

**KENNETH SCHMITT**  
Town Supervisor

**TOWN OF CARMEL**  
TOWN HALL

**ANN SPOFFORD**  
Town Clerk

**SUZANNE MC DONOUGH**  
Town Councilwoman  
Deputy Supervisor

60 McAlpin Avenue  
Mahopac, New York 10541  
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**KATHLEEN KRAUS**  
Receiver of Taxes

**MICHAEL A. BARILE**  
Town Councilman  
**FRANK D. LOMBARDI**  
Town Councilman  
**ROBERT F. SCHANIL, JR.**  
Town Councilman

**MICHAEL SIMONE**  
Superintendent of Highways  
Tel. (845) 628-7474

**TOWN BOARD ORGANIZATIONAL MEETING**  
**Wednesday, January 6, 2021 7:00pm**

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**PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE**

1. Res: Setting Seating Order of the Town Board Members
2. Res: Setting Roll Call Voting Order of Town Board Members
3. Res: Establishing Dates, Time and Location of Town Board Meeting and Work Sessions
4. Res: Setting Rules of Order for Town Board Meetings
5. Res: Appointing Police Commissioners
6. Res: Designating Official Newspapers of the Town
7. Res: Designating Official Depositories
8. Res: Designating Insurance Agent
9. Res: Authorizing Petty Cash Funds for Fiscal Year 2021
10. Res: Setting Mileage Rate for Fiscal Year 2021
11. Res: Setting Rates for 2021 Highway Department Temporary Help
12. Res: Designating Council Members as Liaisons to Special Committees
13. Res: Making Reappointment to Town of Carmel Planning Board
14. Res: Appointing Chairman Town of Carmel Planning Board
15. Res: Appointing Vice Chairman Town of Carmel Planning Board
16. Res: Making Appointment to Town of Carmel Zoning Board of Appeals
17. Res: Making Appointment to Town of Carmel Zoning Board of Appeals
18. Res: Making Appointment to Town of Carmel Zoning Board of Appeals
19. Res: Appointing Chairman Town of Carmel Zoning Board of Appeals
20. Res: Appointing Vice-Chairman Town of Carmel Zoning Board of Appeals

21. Res: Appointing Chairman Town of Carmel Environmental Conservation Board
22. Res: Appointing Vice-Chairman Town of Carmel Environmental
23. Res: Setting Salaries for Fiscal Year 2021 for Certain Officials of the Town and for Employees of the Town Not Covered by a Collective Bargaining Agreement
24. Res: Authorizing the Town Supervisor to Sign A Stipulation Changing Salary Group of Park Maintenance Worker
25. Res: Making Probationary Promotional Appointment of Account Clerk II – Town of Carmel Building Department
26. Res: Making Appointments to Town of Carmel Lake Casse Park District Advisory Board
27. Res: Making Appointments to the Town of Carmel Lake Mahopac Park District Advisory Board
28. Res: Authorizing Attendance of Officers and Employees to Attend the Association of Towns Virtual Conference
29. Res: Designating Town of Carmel Delegate at the 2021 Association of Towns Annual Business Session
30. Res: Adopting Town of Carmel 2021 Subject Matter List and Office Retention Schedule
31. Res: Establishing Seasonal/Temporary and Part-Time Workers Wage Rates
32. Res: Setting Rates for 2021 Part-Time/Temporary Help
33. Res: Making Appointments to the Recreation and Parks Advisory Committee
34. Res: Extending Contract for Cleaning of Police Uniforms
35. Res: Authorizing the Scheduling of Public Hearing (Fire Protection Contracts & Ambulance District Contracts) February 3, 2021
36. Res: For Review and Renewal of the Town of Carmel Procurement Policy
37. Res: Authorizing Awarding of Contract for Purchase of Motor Vehicle Fuel Town of Carmel Police Department

- **Public Comment (Three (3) Minutes on Agenda Items Only)**

- **Town Board Member Comments**

- **Open Forum:**

- **Public Comments on New Town Related Business (Three (3) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

# RESOLUTION #1

## RESOLUTION SETTING SEATING ORDER OF THE TOWN BOARD MEMBERS

RESOLVED that the Town Board Members will be seated as follows (left to right):  
facing the dais: Robert Schanil, Suzanne McDonough, Kenneth Schmitt, Michael Barile  
and Frank Lombardi

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #2**

### **RESOLUTION SETTING ROLL CALL VOTING ORDER OF TOWN BOARD MEMBERS**

RESOLVED that the Roll Call Voting Order of the Town Board shall be as follows:

Robert Schanil

Michael Barile

Frank Lombardi

Suzanne McDonough

Kenneth Schmitt

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #3

## RESOLUTION ESTABLISHING DATES, TIME AND LOCATION OF TOWN BOARD MEETINGS AND WORK SESSIONS

RESOLVED that all regular meetings of the Town Board of the Town of Carmel shall be held on the first and third Wednesdays of each month, commencing Wednesday, January 20, 2021 and with the exception of the month of September where the voting meeting shall be held on Thursday, September 16<sup>th</sup> instead of Wednesday, September 15<sup>th</sup> at the Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM and

BE IT FURTHER RESOLVED that all work sessions of the Town Board of the Town of Carmel shall be held on the second and third Wednesdays of each month commencing Wednesday, January 13, 2021, work sessions scheduled for third Wednesdays shall commence immediately following voting meetings; and with the exception of fifth Wednesdays where there shall be no meetings; and with the exception of the month of September where the work session shall be held on Thursday, September 16<sup>th</sup> instead of Wednesday, September 15<sup>th</sup> , and Tuesday, November 23<sup>rd</sup> instead of Wednesday, November 24<sup>th</sup>, and the month of December when no meeting shall be held on the fourth Wednesday. All work sessions shall be held at the Town of Carmel Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM, with the exception of Wednesday, April 28, 2021, which shall be held in the hamlet of Carmel at the Carmel Firehouse, Vink Drive, Carmel, NY at 7:00 PM.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #4**

### **RESOLUTION SETTING RULES OF ORDER FOR TOWN BOARD MEETINGS**

RESOLVED that the Rules of Order for Town Board Meetings shall be Roberts' Rules of Order Newly Revised.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #5

## RESOLUTION APPOINTING POLICE COMMISSIONERS

RESOLVED that the Town Board of the Town of Carmel hereby appoints all members of the Town Board to serve as the Board of Police Commissioners for the year 2021.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #6**

### **RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS OF THE TOWN**

RESOLVED that the Town Board of the Town of Carmel designates the Putnam County Courier and the Mahopac News as the official newspapers of the Town of Carmel for the year 2021 at the unit rates referenced in the proposals filed in the Office of the Town Clerk; and

BE IT FURTHER RESOLVED that, in those situations where the Town is required by law to publish in a daily newspaper, the Journal News is hereby designated as the daily newspaper in which publication shall be made

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #7

## RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES

RESOLVED that the Town Board of the Town of Carmel hereby designates any commercial bank authorized to do business in the State of New York as an official depository for Town of Carmel funds and investments provided all deposits are properly collateralized in accordance with New York State law and hereby authorizes the Town Supervisor to deposit funds in any authorized depository for fiscal year 2021 in order to obtain the maximum rate of interest on said deposits.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #8

## RESOLUTION DESIGNATING INSURANCE AGENT

RESOLVED that the Town Board of the Town of Carmel hereby appoints the Brown and Brown of NY, Inc., d/b/a Spain Agency, 625 Route Six, Mahopac, New York as Insurance Agents and Brokers of Record for the Town of Carmel for the year 2021.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #9

## RESOLUTION AUTHORIZING PETTY CASH FUNDS FOR FISCAL YEAR 2021

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the establishment of Petty Cash Funds in the following departments at the following amounts for fiscal year 2021:

Supervisor \$200

Receiver of Taxes \$500

Justice Court \$200

Recreation \$200

Town Clerk \$200

Police Chief \$200

Bldg. Maintenance \$100

Supt. of Highways \$200

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

### Roll Call Vote

YES

NO

Robert Schanil

\_\_\_

\_\_\_

Michael Barile

\_\_\_

\_\_\_

Frank Lombardi

\_\_\_

\_\_\_

Suzanne McDonough

\_\_\_

\_\_\_

Kenneth Schmitt

\_\_\_

\_\_\_

# RESOLUTION #10

## RESOLUTION SETTING MILEAGE RATE FOR FISCAL YEAR 2021

RESOLVED that the Town Board of the Town of Carmel hereby establishes the mileage reimbursement rate for 2021 at the IRS rate for 2021.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #11

## RESOLUTION SETTING RATES FOR 2021 HIGHWAY DEPARTMENT TEMPORARY HELP

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for Highway Department temporary help for fiscal year 2021:

- Private Plowers (minimum 2500 Series Truck/1 Ton Truck with plow) - \$60.00/hour
- Drivers (Labor only in Town trucks) - \$30.00/hour

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #12**

### **RESOLUTION DESIGNATING COUNCIL MEMBERS AS LIAISONS TO SPECIAL COMMITTEES**

BE IT RESOLVED that the Town Board of the Town of Carmel hereby designates the following Town Council Members as liaisons for the following purposes:

**Councilman Michael Barile** – Liaison to Police Department, Highway Department, Special Legal Counsel, other Governmental Agencies including County, State and School Districts, and Libraries, Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac) Town wide Garbage Districts

**Councilwoman Suzanne McDonough** – Liaison to Planning Board, Recreation, Cable TV Advisory Board, Other Governmental Agencies including County, State and School Districts, Liaison to the Hamlet of Carmel Civic Association and the local Chambers of Commerce, Town wide Garbage Districts

**Councilman Frank Lombardi** – Liaison to Highway Department, Recreation, and Special Legal Counsel, other Governmental Agencies including County, State and School Districts, and Libraries all Administrative Boards to include Planning, Zoning, ECB, Ethics Board and Libraries and all Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac),

**Councilman Robert Schanil** – Liaison to Police Department, Administrative Boards to include Zoning, ECB, and Ethics Board, Liaison to Hamlet of Carmel Civic Association, and other Government agencies including County, State and School Districts, and the local Chambers of Commerce

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #13

## RESOLUTION MAKING REAPPOINTMENT TO TOWN OF CARMEL PLANNING BOARD

RESOLVED that the Town Board of the Town of Carmel hereby reappoints Craig Paeprer to the Town of Carmel Planning Board for a term commencing retroactive to January 1, 2021 and expiring on December 31, 2027

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #14

## RESOLUTION APPOINTING CHAIRMAN TOWN OF CARMEL PLANNING BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Craig Paeprer as Chairman of the Town of Carmel Planning Board for the year 2021.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #15

## RESOLUTION APPOINTING VICE CHAIRMAN TOWN OF CARMEL PLANNING BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Anthony Giannico as Vice-Chairman of the Town of Carmel Planning Board for the year 2021.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #16**

### **RESOLUTION MAKING REAPPOINTMENT TO TOWN OF CARMEL ZONING BOARD OF APPEALS**

RESOLVED that the Town Board of the Town of Carmel hereby reappoints John Maxwell to the Town of Carmel Zoning Board of Appeals for a term commencing retroactive to January 1, 2021 and expiring on December 31, 2025

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #17**

### **RESOLUTION MAKING REAPPOINTMENT TO TOWN OF CARMEL ZONING BOARD OF APPEALS**

RESOLVED that the Town Board of the Town of Carmel hereby reappoints Silvio Balzano to the Town of Carmel Zoning Board of Appeals for a term commencing retroactive to January 1, 2021 and expiring on December 31, 2025

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #18

## RESOLUTION MAKING REAPPOINTMENT TO TOWN OF CARMEL ZONING BOARD OF APPEALS

RESOLVED that the Town Board of the Town of Carmel hereby reappoints Julie McKeon to the Town of Carmel Zoning Board of Appeals for a term commencing retroactive to January 1, 2021 and expiring on December 31, 2025

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #19

## RESOLUTION APPOINTING CHAIRMAN TOWN OF CARMEL ZONING BOARD OF APPEALS

RESOLVED that the Town Board of the Town of Carmel hereby appoints John Maxwell as Chairman of the Town of Carmel Zoning Board of Appeals for the year 2021.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #20

## RESOLUTION APPOINTING VICE-CHAIRMAN TOWN OF CARMEL ZONING BOARD OF APPEALS

RESOLVED that the Town Board of the Town of Carmel hereby appoints Phillip Aglietti as Vice-Chairman of the Town of Carmel Zoning Board of Appeals for the year 2021.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #21**

### **RESOLUTION APPOINTING CHAIRMAN TOWN OF CARMEL ENVIRONMENTAL CONSERVATION BOARD**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Robert Laga as Chairman of the Town of Carmel Environmental Conservation Board for the year 2021.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #22**

### **RESOLUTION APPOINTING VICE-CHAIRMAN TOWN OF CARMEL ENVIRONMENTAL CONSERVATION BOARD**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Nicholas Fannin as Vice-Chairman of the Town of Carmel Environmental Conservation Board for the year 2021.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #23**

### **RESOLUTION SETTING SALARIES FOR FISCAL YEAR 2021 FOR CERTAIN ELECTED OFFICIALS OF THE TOWN AND FOR CERTAIN EMPLOYEES OF THE TOWN NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT**

RESOLVED that the Town Board of the Town of Carmel hereby sets the salaries for fiscal year 2021 for the following officials and employees of the Town not covered under the terms of a Collective Bargaining Agreement: Town Justices, Town Engineer, Town Comptroller, Receiver of Taxes, Deputy Receiver of Taxes, Deputy Highway Superintendent, Deputy Town Clerk, Director of Parks & Recreation, Town Assessor, Confidential Secretary to the Supervisor/Assistant to the Town Board, Clerks to Town Justices, at the amounts set forth in the 2021 budget as adopted.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #24**

### **RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN A STIPULATION CHANGING SALARY GROUP OF PARK MAINTENANCE WORKER**

RESOLVED, that the Town Board of the Town of Carmel ("Town") hereby authorizes the Town Supervisor to sign a Stipulation of Agreement, retroactive to January 1, 2021, Frank R. Favia, Employee #1054 and Brendan Griffin, Employee #1712, Park Maintenance Workers, shall be placed at Step 1 of Salary Group 5, as specified in Appendix "E" of the Collective Bargaining Agreement between the Town and Local 840, CSEA, AFSCME, AFL-CIO that expired on December 31, 2017, and was modified and extended by a Memorandum of Agreement with a duration of January 1, 2018 to December 31, 2021 (the "CBA"), and shall receive retroactive pay accordingly.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #25**

### **RESOLUTION MAKING PROBATIONARY PROMOTIONAL APPOINTMENT OF ACCOUNT CLERK II – TOWN OF CARMEL BUILDING DEPARTMENT**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Carol Ormsby to the position of Account Clerk II, in the Town of Carmel Building Department, at a Group 4, Step 1 annual salary, 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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #26

## RESOLUTION MAKING APPOINTMENTS TO TOWN OF CARMEL LAKE CASSE PARK DISTRICT ADVISORY BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Casse Park District Advisory Board for a term commencing retroactive to January 1, 2021 and expiring December 31, 2021

John Aquina  
Teresa DePace  
Stacey Ann Kelly  
Kim Kugler  
William Siclari  
Scott Sterbens

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #27**

### **RESOLUTION MAKING APPOINTMENTS TO TOWN OF CARMEL LAKE MAHOPAC PARK DISTRICT ADVISORY BOARD**

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Mahopac Park District Advisory Board for a term commencing retroactive to January 1, 2021 and expiring December 31, 2021

Compton Spain

Jay Crawford

Charles Langlitz

James Maxwell

Robert Frenkel

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #28**

### **RESOLUTION AUTHORIZING ATTENDANCE OF OFFICERS AND EMPLOYEES TO ATTEND THE ASSOCIATION OF TOWNS VIRTUAL CONFERENCE**

WHEREAS the Annual Meeting and Training School of the Association of Towns is to be held all Virtual Educational and Networking Events from February 14<sup>th</sup> through the 17<sup>th</sup>, 2020; and

WHEREAS in the past, the information and training available at said meeting and the seminars conducted there have proved to be helpful to Town Officers and employees in the performance of their duties and it is in the best interest of the Town of Carmel to have certain of its officers and employees attend such meeting and training schools;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the following officers and employees of the Town to attend the Association of Towns All Virtual Educational Conferences and that the reasonable and necessary expenses of said persons be reimbursed by the Town upon audit and approval by the Town Comptroller to the extent reserved in the 2021 Conference and Seminars line of the Court Budget:

Thomas Jacobellis – Town Justice

Daniel Miller – Town Justice

Patricia Genna – Town Court Clerk

Francine Schmansky – Senior Account Clerk

Marie Paprocki – Clerk to Town Justice

Lisa Laquidara – Clerk to Town Justice

BE IT FURTHER RESOLVED that the entire Town Board of the Town of Carmel is also authorized to attend the Association of Towns All Virtual Educational Conferences and that their reasonable and necessary expenses be reimbursed by the Town upon audit and approval by the Comptroller's Office.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #29**

### **RESOLUTION DESIGNATING TOWN OF CARMEL DELEGATE AT THE 2021 ASSOCIATION OF TOWNS ANNUAL BUSINESS SESSION**

RESOLVED that Councilman Robert Schanil is hereby designated as the voting delegate and Supervisor Kenneth Schmitt is hereby designated as the alternate voting delegate of the Town of Carmel to the 2021 Annual Business Session of the Association of Towns of the State of New York to be held Virtually from February 14<sup>th</sup> through 17<sup>th</sup>, 2021 and are hereby authorized to cast the vote of the Town of Carmel pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #30**

### **RESOLUTION ADOPTING TOWN OF CARMEL 2021 SUBJECT MATTER LIST AND OFFICE RETENTION SCHEDULE**

RESOLVED that, upon the recommendation of Ann Spofford, Town Clerk, the Town Board of the Town of Carmel hereby adopts the Town of Carmel 2021 Subject Matter List and Record Retention Schedule as pre-filed with the Town Clerk.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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



2021  
TOWN OF CARMEL  
SUBJECT MATTER LIST  
AND  
OFFICE RETENTION SCHEDULE

DRAFT

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Supervisor's Office - 01  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
Dept. - Corres./ Resolutions-copy	58	0 after no longer needed	2 ½ yrs*	
Accounting-Banks, Credits/Debits, Payroll-copy	58	0 after no longer needed	2 ½ yrs*	
Assessor – Assessment Roll, Real Property Svcs., Reval -copy	58	0 after no longer needed	2 ½ yrs*	
Bldg. – Violations Monthly Reports, Alarm Permits-copy	58 58	0 after no longer needed	8 yrs* 2 ½ yrs*	
Town Clerk – Notice of Claims, Foil Requests, Permits/Licenses-copy	58	0 after no longer needed	2 ½ yrs*	
Town Clerk – Records Management	471a	Permanent	Permanent	
Comptroller –Annual Reports, Audits, Budget Revisions, Y/E Budget, Capital Projects, State Revolving Fund, GFOA, User Fees, -copy	58	0 after no longer needed	2 ½ yrs*	
Comptroller-Budget preparation file	489	6 yrs	6 yrs	
Counsel-Corres., Firms/Cases	53b	6 yrs.	6 yrs	
Engineering-Capital Projects, Contractors, Eng. Projects Coord. corres, Dams, Dry Hydrants, Garbage Dist, MS4, GIS/IT- copy	53b	6 yrs	6 yrs	
Highway-Capital Projects, Driveway Permits, NYCOMCO, Easements, Road Dedications, Improvements, CHIPS, Resurfacing, Traffic Issues/Controls-copy	58	0 after no longer needed	4 yrs*	
Justice Court – Security Needs and Assessment, Video Arraignment-copy	58	0 after no longer needed	2 ½ yrs*	
Rec of Taxes – Daily/Monthly Report -copy	58	0 after no longer needed	2 ½ yrs*	

Recreation-Accident Reports, Adv. Comm., Contracts, Monthly Report, Master Plan, Individual Parks/Fields, Senior Drop-in-copy	58	0 after no longer needed	2 ½ yrs*	
Town Board - Corres., expenses-routine	53c	0 after no longer needed	2 yrs*	
Town Board – Sunshine Law corres.	53b	6 yrs	6 yrs	
Towns – Corres. -routine	53c	0 after no longer needed	2 yrs*	
Ambulance Corres	471b	6 yrs	6 yrs	
Fire Districts – Corres., Additions/Deletions,Svc Award Program	471b	6 yrs	6 yrs	
Community Svcs. – publications	68b	0 after no longer needed	2 yrs*	
Libraries –publications	68b	0 after no longer needed	2 yrs*	
Schools – Corres-routine	53c	0 after no longer needed	2 yrs*	
Schools – Lease agreement copy	58	0 after no longer needed	2 yrs*	
Sports Associations – Corres. - routine	53c	0 after no longer needed	2 yrs*	
Environmental Conservation, Planning and Zoning Boards- Corres., Agendas, Minutes-copy	58	0 after no longer needed	2 yrs*	
SBA Communications (Formerly Mobilite & Nextel Cell Towers – Corres.	471b	6 yrs	8 yrs*	
Planning – corres - copy	58	0 after no longer needed	On-going projects	
Putnam County Depts., NYC, NYS and US Governmental Corres.- routine	53b	6 yrs	6 yrs	
A-Z Files	471b	6 yrs	6 yrs	
Employee Identification Cards/badges	642	6 months after becoming invalid	6 months after becoming invalid	
Sewer & Water Districts	53b	6 yrs	6 yrs	
Police – Corres., Equipment, Grants, Reports, PBA, Grievances – copy	58	0 after no longer needed	3-5 yrs*	

CSEA, IBT, Dept. Time Sheets, Monthly Reports, Handbook-copy	58	0 after no longer needed	2 yrs*	
Health & Life Insurance Records-Reports	645d	6 yrs	6 yrs	
Town Agendas -copy	58	0 after no longer needed	2 yrs*	
Lake Districts, Parks – Corres.-routine	53c	0 after no longer needed	2 yrs*	
Cable – Corres.-routine	53c	0 after no longer needed	2 yrs*	
Cable-publications	68b	0 after no longer needed	0 after no longer needed	
Town Historian/Historical Society-Corres.-routine	53c	0 after no longer needed	6 yrs*	
Projects Ex. – Master Plan, Carmel Landfill, Airport Property, Bikeway, Carmel/Mahopac Revitalization-copy	58	0 after no longer needed	6 yrs*	
V & T Laws and Amendments –copy	58	0 after no longer needed	1 yr*	
Local Laws and Ordinances – copy	58	0 after no longer needed	1 yr*	
FEMA – Corres.	53b	6 yrs	10 yrs*	
NYMIR, NYSWCA-Corres.	53b	6 yrs	6 yrs	
Insurance Corres. Case records, etc	576	6 yrs after claim closed, but not until any minor reaches age 21, whichever is later	6 yrs	

\* Differs from NYS LGS-01 Retention Schedule

Assessor's Office - 02  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
Assessment/tax grievance file	1040	6 yrs after final determination	6 yrs	
Assessment Rolls – Final	1045b	10 yrs after filing	1 yr	9 yrs
Assessment Rolls – Tentative	1045a	5 yrs after filing	1 yr	4 yrs
Assessor's Report	1043	10 yrs	5 yrs	5 yrs
Change of Assessment Notices And Summaries	53b	6 yrs	6 yrs	
Copies of tax grievance or judicial assessment review records	1041	1 yr	1 yr	
E-911 Address Change/Verification Correspondence	53b	6 yrs	6 yrs	
Minutes of Board of Assessment Review	47	Permanent	0	Permanent
Notice of Determination of Board of Assessment Review	1040	6 yrs after final determination	6 yrs after final determination	
Property Assessment Cards	1029	Permanent	Permanent	
Purchase Orders (Duplicate Records)	58	0 after no longer needed	0 after no longer needed	
Real Property Appraisals	1031	4 yrs after superseded or obsolete	4 yrs after superseded or obsolete	
Renewal Applications for Seniors and Disabled Persons Exemptions	1039b	6 yrs	6 yrs	
School Tax Relief (STAR) Program - Basic	1039a 1039c	6 yrs after expiration of exemption or abatement  Denied applications: 6 yrs after final determination	6 yrs after expiration of exemption -- abatement  Denied applications: 6 yrs after final determination	

School Tax Relief (STAR) Program - Enhanced	1039a  1039c	6 yrs after expiration of exemption or abatement  Denied applications: 6 yrs after final determination	6 yrs after expiration of exemption or abatement  Denied applications: 6 yrs after final determination	
Tax Maps	(LGS-1 item 1036 not yet added)	10 yrs after filing	2 yrs after filing	8 years
Veteran's Exemption Forms	1039a	6 yrs after expiration of exemption or abatement	6 yrs after expiration of exemption or abatement	
Volunteer Fire and Ambulance Worker Exemptions	1039b  Denied apps:1039c	6 yrs  Denied apps.: 6 yrs after final determination	6 yrs  Denied apps.: 6 yrs after final determination	

Building Department - 03  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
B.P. Files	112a	Permanent	Permanent	
B.P. and C.O. Card Files	108	Permanent	Permanent	
Fire and Safety Reports for Private Schools	109a	6 yrs after building no longer exists but not less than 21 yrs	Permanent	
Subdivision Maps (Duplicate Copy)	58	0 after no longer needed	Permanent *	
B.P. and C.O. Logs	112b	1 yr after last entry in record or 1 yr after posting	Permanent *	

\* Differs from NYS LGS-01 Retention Schedule

Town Clerk's Office - 04  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
Abstract of Vouchers (duplicate copy)	58	0 after no longer needed	1 yr *	
Assessment / Tax Grievance file	1040	6 yrs after final determination	1 yr	5 yrs
Audit reports of Financial Affairs (external, i.e. Fire Depts)	472b	6 yrs	8 yrs *	
Bankruptcy Notices (duplicate copy)	58	0 after no longer needed	2 yrs*	
Bids (Capital Construction) Successful Unsuccessful	806a  806c	6 yrs after building or facility no longer exists is no longer owned by local government 6 yrs	1 yr  6 yrs	Permanent
Bids (Materials, Services, Supplies) Successful & Unsuccessful	547	6 yrs after completion of purchase of 6 yrs after final payment under contract, whichever is later	6 yrs after completion of purchase of 6 yrs after final payment under contract, whichever is later	
Bingo / Games of Chance Application & copy of license	562a	3 yrs. after expiration of license or denial of application	3 yrs. after expiration or denial of application	
Bingo / Games of Chance Financial Reports	562b (Weekly, quarterly or daily) 562c (Annual)	4 yrs 6 yrs	4 yrs 6 yrs	
Birth / Death Certificates	N/A	Permanent	1 yr	Permanent
Bonds		Permanent	Current	Permanent
Budget Preparation File Final Budget	489 490a	6 yrs Permanent	Current Current	6 yrs Permanent
Burial Transit Permits	136	Permanent	1 yr.	Permanent
Cash Receipts/Cash Transaction Record	506	6 yrs	6 yrs	
Certificates of Insurance	582	6 yrs after expiration	6 yrs after expiration	
Change of Zoning Records	128	Permanent	Current	Permanent

Claims against Town	95a	6 yrs after case closed or 0 after any minor involved attains age 21, whichever is later	Current	Permanent*
Comprehensive Annual Financial Report (CAFR)	472	Permanent	10 yrs	Permanent
Contracts	32	6 yrs after expiration or termination or 6 yrs after final payment under contract, whichever is later	6 yrs after expiration or termination or 6 yrs after final payment under contract, whichever is later	
Correction applications Birth/Death/Marriage certificates	N/A	Permanent	Current	Permanent
Correspondence	53a 53b 53c	Permanent 6 yrs 0 after no longer needed	1 yr 1 yr 0	Permanent 6 yrs
Credit Card Receipts	521	6 yrs	6 yrs	
Credit Card Reports	555	6 yrs	6 yrs	
Dangerous Dog or other Animal Record	332	20 yrs but not less than 6 yrs after death of animal (if death is known to have occurred)	20 yrs but not less than 6 yrs after death of animal (if death is known to have occurred)	
DECALS Daily receipts for licenses.	610b	2 yrs	2 yrs	
DECALS monthly reports & records relating to issuance of license	610a	6 yrs	6 yrs	
Deeds/Easements granted to Town	803a	Permanent	Current	Permanent
Dog Licenses New & Renewals	327	3 yrs after expiration	3 yrs after expiration	
Dog Licensing Monthly Report	331a	6 yrs	6 yrs	
Dog Tag Replacement Form	329	1 yr	1 yr	
Dog Seizure Index	334a	3 yrs after last entry	3 yrs	
Dog Seizure Disposition Reports	334b	3 yrs	3yrs	
Election Records - Informational records received from county	373	0 after superseded or obsolete	3 yrs *	

Financial Disclosure Statements	639	7 yrs	7 yrs	
Fire Dept. Active List Annual Summary List Periodic List	1218a 1218b	55 yrs 3 yrs	Current Current	55 yrs 3 yrs
Fire Dept. Copies of Budget Copies of Public Notice/Proof of Posting	494 58	0 after no longer needed 0 after no longer needed	6 yrs * 6 yrs *	
F.O.I.L. requests	706a 706b 706c	6 mos 6 mos after final determination 6 mos	Current	2 yrs. *
Franchise Files	608a	6 yrs after franchise expires	Current	6 yrs after franchise expires
Front Desk Visitor Sign In Sheets	811	3 yrs, or for records documenting issuance or cancellation of keys or passes, 3 yrs after keys or passes are cancelled or revoked	Current	3 yrs
Grant Program File	55a	6 yrs after renewal or close of grant	6 yrs after renewal or close of grant	
Handicapped Parking Permit Applications	1089b	1 yr after expiration of permit or denial of application	1 yr after expiration of permit or denial of application	
Index Log – Town Board minutes	61	0 after obsolete	Permanent *	
Insurance Policies	579	6 yrs after expiration	Current	Permanent *
Local Laws and Ordinances	30	Permanent	Permanent	
Maps / Plans	807a	Permanent	Current	Permanent
Marriage Licenses	N/A	Permanent	1 yr	Permanent
Master Plan	118	Permanent	Current	Permanent
Monthly Financial Reports	555	6 yrs	6 yrs	
Notice of Intent re: Liquor Licenses	609	2 yrs	2 yrs	
Notice of Proposed Zoning Change from neighboring towns	130	1 yr	1 yr	
Paternity Acknowledgments	N/A			

Permit / License Records	606	3 yrs after expiration of license or denial of application	3 yrs	
Petitions	77b	6 yrs after final disposition of complaint, petition or request	6 yrs after final disposition of complaint, petition or request	Permanent *
Proof of Publication/ Posting Affidavit	36	6 yrs	6 yrs	
Purchase Orders (Duplicate copy)	8	0 yrs	2 yrs & current *	
Purchasing Record	546	6 yrs	6 yrs	
Record Retrieval Request	91	3 yrs after records have been removed from storage or returned following retrieval	3 yrs after records have been removed from storage or returned following retrieval	
Requests for Birth/Death/ Marriage Certificate	RDA 19668	5 yrs	5 yrs	
Requests for Proposals	806a 806b 806c 806d	6 yrs after building or facility no longer exists or is no longer owned by local government 6 yrs after last entry 6 yrs 6 yrs after last entry	Current	Permanent
Road Dedications	1072a	Permanent	Current	Permanent
Subdivision/Site Plans (Planning Bd.)	123a	Permanent	Current	Permanent
Subject Matter List	703	6 months after superseded	6 months after superseded	
Town Board Minutes Back-up Material	47 48	Permanent 1 yr	Permanent 1 yr	3 yrs *
Town Board Work Session Packets (Duplicate Copy)	58	0 yrs	2 yrs *	
Town Code	30	Permanent	Current	Permanent
Various Board Minutes	47	Permanent	Current	Permanent
Video Recordings Board Meetings	51	4 mos	Current	15 yrs *
Water / Sewer District Files	431a/ 454a	Permanent	Current projects	Permanent
Wetland Applications (ECB)	123c	6 yrs after last entry	Current	6 yrs

Workers Comp. Case Records	577a	18 yrs after injury or illness but not less than 8 yrs after last payment	Current	17 yrs in TC vault
Zoning Board of Appeals Applications	129a 129b 129c 129d 129e	Permanent 25 yrs after last entry 6 yrs after last entry 1 yr after last entry 90 days after date of most recent entry	Current	Permanent *

\* Differs from NYS LGS-01 Retention Schedule

Comptroller's Office - 05  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
Vendor's Vouchers – General	495	6 yrs	2 yrs	4 yrs
Vendor's Vouchers – Utilities	495	6 yrs	2 yrs	4 yrs
General Ledger	502	6 yrs after last entry	2 yrs	4 yrs
Journal Entries	504	6 yrs after last entry	2 yrs	4 yrs
Trial Balance	512	6 yrs	2 yrs	4 yrs
Inter Department Billing Records	514a 514b 514c	6 yrs after last entry 6 yrs 0 after superseded or obsolete	2 yrs	4 yrs
Budget Preparation Files	489	6 yrs	2 yrs	4 yrs
Budget Revisions	493	6 yrs	2 yrs	4 yrs
Budget Status Report	492a 492b	6 yrs 1 yr	2 yrs 1 yr	4 yrs
Subject Files	53b	6 yrs	2 yrs	4 yrs
Summary Record of Warrants	497	6 yrs	2 yrs	4 yrs
Statement of Revenues and Expenditures	555	6 yrs	2 yrs	4 yrs
Actual & Estimated Revenues	555	6 yrs	2 yrs	4 yrs
Payroll Register Report	526	6 yrs	2 yrs	4 yrs
Copy of Canceled Checks	476	6 yrs	2 yrs	4 yrs
Bank Statements	475	6 yrs	2 yrs	4 yrs
Copy of Check & Stub	478	6 yrs	2 yrs	4 yrs
Bond Issue Preparation File	485b	6 yrs after bond issue retired	6 yrs	Balance
Bond Register (Duplicate Copy)	58	0 after no longer needed	As needed	

Purchase Order Unpaid	546	6 yrs	2 yrs	4 yrs
Employee Time Sheets - Departmental	528	6 yrs	2 yrs	4 yrs
Report of Audit of Financial Affairs (CAFR - Duplicate Copy)	58	0 after no longer needed	As needed	
Audit Background Documentation	473	6 yrs	6 yrs	
Audit Hearing or Review File	474	6 yrs after audit accepted	6 yrs	
Grant Program File	55a 55b	6 yrs after removal or close of grant 6 yrs after removal or close of grant denial of application	6 years 6 years	

Engineering Department - 06  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Page #/Item #	Retention Minimum	Office Retain	Storage Retain
Contracted Municipal Project Maps	1072a	Permanent	10 yrs	Permanent
Engineering Planning Review Case Files (Pre-approval and approved) Copies	58	0 after no longer needed	10 yrs *	
Purchase Order Copies	58	0 after no longer needed	0	
Water and Sewer District Maintenance Files - Lab reports	431a	Permanent	10 yrs	Permanent
	431a	Permanent	1 yr	Permanent
Carmel Water/Sewer District #2 Expansion - Reports	74a	Permanent	Until completion	Permanent
General Correspondence Files	53b	6 yrs	2 yrs	6 yrs *
Capital Construction and Public Improvement Files	806a	6 yrs after building or facility no longer exists or is no longer owned by local government	Current Projects	6 yrs after building or facility no longer exists or is no longer owned by local government
Sewer and Water correspondence	431a	Permanent	10 yrs	Permanent *
	431b	6 yrs after last entry	10 yrs	Permanent *
Property Acquisition or Regulation file	401	Permanent	10 yrs	Permanent
Environmental restoration projection records	417a	Permanent	10 yrs	Permanent
Charts, graphs and similar records	435a	Permanent	10 yrs	Permanent
	435b	10 yrs		
	435c	1 yr		
	435d	5 yrs		
Reports and Studies (Public Water Supply)	441a	Permanent	10 yrs	Permanent
	441b	0 after no longer needed	10 yrs	Permanent *
	441c	5 yrs	10 yrs	Permanent *
	441d	3 yrs after issuance of notice	10 yrs	Permanent *
	441e	5 yrs	10 yrs	Permanent *

Reports and Studies (Wastewater Treatment)	449a 449b 449c 449d  449e 449f	Permanent 5 yrs 5 yrs 5 yrs after facility no longer in use 6 yrs 0 after no longer in needed	10 yrs	Permanent Permanent * Permanent *
Reports and Studies (Solid Waste)	454a 454b 454c 454d 454e 454f	Permanent 7 yrs 7 yrs 5 yrs 7 yrs 0 after no longer needed	10 yrs	Permanent
Hazardous waste collection and disposal records	455a 455b 455c	Permanent 10 yrs 6 yrs after superseded or invalid	10 yrs	Permanent
Capital Construction for Environmental Facility (water supply system/wastewater treatment plant)	430a 430b  430c 430d	Permanent 6 yrs after completion of project 6 yrs 6 yrs after last entry	Current Current	Permanent 6 yrs
Landfill Closure Records	464a 464b  464c	Permanent 30 yrs after date of closure 7 yrs after date of inspection	Current Current  Current	Permanent 30 yrs after closure  7 yrs after closure

\* Differs from NYS LGS-01 Retention Schedule

Highway Department - 07  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office/Attic Retain	Storage Retain
Payroll – Time Cards	638	6 yrs	6 yrs	
Payroll & OT Sheets	525 a	6 yrs	6 yrs	
Daily Attendance Log	528	6 yrs	25 yrs *	
Personnel Files	636	6 yrs after termination of employment of appointment	Current	Permanent *
Budget Analysis	492 b	1 yr	1 yr	
Purchase Order Log	513	6 yrs	6 yrs	
Budget/Appropriation Status Report	492 a 492b	6 yrs 1 yr	6 yrs	
Purchase Orders – Copy	58	0 after no longer needed	4 yrs *	
Vendor Claims – Copies	58	0 after no longer needed	4 yrs *	
Vendor Payments – Copy of Abstract	58	0 after no longer needed	2 yrs *	
Daily Crew Assignments	638	6 yrs	6 yrs	
Crew Chief Reports – General Repairs	1067	6 yrs	6 yrs	
Capital Project Files – Copies	58	0 after no longer needed	20 yrs *	
Road Improvement Project Log – Copies	58	0 after no longer needed	20 yrs *	
Complaint File	1079a  1079b  1079c	6 yrs after disposition of all complaints, petitions, or requests listed  6 yrs after remedial action taken or condition otherwise abated, whichever comes first 1 yr	6 yrs after disposition of all complaints, petitions, or requests listed 6 yrs after remedial action taken or condition otherwise abated, whichever comes first 1 yr	
Subject Files – Correspondence (Letters, emails, memos, etc)	53 b	6 yrs	6 yrs	

Outgoing Correspondence (Letters, emails, memos. Etc.)	53 b	6 yrs	6 yrs	
Dedicated Roads Log – Copy	58	0 after no longer needed	6 yrs *	
Driveway Permit Files	1083	6 yrs after expiration or denial of permit	Permanent *	
Driveway Permit Log	1083	6 yrs	Permanent *	
Fuel Consumption Log	820	6 yrs	6 yrs	
Street Signs Log	1081	6 yrs after sign no longer exists	Permanent *	
Vehicle Acquisition Files	818	6 yrs after vehicle or equipment no longer in use	6 yrs after vehicle or equipment no longer in use	
Vehicle/Equipment Inventory Log	814	6 yrs after superceded by updated inventory, or 6 yrs after replacement, sale or discontinuance of use of all property listed, whichever is sooner	6 yrs after superceded by updated inventory, or 6 yrs after replacement, sale or discontinuance of use of all property listed, whichever is sooner	
Vehicle Maintenance Forms	817a	6 yrs after vehicle or equipment no longer in use	6 yrs after vehicle or equipment no longer in use	
Fire Extinguishers Maint. Log	817d	6 yrs after last entry	6 yrs after last entry	
Underground Utilities Form	1067	6 yrs	6 yrs	
Weather Reports	1068	6 yrs	6 yrs	

\* Differs from NYS LGS-01 Retention Schedule

Justice Court - 08  
Subject Matter List  
Office Retention Schedule

ATTACHMENT "A"  
CRIMINAL RECORDS OF THE CRIMINAL COURT OF THE  
CITY OF NEW YORK, CITY COURTS, DISTRICT COURTS AND  
TOWN AND VILLAGE COURTS

Planning and Zoning Department - 09  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
F.O.I.L. Requests	706a 706b 706c	6 mos. 6 mos. after final determination 6 mos.	Current Current Current	2 yrs * 2 yrs * 2 yrs *
Mandatory planning review case file (Planning Bd.)	123a	Permanent	Current	Permanent
Mandatory planning review case file (Planning Bd. project abandoned or withdrawn)	123b	10 yrs after last entry	Current	10 yrs
Mandatory planning review case file (ZBA)	123a	Permanent	Current	Permanent
Mandatory planning review case file (ECB)	123c	6 yrs after last entry	Current	6 yrs
Mandatory planning review case file (ARB)	123c	6 yrs after last entry	Current	6 yrs
Minutes – Copies (PB, ECB, ZBA, ARB)	58	0 after no longer needed	Current	
Site Plans, Oversized Maps	123a	Permanent	Current	Permanent
Planning Bd / ZBA Card File	61	0 after obsolete	Permanent *	
F.O.I.L. Requests	706a 706b 706c	6 mos. 6 mos. after final determination 6 mos.	Current	2 yrs *

\* Differs from NYS LGS-01 Retention Schedule

Police Department - 10  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
Arrest Files	1224a	5 yrs after death of individual, or 90 years after individual's date of birth, whichever is shorter, provided no arrest in the last 5 yrs	Permanent	Permanent
	1224b	5 yrs		
	1224c	0 after no longer needed		
	1224d	0 after no longer needed		
	1224e	Retain as long as relevant case investigation record		
	1224f	Retain most current copy as long as relevant case investigation, or 0 after superseded or obsolete if unrelated to case investigation		
	1224g	6yrs		
	1224h	0 after individual attains age 21 or 3 yrs after discharge, whichever is later		
Case Files	1222a	Permanent	Permanent	Permanent
	1222b	25 yrs after case closed		
	1222c	10 yrs after case closed		
	1222d	5 yrs after case closed		
	1222e	1 yr after case closed		
	1222f	5 yrs		
	1222g	1 yr after individual attains age 18		
	1222h	Retain for 4 yrs or as long as rest of case investigation report, whichever is longer		
1222i	0 after child attains age 55			
Log Files	1220	Permanent	6 yrs	Permanent
Accident Reports	1249	6 yrs	6 yrs	
Master Card File	1220	Permanent	Permanent	Permanent
Blotter/ Event Reports	1220	Permanent	Permanent	Permanent

Domestic Violence Records	1267	4 yrs	4 yrs	
Copies of Payroll Information Sheets	58	0 after no longer needed	6 yrs *	
Copies of Invoices / Purchase Orders	58	0	6 yrs *	
Communications Log	1182	3 yrs after last entry	6 yrs *	
Law Enforcement Reports, Studies or Data queries	1221a 1221b  1221c 1221d 1221e  1221f	6 yrs 0 after no longer needed  1 yr 3 yrs 0 after no longer needed 3 yrs	6 yrs 6 yrs 8  6 yrs* 6 yrs* 6 yrs  6 yrs*	
Gas Consumption Log	820	6 yrs	6 yrs	
Sealed Arrest Files	1224a  1224b 1224c  1224d  1224e  1224f   1224g 1224h	5 yrs after death of individual, or 90 years after individual's date of birth, whichever is shorter, provided no arrest in the last 5 yrs 5 yrs 0 after no longer needed 0 after no longer needed Retain as long as relevant case investigation record Retain most current copy as long as relevant case investigation, or 0 after superseded or obsolete if unrelated to case investigation 6yrs 0 after individual attains age 21 or 3 yrs after discharge, whichever is later	Permanent	
Breathalyzer / Radar Certifications	817d	6 yrs after last entry	6 yrs	
PD Vehicle Files	818	6 yrs after vehicle/equipment no longer in use	6 yrs	
Traffic Tickets	1240	3 yrs after case closed	3 yrs after case closed	

Warrants	1266	5 yrs after warrant executed or recalled	5 yrs after warrant executed or recalled	
Current Police Personnel Files including Training and Awards	636b	6 yrs after termination of employment or appointment	6 yrs after termination of employment or appointment	
Retired Police Personnel including Training and Awards	636b	6 yrs after termination of employment or appointment	6 yrs after Retirement	Permanent *
PD Daily Sign-In Sheets	528	6 yrs	6 yrs	

\* Differs from NYS LGS-01 Retention Schedule

Recreation and Parks Department -11  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
Camper Health Records Accident/Incident Reports	868	6 yrs, but not less than 3 yrs after the camper attains age 18	6 yrs, but not less than 3 yrs after the camper attains age 18	
Permits and Approvals Applications for Summer Camp Operation	865	3 yrs approval, denial, withdrawal or expiration	3 yrs approval, denial, withdrawal or expiration	
Participation, Attendance or Enrollment Records Buddy Checklists/Daily Notes	853 a	6 yrs	6 yrs	
Budget/User Fee schedule Prep Files	489	6 yrs	6 yrs	
Payroll or Related Report	25 a 525 b	6 yrs 0 after no longer needed	6 yrs 0 after no longer needed	
Dept. copies of purchase orders, vouchers, user fees, invoices, revenue (duplicates)	58	0 after no longer needed	0 after no longer needed	
Grants Program File Division for Youth Services Files	55 a	6 yrs after renewal of close of grant	6 yrs after renewal of close of grant	
Emergency Medical Training Records Enrollment records for Red Cross classes	1200 c	7 yrs	7 yrs	
Permits When a Fee is charged Beach Passes, Facility Rentals, Bark Park Memberships, Resident ID card Applications	854 a	0 after invalid, but not less than 6 yrs	0 after invalid, but not less than 6 yrs	4 yrs
Parental Consent Records – Applications/Camp Field Trip Records Athletic Program Records (consents included in all)	855	6 yrs, or 3 yrs after child attains age 18, whichever is longer	3 yrs	18 yrs
Planning and Development Files	856	6 yrs	6 yrs	

Program Plans – camp, waterfront	75	Permanent	10 yrs	Permanent
Reports of Camp Operation and Inspection by Dept. of Health or other agency	866	21 yrs	21 yrs	
Personnel Records	636 a	Permanent	Permanent	
Special events correspondence files	857	6 yrs	6 yrs	
Correspondence files	53 a 53 b 53 c	Permanent 6 yrs 0 after no longer needed	Permanent 6 yrs 0 after no longer needed	
Timesheets and Timecards Permanent employees Temporary/Summer Staff	528	6 yrs	6 yrs	
Warranties	818	6 yrs after vehicle/equipment no longer in use	6 yrs after vehicle/equipment no longer in use	
Senior Citizen Group Files	853 a	6 yrs	6 yrs	
Cash Transaction Record Petty Cash, Reconciliations	506	6 yrs	6 yrs	
Purchasing Files (bids, contracts, materials, etc.)	547	6 yrs after completion of purchase or 6 yrs after final payment under contract, whichever is later	6 yrs after completion of purchase or 6 yrs after final payment under contract, whichever is later	
Receipts -received or issued Facility Rental Rec. Receipt Books	519	6 yrs	6 yrs	0
Recreation & Parks Advisory Committee – Meeting Minutes	47	Permanent	Current	Permanent
Opinion Survey Records	76 a	6 yrs	6 yrs	
Repair, Installation, Maintenance (work done by vendor)	78	6 yrs	6 yrs	
Report of Incident of theft, arson, vandalism or property damage	26	6 yrs	6 yrs	
Employee Time Records	638	6 yrs	6 yrs	

Employee Injury Records	660	18 yrs afr date of injury or illness	18 yrs	
Copy of Payroll or Payroll Reports	685	0 after superseded	0	
Job Classification Records	689	1 yr after subsequent classification completed, but not less than 10 yrs	10 yrs	
Application of Employment and Resumes Not Hired-Posted Vacancy	693 a	4 yrs after completion of personnel action	4 yrs after completion of personnel action	
Not Hired-No Posted Vacancy	693 b	0 after no longer needed	0 after no longer needed	
Bus or other Vehicle Use File (i.e. camp field trips)	860	6 yrs	6 yrs	
Food Inspection and Investigation Record	871a 871 b	If significant problem 21 yrs 3 yrs if no significant problem	If significant problem 21 yrs 3 yrs if no significant problem	
Maintenance, Testing, Service, Operational and Repair Records	809 c 809d	6 yrs after building or facility no longer in use 6 yrs after last entry	6 yrs after building or facility no longer in use 6 yrs after last entry	
Recycling Waste Collection Reports	459	Permanent	Permanent	

\* Differs from NYS LGS-01 Retention Schedule

Tax Receiver's Office -12  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
General Fund subject files	514a 514b 514c	6 years after last entry 6 years 0	6 years after last entry 6 years 0	
Bank Statements	475	6 yrs	6 yrs	
General Correspondence	53b	6 yrs	6 yrs	
School tax collection files	1047a	6 yrs	6 yrs	
Town tax bills	1047a	6 yrs	1 yr	5 yrs
School tax bills	1047a	6 yrs	2 yrs	4 yrs
Water bills	514b	6 yrs	1 yr	5 yrs
Water district usage printouts	514b	6 yrs	6 yrs	
Town Tax Roll	1045 d	Permanent	3 yrs + current  Microfiche for earlier years is in Clerk's office	
Warrants	1045 d	Permanent	Permanent	
Water & Sewer monthly reports	58 (copies)	0 after no longer needed	6 yrs + current *	
General Fund monthly reports	58 (copies)	0 after no longer needed	6 yrs + current *	

\* Differs from NYS LGS-01 Retention Schedule

Accounting Department - 1A  
Subject Matter List  
Office Retention Schedule

Records Series	Archives Schedule Item #	Retention Minimum	Office Retain	Storage Retain
941 Withholding report	539	4 yrs after tax paid	1 yr	3 yrs
Accounts receivable reports	514b	6 yrs	3 yrs	3 yrs
Alarm Records	1188a	6 yrs after denial, expiration or renewal	6 yrs after denial, expiration or renewal	
Banking communications	475	6 yrs	1 yr	5 yrs
Canceled Check (inc. payroll check)	476	6 yrs	1 yr	5 yrs
Cash Transaction Record	506	6 yrs	1 yr	5 yrs
Check stub or copy of check	478	6 yrs	1 yr	5 yrs
Claim for benefits	645 c	1 yr	1 yr	
Claim for Payment	495	6 yrs	6 yrs	
Claim payment reports (unemployment)	646 a 646 b 646 c	6 yrs after final payment 3 yrs after filing 6 yrs	6 yrs after final payment 3 yrs after filing 6 yrs	
Copies of union labor contracts	58	0 after no longer needed	0	
Copy of payroll certification report	685	0 after superseded	1 yr	
Declination statement	645 e	6 yrs after separation from service	6 yrs after separation from service	
Deduction forms	532	5 yrs after authorization expired	5 yrs after authorization expired	
Deposit Slip	482	6 yrs	1 yr	5 yrs
Depository Agreement	479	6 yrs after agreement, contract, designation, bond or surety has expired or been superseded or rescinded	1 yr	5 yrs

Direct Deposit Records	544	5 yrs after authorization expires	5 yrs after authorization expires	
Driveway bond applications copy	58	0 after no longer needed	0 after no longer needed	
Employee injury record	660	18 yrs after date of injury/illness	18 yrs after date of injury/illness	
Employee personal earnings record	534	6 yrs	1 yr	5 yrs
Employee requests for/authorization given to use or donate sick, vacation, personal, or other leave, or to work overtime	530	6 yrs	1 yr	5 yrs
Employee time records	638	6 yrs	1 yr	5 yrs
Employee time Sheets	528	6 yrs	6 yrs	
Employee voluntary payroll deduction forms	532	5 yrs after authorization expires	5 yrs after authorization expires	
Forms 1099, W-2, W-3	540	5 yrs	5 yrs	
Health & Life insurance coverage reports	645 d	6 yrs	1 yr	5 yrs
Health & Life insurance records (w/out dependent survivor)	645 a	6 yrs after termination of employee's, dependent survivor's, or beneficiary's coverage, whichever is later	6 yrs after termination of employee's, dependent survivor's, or beneficiary's coverage, whichever is later	
Health insurance bills	514 b	6 yrs	1 yr	5 yrs
Journal Recordings of Fiscal Transactions	504	6 yrs after last entry	1 yr	5 yrs
Payroll or related report not covered by another specific item #	525a 525b	6 yrs 0 after no longer needed	1 yr 0 after no longer needed	5 yrs 0
Payroll calculation details	524a	55 yrs	Current	54 yrs
Payroll registers	524c	6 yrs	6 yrs	

Payroll Report	538	6 yrs	1 yr	5 yrs
Payroll-record of payment	526	6 yrs	1 yr	5 yrs
Periodic fiscal reports	555	6 yrs	1 yr	5 yrs
Personnel case file materials	636 b	6 yrs after termination of employment or appointment	6 yrs after termination of employment or appointment	
Personnel Investigative records	637	3 yrs after final decision rendered	3 yrs after final decision rendered	
Personnel Records	636 a	Permanent	Permanent	
Proof sheets-water districts	512	6 yrs	current	5 yrs
Quarterly report of wages paid	536	6 yrs after year in which wages were reported	1 yr after year in which wages were reported	5 yrs after year in which wages were reported
Receipt (received) or copy of receipt (issued)	519	6 yrs	1 yr	5 yrs
Record of assignments, attachments & garnishments	531 a 531 b	6 yrs after terminations of employment 5 yrs after satisfaction or withdrawal	1 yr 5 yrs after satisfaction or withdrawal	5 yrs after termination of employment
Record of Employee absences/accruals	529 a	6 yrs	1 yr	5 yrs
Recreation fees	854 a	0 after invalid, but not less than 6 yrs	1 yr	5 yrs
Retirement System & Benefit plan forms	645a  645 b 645 c 645 d 645 e 645 f 645 g	6 yrs after termination of employee's, dependent survivor's, or beneficiary's coverage, whichever is later 6 yrs after superseded 1 yr 6 yrs 6 yrs after separation from service 1 yr 6 yrs	6 yrs after termination	
Unemployment-claim disqualified	646 b	3 yrs after filing	3 yrs after filing	
Unemployment insurance records-claim approved	646 a	6 yrs after final payment	6 yrs after final payment	

Voucher bank statements	475	6 yrs	2 yrs	4 yrs
Water meter reading cards / Alarm billing	514a 514b	6 yrs after last entry 6 yrs	3 yrs	3 yrs
Withholding Exemption Certificate (W-4)	541	4 yrs after a superseding certificate is filed or employment is terminated	4 yrs after a superseding certificate is filed or employment is terminated	0
Workers' Compensation Case Records	577a  577b  577c	18 yrs after injury or illness, but not less than 8 yrs after last payment 7 yrs after injury or illness except the employee injury record must be retained for 18yrs after date of accident or injury 6 yrs after payment	1 yr	17 yrs

\* Differs from NYS LGS-01 Retention Schedule

ATTACHMENT "A"  
CRIMINAL RECORDS OF THE CRIMINAL COURT OF THE  
CITY OF NEW YORK, CITY COURTS, DISTRICT COURTS AND  
TOWN AND VILLAGE COURTS

# RESOLUTION #31

## RESOLUTION ESTABLISHING SEASONAL/TEMPORARY AND PART-TIME WORKERS WAGE RATES

RESOLVED that the Town Board of the Town of Carmel hereby sets the Seasonal/Temporary/Part-Time Workers maximum wage rates for the following title effective retroactive to January 1, 2021:

### SEASONAL/TEMPORARY/ PART-TIME TIME WORKERS

<u>POSITION AND/OR TITLE</u>	<u>HOURLY WAGE RATE BASED ON CUMULATIVE HOURS OF SERVICE:</u>			
	<u>0-500</u>	<u>501-1000</u>	<u>1001-1500</u>	<u>1501-XXXX</u>
Seasonal/Temp.	12.50	13.50	14.50	15.50

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## RESOLUTION #32

### RESOLUTION SETTING RATES FOR 2021 PART-TIME/TEMPORARY HELP

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for part-time/temporary help in the following departments for fiscal year 2021:

<b>Department</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Comments</b>
Accounting	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Assessor	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Building	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Comptroller/Accounting	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Engineering/Planning	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Highway	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Justice Ct.	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Police	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Recreation	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Supervisor/Receptionist	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Tax Receiver	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Town Clerk	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Recycling	\$12.00/hr	\$15.00/hr	Commensurate with Experience

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #33**

### **RESOLUTION MAKING APPOINTMENTS TO THE TOWN OF CARMEL RECREATION AND PARKS ADVISORY COMMITTEE**

RESOLVED that the Town Board of the Town of Carmel hereby re-appoints

Ray Gallagher

Michael Mongon

Neal Sullivan

To the Town of Carmel Recreation and Parks Advisory Committee for a term  
retroactive to January 1, 2021 and expiring December 31, 2023.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #34

## RESOLUTION EXTENDING CONTRACT FOR CLEANING OF POLICE UNIFORMS

WHEREAS the Town Board of the Town of Carmel has previously authorized the award of bid and contract for cleaning of Town of Carmel Police uniforms; and

WHEREAS, said contract contains an option in favor of the Town of Carmel to extend the terms of said contract for a period of time through and including December 31, 2021;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Lt. John R. Dearman, Jr. hereby authorizes the extension of said contract with Mahopac Launderaid and Dry Cleaners, 960 Route 6N Mahopac, NY a period through and including December 31, 2021 at price of \$2.95 per unit.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

## **RESOLUTION #35**

### **RESOLUTION AUTHORIZING THE SCHEDULING OF PUBLIC HEARING**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing on Fire Protection Contracts and the Ambulance District Contracts for the year 2021, to be held on the 3<sup>rd</sup> day of February, 2021 at Carmel Town Hall, 60 McAlpin Avenue, Mahopac, NY at 7:00 p.m. or soon thereafter that evening as possible; said contracts to be advertised and posted as follows:

<u><b>Contractor</b></u>	<u><b>Services</b></u>	<u><b>Not to Exceed</b></u>
Mahopac Falls Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #1	<b>\$ 806,500.00</b>
Mahopac Volunteer Fire Department, Inc.	Fire Protection-Fire Protection Dist. #2	<b>\$1,395,000.00</b>
Carmel Fire District & Carmel Fire Department, Inc.	Fire Protection-Fire Protection Dist. #3	<b>\$ 862,500.00</b>
Carmel Volunteer Ambulance Corps	Ambulance Services-Carmel Ambulance District #1	<b>\$ 200,000.00</b>
North Salem Volunteer Ambulance Corps	Ambulance Services-Carmel Ambulance District #1	<b>\$ 13,000.00</b>

BE IT FURTHER RESOLVED, that Town Clerk Ann Spofford is hereby authorized to publish a notice of the Public Hearing in the official newspapers of the Town and to post a notice of said hearing on the bulletin board of the Town, said notices to be published and posted a minimum of ten days prior to the Public Hearing.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

# RESOLUTION #36

## RESOLUTION FOR REVIEW AND RENEWAL OF THE TOWN OF CARMEL PROCUREMENT POLICY

WHEREAS Section 104-b of the General Municipal Law requires the governing body of every municipality to annually review their Official Procurement Policy, for the purchase of all goods and services which are not required by law to be publicly bid; and

WHEREAS the Town Board deems that no revisions are necessary at this time,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby renews the Procurement Policy which is attached hereto and made a part of hereof and designates the Town Comptroller's Office to distribute the policy to all department heads; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby designates the responsible purchasing agents and titles as set forth within the aforesaid policy.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

**Town of Carmel  
60 McAlpin Ave  
Mahopac, New York 10541  
(845) 628-1500**



**PROCUREMENT POLICY  
AND  
PROCEDURES**

**Revised January 2021**

**Adopted by Resolution of  
Carmel Town Board  
Date  
“insert resolution when passed”**

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## SECTION I: PROCUREMENT POLICY OBJECTIVES

The following sets forth the policies and procedures of the Town of Carmel to meet the requirements of General Municipal Law, (GML) Sections 103 and 104.

### **PURPOSE**

Goods and services which are required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption. The Procurement Policy confirms the commitment of The Town of Carmel to ensure that its purchases of goods and services are made legally, fairly, prudently, competently, and at the lowest possible cost offered by responsible vendors. This Procurement Policy and General Municipal Law Sections 103 and 104 provide guidance to those involved in the purchasing process. The Town of Carmel adopts this following Procurement Policy in accordance with Section 104b of the General Municipal Law (GML) Procurement.

### **ANALYZE THE PROPOSED PROCUREMENT/PURCHASE**

Generally, the official(s) responsible for making the particular procurement will make the initial determination as to how such purchases are to be made under New York State Law and this policy, as follows:

- Comply with New York State Law regarding Municipal Purchasing
- Determine whether an item is available under State or County contract
- For legal issues regarding the applicability of competitive bidding requirements, verify with the Town Legal Counsel, as appropriate
- In the case of a lease, determine that a document is a true lease and not an installment purchase contract
- Determine whether it is expected that over the course of the fiscal year, the Town will spend in excess of the competitive bidding thresholds for the same or similar items or services
- Promote timely procurement of goods and services for the daily operation
- Promote prudent spending of the funds by ensuring competition and obtaining maximum value for purchasing dollars spent
- Promote fair and open competition among vendors in an impartial manner
- Provide for uniformity in purchasing by all Town of Carmel Departments

## SECTION II. CATEGORIES OF PROCUREMENTS/PURCHASING

It is important to distinguish between contracts for Public Works and Purchase Contracts, as these items are not defined in the General Municipal Law. This distinction is especially important because there is a \$15,000 difference between the bidding thresholds.

Many times, contracts involve both goods and services and it is difficult to determine which bid limit to apply. Each procurement must be reviewed on a case-by-case basis and a determination must be made as to what kind of contract is involved. As a general rule, if the contract involves a substantial amount of services, such that it is the predominate element and goods are incorporated into the project, it will be considered a contract for public works. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, (delivery, setup, installation or assembly) it is considered a purchase contract for goods.

**If a Purchasing Agent is unclear whether the procurement is a ‘Purchase Contract’ or ‘Public Works Contract’ contact the Comptroller’s Office for guidance.**

**Refer to Procurement Methods Charts on Pages 6 and 7**

## PROCUREMENT METHODS USED FOR COMPETITIVE BIDDING

This chart identifies the procurement/purchasing categories subject to the Competitive Bidding Requirements of Section 103 GML or the Town Procurement Policy required by Section 104-b GML and where further information can be found.

Procurement Category	Subject to Competitive Bidding (§103)	Procurement Policy (§104-b)	Reference Law
<b>Purchase and Public Works Contracts:</b>			
1. Purchase Contract – Above \$20,000	X		103 GML
2. Purchase Contract – Below \$20,000		X	104 GML
3. Contract for Public Work – Above \$35,000	X		103 GML
4. Contract for Public Work – Below \$35,000		X	104 GML
<b>Procurement Exempt from GML §103 and §104-b</b>			
5. Agencies for Blind or Severely Handicapped, etc.		X	175-b SFL
6. Correctional Institutions		X	184 CL
7. State Contract *		X	104 GML
8. County Contract *		X	103(3) GML
<b>Procurement Exempt from GML §103 and 104b</b>			
9. Sole Source (See section III)		X	103(4) GML
10. Emergencies (See section IV)		X	103(4) GML
11. Professional Services (See Section V)		X	103(4) GML
12. True Leases		X	103(4) GML
13. Insurance		X	103(4) GML
14. Second-Hand Equipment from Another Government		X	103(6) GML

Statutory Exceptions from These Policies and Procedures. Exceptions include procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran’s workshops), and Correction Law, Section 186 (articles manufactured in correctional institutions).

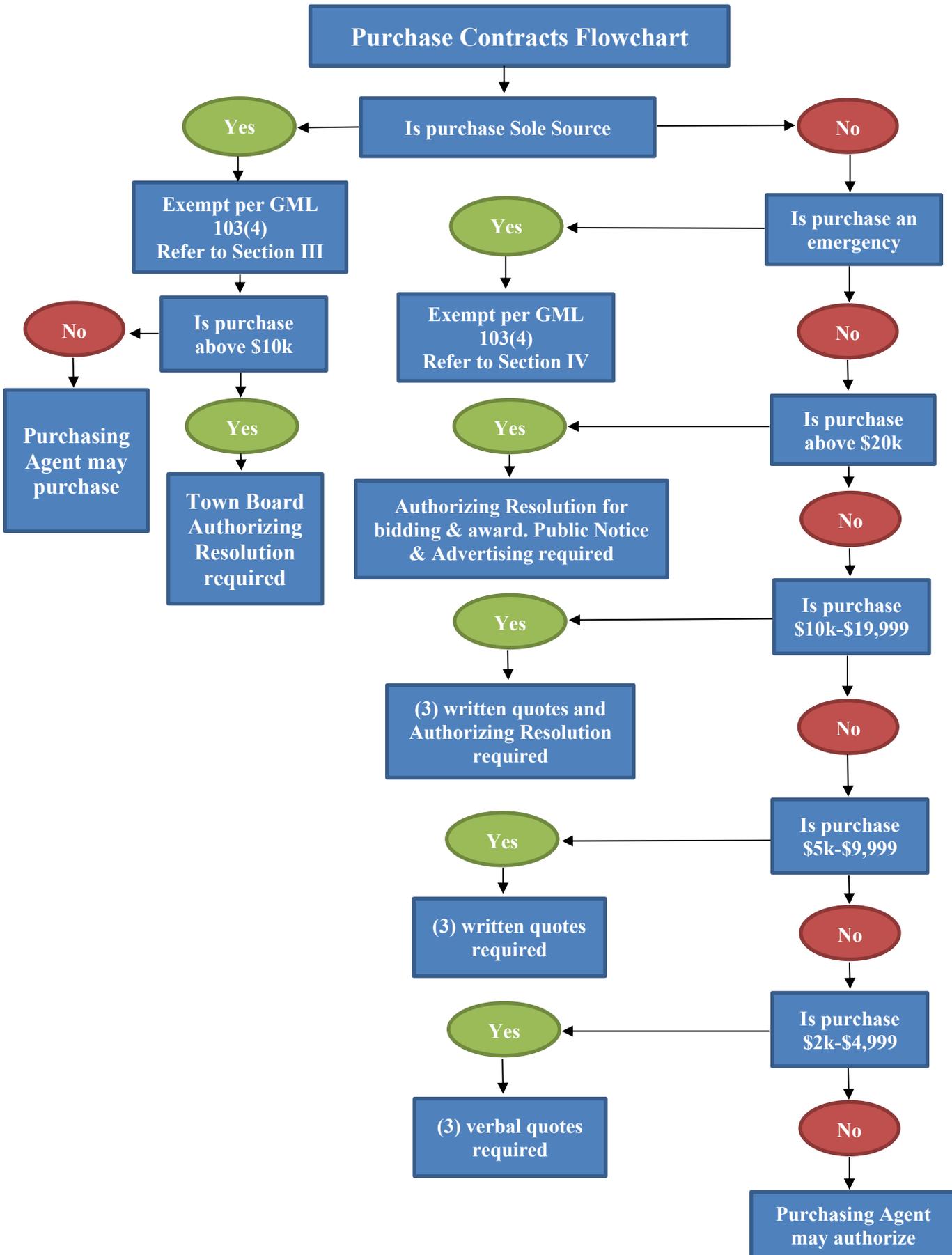
**\* The fact that a vendor is willing to meet or even provide pricing below an awarded State or County Bid Contract does not provide a basis for a contract or purchase award**

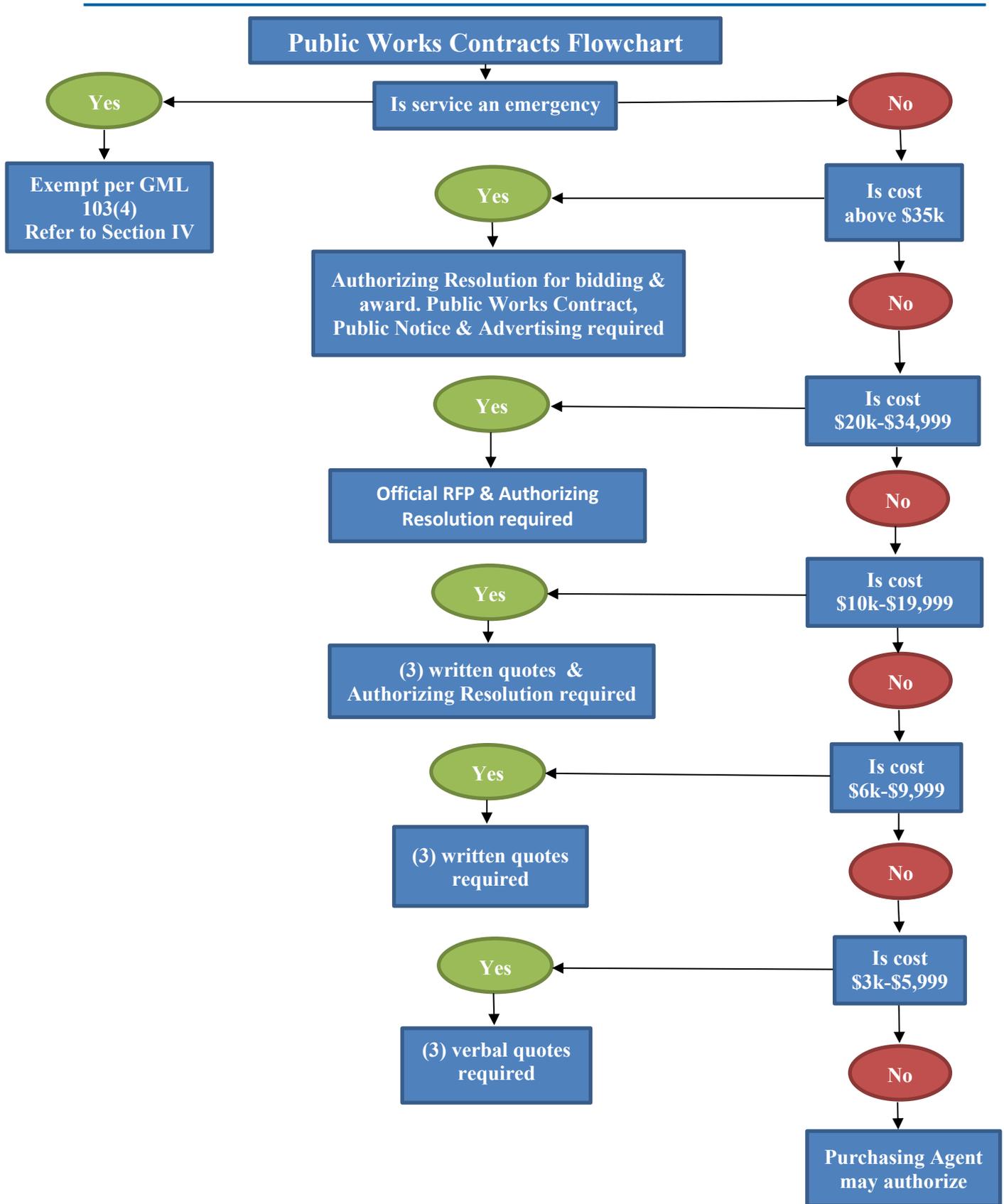
## METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS EXEMPT FROM GML103

The Town Board of the Town of Carmel requires that the method to be used for seeking competition depends on the amount and type of procurement listed in the following chart.

TYPE AND AMOUNT OF PROCUREMENT	VERBAL QUOTES		WRITTEN QUOTES	WRITTEN QUOTES	OFFICIAL RFPS	EXEMPT PER GML
	0	3	3	3 AUTHORIZING RESOLUTION REQUIRED	AUTHORIZING RESOLUTION REQUIRED	
<b>Purchase Contracts Below \$20,000</b>						
Under 1,999	X					
2,000-4,999		X				
5,000-9,999			X			
10,000 – 19,999				X		
<b>Public Work Contracts Below \$35,000</b>						
Under 2,999	X					
3,000-5,999		X				
6,000-9,999			X			
10,000-19,999				X		
20,000 – 34,999					X	
Emergencies (refer to SEC IV)						X
Insurance						X
Professional Services (refer to SEC V)					X	X
True Leases						X
Second-Hand Equipment from other Govts.						X
Sole Source Providers (refer to SEC III)						X

➤ (See Exhibit C) Verbal Quotes Form





### SECTION III. SOLE SOURCE

Competitive bidding is not required under §103 in the General Municipal Law in those limited situations when there is only one possible source from which to procure goods or services required to uniquely serve the public interest, for which there is no substantial equivalent and, which are, in fact, available from only one source. In making these determinations, the purchasing agent should document the unique benefits received as compared to other goods or services available in the marketplace; that no other goods or services provide substantially equivalent or similar benefits; and that, considering the benefits received, the cost is reasonable, when compared to other goods or services in the marketplace.

**A Town Board Authorizing Resolution is required for Sole Source Purchases that exceed \$10,000**

➤ **(See Exhibit A) A Sole Source Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment. If the purchase will exceed \$10,000, a Town Board Authorizing Resolution is required.**

## SECTION IV. EMERGENCIES

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

*“Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, Council or agency of a political subdivision or district therein.”*

There are three basic statutory criteria to be met in order to fall within this exception:

1. The situation must arise out of an accident or unforeseen occurrence or condition;
2. Public buildings, public property, or the life, health, safety or property of the political sub-division's residents must be affected;
3. The situation must require immediate action, which cannot await competitive bidding.

In cases of emergency situations which meet the criteria above, the following procedures will be used:

1. Contact the vendor immediately and arrange the purchase or service.
2. If the emergency purchases or services were below \$10,000, an Emergency Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment, unless supporting documentation is available for submission which sufficiently meets the statutory criteria listed above.
3. If the emergency purchases or services were above \$10,000, an Emergency Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment. The box indicating that notification will be made to the Town Board must be checked and a Town Board Resolution should be passed acknowledging said emergency.

➤ **(See Exhibit B) Emergency Justification Form**

## SECTION V. PROFESSIONAL SERVICES

One of the most prominent exceptions to competitive bidding is professional services. Professional services generally include services rendered by attorneys, engineers, auditors and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a higher degree of creativity.

Professional services are specifically exempt from public bidding under GML 103(4). They are however subject to the application of this policy and require actions which are dependent upon the category that the professional service falls into and cost threshold.

For purposes of procurement, there are two general categories of Professional Services, those which have a **Finite Scope** and/or duration and those that are **Indeterminable** in scope at the time of engagement. It is important to identify which type at the outset, as the two types vary in procurement procedure. Where the professional service is identified as a Finite Scope refer to the chart for procurement requirements based upon various monetary thresholds. Where the professional service is Indeterminable a Town Board Resolution is required to engage the Professional.

### FINITE SCOPE

Either a set project scope or a fixed duration where complete pricing can be determined at the time of engagement.

Examples:

- Engineering Design services for a project that involves the design, permitting and construction oversight of one thousand feet of water main in a known location. This example shows that a fixed price can be determined for this professional service.
- Planning Board Consultant for a period of one year where the scope of services is identified. This example also shows that a fixed price can be determined for a specific duration and scope.

AMOUNT OF PROCUREMENT	PROFESSIONAL SERVICE FINITE SCOPE APPROVAL REQUIREMENT
Under \$4,999	Recommendation of Purchasing Agent
\$5,000 - \$9,999	Recommendation of Purchasing Agent and with the approval of the Town Supervisor
\$10,000 - \$19,999	Prices will be obtained by formal written proposals from at least (3) sources and presented by the Department Head to the Town Board and the award will be made by an Authorizing Town Board Resolution
\$20,000 and Above	Prices will be obtained by RFP and presented by the Department Head to the Town Board and the award will be made by an Authorizing Town Board Resolution

**PROFESSIONAL SERVICES - continued**

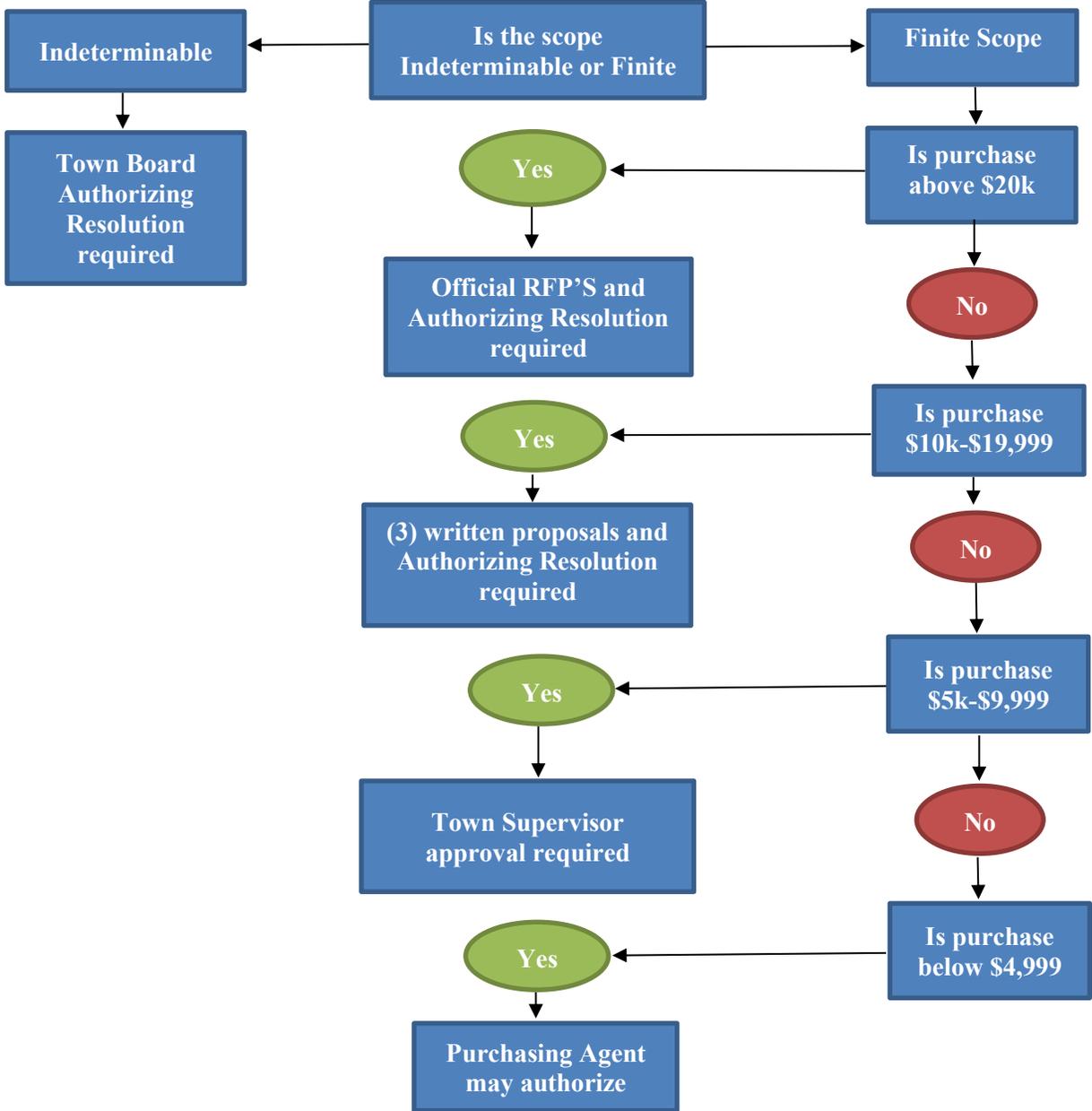
**INDETERMINABLE**

At the time of engagement of the professional service, the duration and/or scope and ultimate cost cannot be determined. A Town Board resolution is required to engage the Professional.

Example:

- The Town wishes to engage a law firm for representation in a lawsuit. The very nature of litigation makes it impossible to determine how long it will go on or what level of effort will be required to prosecute or defend the lawsuit.

**Professional Services Flowchart**



## SECTION VI. PIGGYBACKING

GML 103(16) authorizes political subdivisions to purchase apparatus, material, equipment and supplies and to contract for services related to the installation, maintenance and repair of those items through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision of district therein. In purchasing, this concept is known as “piggybacking”. While the above authorizes “piggybacking” on United States contracts and contracts of “any state”, by adoption of this procurement policy, the Town Board limits the application of “piggybacking” to only contracts of the State of New York or any municipal instrument of the State of New York (county, town, village or school district).

There are five prerequisites to the Piggybacking option:

1. In accordance with this policy, the contract must have been let by an Agency of the State of New York or political subdivision thereof (the Host). This is straight forward.
2. The contract must have been made available for use by other governmental entities. For this, you will need to examine the documents that were used by the Host in the procurement process. There must be language indicating in the solicitation that the Vendor understands that the bid price for a particular item will be extended to other entities. It is not enough that the Vendor unilaterally extends the pricing to the Town of Carmel.
3. You must compare the bid process followed by the Host with the process adopted by the Town of Carmel. In the case of Public Bids procured in compliance with GML 103, you may presume that the Host followed the law, which is the same law that the Town of Carmel is required to follow. However, in procurements that were made below the statutory thresholds (\$35,000 and \$20,000), you must look to the process followed by the Host and determine if that process substantially conforms to the Town of Carmel’s Procurement Policy in both monetary thresholds and authorizing authority (Purchasing Agent, Supervisor, Town Board). This is not a perfect test as procurement policies vary, but there should be a written explanation of why the procurement substantially complies with the Town’s policy.
4. Staleness- The cost of goods and services vary with time. Most of the time costs go up, but there are instances where prices decrease. The Purchasing Agent should look to the market conditions at the time of purchasing to ensure that the “piggyback” provides for pricing that is comparative to current pricing.
5. Monetary thresholds- Piggybacking does not eliminate Town Board Authorization where the procurement exceeds monetary thresholds. For Purchases and Public Work above \$10,000 a Town Board Authorizing Resolution is required.

**If a Purchasing Agent is uncertain as to whether the Piggybacking can be utilized contact Comptroller’s Office for guidance.**

## SECTION VII. THE PURCHASING PROCESS

The purchasing process is designed to provide a system of internal control over purchasing, to ensure that the proper authorizations are obtained before items are purchased, and to ensure that Town of Carmel's Procurement Policy is followed. A number of forms are generated as part of the purchasing process to document the validity of the purchases. It is imperative as a local government that we remain transparent in our fiscal matters.

### I. REQUISITIONS

*The REQUISITION initiates a request to purchase goods or services from a vendor.* Once all required quotes, bids, contracts, and resolutions are obtained a requisition must be entered into the KVS Financial Software System by the designated department representative. When entering a requisition written quotes are required to be uploaded in the "Attachments" tab. Verbal quotes may be noted in the "Memo" tab or uploaded in the "Attachments" tab using the Verbal Quotes Form (see EXHIBIT "C"). If the purchase is a sole source or emergency this must be indicated on the description line. At this time the correct appropriation number must be entered. If an account is over budget, a budget transfer request must be submitted to the Comptroller's Office before proceeding. Upon completion of entering a requisition, an email will be sent to the authorized departmental purchasing agent for approval. Upon department approval the requisition will be reviewed by the Comptroller's Office. If the department does not have access to KVS an email must be sent to the Comptroller's Office with the details of the requested purchase.

### II. PURCHASE ORDERS

Once a requisition has been fully approved, a purchase order will be created and a system generated email will be sent to the department representative that created the requisition. If the department does not have access to KVS once the requisition is approved a purchase order will be emailed to the departmental personnel requesting the purchase.

*At this point the goods or services can be purchased from the vendor.*

### III. VOUCHERS/VENDOR CLAIM FORMS

The department representative should timely provide to the Comptroller's Office the documents needed to approve and pay vendors' invoices. These documents must include the purchase order, all invoices associated with the purchase, and a vendor claim form signed by the vendor and approved by the authorized departmental purchasing agent. Any required quotes, bids, contracts or resolutions must be attached to the submitted paperwork.

## SECTION VIII. RESPONSIBLE PURCHASING AGENTS

Pursuant to Chapter 402 of the Laws of 2007, effective August 2020, as required under Section 104 of the NYS General Municipal Law, the Town is including the names of the municipal officials responsible for purchasing decisions, as follows:

<b><u>Position Title</u></b>	<b><u>Position Incumbent</u></b>
Town Supervisor	Kenneth Schmitt
Town Deputy Supervisor	Suzanne McDonough
Town Board	Frank Lombardi
Town Board	Michael Barile
Town Board	Robert Schanil
Town Justice	Daniel Miller
Town Justice	Thomas Jacobellis
Court Clerk	Patricia Genna
Comptroller	Mary Ann Maxwell
Town Assessor	Glenn Droese
Town Clerk	Ann Spofford
Deputy Town Clerk	Alice Daly
Receiver of Taxes	Kathleen Kraus
Deputy Receiver of Taxes	Gary Kiernan
Town Civil Engineer	Richard Franzetti
Town Engineering Project Coordinator	Robert Vara
Principal Account Clerk	Eileen Brennan
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Michael Martin
Chief of Police	Anthony Hoffmann
Lieutenant	John Dearman
Lieutenant	Stephen Kunze
Codes Enforcer	Michael Carnazza
Director of Parks and Recreation	James Gilchrist

### UPDATING THE POLICIES AND PROCEDURES

The Town Board shall annually review these policies and procedures. The Comptroller's Office shall be responsible for conducting an annual review of the Procurement Policy and for evaluation of the internal control structure established to ensure compliance with the procurement policy.

EXHIBIT "A"

**Sole Source Justification Form**  
**Town of Carmel Procurement Policy**

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**Procurement Policy, Section V: Sole Source Procurement**

A sole source procurement is justified when there is only one good or service that can reasonably meet the need *and* there is only one vendor who can provide the good or service.

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Department: \_\_\_\_\_

Vendor name: \_\_\_\_\_

Goods or Services: \_\_\_\_\_

State the basis for identifying this vendor as a sole source, check any that apply:

- The vendor is the manufacturer of the product and has no distributors.
- The vendor is the only reseller of the manufacturer's product in this geographic region.
- Item to be purchased is a supply for equipment which is under warranty, and use of any product other than specified will void the warranty.
- Item is proprietary and is additional product or software which must work with an existing system.
- This purchase will exceed **\$10,000** and will require a Town Board Authorizing Resolution.
- Other (provide explanation):

**Purchasing Agent's signature for approval:** \_\_\_\_\_

**Department Head's signature for approval:** \_\_\_\_\_

EXHIBIT "B"

**Emergency Justification Form  
Town of Carmel Procurement Policy**

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**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

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Department: \_\_\_\_\_

Vendor names: \_\_\_\_\_

Nature of emergency: \_\_\_\_\_

Estimated cost: \_\_\_\_\_

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:** \_\_\_\_\_



# RESOLUTION #37

## RESOLUTION AUTHORIZING AWARDING OF CONTRACT FOR PURCHASE OF MOTOR VEHICLE FUEL TOWN OF CARMEL POLICE DEPARTMENT

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Lt. John R. Dearman, Jr., hereby authorizes the award of bid contract for purchase of motor vehicle fuel for the Town of Carmel Police Department for the period commencing retroactive to December 18, 2020 through December 16, 2021 to Global Montello Group Corp., Waltham, MA under New York State Office of General Services Contract No. 05600, Award No. 23092 at the per-gallon prices of \$2.2141 for regular grade; \$2.2690 for mid-range grade and \$2.3578 for premium grade.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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



Office of General Services  
Procurement Services

Corning Tower, Empire State Plaza, Albany, NY 12242 | <https://ogs.ny.gov/procurement> | [customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov) | 518-474-6717

# Contract Award Notification

<b>Title</b>	: <b>Group 05600 – Gasoline &amp; E-85 (Statewide)</b> <b>Classification Code(s): 15</b>
<b>Award Number</b>	: <b>23092 (Replaces Awards 22782 and 22951)</b>
<b>Contract Period</b>	: <b>December 19, 2018 – December 16, 2021</b>
<b>Bid Opening Date</b>	: <b>September 19, 2018</b>
<b>Date of Issue</b>	: <b>December 13, 2018</b> (Revised November 5, 2020)
<b>Specification Reference</b>	: <b>As Incorporated Herein</b>
<b>Contractor Information</b>	: <b>Appears on Page 2 of this Award</b>

### Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Bryant Kirk Title : Contract Management Specialist 2 Phone : 518-402-3021 E-mail : <a href="mailto:bryant.kirk@ogs.ny.gov">bryant.kirk@ogs.ny.gov</a>	<b>Procurement Services Customer Services</b> Phone : 518-474-6717 E-mail : <a href="mailto:customer.services@ogs.ny.gov">customer.services@ogs.ny.gov</a>

**Procurement Services values your input.  
Complete and return "Contract Performance Report" at end of document.**

### Description

The purpose of this Award is to provide Authorized Users with a means of acquiring various grades of Gasoline and E-85 by bulk delivery to an Authorized User's storage facility for use in the Authorized User's own pumps. The product shall be Contractor furnished, delivered and unloaded as specified herein.

For current contract prices, please go to the Pricing Information link on the Award page.

**Links to the base contract, current prices, updates, and delivery schedules are located on the Award page at: <http://www.ogs.ny.gov/purchase/spg/awards/0560223092CAN.HTM>**

PR#23092

**NOTE:** See individual contract items to determine actual awardees.

CONTRACT Number	CONTRACTOR & ADDRESS	CONTACT INFORMATION	FEIN / NYS VENDOR ID
PC68456	<b>Global Montello Group Corp.</b> 800 South Street Waltham, MA 02454	Kevin Young V.P. Municipal and Commercial Bids Phone: 781-398-4003 Email: Bids@globalp.com  <b>Customer Service Contact for NYS Contract Orders (24/7/365):</b> Dispatch Department Toll Free: 800-826-5686 Email: smartbuydispatch@globalp.com  <b>Contact to Escalate Contract Orders:</b> Dispatch Department Toll Free: 800-826-5686 Email: smartbuydispatch@globalp.com  <b>Contact for After Hours, Weekend, and/or Holiday Emergency:</b> Dispatch Department Toll Free: 800-826-5686 Email: smartbuydispatch@globalp.com  <b>Contacts for NYS Declared Emergencies or Disasters:</b> Kevin Young V.P. Municipal and Commercial Bids Phone: 781-398-4259 Email: kyoung@globalp.com  Kevin Bowe (Back-up) Dispatch Manager Phone: 781-398-4059 Email: kbowe@globalp.com  <b>Contact for Billing Issues:</b> Bid Department Phone: 781-398-4003 Email: bids@globalp.com	04-3443028 1100005467

(continued)

**ITEMS IN RED WILL NOT BE AVAILABLE AFTER MARCH 18, 2021, or until a new Award is issued.**

**AWARDS BY COUNTY**

The pricing included in this section is the original pricing bid by the contractors. Current contract pricing is found in the “Pricing Information” link on the Award page.

County	Fuel Type	Bid Price Per Gallon	Volume Discounts	Awarded Vendor
Albany	Flex Fuel (E-85)	\$ 1.8374		Global Montello Group
Albany	Gas Regular	\$ 2.1418		Global Montello Group
Albany	Gas Mid Range	\$ 2.2106		Global Montello Group
Albany	Gas Premium	\$ 2.3493		Global Montello Group
Allegany	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
Allegany	Gas Regular	\$ 2.6261	\$ 0.1000	Sunoco LLC
Allegany	Gas Mid Range	\$ 2.6829		Sunoco LLC
Bronx	OPRG(E) Gas Regular	\$ 2.1799		United Metro Energy Corp.
Broome	Gas Regular	\$ 2.1761		Mirabito Energy Products
Broome	Gas Mid Range	\$ 2.2329		Mirabito Energy Products
Cattaraugus	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
Cattaraugus	Gas Regular	\$ 2.2046		NOCO Energy Corp.
Cattaraugus	Gas Mid Range	\$ 2.3219		NOCO Energy Corp.
Cayuga	Gas Regular	\$ 2.5206		Mirabito Energy Products
Chautauqua	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
Chautauqua	Gas Regular	\$ 2.2681		NOCO Energy Corp.
Chautauqua	Gas Mid Range	\$ 2.3219		NOCO Energy Corp.
Chautauqua	Gas Premium	\$ 2.4073		NOCO Energy Corp.
Chemung	Flex Fuel (E-85)	\$ 2.5833		Sunoco LLC
Chemung	Gas Regular	\$ 2.3261		Sunoco LLC
Chemung	Gas Mid Range	\$ 2.6329		Sunoco LLC
Chemung	Gas Premium	\$ 2.7183		Sunoco LLC
Chenango	Gas Regular	\$ 2.5506		Mirabito Energy Products
Clinton	Gas Regular	\$ 2.2513	\$ 0.1200	MX Petroleum Corp.
Clinton	Gas Mid Range	\$ 2.3529	\$ 0.1200	MX Petroleum Corp.
Columbia	Gas Regular	\$ 2.2542		Global Montello Group
Cortland	Gas Regular	\$ 2.5816		Mirabito Energy Products
Cortland	Gas Premium	\$ 2.7238		Mirabito Energy Products
Delaware	Gas Regular	\$ 2.5816		Mirabito Energy Products
Dutchess	OPRG(E) Gas Regular	\$ 2.2772		Global Montello Group
Dutchess	OPRG(E) Gas Premium	\$ 2.4109		Global Montello Group
Dutchess	OPRG(E) Gas Mid Range	\$ 2.3221		Global Montello Group
Erie	Flex Fuel (E-85)	\$ 2.2833		Sunoco LLC
Erie	Gas Regular	\$ 2.1261	\$ 0.0100	NOCO Energy Corp.
Erie	Gas Mid Range	\$ 2.3289		NOCO Energy Corp.

(continued)

County	Fuel Type	Bid Price Per Gallon	Volume Discounts	Awarded Vendor
<b>Erie</b>	Gas Premium	\$ 2.4143		NOCO Energy Corp.
<b>Essex</b>	Gas Regular	\$ 2.2216	\$ 0.1200	MX Petroleum Corp.
<b>Essex</b>	Gas Mid Range	\$ 2.3529	\$ 0.1200	MX Petroleum Corp.
<b>Franklin</b>	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
<b>Franklin</b>	Gas Regular	\$ 2.2303	\$ 0.1200	MX Petroleum Corp.
<b>Fulton</b>	Gas Regular	\$ 2.2253		Global Montello Group
<b>Fulton</b>	Gas Mid Range	\$ 2.2941		Global Montello Group
<b>Fulton</b>	Gas Premium	\$ 2.4328		Global Montello Group
<b>Genesee</b>	Gas Regular	\$ 2.3261	\$ 0.1000	Sunoco LLC
<b>Greene</b>	Gas Regular	\$ 2.2065		Global Montello Group
<b>Hamilton</b>	Gas Regular	\$ 2.4761		Sunoco LLC
<b>Herkimer</b>	Gas Regular	\$ 2.3761		Mirabito Energy Products
<b>Herkimer</b>	Gas Premium	\$ 2.5183		Mirabito Energy Products
<b>Jefferson</b>	Gas Regular	\$ 2.5011		Mirabito Energy Products
<b>Jefferson</b>	Gas Mid Range	\$ 2.5579		Mirabito Energy Products
<b>Kings</b>	OPRG(E) Gas Premium	\$ 2.1861		United Metro Energy Corp.
<b>Kings</b>	OPRG(E) Gas Regular	\$ 2.1283		United Metro Energy Corp.
<b>Lewis</b>	Gas Regular	\$ 2.6261		Sunoco LLC
<b>Livingston</b>	Gas Regular	\$ 2.3061		Mirabito Energy Products
<b>Livingston</b>	Gas Mid Range	\$ 2.4429		Mirabito Energy Products
<b>Livingston</b>	Gas Premium	\$ 2.5683		Mirabito Energy Products
<b>Madison</b>	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
<b>Madison</b>	Gas Regular	\$ 2.3261	\$ 0.0500	Sunoco LLC
<b>Madison</b>	Gas Mid Range	\$ 2.6829	\$ 0.0500	Sunoco LLC
<b>Monroe</b>	Flex Fuel (E-85)	\$ 2.1833		Sunoco LLC
<b>Monroe</b>	Gas Regular	\$ 2.2011	\$ 0.0800	Sunoco LLC
<b>Monroe</b>	Gas Mid Range	\$ 2.3329	\$ 0.0800	Sunoco LLC
<b>Monroe</b>	Gas Premium	\$ 2.4183	\$ 0.0800	Sunoco LLC
<b>Montgomery</b>	Gas Regular	\$ 2.1939		Global Montello Group
<b>Montgomery</b>	Gas Mid Range	\$ 2.2627		Global Montello Group
<b>Nassau</b>	Flex Fuel (E-85)	\$ 1.7720		Sprague Operating Resources
<b>Nassau</b>	OPRG(E) Gas Regular	\$ 2.0913		Sprague Operating Resources
<b>Nassau</b>	OPRG(E) Gas Mid Range	\$ 2.1563		Sprague Operating Resources
<b>Nassau</b>	OPRG(E) Gas Premium	\$ 2.2215		Sprague Operating Resources
<b>New York</b>	OPRG(E) Gas Regular	\$ 2.0942		United Metro Energy Corp.
<b>New York</b>	OPRG(E) Gas Premium	\$ 2.2012		United Metro Energy Corp.
<b>Niagara</b>	Gas Regular	\$ 2.1596	\$ 0.0100	NOCO Energy Corp.
<b>Niagara</b>	Gas Mid Range	\$ 2.3219		NOCO Energy Corp.
<b>Niagara</b>	Gas Premium	\$ 2.4073		NOCO Energy Corp.
<b>Oneida</b>	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
<b>Oneida</b>	Gas Regular	\$ 2.5066		Mirabito Energy Products
<b>Oneida</b>	Gas Mid Range	\$ 2.5634		Mirabito Energy Products

(continued)

County	Fuel Type	Bid Price Per Gallon	Volume Discounts	Awarded Vendor
Onondaga	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
Onondaga	Gas Regular	\$ 2.5066		Mirabito Energy Products
Ontario	Gas Regular	\$ 2.1060		Sunoco LLC
Ontario	Gas Mid Range	\$ 2.3328		Sunoco LLC
Ontario	Gas Premium	\$ 2.4182		Sunoco LLC
Orange	Flex Fuel (E-85)	\$ 1.8675		Global Montello Group
Orange	OPRG(E) Gas Mid Range	\$ 2.3244		Global Montello Group
Orange	OPRG(E) Gas Premium	\$ 2.3732		Global Montello Group
Orange	OPRG(E) Gas Regular	\$ 2.2695		Global Montello Group
Orleans	Flex Fuel (E-85)	\$ 2.5833		Sunoco LLC
Orleans	Gas Regular	\$ 2.1911	\$ 0.0500	Sunoco LLC
Orleans	Gas Mid Range	\$ 2.3329	\$ 0.0500	Sunoco LLC
Oswego	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
Oswego	Gas Regular	\$ 2.3761		Mirabito Energy Products
Oswego	Gas Mid Range	\$ 2.4329		Mirabito Energy Products
Otsego	Gas Regular	\$ 2.3751		Mirabito Energy Products
Putnam	OPRG(E) Gas Mid Range	\$ 2.2690		Global Montello Group
Putnam	OPRG(E) Gas Premium	\$ 2.3578		Global Montello Group
Putnam	OPRG(E) Gas Regular	\$ 2.2141		Global Montello Group
Queens	OPRG(E) Gas Mid Range	\$ 2.0995		United Metro Energy Corp.
Queens	OPRG(E) Gas Premium	\$ 2.1636		United Metro Energy Corp.
Queens	OPRG(E) Gas Regular	\$ 2.0932		United Metro Energy Corp.
Rensselaer	Flex Fuel (E-85)	\$ 1.8353		Global Montello Group
Rensselaer	Gas Regular	\$ 2.1397		Global Montello Group
Rensselaer	Gas Mid Range	\$ 2.2085		Global Montello Group
Rockland	Flex Fuel (E-85)	\$ 1.8068		Global Montello Group
Rockland	OPRG(E) Gas Mid Range	\$ 2.2537		Global Montello Group
Rockland	OPRG(E) Gas Premium	\$ 2.3425		Global Montello Group
Rockland	OPRG(E) Gas Regular	\$ 2.2088		Global Montello Group
Saratoga	Gas Regular	\$ 2.2019		Global Montello Group
Saratoga	Gas Mid Range	\$ 2.2707		Global Montello Group
Saratoga	Gas Premium	\$ 2.4094		Global Montello Group
Schenectady	Gas Regular	\$ 2.1749		Global Montello Group
Schenectady	Gas Mid Range	\$ 2.2237		Global Montello Group
Schoharie	Gas Regular	\$ 2.2075		Global Montello Group
Schuyler	Gas Regular	\$ 2.2511		Sunoco LLC
Seneca	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
Seneca	Gas Regular	\$ 2.6260		Sunoco LLC
Seneca	Gas Mid Range	\$ 2.6829		Sunoco LLC
Seneca	Gas Premium	\$ 2.7683		Sunoco LLC

(continued)

County	Fuel Type	Bid Price Per Gallon	Volume Discounts	Awarded Vendor
St. Lawrence	Flex Fuel (E-85)	\$ 2.8333		Sunoco LLC
St. Lawrence	Gas Regular	\$ 2.2766	\$ 0.1200	MX Petroleum Corp.
St. Lawrence	Gas Mid Range	\$ 2.3529	\$ 0.1200	MX Petroleum Corp.
Steuben	Gas Regular	\$ 2.3060		Sunoco LLC
Steuben	Gas Mid Range	\$ 2.3628		Sunoco LLC
Steuben	Gas Premium	\$ 2.3628		Sunoco LLC
Suffolk	Flex Fuel (E-85)	\$ 1.6300		Sprague Operating Resources
Suffolk	OPRG(E) Gas Mid Range	\$ 2.1609		Sprague Operating Resources
Suffolk	OPRG(E) Gas Premium	\$ 2.2262		Sprague Operating Resources
Suffolk	OPRG(E) Gas Regular	\$ 2.0958		Sprague Operating Resources
Sullivan	Gas Regular	\$ 2.1555		Global Montello Group
Tioga	Gas Regular	\$ 2.5316		Mirabito Energy Products
Tompkins	Gas Regular	\$ 2.3561		Sunoco LLC
Tompkins	Gas Mid Range	\$ 2.6329	\$ 0.0500	Sunoco LLC
Ulster	Gas Regular	\$ 2.1971		Global Montello Group
Ulster	Gas Mid Range	\$ 2.2659		Global Montello Group
Ulster	Gas Premium	\$ 2.3646		Global Montello Group
Warren	Gas Regular	\$ 2.1872		Global Montello Group
Warren	Gas Mid Range	\$ 2.2560		Global Montello Group
Washington	Gas Regular	\$ 2.2161		Global Montello Group
Washington	Gas Mid Range	\$ 2.2849		Global Montello Group
Washington	Gas Premium	\$ 2.3936		Global Montello Group
Wayne	Flex Fuel (E-85)	\$ 2.8333	\$ 0.0500	Sunoco LLC
Wayne	Gas Regular	\$ 2.2961	\$ 0.0500	Sunoco LLC
Wayne	Gas Mid Range	\$ 2.6329	\$ 0.0500	Sunoco LLC
Westchester	Flex Fuel (E-85)	\$ 1.6448		Sprague Operating Resources
Westchester	OPRG(E) Gas Mid Range	\$ 2.1380		United Metro Energy Corp.
Westchester	OPRG(E) Gas Premium	\$ 2.2046		United Metro Energy Corp.
Westchester	OPRG(E) Gas Regular	\$ 2.1320		United Metro Energy Corp.
Wyoming	Gas Regular	\$ 2.2681		NOCO Energy Corp.
Yates	Gas Regular	\$ 2.2869		Sunoco LLC
Yates	Gas Mid Range	\$ 2.4589		Sunoco LLC

**NEW ACCOUNTS:**

All new accounts must follow the procedure outlined in the Delivery Schedules section of this award. Contractor may ask State Agencies and other Authorized Users to provide information in order to facilitate the opening of a customer account, including documentation of eligibility to use New York State Contracts, agency code, name, address, and contact person. State Agencies shall not be required to provide credit references.

Contractors must notify OGS Procurement Services of any new business created from Authorized Users' requests for delivery, so that OGS Procurement Services can make adjustments to the Delivery Schedules to capture these new accounts. All cases shall require Contractors to notify both contract user

(continued)

and OGS Procurement Services of any locations not originally on the Delivery Schedules, within thirty (30) days after the first delivery is made.

**NOTE TO AUTHORIZED USERS:**

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

**NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:**

New York State political subdivisions and others authorized by New York State law may participate in Centralized Contracts. These include, but are not limited to, local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See Appendix B, Participation in Centralized Contracts. For Purchase Orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the Price clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish Contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (<https://www.ogs.ny.gov/purchase/snt/othersuse.asp>). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to NYS Procurement Services Customer Services at 518-474-6717.

**EXTENSION OF USE:**

This Contract may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State and the Contractor. Political subdivisions and other authorized entities within each participating state or governmental jurisdiction may also participate in any resultant Contract if such state normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

**ESTIMATED QUANTITIES:**

This Contract is an estimated quantity Contract. The estimated quantities are based on requirements submitted to OGS by Authorized Users to purchase from this Contract. These Authorized Users have agreed not to enter into any other contracts for the Gasoline and E-85 that they filed for during the Contract period, and will purchase all their Gasoline and E-85 requirement needs from awarded contracts. No specific quantities are represented or guaranteed and the State provides no guarantee of individual Authorized User participation. The Contractor must furnish all quantities actually ordered at or below the Contract prices. The individual value of this Contract is indeterminate. OGS makes no

(continued)

guarantee as to how much fuel will actually be ordered and/or delivered. See Section 2.28, Delivery Schedules.

**PRICE:**

Prices quoted shall be billed net per gallon, F.O.B. agency storage tanks. Prices quoted shall include all applicable customs, taxes, including LUST, license and research fees (e.g. NORA), and surcharges.

Pricing for Contract purchases shall be based on the pricing in effect at the time the Authorized User places the order (Prompt Will-call). Authorized Users that are on automatic delivery shall be priced on the day of delivery, unless the Authorized User requests a delivery. The price shall then reflect the day of the order.

Pricing shall reflect the day of delivery for orders placed by the Authorized User that go beyond the guaranteed delivery timeframe of 24 (twenty-four) hours. For example, the Authorized User orders 500 gallons of gasoline on Wednesday, and requests that the delivery be made on the following Tuesday.

It shall be the Contractor's responsibility to satisfy Authorized User requirements by furnishing blended product when called for during the time period indicated in this Contract.

**NOTE:** The State of New York and its political subdivisions are exempt from New York State and local sales taxes and federal excise taxes.

**ORDERING:**

Purchase Orders shall be made in accordance with the terms set forth in Appendix B, Purchase Orders. Authorized Users may submit orders over the phone, and, if available, may submit orders electronically via web-based ordering, e-mail, or facsimile at any time. Orders submitted shall be deemed received by Contractor on the date submitted.

All orders shall reference Contract number, requisition, and/or Purchase Order number (if applicable). Upon Contractor's receipt of an order, confirmation is to be provided to the Authorized User electronically or via facsimile. Order confirmation should be sufficiently detailed, and include, at a minimum, purchase price, date of order, delivery information (if applicable), Authorized User name, and sales representative (if applicable).

**MINIMUM ORDER:**

Minimum delivery shall be 500 gallons to each tank at each delivery location (site) as determined by the Delivery Schedule. Minimum order for Motor Transport deliveries shall be 5,500 gallons. Deliveries under 500 gallons are at the Contractor's option, except for tank top-offs for testing.

All deliveries requested by an Authorized User of less than the minimum order size, including tank top-offs for tank testing, shall qualify for contract pricing. In addition, the following tiered schedule of surcharges may be utilized by the Contractor (except for automatic replenishment):

Determination for total gross tank capacity shall include all manifold tanks. All locations granted a request from the Contractor for "automatic replenishment", per the *Automatic Replenishment* clause of this Contract, shall be exempt from minimum order requirements, including other factors out of the control of Authorized Users (e.g., short filling, mechanical issues, inadequate fuel supply). In no case shall a surcharge be applied to a location while on "automatic replenishment".

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Tank Capacity (in gallons)	Amount Delivered (in gallons)	Optional Surcharge
1000 or more	Under 500 to 250	\$50.00
	Under 250	\$75.00
Less than 1000	Under 500 to 250	\$25.00
	Under 250	\$50.00

Upon written direction by OGS, an Authorized User shall have one (1) delivery per tank per contract year for tank top-off testing that is exempt from any minimum order surcharge.

If delivering to same property, but to separate tanks, minimum delivery charge will only be applicable if total delivery to property is less than minimum order size.

### **PURCHASING CARD ORDERS**

If the Contractor accepts orders using the State's Purchasing Card (see Appendix B, Purchasing Card), also referred to as the Procurement Card, the Contractor shall not charge or bill the Authorized User for any additional charges related to the use of the Purchasing Card, including but not limited to processing charges, surcharges or other fees.

### **INVOICING AND PAYMENT:**

Invoicing and payment shall be made in accordance with the terms set forth in Appendix B, *Contract Invoicing*. The Contractor is required to provide the Authorized User with one invoice for each Purchase Order at the time of delivery. The invoice must include detailed line item information to allow Authorized Users to verify that pricing at point of receipt matches the Contract price on the original date of order. At a minimum, the following fields must be included on each invoice:

- Contractor Name
- Contractor Billing Address
- Contractor Federal ID Number
- NYS Vendor ID Number
- Account Number
- NYS Contract Number
- Name of Authorized User indicated on the Purchase Order
- NYS Agency Unit ID (if applicable)
- Customer Delivery Location ID number as shown on Delivery Schedule (if applicable)
- Authorized User's Purchase Order Number
- Order Date
- Invoice Date
- Invoice Number
- Invoice Amount
- Product Descriptions
- Unit Price
- Quantity
- Unit of Measure
- Dates of Service/Delivery (if applicable)

Cost centers or branch offices within an Authorized User may require separate invoicing as specified by each Authorized User. The Contractor's billing system shall be flexible enough to meet the needs of varying ordering systems in use by different Authorized Users. Visit the following link for further guidance for vendors on invoicing: <https://bsc.ogs.ny.gov/content/vendor-information>.

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**SHIPPING CHARGES:**

Prices for all Items include all customs duties and charges for delivery, and are net FOB destination for delivery to any location designated by the Authorized User within a given County in New York State. In addition, upon mutual agreement, delivery locations may be expanded per the *Extension of Use* clause.

**PRODUCT DELIVERY:**

Delivery of all Contract Products shall be made in accordance with Appendix B, *Product Delivery and Shipping/Receipt of Product*. Delivery shall be made as specified and in accordance with instructions furnished with each order, unless otherwise directed in writing. Contractor must be prepared, at all times, to make prompt delivery. Every bid states what the maximum time a delivery will take from the moment of order, but the time shall never exceed 24 hours. In State declared emergencies, fuel must be delivered within eight (8) to twelve (12) hours of notification. Should there be a State declared emergency, an after-hours or weekend emergency, or should an agency run out of fuel at any time creating an emergency situation, the Contractor shall be required to provide product within eight (8) to twelve (12) hours of a telephone call from the agency.

Delivery shall be made in accordance with instructions on the Purchase Order from each Authorized User. If there is a discrepancy between the Purchase Order and what is listed on the Contract, it is the Contractor's obligation to seek clarification from the ordering Authorized User and, if applicable, from OGS, Procurement Services. On occasion, to prevent fuel run outs during storms or other emergency situations, the Contractor must allow Authorized Users the flexibility to manually schedule deliveries to top-off tank inventories. Normal deliveries are considered to take place Monday through Friday (8:00 am - 5:00 pm). Saturday/Sunday deliveries are not standard and are to be made on an emergency basis (and not a regular basis) ONLY, or if a run out is imminent before the next normal delivery day. Delivery of fuel should give first priority to "Human Needs Customers."

Failure to make prompt delivery may result in an Authorized User's submission of a Contract Performance Report to OGS. In addition to any available remedies per Appendix B, Section 48 Remedies for Breach, (a), (d) and (e), the Authorized User shall have the right to purchase sufficient Gasoline and E-85 on the open market to fill such tank or tanks and to charge any increase in price paid over the current contract price to the account of the Contractor

Authorized Users shall be responsible for insuring that tanks are accessible to the Contractor. Authorized Users should also make certain that receiving personnel are available at time of delivery. Failure of the Authorized User to make appropriate delivery arrangements, which prevents the delivery of product upon Contractor's arrival at delivery site, may result in a charge to the Authorized User for the Contractor's transportation costs. The Contractor must notify the Authorized User of the attempted delivery prior to charging for any future delivery attempts for the same circumstance. The Contractor must state the amount that would be charged for the direct cost of this subsequent delivery attempt, and provide supporting documentation that substantiates the direct cost for the failed delivery at the fault of the Authorized User. The Authorized User must agree in writing to any such costs for subsequent delivery attempts, prior to the Contractor making the subsequent delivery. At no time should a charge be applied to an Authorized User for an attempted delivery that failed at no fault of their own.

**AUTOMATIC REPLENISHMENT:**

Requests for automatic replenishment are preferred in WRITING from an Authorized User, and may be required by the Contractor. Subsequent WRITTEN notification back from the Contractor, will establish automatic replenishment for tanks equal to or larger than 1,000 gallons.

Automatic replenishment for tank capacities less than 1,000 gallons will be at the Contractor's option. If an Authorized User has not received written notification for automatic replenishment from the Contractor, a minimum order charge may apply (see Minimum Order).

Determination for total gross tank capacity shall include all manifolded tanks.

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If the Contractor, after having accepted the request from an Authorized User and provided written notification back to the Authorized User for automatic replenishment, permits the level of the fuel to fall below the percentages of the total capacity of the purchaser's tank or tanks indicated in the following table, the purchaser shall have the right to purchase sufficient fuel on the open market to fill such tank or tanks and to charge any increase in price paid over the current contract price to the account of the Contractor.

MINIMUM LEVEL	TOTAL - TANK CAPACITY/GALS
10%	Under 5500
15%	5,500 and over

The minimum order size of 500 gallons stipulated in Section MINIMUM ORDER shall not apply to deliveries being made to Authorized Users on an automatic delivery schedule as the Contractor controls the frequency, delivery dates, and quantities of the deliveries being made.

#### **METHOD OF DELIVERY**

**TW:** Delivery by tank wagon into storage tanks of less than 5,500 gallons

**MT:** Minimum delivery of 5,500 gallons to one or more tanks from one fixed location of the delivery vehicle. All such deliveries shall first be recorded directly into the transporting vehicle.

#### **DELIVERY SCHEDULES:**

The delivery schedules, based on Authorized Users' requirements submitted to Procurement Services by Requirement Letter RL205, are available as a guide to indicate proposed delivery points and estimated annual quantities. Delivery schedules may be revised or clarified as necessary. This information is available to clarify delivery conditions, where possible. Any specific questions regarding the site conditions should be directed to the end-user via any communication available, as shown on the Delivery Schedule. The delivery schedules are available on the OGS website.

Contractors shall be obligated to deliver under the resulting contract to any State Agency which places a purchase order under this Contract, whether or not such delivery location is identified in the delivery schedules. Any political subdivision or other non-State entity which has not filed a requirement with OGS as of the date of the bid opening for this award, shall be eligible to receive deliveries and/or be added to the Delivery Schedule at Contractor's option. This will be done upon placement of a valid purchase order (or other ordering mechanism between the Contractor and the ordering entity) to the Contractor's address as indicated in the award. Contractors must notify OGS of any new business created from Authorized Users' requests for delivery so that OGS Procurement Services can make adjustments to the delivery schedules to capture these new accounts. All cases shall require Contractors to notify both Contract user and OGS of any locations not identified on the Delivery Schedules within thirty (30) days after the first delivery is made. See Section New Accounts.

At any time during the Contract term, Contractor may be advised in writing by OGS regarding political subdivisions or other Non-State entities which have filed on a timely basis but do not appear, through no fault of their own, on the delivery schedules.

Filed requirements and delivery schedules may be updated by OGS for any mutually agreed upon extension.

NOTE: On occasion, entities may appear on the wrong delivery schedule as entities self-report. For example, a non-State entity may appear on the Agency schedule on occasion or vice versa. OGS does review and seek clarification of information on the delivery schedules, but does not catch all errors.

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**FILL AND VENT REQUIREMENTS:**

Authorized Users must ensure that fill and vent equipment adequately meet NYS Standards. Contractors have the responsibility of reporting faulty equipment to the end users and the appropriate NYS regulatory agencies.

Authorized Users should also refer to CL-804, dated July 7, 2014, as they are responsible for the implementation of monitoring programs to insure compliance by supplier with these specification requirements.

**PETROLEUM TRANSFER REQUIREMENTS:**

Contractor's delivery trucks SHALL BE EQUIPPED WITH METERS, with the exception of motor transports, to accurately measure quantities delivered. Metered deliveries must be accompanied by a delivery ticket showing brand or grade and number of gallons delivered.

**PRODUCT RETURN AND EXCHANGES:**

In addition to the provisions of Appendix B, Sections 34 through 36, *Title and Risk of Loss, Product Substitution, and Rejected Product*, Products returned or exchanged due to quality problems, duplicated shipments, outdated Product, incorrect Product shipped, Contractor errors otherwise not specified, or Products returned or exchanged due to Authorized User errors, shall be replaced with specified Products or the Authorized User shall be credited or refunded for the full purchase price.

Products shall be replaced within ten (10) business days of written notification to the Contractor of the Authorized User's intent to return or exchange the Product. Contractor can charge only a restocking fee for Product returned or exchanged due to Authorized User error that is determined not to be suitable for resale; the restocking fee cannot exceed the net price of the returned or exchanged Product.

Any credit or refund shall be applied against the next bill/invoice submitted by the Contractor to the Authorized User. If no credit or refund, or only a partial credit or refund, is made in such fashion, the Contractor shall pay to the Authorized User the amount of such credit or refund or portion thereof still outstanding, within 30 calendar days of demand.

**GUARANTEE:**

The Contractor guarantees to furnish adequate protection from damage to Authorized User's buildings, grounds and/or equipment occurring on account of or in connection with, or occasioned by, or resulting from the furnishing and delivering of fuel under the Contract and shall be liable for any damages for which he or his employees are responsible.

This liability includes but is not limited to oil spills occurring during delivery. The Contractor shall provide constant surveillance during delivery by having a person in attendance at all times at the point of transfer. Oil spills of any size shall be immediately reported to the agency Business Office to effect contact with a representative of the Department of Environmental Conservation. More information can be viewed at: <http://www.dec.ny.gov/chemical/8428.html>

A call can be placed twenty-four hours a day with the New York State Spill Hotline at 1-800-457-7362.

**ENGINEERING SERVICE:**

Contractor must be prepared at all times to furnish engineering service when so requested and/or to investigate a complaint and report to the Authorized User and OGS on any complaint that might arise in connection with the use of Contractor's Fuel in State equipment. This engineering service will include but not be limited to the diagnosis of fuel related engine problems in the Authorized User's equipment utilizing the Contractor's fuel.

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**POOR PERFORMANCE:**

Authorized Users should notify Procurement Services promptly if the Contractor fails to meet the requirements of this Contract. Performance which does not comply with requirements or is otherwise unsatisfactory to the Authorized User should also be reported to Procurement Services.

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**State of New York  
Office of General Services  
PROCUREMENT SERVICES  
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

**Contract No.:** \_\_\_\_\_ **Contractor:** \_\_\_\_\_

**Describe Product\* Provided (Include Item No., if available):** \_\_\_\_\_

**\*Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

**CONTRACTOR**

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (over)

Agency: \_\_\_\_\_ Prepared by: \_\_\_\_\_

Address: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ E-mail: \_\_\_\_\_

**Please return this form via e-mail to [OGS.sm.ps\\_CM\\_FleetFuelRoads@ogs.ny.gov](mailto:OGS.sm.ps_CM_FleetFuelRoads@ogs.ny.gov) or mail to:**

Attn: Bryant Kirk  
NYS Office of General Services, Procurement Services  
Corning Tower, 38<sup>th</sup> Floor  
Empire State Plaza  
Albany, New York 12242  
\* \* \* \* \*

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