

2 AUGUST 2023

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

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Michael Cazzari on the 2nd day of August 2023 at 7:02 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Baranowski, Councilman Lombardi, Councilwoman McDonough, Councilman Schanil and Supervisor Cazzari.

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

**RECOGNITION OF FIRST RESPONDERS AND VOLUNTEER AGENCIES -
ENDANGERED MISSING PERSON**

Police Chief Anthony Hoffmann stated that on July 27th, the Carmel Police were notified of a missing 66-year-old male from his residence on Myrtle Avenue in Mahopac. The missing man, Roy Clayton, was reported to have serious medical concerns. Chief Hoffmann went on to detail the extensive search, investigation and subsequent rescue of Mr. Clayton on July 31st. He reported that Mr. Clayton was airlifted to Westchester Medical Center where he is currently in good condition while recovering from the effects of exposure.

On behalf of the Town of Carmel and the Clayton family, Chief Hoffmann acknowledged the participating law enforcement agencies, fire departments, EMS units, and volunteer search and rescue teams who assisted the Carmel Police Department's patrol officers, detectives, K9 unit, drone operator, and dive team. In appreciation of their outstanding efforts, representatives from the agencies were presented with certificates from Congressman Michael Lawlor and Assemblyman Matthew Slater.

PUBLIC COMMENTS

Adriana Wise, Carmel resident, spoke on behalf of the New York Citizens Audit regarding the group's research based on New York State Board of Elections records relating to purported voter database discrepancies. The research was distributed to the Town Board by a member of the group and Ms. Wise made a request that the Town Board adopt a resolution in support of an end-to-end audit of the New York State 2022 General Election. She suggested that the director of their group be invited to make a presentation at an upcoming Town Board meeting,

Susan Caddoo, also a member of the New York Citizens Audit, voiced her concerns with regard to the State's voter rolls and echoed Ms. Wise's request for an audit.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF
THE TOWN CODE OF THE TOWN OF CARMEL ENTITLED "ZONING" -
ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS
FOR "SMOKE SHOPS" AND "VAPE SHOPS" WITHIN THE TOWN OF CARMEL**

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 2, 2023 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law Amending Chapter 156 of the Code of the Town of Carmel, entitled "Zoning", as follows:

**TOWN OF CARMEL
PROPOSED LOCAL LAW # ___ OF THE YEAR 2023
A LOCAL LAW AMENDING CHAPTER 156 OF THE CODE OF THE TOWN OF CARMEL,
ENTITLED "ZONING"**

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

**2 AUGUST 2023
TOWN BOARD MEETING**

(Cont.)

SECTION 1: PURPOSE

The purpose of this local law is to establish a temporary moratorium on the issuance of building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the Town of Carmel.

SECTION 2: LEGISLATIVE FINDINGS

The Town Board of the Town of Carmel has received numerous complaints regarding the operation of “smoke shops” and “vape shops” as defined herein, specifically concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the Town of Carmel. The Town Board has decided to review the current Zoning Chapter of the Town Code and consider the potential regulation of such “smoke shops” and “vape shops”. In order to allow the Town Board time to complete its review, draft proposed new legislation and enact any such legislation for these types of establishments, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any further building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the Town of Carmel which are not currently in existence or operation.

SECTION 3: MORATORIUM

Chapter 156 of the Town Code of the Town of Carmel is hereby amended by the amendment/addition of subparagraph/section 156-39.6. which shall read as follows:

Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law through and including September 30, 2023. For purposes of this section “smoke shop” or “vape shop” shall mean any business, facility or establishment with its main, primary or specialized purpose being the on-premises use and/or retail sale of tobacco and tobacco-related products, smoking equipment and/or electronic cigarette products and related products and paraphernalia.

SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Alice Daly, Deputy Town Clerk

With no one objecting to the public notice as read, Supervisor Cazzari opened the Public Hearing for public comment at 7:35 p.m. Thirteen (13) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:36 p.m.

SEQR DETERMINATION MADE - PROPOSED LOCAL LAW AMENDING CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL ENTITLED “ZONING” - ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” WITHIN THE TOWN OF CARMEL - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law # Establishing a Moratorium in Regards to the Issuance of Permits for “Smoke Shops” and “Vape Shops” Under Chapter 156 of the Town Code of the Town of Carmel is a Type II action under SEQR, NYCRR Section 617.5(c) (33) and no further review is necessary.

(Cont.)

Resolution
Offered by: Councilman Lombardi
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>

LOCAL LAW #4 OF THE YEAR 2023 - LOCAL LAW AMENDING CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED “ZONING” (ESTABLISHING A MORATORIUM IN REGARD TO THE ISSUANCE OF PERMITS FOR “SMOKE SHOPS” AND “VAPE SHOPS” WITHIN THE TOWN OF CARMEL) - ADOPTED AS NOTICED AND PUBLISHED

**TOWN OF CARMEL
LOCAL LAW #4 OF THE YEAR 2023
A LOCAL LAW AMENDING CHAPTER 156 OF THE CODE OF THE TOWN
OF CARMEL, ENTITLED “ZONING”**

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

SECTION 1: PURPOSE

The purpose of this local law is to establish a temporary moratorium on the issuance of building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the Town of Carmel.

SECTION 2: LEGISLATIVE FINDINGS

The Town Board of the Town of Carmel has received numerous complaints regarding the operation of “smoke shops” and “vape shops” as defined herein, specifically concerning their detrimental effects on the health, safety, welfare and quality of life of the residents and citizens of the Town of Carmel. The Town Board has decided to review the current Zoning Chapter of the Town Code and consider the potential regulation of such “smoke shops” and “vape shops”. In order to allow the Town Board time to complete its review, draft proposed new legislation and enact any such legislation for these types of establishments, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of Carmel to impose a moratorium on the issuance of any further building permits and/or certificates of occupancy by the Town of Carmel Building Department for the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” within the limits of the Town of Carmel which are not currently in existence or operation.

SECTION 3: MORATORIUM

Chapter 156 of the Town Code of the Town of Carmel is hereby amended by the amendment/addition of subparagraph/section 156-39.6. which shall read as follows:

Notwithstanding the foregoing, no building permits and/or certificates of occupancy permitting the construction, establishment and/or operation of any additional or new “smoke shops” or “vape shops” which are not currently in existence or operation at the time of the enactment of this law shall be issued by the Town of Carmel Building Department as a permitted retail use or other use within any zone within the Town of Carmel, from the effective date of this Local Law through and including September 30, 2023. For purposes of this section “smoke shop” or “vape shop” shall mean any

(Cont.)

business, facility or establishment with its main, primary or specialized purpose being the on-premises use and/or retail sale of tobacco and tobacco-related products, smoking equipment and/or electronic cigarette products and related products and paraphernalia.

SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Offered by: Councilman Lombardi
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>

MINUTES OF TOWN BOARD MEETING HELD ON 6/21/2023 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilwoman McDonough, seconded by Councilman Schanil, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on June 21st, 2023 were accepted as submitted by the Town Clerk.

POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF LIEUTENANT MADE - NEIL BROWN

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Police Department hereby appoints Sergeant Neil Brown to the position of Lieutenant, effective immediately, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

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

2 AUGUST 2023
TOWN BOARD MEETING

POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF SERGEANT MADE - KEVIN ANDERSON

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Police Department hereby appoints Detective Kevin Anderson to the position of Sergeant effective immediately, on a promotional probationary basis subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution
Offered by: Supervisor Cazzari
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>

ANNUAL FINANCIAL REPORT OF THE TOWN'S INDEPENDENT AUDITOR FOR FISCAL YEAR ENDING 2022 - ACCEPTED

RESOLVED that the Town Board of the Town of Carmel hereby accepts the Comprehensive Financial Independent Audit Report of the Town's independent auditor PKF O'Connor Davies, for fiscal year 2022 and hereby directs Town Clerk Ann Spofford to publish all notices required in connection herewith in the official newspapers of the Town.

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>

RESOLUTION ADOPTED IN SUPPORT OF APPLICATION TO NEW YORK STATE AFFORDABLE HOUSING CORPORATION - PUTNAM COUNTY HOUSING CORPORATION

WHEREAS, the Town Board of the Town of Carmel has been advised by Denene Makkay, Deputy Director of the Putnam County Housing Corporation (PCHC) that PCHC is in the process of applying for a \$300,000 Home Improvement Grant from the New York State Affordable Housing Corporation; and

WHEREAS, the purpose of said grant and application is to assist Putnam County homeowners in making necessary improvements to their homes to bring structures into compliance with all applicable laws and regulations, including but not limited to the installation, replacement or repair of heating, plumbing, electrical and related systems and the elimination of all hazardous violations within residential homes in accordance with all applicable laws, rules and regulations;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel offers this resolution and hereby states its support of the aforesaid application by PCHC to the New York State Affordable Housing Corporation and further supports the purposes, intent and objectives in improving the condition of residential housing within the County of Putnam.

2 AUGUST 2023
TOWN BOARD MEETING

(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>

EMERGENCY REPAIRS ACKNOWLEDGED - CARMEL WATER DISTRICT #2 - KUCK EXCAVATING - \$14,906.71 AND CARMEL WATER DISTRICT #9 - BEE AND JAY - \$16,293.76

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, hereby acknowledges the emergency performance of water and sewer district collection system/distribution system and treatment facilities repairs as fully detailed in the revised memorandum of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated July 6, 2023, as attached hereto and made a part thereof.

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>

*Richard J. Franzetti, P.E.
Town Engineer*




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

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

MEMORANDUM

To: Carmel Town Board

From: Richard J. Franzetti P.E. Town Engineer 

Date: June 23, 2023
Revised July 6, 2023

Re: Emergency Repairs/Services

This memorandum is being presented to the Town Board to advise the Board of emergency invoices that were submitted for payment/authorization to proceed in excess of \$10,000.00 for services rendered. The following provides a brief a summary of the work that was performed.

2 AUGUST 2023
TOWN BOARD MEETING

(Cont.)

- Carmel Water District 2 ~ 50 Old Route 6 Hydrant replacement

On May 31, 2023, Inframark, the operators for CWD2, notified the Engineering Department that the hydrant at 50 Old Route 6 needed to be replaced. Attached is an invoice in the amount of \$14906.71 for Kuck Excavating to replace the hydrant

- Carmel Water District 9 ~ Pump Replacement

On June 2, 2023, Bee and Jay, the operators for CWD 9, notified the Engineering Department that the pump failed out due to a lightning storm. The pump, cable and related parts were replaced and set new on June 7, 2023. Attached is an invoice in the amount of \$16,293.76or Bee and Jay to make this repair.

Please note that this invoice has been submitted to insurance for reimbursement.

We request that this memorandum be put into the agenda as a matter of record.

Tel: (845) 628-1500 Fax: (845) 628-7085 email rjff@ci.carmel.ny.us
G:\Engineering\Town Board Emergency Invoices\07-2023 WS\06-23-2023 Emergency Repair Acknowledgement to TB V2.doc



P.O.Box 78 - 719 Route 6 - Mahopac, NY 10541
p: 845.628.3924 f: 845.628.4062
e: service@beeandjay.com

INVOICE

DATE	INVOICE #
6/5/2023	104982

www.BEEANDJAY.com

BILL TO:

Town of Carmel-CWD#9
Engineering Dept.
60 McAlpin Ave.
Mahopac, NY 10541

SERVICE LOCATION:

Town of Carmel-CWD#9
Locust Hill Station
Mahopac, NY

PROFESSIONAL SERVICE 59 YEARS 1964-2023					Master Plumbers Lic.#s W.C. 556 P.C. 30289	
CUSTOMER #		TERMS	MECHANIC	SERVICE DATE	WORK ORDER #	
845 628 1500		Payment Due Upon Rec	JS	6/2/2023	68887	
ITEM	QTY/HRS	DESCRIPTION			RATE	AMOUNT
Description		6/2/2023 - PM - CWD# 9 Locust Hill Pump Station Well #2 Pump Failure due to lightening storm power surges. Tested and isolated burnt out pump, ran system on back up wells. 6/5/2023- Pulled 7.5 hp Goulds pump and motor with 6/4 sub cable and all related equipment. Lost pump and motor down well, rotted nipple threads at end, ordered materials. 6/7/2023- Installed new pump motor and subcable with replacement nipples, start up and restored well on line				
Labor TOC Tech	2	1- Tech Plb 6/2/2023			185.00	370.00
Labor TOC Tech	2	1- Tech Plb 6/2/2023			185.00	370.00
Labor TOC Tech	6	1- Tech Plb 6/5/2023			185.00	1,110.00
Labor TOC Lab...	6	1-Laborer 6/5/2023			140.00	840.00
Labor TOC Tech	4	1- Tech Plb 6/7/2023			185.00	740.00
Labor TOC Lab...	4	1-Laborer 6/7/2023			140.00	560.00
Boom Truck		Boom Truck			1,200.00	1,200.00
Material		1 7.5 hp 35GS75 Pump End			5,188.00	5,188.00
Material		1- 7.5 hp 230v 3ph Motor			2,897.00	2,897.00
Material		4- Heat Shrinks			51.80	51.80
Material		6- Torque Arrestors			192.00	192.00
Material		12- Rolls Tape			33.96	33.96
Material		350 ft 6/4 Subcable			2,702.00	2,702.00
Material		1- 2x6 BR Nipple			39.00	39.00

** Invoices not paid when due will be subjected to a finance charge of 1.5% per month

Total Due\$ 16,293.76

WE ACCEPT ALL MAJOR CREDIT CARDS !!
CARD TYPE: VISA MASTERCARD AMERICAN EXPRESS DISCOVER DINER'S CLUB OTHER _____
CARDHOLDER/NAME: _____ SIGNATURE: _____
CARD# _____ EXP. DATE: _____ CID # _____
EMAIL: _____

(Cont.)

EXHIBIT "B"
Emergency Justification Form
Town of Carmel Procurement Policy

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: Engineering

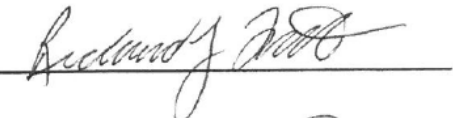
Vendor name: Bee and Jay Plumbing

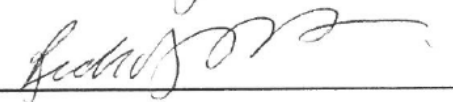
Nature of emergency: Pump Replacement due to storm on 6/2/23 ***Insurance

Estimated cost: See attached

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: 

Esteves, Donna

From: Logan Farnan <lfarnan@wrightinsurance.com>
Sent: Thursday, June 8, 2023 12:13 PM
To: Esteves, Donna
Cc: Lori Glassman
Subject: FW: breakout of recovery; Reg: NYMIR Insured Inc Town of Carmel 06/02/23 loss NYMIR # TCAR-2023-009 - Thx LF

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Afternoon

We have received & confirmed review of loss supports received from your Agent Lori Glassman – TU Lori.

Based on the information provided, the Covered Agreed Replacement Cost Value (RCV) of the repairs/replacement Building/Loss is \$16,293.76. This is acceptable. The policy has a \$1,000.00 deductible. Based on the Commercial Property deductible provision of policy form MPL116 11 06, Extensions of Coverage, Section I. D. Deductible, the deductible is waived, the net Replacement Costs recoverable amount for this loss is \$16,293.76.

We have processed net recovery \$16,293.76 in our systems.

Please allow up to 7-10 business days from Wednesday the 14th for this Net final recovery payment \$16,293.76 to reach Town of Carmel

(Cont.)

Thank you



Logan Farnan
Sr. Property Claims Examiner

Wright Public Entity
900 Stewart Avenue., Suite 600
Garden City, N.Y. 11530
Tel: 516-750-9371
Fax: 516-227-2352

Insurance coverage cannot be bound, amended or cancelled via voicemail, facsimile or e-mail message without confirmation from an authorized Wright Insurance Group representative.

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EXHIBIT "B"
Emergency Justification Form
Town of Carmel Procurement Policy

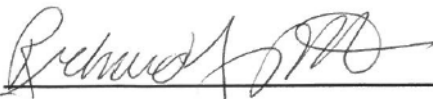
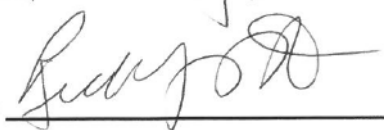
Procurement Policy, Section VI: Emergency Procurement

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

Department: Engineering
Vendor names: Ed Kuck Excavating
Nature of emergency: Emergency Fire Hydrant Replacement
Estimated cost: See attached invoice TOC 046-23

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: 

2 AUGUST 2023
TOWN BOARD MEETING

(Cont.)

Ed Kuck Excavating Inc
20 Day Road
Carmel, NY 10512

CWD-2
INV #
TOC 46-2023
REQ #
Vendor 0670
Tax ID - 133851002

Attention: ENGINEERING
TOWN OF CARMEL

EMERGENCY FIRE HYDRANT / VALVE BOX REPLACEMENT

Respond as per INFRAMARK
Job Location: 50 OLD RTE 6
Work Completed; 6/6/2023 8 HRS 1 HR PWOT 6/8/2023 6 HRS PW
Job Description: DAY 1: SET UP TRAFFIC CONTROL, LOCATE VALVE BOX , BROKEN OFF, BURIED IN ROAD/BLACKTOP
SAW CUT ROAD, DUG UP AND EXPOSED FIRE HYDRANT, REPLACED HYDRANT, BACKFILLED WITH GRAVEL, BACKFILLED
WITH ITEM 4 AND COMPACT
DAY 2: TRAFFIC CONTROL, SAW CUT BROKEN ROAD EDGES, EXPOSED VALVE BOX AND REPLACED WITH NEW BOX.
BLACKTOP ROAD AND FIRE HYDRANT AREA, RESTORED LAWN AREA'S

Materials / Equipment/ Labor	Total Hrs,yds,qty	Price per yd, qty, day	Total
Track Hoe MR55	9 HRS	\$95.00 per hour	855.00
PC-120		\$175.00 PER HR	
Dump Truck	15 HRS	\$100.00 per hour	1500.00
Support Vehicle	Day rate 2 DAYS	\$155.00 PER DAY	
Chop Saw	Day rate 2 DAYS	\$ 70.00	140.00
Jumping Jack	Day rate	\$70.00	70.00
Plate tamper	Day rate	\$70.00	70.00
Mud Sucker	Day rate	\$70.00	70.00
Locater	Day rate	\$70.00	
TRASH PUMP & HOSE	DAY RATE PER UNIT	\$225.00 PER PUMP	
Machine Hammer	Day rate	\$250.00	
Powered drill/hammer	Day rate	\$70.00	70.00
MACHINE OPERATOR OT 1-1/2	1 HRS X 1 MAN Day 1	\$291.27 PER HR	291.27
Machine operator	8 HRS X1 MAN DAY 1	\$194.18 PER HR	1553.44
Laborers	8 HRS X 3 MEN DAY 1	\$169.30 PER HR	4063.20
LABORER DAY 2	6 HRS X 4 MEN DAY 2	\$169.30 PER HR	4063.20
LABORER OT 1 -1/2	1 HR X 3 MEN Day 1	\$253.95 PER HR	761.85
Item 4	14 YARDS	\$52.00 per yard	728.00
Seed	1/8 BAG	\$150.00 bag	18.75
CONCRETE			
Top soil		\$50.00	
Blacktop	2.5 TONS	\$151.00 per ton	377.50
SHORING BOX		\$500.00	
HAY	1/2 BAG	\$19.00 bag	9.50
GRAVEL	2 YARDS	\$50.00/YARD	100.00
LIGHT TOWER	275.00 DAY RATE		
SKYLIFT	90.00 PER HR		
THRUST BLOCK		165.00	165.00
Total			14,906.71

**CARMEL SEWER DISTRICT #2 WASTEWATER TREATMENT PLANT - PURCHASE
OF ULTRAVIOLET DISINFECTION BULBS AUTHORIZED - TROJAN
TECHNOLOGIES - NOT TO EXCEED \$17,380.00**

WHEREAS, Inframark, LLC, operator for the Carmel Sewer District #2, Wastewater Treatment Plant, and Town Engineer Richard J. Franzetti, P.E. have each advised the Town Board of the Town of Carmel that the ultraviolet disinfection bulbs at the Carmel Sewer District #2 Wastewater Treatment Plant are in need of replacement; and

WHEREAS Inframark, LLC and the Town Engineer have each further advised the Town Board that the acquisition of the aforesaid ultraviolet bulbs are exempt from the New York General Municipal Law as a “sole source” exception;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2 hereby accepts and adopts the recommendations of Inframark, LLC and the Town Engineer and authorize the acquisition and installation of the referenced ultraviolet disinfection bulbs from Trojan Technologies, Ontario, Canada, in accordance with the proposal dated June 1, 2023 respectively at an aggregate cost not to exceed \$17,380.00;

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BE IT FURTHER RESOLVED that 50% of this cost will be reimbursed to the Town of Carmel by the New York City Department of Environmental Protection as an incremental cost due and payable under the existing operations and maintenance contract; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to sign any and all documentation necessary to authorize the actions contained herein; 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: Supervisor Cazzari
Seconded by: Councilman Lombardi

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

NOTICE REQUIREMENT WAIVED IN SECTION 64 OF THE NEW YORK STATE ABC LAW WITH RESPECT TO A LIQUOR LICENSE - LAKE HOUSE RESTAURANT & BAR CORP. D/B/A LAKE HOUSE RESTAURANT

WHEREAS, the representatives and/or proprietors of Lake House Restaurant, 825 South Lake Boulevard, (Auxiliary Building) Mahopac, New York, have advised of the intention to apply for an on-premises liquor license for which thirty days advance notice of such application must be sent to the municipality, and

WHEREAS, the notice required by Article 5 of the ABC Law may be waived by the Town Board, and

WHEREAS, the Town of Carmel Town Board does not intend to comment upon the application referred to herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby waives the thirty-day notice requirement contained in Article 5 of the Alcoholic and Beverage Control Law, and states that it does not intend to offer any comments regarding said application, for a liquor license at the premises referred to herein; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized to sign a Waiver of Said Notice on behalf of the Town of Carmel.

Resolution

Offered by: 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>

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RESOLUTION FROM 9/16/2021 AMENDED - POLICE DEPARTMENT - PURCHASE OF FIREARMS EQUIPMENT AUTHORIZED - JUREK BROTHERS, INC. - NOT TO EXCEED \$19,000.00

WHEREAS on September 16, 2021, the Town Board of the Town of Carmel, upon the recommendation of Chief of Police Anthony R. Hoffmann in his memo dated September 8, 2021, accepted the proposal of Jurek Brothers, Inc. Greenfield, MA for purchase of thirty-seven (37) Smith & Wesson M&P40 M2.0 Pistols at a total cost not to exceed \$15,908.15; and

WHEREAS Police Chief Anthony Hoffmann in his memo dated June 21, 2023, has requested that the Town Board authorize the replacement of the previously authorized .40 caliber pistol units with 9mm pistol units instead;

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the purchase of 38 Smith and Wesson M&P9 M2.0 Metal Pistol, 9MM, 4.25" BBL., Optics Ready from Jurek Brothers, Inc. Greenfield, MA in their proposal dated May 31, 2023; and

BE IT FURTHER RESOLVED THAT the purchase of 35 Holosun #HE509T- RD X2 LEM optics from Jurek Brothers, Inc. Greenfield, MA is authorized in connection with the acquisition of the new 9mm pistol units; and

BE IT FURTHER RESOLVED THAT the overall cost of the exchange from .40 caliber pistol units to 9mm pistol units and the corresponding optic units shall not exceed \$19,000; and,

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

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

Resolution

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

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

CARMEL SEWER DISTRICT #4 - PROPOSAL ACCEPTED FOR WATERPROOFING SERVICES - SAVY & SONS, INC. - NOT TO EXCEED \$19,370.00

RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4, hereby accepts the proposal of Savy & Sons, Inc., Amston, CT, for waterproofing services required for the Lakeshore Drive pump station within Carmel Sewer #4 at a cost not to exceed \$19,370.00, and in accordance with the proposal dated July 31, 2023; and

BE IT FURTHER RESOLVED that Town Supervisor Michael S. Cazzari is hereby authorized to sign any and all documentation necessary to accept the proposal authorized herein; 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: Councilman Lombardi 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>

COMMENTS/ANNOUNCEMENTS

Supervisor Cazzari announced that Assemblyman Slater is sponsoring an American Red Cross Blood Drive at the Carmel Town Hall on August 4, 2023, from 10:00 a.m. to 3:00 p.m. Registration may be made through a link on the Town’s website or redcrossblood.org.

Supervisor Cazzari announced that there will be a Purple Heart Day Ceremony held at the Mahopac VFW Post on East Lake Boulevard on August 7, 2023 commencing at 11:30 a.m.

Supervisor Cazzari once again acknowledged the Carmel Police Department, as well as all of the other first responders and volunteers that participated in the investigation, search, and recovery of Roy Clayton.

Supervisor Cazzari also acknowledged the Carmel Police Department in connection with their very successful National Night Out initiative held yesterday.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lombardi, with all Town Board members present and in agreement, the meeting was adjourned at 7:51 p.m. to Executive Session with Police Chief Anthony Hoffmann in connection with personnel, with Gregory Folchetti, Esq., Town Attorney for litigation updates, as well as to further discuss personnel.

Respectfully submitted,

Ann Spofford, Town Clerk