

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Michael Cazzari on the 9th day of November 2022 at 7:05 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Baranowski, Councilman Lombardi, Councilwoman McDonough, Councilman Schanil, and Supervisor Cazzari.

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

PUBLIC COMMENT

Charlie Melchner, 722 South Lake Boulevard, referenced a recent article that appeared in the Mahopac News about Town Planner Pat Cleary and commended him on his outstanding efforts to improve the Town. He also praised Highway Superintendent Mike Simone for the excellent job he does maintaining the roads.

Mr. Melchner went on to address the Town Board's authorization for the Lake Mahopac Park District Advisory Board to hire an attorney to explore various issues. He believed that the comment made at a previous meeting stating that the legal services would be at no cost to the taxpayers was incorrect as the taxpayers in the Lake Mahopac Park District are responsible for paying for it.

Councilman Lombardi suggested that what may have been said at the meeting was that the cost was not a Town-wide expense, and clarified that the cost was borne only by the property owners in the park district. A brief discussion followed.

PUBLIC HEARING CONTINUED FROM 10/19/2022 - PROPOSED LOCAL LAW WHICH IS PROPOSING MULTIPLE AMENDMENTS TO CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" - HELD OPEN FOR WRITTEN COMMENTS

Prior to reopening the Public Hearing, Supervisor Cazzari assured everyone who spoke at a previous Public Hearing that their comments have been recorded and will be taken into consideration. He requested that all comments this evening be focused on areas that have not been touched upon yet at a previous Public Hearing in connection with the Draft Comprehensive Plan and the proposed Local Law Which is Proposing Multiple Amendments to Chapter 156 of the Town Code of the Town of Carmel, Entitled, "Zoning".

Supervisor Cazzari stated that the Public Hearings on the proposed Local Law and the Draft Comprehensive Plan will remain open for written comments into next year. He stated that after the Planning Board submits their reports on the documents, and the proposed Local Law and the Draft Comprehensive Plan are revised, the Town Board will publish the revisions and give the public the opportunity to comment on them. Supervisor Cazzari anticipated that this will be the last Public Hearings on the first drafts.

Councilwoman McDonough introduced Bonnie Franson, planner with Nelson, Pope & Voorhis, the firm retained by the Town to assist in the preparation of the proposed Local Law and the Draft Comprehensive Plan.

Councilwoman McDonough announced that the Public Hearings planned for December 9, 2022 in connection with the proposed Local Law and the Draft Comprehensive Plan will not be held, and that the next Public Hearings with regard to the matters will be held sometime next year.

Supervisor Cazzari reopened the Public Hearing for public comment at 7:12 p.m. Approximately twenty (20) people were in attendance.

Larry Zacks, Mahopac resident, questioned whether a ten-acre lot requirement for a multi-family development should be reduced to two acres or three acres with review, given that there are not a lot of ten-acre lots left to develop.

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Ms. Franson stated that she would need to review specifically what Mr. Zacks was referring to because she explained, there are zoned areas in the hamlets for multi-family dwellings which she did not believe require ten acres. She further explained that he may be referring to areas which are already built.

Mr. Zacks proposed that ten-acre lots may be too large and that five-acre lots may be more viable. He stated that he was not referring to the hamlets or the denser areas because they have already been addressed in the Draft. He commented that the only way that the downtown will be rehabilitated is to offer a financial incentive by providing appropriate density of the mixed-use.

Mr. Zacks stated that it was a great plan that did not need much tweaking, and that it was very complex and thorough. He went on to speak about the importance of sewers to promote development, and asked what is being done to fund them.

Supervisor Cazzari stated that the Town is actively negotiating to take over the sewer plant and expand it. He stated that the Town continuously applies for a multitude of grants for sewer and water projects.

Mr. Zacks stated that this would require letter writing campaigns and pressuring our advocates.

Supervisor Cazzari indicated that the Town has reached out to all of the appropriate elected officials.

Mr. Zacks commented that the public needs to get behind those efforts as well.

Supervisor Cazzari explained that if the Town had sidewalks in the existing Comprehensive Plan, when the improvements were made by the State to Route 6N, they would have installed sidewalks for the Town, and that it would have been the same with sewer and water. It was his understanding that if it is in the Comprehensive Plan, there is a greater chance of being awarded a grant.

Councilman Baranowski added that he is hopeful that the newly elected congressman will be a very active and forceful advocate for the Town when seeking grant funding for infrastructure projects.

Ms. Franson pointed out that in the Hamlet Mixed Use Centers, the minimum lot size is 10,000 square feet and that the regulations that apply to multi-family dwellings in the hamlets are in Section 156-36.13 of the proposed Local Law. She advised Mr. Zacks that she would provide the information to him if he emails a request to her.

David Nicholas, long-time Mahopac resident, suggested that the Town Board repeat how the Town of Bedford negotiated with New York City with regard to their sewer improvements. He stated that the City gave them the plant, upgraded it and awarded them millions of dollars to operate it.

Supervisor Cazzari acknowledged Mr. Nicholas' suggestion and added that the Town Board would like to expand the water treatment plant as well.

Mr. Nicholas addressed the grant funding awarded to the Town several years ago for the purpose of installing sidewalks along Route 6N.

Supervisor Cazzari clarified that it was not the same area. The sidewalks he was referring to would be further along Route 6N, near Colonial Drive.

Mr. Nicholas pointed out that there were no sidewalks there.

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Supervisor Cazzari reiterated that if the Town had included sidewalks in the Comprehensive Plan, the New York State Department of Transportation indicated that they would have been putting them in there.

Mr. Nicholas stated with regard to the survey that was distributed in connection with the proposed zoning amendments, that with the exception of two vague questions, the survey had nothing to do with Lake Mahopac, and that the proposed zoning amendments based on the survey take away property owners' rights to their water frontage.

Mr. Nicholas referenced a public meeting at which the survey was discussed. He commented that it was held on a Thursday at 1:30 p.m. at Sycamore Park, a day and time when most people would be at work.

Mr. Nicholas referenced comments made at the last Public Hearing about the Lake Mahopac Park District Advisory Board's lack of communication with the other property owners and questioned why the Town Board doesn't do something about it. He suggested reappointing Ed Barnett to the board as chairman. Discussion regarding the Lake Mahopac Park District Advisory Board ensued.

Councilwoman McDonough addressed Mr. Nicholas' comment about what the Town of Bedford did to improve their municipal sewers and explained that the Town Board is doing the same thing only it is taking longer.

Ms. Franson explained that the survey was put together in collaboration with an advisory group who asked that those questions be added to the survey, and that 1000 people took the survey. She stated that Councilwoman McDonough could elaborate on the avenues used to advertise it.

Ms. Franson explained that the meeting referenced by Mr. Nicholas was a public information meeting held during the height of the COVID-19 pandemic. Two meeting dates were advertised to be held, but because of the COVID-19 pandemic many people chose not to attend. Therefore, one meeting was held. She stated that two additional information meetings were then held to solicit comments that were online and on different days, noting that one of the days was a Saturday.

Councilwoman McDonough reiterated that one meeting was on a Saturday, and added that one meeting was in the evening. She stated that meetings were held at different hours and on different days. All attempts were made to accommodate everyone, however she echoed, it was during the COVID-19 pandemic.

Ms. Franson stated that although the docks have been a particular subject that many people have addressed, she reminded everyone that there is an existing law in place in regard to the operation of boats, Chapter 55 of the Town Code, and it states that docks are not to be longer than 25 feet. She stated that regulations are not suddenly being imposed, they already exist, and that the proposed amendments state that the maximum is 25 feet but if it's longer than 25 feet, it must go to the Planning Board.

Ms. Franson stated that some of the proposed amendments provide more flexibility while creating a system that is fair to all residents, so that one resident isn't blocking another person's access to the lake. She further stated that the proposed Local Law will be refined, revised and updated based on public input, and that attempts are being made to make sure that the regulations already in place make more sense. She pointed out the proposed Local Law applies not only to Lake Mahopac, but to all of the bodies of water in the Town.

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Burt Melchner, longtime resident stated that it was said at the last meeting that the purpose of the proposed Local Law is to maintain the safety and health conditions of the lake, and that the lake was overcrowded, however it was also said that fishing boats are not a concern. He commented that this needs to be readdressed because of the increase in the amount of hazardous zebra mussels in the lake over the last couple of years which he believes are coming from the fishing boats and live wells.

Mr. Melchner asked for confirmation that a floating dock that is one inch off the shoreline is State controlled but if it is connected to the shoreline it is under Town control.

Ms. Franson stated that there is a provision of the Town's law that she believed ultimately the attorneys have to address that has to do with to what extent the Town can regulate, specifically whether the Town can regulate within 1500 feet because the Town is a Greenway Community. She stated that this needs to be resolved as the Town may have more ability to regulate than what is in the draft right now which are the basic provisions based on the fact that the lake is State controlled and owned.

Ms. Franson explained with regard to the fishing boats that the issue of zebra mussels may be appropriate to address in the section of the Town Code which deals with the operation of boats. She stated that she made a note to see where that issue would fit.

Mr. Melcher asked with regard to docks on the lake that are over 25 feet long, if there are any plans to look at what's out there today under the current code.

Ms. Franson stated that she went out on a boat and took lots of pictures, and that she has a full inventory of the varieties of ways that people have docking systems.

Mr. Melchner spoke about how when his neighbors took down the natural border to the road and put in parking, he installed a six-foot fence for privacy at his lake property and received a zoning violation. He questioned if the Town is aware of issues with certain docks under the current Code and nothing is being done about it, why are new regulations proposed to be put in place.

Mr. Melchner stated that the proposed Local Law specifies that properties must be more than 25 feet however there are properties on the lake that are not 25 feet. He stated with regard to permeable structures that people are black topping their properties along Route 6N without any permits. He referenced the height of boat houses being limited to ten feet and stated that you can't build a boathouse that is less than ten feet for a boat, and that there is a recently built boathouse on the lake with a second story. Mr. Melchner commented that the zoning regulations don't make a difference because projects are going to get approved anyway. Mr. Melchner referenced the proposed limit that a dock or pier cannot be more than six-feet wide and stated that it is a dramatic restriction as some people have a lakefront 25-foot piece of property and because of the nature of the property line, it is all docked with a couple of piers making it safer and more usable.

Ms. Franson explained that they are trying to establish standards and that beyond that, the property owner might have to go to the Planning Board, and/or beyond that, the property owner might have to get a variance.

Mr. Melchner commented that with the proposed requirement that 15 feet is required on either side of a dock, a four-foot wide dock would require a minimum property width of 34 feet.

Ms. Franson pointed out that the regulations apply to a new build because there is a provision for grandfathering.

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Mr. Melchner questioned if his dock is grandfathered and it falls down, if he will be allowed to just rebuild it or if at that time he will be required to bring it up to code. He expressed his concern that at some point in the future he may be required to move his dock to meet the regulations. He suggested that grandfathering include a provision that will allow property owners to maintain their structures as is.

Mr. Melchner commented that Section 156-26 (G)(11) in the proposed Local Law requiring parking areas along the shoreline be screened will result in the view of Lake Mahopac from the roadway being blocked. He commented that the amendment will have a great impact, and will change who will be able to see the lake and who will not.

Mr. Melchner referenced Section 156-26 (H)(1) in the proposed Local Law and commented that it implies that he cannot have a boat on his vacant property because he does not reside there. He commented that Section 156-26(H)(5) is critically important because it states that the boat must be registered to the owner of the property. He expressed his concern that his 14-year-old daughter would not be permitted to have a small boat on his property and suggested that there needs to be rewording of the provision because it can be interpreted that only the people whose property is in their name can have anything on it.

Mr. Melchner referenced Section 156-26 (J)(1) relating to grandfathering and reiterated his concerns about what would happen when a structure falls down. He commented that Section 156-26 (J)(10) is very drastic and will impact most property owners around the lake because certain existing docks are built on an angle and follow the property line, and the proposed change requires them to be perpendicular to a tangent of the shoreline.

Ms. Franson stated that is not quite what the provision is stating and that it has more to do with the setback. She mentioned with regard to the buffer, that the regulations apply to things that are within 50 feet of the shoreline for particular elements, such as portable toilets. Beyond the shoreline, it is not regulating.

Mr. Melchner agreed that portable toilets should be screened and reiterated that the proposed amendments will have a huge impact.

Ms. Franson thanked Mr. Melchner for the examples he provided and repeated that some of his comments are already limited by the Chapter 55 of the Town Code.

Mr. Melchner questioned how the new amendments will be enforced. He commented that all the amendments are being considered to make the lake safer when it is coming across as an attempt to make it private.

Ms. Franson pointed out that there are marinas on the lake which are allowed by the zoning so obviously it will not be private. She stated that part of the purpose of the amendments is to gain control because there are places where things should be launched as opposed to unrestricted situations all over the lake.

Tom Simone, lifelong resident, commented there are a lot of sweeping changes included in the proposed Local Law. He stated that this is about his fifth meeting in connection with the matter and that as he mentioned before, there are many aspects of this draft that do not apply to Lake Mahopac. He stated that the 25-foot dock maximum cannot be applied to every property, it's not a one size fits all number. He spoke about his dock, along with his neighbors' docks being 65 feet long and have approximately four feet of water because at twenty-five feet, the depth of the water is much less. Mr. Simone stated that many of the docks on the lake have been around since the 1960s and no one has complained.

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Mr. Simone said that he spoke to many property owners who live along Lake Mahopac who were not aware of the survey. He expressed his opposition to the proposed amendments which he believed if enacted, will not be followed.

Ms. Franson explained in regard to a 65-foot dock that under the proposed Local Law the property owner who sought to build a dock over 25 feet would be required to go before the Planning Board, however currently under Chapter 55, she did not believe that there was any avenue technically for it to be longer.

Mr. Simone stated that the term watercraft in the proposed Local Law could apply to almost anything and opposed being limited to two.

Councilwoman McDonough stated that the matter has already been discussed and that the definition will be changed.

Ms. Franson noted that it will not include kayaks and things that come out of the lake.

Mr. Simone urged the Town Board to take a more sensible approach to amending the regulations which he believed were prompted by a small number of individuals. He commented that there is no profit to be made by renting out a boat slip given the amount of property taxes required to be paid, and that if someone does not own property on the lake, they will not have access to it.

Councilwoman McDonough stated that she personally was told by many people that the lake is overcrowded and that those people do not want to come to a meeting and comment publicly. She stated that the proposed amendments will not result in the lake becoming private.

John Cambigianis, 578 Beach Road, Mahopac, spoke representing the Mahopac Woods Lake Association. He stated that their community consists of 80 homes on the north side of the lake and they have about 20 boat slips. He stated that years ago they obtained a permit for their current docking system and asked how the proposed amendments will affect their existing permit.

Ms. Franson noted that she was not aware of the conditions of their current permit. However, she explained, the proposed Local Law does address homeowners associations and that a proposed waterfront structure would be required to go before the Planning Board for site plan approval, partly because multiple individuals are involved that may want to have watercrafts.

Mr. Cambigianis inquired how the grandfathering process would work.

Ms. Franson stated that the grandfathering section in the proposed Local Law talks about pre-existing structures, and essentially, if it's pre-existing it continues to exist but it cannot be further expanded. If it is pre-existing and meets the standards, there is no process. If it is pre-existing and the property owner wants to do something different, then it may be necessary to go to the Planning Board and/or the Zoning Board of Appeals, depending on what the property owner wants to do. Ms. Franson stated that all of the provisions in the proposed Local Law are subject to change, all comments made are being considered, and further discussions will be held with the Town Board with regard to how to grandfather items and what to regulate.

Mr. Cambigianis asked how someone would know if their structure would be grandfathered.

Mr. Franson explained that if a structure does not fit within the zoning regulations, it is nonconforming, and to determine that, they must review the regulations.

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Mr. Cambigianis asked how the Town would know what existed previously on a property. He stated that their homeowners association's dock is over 25 feet and that is probably why they obtained a permit years ago.

Ms. Franson stated that there are some places that have processes where after a law is passed, they allow a period of six months after to establish a nonconformity through the Building Department. She noted that the matter could be further discussed as the entire proposed Local Law is subject to change.

Mr. Cambigianis confirmed that after the revisions are made to the proposed Local Law there will be another Public Hearing and asked if there is an estimated date for its adoption.

Councilwoman McDonough stated that it would be sometime next year.

Ms. Franson indicated that the consultants will meet with the Town Board and they will collectively decide how they want to handle the various comments.

Councilwoman McDonough suggested to Mr. Cambigianis with regard to their floating docks that they take pictures of the existing structure to establish what currently exists for grandfathering.

Mr. Cambigianis inquired about using Google Maps.

Ms. Franson stated that Google Maps is often used to see what someone had and how things have changed.

Charlie Melchner, Jr. addressed comments made at previous meetings with regard to the survey in connection with the lake being overcrowded and asked where the people who responded were from and what were they basing their opinion of it on. Mr. Melchner commented that if the Town is attempting to regulate how many boats are on the lake, he would love to see an example of an existing community that had an issue with overcrowding on their lake and then implemented these regulations to solve the issue. He failed to see how the width of a dock or the direction of a dock would alleviate overcrowding on the lake.

Mr. Melchner asked if OGS (New York State Office of General Services) was contacted with regard to regulating how many boats can be on their lake. He questioned if there has been any report of the activity on the lake changing before, during and after the COVID-19 pandemic.

Mr. Melchner referenced Councilwoman McDonough reaching out to him for his opinion on what he believed an appropriate number of boats on a lakefront piece of property should be and commented that he is not an expert on lakefront zoning. He suggested that the consultants hired by the Town should have some type of lakefront and/or recreational space specialist that would be able to provide that calculation and then made available to all. Mr. Melchner mentioned that he will be following up his previous email with another.

Mr. Melchner reiterated concerns about the Lake Mahopac Park District Advisory Board, as well as the Friends of Lake Mahopac. He suggested that the Town Board or the park district's liaisons seek accountability from them.

Robert Buckley, thirty-year Town resident, living on the lake for the last six years, stated that when there is an issue on the roads with regard to traffic, traffic professionals are hired by the Town and they perform a traffic study. He asked if a traffic study has been performed on the lake. He noted that from Monday through Saturday morning there is no traffic on the lake. On Saturday afternoons, Sundays and holidays there is more traffic.

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Mr. Buckley proposed that if a traffic study were to be conducted throughout the entire summer, there would be about 10 to 12 days that there were major traffic problems on the lake, and that completely changing the regulations for 12 to 15 weekends was unnecessary.

Mr. Buckley expressed his support of comments made by earlier speakers and spoke against the proposed amendment that would potentially require property owners who wanted to rebuild their dock to appear before the Planning Board.

Mr. Buckley commented on what he considered the major role that Bonnie Franson has in connection with the Draft Comprehensive Plan.

Councilwoman McDonough explained Ms. Franson's role to be consistent with any other consultant hired by the Town and discussion regarding the matter followed.

Mr. Buckley asked how the proposed regulations will impact the marinas on the lake.

Councilman Schanil stated that the proposed amendments are not meant to take away anything from anyone, and that the intent is to add conformity as well as to maintain the appearance of lake.

Councilwoman McDonough stated that the Town Board was asked by the Planning Board and the Zoning Board to give the zoning regulations some teeth. She stated that this is not just about the lake, it is about the entire community. Councilwoman McDonough stated that the Town Board hired a wonderful consultant, and ultimately upon hearing all comments, the Town Board will make the ultimate decisions.

Mr. Buckley stated that he served on the Recreation and Parks Advisory Committee for ten years, six of which he served as chairman, and at no time were they presented with an issue involving the lake being overcrowded.

Charlie Melchner referenced Ms. Franson's comments with regard to property owners potentially being required to appear before the Planning Board in connection with the number of dock slips on the lake and stated that he believed that they would need to go to the Office of General Services.

Ms. Franson explained that at some point if something is floating over State waters, the Town may have more limited ability to regulate it, however there is a provision in the Town Code, that ties a Greenway community into some element of the navigation law that may allow the Town to have more authority. She repeated that it is something the Town's attorney and others have to weigh in on because it is a legal matter.

Mr. Melchner stated that he believed that the Greenway Connection Law only applies to navigable waters and that Lake Mahopac is not a navigable water.

Mr. Melchner stated that he has been operating on the lake for 55 years. He pointed out that a survey performed last year reported there were 750 boats on the lake and he has a copy of a statement from 45 years ago which indicated that there were about 750 boats on the lake. He suggested that any perceived overcrowding of the lake is because the boats now are much larger.

Mr. Melchner inquired if the Planning Board and their consultant will be given enough time to review the changes made to the proposed Local Law because he believes that they, not the Town Board will be held accountable if an unthoughtful law is enacted.

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Larry Zacks readdressed the Town Board and stated that perpendicular docks on an oval or elliptical lake is not going to work. He added that for years the docks on the lake were built to conform to the depth of the water and in conformity with their neighbors. He stated that if the proposed amendments are enacted, everyone will need to seek a variance and may result in issues between neighbors.

With no one else present wishing to be heard on the subject of the Public Hearing, at 8:21 p.m. a motion by Supervisor Cazzari to hold the Public Hearing open for written comments was seconded by Councilman Schanil and Councilwoman McDonough, and with all members of the Town Board in agreement, the motion was adopted.

PUBLIC HEARING FROM 10/19/2022 CONTINUED - DRAFT COMPREHENSIVE PLAN - HELD OPEN FOR WRITTEN COMMENTS

Supervisor Cazzari reopened the Public Hearing for public comment at 8:22 p.m. Approximately twenty (20) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, at 8:23 p.m. a motion by Supervisor Cazzari to hold the Public Hearing open for written comments was seconded by Councilman Lombardi, and with all members of the Town Board in agreement, the motion was adopted.

PUBLIC HEARING HELD - PRELIMINARY BUDGET FOR FISCAL YEAR 2023

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

NOTICE OF PUBLIC HEARING
TOWN OF CARMEL PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 9th day of November, 2022 at Town Hall, 60 McAlpin Avenue, Mahopac, New York, at 7:00 p.m. or as soon thereafter that evening as possible in regard to the Preliminary Budget for the fiscal year 2023 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Districts, Fire Protection Districts, Garbage District and Lighting Districts; and

BE IT FURTHER NOTICED that pursuant to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2023 are hereby specified as follows: Supervisor: \$132,388.10; Town Council Members (ea): \$22,276.80; Town Clerk \$110,008.36; and Highway Superintendent \$141,914.10;

AND BE IT FURTHER NOTICED, that the Preliminary Budget for the Town of Carmel has been completed and filed in the Office of the Town Clerk, Town Hall, 60 McAlpin Avenue, Mahopac, New York, where it is available for public inspection during office hours.

At said Public Hearing, any resident may be heard in favor of or against the Preliminary Budget as compiled or for or against any item or items contained therein. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

Supervisor Cazzari opened the Public Hearing for public comment at 8:25 p.m. Approximately twenty (20) people were in attendance.

Supervisor Cazzari stated that the Town Supervisor and the Town Councilmembers will not be taking salary raises in 2023.

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With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Schanil and Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 8:25 p.m.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schanil, with all Town Board members present and in agreement, the meeting was adjourned at 8:25 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk