

**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 23rd day of July 2014 at 7:11 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt. Councilman Lupinacci arrived at 7:52 p.m.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was observed to honor those serving in the United States Armed Forces, for the victims of the recent tragedy involving Malaysia Airlines Flight 17 as well as for the passing of former longtime Town of Carmel resident and Mahopac Central School District teacher and coach, Joe Bellucci.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 147, ENTITLED "VEHICLE AND TRAFFIC" OF THE TOWN CODE OF THE TOWN OF CARMEL (SECTION 147-45. SCHEDULE VI: STOP INTERSECTIONS KENNICUT HILL ROAD EASTBOUND INTERSECTION WITH MT. HOPE ROAD - SECTION 147-60 SCHEDULE XIX: HOSPITALS, SHOPPING CENTERS, PRIVATE APARTMENT COMPLEXES, FIRE STATIONS, PRIVATE CONDOMINIUM COMPLEXES, INDUSTRIAL PARKS AND INDUSTRIAL COMPLEXES, TOWN OF CARMEL-OWNED PARKS AND FACILITIES)

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 will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, July 23, 2014 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 147, entitled "Vehicle and Traffic" of the Town Code of the Town of Carmel as follows:

**TOWN OF CARMEL
PROPOSED LOCAL LAW
_____ OF THE YEAR
2014**

A Local Law to Amend the Code of the Town of Carmel, Chapter 147, thereof, entitled "Vehicle and Traffic."

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

SECTION 1. Chapter 147 of the Code of the Town of Carmel, Section 147-45. Schedule VI: Stop Intersections is hereby amended by the addition of the following:

Road: Kennicut Hill Road, Intersection: Mt. Hope Road,
Stop Sign on: Kennicut Hill Road Eastbound intersection with Mt. Hope Road
Road:

Kennicut Hill Road, Intersection: Mt. Hope Road, Stop Sign On: Kennicut Hill Road Westbound intersection with Mt. Hope Road

SECTION 2. Chapter 147-60 of the Town Code is hereby amended as follows: §147-60 Schedule XIX: Hospitals, Shopping Centers, Private Apartment Complexes, Fire Stations, Private Condominium Complexes, Industrial Parks and Industrial Complexes, Town of Carmel-Owned Parks and Facilities.

In accordance with the provisions of § 147 28, the following described locations are hereby designated as hospitals, shopping centers, private apartment complexes, fire stations, private condominium complexes, industrial parks and industrial complexes and Town of Carmel-owned Parks and Facilities to which the provisions of Article IV hereinabove apply:

A. Putnam Plaza Shopping Center. B. Mahopac Village Center.

C. Mahopac Plaza Shopping Center.

D. Lake Plaza Shopping Center.

E. Woodland Trails Condominium.

F. Kings Grant Condominium.

G. All Town of Carmelowned Parks including but not limited to:

- (i) Camarda Park;
- (ii) Airport Park;
- (iii) Mahopac Chamber Park;
- (iv) Sycamore Park;
- (v) McDonough Park;
- (vi) Volz Park;
- (vii) Baldwin Meadows Park;
- (viii) Red Mills Park.

H. All Town of Carmelowned facilities and grounds

including but not limited to:

- (i) Town Carmel Town Hall;
- (ii) Town of Carmel Highway Department Grounds;
- (iii) All Town of Carmelowned sewer, water and other utility plants and facilities.

SECTION 3. This Local Law shall take effect immediately in accordance with the 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
Ann Spofford, Town Clerk

23 JULY 2014
TOWN BOARD SPECIAL MEETING

(Cont.)

With no one objecting to the Notice of Public Hearing as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:15 p.m. Nine (9) people were in attendance.

Joseph Bene stated that he, in addition to two of his neighbors who live at the intersection of Mt. Hope Road and Kennicut Hill Road who will be directly impacted by the installation of the stop signs, did not receive written notification in connection with the matter. Mr. Bene stated that he had spoken with Supervisor Schmitt in the past with regard to the "horrendous" amount of noise in the area and to request the installation of a sign prohibiting commercial traffic before 7:00 a.m. Mr. Bene argued that the installation of the proposed stop signs would result in additional noise caused by commercial vehicles stopping at them. Mr. Bene went on to say that his neighbor deems the problem with the intersection is the lack of a white stop line painted on the roadway.

Mr. Bene added that the stop sign on Mt. Hope Road is posted too far back from the corner of the street and that drivers are not always stopping at the stop sign. He stated that he has recommended the replacement of the current stop sign with a solar stop sign to Michael Simone, Highway Superintendent because Mr. Bene believes related accidents occur predominantly at night and to drivers not familiar with the road.

Supervisor Schmitt asked Mr. Bene if he supported the proposed Local Law.

Mr. Bene replied, no. He indicated that a different approach should be considered because the installation of the stop signs would result in additional noise in the area.

Supervisor Schmitt stated that the Town Board is controlling the intersection with three-way stop signs because it is a dangerous intersection. Each stop sign will have a corresponding white stop bar painted on the pavement. Twenty-two accidents have occurred at the intersection since 2010 and there have been multiple near misses.

Mr. Bene suggested the installation of a yield sign or a sign that indicates the road will end in 200 feet as alternate solutions. He reiterated that the danger is at night and once again suggested the installation of a solar stop sign.

Councilman Lombardi inquired if Mr. Bene would support the legislation if solar stops signs were erected and stop lines were painted on the road surface.

Mr. Bene indicated that he did not want the Town to install any stop signs on Kennicut Hill Road and that the current stop sign on Mt. Hope road should be replaced with a solar stop sign for increased visibility.

Councilman Schneider explained that the issue is that it is a totally blind turn when attempting to make a left coming up the hill, which is why twenty-two accidents have occurred there in the last four years. He stated that for the safety of all, he supports the three-way stop sign controlled intersection.

Mr. Bene reiterated that he is opposed to the installation of the stop signs on Kennicut Hill Road because it would lead to additional noise as a result of commercial vehicles stopping. He also questioned that there were twenty-two accidents at the intersection.

Councilman Lombardi stated that the number of accidents was provided by the Chief of Police.

Supervisor Schmitt stated that sight visibly on Mt. Hope Road approaching the intersection is very clear. The reason that drivers are missing the existing stop sign is that they are exceeding the speed limit. By installing the additional stop signs, drivers in all directions at the intersection will be required to stop until it is safe to proceed. He commented that he did not think that a solar stop sign would make a difference and that drivers must obey the speed limit and not drive recklessly to prevent accidents.

23 JULY 2014
TOWN BOARD SPECIAL MEETING

(Cont.)

Mr. Bene suggested that the Town Board members visit the intersection to observe the traffic. He stated out of ten vehicles, only one driver stops at the stop sign. He went on to recommend that the Town trim the hedges at the intersection for better visibility.

Supervisor Schmitt indicated that the purpose of the proposed legislation is to prevent accidents from occurring and people from being injured.

Councilwoman McDonough suggested that Michael Simone, Highway Superintendent examine the existing stop sign and if it is back too far, it can be moved closer to the intersection.

Mr. Bene stated that he has spoken with Mr. Simone already. Mr. Bene stated that the stop sign cannot be moved forward because drivers would definitely not see it. He added a stop line is needed there.

Supervisor Schmitt pointed out that the law indicates that drivers must stop at the stop sign, not the stop bar. He stated that the Highway Superintendent could consider the option of putting a second stop sign on the other side of Mt. Hope Road and/or a "stop ahead" sign to warn drivers that they are approaching a stop sign. Supervisor Schmitt pointed out that based on historical accident data, the Chief of Police has recommended that the stop signs be installed at the intersection and the Highway Superintendent concurs.

Mr. Bene repeated that he and his neighbors did not receive notification with regard to the proposed stop signs that a different approach should be taken to slow down drivers because the noise will be "horrendous".

Supervisor Schmitt stated that this action is being taken to reduce accidents. The stop signs are not meant to slow vehicles down. They are designed to stop people from driving through the intersection. Supervisor Schmitt added that the Carmel Police Department does an excellent job enforcing the vehicle and traffic law. However, they cannot be at all places at all times.

Mr. Bene asked if a meeting could be held at the intersection.

Supervisor Schmitt stated that he would arrange a meeting with himself, Mr. Bene, the Chief of Police and the Highway Superintendent in the near future.

Mr. Bene asked if the meeting could be held after 4:00 p.m.

Supervisor Schmitt stated that he would try.

Mr. Bene noted that when he purchased his home, there was much less noise in the area. It has increased over the years.

Councilwoman McDonough pointed out that unfortunately nothing could be done to alleviate the traffic and noise issue because the road is utilized by drivers to get to I-684.

Supervisor Schmitt concluded that the Town Board appreciates Mr. Bene's concerns. However, it is a health and safety issue.

Nick Fannin suggested that the Town Board consider erecting "stop sign ahead" warnings at all three stop sign locations. Drivers will be alerted to the need to stop and it may also alleviate the noise because trucks will not be slamming on their brakes.

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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 Councilwoman McDonough, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:39 p.m.

SEQR DETERMINATION - PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 147, THEREOF, ENTITLED "VEHICLE AND TRAFFIC" - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #1 of 2014 concerning amendments to Town of Carmel Town Code Chapter 147 entitled "Vehicle and Traffic" is a Type II action under SEQR and no further review is necessary.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

LOCAL LAW #1 OF THE YEAR 2014 - A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 147, THEREOF, ENTITLED "VEHICLE AND TRAFFIC" - ADOPTED AS NOTICED AND PUBLISHED

LOCAL LAW #1 OF THE YEAR 2014
A Local Law to Amend the Code of the Town of Carmel, Chapter 147,
thereof, entitled "Vehicle and Traffic"

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

SECTION 1. Chapter 147 of the Code of the Town of Carmel, Section 147-45. Schedule VI: Stop Intersections is hereby amended by the addition of the following:

Road	Intersection	Stop Sign on
Kennicut Hill Road	Mt. Hope Road	Kennicut Hill Road Eastbound intersection with Mt. Hope Road
Kennicut Hill Road	Mt. Hope Road	Kennicut Hill Road Westbound intersection with Mt. Hope Road

SECTION 2. Chapter 147-60 of the Town Code is hereby amended as follows:

§ 147-60 Schedule XIX: Hospitals, Shopping Centers, Private Apartment Complexes, Fire Stations, Private Condominium Complexes, Industrial Parks and Industrial Complexes, Town of Carmel-Owned Parks and Facilities.

(Cont.)

In accordance with the provisions of § 147-28, the following described locations are hereby designated as hospitals, shopping centers, private apartment complexes, fire stations, private condominium complexes, industrial parks and industrial complexes and Town of Carmel-owned Parks and Facilities to which the provisions of Article IV hereinabove apply:

- A. Putnam Plaza Shopping Center.
- B. Mahopac Village Center.
- C. Mahopac Plaza Shopping Center.
- D. Lake Plaza Shopping Center.
- E. Woodland Trails Condominium.
- F. Kings Grant Condominium.
- G. All Town of Carmel-owned Parks including but not limited to:
 - (I) Camarda Park;
 - (ii) Airport Park;
 - (iii) Mahopac Chamber Park;
 - (iv) Sycamore Park;
 - (v) McDonough Park;
 - (vi) Volz Park;
 - (vii) Baldwin Meadows Park;
 - (viii) Red Mills Park.
- H. All Town of Carmel-owned facilities and grounds including but not limited to:
 - (I) Town Carmel Town Hall;
 - (ii) Town of Carmel Highway Department Grounds;
 - (iii) All Town of Carmel-owned sewer, water and other utility plants and facilities.

SECTION 3. This Local Law shall take effect immediately in accordance with the law.

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Absent
Suzanne McDonough	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt stated that the stop signs will be installed and reiterated that he would meet with Mr. Bene to further discuss the matter.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 156, ENTITLED “ZONING” OF THE TOWN CODE OF THE TOWN OF CARMEL - “BOARD OF ARCHITECTURAL REVIEW”

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

(Cont.)

<div><div>LEGAL NOTICE</div><div>NOTICE OF PUBLIC HEARING</div><div>NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, July 23, 2014 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 156, entitled "Zoning", of the Town Code of the Town of Carmel as follows: TOWN OF CARMEL PROPOSED LOCAL LAW # OF THE YEAR 2014 A Local Law to Amend the Code of the Town of Carmel, Chapter 156, thereof, entitled "Zoning". BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows: SECTION 1. Article VIII of Chapter 156 of the Town Code of the Town of Carmel Entitled "Board of Architectural Review" is hereby repealed, Sections 156-62 through 156-69, inclusive. SECTION 2. This Local</div></div>	<div>Law shall take effect immediately in accordance with the law.</div> <div>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.</div> <div>By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk</div>
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With no one objecting to the Notice of Public Hearing as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:44 p.m. Seven (7) people were in attendance.

Nick Fannin asked for an explanation as to the purpose of the proposed Local Law.

Gregory Folchetti, Legal Counsel stated that the Town Board is repealing the section of the Town Code in connection with the Architectural Review Board and its related powers and duties.

Supervisor Schmitt read a prepared statement: "The Town Board has reviewed the provision of Chapter 156-62 through 156-69 on many occasions. The repeated issue that comes to the Board's attention is the bifurcation, or the splitting of the approval process between the Planning Board and the ARB, where the Planning Board had approved a project with a very specific design concept and appearance and thereafter the applicant would appear before the ARB with substantive changes to the project's appearance and aesthetics. The result was a left hand/right hand issue that the Town Board clearly felt it was best to, at least at present, leave the entirety of the architectural and aesthetic component of the review within the province of the Planning Board so as to maintain consistency in the approval process as well as in the appearance of new development within the Town of Carmel."

Councilwoman McDonough stated that the Town Board would like to streamline the building application process and make it user-friendly by requiring an applicant to appear before one less board.

Mr. Fannin stated that he supports making things more efficient. He added however, that the ARB was designed to ensure that there is consistency and a plan is being followed for a project's aesthetics. He questioned bringing that responsibility to the Planning Board.

Councilwoman McDonough explained that the Planning Board has the authority to review aesthetics.

(Cont.)

23 JULY 2014
TOWN BOARD SPECIAL MEETING

Mr. Fannin asked if there will be any melding of information.

Councilwoman McDonough indicated that the Town Board is currently working with the Engineering Department and the Building Department to develop guidelines for the Planning Board in terms of the desired character and appearance for the different sections of the Town.

Mr. Folchetti explained that as the Carmel Town Code exists now, the ARB does not have any color palette. There is no particular style, design or motif of development that they are required to approve. The standard is excess similarity or excessive dissimilarity to the other development in the area. So it is very broad. It had been discussed at prior meetings to modify the terms of the ARB's powers and duties as to what they could possibly approve.

Michael Carnazza, Director of Code Enforcement, Building Inspector added that information has been compiled for the Town Board's review with regard to the various directions that may be considered for the different areas of the Town.

Mr. Fannin stated that his main concern is that until now, there was a board designed strictly for that purpose and now another board will be responsible for the aesthetics of a project because it falls under their umbrella. He stated that he wanted to make sure that moving forward, the Planning Board has an understanding of the appropriate guidelines and processes.

Mr. Carnazza pointed out that they have been doing it for a while.

Supervisor Schmitt stated that the new buildings around the Town display the character and appearance that the Town Board is seeking, as they do not want to see square metal buildings. He concluded that the change is being made in good spirit and he anticipates positive results.

With no one else 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 7:52 p.m.

Councilman Lupinacci arrived at 7:52 p.m.

SEQR DETERMINATION - PROPOSED LOCAL LAW AMENDING CHAPTER 156, ENTITLED "ZONING" OF THE TOWN CODE OF THE TOWN OF CARMEL - "BOARD OF ARCHITECTURAL REVIEW" - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #2 of 2014 concerning amendments to Town of Carmel Town Code Chapter 156 Article VIII entitled "Board of Architectural Review is a Type II action under SEQR and no further review is necessary.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u> </u>	<u> </u>	Abstain
Suzanne McDonough	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

LOCAL LAW #2 OF THE YEAR 2014 - A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" - "BOARD OF ARCHITECTURAL REVIEW" - ADOPTED AS NOTICED AND FILED

LOCAL LAW #2 OF THE YEAR 2014
A Local Law to Amend the Code of the Town of Carmel, Chapter 156, thereof,
entitled "Zoning"

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam,
State of New York as follows:

SECTION 1. Article VIII of Chapter 156 of the Town Code of the Town of Carmel
Entitled "Board of Architectural Review" is hereby repealed, Sections 156-62
through 156-69, inclusive.

SECTION 2.
This Local Law shall take effect immediately in accordance with the law.

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider		X
John Lupinacci	X	
Suzanne McDonough	X	
Frank Lombardi	X	
Kenneth Schmitt	X	

Prior to Councilwoman McDonough offering the motion, Supervisor Schmitt polled the
Town Board to determine whether or not a vote would be taken to consider enacting the
proposed Local Law at this time.

Councilman Schneider explained that he would prefer that aesthetic provisions in the
Town Code are adopted before this legislation is enacted. He was not in favor of voting
on the proposed Local Law at this time.

Supervisor Schmitt, Councilwoman McDonough and Councilman Lupinacci indicated
that they were in favor of voting to consider the enactment of the proposed Local Law
now.

A motion was then made by Councilwoman McDonough to adopt Local Law #2 of 2014
as noticed and filed. Councilman Lupinacci seconded the motion.

Prior to the roll call vote, Councilman Lombardi stated his intention to table the motion.
Councilman Lupinacci withdrew his second on the motion to adopt the Local Law to
allow for discussion.

Councilman Lombardi concurred with Councilman Schneider. He indicated that he
would prefer that the aesthetic guidelines for the Planning Board are developed before
voting on the proposed Local Law.

Councilman Lupinacci stated his support for eliminating the ARB to streamline the
building process. He emphasized that this action should not be a reflection on the
individuals on the ARB.

Discussion continued regarding the matter, at the conclusion of which, Councilman
Lupinacci apologized to the members of the ARB and any dissenting Town Board
members. He stated that he would once again second Councilwoman McDonough's
motion to enact the proposed Local Law. Supervisor Schmitt called for a roll call vote
which resulted in the adoption of Local Law #2 of 2014.

**NYSDOT MULTIMODAL #4 GRANT - \$100,000 FOR PEDESTRIAN AND LIGHTING
IMPROVEMENTS IN DOWNTOWN MAHOPAC - CONTRACT AMENDMENT
AUTHORIZED**

23 JULY 2014
TOWN BOARD SPECIAL MEETING

WHEREAS in 2008 the Town of Carmel was awarded a grant from the New York State Department of Transportation in the amount of \$100,000 for pedestrian and lighting improvements in downtown Mahopac, which is designated at NYSDOT Multimodal #4 Grant; and

WHEREAS, the original term of the referenced NYSDOT grant expires July 31, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor to sign the extension documents for said grant which will modify and extend the project ending date from July 31, 2014 to July 31, 2015 resulting in a one (1) year extension of the terms and conditions of said grant, said extension documents being in form and content as currently on file in the office of the Town Supervisor.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

Supervisor Schmitt explained that additional Hanover light poles and accent brick pavers will be installed to match the current ones on the opposite side of Route 6N in the downtown Mahopac business district. The project is funded through the New York State Department of Transportation Multimodal #4 Grant as well as Good Neighbor Funds from the City of New York.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lupinacci, seconded by Councilman Lombardi, with all Town Board members present in agreement, the Special Meeting was adjourned at 8:15 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk