

**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 Kenneth Schmitt on the 11th day of March 2020 at 7:07 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schanil, Councilman Barile, Councilman Lombardi, Councilwoman McDonough and Supervisor Schmitt.

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

Supervisor Schmitt announced that the Town Board met at 6:15 p.m. in Executive Session with Glenn Droese with regard to certiorari litigation as well as with Police Chief Michael Cazzari to discuss a matter of personnel.

Supervisor Schmitt spoke about his recent health emergency and expressed his appreciation to the community for the outpouring of support extended to him while he was recovering from his heart bypass surgery.

PUBLIC HEARING HELD IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE LAKE CASSE PARK DISTRICT IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK - DAM RECONSTRUCTION - MAXIMUM ESTIMATED COST OF \$228,206

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

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on March 11, 2020, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a Public Hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of Lake Casse Park District, in said Town, consisting of the reconstruction of dam at Lake Casse,

including original furnishings, equipment, machinery, apparatus, and appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$228,206.

Said capital project has been determined to be a "Type II Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts.

At said public hearing said Town Board will hear all persons interested in the subject matter 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.

Dated: Mahopac, New York, February 20, 2020.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CARMEL, PUTNAM COUNTY NEW YORK
ANN SPOFFORD, TOWN CLERK

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:20 p.m. Approximately fifty (50) people were in attendance.

Russ Road (Lake Casse) resident Dan Chanofsky inquired about the purpose of the proposed improvements to the dam at Lake Casse.

Town Engineer Richard Franzetti, P.E. explained that the Lake Casse dam as well as the two dams in the Teakettle Lake Park District each received an Engineering Assessment as required by the New York State Department of Environmental Conservation (NYSDEC) and it was determined by the Dam Safety Group that the trees, shrubbery, brush and vegetation needs to be removed from the dams. In addition, future work will be required to assure that the dams meet State code and criteria.

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Mr. Chanofsky inquired if it is necessary for the work to be performed immediately and if it were not done, what would be the consequences. He inquired if there is a danger of the dam failing.

Mr. Franzetti stated that New York State is requiring the action to be taken at this time. He explained that there is no imminent threat of the dam failing. However, if it is not maintained properly, there is a potential that it could in the future.

Supervisor Schmitt stated that the dam was inspected through New York State's ongoing Dam Safety Program and identified as potentially having an issue down the road. He reiterated that the risk is not imminent.

Mr. Franzetti stated that the Engineering Assessment originally identified all three of the dams as Class B - intermediate hazard. However, the lower Teakettle dam was reclassified as Class A - low hazard. He noted that a dam at Lake Mahopac was identified as Class C - high hazard.

Legal Counsel Gregory Folchetti explained that if the repairs are not undertaken in accordance with the regulatory mandate, the NYSDEC can serve the Town with a Notice of Violation and subject to the imposition of fines.

Mr. Chanofsky asked if the dam were to fail resulting in the lake overflowing on to the roadway and impacting other residents beyond Lake Casse, would it then become a Town issue as opposed to just being a park district issue with regard to paying for the repairs.

Legal Counsel Folchetti explained that the hazard classification is based upon the danger to the downstream properties in the immediate vicinity in the event of a breach. The cost is assessed to the park district residents even though there may be some benefit to the downstream property owners assuming the dam stays intact.

Supervisor Schmitt pointed out that if that were to happen, the bigger impact would be that it could take years to recover the lake.

Town Comptroller Mary Ann Maxwell explained that the 459 homes within the Lake Casse Park District will share the overall cost of the project, \$228,206. Based on today's interest rates, the annual cost to the average homeowner assessed at \$355,154 for a fifteen year bond will be between \$39 and \$40 annually. A property assessed at a greater amount, would pay more. A property assessed at a lesser amount would not pay as much. If interest rates increase, so will the cost.

Supervisor Schmitt added that if interest rates go down over the course of the bond, it can be refinanced and the cost to the taxpayers could be lowered.

Councilwoman McDonough confirmed with Ms. Maxwell that she recommends a fifteen year term for the bond.

Lake Casse resident Peter Mastrobuono questioned how the cost for the project is broken down and remarked that the cost seems high for cutting down a few trees.

Supervisor Schmitt explained how the repairs entail more than just cutting down a few trees.

Mr. Franzetti clarified that the project involves the clearing of the trees and brush, and in Lake Casse's case, adding rocks at the front end of the dam's upstream embankment. He noted that this is Phase I for both the Lake Casse and Teakettle Park Districts. After the State's criteria have been met for Phase 1, the dams will be reassessed. Phase 2 will include the removal of the tree stumps which cannot be removed at this time because it would be too dangerous. Phase 2 will also include any other improvements deemed necessary to meet State code and criteria.

(Cont.)

Mr. Mastrobuono repeated that there are very few trees on the dam.

Mr. Franzetti pointed out that the dam at Lake Casse is the longest of the three dams.

Councilman Barile asked if the proposed bonding amount includes the costs associated with Phase 2.

Mr. Franzetti stated that it does not.

Councilwoman McDonough confirmed with Mr. Franzetti that the rocks will only be added to the Lake Casse dam.

Mr. Franzetti stated with regard to the rocks, that the wave action on the upstream embankment of Lake Casse is causing it to erode in certain areas and if people walk there, they will see little divots going in and out.

Mr. Mastrobuono commented that the divots seen are caused by runoff from the road as well as a result of the fire department utilizing the lake in connection with their fire truck pumps.

Councilman Barile asked if the project has been bid out yet.

Mr. Franzetti replied that it has and that the bonding is being sought because it was initially thought that the cost could be covered by the park districts' existing operating funds.

Overlook Drive (Lake Casse) resident Joe Zakon inquired about why the work has to be performed every ten years.

Mr. Franzetti clarified that only an Engineering Assessment must be performed every ten years. Once this work is completed and the dam is brought up to code, no further improvements would be required.

Mr. Zakon questioned the amount of acreage to be cleared.

Mr. Franzetti replied that it was both the upstream and downstream embankments. He indicated that he did not have the exact amount of acreage available at this time.

Mr. Zakon stated that he cleared an acre and a half of property for \$10,000. He commented that \$230,000 seemed like a lot of money for this project and there is still the potential to have to pay more after the dam is reevaluated and a leak or other issue is detected. He suggested gathering all of the information at once to come up with one number to present to the residents.

Mr. Franzetti explained how the State dictated the process.

Mr. Zakon confirmed with Mr. Franzetti that the location of the dam is Lake Drive and the brush leads down to the bike path.

Mr. Franzetti explained that part of what makes it hard to work on the project is the steep embankments.

Mr. Zakon asked why the Town of Carmel Highway Department tree crew couldn't perform the work.

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Mr. Franzetti stated that it is a large project and therefore the project was put out to bid. The Highway Department was never asked. However, if they were to do it, they would still have to charge back the park district for their services.

Councilman Barile asked how many bids were received in connection with the project.

Mr. Franzetti replied that six bids were received.

Councilman Barile asked for the range of the bid results.

Mr. Franzetti indicated that the bid amounts received for the Lake Casse dam reconstruction were \$166,000, \$183,000, \$189,000, \$237,000, \$349,000, and \$485,000. He noted that the project's bids, plans and drawings are available to view in his office. Citing erosion sediment control and permitting, Mr. Franzetti explained how the project involves more than simply cutting down trees.

Mr. Zakon asked if there is an estimate as to the costs associated with Phase 2.

Mr. Franzetti replied not at this time.

Stuart Road (Lake Casse) resident Chis Perrotta asked how long it will take for the project to be completed.

Mr. Franzetti stated that he would need to double check the bid specifications. However, he believed that the three dams should be completed in four months.

Councilwoman McDonough confirmed with Mr. Franzetti that the time estimate applies to Phase 1 only.

Lake Drive (Lake Casse) resident Joseph Carricato asked where the additional tax dollars assessed to properties in the park district goes to, because the newsletters distributed to the park district residents seek volunteers to assist with cleaning the beach and clubhouse.

Ms. Maxwell explained that the Lake Casse Park District has an operation and maintenance budget each year that covers expenses such as the lifeguards, insurance, engineering, as well as maintenance services.

Mr. Carricato commented that a lot of the work in the park district is performed voluntarily and asked why their budgeted funds are not being utilized for the repairs to the dam.

Ms. Maxwell stated that the current annual operation and maintenance budget for the Lake Casse Park District is \$143,000. She added that the breakdown of the budget is available in her office and on the Town's website.

Mr. Carricato asked how much taxpayer revenue is being collected annually for the park district.

Ms. Maxwell estimated that it is about \$140,000. She stated that interest on deposits offset some of the tax revenue and that there is no other revenue than the charge to residents for renting the clubhouse facilities.

Councilwoman McDonough suggested that if it is not being done already, the advisory board should consider including the park district's annual line item budget in a newsletter once a year.

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Lake Casse Park District Advisory Board member Kim Kugler clarified that the newsletters are sent out by the advisory board. She stated that volunteers are sought to assist with park district activities and that they ask residents to clean their own waterfront properties around the lake. Ms. Kugler commented that their contractor does a great job maintaining the clubhouse and the beaches, and emphasized that they are not asking for volunteers to help clean. If they ask for help, it is for assistance with a community event.

Supervisor Schmitt reiterated that details regarding the park district's revenues and expenditures are available in the Town Comptroller's office.

Shear Hill Road (Lake Casse) resident Jose Orengo asked why of the six bids received, the third highest bid was chosen to perform the work at the Lake Casse dam and not the lowest bid.

Mr. Franzetti stated that the lowest bid was chosen. He explained that the project was put out as one bid for all three dams and although a lower bid was received for Lake Casse, when the bids were evaluated as a whole to include the two Teakettle Park District dams, Nicky Diggs came in the lowest.

Councilman Barile inquired about the range of bids for the Lake Casse dam.

Mr. Franzetti stated that the three lowest bids received for the Lake Casse dam reconstruction were \$166,000, \$183,000, and \$189,000. The highest bidder was \$485,000.

Baldwin Lane (Lake Casse) resident Danielle Chiodi expressed her frustration with regard to the cost to maintain Lake Casse, even though for the last several years, the Lake Casse beach has been closing earlier and earlier in the season due to blue-green algae or possibly leaking septic systems. She asked as a resident whose family enjoys using the lake, what is being done to address this problem.

Mr. Franzetti explained that the New York City Department of Environmental Protection is going to be issuing grant funding to perform studies in certain park districts, including Lake Casse, to potentially sewer those areas. He pointed out that the blue-green algae is caused by a multitude of things such as road runoff, leaching septic fields, lawn fertilizer and geese. He noted that the dam is a separate matter and reiterated that the improvements are mandated.

Ms. Chiodi commented that the matters are related as she pays park district taxes, and now will be paying for the dam improvements, however for the last four years, the use of the lake has been limited.

Supervisor Schmitt explained that the Putnam County Department of Health has identified properties with failing septic systems leaching into Lake Casse and they are moving forward with enforcement. He stated that he will pursue the status of their investigation and report back.

Councilman Schanil explained that the study is being conducted to help determine why the blue-green algae keeps growing. He noted that the problem is plaguing many of the lakes in Putnam County. Councilman Schanil went on to ask Mr. Franzetti when the last time that this type of maintenance was performed on the dam.

Mr. Franzetti replied that he was unsure. However, it has not been in the last seven years since he has been with the Town.

Councilman Schanil asked Mr. Franzetti if he has a recommendation as to the dam's maintenance moving forward.

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Mr. Franzetti explained that the maintenance will be assumed by the park district. It will become a grassed area to be mowed on a regular basis.

Lacona Road (Lake Casse) resident Jeff Loddo pointed out that because the project was bid out for the three dams collectively, the Lake Casse Park District residents will have to pay more.

Mr. Franzetti explained that the recommendation was made to the Town Board in early February to bid the dams out as one project and that the aggregate low bid was the one selected.

Mr. Loddo commented that he did not understand why the project was bid as one if it is disproportionately going to affect one of the park districts.

Mr. Franzetti stated that it was bid as one because the projects are very similar in nature. Typically it would involve one company mobilizing, doing their work and then mobilizing on to the next dam making it unnecessary to supervise two different contractors.

Mr. Loddo suggested that typically that could be done if the entire Town is paying for it. He commented that when two small park districts are paying for the improvements, it is not fair that one district is disproportionately affected based on the way the project was bid out.

Baldwin Lane (Lake Casse) resident Bill Prazenka stated that he reviewed the plans. He commented that \$230,000 seems excessive for cutting down 29 trees, leaving the stumps in, and installing 12-inch riprap. He asked what the engineer's estimate came in at.

Mr. Franzetti clarified that the bid came in at \$183,450 and that \$230,000 referenced in the Map, Plan and Report also identifies the soft costs associated with the project. He stated that the engineering estimate came in at \$199,150.

Ms. Maxwell stated with regard to the total amount of \$228,206, that if the costs come in lower, the entire bond amount will not be utilized.

Mr. Prazenka asked why the trees are being mandated to be cut down as typically trees and brush stabilize soil.

Mr. Franzetti stated that the State requires that there be no vegetation or trees on dams.

Stuart Road (Lake Casse) resident Corey Perrotta questioned who exactly will be paying for the dam improvements.

Supervisor Schmitt clarified that the cost of the improvements will be incurred by everyone in the Lake Casse Park District.

Ms. Perrotta commented that she has neighbors who are not permitted to use the lake even though they believe that they are included in the park district.

Ms. Kugler explained that a tax bill will identify if a property is located in the park district and therefore would be entitled to access the park, the clubhouse and the beach. She pointed out that there have been discussions in the past with regard to the possibility of allowing interested bordering residents to join the park district. Discussion ensued regarding the matter.

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Ms. Kugler concluded that the advisory board has a meeting scheduled for April 23rd and that residents interested in this topic as well as other park district matters are welcome to attend.

Shear Hill Road (Lake Casse) resident John Gurgle inquired who owns Lake Casse.

Supervisor Schmitt indicated that the lake is owned by the Lake Casse Park District.

Mr. Gurgle stated that he was of the understanding that the clubhouse is available for rental by anyone in the Town.

Supervisor Schmitt stated that it is only for use by residents in the Lake Casse Park District.

Mrs. Mastrobuono stated that because it is a manmade lake, every home in the district must pay the taxes on the land under the lake. She spoke regarding the history of the construction of Lake Casse and the formation of the park district.

Lake Casse resident Joseph Pezzo addressed an individual issue that he has pertaining to Casse Court.

Supervisor Schmitt asked to please keep comments and questions on the subject of the Public Hearing.

Longdale Road (Lake Casse) resident Helen Sclafani readdressed the annual cost to the taxpayers in the Lake Casse Park District for Phase 1.

Supervisor Schmitt reiterated that the annual cost will be approximately \$39 to \$40 per household.

Ms. Sclafani expressed her frustration with regard to rising taxes in Putnam County. She then inquired about the term of the bond.

Ms. Maxwell reiterated that the term of the bond is fifteen years.

Ms. Sclafani cited her concern with regard to the potential costs associated with Phase 2.

Supervisor Schmitt explained that if additional work is needed, then additional funding would have to be allocated for Phase 2 from the residents in the park district.

Councilman Lombardi noted that the \$39 to \$40 amount is based on a home assessed at \$355,000 and that the amount cited is the maximum estimated amount.

Ms. Kugler asked if was possible to get an itemization of the bid.

Mr. Franzetti said that all of the bid documents are available to view in his office.

Ms. Kugler acknowledged that the Town Board is looking to award the contract to the contractor with the lowest overall bid for the Lake Casse and Teakettle Lake park districts. Noting that the residents are paying for something that they have been unable to use, she asked the Town Board to consider awarding the Lake Casse bid to the contractor who submitted the bid for \$166,000 instead of the contractor who submitted the bid for \$183,000. Discussion ensued regarding the matter.

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(Cont.)

Mr. Prazenka brought up that the Map, Plan and Report for the project states that the trees are to be cut down by March 31st of this year.

Mr. Franzetti explained how this is not going to occur because of permitting issues in connection with the hibernation patterns of the northern long-eared bat.

Mr. Prazenka asked if there will be additional costs associated with the permits.

Mr. Franzetti stated that the permitting costs are identified in the Map, Plan and Report.

Councilman Barile inquired about a timeframe for the dam improvements.

Mr. Franzetti replied that he would need to check with the NYSDEC.

Councilman Barile asked if there is a breakdown of the bid.

Mr. Franzetti stated that the total bid was itemized for the Lake Casse dam, the Upper Teakettle dam and the Lower Teakettle dam.

Councilman Barile stated that he would like to review the breakdown before any further action is taken.

Mr. Franzetti stated that the numbers were included in his February 6, 2020 memorandum to the Town Board. Nicky Diggs submitted the lowest bid for the Teakettle dams and Legacy Supply submitted the lowest bid for the Lake Casse dam.

Legal Counsel Folchetti indicated that the bid may be awarded a la carte and discussion ensued regarding this possibility.

As a result of the discussion, Mr. Franzetti explained that the bid will not be awarded based on the aggregate number. The bid will be awarded to two separate contractors. With regard to the Lake Casse Park District, the bid award will now be \$167,000 versus \$183,000.

Councilwoman McDonough questioned if a lower cost was provided by the contractor in anticipation of being awarded the work for all three dams. A brief discussion regarding the possibility was held.

Mr. Folchetti concluded that the Town Board may award the bid to both of the contractors. However, because the project was solicited as a public bid, communication between the Town and the two contractors cannot occur until after the bid is awarded.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Schanil, seconded by Councilman Barile, with all members of the Town Board present and in agreement, the Public Hearing was closed at 8:20 p.m.

PUBLIC HEARING HELD IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TEAKETTLE LAKE PARK DISTRICT IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK - DAM RECONSTRUCTION - MAXIMUM ESTIMATED COST OF \$157,206

Deputy Supervisor McDonough asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

11 MARCH 2020
TOWN BOARD SPECIAL MEETING

(Cont.)

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

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including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$157,206.

Said capital project has been determined to be a "Type II Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts.

At said public hearing said Town Board will hear all persons interested in the subject matter 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.

Dated: Mahopac, New York, February 20, 2020.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CARMEL, PUTNAM COUNTY NEW YORK
ANN SPOFFORD, TOWN CLERK

With no one objecting to the public notice as read, Deputy Supervisor McDonough opened the Public Hearing for public comment at 8:23 p.m. Thirteen (13) people were in attendance.

Dan Pearsall, Teakettle Lake Park District resident acknowledged that the Public Hearing in connection with Lake Casse addressed many of the issues related to his district as well. He went on to ask for the term of the bond for the Teakettle Lake Park District.

Town Comptroller Maxwell explained that the term of the bond will be fifteen years and the annual cost to the average homeowner in the Teakettle Lake Park District assessed at \$329,708 will be \$23.44.

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, with all members of the Town Board present and in agreement, the Public Hearing was closed at 8:24 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 Special Meeting was adjourned at 8:25 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk