

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

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 26th day of August 2020 at 7:03 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schanil, Councilman Barile, Councilman Lombardi, Councilwoman McDonough and Supervisor Schmitt.

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

Supervisor Schmitt announced that the Town Board met in Executive Session at 6:00 p.m. in regard to a matter of litigation in connection with Homeland Towers.

MINUTES OF TOWN BOARD MEETING HELD ON 7/22/2020 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meeting held on July 22nd, 2020 were accepted as submitted by the Town Clerk.

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

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

Resolution

Offered by: Councilman Schanil
Seconded by: Councilman Barile, Councilman Lombardi,
Councilwoman McDonough and Supervisor Schmitt

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

Supervisor Schmitt spoke regarding Kevin Anderson’s dedicated service with the Carmel Police Department and administered a ceremonial oath of office. The members of the Town Board congratulated Detective Anderson on his promotion.

NEW YORK STATE ARCHIVES AND RECORDS ADMINISTRATION RECORD RETENTION AND DISPOSITION SCHEDULE (LGS-01) - ADOPTED

RESOLVED, that the Town Board of the Town of Carmel, upon the recommendation of Town Clerk Ann Spofford, hereby acknowledges and adopts the Retention and Disposition Schedule of New York Local Government Records (LGS–01) as provided by the New York State Archives and Records Administration, effective January 1, 2021.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

(Cont.)

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

TOWN OF CARMEL PROCUREMENT POLICY - ADOPTED

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, in conformance with the Corrective Action Plan prepared in response to the April 2020 NYS Office of State Comptroller Audit Report of Examination (Procurement 2019M-179) has reviewed the existing Procurement Policy with the Office of the Town Comptroller and Town Counsel; and

WHEREAS after such review, the Town Board deems that certain revisions and clarifications are both advisable and necessary at this time,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby adopts the Procurement Policy which is attached hereto and made a part hereof and designates the Town Comptroller's Office to distribute the policy to all department heads as well as to distribute to the New York State Comptroller's Office; 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: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

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



**PROCUREMENT POLICY
AND
PROCEDURES**

(Cont.)

RESOLUTION FOR REVIEW AND ADOPTION
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, in conformance with the Corrective Action Plan prepared in response to the April 2020 NYS Office of State Comptroller Audit Report of Examination (Procurement 2019M-179) has reviewed the existing Procurement Policy with the Office of the Town Comptroller and Town Counsel; and

WHEREAS after such review, the Town Board deems that certain revisions and clarifications are both advisable and necessary at this time,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby adopts the Procurement Policy which is attached hereto and made a part hereof and designates the Town Comptroller's Office to distribute the policy to all department heads as well as to distribute to the New York State Comptroller's Office; 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: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

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I, Alice Daly, Deputy Town Clerk of the Town of Carmel, Putnam County, New York, do hereby certify that the foregoing resolution is a true and exact copy of the original on file in my office which was adopted by the Town Board of said Town at a duly called and held meeting on the 26th day of August, 2020; and of the whole thereof.

August 27, 2020
Dated

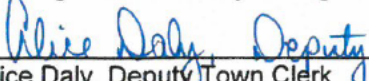

Alice Daly, Deputy Town Clerk

TABLE OF CONTENTS

SECTION I. PROCUREMENT POLICY OBJECTIVES4

SECTION II. CATEGORIES OF PROCUREMENTS/PURCHASING5

PURCHASING & PUBLIC WORKS PRICE CHARTS6

PURCHASE CONTRACTS FLOWCHART8

(Cont.)

PUBLIC WORKS CONTRACTS FLOWCHART9
SECTION III. SOLE SOURCE10
SECTION IV. EMERGENCIES11
SECTION V. PROFESSIONAL SERVICES12
PROFESSIONAL SERVICES FLOWCHART14
SECTION VI. PIGGYBACKING15
SECTION VII. THE PURCHASING PROCESS16
SECTION VIII. RESPONSIBLE PURCHASING AGENTS17
EXHIBIT “A” SOLE SOURCE JUSTIFICATION FORM18
EXHIBIT “B” EMERGENCY JUSTIFICATION FORM19
EXHIBIT “C” VERBAL QUOTES FORM20

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

(Cont.)

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
Purchase and Public Works Contracts:			
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
Procurement Exempt from GML §103 and §104-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
Procurement Exempt from GML §103 and 104b			
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

(Cont.)

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**

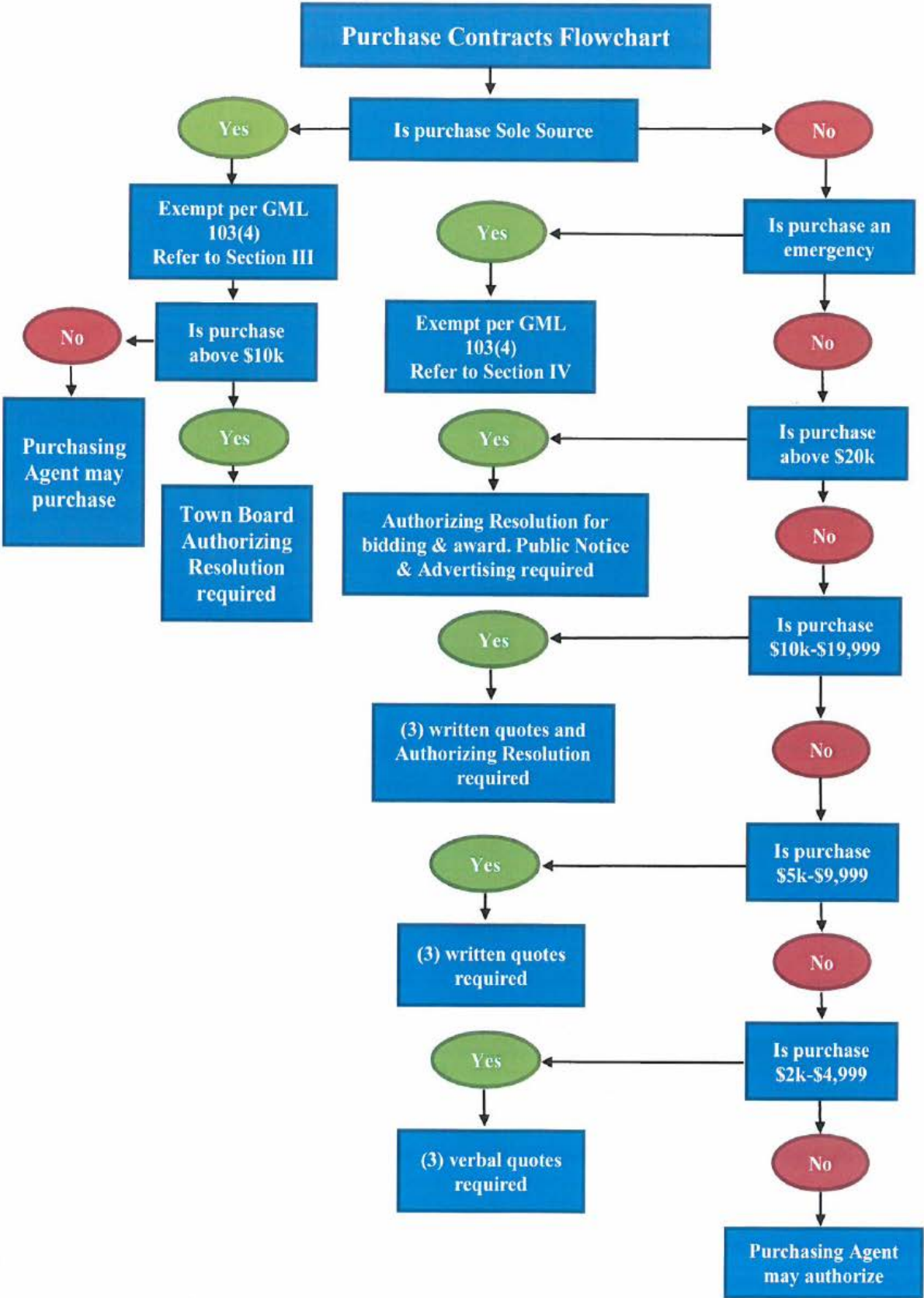
METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS
EXEMPT FROM GML103

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.

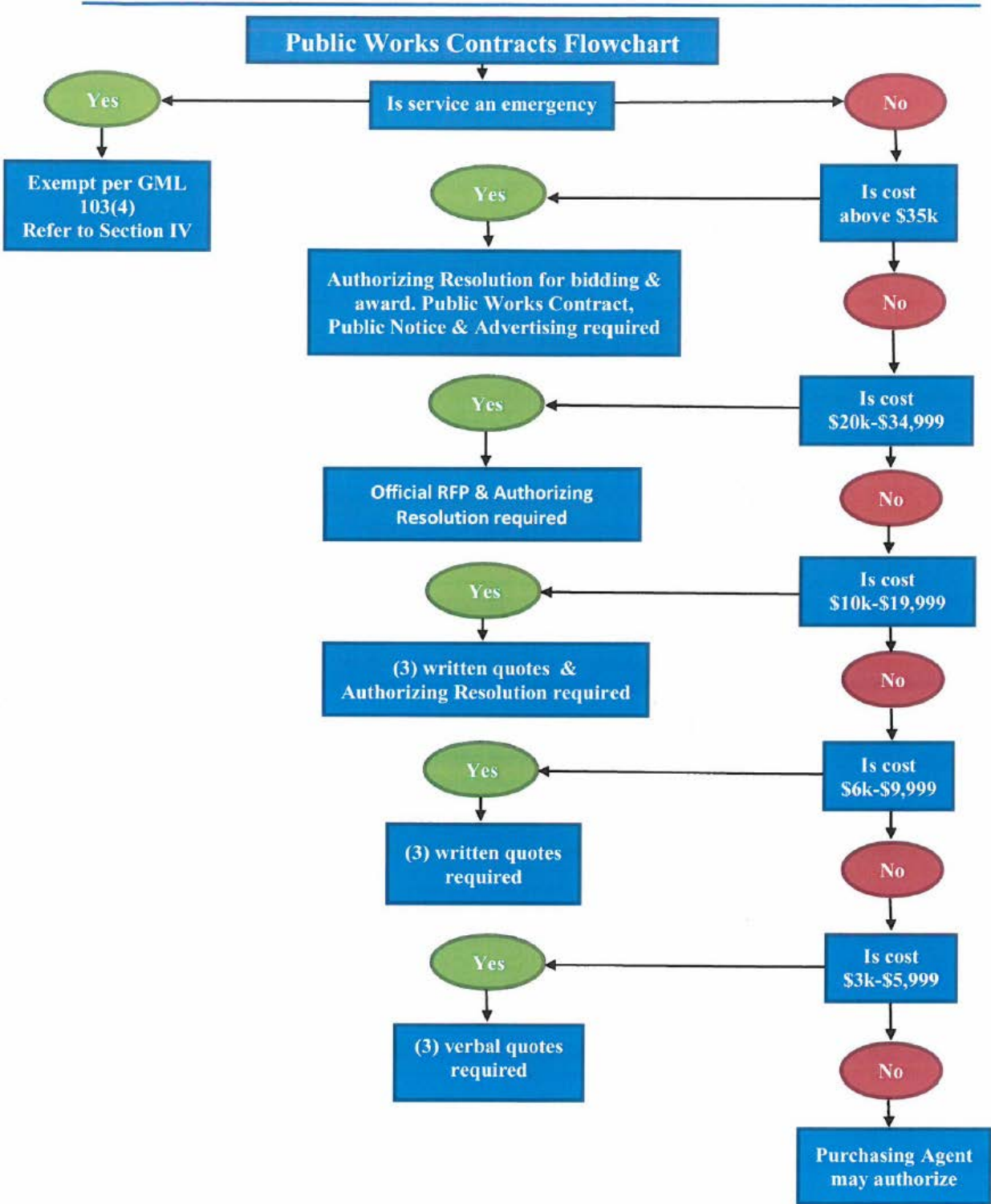
TYPE AND AMOUNT OF PROCUREMENT	VERBAL QUOTES		WRITTEN QUOTES	WRITTEN QUOTES 3 AUTHORIZING RESOLUTION REQUIRED	OFFICIAL RFPS	EXEMPT PER GML
	0	3				
Purchase Contracts Below \$20,000						
Under 1,999	X					
2,000-4,999		X				
5,000-9,999			X			
10,000 – 19,999				X		
Public Work Contracts Below \$35,000						
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

(Cont.)



(Cont.)



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.

(Cont.)

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.

Page 10 of 20

TOWN OF CARMEL
Procurement Policy

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

(Cont.)

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

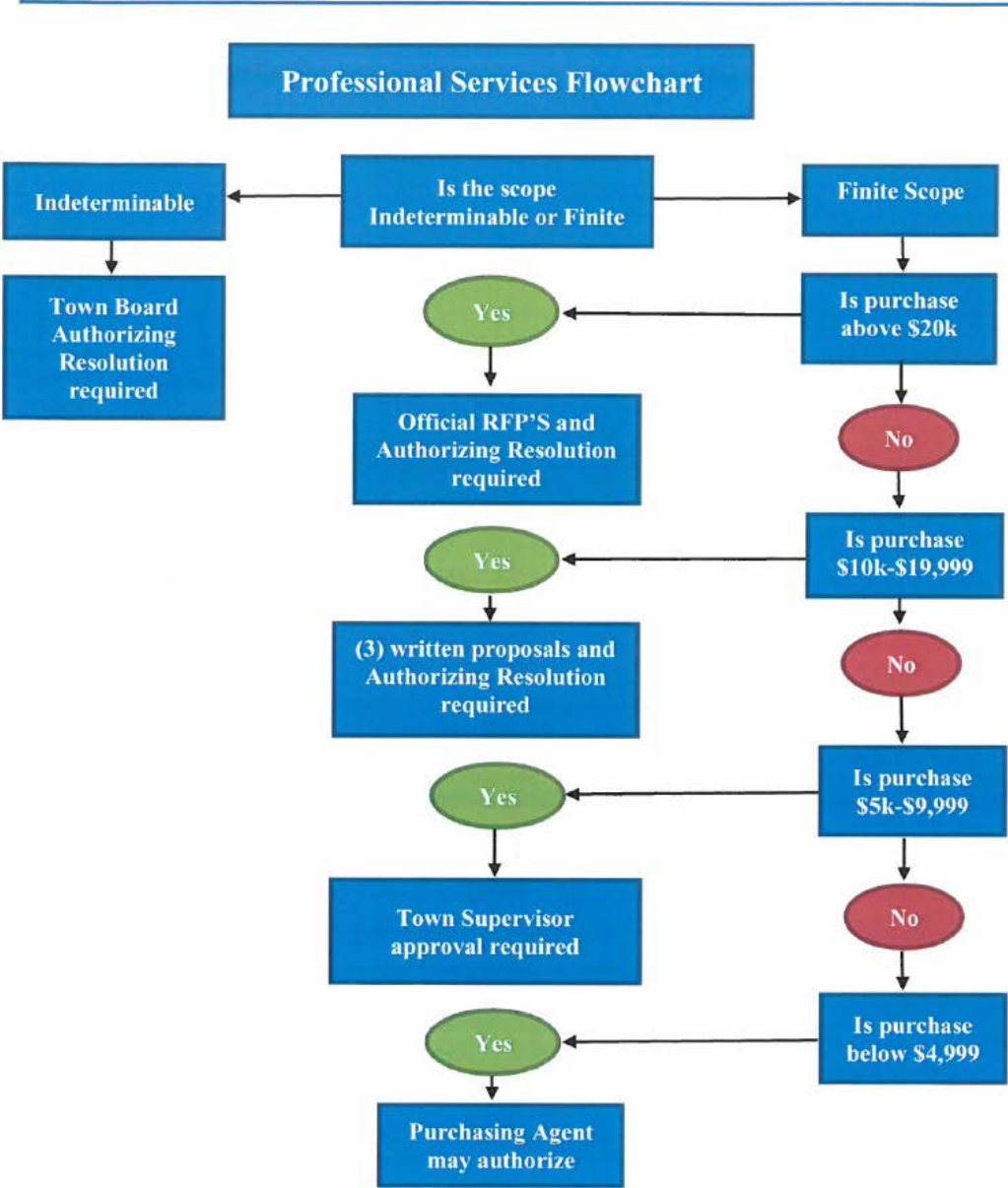
INDETERMINABLE

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.

(Cont.)



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).

(Cont.)

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.

Page 15 of 20

TOWN OF CARMEL
Procurement Policy

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.

(Cont.)

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:

<u>Position Title</u>	<u>Position Incumbent</u>
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
Interim Commanding Officer	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.

(Cont.)

EXHIBIT "A"
Sole Source Justification Form
Town of Carmel Procurement Policy

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.

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

(Cont.)

Procurement Policy, Section VI: Emergency Procurement

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

Department: _____

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: _____

EXHIBIT "C"

Verbal Quotes Form

Town of Carmel Procurement Policy

Purchase Contracts \$2,000-\$4,999 ~ Public Work Contracts \$3,000-\$5,999

Date: _____

Department: _____

Quotes received by: _____

(Cont.)

Vendor:	1.		2.		3.	
Telephone Number:						
Contact Person's Name:						
Description	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

HIGHWAY DEPARTMENT EMPLOYEES - DONATION OF SICK TIME AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel approves the donation of eighty (80) hours of sick leave accruals from Employee No. 1699 to Employee No. 2791.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lombardi

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

PUBLIC HEARING SCHEDULED FOR 9/23/2020 - PROPOSED LOCAL LAW AMENDING CHAPTER 147 OF THE CODE OF THE TOWN OF CARMEL ENTITLED “VEHICLES AND TRAFFIC” BY AMENDING CERTAIN SCHEDULES THEREIN - MUD POND ROAD AND ROCKLEDGE PLACE

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, September 23, 2020 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 147 of the Code of the Town of Carmel entitled “Vehicles and Traffic” by amending certain Schedules therein; and

26 AUGUST 2020
TOWN BOARD MEETING

(Cont.)

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

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

PROPOSED LOCAL LAW # ____ OF THE YEAR 2020
A LOCAL LAW AMENDING CHAPTER 147 OF THE TOWN CODE
OF THE TOWN OF CARMEL, ENTITLED “VEHICLES AND TRAFFIC”

SECTION 1.

This Local Law shall be known as 2020 Amendments to Chapter 147 entitled “Vehicles and Traffic”.

SECTION 2.

Chapter 147 of the Town Code of the Town of Carmel, §147-54, Schedule XIII: PARKING PROHIBITED CERTAIN HOURS is hereby amended to add the following to the existing provision of said section:

In accordance with the provision of §147-22, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
Mud Pond Road	West Side	All Times	Entire Length

SECTION 3.

Chapter 147 of the Town Code of the Town of Carmel, §147-39, Schedule II: ONE-WAY STREET(S) is hereby amended to add the following to the existing provision of said section:

Name of Street	Direction of Travel Limits	
Rockledge Place	South/Southeast	One-way travel between Sycamore Terrace and West Lake Boulevard

SECTION 4. HOME RULE

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

SECTION 5. SEVERABILITY

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

(Cont.)

SECTION 6. EFFECTIVE DATE

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

ADDITIONS AND DELETIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Volodymyr Karpa
Joseph P. Nikisher
Ryan Kick

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes the deletion of the following names to the active list of the Mahopac Volunteer Fire Department:

Ashlee Belkevich
Robert Lewis

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

Supervisor Schmitt expressed his appreciation to the new members of the Mahopac Volunteer Fire Department as well as to the individuals who had previously served.

PROPOSALS ACCEPTED PURSUANT TO PROPERTY MAINTENANCE LAW - 105 LONGDALE ROAD (TM #65.14-1-24) - NOT TO EXCEED \$400.00 AND 112 WIXON POND ROAD (TM #65.5-1-51) - NOT TO EXCEED \$1,650.00

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Codes Enforcement Michael Carnazza, hereby accepts the proposal of Certified Contracting Services, Inc., Mahopac, New York for proposals for the cleanup and correction of Town Code violations existing for the property located at 105 Longdale Road (Town of Carmel Tax Map No. 65.14-1-24) in an amount not to exceed \$400.00 in accordance with the proposal dated July 2, 2020; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Director of Codes Enforcement Michael Carnazza, hereby accepts the proposal of Certified Contracting Services, Inc., Mahopac, New York for proposals for the cleanup and correction of Town Code violations existing for the property located at 112 Wixon Pond Road (Town of Carmel Tax Map No. 65.5-1-51) in an amount not to exceed \$1,650.00 in accordance with the proposal dated July 2, 2020.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

(Cont.)

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

Prior to the roll call vote, Councilwoman McDonough questioned whether the cost for cleanup of the property located at 105 Longdale Road should have been changed to \$250.00.

Supervisor Schmitt confirmed the correct amount to be \$400.00 as stated in the resolution.

Legal Counsel Gregory Folchetti added that the resolution authorizes *up to* \$400.00, therefore no change would be necessary regardless.

**DEPARTMENT OF RECREATION AND PARKS - ADVERTISEMENT FOR BIDS
AUTHORIZED - AIRPORT PARK PROPERTY PHASE 3 - SEPTIC SYSTEM
CONTRACT (#C270)**

RESOLVED that, pursuant to the request of Town of Carmel Director of Recreation and Parks James R. Gilchrist, Town Clerk Ann Spofford is hereby authorized to advertise for bids for construction and installation of Septic System Improvements for Airport Park Phase 3 field improvements (#C270); and

BE IT FURTHER RESOLVED that the Director of Recreation and Parks is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Schanil

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

**CARMEL WATER DISTRICT NO. 2 - THE COST OF PLANNING AND PRELIMINARY
EXPENSES IN CONNECTION WITH IMPROVEMENTS IN AND FOR THE TOWN OF
CARMEL AT A MAXIMUM ESTIMATED COST OF \$2,650,000 AUTHORIZED AND
THE ISSUANCE OF UP TO \$2,650,000 BONDS OF SAID TOWN TO PAY THE COST
THEREOF AUTHORIZED**

WHEREAS, all conditions precedent to the financing of the object or purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the regulations provide will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

26 AUGUST 2020
TOWN BOARD MEETING

(Cont.)

Section 1. The cost of planning and preliminary expenses in connection with improvements to Carmel Water District No. 2, in and for the Town of Carmel, Putnam County, New York, including incidental expenses related thereto, is hereby authorized at a maximum estimated cost of \$2,650,000, pursuant to General Municipal Law Section 99-d.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$2,650,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62(2nd) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Councilman Schanil

Seconded by: Councilwoman McDonough

(Cont.)

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

Supervisor Schmitt explained that the funding is being borrowed with regard to improvements and upgrades to the water treatment plant in Carmel Water District #2. The cost for the design and construction management services will only be borne by the taxpayers in Carmel Water District #2.

LAKE MAHOPAC DAM - THE COST OF ENGINEERING ASSESSMENT EXPENSES IN CONNECTION WITH IMPROVEMENTS IN AND FOR THE TOWN OF CARMEL AT A MAXIMUM ESTIMATED COST OF \$100,000 AUTHORIZED AND THE ISSUANCE OF UP TO \$100,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF AUTHORIZED

WHEREAS, all conditions precedent to the financing of the object or purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the regulations provide will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. The cost of engineering assessment expenses in connection with improvements to the Lake Mahopac Dam, in and for the Town of Carmel, Putnam County, New York, including incidental expenses related thereto, is hereby authorized at a maximum estimated cost of \$100,000, pursuant to General Municipal Law Section 99-d.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$100,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62(2nd) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

(Cont.)

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

RESOLUTION TO DEFUND THE POSITION OF DEPUTY HIGHWAY SUPERINTENDENT - TABLED

BE IT RESOLVED, that the position of deputy highway superintendent is hereby defunded in the Town of Carmel Highway Department.

MOTION TO TABLE

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

**26 AUGUST 2020
TOWN BOARD MEETING**

(Cont.)

Councilman Barile addressed an incident that occurred involving a Town of Carmel Highway Department employee at an ice and water distribution following a recent severe weather event and described how the employee spoke disrespectfully to him. Councilman Barile then offered a motion to defund that employee's position in the Highway Department.

At the conclusion of a brief discussion held regarding the matter, Councilman Lombardi offered a motion to table the resolution to allow for further discussion. The motion was seconded by Councilwoman McDonough and unanimously approved.

PUBLIC COMMENTS - AGENDA ITEMS

John Butler, Carmel Water District #2 resident, confirmed that the aforementioned borrowing authorization applies only to the design and construction management services for the water treatment plant. He then inquired what the total estimated cost for the water treatment plant will be.

Legal Counsel Gregory Folchetti indicated that Hazen & Sawyer Engineers, retained by the Town Board in connection with the project, estimate the overall construction costs including land acquisition to be \$16 million.

Mr. Butler expressed his concerns about the costs to the taxpayers in the district for a new water treatment plant, repairs to the water distribution system and water tank improvements. He asked if the residents could be provided with a timeline as to when the projects will be completed and if a section of the Town's website could be devoted to the Carmel Water District #2 projects.

Councilman Lombardi pointed out that an engineering presentation with regard to Carmel Water District #2 was made at a recent meeting. He agreed that having a separate section on the website to provide the information was a very good idea. Discussion followed.

PUBLIC COMMENTS - OPEN FORUM

Supervisor Schmitt acknowledged the residents in attendance from the Walton Drive community and acknowledged their concerns made at the Town Board's August 12th meeting regarding the proposed cell tower in Maple Hill Estates. He assured them that the Town Board and Legal Counsel are doing everything possible to mitigate the impacts of a tower at that site and are in discussions with the attorney for Homeland Towers with respect to relocating the tower to another location on that site.

Area residents once again spoke out against the proposed tower. Jessica Gondolfo, Patrick Coleman, Jennifer McCormick, Gerard Hanrahan, Annette Romito, Joseph Armisto, Robert Buckley, Rob Cavallaro, Linda Shaw, and Jean Hopper posed questions and commented on the issue.

At the conclusion of the discussion held, Supervisor Schmitt agreed to communicate with the community by providing updates by email to Rob Cavallaro, Jessica Gondolfo and Jennifer McCormack.

Robert Buckley referenced the chief of police vacancy in the Town of Carmel Police Department and shared feedback he obtained on his Facebook site from residents with regard to whether they would prefer that a promotion be made from within or filled with an individual from outside of the department. Mr. Buckley stated that overwhelmingly the respondents favored promoting from within and he went on to speak in favor of doing so.

26 AUGUST 2020
TOWN BOARD MEETING

(Cont.)

Councilman Barile questioned Mr. Buckley as to whether or not he felt that the Town Board should at least interview candidates from outside of the Town of Carmel Police Department for the position and held discussion with him regarding the matter.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all Town Board members present and in agreement, the meeting was adjourned at 9:03 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk