of Parks and Recreation. He inquired as to when the sewer and water issue on Route 6 would be addressed.

Councilman Lombardi stated that he would discuss this issue with Mr. Ciano privately. Mr. Ciano also asked if it's legal for cars to be parked along Route 6 near Bell Heating and Mahopac Ford.

Councilman Kearns responded to Mr. Ciano and suggested that he should contact the Carmel Police Department if he feels there are cars in town parked illegally.

Supervisor Cazzari thanked Mr. Ciano for coming.

PUBLIC HEARING HELD – PROPOSED LOCAL LAW AMENDING CHAPTER 111 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED “PEDDLING AND SOLICITING”

With no one in objection, reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the notice were made available to the public.

(Cont.)

<p>NOTICE OF PUBLIC HEARING</p> <p>NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, January 17, 2024 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law Amending Chapter 111 of the Town Code of the Town of Carmel, entitled "Peddling and Soliciting", as follows:</p> <p>TOWN OF CARMEL PROPOSED LOCAL LAW #___ OF THE YEAR 2024 A LOCAL LAW AMENDING CHAPTER 111 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "PEDDLING AND SOLICITING"</p> <p>BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:</p> <p>SECTION 1: This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.</p> <p>SECTION 2: AMENDMENT OF CHAPTER 111 "PEDDLING AND SOLICITING"</p> <p>CHAPTER 111 of The Town Code of the Town of Carmel is hereby amended in its entirety to read as follows:</p> <p>CHAPTER 111 PEDDLING & SOLICITING ARTICLE I – PEDDLING § 111-1. PURPOSE The purpose of this Chapter to preserve the peace, health, safety, welfare and order of the Town and its inhabitants.</p> <p>§ 111-2 DEFINITIONS As used in this chapter, the following terms shall have the meanings indicated:</p> <p>ESTABLISHED PLACE OF BUSINESS – A building or store in which or where a person transacts business and deals in goods, wares and merchandise on a regular, continuing and ongoing basis.</p> <p>PEDDLER — Any person who, in any public street or public place or by going from house to house or from place of business to place of business, on foot or from any vehicle, sells or barter or offers for sale or barter or carries or displays for sale or barter any goods, wares or merchandise.</p> <p>PEDDLE – The merchandising of any goods, wares, commodities, books, periodicals, labor or services; or requesting or seeking</p>	<p>contributions of goods and/or money by going from house to house, place(s) of residence to place(s) of residence or by temporarily occupying a room, building, structure, land or other premises therefor.</p> <p>PERSON — Is singular and shall apply to the individual who is actually going to do or is doing the peddling or soliciting.</p> <p>SOLICITOR — Any person, either principal or agent, traveling either by foot or by any conveyance from place to place, from house to house, from street to street or from place of business to place of business, who takes or offers to take orders for the sale of any goods, wares or merchandise, including books or periodicals, for future delivery or for the performance of future services, whether or not he collects advance payments for such sale or service.</p> <p>VENDOR — A person who engages in the act or occupation of selling or offering for sale from a fixed location or locations, and at times and from time to time, goods, wares merchandise or labor, meats, fish, produce and prepared foods from any portable cart, stand, vehicle or display device of any nature.</p> <p>§ 111-3 PEDDLER'S LICENSE REQUIRED; EXEMPTIONS. A. It shall be unlawful for any person to engage in the business of peddler, as defined in § 111-2 of this chapter, within the Town of Carmel without having first duly obtained and having in force a license therefor as herein provided.</p> <p>B. Nothing contained in this chapter shall be deemed to apply to any of the following:</p> <p>(1) A sale conducted pursuant to order of any court.</p> <p>(2) A sale of personal property at wholesale to a retail dealer in such personal property having an established place of business in the Town of Carmel.</p> <p>(3) A sale made by a person who has or represents an established place of business within the County of Westchester, provided that such sale results from an order given through a deliveryman according to the usual custom.</p> <p>(4) The peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities on their own land, provided that they have otherwise complied with any licensing and health and safety requirements of any other competent governmental body or agency and the sale takes place from a stationary location upon property owned or leased by the seller.</p> <p>(5) Any person peddling at the express invitation of any person or organization;</p>	<p>(6) A child or student regularly attending any public, private or parochial school; veterans organizations; fraternal organizations; civic groups; churches; tax-exempt charitable or religious organizations or sects; provided, however, that such child or member of such exempt organization shall carry on an otherwise prohibited conduct only in connection with an authorized activity of the school which the child attends or another school which has authorized such child to carry on the activity or, in the case of an exempt organization, which has authorized such member to carry on the activity. It shall be required, however, that prior to the commencement of such otherwise prohibited conduct, the school or otherwise exempt organization for which the activity shall be carried on shall notify the Clerk of the Town, in writing, of the intention of such school or exempt organization to conduct such activity within the Town, together with a brief description thereof.</p> <p>§111-4 PEDDLERS LICENSE – APPLICATION AND ISSUANCE A. Any person desiring a license as herein provided shall file with the Town Clerk a written application therefor duly verified by the applicant upon blank forms provided by the Town Clerk. A license may be taken out only by such person and not in the name of a firm, corporation, association, club, etc. Such application shall include but not be limited to the following information:</p> <p>(1) The name of the applicant together with proof of age as 18 years of age or older.</p> <p>(2) The permanent home residence and the address the applicant if different than his home address.</p> <p>(3) The name and address of all entities whose products the applicant intends to peddle.</p> <p>(4) An itemized statement of all property or services to be sold or offered for sale.</p> <p>(5) All municipalities (name and state) in which the applicant has carried on the business of hawking, selling or soliciting orders during the six months immediately preceding the application.</p> <p>(6) A statement of the name, address and telephone number of any person and of any corporation, entity etc. which is employing and/or supervising the applicant's local selling activities under contractual or employment arrangement.</p> <p>(7) Copies of all forms of order and of receipt used by the applicant in soliciting sales or orders.</p> <p>(8) An enumeration of the number and kind of vehicles, if any, to be used by the applicant in carrying on the business for which the license is requested.</p> <p>(9) The name and address of a person upon whom a legal notice</p>	<p>may be served.</p> <p>(10) A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the Town of Carmel or by any department or officer thereof.</p> <p>(11) Results of a national database criminal history/background investigation for all individuals which the applicant may intend to utilize and/or employ in connection with peddling activities sought under the application. Said investigation, reports and accompanying materials shall be from source(s) and in form in acceptable to the Chief of Police of the Town of Carmel.</p> <p>B. Any application submitted may be denied if such application and investigation reveals any of the following:</p> <p>(1) Prior conviction(s) of an applicant, employer or any involved employees of a crime involving moral turpitude.</p> <p>(2) A prior violation of a peddling or soliciting ordinance or law.</p> <p>§111-5 TERMS AND CONDITIONS OF LICENSE. A. Any license issued hereunder shall be valid for a period of 120 (one- hundred twenty) days from the date of its issuance. The dates of issuance and expiration of the license as well as the purpose for which it has been issued shall be set forth on the face thereof.</p> <p>B. Any license issued hereunder shall be carried on the person of the licensee at all times while being exercised and shall be exhibited by the licensee to any person on demand. A picture of the applicant shall appear on the valid license with the Town Seal imprinted on the same.</p> <p>C. Any license issued hereunder shall not be transferable or assignable. In the event that a licensee shall permit any person other than the licensee to possess or use such license, such license shall automatically be revoked, subject to the provisions of §111-8 herein, and the licensee shall thereby be guilty of violating this chapter, and no application for a further license may be made for a period of one year from the date of revocation.</p> <p>D. The license is good only for the purposes stated thereon, and a change of product being sold or offered for sale without written consent from the Town Clerk shall constitute cause for revocation of the license, and the licensee shall thereby be guilty of violating this chapter, and no application for a further license may be made for a period of one year from the date of revocation.</p> <p>§111-6 FEES.</p>
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The application fee for such a license shall be in accordance with the Standard Schedule of User Fees of the Town of Carmel.

§111-7 APPEALS.

Any person aggrieved by the action of the Chief of Police or of the Town Clerk in the denial of a license shall have the right of appeal to the Town Board. Such appeal shall be taken by filing with the Board, within 14 days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given in the same manner as provided in § 167-13B of this chapter for notice of hearing on revocation. The decision of the Town Board on such appeal shall be final and conclusive.

§111-8 REVOCATION

A. Licenses issued under the provisions of this chapter may be revoked by the Town Board after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or a materially incorrect statement contained in the application for a license.

(2) Fraud, misrepresentation or a materially incorrect statement made in the course of carrying on the business of solicitor, peddler, distributor or transient merchant.

(3) Any violation of this chapter.

(4) Conviction of any crime, misdemeanor or violation.

(5) Conducting the business of peddler, solicitor, distributor or transient merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. A notice of the hearing for the revocation of a license shall be given by the Town Clerk, in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the holder of the license at the address given on the application at least five days prior to the date set for the hearing or shall be delivered by an agent of the Town in the same manner as a summons at least three days prior to the date set for the hearing.

§111-9 PENALTIES FOR OFFENSES

In addition to the provision of §118 above, any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the

State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE II – CANVASSING AND SOLICITING

§ 111-10 PURPOSE

The purpose of this article is to prevent fraud, crime and unethical conduct and is for the general protection, health and welfare of the residents of the Town of Carmel.

§ 111-11 DEFINITIONS CANVASSING AND SOLICITING

– The personal contact one makes with another, either on the highways and streets of this Town or on public or private property other than his own, for the purpose of raising funds for, supporting goals of or

recruiting new members into any organization. "Canvassing" and "soliciting" shall also be deemed to be making surveys for research purposes, analysis, opinion, polls, rating data and any such similar work which, of its nature, involves a door-to-door or place-to-place activity.

CANVASSING AND SOLICITING PERMIT – The permit issued by the Town Clerk to a representative or representatives of an organization to canvass and solicit.

PERSONAL CONTACT

– The face-to-face canvassing or soliciting of a person by another. Mail and telephone contact does not require a permit under this article.

§ 111-12 PERMIT REQUIRED

It shall be unlawful for any person to canvass and solicit within the Town of Carmel without having first obtained and having in full force and effect a permit therefor.

§ 111-13 CANVASSING AND SOLICITING PERMIT – APPLICATION AND ISSUANCE

The following data must be furnished by the applicant on the application form to be furnished by the Town Clerk:

A. The name of applicant together with proof of age as 18 years of age or older.

B. Name and address of the organization represented by the applicant.

C. The purpose or purposes of the canvass or solicitation.

§ 111-14 ISSUANCE OF PERMIT; CONDITIONS.

A. Provided that the applicant has furnished the data required by §111-13 of this article, the

Town Clerk shall forthwith issue a permit to the applicant. Each canvasser or solicitor must plainly display his or her permit on his or her clothing while canvassing or soliciting.

B. A permit shall not be denied unless the applicant fails to furnish the information required by § 111-13 of this article.

§ 111-15 TERM OF PERMIT

Any permit issued hereunder shall be valid for a period of 60(sixty) days from the date of its issuance. The dates of issuance and expiration of the license as well as the purpose for which it has been issued shall be set forth on the face thereof.

§ 111-16 REVOCATION OF PERMIT.

No permit, once duly issued hereunder, shall be revoked, except upon one or more of the following grounds:

A. The use of the permit by a person other than the person to whom such permit is issued.

B. The conviction of the permit holder of any crime or offense committed in the Town of Carmel during the permit period.

C. Failure to obey any of the listed requirements of this article.

§111-17 FEES.

The application fee for such a permit shall be in accordance with the Standard Schedule of User Fees of the Town of Carmel.

§ 111-18 CONSTRUAL OF PERMIT ISSUANCE.

No canvasser or solicitor shall represent that the granting of a permit hereunder signifies an endorsement of the methods, goals or precepts of the organization by the Town of Carmel.

§ 111-19 PROHIBITED ACTIONS.

Should an owner, tenant or manager of private property display a sign prohibiting canvassing or soliciting, the permit granted hereunder shall not authorize the permittee to enter upon such property. Further, no permittee should engage in any unconsented touching of another person or interfere with the pedestrian or vehicular traffic flow while conducting his solicitation. Disregard of such prohibitions shall result in revocation of the permit.

§ 111-20 EXEMPTIONS

A. Certain persons exempt. A child 18 years or under, enrolled in any public, parochial or private school and living within the Town of Carmel, is exempt from the provisions of this article.

B. Political activities exempt. Political activities are exempt from the provisions of this article.

§ 111-21 PENALTIES FOR OFFENSES

Anyone canvassing or soliciting without a permit shall be guilty of a violation of this article punishable by a fine not to exceed \$250 or a jail term not to exceed 15 days, or by both fine and imprisonment.

SECTION 4 – 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 5 – 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 6 – 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.

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
Alice Daly, Town Clerk

P. 1/10 - 672

On motion by Councilman Lombardi, seconded by Councilman Kearns, with all Town Board Members present in agreement, Supervisor Cazzari opened the Public Hearing for public comment at 7:11 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 Supervisor Cazzari, seconded by Councilman Kearns, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:12 p.m.

17 JANUARY 2024
TOWN BOARD MEETING

MINUTES OF TOWN BOARD MEETING HELD ON 12/13/2023 – ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Robert Kearns, with all members of the Town Board present voting “aye”, the minutes of the Town Board meeting held on December 13, 2023 were accepted as submitted by the Town Clerk.

SETTLEMENT OF LITIGATION AUTHORIZED – “GARY PRATO VS. THE TOWN OF CARMEL AND ITS ASSESSOR AND ITS BOARD OF ASSESSMENT REVIEW” – TAX ASSESSMENT OF PROPERTY

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York, certain lawsuits entitled “Gary Prato vs. The Town of Carmel and its Assessor and Board of Assessment Review” under Index Nos. 500872/2018; 501035/2019; 500789/2020; 501030/2021; 500703/2022 and 501001/2023;

WHEREAS such litigation was commenced in regard to the assessment of certain real property designated as Tax Map 77-2-2.1 located within the Town of Carmel on the 2018 through 2023 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 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 Kearns
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	

SETTLEMENT OF LITIGATION AUTHORIZED – “CALJETA XAXA VS. THE TOWN OF CARMEL AND ITS ASSESSOR AND ITS BOARD OF ASSESSMENT REVIEW” – TAX ASSESSMENT OF PROPERTY

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York, a certain lawsuit entitled “Caljeta Xaxa vs. The Town of Carmel and its Assessor and Board of Assessment Review” under Index Nos. 501092/2023;

WHEREAS such litigation was commenced in regard to the assessment of certain real property designated as Tax Map 64.5-1-39 located within the Town of Carmel on the 2023 tax roll; and

WHEREAS a proposed settlement of the litigation has been negotiated by certiorari counsel Gregory L. Folchetti who has recommended approval of the proposed settlement;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

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

(Cont.)

Resolution
Offered by: Councilman Lombardi
Seconded by: Supervisor Cazzari

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u></u>	
Suzanne McDonough	<u></u>	<u></u>	Absent
Frank Lombardi	<u>X</u>	<u></u>	
Michael Cazzari	<u>X</u>	<u></u>	

DEPARTMENT OF RECREATION AND PARKS – RENEWAL OF LICENSING AGREEMENT WITH ASCAP AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the renewal of the License Agreement with ASCAP for public performances of copyrighted music for the year 2024 at an annual rate of \$500.00; and
BE IT FURTHER RESOLVED that James Gilchrist, Director of Recreation and Parks, is hereby authorized to sign any necessary documents and/or reports concerning said renewal on behalf of the Town of Carmel.

Resolution
Offered by: Supervisor Cazzari
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u></u>	
Suzanne McDonough	<u></u>	<u></u>	Absent
Frank Lombardi	<u>X</u>	<u></u>	
Michael Cazzari	<u>X</u>	<u></u>	

BUILDING DEPARTMENT – REFUND OF VARIANCE FEE AUTHORIZED – 46 WEST LAKE BLVD. TAX MAP 75.7-3-35

RESOLVED that, upon the recommendation of Town of Carmel Director of Codes Enforcement Michael Carnazza, the Town Board of the Town of Carmel hereby authorizes the refund of the fee paid for a variance application for the premises at 46 West Lake Blvd. Tax Map 75.7-3-35 in the amount of \$300.00.

Resolution
Offered by: Councilman Kearns
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u></u>	
Suzanne McDonough	<u></u>	<u></u>	Absent
Frank Lombardi	<u>X</u>	<u></u>	
Michael Cazzari	<u>X</u>	<u></u>	

RECREATION AND PARKS DEPARTMENT – AWARD OF CONTRACT AUTHORIZED - C292 AIRPORT PARK PLAYGROUND INSTALLATION - GIACORP CONTRACTING, INC. AT A COST NOT TO EXCEED \$203,258

WHEREAS, the Town Board of the Town of Carmel has previously authorized the advertisement for bids for the Airport Park Playground Installation within the Town of Carmel; and
WHEREAS, such bids were received and opened on November 30, 2023 and have been submitted to the Town Board for review and consideration;

(Cont.)

NOW THEREFORE BE IT RESOLVED, that the Town Board of Carmel, upon the recommendation of Town of Carmel Town Engineer Richard J. Franzetti, P.E., hereby awards the bid/contract for the above project to GiaCorp Contracting Inc., Hawthorne, NY the low responsible bidder meeting specifications, at a cost not to exceed \$203,258.00; and

BE IT FURTHER RESOLVED that upon review of bonds and certificates of insurance in form acceptable to Town legal counsel, the referenced contractor is authorized to commence contract work and activities.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Kearns

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	

Supervisor Cazzari stated that the Recreation and Parks Department said that this project should begin as soon as it gets warm in the spring.

BUILDING DEPARTMENT – ACCEPTANCE OF PROPOSAL AUTHORIZED FOR PROPERTY CLEANUP - CHAPTER 114 TOWN CODE – TM # 75.73-1-1 – PUTNAM PROPERTY MAINTENANCE – AT A COST NOT TO EXCEED \$2,200

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Codes Enforcement, Michael Carnazza, hereby accepts the proposal of Putnam Property Maintenance, Carmel, NY for the cleanup of materials and debris from the premises at 7 Muscoot Road South, (TM#75.73-1-1) and surrounding property at a cost not to exceed \$2,200 and in accordance with the proposal dated December 8, 2023.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	

CARMEL POLICE DEPARTMENT - ENTRY INTO MEMORANDUM OF UNDERSTANDING WITH MAHOPAC CENTRAL SCHOOL DISTRICT AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Chief of Police Anthony Hoffmann, authorizes the entry into a memorandum of understanding with the Mahopac Central School District for access by the Town of Carmel Police Department to the Mahopac Central School District facilities, said memorandum of understanding to be in form and content as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Michael S. Cazzari and/or Chief of Police Anthony Hoffmann are hereby authorized to enter into and execute, on behalf of the Town, said memorandum and to transmit such executed agreement(s) to the Mahopac Central School District thereafter for countersignature.

(Cont.)

Resolution
Offered by: Councilman Kearns
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	

Supervisor Cazzari said that this is a great thing that the Carmel Police Department is doing to be able to have access to the Mahopac schools in the event of an emergency. The police will be able to get into the schools with the key fob system which will be lifesaving if ever needed.

Councilman Kearns stated that he would also like for this agreement to be done with the Carmel Central School District as well. Supervisor Cazzari stated that they are currently working on implementing this in the Carmel schools as well.



TOWN OF CARMEL
POLICE DEPARTMENT
60 MCALPIN AVENUE • MAHOPAC, NEW YORK 10541
MAIN (845) 628-1300 • FAX (845) 628-2597
POLICE@CI.CARMEL.NY.US



MEMORANDUM

TO: Carmel Town Board
FROM: Chief Anthony Hoffmann
SUBJECT: MOU with Mahopac School District –
CPD access to school facilities
DATE: January 10, 2024

Please be advised, the Police Department maintains an excellent working relationship with the Mahopac Central School District (MCSD) on matters of mutual concern relating to the safety and security of students, faculty, staff, parents, and visitors to school campuses and properties.

To this end, MCSD has agreed to coordinate a plan allowing CPD officers to access MCSD facilities via their electronic entry system. While MCSD maintains their system, CPD officers will be able to access school buildings with the key fobs already issued to our officers as part of the access control plan of Carmel Town Hall and CPD Headquarters. This will enable CPD officers access to school buildings while in the course of our duties when waiting for school staff to open doors might delay a prompt response.

There is no cost associated with this agreement as all the equipment is already in place with MCSD and CPD. Programming will be handled by MCSD IT Staff and CPD Lt. Neil Brown.


We will establish a policy to notify MCSD administration when CPD officers utilize their key fobs to gain access to school buildings.

Therefore, I recommend that the town enter into the attached Memorandum of Understanding with MCSD detailing the agreement to allow our access to school facilities.

17 JANUARY 2024
TOWN BOARD MEETING

(Cont.)

Respectfully submitted for your review and approval.



Chief Anthony Hoffmann

**MEMORANDUM OF
UNDERSTANDING**

This Memorandum of Understanding (“MOU”) is entered into by and between the Town of Carmel (“Town”), a municipal corporation of the State of New York acting by and through the Town of Carmel Police Department (“PD”), and the Mahopac Central School District, a municipal corporation of the State of New York (“District”) (collectively, the “Parties”), and is dated _____, 2023.

WHEREAS, the District operates six (6) buildings, located at:

1. Mahopac High School, 421 Baldwin Place Rd. Mahopac, NY 10541;
2. Mahopac Middle School, 425 Baldwin Place Rd. Mahopac, NY 10541;
3. Austin Road Elementary School, 390 Austin Rd. Mahopac, NY 10541;
4. Fulmar Road Elementary School, 55 Fulmar Rd. Mahopac, NY 10541;
5. Lakeview Elementary School, 112 Lakeview Dr. Mahopac, NY 10541;
6. District Office at Mahopac Falls, 100 Myrtle Ave. Mahopac, NY 10541; and
7. All buildings and property owned or leased by Mahopac Central School District;

WHEREAS, the District maintains a security camera system at the physical premises of each school (hereinafter “School Buildings”) to promote the safety and security of the District’s students, employees, visitors, and property;

WHEREAS, the Parties also recognize that during an emergency situation that poses an imminent threat to the safety of the District’s students, employees, or visitors, the Parties would benefit from allowing PD to gain physical access to the School Buildings where the imminent threat or emergency is occurring by allowing PD to use the District’s electronic entry system;

WHEREAS, the Parties recognize that certain privacy rights exist, and PD’s access to the security camera system and use of the electronic entry system should be limited to exigent circumstances requiring an immediate response by PD, and to maintenance, testing, and training as required;

WHEREAS, the Parties have agreed to the terms of this MOU to satisfy each of the foregoing interests and concerns.

NOW, THEREFORE, in consideration of the mutual undertakings herein set forth, it is mutually agreed by and between the parties as follows:

1. Scope of PD Access to Electronic Entry System
 - a. PD shall have the ability to enter any School Buildings of the District by using the District’s electronic entry system. Such access shall be provided by having the District electronically authorize the unique identifying code of the compatible keycards used by PD. PD may only enter the School Buildings of the District

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using the electronic entry system with prior consent of the District, specifically, the Superintendent of Schools or their designee, or as set forth in subparagraph 2.b below. Such prior consent may be obtained orally or in writing, including, but not limited to, via electronic communications. The limitations in this paragraph shall not apply to any Town of Carmel Police Officers on assignment at the School Buildings in the course of their regular duties.

- b. PD may use the District’s electronic entry system without the immediate prior consent of the District if a report exists of an imminent threat to the safety of the District’s students, employees, or visitors and where obtaining prior consent would not be practical due to the nature of the emergency. The PD shall notify the District as soon as practicable upon using the District’s electronic entry system pursuant to this subparagraph.
 - c. The District reserves the right to deny entry and/or discontinue PD’s use of the electronic entry system at any time.
2. Compliance With Law – PD agrees that in utilizing the electronic entry system pursuant to this MOU, it shall comply with all applicable Federal, State, local statutes, rules and ordinances, including, but not limited to the Family Educational Rights and Privacy Act (“FERPA”) [20 U.S.C. § 1232g; 34 CFR 99] and Education Law Section 2-d.
3. Indemnification – Each party shall indemnify, defend and hold the other harmless from all loss, cost, claims and suits, including reasonable attorney’s fees and disbursements, caused by its negligence or breach of this MOU.
4. Term – The term of this MOU shall be for one (1) year and shall begin on the date on which the last signatory executes same. This MOU shall automatically renew on each anniversary of the commencement date for an additional term of one (1) year unless a Party gives written notice of its intent to terminate this MOU as set forth below.
5. Insurance – Both parties do hereby agree to obtain and thereafter continue to keep in full force and in effect their general liability insurance, public liability insurance, and automotive insurance relative to the various services to be performed herein with limits of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate.
6. Termination – This MOU may be terminated by either party upon thirty (30) days’ written notice to the other party. PD’s obligations under paragraphs 2 and 3 above shall survive the termination of this agreement.

READ & APPROVED:

TOWN OF CARMEL:

_____ Date: _____

_____ Date: _____

MAHOPAC CENTRAL SCHOOL DISTRICT

_____ Date: _____

Mahopac Central School District
Superintendent

Print Name

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**ATTENDANCE AT NEW YORK WATER ENVIRONMENT ASSOCIATION
CONFERENCE AUTHORIZED - RICHARD J. FRANZETTI, P.E. – ENGINEERING
DEPARTMENT**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town of Carmel Town Engineer Richard J. Franzetti, P.E. to attend the 2024 New York Water Environment Association conference in New York, NY, from February 5TH through February 7TH, 2024; 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 Lombardi
Seconded by: Councilman Kearns

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	

**ACCEPTANCE OF PROPOSAL AUTHORIZED FOR PROFESSIONAL SERVICES
PFOS/PFOA TREATMENT PILOT STUDY BY CLEAR CREEK SYSTEMS, LLC - ALL
TOWN OF CARMEL WATER DISTRICT FACILITIES**

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of the various water districts of the Town of Carmel, hereby authorizes the performance of a pilot study for the treatment of PFOS/PFOA compounds at all Town of Carmel Water District facilities to be performed by Clear Creek Systems, LLC, Pacific, WA, in accordance with the cost, terms and conditions contained within the memorandum of J. Robert Folchetti & Associates, LLC dated January 3, 2024; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Attorney, the referenced studies may commence at the District facilities; and

BE IT FURTHER RESOLVED, that the costs of the referenced Pilot Study be allocated equally among the existing Town of Carmel Water Districts.

Resolution
Offered by: Supervisor Cazzari
Seconded by: Councilman Kearns

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	

Supervisor Cazzari stated that this is something that has been ongoing and the Town has been forced by the State to have a plan on how we are going to deal with the PFOS which is over the allowed limit in the water districts. Now we have to do a pilot study to determine the best solution.

**PERFORMANCE OF EMERGENCY REPAIRS ACKNOWLEDGED - CARMEL WATER
AND SEWER DISTRICTS**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, hereby acknowledges the emergency performance of water and sewer district collection system/distribution system and treatment facilities repairs within Carmel Water District #2, Carmel Water District #3 and Carmel Sewer District #2, all as fully detailed in the memoranda of Town Engineer

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Richard J. Franzetti, P.E. to the Town Board dated January 5, 2024, as attached hereto and made a part thereof.

Resolution
Offered by: Councilman Kearns
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	


Richard J. Franzetti, P.E.
Town Engineer



(845) 628-1500
(845) 628-2087
Fax (845) 628-7085

Office of the Town Engineer
60 McAlpin Avenue
Mahopac, New York 10541

MEMORANDUM

To:	Carmel Town Board
From:	Richard J. Franzetti P.E. Town Engineer 
Date:	January 5, 2024
Re:	Emergency Repairs/Services

- This memorandum is being presented to the Town Board to advise the Board of emergency invoices that were submitted for payment/authorization to proceed in excess of \$10,000.00 for services rendered. The following provides a brief summary of the work that was performed.
- Carmel Water District 2 – 8” water main repair
On November 29, 2023 Inframark, the operators for CWD 2, notified the Engineering Department of a water leak proximate to 13 Collier Drive West. It was a determined that the eight (8) inch water main had cracked in this location. Attached is an invoice from Kuck Excavating in the amount of \$11,423.96 to make the repair. There are sufficient funds in the budget for this expense
 - Carmel Water District 3 -
On December 3, 2023 Inframark the operator for the CWD 3 alerted the Engineering Department a water main break along Secor Road. The water main break occurred overnight and lowered the water level in the storage tank to a point where the pumps were not able to keep up with demand in the system. As such supplemental water was needed to maintain the water supply in the system. Attached are invoices from Durkin Water in the amount of \$11,700.00 to supply water and Kuck Excavating in the amount of \$17,222.44 (repair) and 10,469.04 (blacktop restoration) to make the repair. There are sufficient funds in the budget for this work. However, please note there are insufficient funds in the CWD3 operating budget for blacktop restoration expense. Therefore, a budget transfer request from the Unreserved Fund Balance to encumber the cost of this work.
 - Carmel Sewer District 2 – Second Stage Clarifier Sluice Gates
On January 4, 2024 Inframark the operator for the CSD 2 alerted the Engineering Department that the second stage clarified sluice gates need replacement.

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Per the attached the gates are ~25-30 years old and are original to the WWTP. Attached is the invoice in the amount of \$15,517.80 from Jedonna LLC. To purchase three (3) replacement gate valves. There are sufficient funds in the budget for this work.

Tel: (845) 628-1500 Fax: (845) 628-7085 email rjf@ci.carmel.ny.us

G:\Engineering\Town Board\Emergency Invoices\01-10-2024\01-05-24 Emergency Repair Acknowledgement to TB.doc

**HIGHWAY DEPARTMENT - EMERGENCY PURCHASE OF PARTS AND EQUIPMENT
AUTHORIZED – ALLEGIANCE TRUCKS, HUDSON, NY – AMOUNT NOT TO EXCEED
\$9,078.85 AND CAMEROTA TRUCK PARTS, ENFIELD, CT – AMOUNT NOT TO
EXCEED \$17,500.00**

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation and request of Town of Carmel Superintendent of Highways Michael Stern, hereby authorizes the purchase of parts and equipment for Town of Carmel Highway Vehicle #48 from Allegiance Trucks, Hudson, NY in the amount of \$9,078.85 and in accordance with the invoice dated December 19, 2023; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, upon the recommendation and request of Town of Carmel Superintendent of Highways Michael Stern, hereby authorizes the purchase of parts and equipment for Town of Carmel Highway Vehicle #29 from Camerota Truck Parts, Enfield, CT in the amount of \$17,500.00 and in accordance with the invoice dated December 20, 2023.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Kearns

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Kearns	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Michael Cazzari	<u>X</u>	<u> </u>	

COMMENTS/ANNOUNCEMENTS

Supervisor Cazzari announced that the Government Finance Officers Association has recognized our Town Comptroller Mary Ann Maxwell for the Town of Carmel’s Annual Comprehensive Financial Report for fiscal year ending December 31, 2022. She has been awarded a Certificate of Achievement for Excellence and this is the highest form of recognition that this organization issues. Supervisor Cazzari thanked Mary Ann for all of her hard work.

Supervisor Cazzari said there is snow predicted for this Friday into Saturday. He reminded residents of the Town Code that vehicles are not to be parked on the street from 9:00 p.m. to 6:00 a.m., unless there is alternate side of the street parking.

Supervisor Cazzari announced a reminder from Tax Receiver, Kathleen Kraus, that the tax bills were sent out on December 29, 2023 and are due by January 31, 2024, without penalty. You are responsible for obtaining and paying your tax bill.

Supervisor Cazzari reminded residents that the last day for Christmas tree pick up for residents serviced by Oak Ridge is Friday, January 19th. Please leave the tree by the curb without any lights or ornaments.

Supervisor Cazzari announced that the Putnam County Government is having a 2024 Career Expo on Wednesday, February 7th from 3:00 p.m. to 7:00 p.m. at the Bureau of

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Emergency Services at 112 Old Route 6, Carmel, NY. You may contact Putnam County Personnel at 845-808-1650 for additional information.

Supervisor Cazzari reminded residents that the Town Board cannot discuss items that are in negotiations.

Supervisor Cazzari said that he went to the Installation Dinner for the Mahopac Volunteer Fire Department on January 10th. Everyone had a great time.

Councilman Kearns reminded residents of the upcoming event Operation Ice Splash which will take place on January 27, 2024 at the Mahopac VFW. This event is to raise funds for the VFW. There will be food trucks, an ice luge, dj, vendors, face painting and a polar plunge. All are welcome.

Councilman Kearns announced that starting February 3rd he will be having monthly Town Hall sessions with the residents of Carmel. He will be available to answer any questions.

Councilman Kearns also reminded residents that if they have any issues with AAA Carting, they can contact the carting company directly.

Councilman Lombardi added that residents can call the Town of Carmel Engineering Department with any AAA Carting complaints. A list of complaints is maintained so that they can be addressed with AAA Carting.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Kearns, with all Town Board members present and in agreement, the meeting was adjourned at 7:32 p.m. to their scheduled Work Session.

Respectfully submitted,

Alice Daly, Town Clerk