

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 30th day of June 2021 at 7:03 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman 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 as well as for our veterans who have served in the past.

MINUTES OF TOWN BOARD MEETING HELD ON 6/2/2021 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, 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 2nd, 2021 were accepted as submitted by the Town Clerk.

AMERICAN RECOVERY PLAN ACT - CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS REQUESTED

WHEREAS New York State is required by the American Rescue Plan Act (ARPA) to distribute Coronavirus Local Fiscal Recovery Funds to Non-Entitlement Units (NEUs) of local government on behalf of the United States Department of the Treasury; and

WHEREAS, all NEUs must either decline or request ARPA funding by July 9, 2021; and

WHEREAS, The Town of Carmel has been classified as a NEU under NEU Recipient Number NY3701 by the New York State Division of Budget;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the acceptance of American Rescue Plan Act funding and the submission of all documentation required to secure the acceptance of such funding in connection with this authorization; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all such documentation, including but not limited to US Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions, Assurances of Compliance with Civil Rights Requirements and any other and further documentation required to effect this authorization.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	X	
Michael Barile	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	

Supervisor Schmitt explained that the adoption of the aforementioned resolution enables the Town of Carmel to access \$3.7 million in funding.

HIGHWAY DEPARTMENT WASTE WOOD PROCESSING AT SECOR YARD - 5/19/2021 ACCEPTANCE OF PROPOSAL OF MATERIAL PROCESSORS, INC. RESCINDED - PROPOSAL OF MIKE’S BLUE WHEEL SERVICES, INC. ACCEPTED

WHEREAS, on May 19, 2021 the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, duly passed a unanimous resolution which accepted a proposal for waste wood processing services to be performed at the Secor Yard location from Material Processors, Inc., Warwick, NY at a lump sum cost of \$25,000;

(Cont.)

WHEREAS, the Town Board has subsequently been advised by the Highway Superintendent that the referenced vendor has declined to commence performance and/or declined to perform the waste wood processing services which had been previously authorized by the Town Board on May 19, 2021;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby rescinds the previous approval and authorization which accepted the proposal and authorized performance of waste wood processing services at Secor Yard from Material Processors, Inc.; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby accepts the proposal for waste wood processing at the Secor Yard location from Mike’s Blue Wheel Services, Inc., Mahopac, NY at a lump sum cost of \$25,000 and in accordance with the proposal dated June 2021; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary contract documentation to effect the authorization upon the terms authorized herein.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

WATER DISTRICT #8 WATER LINE REPLACEMENT BID AWARDED - C276 - MTS INFRASTRUCTURE, LLC - \$28,816.70

WHEREAS the Town Board of the Town of Carmel, upon the request of Town of Carmel Engineer Richard J. Franzetti, P.E., has previously authorized advertisement for the solicitation of bids for the installation of water lines within the Carmel Water District #8 boundaries; and

WHEREAS such bids were received and opened and the Town Engineer has recommended the awarding of the bid as set forth herein;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #8 and upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby awards the bids for the installation of the referenced water lines to MTS Infrastructure, LLC, White Plains, NY, the lowest responsible bidder meeting specifications at an estimated contract cost of \$28,816.70; and

BE IT FURTHER RESOLVED that upon review of insurance certificates, performance bond and labor and materials bond in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

30 JUNE 2021
TOWN BOARD SPECIAL MEETING

CARMEL WATER DISTRICT #2 TREATMENT PLANT UPGRADE PROJECT - JOSEPH A. CHARBONNEAU, ESQ. APPOINTED COUNSEL AND COMMENCEMENT OF LITIGATION WITHIN NY EMINENT DOMAIN PROCEDURE LAW AUTHORIZED - TM #55.6-1-31

RESOLVED, that the Town Board of the Town of Carmel, as Commissioners of Carmel Water District #2, hereby authorizes Joseph A. Charbonneau, Esq., 3 Starr Ridge Road, Brewster, NY, to commence all necessary litigation required for the purposes of acquiring any and all necessary property interests for the improvements proposed in the Carmel Water District #2 Treatment Plant Upgrade Project with respect to the premises and property known and designated as Town of Carmel Tax Map No. 55.6-1-31; and

BE IT FURTHER RESOLVED that such authorization shall be deemed to include but not be limited to performance of all necessary legal/procedural requirements contained within NY Eminent Domain Procedure Law as well as the commencement of legal proceedings thereunder in New York State Supreme Court if necessary; and

BE IT FURTHER RESOLVED, that such services are hereby authorized at a rate of \$205.00 per hour.

Resolution
Offered by: Councilman Barile
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

PUBLIC HEARING SCHEDULED FOR 7/14/2021 - PROPOSED LOCAL LAW ENACTING CHAPTER 60 OF THE CODE OF THE TOWN OF CARMEL, ENTITLED “NYS CANNABIS LAW OPT-OUT LEGISLATION”

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, July 14, 2021 at 7:00 p.m. or as soon thereafter that evening as possible, on a proposed Local Law enacting Chapter 60 of the Code of the Town of Carmel, entitled “NYS Cannabis Law Opt-Out Legislation”; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

**PROPOSED LOCAL LAW #__ OF THE YEAR 2021
A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL
TO ADD CHAPTER 60 TO OPT OUT OF ALLOWING CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES UNDER
NEW YORK STATE CANNABIS LAW ARTICLE 4**

(Cont.)

SECTION 1: AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, §10 of the New York State Municipal Home Rule Law and NY State Cannabis Law §131.

SECTION 2: ENACTMENT OF CHAPTER 60 OF TOWN OF CARMEL TOWN CODE ENTITLED NYS CANNABIS LAW OPT-OUT LEGISLATION

Chapter 60 of the Code of the Town of Carmel entitled “NYS Cannabis Law Opt-Out Legislation” is hereby enacted as follows:

§60-1 LEGISLATIVE INTENT

It is the intent of this local law for the Town of Carmel to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption site within the Town of Carmel that would be otherwise allowed under New York State Cannabis Law Article 4.

§60-2 AUTHORITY

This local law is adopted pursuant to New York State Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town of Carmel and is subject to a permissive referendum, the procedure of which is governed by NY Municipal Home Rule Law §24.

§60-3 LOCAL OPT-OUT

The Town Board of the Town of Carmel hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town’s jurisdiction.

§60-4 SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or firm or corporation or circumstance be shall adjudged invalid or unconstitutional 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, firm corporation or circumstance, 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.

§60-5 PERMISSIVE REFERENDUM/REFERENDUM ON PETITION

This local law is subject to a referendum on petition in accordance with New York State Cannabis Law §131 and the procedure outlined in New York Municipal Home Rule Law §24.

§60-6 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

30 JUNE 2021
TOWN BOARD SPECIAL MEETING

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the Special Meeting was adjourned at 7:15 p.m. to the scheduled Open Public Meeting - Downtown Mahopac Revitalization Projects.

Respectfully submitted,

Ann Spofford, Town Clerk