

19 OCTOBER 2022

**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 19<sup>th</sup> day of October 2022 at 7:03 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Baranowski, Councilman Lombardi, Councilwoman McDonough, Councilman Schanil, and Supervisor Cazzari.

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

**PUBLIC COMMENTS**

Todd McCormack, 43 Walton Drive, inquired if the Town Board will be addressing the cell tower proposed on Walton Drive at this meeting.

Supervisor Cazzari replied that the cell tower will not be addressed at this meeting. He explained that the matter will be going before the Planning Board and the Zoning Board for their review, and that notification of the meetings when discussion will take place will be posted. A discussion ensued.

**PUBLIC HEARING CONTINUED FROM 8/3/2022 - PROPOSED LOCAL LAW WHICH IS PROPOSING MULTIPLE AMENDMENTS TO CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" - HELD OPEN**

Prior to reopening the Public Hearing, Supervisor Cazzari pointed out that the Planning Board had very informative early stage discussions on the Draft Comprehensive Plan that are available to view on the Town's website; at their September 28<sup>th</sup> meeting timestamped at 43 minutes and at their October 13<sup>th</sup> meeting timestamped at 59 minutes. Supervisor Cazzari stated that after the Planning Board completes their review of the document and submits their report, the Town Board will continue their work, and that all comments made at this Public Hearing continuation will be forwarded to the project's consultant and the Planning Board.

Angelo Natale with the Colonial Park Association, a community of 33 private residences in Mahopac, inquired why after all this time, the Town Board is seeking to rezone the properties along Lake Mahopac.

Supervisor Cazzari indicated that the Draft Comprehensive Plan was being updated to comply with Town Law.

Mr. Natale asked why the Town is attempting to take over State land, Lake Mahopac.

Supervisor Cazzari clarified that the Town is not attempting to take over Lake Mahopac.

Supervisor Cazzari reopened the Public Hearing for public comment at 7:11 p.m. Approximately seventy-five (75) people were in attendance.

Supervisor Cazzari stated that the consultant for the project was originally scheduled to be at the October 12<sup>th</sup> Town Board meeting and was unavailable to attend the Public Hearing when it was rescheduled to this evening. She will be at the Town Hall prior to the Planning Board meeting on October 26<sup>th</sup> from 6:00 p.m. to 7:00 p.m.

Councilman Lombardi pointed out that additional Public Hearings will be held as revisions to the proposed zoning amendments are made.

Supervisor Cazzari stated that the Public Hearing will not be closed this evening. It will remain open. Residents may continue to call or email the Town Board and their comments will be forwarded on to the Planning Board.

Councilwoman McDonough reiterated that the project's consultant will be at Town Hall prior to the Planning Board meeting on October 26<sup>th</sup> from 6:00 p.m. to 7:00 p.m. She added that the consultant will also be at Town Hall on November 9<sup>th</sup> and December 14<sup>th</sup>.

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Nick Acker, 25 Pine Cone Road, Mahopac, addressed what he considered misinformation being circulated in anonymous letters and social media posts in regard to the proposed zoning amendments. He asked if the zoning impacts Lake Mahopac because it states in the proposed Local Law, "Nothing herein is intended to regulate structures that are affixed directly to or installed on or over underwater lands or waters owned by the State of New York".

Supervisor Cazzari stated that it is in the proposed zoning amendments and it is a State lake.

Mr. Acker stated that a lot of the regulations in the proposed Local Law are therefore not applicable to Lake Mahopac.

Supervisor Cazzari replied, yes.

Councilwoman McDonough added, as it is currently drafted.

Mr. Acker commented that based on what he read in the proposed Local Law, he did not think that statements being circulated that the Town is attempting to limit the amount of boats permitted at a dock, and only waterfront property owners can access the lake, are accurate. However, he commented that it is not clear what the Town has control over, therefore if the Town does end up having control over zoning the lake, the proposed Local Law is not acceptable as currently drafted, specifically the ability to have only two watercrafts on the lake. He commented that if the intent of the proposed Local Law is to limit boats on Lake Mahopac, homeowners associations and marinas should not be exempt from the regulations.

Mr. Acker commented that the changes as proposed could have a significant impact on property values. He cited as an example that if somebody purchased a property with a homeowners association that has fifty boat slips which then becomes limited to two boat slips, their property value can go from about \$500,000.00 down to \$300,000.00.

Mr. Acker expressed his support of the section in the proposed Local Law that states that all portable toilets visible from the waterfront shall be screened from view by use of lattice, fencing, year-round vegetative screening or similar design.

Craig Bumgarner, P.C. appeared on behalf of his client with property at 24 Nicole Way, located along Route 6 near the intersection at Crane Road. Mr. Bumgarner stated that despite the Nicole Way address, the property fronts Route 6. It is currently zoned commercial and it has been zoned commercial since the inception of zoning in the Town. However, under the proposed zoning amendments, the parcel would be designated as Open Space Residential. He spoke about how this designation would negatively impact his client and submitted the following letter for the record.

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October 19, 2022

Carmel Town Board  
60 McAlpin Avenue  
Mahopac, New York 10541

(Cont.)

**RE: Town of Carmel Proposed Amendments to Town of Carmel Zoning and Draft Comprehensive Plan**

Dear Carmel Town Board Members:

This law firm represents Butterbean Properties LLC (hereinafter "Butterbean"), owner of the real property located at 24 Nicole Way, in the Town of Carmel, County of Putnam, and State of New York, which bears Tax Map Identification Number 65.6-1-23 (hereinafter the "Property"). It has come to our attention that a proposal has been drafted to amend the Town of Carmel's zoning regulations which, if approved, would convert the Property's zoning designation from Commercial Zoning to Open Space Residential [see, Nelson, Pope and Voorhis, LLC, Draft to Town Board for Review and Comment, Attachment 1:2, Draft Zoning Map, (2021) (hereinafter "Draft Zoning"); see, also, Official Zoning Map of the Town of Carmel, revised August 29, 2019 (hereinafter "Official Zoning"). Please allow this correspondence to serve as my client's objection to the proposed re-zoning of the Property.

Based upon the information which is currently available and that has been provided by the Town, we believe that the Property should be zoned as a "Corridor Business", based upon the Property's location (as it is located along the thoroughfare of Route 6), and its close proximity to neighboring commercial properties.

In its current draft, the Comprehensive Master Plan for the Town calls for the creation of "development patterns that are orderly and rational" [see, Nelson, Pope and Voorhis, LLC, Town of Carmel 2022-2035 Comprehensive Plan, at pg. 6 (2021) (hereinafter the "Master Plan")]. The Master Plan seeks to "promote economic development" by channeling and driving investment. A survey conducted online indicates that sixty four (64%) percent of Town's residents "support the expansion of local convenience, retail, restaurants and personal service businesses," and sixty (60%) percent "prioritize economic development and expansion of employment opportunities." (see, Master Plan at pg. 10). Both the residents of Town, as well as the drafters of the Master Plan, seek to improve the appearance of the Town's commercial corridors (see, Master Plan at pgs. 71,

74).

The Master Plan recommends creating a variety of commercial zoning areas, as opposed to the single commercial district which is contained within the Town's current zoning plan (see, Master Plan at pg. 36, 43; see, also, Official Zoning). To that end, the Master Plan identifies "Commercial Corridor" areas within the Town along Route 6, Route 6N and Route 52 (see, Master Plan at pg. 33). These commercial corridors are endorsed as "the major commercial areas outside the hamlets," since few areas "outside of the hamlets have small commercially zoned areas that cater to local residents" (see, Master Plan at pg. 31). The Master Plan seeks to "beautify" these "transportation corridors" (see, Master Plan at pg. 25). Land within the commercial corridors would be zoned as "Corridor Business," which would encompass parcels that "can accommodate general commercial uses which, due to their operational characteristics and auto-oriented design, cannot be accommodated within other nonresidential zones" (see, Draft Zoning at pg. 3)

Accordingly, the Property should be zoned as a "Corridor Business" because it is in the middle of a "Commercial Corridor" (see, Master Plan at pg. 33). Notably, the Property sits within a commercial area that caters to local residents and travelers on a "high traffic volume regional road" (see, Master Plan at pg. 31). Other properties abutting the Property, which are also currently zoned as commercial properties (see, Official Zoning), are either proposed as "Corridor Business" zoning (i.e., 1085 Route 6), or have received a special permit to construct a commercial building (i.e., 14 Nicole Way) (see, Draft Zoning, Attachment 1:2; see, also, Draft Zoning Map). The Property could certainly accommodate general commercial uses, since it is similar in size and level to the aforementioned adjoining properties. Furthermore, and as discussed below, the Property cannot be accommodated within most other nonresidential zones. Thus, the Property easily falls within the definition of a "Corridor Business" zoning parcel, and it would be orderly and rational for the Property to be zoned as a "Corridor Business."

Moreover, the Property should not be zoned as "Open Space Residential" because (1) the size of the Property is too small; (2) the lot itself does not accommodate two-thirds of the permitted uses; and (3) the permitted zoning intertwines commercial and residential properties.

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First, land zoned as “Open Space Residential” requires a minimum of three (3) acres (see, Draft Zoning at pg. 2). The Property itself is only one and a half (1 ½) acres.

Second, the Property does not support most of the principal and special permit uses for “Open Space Residential” zoning. Nor does the Property have the acreage required for agricultural operations (see, Draft Zoning §156-36.23 at 51); horse boarding operation or riding academy (see, Draft Zoning §156-22 at 57); a golf course, swimming pool, or parking required for other club activities (see, Draft Zoning §156-36.5, at 96-97); a rod and gun club (see, Draft Zoning §156-36.26, at 126); a day camp (see, Draft Zoning §156-36.9 at 100); an educational institution (see, Draft Zoning §156-36.14 at 104); a craft beer establishment (see, Draft Zoning §156-36.7 at 97); or, a hotel (see, Draft Zoning §156-36.17 at 106). The only remaining viable uses include a single-family dwelling, government operated facilities, places of worship, or limited commercial facilities (see, Draft Zoning, Attachment 1:2, Schedule of District Regulations).

Third, zoning the Property as “Open Space Residential” would also improperly intertwine residential and commercial property. Specifically, the Master Plan seeks to “protect the integrity of commercial zoning from residential uses” (see, Master Plan at pg. 43). To accomplish this goal, zoning should differentiate between commercial zones and “not allow single-family and other residential uses where not appropriate” (see, Master Plan). As previously discussed, most of the permitted uses under “Open Space Residential” are not viable for the Property. To reiterate, one of the only viable uses for the Property which would not require a special permit, is a single-family dwelling. However, allowing a single-family dwelling, located between, and directly across from, commercial properties on Route 6, does not protect the integrity of this major “Commercial Corridor.” Instead, the construction of a single-family home on a highly traveled commercial corridor would not “beautify” the area, nor would it appear “orderly and rational.” Thus, the proposed zoning to the Property distinctly conflicts with the purpose and goal of the Master Plan.

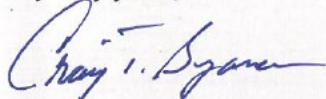
Finally, zoning the Property as “Open Space Residential” would curb and inhibit local economic development and employment opportunities within the Town. Limiting development of commercial buildings in this major commercial corridor would not channel or drive investment. Instead, the overbearing limitations would actively impede the expansion of local businesses, and would stifle investment.

As a result of the proposed zoning amendments, the Property would suffer significant loss in value, and it would be unlikely that my client would be able to procure a buyer who would want, or be able, to use the Property for one of the few permitted purposes.

My client respectfully requests that the Town Board consider amending the proposed zoning classification, as it relates to the Property, to “Corridor Business”.

Thank you in advance for the Board’s time and attention in this matter.

Very truly yours,



Craig T. Bumgarner

Supervisor Cazzari stated that Mr. Bumgarner’s letter will be forwarded to the project’s consultant and the Planning Board.

Karen Likar, 17 Skyview Lane (Putnam Valley) commented that when she and her husband purchased their lakefront property at 871 South Lake Boulevard about thirty years ago, it was the worst piece of property on Lake Mahopac and that over the years, they turned it into something beautiful. She went on to express her concerns with regard to the negative financial impact that the proposed zoning amendments would have if enacted with regard to maintaining their four-slip boat dock with rentals.



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Ms. Likar acknowledged the importance of the safety and health of the lake. She proposed installing sewers around it alleviating the need for portable toilets. She also suggested that the homes along the lake utilizing fertilizer may be contributing negatively to the health of the lake.

Ed Barnett, Mahopac Point, stated that he served as chairman of the Lake Mahopac Park District Advisory Board for 29 years until last year when he was summarily removed. He stated that it was obvious that the members of the Lake Mahopac Park District Advisory board were not involved with the proposed draft, and that the lakeside residents and taxpayers in the park district were not consulted in any way as the burden of the changes falls on them. Mr. Barnett questioned the purpose of the proposed zoning amendments.

Mr. Barnett acknowledged that for the last two years Lake Mahopac has been very active and suggested that it was a result of people wanting to get out and recreate following the COVID-19 pandemic lockdowns. He stated that restricting the amount of watercraft that lakefront property owners can possess presents legal issues and questioned if property owners will be grandfathered or if their possessions will be confiscated. Mr. Barnett asked if overcrowding is the issue, why is the Town promoting the Swan Cove project as a place where the community can use as a car-top launch facility. He stated that the proposed zoning amendments excluding marinas and other commercial entities is understandable, however reiterated that putting the burden on property owners with lakefront access isn't.

Mr. Barnett stated in his years on the advisory board, their main priority was safety, not restrictions, as restrictions require enforcement. He stated that an extra kayak sitting on someone's lawn is not a problem, an extra boat tied up a dock is not a problem, creating a problem is a problem. He suggested that the Carmel Police Department should be more flexible in their hours on the lake and that patrolling the lake on a Tuesday when there is very little activity is a waste of time and taxpayers' money. Mr. Barnett stated that because the U.S. Coast Guard Auxiliary is no longer patrolling the lake, the Carmel Police Department needs to train more officers to be able to provide the proper enforcement on the lake when it is very active.

Councilman Lombardi stated that he agreed with most of Mr. Barnett's comments except that the Carmel police boat patrols Lake Mahopac from Thursdays through Sundays, not on Tuesdays, and that the Carmel Police Department provides a significant presence on the lake on the weekends.

Mr. Barnett expressed his frustration that the Lake Mahopac Park District has had only one meeting this year, at the beginning of the summer, and that they are not going to have another one until sometime in November.

Supervisor Cazzari thanked Mr. Barnett for his 29 years of service as a dedicated volunteer. He acknowledged the Lake Mahopac Park District Advisory Board for their support over the years as they provided the funding for a boat and a jet ski used to patrol the lake.

Angelo Natale readdressed the Town Board and spoke about how he rescued a youth after a serious boating accident on Lake Mahopac several years ago. Mr. Natale expressed his dissatisfaction with the actions of the emergency responders at the time, and suggested that the officers who patrol the lake be outfitted in swimsuits rather than full dress so that they can better maneuver in the water to provide aid.

Supervisor Cazzari thanked Mr. Natale for saving the child's life.

Adam Raff, stated that he has lived on Lake Mahopac for at least twenty years. He acknowledged that there is a law enforcement presence on Lake Mahopac, however questioned the extent. He asked how many tickets and violations are being issued. He pointed out that there are a lot of fishermen boating on the lake on the weekends and questioned if they are being checked for proper licensing. Mr. Raff added that at times the fishermen become intrusive by encroaching homeowners' properties.

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Mr. Raff noted that in the past, the U.S. Coast Guard Auxiliary provided education to boaters on the lake. He commented that new boaters do not necessarily see and/or abide by the five-mile per hour buoy on the lake. Mr. Raff spoke about the need for speed monitoring, and the need to limit the amount of boats that tie up together. He acknowledged that taxpayers have a right to own boats and that no one wants to deny them of their boat slips, but questioned how many boats are too many on one property.

Charlie Melchner, Jr., Carmel resident, commented that the vast majority of the public in attendance are speaking about the regulations relating to docks and boats on the lake. He referenced the Lake Mahopac Park District Advisory Board's lack of meetings held this year, and asked who the Town Board's liaisons to the advisory board are.

Councilman Lombardi replied that he and Councilman Baranowski serve as the liaisons.

Mr. Melchner asked if they were aware that they have only met one time this year.

Councilman Lombardi explained that the advisory board sets their own meeting dates and agendas, and the liaisons attend the meetings when invited.

Mr. Melchner commented that at one time the Lake Mahopac Park District Advisory Board had sought to retain a legal firm to look into certain zoning and enforcement laws that residents are upset about now but they have not had a meeting to discuss.

Mr. Melchner stated that informing residents to check the Town's website for information with regard to the proposed zoning amendments may be confusing for some. He indicated that most of the people in attendance were told about this Public Hearing by someone or read about it on someone's post on social media. Mr. Melchner suggested the reason for the public's attendance tonight was because the Lake Mahopac Park District Advisory Board has not been having meetings to seek input from them, nor has the advisory board been providing information to the Town Board liaisons.

Mr. Melchner commented that he agreed with the property owners who spoke earlier and suggested that there are laws already in place that would take care of most of the issues. He noted that the proposed Local Law has been forwarded to the Planning Board for their review and voiced his frustration that to stay informed, residents must now attend their meetings.

Supervisor Cazzari pointed out that they do not have to attend the meetings and encouraged the public to view the Planning Board meetings posted on the Town's website.

Mr. Melchner suggested that there should be a better way to get information out to the property owners, and that there are many questions that still need to be answered with regard to the proposed Local Law. He reiterated the need for boater education, as well as the need for additional law enforcement now that the U.S. Coast Guard Auxiliary no longer provides support to the Carmel Police Department on Lake Mahopac.

Supervisor Cazzari clarified that the U.S. Coast Guard Auxiliary does not have enforcement powers and a brief discussion ensued with regard to their history of assisting on Lake Mahopac.

Mr. Melchner confirmed that any changes to the proposed Local Law will not take place until the Planning Board completes their report.

Supervisor Cazzari noted that the Planning Board's recommendations will be posted on the Town's website for the public to review and provide additional comments on.

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Councilman Lombardi added for clarification that the Planning Board will not be making determinations with regard to the proposed Local Law. The Town Board will ultimately act upon it.

Mr. Melchner commented that he was confident that the Town Board will not attempt to implement the proposed changes with regard to the lake which he contended seem so dramatic and so far off the mark. He concluded that if they are intended for safety reasons, there should be data provided that support it.

Ronald Abreu, Pine Cone Road, asked how constitutional is it for a state or a town to dictate its citizens' personal property.

Supervisor Cazzari responded that it obviously was not, and that it was not the time for a constitutional debate.

Mr. Abreu stated that if the proposed zoning amendments are enacted, they will be met with great resistance from the impacted citizens who want to travel freely on the waterways and that the legality of the propositions will be challenged.

Vincent Grupuso, 16 York Road, with family-owned property on East Lake Boulevard agreed that safety on the lake should be the top priority. Mr. Grupuso spoke about how in the past, he had met with the Police Chief and the former Town Supervisor and was assured that there will be patrols on the lake. He indicated that he sees patrols on the lake, however not always at the most appropriate times.

Mr. Grupuso stated that jet skis pose a huge problem, particularly at night. He suggested that because the police officers can't be everywhere at all times, the community should be encouraged to come up with ideas to assist with solutions. He suggested that there may be a need for constables, peace officers, or retired officers trained in marine safety to work in conjunction with the Carmel Police Department.

Mr. Grupuso agreed with earlier comments about how the public can't be expected to attend all of the various board meetings and that there needs to be better communication from the Town to the property owners lessening the potential for rumors. He asked if the rumor was true that he can only have two paddle boards if he has a motorboat, and asked what is the definition of a watercraft because he said, it is not a paddle board, a kayak, or a canoe.

Mr. Grupuso commented that the improvements being made at Swan Cove look great, however, week after week he sees non-residents launch canoes and jet skis into the lake from the area. He suggested that the Town explore a permitting process to alleviate the burden on the taxpayers by creating a revenue source which could fund safety and security measures.

Mr. Grupuso suggested that the Town Board utilize common sense in connection with proposed revisions. He commented that limiting docks to 25 feet would be a problem because most of the properties on the lake would only allow for a 10-foot boat because the rest of the boats will be in the mud.

Supervisor Cazzari reported that Carmel Police Department performed 38 boat stops and wrote 11 tickets on Lake Mahopac this season, and that there were no accidents and only five noise complaints.

Mike Maiuzzo, 797 South Lake Boulevard property owner, commented that rezoning is not the answer. He stated that he agreed with the earlier comments and suggested that there are other ways that the problems on Lake Mahopac can be resolved.

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Chad Collesian, Mahopac Point, commended Ed Barnett for his leadership on the Lake Mahopac Park District Advisory Board and spoke about Mr. Barnett's very successful efforts to save Lake Mahopac years ago by introducing carp to control aquatic weeds. He stated that he agreed with the earlier comments, and then asked who wrote the proposed zoning amendments.

Supervisor Cazzari indicated that it was written by the consulting firm hired by the Town Board; Nelson, Pope & Voorhis.

Chad Collesian asked if they had ever been on Lake Mahopac because he stated, none of the changes that apply to the lake make any sense. He reasoned with regard to safety that if boats are to be limited, so should cars, because there were no boating accidents last year and many car accidents.

Chad Collesian stated that if the amendments are being proposed for safety, boater education should be provided and agreed that the U.S. Coast Guard Auxiliary was a great informational resource for boaters unfamiliar with the rules of the lake. Mr. Collesian cited jet skis maneuvering between boats and the cove and speeding through the five-mile per hour zone, as well as boats on the lake after dark as the most dangerous aspects with regard to safety. He concluded that he is against the proposed zoning amendments.

Gary Collesian, 38 Sycamore Road, inquired about the goal of the proposed zoning changes and stated that they are offensive to him because he loves the lake. Mr. Collesian asked why a consultant was hired, what is/are their name(s), and if the amendments are intended to make the lake safer, where is the data to support it.

Supervisor Cazzari believed that the Draft Comprehensive Plan indicates that it is for safety.

Gary Collesian questioned what is unsafe about his 50-foot dock that extends into the water because it is too shallow off his launch to put a boat there. He suggested that if people abide by the 100-foot buffer zone to the shoreline, they are not going to hit his dock. He asked why docks will be limited to 25 feet long and six feet wide, and who came up with the idea to regulate them as he did not believe that it was the consultant. He agreed with the need for improved boater education and suggested that pamphlets be made available to boaters at the two marinas on the lake.

Supervisor Cazzari indicated that the regulations were posted at one time.

Councilwoman McDonough explained that at the commencement of the project, a committee was formed who sought input from the community in various ways, such as surveys and in-person meetings. She stated that much of the concerns brought forth to the committee were from residents on the lake. Councilwoman McDonough cited as an example, a concern about property owners who extended their docks in ways that impede their adjoining neighbors from safely getting their boat in and out.

Councilwoman McDonough stated that the consultants went to various other lakes to consider their regulations. She emphasized that the proposed Local Law is a draft and although some of it may not be pertinent, the Town Board wanted to put it out for the public's input as well as the Planning Board's input. She reiterated that eventually there will be a final draft and additional meetings will be held for the public to comment on it.

Councilwoman McDonough pointed out that the proposed Local Law is not only applicable to the property owners on the lake, and that there are proposed changes that apply to the entire Town. However, she said that she has heard very few comments from everyone else.



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Councilwoman McDonough thanked the property owners who spoke at the Public Hearing for their comments and indicated that she too has concerns with regard to certain components of the proposed Local Law.

Councilwoman McDonough explained with regard to the question as to where the proposed zoning amendments regarding Lake Mahopac came from, that they were based on input from community members to the committee. She stated that those community members may have chosen not to comment at any meetings because of their different point of view.

Gary Collesian suggested that if it is not a safety matter, then perhaps the Town can address the issues on a case-by-case basis rather than including them in a generalized plan.

Dave Nicholas, longtime Mahopac Point resident commented that everything he read in connection with the proposed zoning amendments are wrong. He stated that he did not receive a survey in the mail even though he owns multiple properties on the lake.

Mr. Nicholas agreed that safety on the lake should be a priority. He commented that many nights the police boat leaves right before dark, while there are still jet skiers on the lake and suggested that they stay out for a little longer. Mr. Nicholas commented that he did not think the purpose of the proposed zoning amendments were for safety because only two tickets have been written in the last couple of years, and for such an active lake, predominantly on weekends, there has only been one very serious accident in the last 25 years.

Supervisor Cazzari clarified that there were 11 tickets issued this year.

Mr. Nicholas commented that the lakefront taxpayers fund the advisory board but they have no say in their deliberations. He commented that it is wrong that they are not accountable to anyone and now, do not have meetings.

Mr. Nicholas commented that the proposed Local Law does not address the out-of-town fishermen who leave hooks and lines stuck to his dock, or who leave behind ducks strangled by their fishing line, nor does it address people who launch their boats for the day, or utilize Swan Cove. He commented that the proposed zoning amendments are misguided, they should be scrapped, and the Town Board should start again with the lakefront property owners input this time.

Tom Simone, lifelong resident on Lake Mahopac, referenced a letter previously shared with the Town Board at a recent meeting and asked if what is stated in the letter, is actually in the proposed Local Law.

Councilwoman McDonough replied that other than the first page, for the most part it was fairly accurate.

Mr. Simone commented that there were many things in the proposed Local Law that do not apply to Lake Mahopac, for example, Lake Mahopac does not have a tide. He spoke about how his property, and certain others on the lake, lack adequate water depth for a boat at 25 feet. Mr. Simone commented on the safety of the lake, citing only one serious accident in recent years.

Mr. Simone stated that there is information in the proposed Local Law that appears to be directly copied and pasted from the New York State Department of Transportation's website. He confirmed that residents may attend the Planning Board meeting to hear their discussions, however the Town Board has the final say on this.

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Councilwoman McDonough stated for clarification that the proposed zoning amendments apply to all of the lakes in the Town and agreed that certain things do not pertain to Lake Mahopac.

Mr. Simone asked if there will be further information provided to the public on October 26<sup>th</sup>.

Councilwoman McDonough repeated that on October 26<sup>th</sup> the consultant will be here from 6:00 p.m. to 7:00 p.m., and then again on November 9<sup>th</sup> and December 14<sup>th</sup>.

Mr. Simone commented that it would be very difficult for someone on the outside to decide what the property owners need.

Councilwoman McDonough explained that the consultants will not be deciding. The Town Board will be. She reiterated that the consultants at Nelson, Pope & Voorhis drafted the proposed Local Law based on the comments from the public as well as regulations from other lake communities in New York State, and that the proposed Local Law presented for public comment can be amended.

Allison Palm-Bevilacqua asked if the Town Board will consider grandfathering existing structures, such as docks, sheds and patios. She commented that she was aware of a lot of people who purchased their property either on a lake or in a lake association with the benefit of a place to put their boat, and that if the proposed Local Law is adopted, many of these people may lose that benefit.

Ms. Palm-Bevilacqua emphasized that she pays considerable taxes on her small lakefront property and urged the Town Board act on the recommendations from the people who use the lake, not the consultants.

Supervisor Cazzari explained that the proposed zoning amendments were forwarded to the Planning Board members because of their expertise in construction, and noted that they too are some of the people who use the lake. He stated that when the Planning Board reports back to the Town Board, there will be another Public Hearing to consider their suggestions as well as any other modifications to the proposed Local Law.

Councilman Schanil further explained that the proposed Local Law under review is a draft. He acknowledged the many valid concerns voiced by the property owners at the Public Hearing and assured them that they will be taken into consideration. He posed the possibility of circulating another questionnaire with regard to the zoning around the lake.

John Spaccarelli, resident of Mahopac for over 57 years and as of this year, a property owner on Lake Mahopac, noted that he believes the lake to be safe. He commented that he finds that the boaters generally respect the five miles per hour speed limit. Mr. Spaccarelli expressed his support of the earlier speakers. He concluded that because he purchased the property at the height of the market, he hoped that he did not make a bad investment.

Gary Collesian readdressed the Town Board and asked for a time frame in connection with the approval process.

Councilman Lombardi indicated that there is no time frame.

Councilwoman McDonough noted that the Town Board does not intend to rush the project and estimated that the final draft should be available around the middle of next year.

Councilman Lombardi emphasized that because a significant project such as this is only carried out once every 20 or 25 years, the public's participation is very important.

19 OCTOBER 2022  
TOWN BOARD MEETING

(Cont.)

Councilman Schanil assured the public that it will be a good, solid, collaboratively put together plan that will guide the Town into the future and it will be a plan that everyone will be proud of.

With no one else wishing to be heard on the subject of the Public Hearing, at 8:31 p.m. a motion by Councilman Lombardi to hold the Public Hearing open was seconded by Councilwoman McDonough, and with all members of the Town Board in agreement, the motion was adopted.

**PUBLIC HEARING FROM 8/3/2022 CONTINUED - DRAFT COMPREHENSIVE PLAN - HELD OPEN**

Supervisor Cazzari reopened the Public Hearing for public comment at 8:31 p.m. Approximately seventy-five (75) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, at 8:32 p.m. a motion by Councilman Lombardi to hold the Public Hearing open was seconded by Councilman Baranowski, and with all members of the Town Board in agreement, the motion was adopted.

**MINUTES OF TOWN BOARD MEETINGS HELD ON 9/21/2022 AND 10/5/2022 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilman Schanil and Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on September 21<sup>st</sup> and October 5<sup>th</sup>, 2022 were accepted as submitted by the Town Clerk.

**LAKE CASSE PARK DISTRICT - NEWSLETTER MAILING AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel, acting as the Commissioners of the Lake Casse Park District, hereby authorizes the mailing of the October 2022 newsletter as prepared by the Lake Casse Park District Committee to all properties within the district and further directs that the cost thereof be charged as a district expense.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

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

**PROCUREMENT POLICY - REVIEWED AND RENEWED**

WHEREAS Section 104-b of the General Municipal Law requires the governing body of every municipality to annually review their Official Procurement Policy, for the purchase of all goods and services which are not required by law to be publicly bid; and  
WHEREAS the Town Board deems that no revisions are necessary at this time,  
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby renews the Procurement Policy which is attached hereto and made a part hereof and designates the Town Comptroller’s Office to distribute the policy to all department heads; and

(Cont.)

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby designates the responsible purchasing agents and titles as set forth within the aforesaid policy.

Resolution  
Offered by: Councilman Schanil  
Seconded by: Councilman Lombardi and Councilwoman McDonough

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

**Town of Carmel**  
**60 McAlpin Ave**  
**Mahopac, New York 10541**  
**(845) 628-1500**



**PROCUREMENT POLICY  
AND  
PROCEDURES**



(Cont.)

RESOLUTION FOR REVIEW AND RENEWAL  
OF THE TOWN OF CARMEL PROCUREMENT POLICY

WHEREAS Section 104-b of the General Municipal Law requires the governing body of every municipality to annually review their Official Procurement Policy, for the purchase of all goods and services which are not required by law to be publicly bid; and  
WHEREAS the Town Board deems that no revisions are necessary at this time,  
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby renews the Procurement Policy which is attached hereto and made a part hereof and designates the Town Comptroller's Office to distribute the policy to all department heads; and  
BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby designates the responsible purchasing agents and titles as set forth within the aforesaid policy.

Resolution  
Offered by: Councilman Schanil  
Seconded by: Councilman Lombardi and Councilwoman McDonough

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

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I, Ann Spofford, Town Clerk of the Town of Carmel, Putnam County, New York, do hereby certify that the foregoing resolution is a true and exact copy of the original on file in my office which was adopted by the Town Board of said Town at a duly called and held meeting on the 19<sup>th</sup> day of October, 2022; and of the whole thereof.

October 20, 2022  
Dated

Ann Spofford  
Ann Spofford, Town Clerk

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SECTION I: PROCUREMENT POLICY OBJECTIVES

The following sets forth the policies and procedures of the Town of Carmel to meet the requirements of General Municipal Law, (GML) Sections 103 and 104.

PURPOSE

Goods and services which are required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption. The Procurement Policy confirms the commitment of The Town of Carmel to ensure that its purchases of goods and services are made legally, fairly, prudently, competently, and at the lowest possible cost offered by responsible vendors. This Procurement Policy and General Municipal Law Sections 103 and 104 provide guidance to those involved in the purchasing process. The Town of Carmel adopts this following Procurement Policy in accordance with Section 104b of the General Municipal Law (GML) Procurement.

ANALYZE THE PROPOSED PROCUREMENT/PURCHASE

Generally, the official(s) responsible for making the particular procurement will make the initial determination as to how such purchases are to be made under New York State Law and this policy, as follows:

- Comply with New York State Law regarding Municipal Purchasing
- Determine whether an item is available under State or County contract
- For legal issues regarding the applicability of competitive bidding requirements, verify with the Town Legal Counsel, as appropriate
- In the case of a lease, determine that a document is a true lease and not an installment purchase contract
- Determine whether it is expected that over the course of the fiscal year, the Town will spend in excess of the competitive bidding thresholds for the same or similar items or services
- Promote timely procurement of goods and services for the daily operation
- Promote prudent spending of the funds by ensuring competition and obtaining maximum value for purchasing dollars spent
- Promote fair and open competition among vendors in an impartial manner
- Provide for uniformity in purchasing by all Town of Carmel Departments

(Cont.)

SECTION II. CATEGORIES OF PROCUREMENTS/PURCHASING

It is important to distinguish between contracts for Public Works and Purchase Contracts, as these items are not defined in the General Municipal Law. This distinction is especially important because there is a \$15,000 difference between the bidding thresholds.

Many times, contracts involve both goods and services and it is difficult to determine which bid limit to apply. Each procurement must be reviewed on a case-by-case basis and a determination must be made as to what kind of contract is involved. As a general rule, if the contract involves a substantial amount of services, such that it is the predominate element and goods are incorporated into the project, it will be considered a contract for public works. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, (delivery, setup, installation or assembly) it is considered a purchase contract for goods.

If a Purchasing Agent is unclear whether the procurement is a ‘Purchase Contract’ or ‘Public Works Contract’ contact the Comptroller’s Office for guidance.

Refer to Procurement Methods Charts on Pages 6 and 7

PROCUREMENT METHODS USED FOR COMPETITIVE BIDDING

This chart identifies the procurement/purchasing categories subject to the Competitive Bidding Requirements of Section 103 GML or the Town Procurement Policy required by Section 104-b GML and where further information can be found.

Procurement Category	Subject to Competitive Bidding (§103)	Procurement Policy (§104-b)	Reference Law
<b>Purchase and Public Works Contracts:</b>			
1. Purchase Contract – Above \$20,000	X		103 GML
2. Purchase Contract – Below \$20,000		X	104 GML
3. Contract for Public Work – Above \$35,000	X		103 GML
4. Contract for Public Work – Below \$35,000		X	104 GML
<b>Procurement Exempt from GML §103 and §104-b</b>			
5. Agencies for Blind or Severely Handicapped, etc.		X	175-b SFL
6. Correctional Institutions		X	184 CL
7. State Contract *		X	104 GML
8. County Contract *		X	103(3) GML
<b>Procurement Exempt from GML §103 and 104b</b>			
9. Sole Source (See section III)		X	103(4) GML
10. Emergencies (See section IV)		X	103(4) GML
11. Professional Services (See Section V)		X	103(4) GML
12. True Leases		X	103(4) GML
13. Insurance		X	103(4) GML
14. Second-Hand Equipment from Another Government		X	103(6) GML



(Cont.)

Statutory Exceptions from These Policies and Procedures. Exceptions include procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran’s workshops), and Correction Law, Section 186 (articles manufactured in correctional institutions).

**\* The fact that a vendor is willing to meet or even provide pricing below an awarded State or County Bid Contract does not provide a basis for a contract or purchase award**

METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS  
EXEMPT FROM GML103

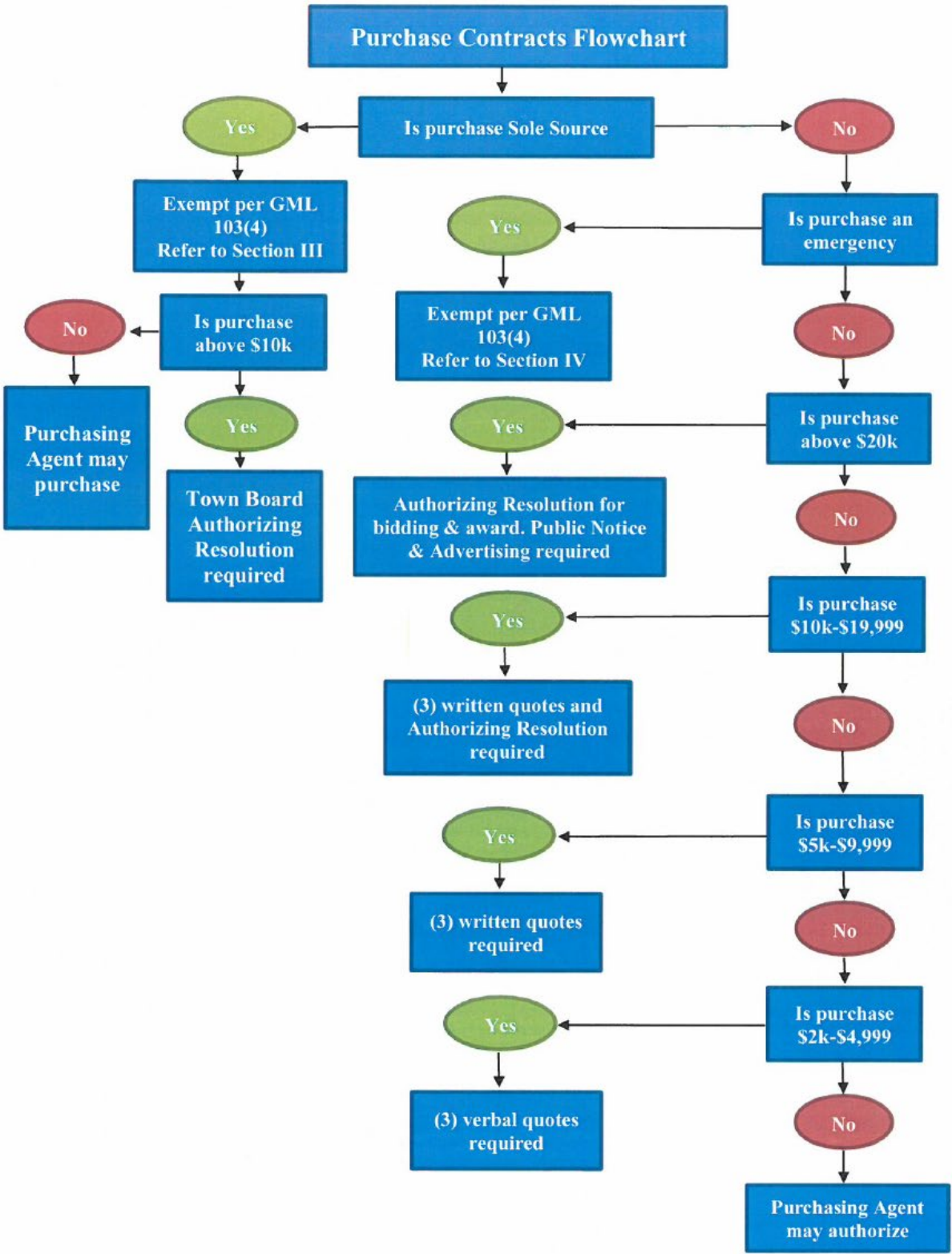
The Town Board of the Town of Carmel requires that the method to be used for seeking competition depends on the amount and type of procurement listed in the following chart.

TYPE AND AMOUNT OF PROCUREMENT	VERBAL QUOTES		WRITTEN QUOTES	WRITTEN QUOTES	OFFICIAL RFPS	EXEMPT PER GML
	0	3	3	3 AUTHORIZING RESOLUTION REQUIRED	AUTHORIZING RESOLUTION REQUIRED	
Purchase Contracts Below \$20,000						
Under 1,999	X					
2,000-4,999		X				
5,000-9,999			X			
10,000 – 19,999				X		
Public Work Contracts Below \$35,000						
Under 2,999	X					
3,000-5,999		X				
6,000-9,999			X			
10,000-19,999				X		
20,000 – 34,999					X	
Emergencies (refer to SEC IV)						X
Insurance						X
Professional Services (refer to SEC V)					X	X
True Leases						X
Second-Hand Equipment from other Govts.						X
Sole Source Providers (refer to SEC III)						X

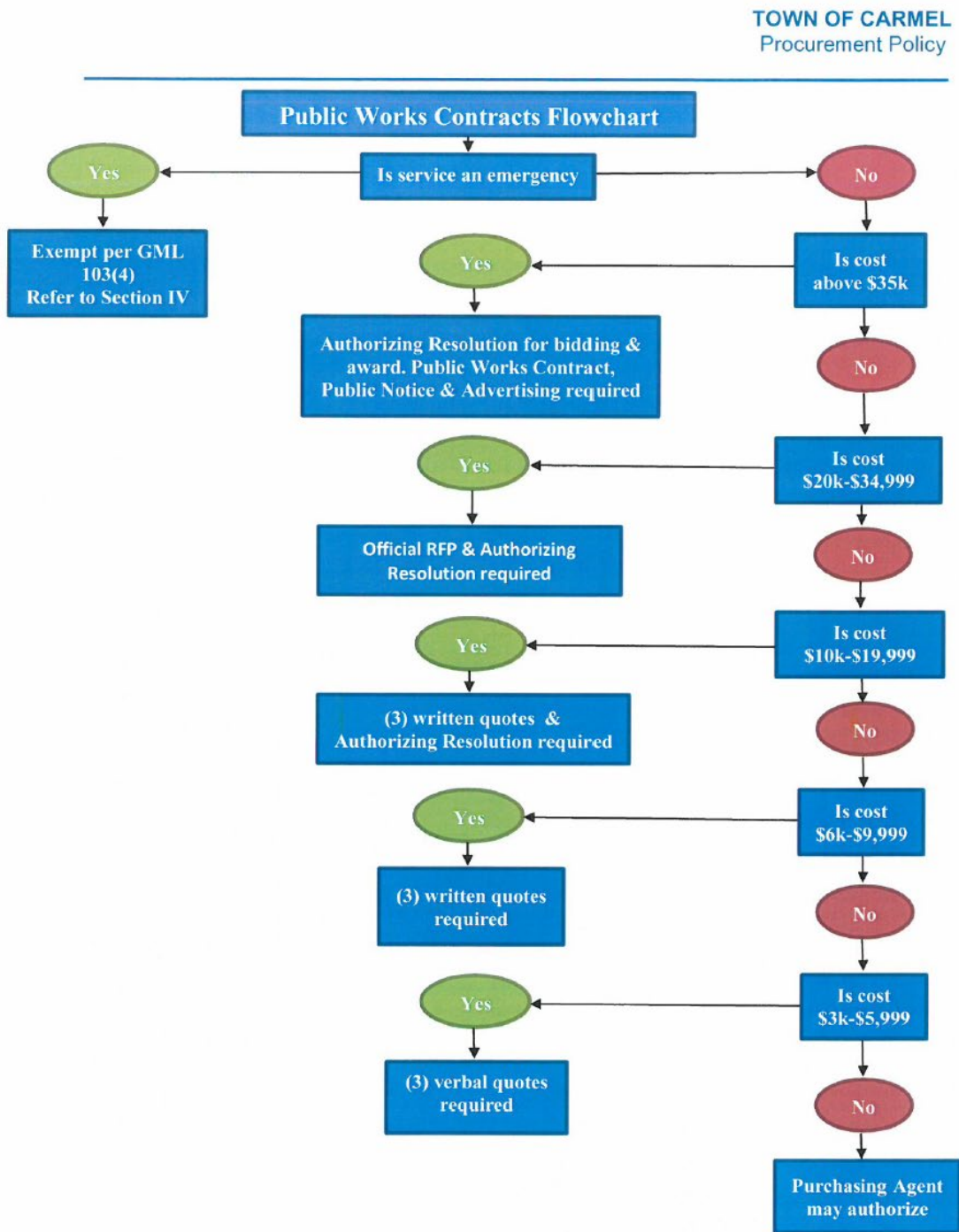
➤ (See Exhibit C) Verbal Quotes Form



(Cont.)



(Cont.)



SECTION III. SOLE SOURCE

Competitive bidding is not required under §103 in the General Municipal Law in those limited situations when there is only one possible source from which to procure goods or services required to uniquely serve the public interest, for which there is no substantial equivalent and, which are, in fact, available from only one source. In making these determinations, the purchasing agent should document the unique benefits received as compared to other goods or services available in the marketplace; that no other goods or services provide substantially equivalent or similar benefits; and that, considering the benefits received, the cost is reasonable, when compared to other goods or services in the marketplace.

(Cont.)

A Town Board Authorizing Resolution is required for Sole Source Purchases that exceed \$10,000

➤ (See Exhibit A) A Sole Source Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment. If the purchase will exceed \$10,000, a Town Board Authorizing Resolution is required.

Page 10 of 20

TOWN OF CARMEL  
Procurement Policy

## SECTION IV. EMERGENCIES

Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations and provides as follows:

*"Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, Council or agency of a political subdivision or district therein."*

There are three basic statutory criteria to be met in order to fall within this exception:

1. The situation must arise out of an accident or unforeseen occurrence or condition;
2. Public buildings, public property, or the life, health, safety or property of the political sub-division's residents must be affected;
3. The situation must require immediate action, which cannot await competitive bidding.

In cases of emergency situations which meet the criteria above, the following procedures will be used:

1. Contact the vendor immediately and arrange the purchase or service.
2. If the emergency purchases or services were below \$10,000, an Emergency Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment, unless supporting documentation is available for submission which sufficiently meets the statutory criteria listed above.
3. If the emergency purchases or services were above \$10,000, an Emergency Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment. The box indicating that notification will be made to the Town Board must be checked and a Town Board Resolution should be passed acknowledging said emergency.

➤ (See Exhibit B) Emergency Justification Form



(Cont.)

SECTION V. PROFESSIONAL SERVICES

One of the most prominent exceptions to competitive bidding is professional services. Professional services generally include services rendered by attorneys, engineers, auditors and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a higher degree of creativity.

Professional services are specifically exempt from public bidding under GML 103(4). They are however subject to the application of this policy and require actions which are dependent upon the category that the professional service falls into and cost threshold.

For purposes of procurement, there are two general categories of Professional Services, those which have a **Finite Scope** and/or duration and those that are **Indeterminable** in scope at the time of engagement. It is important to identify which type at the outset, as the two types vary in procurement procedure. Where the professional service is identified as a Finite Scope refer to the chart for procurement requirements based upon various monetary thresholds. Where the professional service is Indeterminable a Town Board Resolution is required to engage the Professional.

**FINITE SCOPE**

Either a set project scope or a fixed duration where complete pricing can be determined at the time of engagement.

Examples:

- Engineering Design services for a project that involves the design, permitting and construction oversight of one thousand feet of water main in a known location. This example shows that a fixed price can be determined for this professional service.
- Planning Board Consultant for a period of one year where the scope of services is identified. This example also shows that a fixed price can be determined for a specific duration and scope.

AMOUNT OF PROCUREMENT	PROFESSIONAL SERVICE FINITE SCOPE APPROVAL REQUIREMENT
Under \$4,999	Recommendation of Purchasing Agent
\$5,000 - \$9,999	Recommendation of Purchasing Agent and with the approval of the Town Supervisor
\$10,000 - \$19,999	Prices will be obtained by formal written proposals from at least (3) sources and presented by the Department Head to the Town Board and the award will be made by an Authorizing Town Board Resolution
\$20,000 and Above	Prices will be obtained by RFP and presented by the Department Head to the Town Board and the award will be made by an Authorizing Town Board Resolution

PROFESSIONAL SERVICES - continued

**INDETERMINABLE**

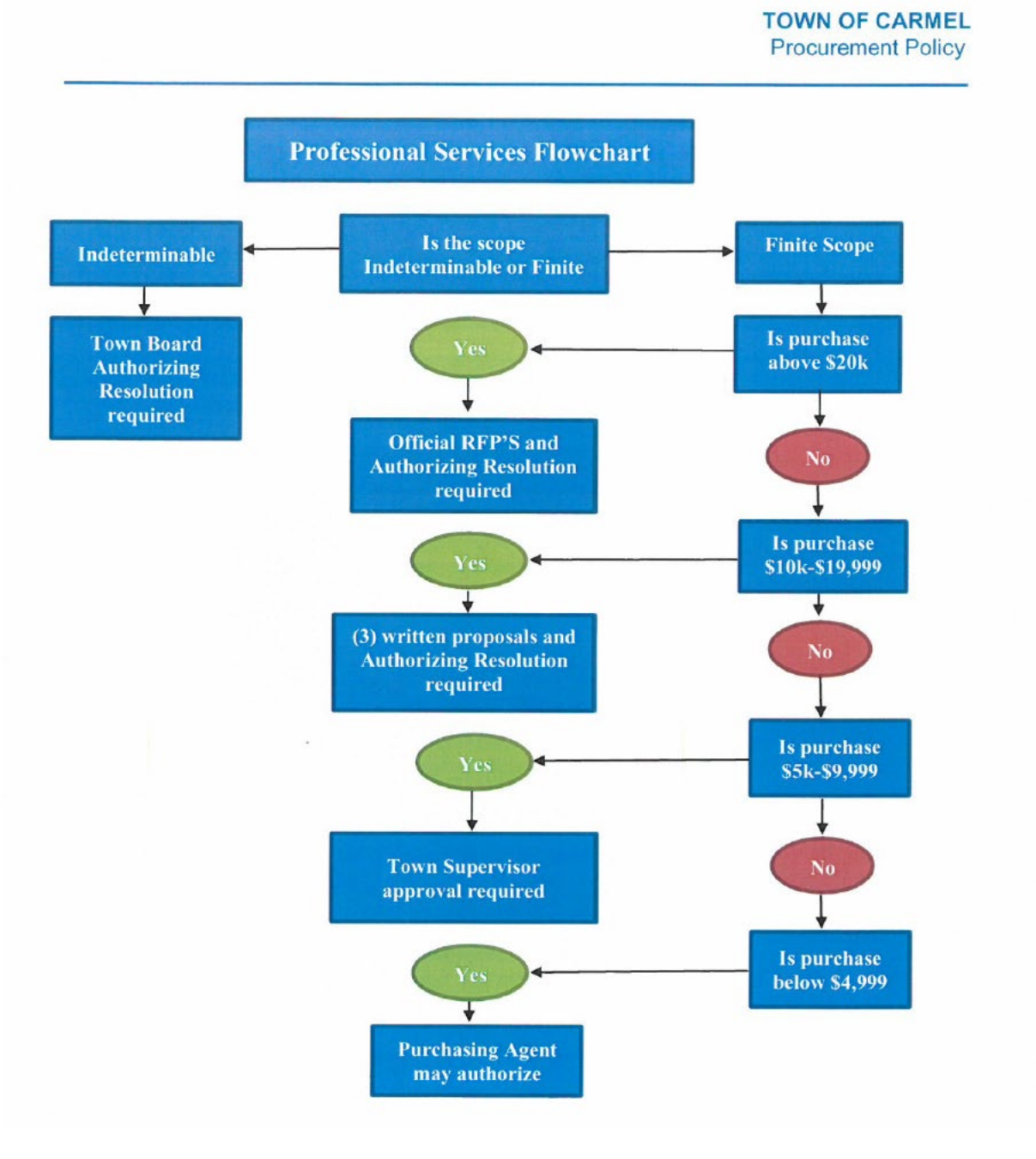
At the time of engagement of the professional service, the duration and/or scope and ultimate cost cannot be determined. A Town Board resolution is required to engage the Professional.

Example:

- The Town wishes to engage a law firm for representation in a lawsuit. The very nature of litigation makes it impossible to determine how long it will go on or what level of effort will be required to prosecute or defend the lawsuit.



(Cont.)



SECTION VI. PIGGYBACKING

GML 103(16) authorizes political subdivisions to purchase apparatus, material, equipment and supplies and to contract for services related to the installation, maintenance and repair of those items through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision of district therein. In purchasing, this concept is known as “piggybacking”. While the above authorizes “piggybacking” on United States contracts and contracts of “any state”, by adoption of this procurement policy, the Town Board limits the application of “piggybacking” to only contracts of the State of New York or any municipal instrument of the State of New York (county, town, village or school district).

There are five prerequisites to the Piggybacking option:

1. In accordance with this policy, the contract must have been let by an Agency of the State of New York or political subdivision thereof (the Host). This is straight forward.

(Cont.)

2. The contract must have been made available for use by other governmental entities. For this, you will need to examine the documents that were used by the Host in the procurement process. There must be language indicating in the solicitation that the Vendor understands that the bid price for a particular item will be extended to other entities. It is not enough that the Vendor unilaterally extends the pricing to the Town of Carmel.
3. You must compare the bid process followed by the Host with the process adopted by the Town of Carmel. In the case of Public Bids procured in compliance with GML 103, you may presume that the Host followed the law, which is the same law that the Town of Carmel is required to follow. However, in procurements that were made below the statutory thresholds (\$35,000 and \$20,000), you must look to the process followed by the Host and determine if that process substantially conforms to the Town of Carmel's Procurement Policy in both monetary thresholds and authorizing authority (Purchasing Agent, Supervisor, Town Board). This is not a perfect test as procurement policies vary, but there should be a written explanation of why the procurement substantially complies with the Town's policy.
4. Staleness- The cost of goods and services vary with time. Most of the time costs go up, but there are instances where prices decrease. The Purchasing Agent should look to the market conditions at the time of purchasing to ensure that the "piggyback" provides for pricing that is comparative to current pricing.
5. Monetary thresholds- Piggybacking does not eliminate Town Board Authorization where the procurement exceeds monetary thresholds. For Purchases and Public Work above \$10,000 a Town Board Authorizing Resolution is required.

**If a Purchasing Agent is uncertain as to whether the Piggybacking can be utilized contact Comptroller's Office for guidance.**

## SECTION VII. THE PURCHASING PROCESS

The purchasing process is designed to provide a system of internal control over purchasing, to ensure that the proper authorizations are obtained before items are purchased, and to ensure that Town of Carmel's Procurement Policy is followed. A number of forms are generated as part of the purchasing process to document the validity of the purchases. It is imperative as a local government that we remain transparent in our fiscal matters.

### I. REQUISITIONS

*The REQUISITION initiates a request to purchase goods or services from a vendor.* Once all required quotes, bids, contracts, and resolutions are obtained a requisition must be entered into the KVS Financial Software System by the designated department representative. When entering a requisition written quotes are required to be uploaded in the "Attachments" tab. Verbal quotes may be noted in the "Memo" tab or uploaded in the "Attachments" tab using the Verbal Quotes Form (see EXHIBIT "C"). If the purchase is a sole source or emergency this must be indicated on the description line. At this time the correct appropriation number must be entered. If an account is over budget, a budget transfer request must be submitted to the Comptroller's Office before proceeding. Upon completion of entering a requisition, an email will be sent to the authorized departmental purchasing agent for approval. Upon department approval the requisition will be reviewed by the Comptroller's Office. If the department does not have access to KVS an email must be sent to the Comptroller's Office with the details of the requested purchase.

(Cont.)

II. PURCHASE ORDERS

Once a requisition has been fully approved, a purchase order will be created and a system generated email will be sent to the department representative that created the requisition. If the department does not have access to KVS once the requisition is approved a purchase order will be emailed to the departmental personnel requesting the purchase.

*At this point the goods or services can be purchased from the vendor.*

III. VOUCHERS/VENDOR CLAIM FORMS

The department representative should timely provide to the Comptroller’s Office the documents needed to approve and pay vendors’ invoices. These documents must include the purchase order, all invoices associated with the purchase, and a vendor claim form signed by the vendor and approved by the authorized departmental purchasing agent. Any required quotes, bids, contracts or resolutions must be attached to the submitted paperwork.

SECTION VIII. RESPONSIBLE PURCHASING AGENTS

Pursuant to Chapter 402 of the Laws of 2007, effective October 2022, as required under Section 104 of the NYS General Municipal Law, the Town is including the names of the municipal officials responsible for purchasing decisions, as follows:

<u>Position Title</u>	<u>Position Incumbent</u>
Town Supervisor	Michael Cazzari
Town Deputy Supervisor	Robert Schanil
Town Board	Stephen Baranowski
Town Board	Frank Lombardi
Town Board	Suzanne McDonough
Town Justice	Daniel Miller
Town Justice	Thomas Jacobellis
Court Clerk	Patricia Genna
Comptroller	Mary Ann Maxwell
Town Assessor	Glenn Droese
Town Clerk	Ann Spofford
Deputy Town Clerk	Alice Daly
Receiver of Taxes	Kathleen Kraus
Deputy Receiver of Taxes	Gary Kiernan
Town Civil Engineer	Richard Franzetti
Town Engineering Project Coordinator	Robert Vara
Principal Account Clerk	Carol Ormsby
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Michael Martin
Chief of Police	Anthony Hoffmann
Lieutenant	John Dearman
Lieutenant	Michael Bodo
Codes Enforcer	Michael Carnazza
Director of Parks and Recreation	James Gilchrist

UPDATING THE POLICIES AND PROCEDURES

The Town Board shall annually review these policies and procedures. The Comptroller’s Office shall be responsible for conducting an annual review of the Procurement Policy and for evaluation of the internal control structure established to ensure compliance with the procurement policy.



(Cont.)

EXHIBIT “A”  
**Sole Source Justification Form**  
**Town of Carmel Procurement Policy**

**Procurement Policy, Section V: Sole Source Procurement**

A sole source procurement is justified when there is only one good or service that can reasonably meet the need *and* there is only one vendor who can provide the good or service.

Department: \_\_\_\_\_

Vendor name: \_\_\_\_\_

Goods or Services: \_\_\_\_\_

State the basis for identifying this vendor as a sole source, check any that apply:

- ☐ The vendor is the manufacturer of the product and has no distributors.
- ☐ The vendor is the only reseller of the manufacturer’s product in this geographic region.
- ☐ Item to be purchased is a supply for equipment which is under warranty, and use of any product other than specified will void the warranty.
- ☐ Item is proprietary and is additional product or software which must work with an existing system.
- ☐ This purchase will exceed **\$10,000** and will require a Town Board Authorizing Resolution.
- ☐ Other (provide explanation):

Purchasing Agent’s signature for approval: \_\_\_\_\_

Department Head’s signature for approval: \_\_\_\_\_

EXHIBIT “B”  
**Emergency Justification Form**  
**Town of Carmel Procurement Policy**

(Cont.)

**Procurement Policy, Section VI: Emergency Procurement**

Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations

Department: \_\_\_\_\_

Vendor names: \_\_\_\_\_

Nature of emergency: \_\_\_\_\_

Estimated cost: \_\_\_\_\_

There are three basic statutory criteria to be met in order to fall within the emergency purchase exception. State the basis for identifying an emergency purchase or service, check any that apply:

- ☐ The situation arose out of an accident or unforeseen occurrence or condition.
- ☐ Public buildings, public property, or the life, health, safety or property of the political sub-division's residents were affected.
- ☐ The situation required immediate action, which could not await competitive bidding.
- ☐ The emergency purchases or services exceeded **\$10,000** and will be submitted to the Town Board for presentation at a Town Board Meeting to acknowledge said emergency. A Town Board Resolution should be passed acknowledging the same.
- ☐ Other (provide explanation):

Purchasing Agent's signature for approval: \_\_\_\_\_

Department Head's signature for approval: \_\_\_\_\_

EXHIBIT "C"  
Verbal Quotes Form  
Town of Carmel Procurement Policy  
Purchase Contracts \$2,000-\$4,999 ~ Public Work Contracts \$3,000-\$5,999

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Quotes received by: \_\_\_\_\_



(Cont.)

Vendor:	1.		2.		3.	
Telephone Number:						
Contact Person's Name:						
Description	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

**HIGHWAY DEPARTMENT - ADVERTISEMENT FOR BIDS AUTHORIZED - SAND, GUIDE RAIL AND WINTER MIX**

RESOLVED that Michael J. Simone, Town of Carmel Superintendent of Highways is hereby authorized to advertise for bids for the purchase of Sand, Guide Rail and Winter Mix for use by the Town of Carmel Highway Department; and

BE IT FURTHER RESOLVED that upon finalization and completion of bid specifications, the Superintendent of Highways is to furnish detailed specifications for the above to the Town Clerk Ann Spofford which are to be used in conjunction with the Town's general bid conditions and specifications.

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>

19 OCTOBER 2022  
TOWN BOARD MEETING

**PARK FACILITY RENTAL FEES WAIVED - APPLICATION OF THE PUTNAM COUNTY DEPARTMENT OF HEALTH - 12/15/2022**

BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the waiving of the park facility rental fees in reference to the application of the Putnam County Department of Health for an event to be held on Thursday, December 15, 2022 in the Recreation Building at Sycamore Park.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: 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>

**LAKE CASSE PARK DISTRICT - EXTENSION OF CONTRACT FOR MAINTENANCE SERVICES AUTHORIZED - R2019-008 - TERRENCE KELLY**

WHEREAS the Town Board of the Town of Carmel, acting as Commissioners of the Lake Casse Park District, has previously sought proposal for maintenance services of the Lake Casse Park District property and facilities;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Casse Park District and upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes the extension of contract of Mr. Terrence Kelly, Mahopac, NY to perform said maintenance services for fiscal years 2023 and 2024 at annual costs not to exceed \$13,500; and

BE IT FURTHER RESOLVED, that Town Supervisor Michael Cazzari is hereby authorized to execute any extension or amendment as well as any necessary documentation required in connection therewith.

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>

**CARMEL WATER DISTRICTS #3, #7 AND #12 - WATER EMERGENCY PURSUANT TO SECTION 151-22 OF THE TOWN CODE - TERMINATED**

WHEREAS, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #s 3, 7 and 12 has previously enacted a water emergency with respect to and within Carmel Water District #s 3, 7 and 12; and

WHEREAS, the Town Board has been advised by Town Engineer Richard J. Franzetti, P.E. that the circumstances necessitating the declaration of water emergency in Carmel Water District #s 3, 7, and 12 have subsequently abated and that the emergency can be rescinded.

NOW THEREFORE BE IT RESOLVED, that pursuant to Town Code §155-22 (A), the Town Board of the Town of Carmel hereby terminates the water emergency previously declared for Carmel Water District #s 3, 7 and 12.

(Cont.)

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>

**SEMI-ANNUAL MS4 STORMWATER REPORT - FILING 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, Michael Cazzari is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

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 OF SICK TIME BY TOWN OF CARMEL EMPLOYEES TO EMPLOYEE #2777 - AUTHORIZED**

RESOLVED, that the Town Board of the Town of Carmel hereby accepts and approves the donation of sick time to Employee #2777 from the following Town of Carmel Employees:

Employee #1034 - 16 Hours - Sick  
Employee #1037 - 16 Hours - Sick  
Employee #2409 - 8 Hours - Sick  
Employee #1149 - 8 Hours - Sick

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>

RESOLVED, that the Town Board of the Town of Carmel hereby adopts the Town Supervisor's Tentative Budget (as amended by the attached schedule) as the Preliminary Budget for fiscal year 2023.

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

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

[illegible]

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing in regard to the Preliminary Budget for fiscal year 2023 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Districts, Garbage District, Fire Protection Districts and Lighting Districts; and

BE IT FURTHER RESOLVED that said Public Hearing shall be held on the 9<sup>th</sup> day of November, 2022 at Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM or as soon thereafter that evening as possible, at which time all interested persons shall be heard; and

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BE IT FURTHER RESOLVED that the proposed salaries of the following officials for fiscal year 2023 shall be advertised, as required by Section 108 of the Town Law of the State of New York, as follows in said notice:

Town Supervisor \$132,388.10  
Town Council Members \$22,276.80  
Town Clerk \$110,008.36  
Town Highway Superintendent \$141,914.10

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and directed to publish the Notice of said Public Hearing in the official newspapers of the Town a minimum of five (5) days prior to November 9, 2022; and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Carmel is hereby authorized and directed to post the Notice of said Public Hearing on the Town Bulletin Board a minimum of five (5) days prior to November 9, 2022; and

BE IT FURTHER RESOLVED that a copy of the preliminary budget be available at the Office of the Town Clerk where it may be inspected by any interested person during office hours.

Resolution

Offered by: Councilman Baranowski  
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>

**POLICE DEPARTMENT - PURCHASE OF TWO (2) NEW 2022 DODGE DURANGO FORD POLICE PURSUIT SUV VEHICLES AUTHORIZED UNDER NEW YORK STATE OFFICE OF GENERAL SERVICES CONTRACT - ROBERT GREEN AUTO & TRUCK - NOT TO EXCEED \$41,021.49 EACH**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Chief of Police Anthony Hoffmann to proceed with the purchase of two (2) new 2022 Dodge Durango Ford Police Pursuit SUV vehicles at a unit cost not to exceed \$41,021.49 each from Robert Green Auto & Truck, Monticello, NY under NYS Office of General Services Contract #PC68970; and

BE IT FURTHER RESOLVED that Chief of Police Anthony Hoffmann is hereby authorized to sign all necessary documents to purchase said vehicles from the vendor set forth herein in accordance with the NYS Office of General Services contract referenced herein and the quotation dated September 22, 2022; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transaction authorized herein.

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>

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**POLICE DEPARTMENT - EMERGENCY PURCHASE OF TWO (2) 2022 RAM 1500 VEHICLES AUTHORIZED - NEW HOLLAND AUTO GROUP FLEET - NOT TO EXCEED \$42,371.00 EACH**

WHEREAS, the Town Board of the Town of Carmel has been advised by Carmel Chief of Police Anthony Hoffman that supply-chain issues have created an emergency circumstance with respect to the availability of police vehicles within the existing Town of Carmel Police Department fleet which may affect the safety and/or property of the residents of the Town of Carmel;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of the Chief of Police authorizes the emergency purchase of two (2) 2022 Ram 1500 vehicles from New Holland Auto Group Fleet, New Holland, PA at a unit cost not to exceed \$42,371.00 each; and

BE IT FURTHER RESOLVED that Chief of Police Anthony Hoffmann is hereby authorized to sign all necessary documents to purchase said vehicles from the vendor set forth herein quotation dated October 6, 2022; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

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>

**SETTLEMENT OF LITIGATION AUTHORIZED - “THE RETREAT AT CARMEL CONDOMINIUM I VS. THE TOWN OF CARMEL AND ITS ASSESSOR AND BOARD OF ASSESSMENT REVIEW” - 2018, 2019, 2020 AND 2021 ASSESSMENT OF CERTAIN REAL PROPERTY**

WHEREAS there are currently pending in the Supreme Court, County of Putnam, State of New York twelve lawsuits respectively entitled “The Retreat at Carmel Condominium I vs. The Town of Carmel and its Assessor and Board of Assessment Review”;

WHEREAS such litigation was commenced in regard to the assessment of certain real property located within the Town of Carmel on the 2018, 2019, 2020 and 2021 tax rolls; and

WHEREAS a proposed settlement of the litigation has been negotiated by Glenn 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: Supervisor Cazzari  
Seconded by: Councilman Baranowski and Councilwoman McDonough



(Cont.)

<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>

**SUBMISSION OF GRANT APPLICATION UNDER HUDSON VALLEY GREENWAY  
PLANNING GRANT PROGRAM APPROVED - VOLZ PARK REHABILITATION**

WHEREAS, the Town of Carmel is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Planning Grant Program for a project entitled “Volz Park Rehabilitation” to be located in the Town of Carmel.  
NOW, THEREFORE, be it resolved that the Carmel Town Board hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Planning Grant Program, for a project known as “Volz Park Rehabilitation” and located within this community.

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Baranowski

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

**COMMENTS/ANNOUNCEMENTS**

Supervisor Cazzari commended the Planning Board, as well as Town Planner Pat Cleary, for their outstanding efforts in connection with their preliminary review of the Draft Comprehensive Plan and the proposed zoning amendments. He reiterated that their meetings are available to view on the Town’s website, as is all of the meetings of the various Town boards.

Supervisor Cazzari announced the fall hydrant flushing schedule for Carmel Water District #2 taking place from October 10<sup>th</sup> through October 28<sup>th</sup>, Carmel Water District #3 from October 31<sup>st</sup> through November 2<sup>nd</sup> and Carmel Water District #12 from November 2<sup>nd</sup> through November 4<sup>th</sup>. Specific details are available on the Town’s website.

Supervisor Cazzari announced that the non-profit organization Community Cares will be hosting their Drink for Pink fundraising event on October 20, 2022 from 6:00 p.m. to 9:00 p.m. at Frankie & Augie’Z at 3673 Hill Boulevard in Jefferson Valley.

Supervisor Cazzari announced that the Hamlet of Carmel Civic Association will be hosting their annual Halloween Costume Parade and Party on October 23, 2022 at the Carmel High School from 1:00 p.m. to 4:00 p.m. for children in preschool through fourth grade. There will be refreshments, prizes, face paintings, crafts, and fun activities. Admission is free.

Supervisor Cazzari announced that the Department of Recreation and Parks will be hosting their annual Harvest Fest on October 30, 2022 from 12:00 p.m. to 3:00 p.m. at Sycamore Park. There will be music, crafts, food vendors, a haunted maze and more. It is open to residents only, and it is free to attend.

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Councilman Lombardi announced that there will be a food drive to benefit the St. John's Food Pantry on November 5, 2022 from 11:00 a.m. to 3:00 p.m. at the Red Mills Convenience Center.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schanil, with all Town Board members present in agreement, the meeting was adjourned at 8:56 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk