

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

FRANK D. LOMBARDI
Town Councilman
Deputy Supervisor

60 McAlpin Avenue
Mahopac, New York 10541

KATHLEEN KRAUS
Receiver of Taxes

JOHN D. LUPINACCI
Town Councilman
SUZANNE MC DONOUGH
Town Councilwoman
JONATHAN SCHNEIDER
Town Councilman

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

TOWN BOARD WORK SESSION
Wednesday, August 16, 2017 7:00pm

Pledge of Allegiance – Moment of Silence

Town Board Work Session:

- Review Town Board Minutes July 19, and August 9, 2017
- 1. Carmel Volunteer Ambulance Corp – Consider Authorizing Renewal of Contract
- 2. Glenn Droese, Town Assessor – Consider Request to attend NYS ORPS approved Agriculture Assessment workshop on 9/12/2017 at the Dutchess County Farm and Home Center, Route 44, Millbrook, NY (No Charge for Seminar)
- 3. Town Justice, Joseph Spofford, Justice Court – Consider Request to Attend Conference NYS Magistrates Association October 15th – 18th, 2017 Verona, NY (NYS Picks Up Portion of Cost)
- 4. Michael Simone, Highway Superintendent – Consider Request to Advertise for Bids for Winter Mix, Sand and Guide Rails
- 5. Supervisor Kenneth Schmitt – Consider Request to Declare Old Town Vehicles Obsolete and Authorize Disposal
- 6. Letter from Commissioner Anthony Sutton, Putnam County Bureau of Emergency Services – Consider Request to Extend Benefit Coverage to Certain Members of the MFVFD, CFDistrict and CFDepartment who are part of the Putnam County Technical Rescue Team
- 7. Richard Franzetti, PE, Town Engineer – Consider Request to Advertise for Bids for the water main lining – CWD#2
- 8. Mary Ann Maxwell, Town Comptroller – Consider Year End 2016 LOSAP (Length of Service Award Program) Annual Reports for Carmel Fire Protection Districts #s 1 and 2 and Carmel Volunteer Ambulance Corp
- 9. Mary Ann Maxwell, Town Comptroller – Six Month Review of LOSAP Investments with Glens Falls National Bank for Carmel Fire Protection District #1 and #2
- 10. Pat Cleary, Planning Consultant – Consider Proposed Ordinance Regarding Wireless Telecommunication Equipment Pat Cleary, Planning Consultant – Consider Proposed Ordinance Regarding Wireless Telecommunication Equipment

- **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 per Speaker for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

CONTRACT FOR AMBULANCE SERVICE

THIS AGREEMENT, made this _____ day of _____, 2017 between the TOWN OF CARMEL, a municipal corporation organized and existing under the laws of the State of New York with offices at Town Hall, 60 McAlpin Avenue, Mahopac, New York ("Town") and the CARMEL VOLUNTEER AMBULANCE CORPORATION, a not-for-profit corporation organized and existing under the laws of the State of New York with a mailing address of P.O. Box 508, 6 Garrett Place, Carmel, New York 10512 ("CVAC"),

WHEREAS, the Town is desirous of entering into an Agreement for providing emergency ambulance service to the residents of the Town of Carmel Ambulance District #1, as such coverage area is indicated on the attached map, described including Basic Life Support Service ("BLS Service") and Advanced Life Support Intercept Service ("ALS Service") pursuant to the provisions of Town Law § 198 and General Municipal Law § 122-b; and

WHEREAS, CVAC is desirous of furnishing emergency ambulance service, including BLS to the Town for a one (1) year period under the terms and conditions set forth herein; and

WHEREAS, CVAC holds an ambulance service certificate permitting CVAC to receive patients in the Carmel Ambulance District; and

NOW THEREFORE, in consideration of the mutual promises herein contained, the Town does engage CVAC to furnish emergency ambulance service, including BLS transport services to Carmel Ambulance District #1 and CVAC agrees to furnish such services, commencing the day of 1st January, 2017, in the following manner, to which:

ARTICLE 1. SERVICE TO BE PROVIDED

- A. CVAC agrees to furnish 24-hour ambulance service and emergency medical service (EMS), including BLS Service in Carmel Ambulance District #1 ("CAD#1"). Such services shall be in accordance with the State's BLS Protocols and any applicable policies of the local REMSCO/REMAC.
- B. When notified by telephone or in any other manner of the need for this service within CAD #1, CVAC, its agents and/or contractors, will respond and attend upon the emergency without delay to administer emergency medical treatment, including Basic Life Support treatment and the transportation as needed of any sick or injured person within CAD #1 to the closest appropriate hospital. This provision shall not be construed to limit the Primary Operating Territory, as specified in the Ambulance Service Certificate, or otherwise limit operations pursuant to a mutual aid agreement, in response to a disaster management situation or pursuant to temporary approval by the Department of Health or the Regional Emergency Medical Council.

- C. CVAC agrees to keep in force its Ambulance Service Certificate and to maintain compliance with the applicable requirements of Article 30 of the Public Health Law and the applicable regulations. All ambulances and equipment shall be maintained in accordance with Part 800 as applicable.
- D. CVAC will provide training and continuing education to its membership, including such certification and recertification as may be required by law. Each ambulance shall be staffed with no less than one basic EMT and a driver. Provided however, that CVAC's ambulance may respond with a driver only when a BLS or higher level care provider is already on the scene, or en route to the scene.
- E. Throughout the term of this Agreement and any extensions thereof, CVAC will participate in appropriate County agreements as BLS provider with advanced life support ambulance services capable of intercepting with or responding to scenes at which CVAC is the BLS provider.

ARTICLE 2. TERM

The term of this agreement shall be for one (1) year, commencing the 1st day of January, 2017 and expiring the 31st day of December, 2017.

ARTICLE 3. CONTRACT FEE AND CHARGE TO RESIDENTS

- A. Town agrees to pay CVAC the amount of two hundred, ten thousand (\$210,000) dollars for the provision of ambulance services (hereinafter "Contract Fee"). However, the total fee need not be collected from taxes. The town shall raise one hundred thousand (\$110,000) dollars from taxes, payable no later than May 31 of the contract calendar year. This sum of one hundred thousand (\$100,000) dollars shall be paid from billing revenue only. Should the amount of billing revenue collected during the contract year exceed this \$100,000, the excess billing revenue shall be remitted to the Town. Should there be a shortfall in billing revenue, Town is hereby relieved from the obligation to pay more than the amount of \$110,000 from the tax funds. Nor will CVAC be liable in any way to Town for its failure to raise at least \$100,000 in billing revenue.
- B. Town hereby authorizes CVAC, pursuant to the authority granted under General Municipal Law § 122-b and Town Law § 198(10-f) to impose fees and charges, as set forth in the annexed **Schedule "A"**, for services rendered under the terms of this Agreement. All fees and/or charges billed by CVAC for services rendered under the terms of this Agreement shall be in accordance with the fee schedule.
- C. CVAC shall contract with a billing service on a flat fee, per PCR charge, and not on a

percentage basis. CVAC may choose its own billing service upon this contingency. CVAC shall arrange for the Town to receive monthly reports of the billing income received, including but not limited to: amount billed, amount received, amount outstanding, and the town in which the patient was received. Such fees and charges may be billed directly to the user's insurance carrier, Medicaid and/or Medicare, or other private or governmental insurance programs, as long as such user is also sent a copy of the bill.

- D. CVAC shall ensure that a separate bank account is maintained for the sole purpose of receiving billing funds. All billing funds shall be deposited into such account, including insurance payments, copayments from non-residents and deductible amounts.
 - a. No other funds shall be deposited into such account.
 - b. CVAC may make transfers to its other accounts, but shall not pay expenses directly from this account other than staffing fees, billing fees and costs and expenses incurred with receiving services from or billing on behalf of ALS providers. The billing portion of the contract fees may be transferred from this account to another CVAC account as needed up to the amount of the billing revenue portion of the contract fee. Billing fees may be paid from the Town's portion of the funds and not deducted from the amount owed to the contract fee due to CVAC but staffing fees are credited to the Town as against the amount owed to CVAC from the billing fees.
 - c. As soon as the first \$100,000 is paid to CVAC for purposes of satisfying CVAC's contract fee, the remainder of the funds shall be transferred on no less than a semi-annual basis to the Town in order to permit sufficient funds to remain in the account for the purpose of billing.
 - d. It is understood that CVAC will be required to bill for joint ALS and BLS services for some or all government and/or insurance carriers and that such fees due to the ALS entity will be paid from this account.
- E. CVAC shall provide a quarterly accounting of the funds received from persons served in the boundaries of the contracted area broken down into monthly amounts. The total of the funds collected during the contract year shall offset the amount due from the Town under this Agreement. CVAC shall be responsible for the collection of all such fees and charges, and shall keep proper records and accounts of all monies received. CVAC shall ensure that Town has viewing access to the bank account into which the billing funds are deposited and that CVAC provides monthly bank statements to the Town. Such accounting shall also indicate the amount deducted for billing fees and the amount paid for staffing fees, as well as any amounts transferred to CVAC for its portion of the billing fees.
- F. The Town hereby assumes the obligation of CVAC's patients who are residents of the town

to pay a copayment (but not the deductible). Therefore, residents of the Town need not pay their co-payments, but shall continue to be responsible for their deductibles and other out of pocket expenses imposed by their insurance companies. All non-residents shall pay their copayments. The Town hereby assumes the copayment obligations of the residents and waives the same. The Town and CVAC have made reasonable attempts to calculate the potential copayments and have arrived at this figure as reasonable.

- G. Subject to the approval of the Town, CVAC may contract with an outside entity for the billing and collection of fees and/or charges incurred in connection with this Agreement. Any such contract must provide, at a minimum, requirements for proper record keeping and accounting by the person or entity collecting fees on behalf of the Town of Carmel and CVAC. Town will be entitled to any and all records. Town at a minimum must be provided, no less than every six (6) months, a record of all income, disbursements and outstanding fees in collection or receivable.
- H. Any funds collected in the next contract year shall be applied to that year's contract funds. Should the parties terminate the Agreement, any billing revenues generated by CVAC in the period preceding termination shall be paid to the Town, off set only by a monthly service charge of the ambulance equal to 1/12 of the amount payable under this Agreement.
- I. CVAC shall maintain a Charitable Care Policy and shall make determinations of payment obligations consistent with such policy.
- J. Town is willing to place the unpaid and delinquent fees of a resident upon a resident's tax bill in order to ensure collection.
- K. All CVAC Town related funds shall be maintained in a separate bank account from other monies. CVAC's portion of the billing revenue shall be transferred into such account. The contract fee paid from tax revenues shall be deposited into such account. Assuming there are sufficient funds available, items 1-5 shall be paid from the operating account and items 6-8 shall be paid from the billing account, unless such funds are exhausted.
 - 1. Heat, light and telephone in connection with housing accommodations
 - 2. General maintenance, repairs and supplies for the equipment, vehicle and housing for ambulance and meetings, legal fees, accounting fees and other administrative costs involved in providing services to the public or complying with terms of this Agreement;
 - 3. Replacement of medical supplies and equipment;
 - 4. Liability insurance on CVAC's vehicle(s);
 - 5. Liability, contractual liability, malpractice (EMS Malpractice), workers' compensation, contractual and/or errors and omissions insurance covering all members of CVAC, to the extent such insurance coverages is not already provided by the Town;
 - 6. Costs and expenses incurred with receiving services from or billing on behalf of ALS

providers;

7. Administrative costs associated with the billing, and collection of fees and charges;
8. Costs and fees for employing or contracting with emergency medical technicians for the purpose of staffing CVAC's ambulances.

- L. Nothing herein shall be construed to prevent CVAC from soliciting and accepting donations and from conducting fund-raising activities to assist in defraying its operating and capital expense.

ARTICLE 4. REPORTS/ ACCOUNTING

- A. Each year, CVAC will submit to the Town a report of its ambulance calls including the following information:
 - a. Number of calls to which CVAC was dispatched;
 - b. Number of calls to which CVAC responded;
 - c. Number of transports and number of patient refusals and cancellations (if such a report is available);
 - d. Number of calls to which CVAC was unable to respond;
 - e. Number of calls to which CVAC provided BLS with no ALS assist;
 - f. Number of calls to which CVAC provided BLS with an ALS assist.
- B. CVAC further agrees that it will file by July 1 with the Town Clerk an up-to-date list of all emergency medical technicians, drivers and members of the Board of Directors and officers and other volunteers.
- C. On or before August 30th of each year that this contract and any renewals hereof are in effect, CVAC will file with the Town Comptroller an annual accounting of its activities, which shall include information pertaining to CVAC's billing and collection activities, including all monthly accountings prepared by CVAC's billing and collection contractor. Such annual accounting shall be in such detail as may be required by the Town Comptroller and shall be prepared in accordance with generally recognized accounting principles.
- D. The Annual Accounting shall be reviewed and approved by the Town Comptroller.
- E. CVAC shall comply with all applicable Federal and State laws, statutes, rules and regulations in regard to the preparation and submission of an independent financial audit and shall submit said independent financial report within one hundred eighty (180) days of the close of their fiscal year. CVAC shall submit its Form 990 to the Town within twenty (20) days of the filing thereof with the Internal Revenue Service.

ARTICLE 6. TOWN'S RIGHT TO STOP WORK OR TERMINATE CONTRACT

If CVAC, its officers, members, volunteers, agents and/or contractors, fails or refuse to comply with all applicable laws or ordinances, or otherwise is guilty of a substantial violation of any provision of this contract, including, it shall be considered to be in default of this agreement. In such event, the Town shall immediately notify CVAC, in writing by certified mail, return receipt requested, setting forth with particularity the basis of such default and demand that the same be cured (hereinafter, "Default Notice"). CVAC shall have 60 days from the date of receipt of the Default Notice to cure such default to the complete satisfaction of the Town. In the event CVAC does not satisfactorily cure such default within 60 days, the Town, at its option, may extend the cure period for such time as it deems reasonable and appropriate, or terminate this contract immediately.

ARTICLE 7. INDEPENDENT CONTRACTOR

It is mutually covenanted and agreed that the relation of CVAC to the work to be performed by it under this contract shall be that of an independent contractor. Town shall have no obligation to any CVAC employee for any benefits, compensation, wages or the like.

Town shall be liable for the benefits (and if chosen, insurance) under the Volunteer Ambulance Workers Benefit Law and to continue to pay for LOSAP premiums, if any.

ARTICLE 8. INDEMNITY AND SAVE HARMLESS

CVAC agrees to indemnify and save the Town, its officers, agents and employees harmless from any and all liability imposed upon the Town, its officers, agents and employees arising, directly or indirectly, from the negligence, active or passive, of CVAC whether arising out of the services provided under this Agreement or otherwise.

CVAC shall provide Town with proof of insurance naming the Town as an additional insured with a \$1,000,000/\$3,000,000 limits of liability per act/per occurrence including for personal injury and auto accident coverage. CVAC shall ensure that the Town is notified of any changes, lapses, renewals, cancellations or expirations of the insurance no less than thirty (30) days' prior to the occurrence thereof. Should CVAC not arrange for insurance in a timely manner, Town may obtain such insurance and deduct the same from any monies owed to CVAC in either this or the next contract year.

CVAC shall furnish the Town with Accord Certificates of Insurance or equivalent indicating proof of insurance within fifteen (15) days of the commencement of this Agreement.

ARTICLE 9. NO ASSIGNMENT

In accordance with the provisions of section 109 of the General Municipal Law, CVAC is

hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement, or of its right, title or interest in this agreement, or its power to execute this agreement, to any person or corporation without the previous consent in writing of the Town of Carmel

ARTICLE 10. NOTICES

Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated by either party hereto:

To Town:

Town Supervisor
Town of Carmel Town Hall
60 McAlpin Avenue
Mahopac, New York 10541

To CVAC:

CARMEL VOLUNTEER AMBULANCE CORP.
Attn: Board of Directors
P.O. Box 508
6 Garrett Place
Carmel, New York 10512

ARTICLE 11. WAIVER

No waiver of any breach of any condition of this agreement shall be binding unless in writing and signed by the party waiving such breach. No such waiver shall in any way affect any other term or condition of this agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

ARTICLE 12. MODIFICATION

This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing, signed by a duly authorized representative of each of the parties.

ARTICLE 13. APPLICABLE LAW

This Agreement shall be construed and enforced in accordance with the laws of the State of New York. Any and all disputes and/or legal actions or proceedings arising out of this Agreement shall be venued in Putnam County, New York.

IN WITNESS WHEREOF the Town of Carmel has caused these presents to be signed by Kenneth Schmitt, Supervisor, duly authorized to do so and CVAC has caused these presents to be signed by its President.

TOWN OF CARMEL

By:

Kenneth Schmitt, Town Supervisor

Date: _____

By:

Claire K Forde
President

Date: Aug 7, 2017

Type or Print Name: Claire K. Forde

SCHEDULE A

List of Billing Rates

BLS	Rate
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Mileage	Rate
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**** Incorporated by reference herein are rates from any and all government programs including but not limited to Medicare, Medicaid, CHAMPUS, VA Program Insurance, and the like.**

Work Session Agenda Item #2

From: [Droese, Glenn](#)
To: [Schmitt, Kenneth](#)
Cc: [Pasquerello, Anne](#)
Subject: FW: Ag Assessment Workshop
Date: Monday, July 31, 2017 1:20:48 PM
Attachments: [Agricultural Assessment Workshop.docx](#)

Hi Ken,

I would like permission to attend the attached Agriculture Assessment workshop being held at the Dutchess County Farm and home center on Route 44 in Millbrook NY on Tuesday September 12, 2017 from 10:00 am to 1:00 pm. This is a NYS Office of Real Property approved workshop. There is no charge for attending. Should this be put on a town board work session?

Thanks,

Glenn A. Droese
Assessor
Town of Carmel
60 McAlpin Ave.
Mahopac, NY 10541
Phone: (845) -628-1500

From: Lisa Johnson [mailto:Lisa.Johnson@putnamcountyny.gov]
Sent: Wednesday, July 26, 2017 2:35 PM
To: Droese, Glenn; Assessor; assessors@pattersonny.org; assessor@philipstown.com; Sheryl Luongo; Laurie Bell
Subject: FW: Ag Assessment Workshop

I am going to try to attend. Should be informative.

From: Axelsen, Eric [mailto:eaxelsen@dutchessny.gov]
Sent: Wednesday, July 26, 2017 11:14 AM
To: 'Tom Jackson'; 'Booy, Suzette'; Lisa Johnson; 'Murphy, Mary Beth'; 'McCarey, John'; Ray Ward; 'Homenick, Edward N.'; mathewss@co.rockland.ny.us
Cc: 'Wolham, John (TAX)'; 'Hartnett, Stephen D (TAX)'; Abadsidis, Regina
Subject: Ag Assessment Workshop

Please forward to your assessors:

The Dutchess County Assessor's Association is sponsoring an Ag Assessment Workshop on September 12, 2017, starting at 10:00 AM, running until 1:00 PM..
This has been approved for 3.0 CE credits by ORPTS, and 2.0 CE credits by the IAO.

It will be held at the Dutchess Farm & Home Center, 2715 State Route 44, Millbrook, NY 12545
Just about 1 ½ mile east of the Taconic Parkway.

Speakers are Bob Wright- ORPTS, Bob Somers - NYS Ag & Markets, Brian Scoralick - Dutchess Soil & Water Conservation, Jennifer Fimbel - Dutchess Ag Navigator, Eric Axelsen - DC RPTS.

Coffee and bagels will be provided by DCAA.

There is no fee, but we would ask that you register with DC RPTS by Friday, September 1st, so that we can provide enough nibbles for all.

Please contact Regina Abadsidis to register: Rabadsidis@dutchessny.gov or (845) 486-2140.

Eric Axelsen, IAO, CCD

Director

Dutchess County Real Property Tax Services

22 Market Street

Poughkeepsie, NY 12601

Phone: (845) 486-2140 Fax: (845) 486-2093

email: eaxelsen@dutchessny.gov

www.dutchessny.gov

Agricultural Assessment Workshop

Tuesday, September 12, 2017

10 AM – 12:30 PM

Dutchess County

Course objective: This workshop provides an overview of the Agricultural Assessment Program and activities associated with preparing the RPS file. Assessors will review the requirements for Ag Assessment, and exemptions covered under RPTL Section 483.

I. Introduction 10:00 a.m. – 10:15 a.m.

- Objective
- Credits
- Overview of history of Ag Assessment

Speaker: Robert Somers, NYS DAM and Brian Scoralick, DC SWCD

II. Ag Assessment 10:15 a.m. – 11:15 a.m.

- Recent Changes in Legislation
- How Ag Assessment works
- Eligibility Requirements
- Rented Land Issues
- Proof of Income
- Conversion to Non-Ag Use
- Penalties
- RPSV4

Speaker: Robert Wright, NYS RPT

III. RPTL 483 11:15 a.m. – 11:45 a.m.

- Newly constructed or reconstructed structures.
- Certain limited use Agricultural structures.
- Historic barns
- Temporary Greenhouses
- Farm or food processing labor camps or commissaries.**

Anaerobic Digestion Facilities These two may come out and replaced with something else.

Speaker: Jennifer Fimbel, CCEDC and DC AG Nav

IV. Ag Navigator 11:45 – 12:00 PM

- Introduction of position and to best utilize

V. Wrap-up 12:00 p.m. – 12:30 PM

- Questions
- Contact Information

Speaker: Eric Axelsen, Dutchess RPTS

VI. Practical considerations for Ag Assessment admin in RPS 12:30 – 1:00 PM

- 1) Work methodology
 - a) Valuation
 - b) Data entry
 - c) Update / save data
- 2) Common errors: Neglecting the Big Picture
 - a) Homestead and Split Parcel Errors
 - b) Interaction with other exemptions
 - c) Changing commitment year
 - d) Ag District parcel with Outside District exemption
- 3) Value Changes based on certiorari

From: [Genna, Pat](#)
To: [Pasquerello, Anne](#)
Subject: 2017 conference
Date: Tuesday, August 08, 2017 3:55:08 PM
Attachments: [img08082017_0002.pdf](#)

Anne,

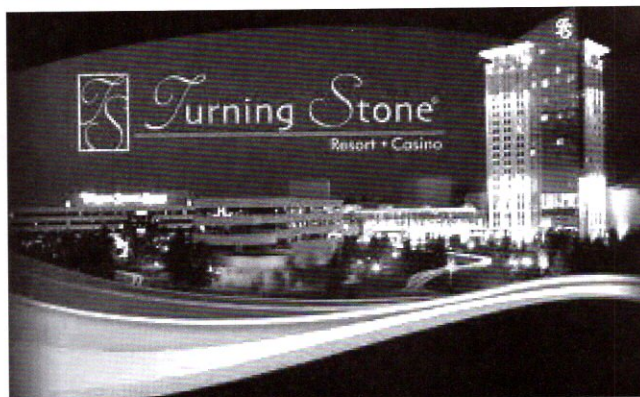
Requesting approval for Judge Spofford to attend the NYSMA 2017 Conference in Verona, NY on October 15 – 18, 2017.

Thank you, Pat



Turning Stone®
RESORT | CASINO

5218 Patrick Road
Verona, NY 1347



RESERVATION FORM

ARRIVAL: October 15, 2017

DEPARTURE: October 18, 2017

All reservations must be made using this form and returned no later than September 14, 2017.
Reservations forms received after this reservation deadline will be accepted based upon space and rate availability.

NYS Magistrates Association

Package Guest Room Rates are as follows:

Single Occupancy: \$755.00

Includes: Accommodations for one guest from October 15-18, 2017
Breakfast on Monday, Tuesday and Wednesday
Lunch on Monday & Tuesday
Dinner on Sunday, Monday and Tuesday

Double Occupancy: \$1,090.00

Includes: Accommodations for two guests from October 15-18, 2017
Breakfast on Monday, Tuesday and Wednesday
Lunch on Monday & Tuesday
Dinner on Sunday, Monday and Tuesday

A surcharge of \$50.00 will apply to any package of one or two nights

To confirm your reservation, a credit card number must be provided or a check/money order for one night's room and tax sent in with reservation form. Please make checks payable to:
Turning Stone Resort

Check #: _____ Credit Card: _____

CC#: _____ Exp: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email Address: _____

of rooms: _____ # of people per room: _____

Roommate(s): _____

Arrival Date: _____

Departure Date: _____

Special needs: _____

RESERVATION POLICIES

- If paying by Purchase Order, a copy of your purchase order must be received along with this form to process your reservation. If not received, reservation will not be confirmed.
- A copy of your NYS tax exemption form must be received with this form and your payment form (Purchase Order or Credit Card) must match the name on the NYS tax exemption form.
- All guests will be required to present a valid credit card at check-in
- Guests staying on dates outside group's conference and/or are self pay will be subject to tax.
- Reservation forms must be received no later than September 14, 2017. Reservations received after that date will be accepted on a space and rate availability basis.
- Cancellations must be received 3 days prior to arrival date. Cancellations after this date will result in forfeiture of the one night's advance deposit.
- Check-in time is after 3:00pm. Check-out time is 11:00am.
- Rates for early arrival, before 10/15/17 or late departure, after 10/18/17 are based upon availability, and will be offered at the discounted rates of \$189.00/night, Friday or Saturday, and \$165.00/night, Thursday.

UNLESS ALL PROPER FORMS ARE SUBMITTED & COMPLETED, RESERVATIONS WILL NOT BE PROCESSED

Reservation Form, Purchase Order, Tax Exempt Certificate
And/or Deposit must be received by Friday, Sept. 14, 2017 to:
Turning Stone Resort
Attn: Beth Edwards, Accommodations Dept.
5218 Patrick Rd., Verona, NY 13478
Fax (315) 361-7999

For Office use only:

Confirmation #: _____

Reservation Agent: _____ Date: _____

All reservations must be made by calling 800-771-7711 Group # HNYSMAG no later than September 14, 2017. Reservations made after this reservation deadline will be accepted based upon and rate availability.



Attendance At This Conference Is A Valid Town or Village Expense

You Must Receive Prior Approval To Attend

Section 77-b of the General Municipal Law authorizes the governing board of any municipality, by majority vote, to authorize any of its members, any officer or employee, or any other person who has been elected pursuant to law to a public office for which the term has not commenced, to attend a conference as defined in Section 77-b(c). The authorization must be by resolution adopted prior to such attendance (General Municipal Law §77-b[2]). The governing board, however may delegate its power to authorize attendance to any executive officer or administrative board.

Even Your Registration Fee Can Be Reimbursed

Subdivision 3 of section 77-b provides that all actual and necessary registration fees, all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred in connection with attendance at a conference shall be a charge against the municipality and the amount thereof shall be audited, allowed and paid in the same manner as are other claims against the municipality.

New York State Picks Up a Portion of the Tab

The Office of Court Administration will reimburse each Justice who attends the Annual Meeting on Monday afternoon for mileage, up to \$91.00 for one day's lodging and up to \$51.00 for certain applicable meals. These costs would lower the reimbursement required from your municipality. (Subject to change)

Need A Cash Advance?

In addition to the authorization in subdivision 3 to reimburse for expenses previously incurred, subdivision 6 of section 77-b expressly authorizes a municipality to provide for cash advances to persons duly authorized to attend a conference for estimated expenditures for registration fees, travel, meals, lodging and tuition fees. If an advance is provided, the officer or employee must submit an itemized voucher showing actual expenditures after attendance. Also moneys advanced in excess of actual expenditures must be refunded to the municipality. If an officer or employee fails to return such excess advance at the time of submitting the voucher or upon demand after audit of the voucher, the municipality shall deduct the amount of the unreturned excess advance from the salary or other money owed the officer or employee. Any itemized actual and necessary expenses in excess of the cash advance may be paid after audit.

Municipality Won't Pay? You Can Usually Deduct the Expense on Your Taxes

In most cases, expenses incurred in connection with attendance at this conference are qualifying work-related expenses. Depending on your individual circumstances, conference related expenses can be deducted on Schedule A if you itemize your deductions. We recommend that you discuss this with your tax preparer.

Does Your Town or Village Pay Your NYSMA Dues?

Pursuant to Op. St. Comp. 80-501, 10/29/80, with prior approval of your Town or Village Board, Association dues may be a legitimate charge against a Town or Village.

Important

PLEASE BE SURE TO FILL OUT THE STATE EXEMPTION CERTIFICATE ON THE HOTEL REGISTRATION FORM. (OTHERWISE YOU WILL BE BILLED FOR TAXES).

MAKE SURE YOUR MUNICIPAL PAYMENT VOUCHER IS ATTACHED TO THE HOTEL REGISTRATION FORM. THIS WILL AVOID ANY PROBLEM AT CHECK OUT TIME.



NYSMA 2017 CONFERENCE REGISTRATION

Dear Member,

As in the past, all certified sitting Justices, who are members in good standing of NYSMA and registered for the conference, attending the New York State Magistrates Association **Annual Meeting on Monday, October 16th at 4:30 pm** will be reimbursed

by the State through the Unified Court System for one (1) night of lodging and mileage at the current State rate, unless living within 35 miles of the conference site. The remaining expense is eligible for reimbursement by your town or village. **(Necessary expenses, including transportation, meals, room and registration fees incurred by fully authorized municipal officials and employees are properly reimbursable from municipal funds pursuant to §77-b of the General Municipal Law).**

Numerous Elective credits will be available Monday and Tuesday. Accredited Advanced Training Course Core B will be offered by the NYS Unified Court System on Tuesday, October 17th.

In order to expedite registration, we urge you to Pre-Register.

FEES: Pre-Registration: \$50.00:

On-site Registration: \$75.00

All members participating in any portion of the conference are required to pay the fee, which covers the many detailed arrangements necessary for a successful conference. For your convenience, receipts will be available at our registration desk.

Please note: Registration and Fees for the Conference and Hotel are separate.

MAGISTRATE REGISTRATION FORM

- If you are not pre-registered, the Hotel will not hold a room
- The 108th Conference of the New York State Magistrates Association
Turning Stone – Verona, NY

Name: _____	Town Justice of: _____
Address: _____	Village Justice of: _____
Address: _____	
City/State/Zip: _____	E-mail (Please Print): _____
County: _____	Current Co. President: _____
Guest's Full Name if Attending: _____	Court Clerk: Y _____ N _____

NAME TAG WILL BE PROVIDED

TRAINING CORE B _____ **IS THIS YOUR FIRST CONFERENCE** Y _____ N _____

Fee: \$50 must be received by 9/15/16 — Non-Refundable after 9/22/17

MAKE CHECKS PAYABLE TO: NYS Magistrates Association • 163 Delaware Avenue, Suite 108 • Delmar, NY 12054

NYS MAGISTRATES ASSOCIATION ANNUAL CONFERENCE

*CJE and CLE Credits are pending approval
Classes and time frames are subject to change

SUNDAY, OCTOBER 15, 2017



- 1:00PM **Executive Committee Meeting** *Tuscarora Room*
Executive Committee Members and Guest only
- 2:00-5:00PM **NYSMA Registration** *Conference Center Lobby Area*
- 3:00PM **Nomination Committee Meeting** *Tuscarora Room*
Nominating Committee Members and Candidates only
- 4:00-6:00PM **First Time Conference Attendees Social** *TBD*
A meet and greet with refreshments with a briefing of how to make the most of the conference.
Presented by:
Hon. David Kozyra, TJ Marcy, Oneida County
Hon. Michael Petucci, SMA Board Member
Hon. Kenneth Ohi Johnsen, SMA Board Member
Hon. Vera Hustead, SMA Board Member
- 6:00PM **Welcome Reception and Dinner** *Oneida Room*
Welcome Speaker: William J. Fitzpatrick, Onondaga County District Attorney, President, National District Attorneys Association
Presentation of The Eugene W. Salisbury Magistrate of the Year Award
Presentation of the Amicus Award
Presentation of 50 Year Pin Recognition

MONDAY, OCTOBER 16, 2017

- 7:00-9:00AM **Breakfast** *Oneida Room*
- 8:30 – 4:30PM **NYSMA Registration** *Conference Center Lobby Area*
- 9:00-9:30AM **General Assembly** *Mohawk Room*
- 9:00-4:30PM **NYSMA Store** *Seneca Room*
- 9:40-4:30PM **What OCA Tech has to Offer Town and Village Courts** *Saranac Room (Upstairs)*
This is an overview of information regarding the hardware, software and support that OCA offers Town and Village courts.
Presented by:
Dawn Cota, Division of Technology, OCA
- 9:40-4:30PM **Web DVS** *Saranac Room (Upstairs)*
Presented by:
Tina Richburg, Senior Management Analyst, OCA
- 9:40-10:30AM **Lexis-Nexis** ** CJE pending approval Chautauqua Room (Upstairs)*
Lexis Advance Office Hours – Stop by to request an ID, pick up reference materials, or get one-on-one assistance with your research questions
Presented by:
Catherine E. Opela, Solutions Consultant, LexisNexis

8/13

TOWN OF CARMEL HIGHWAY DEPARTMENT

Carmel Highway Department
55 McAlpin Avenue
Mahopac, NY 10541

MICHAEL SIMONE
Superintendent of Highways

845.628.7474
FAX 845.628.1471
MSimone@bestweb.net

MEMORANDUM

TO: Town Board
FROM: Michael Simone – Highway Superintendent
DATE: August 7, 2017
RE: Highway Requests – Annual Fall Bids

I am requesting that the following items be advertised for bid:

Sand
Guide Rail
Winter Mix

MS/Sen

cc Ann Spofford – Town Clerk

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

FRANK D. LOMBARDI
Town Councilman
Deputy Supervisor



KATHLEEN KRAUS
Receiver of Taxes

JOHN D. LUPINACCI
Town Councilman
SUZANNE MC DONOUGH
Town Councilwoman
JONATHAN SCHNEIDER
Town Councilman

60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 • Fax (845) 628-6836
www.carmelny.org

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

MEMORANDUM

To: Carmel Town Board
Date: August 4, 2017
From: Supervisor Kenneth Schmitt
RE: Town Vehicles

Please declare the following Town Vehicles old and obsolete and authorize disposal:

Year:	Make/Model:	Vin #:
2005	Ford Crown Vic	2FAFP71W95X160667
2004	Ford Focus	1FAFP33Z24W166837



**PUTNAM COUNTY
BUREAU OF EMERGENCY SERVICES**



Anthony W. Sutton
Commissioner

MaryEllen Odell
County Executive

Robert A. Lipton
Commissioner

Robert Cuomo
EMS Director

August 2, 2017

Mr. Kenneth Schmitt, Town Supervisor
Town of Carmel
60 McAlpin Ave.
Mahopac, New York 10541

Ref: Putnam County Technical Rescue Team

Dear Supervisor Schmitt,

Putnam County has established a Technical Rescue Team. The membership of this and other County teams is comprised almost exclusively of firefighters from local fire departments across Putnam. If you recall, I contacted you last year to request that The Carmel Town Board formally extend benefits to firefighters from the Carmel Fire Department (CFD) and The Mahopac Falls Fire Department (MFFD) and the Mahopac Fire Department (MFD) who were serving on County Special Teams. You and other officials were kind enough to shepherd that process and we were able to continue the County's HAZMAT Team, The Fire Police Team, and The Fire Investigation Team.

I am writing today to request that The Carmel Town Board extend that same coverage to the individuals from the CFD, MFD and MFFD (listed on attachment) who want to be members of The County's Technical Rescue Team.

Without your partnership in covering your firefighters as they serve on our County teams, we would be unable to provide the specialized services they deliver to all the communities in Putnam County. I thank you for your consideration of this request and I thank you also for your continued support of our emergency preparedness efforts. Please don't hesitate to contact me with any questions.

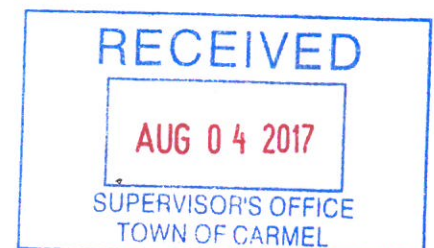
Sincerely,

A handwritten signature in black ink, appearing to read "Anthony W. Sutton".

Anthony W. Sutton
Commissioner

Cc: Chief Dave Direnzo, Carmel Fire Department
Mr. Robert Behan, Chairman – Carmel Fire District
Chief Jeff Boyle, Mahopac Falls Fire Department

Attachment



112 OLD ROUTE 6 – CARMEL, NEW YORK 10512

Tel. (845) 808-4000 / Fax (845) 808-4010

Emergency Operations Center Tel. (845) 808-4050

Email: Admin@putnamcountyny.gov Web Page: putnamcountyny.gov



PUTNAM COUNTY BUREAU OF EMERGENCY SERVICES



Anthony W. Sutton
Commissioner

Robert A. Lipton
Commissioner

MaryEllen Odell
County Executive

Robert Cuomo
EMS Director

Proposed Carmel FD TRT member(s)

David DiRienzo
Alyssa Lipton
Charles Arbore
Steven Rivera
Tom Keck Jr.

Proposed Mahopac FD TRT member(s)

None

Proposed Mahopac Falls FD TRT member(s)

Robert Loprieno
Thomas Loprieno
Dan Meury
Christopher Tompkins
Robert Dwyer
Brendon Dwyer
Brian Ward

Richard J. Franzetti, P.E.
Town Engineer




(845) 628-1500
(845) 628-2087
Fax (845) 628-7085

Office of the Town Engineer
60 McAlpin Avenue
Mahopac, New York 10541

MEMORANDUM

To: Carmel Town Board

From: Richard J. Franzetti P.E. Town Engineer 

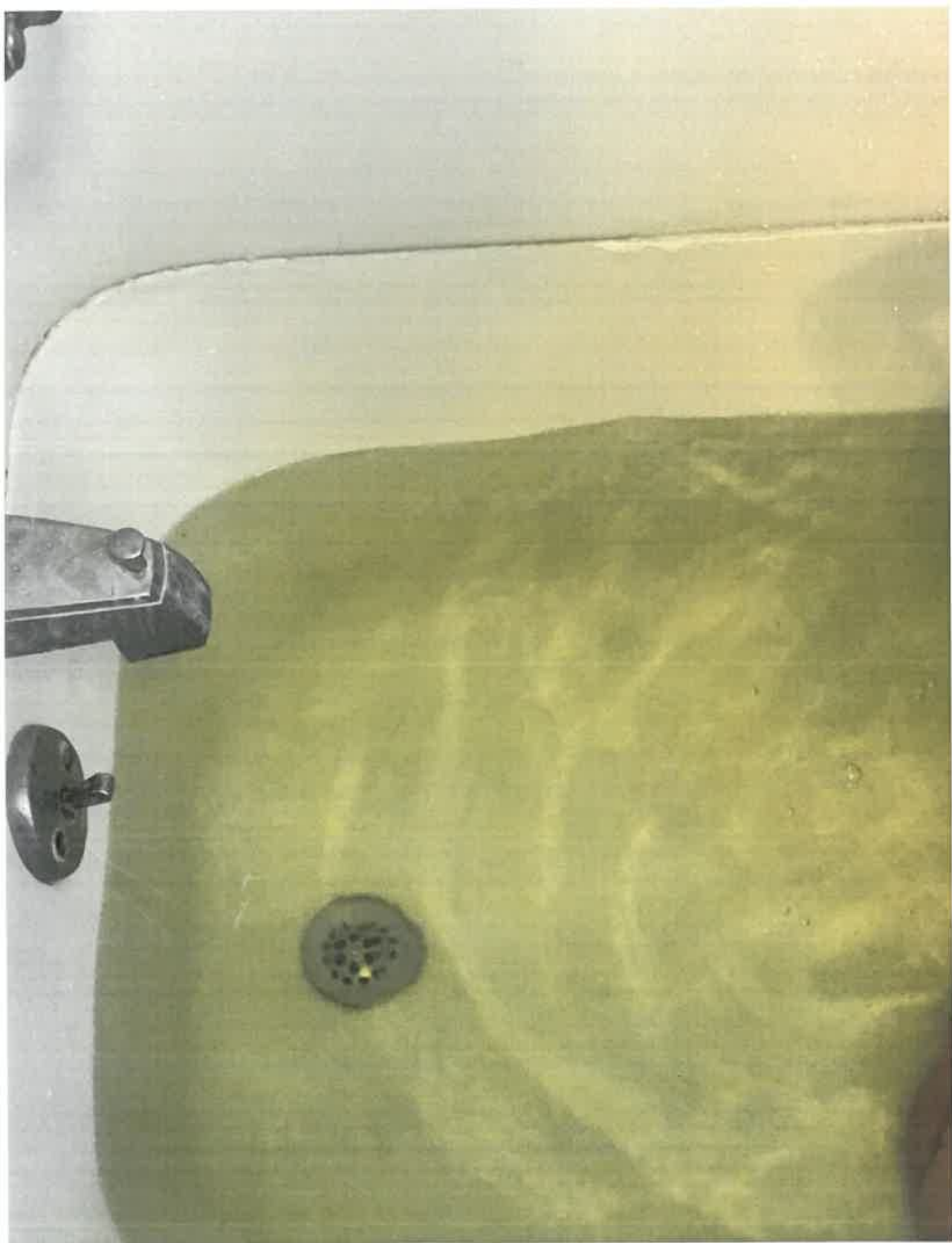
Date: August 8, 2017

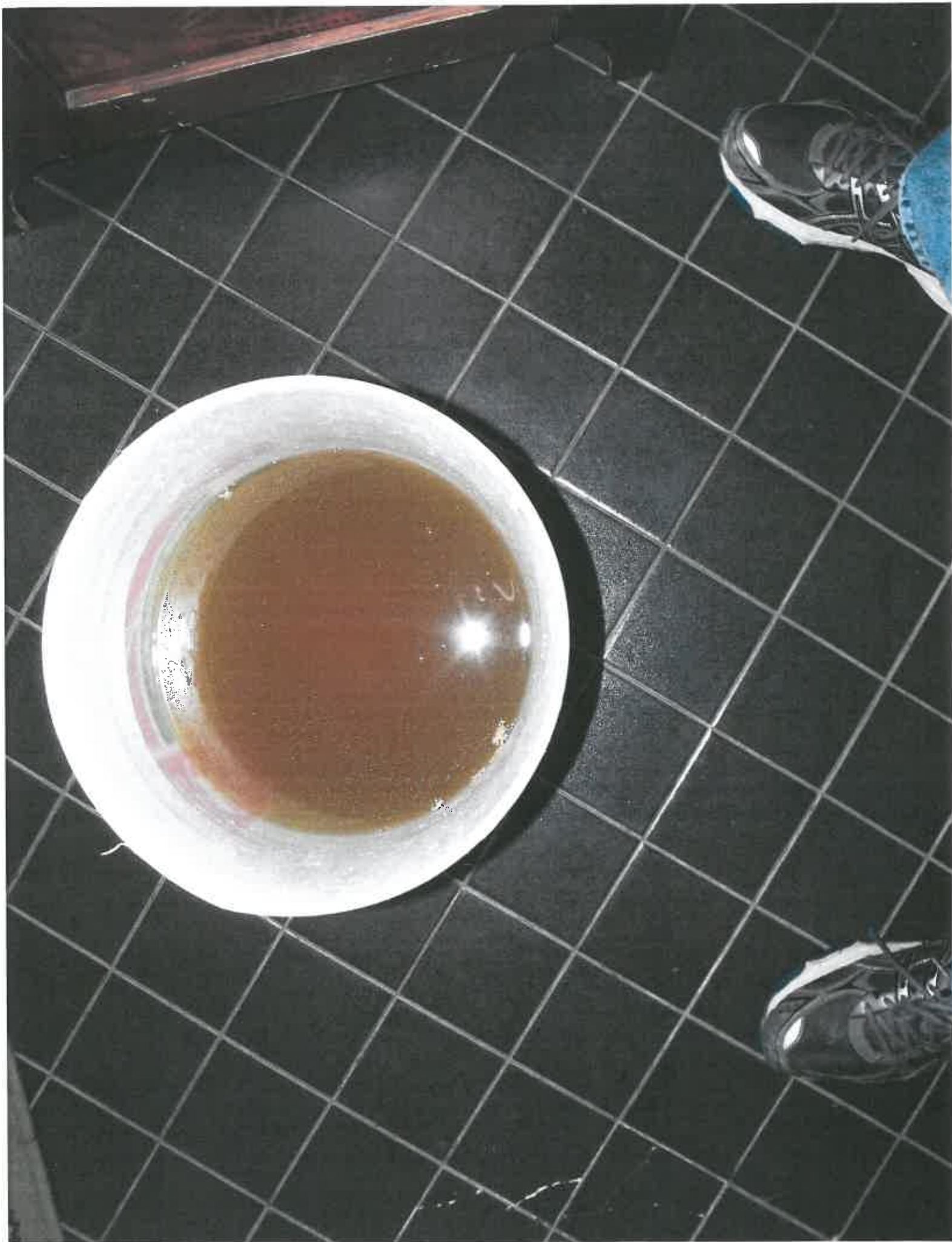
Re: C-246-2017 – CWD 2 Water main lining – request for bid

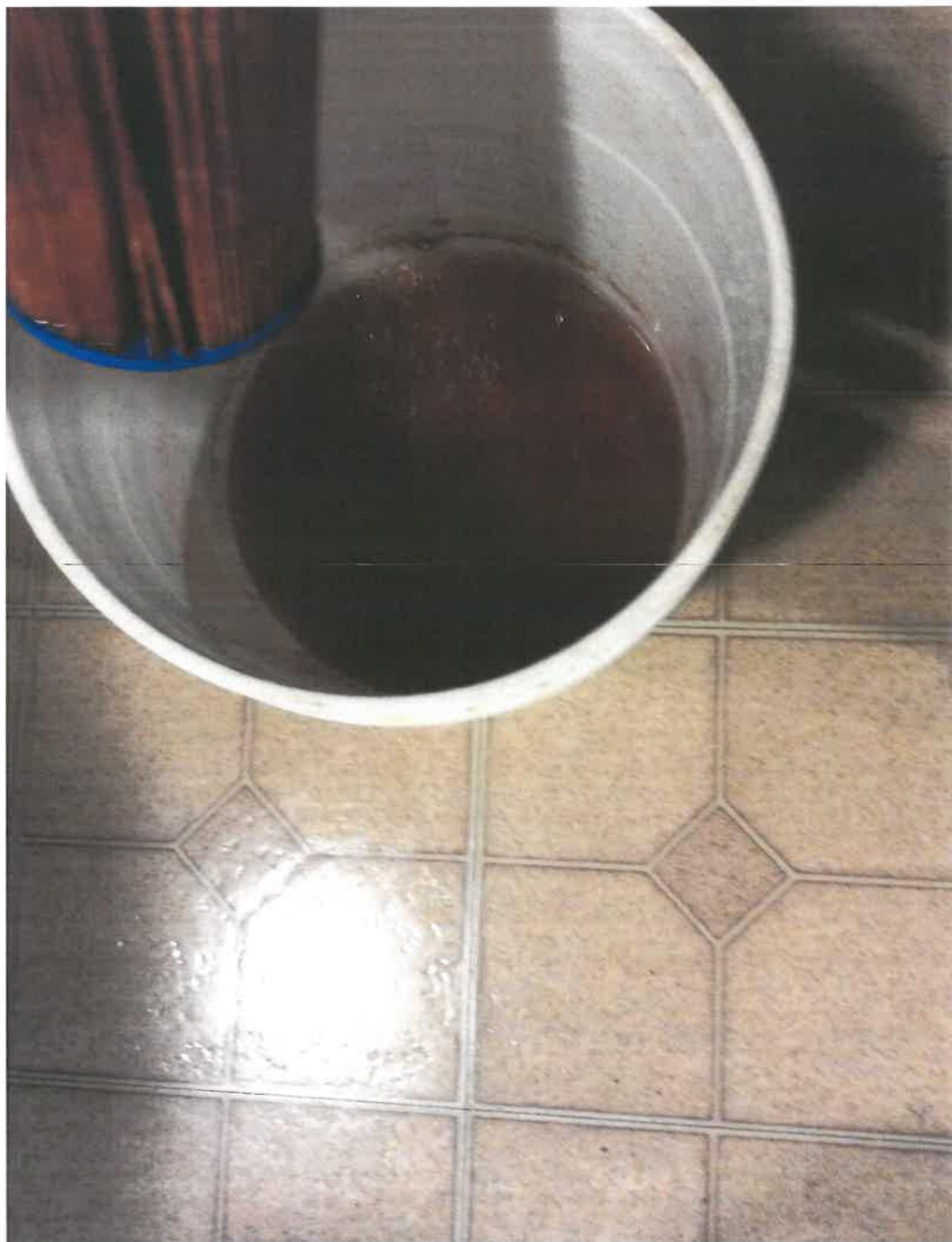
The Board should be made aware that the Engineering Department has received numerous complaints from residents in Carmel Water 2 regarding discolored water. These complaints are in the areas of Gleneida Ridge Road, Glenvue Drive, Glenvue Drive North, Sunset Ridge, Collier Drive, Collier Drive East, Collier Drive West, Ridge Court, Lakeview Road and Avery Road. Attached please find the documentation of the complaints.

The Engineering Department has met with the Carmel Water District (CWD 2) operators relative to these complaints by residents in CWD 2.

Based on the meeting and complaints which have been received to date, it is requested that the Town Board authorize the Engineering Department to prepare the necessary engineering report, plans and specification to go out for bid. The project will consist of the lining of ~25,000 linear feet of water mains located on Gleneida Ridge Road, Glenvue Drive, Glenvue Drive North, Sunset Ridge, Collier Drive, Collier Drive East, Collier Drive West, Ridge Court, Lakeview Road and Avery Road.









**TOWN OF CARMEL
CARMEL AMBULANCE DISTRICT NO. 1
SERVICE AWARD PROGRAM**

DECEMBER 31, 2016 SPECIAL COMMENTARY

The program's funded ratio on a program termination basis is 105% as of 12/31/2016 compared to 106% as of 12/31/2015. The funded ratio dipped slightly due to the change in mortality table and the actuarial investment loss, but the program funded status remains healthy at slightly more than 100%. We will continue to monitor the program's funding progress.

Based on current assumptions, we anticipate future contributions to be around \$35,000. However, we continue to monitor the rate of return assumption relative to the allocation of the Trust Fund and therefore suggest the Town budget the same/similar amount in 2018 as 2017.

PARTICIPATION NOTES

Non-vested program participants Christopher Canonico and Steven Keck left the Corps during 2016 and consequently forfeited their accrued service award and service credit earned through 12/31/2016. Note that if any former participant returns as an active member within five years and subsequently earns a year of service credit, their accrued service award and service credit will be restored.

Gary Hohenstein reached the entitlement age and commenced payment of his monthly service award effective June 1, 2016. He elected to be paid in the form of a lifetime monthly payment with 120 payments guaranteed.

Entitled participant Daniel Greaves died in 2016. He had elected to be paid a lifetime-only monthly benefit, and so monthly payments stopped after his death.

**TOWN OF CARMEL
CARMEL AMBULANCE DISTRICT NO. 1
SERVICE AWARD PROGRAM
DECEMBER 31, 2016 SPECIAL COMMENTARY**

2017 REQUIRED CONTRIBUTION

The minimum required Trust Fund contribution to be made in 2017 is \$34,332.

The required contribution due in 2017 is \$12,617 lower than contribution that was due in 2016 of \$46,949. The reasons for this decrease are:

- Further decrease in the number of volunteers earning 50 points. In 2016, only 16 volunteers earned 50 points compared to 24 in 2015 and 29 in 2014.
- Gradual impact of fewer post-entitlement age volunteers earning 50 points as the amortized cost of such service credit earned in prior years is paid off and replaced by a lower amortized cost as a result of fewer post-entitlement age volunteers earning 50 points.
- Change in our service credit projection method, which is detailed more below.

Note that the change in the mortality table (see below) would have otherwise caused contributions to increase, but these factors noted above offset that increase.

ASSUMPTION CHANGES

We have updated our mortality assumption to the RP-2014 table with a projection using the MP-2016 scale for mortality improvement (i.e., the expected further improvement in life expectancies in the future) and blended gender rates of 60% male and 40% female. This is the most recent mortality table and mortality improvement table issued and recommended by the Society of Actuaries and reflects the expectation that participants will live longer going forward. See the December 2016 Technical Notice for more details.

Prior calculations of the required contribution have used the assumption that all pre-entitlement age active participants will continue to earn service credit each year until reaching the program's maximum allowable service credit of 40 years or the entitlement age of 65. Beginning with the current Annual Report, we will only be making this service credit projection for pre-entitlement age active participants who have earned at least one year of service credit in the prior three years. Participants who have not earned at least one year of service credit in the prior three years will be treated as "Inactive" (for report purposes only) and we will no longer project future service credit. This assumption change is for the calculation of required contributions only and does not affect the actual status of a program participant or the participant's accrued benefits.

INVESTMENT RETURN, FUNDED RATIO & FUTURE CONTRIBUTIONS

The Trust Fund investments, managed by Glens Falls National Bank & Trust Company through a contract with the Office of the New York State Comptroller, earned 4.86% net of investment management expenses in 2016, compared to the 6.00% rate of return assumption used to value the plan liabilities. This investment loss did not have a significant impact on the required contribution.

TECHNICAL NOTICE

Change in Mortality Assumption

December 2016

This notice is to inform our clients with defined benefit service award programs that we are revising our actuarial assumptions with respect to the mortality tables used in determining annual contribution requirements and benefit calculations. This change will take effect with the upcoming report and will impact contribution requirements in the 2017 plan year, as well as calculations for upcoming benefits payable.

In years past, we have used the UP-1994 mortality table with a projection (using scale AA) to reflect improvement in life expectancy over time. However, the underlying data for this table was compiled over 20 years ago. Therefore, it is appropriate to update the mortality assumption using the new RP-2014 table recently published by the Society of Actuaries (SOA). The revised assumption will include a projection using the latest MP-2016 scale for mortality improvement and blended male/female rates on a 60/40 basis.

Selecting mortality rates that reflect the life expectancy of volunteer ambulance workers can be quite difficult given their diverse social and economic backgrounds. Penflex has administered volunteer firefighter and ambulance worker Service Award Programs for over 25 years. While we have gained valuable experience from monitoring these plans, we do not have the volume of historical data necessary to produce a credible mortality table based solely on that experience. The underlying data for the new table published by the SOA was acquired from pension plans throughout the country and includes a wide variety of industry types, as well as a cross section of blue-collar and white-collar workers. It is reasonable to assume that these rates will appropriately reflect the life expectancy of a typical group of volunteer ambulance workers.

We anticipate that these newly-adopted rates will cause contribution requirements to increase. We expect the impact on contributions for most plans will be an increase of 5% to 10% as a result of the longer life expectancy in the new mortality assumption. Pending any other changes to actuarial assumptions, actuarial losses being recognized, or changes in plan demographics, contribution requirements may actually increase more than initially projected. For an estimate of how this change will affect your plan, or questions regarding the information herein, please contact our office.

Carmel Ambulance District No. 1 Service Award Program

12/31/2016 FACT SHEET

Schedule of Funding Progress

<u>Actuarial Valuation Date</u>	<u>Net Program Assets (A)</u>	<u>Actuarial Accrued Liability (B)</u>	<u>Unfunded Liability (B) - (A)</u>	<u>Funding Ratio (A) ÷ (B)</u>
12/31/2012	\$449,753	\$455,864	\$6,111	99%
12/31/2013	\$551,970	\$509,425	\$0	108%
12/31/2014	\$605,992	\$565,520	\$0	107%
12/31/2015	\$631,179	\$598,197	\$0	106%
12/31/2016	\$676,952	\$645,262	\$0	105%

Comparison of Costs

<u>Actuarial Valuation Date</u>	<u>Calculated Contribution (C)</u>	<u>Sponsor Contribution (D)</u>	<u>Excess/(Deficit) Contribution (D) - (C)</u>	<u>Date(s) of Contribution</u>
12/31/2012	\$46,917	\$46,917	\$0	8/20/2013
12/31/2013	\$43,864	\$47,864	\$4,000	7/30/2014
12/31/2014	\$48,218	\$48,218	\$0	8/20/2015
12/31/2015	\$46,949	\$46,949	\$0	7/21/2016
12/31/2016	\$34,332	To be determined	To be determined	Due in 2017

Investment Rate of Return

2012: 11.33%	2013: 18.16%	2014: 6.35%	2015: 1.16%	2016: 4.86%
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Program Participation Breakdown

	<u>As of 12/31/2015</u>	<u>As of 12/31/2016</u>
Entitled participants (post-EA)	11	11
Active participants (pre-EA)	34	22
Inactive participants (pre-EA)	NA	7
Terminated vested participants (pre-EA)	12	15
Total	57	55
Pre-EA participants earning service credit	22	14
Post-EA participants earning service credit	2	2
Total	24	16
Non-vested Terminations	3	2
Volunteers Not Participating in Program:	24	18

TOWN OF CARMEL

CARMEL AMBULANCE DISTRICT NO. 1 VOLUNTEER AMBULANCE SERVICE AWARD PROGRAM

BENEFICIARY FORMS NEEDED

Upon the death of a participant, Penflex prefers to promptly pay the Service Award Program death benefit directly to the designated beneficiary.

If we do not have on file a copy of a properly completed Beneficiary Designation Form, payment is delayed and, in the worst case, receipt of the actual payment by the intended beneficiary could take years. If the Beneficiary Designation Form was never completed, we must make the check payable to the participant's estate.

Please provide us with copies of the completed Beneficiary Designation Forms and keep the originals on file at the Fire Department.

Please have the following participants complete a Beneficiary Designation Form:

**Robert Behan
Christopher Bruenn
Brian Decker
Timothy Denmark
Melissa DePass
Edward Duffy
Kevin Durmer
Thomas Keck, Jr.
Domenica Lipton
Robert Lipton Jr.
Steven Priolo
AnnMarie Repanti
Kimberly Sonnberger
Amanda Telesco
Andrew Wiese**

TOWN OF CARMEL
CARMEL AMBULANCE DISTRICT NO. 1
VOLUNTEER AMBULANCE SERVICE AWARD PROGRAM
BENEFICIARY DESIGNATION FORM

Please read all instructions carefully before completing this form to ensure proper designation of your beneficiaries.

This form is intended for naming or changing your beneficiary. Any death benefit from the Service Award Program will be made payable in accordance with the designation provided below. This information will be relied upon to contact the individual(s) in the event that a death benefit is payable. Please keep a copy of this form for your records and complete a new form if any of the information needs to be updated or changed. Please consult with an attorney before naming a minor or your estate as a beneficiary; typically, death benefits cannot be paid directly to a minor. Please complete this form and return it to the sponsoring municipality or volunteer organization.

CARMEL AMBULANCE DISTRICT NO. 1
PO BOX 508
CARMEL, NY 10512

PARTICIPANT INFORMATION

Full Name (First, MI, Last)	Social Security No.	Date of Birth	Phone Number / E-mail
Mailing Address		City State Zip	Ambulance Company

BENEFICIARY DESIGNATION

Death benefits are paid in entirety to the surviving primary beneficiaries. Benefits are paid to contingent beneficiaries only when there are no surviving primary beneficiaries. Unless percentages are indicated, death benefits will be made payable in equal amounts. If a beneficiary listed is deceased, the corresponding benefit will be made payable to the remaining beneficiaries within that designation, proportional to the original percentages allocated. If more space is needed, please attach an additional form and label it "Addendum."

PRIMARY

Share (%)	Full Name	Relation	Social Security No.	Date of Birth	Mailing Address
%					
%					
%					

CONTINGENT

Share (%)	Full Name	Relation	Social Security No.	Date of Birth	Mailing Address
%					
%					
%					

PARTICIPANT AND WITNESS SIGNATURES

I hereby name the individuals above as my beneficiaries and declare that this designation supersedes all previous designations.

Participant Signature

Date

Witness Signature

Date

Witness must be a Notary, or an Official of the Town or Ambulance Company

**** SPECIAL COMMENTARY ****

**TOWN OF CARMEL
SERVICE AWARD PROGRAMS**

2017 TOWN SPECIAL COMMENTARY

During Late 2016, the Town entered into a Trust Agreement with Glens Falls National Bank & Trust Company (GFNB) to be the Trustee of the assets of the Carmel FPD No. 1 and Carmel FPD No. 2 programs. GFNB is also now the custodian of the Trust assets as of December 31, 2016 and assumed responsibility for paying program benefits from Comerica effective January 1, 2017.

At the same time, the Town transferred the assets of the Carmel FPD No. 3 program to the Carmel Fire District. These assets are now held under the tax-id of the Carmel Fire District and the Town has no further responsibility for this program. The Carmel Fire District is the sponsor and will manage the administration of that program. Furthermore, the benefits accrued in the Carmel FPD No. 3 program is now a liability to the Fire District.

The minimum required contribution to be made in 2017 and 2018 for the two Service Award Programs is as follows:

Program	2017 Required Contribution	2017 Recommended Contribution	2018 Required Contribution	2018 Recommended Contribution
Carmel FPD No. 1	\$197,143	\$200,000	\$191,357	\$200,000
Carmel FPD No. 2	\$211,812	\$215,000	\$181,473	\$215,000

Note that Penflex recommends that the Town contribute the full amount budgeted for each Program in 2017, and to budget the amount indicated in 2018. For more details regarding the change in contributions for each specific program, as well as a five-year projection of required contributions, please refer to the Special Commentary and Exhibit VIII of each Annual Report.

The chart below details the funded ratio of each program. In calculating the annual cost of the program, the goal is to approach a 100% funded ratio over time. We will continue to monitor the program's funding progress and advise the Town if there is any reason for long or short-term concern.

Program	Assets	Present Value of Accrued Benefits (PVAB)	Funded Ratio (Assets ÷ PVAB)
Carmel FPD No. 1	\$2,111,081	\$2,830,534	75%
Carmel FPD No. 2	\$2,713,436	\$3,367,011	81%

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 1
SERVICE AWARD PROGRAM**

JANUARY 1, 2017 SPECIAL COMMENTARY

Page 1 of 3

2017 REQUIRED CONTRIBUTION

As reported in the January 1, 2016 Annual Report, the minimum required Trust Fund contribution to be made in 2017 is \$197,143. However, we suggest the Town contribute the full amount budgeted of \$200,000.

2018 REQUIRED CONTRIBUTION & ASSUMPTION CHANGES

The minimum required contribution due to be paid into the Trust Fund in 2018 is \$191,357.

We have updated our mortality assumption to the RP2014 mortality table. This is the most recent table issued and recommended by the Society of Actuaries and reflects the expectation that participants will live longer going forward. See the December 2016 Technical Notice for more details.

Prior calculations of the required contribution have used the assumption that all pre-entitlement age active participants will continue to earn service credit each year until reaching the program's maximum allowable service credit of 40 years or the entitlement age of 60. Beginning with the current Annual Report, we will only be making this service credit projection for pre-entitlement age active participants who have earned at least one year of service credit in the prior three years. Participants who have not earned at least one year of service credit in the prior three years will be treated as "Inactive" (for report purposes only) and we will no longer project future service credit. This assumption change is for the calculation of required contributions only and does not affect the actual status of a program participant or the participant's accrued benefits.

The Town made an excess contribution in 2016 – the minimum required contribution was \$158,021 and the Town contributed \$175,000 for the 2nd year. This excess contribution, along with the change in the service credit projection, helped offset other factors that would have otherwise caused the contribution to increase. For example:

- The change in mortality table used to value the plan liabilities.
- This is the second year of implementing the three-year asset smoothing technique. As such, a portion of the larger investment loss from 2015, as well as the smaller investment loss from 2016 (more details below) are reflected in our cost calculation.

INVESTMENT RETURN, FUNDED RATIO & FUTURE CONTRIBUTIONS

During Late 2016, the Town entered into a Trust Agreement with Glens Falls National Bank & Trust Company (GFNB) to be the Trustee of the program assets. GFNB is also now the custodian of the Trust assets as of December 31, 2016 and assumed responsibility for paying the program benefits from Comerica effective January 1, 2017.

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 1
SERVICE AWARD PROGRAM**

JANUARY 1, 2017 SPECIAL COMMENTARY

Page 2 of 3

The Trust Fund investments earned 4.06% in 2016, compared to the 5.50% rate of return assumption used to value the plan liabilities. This investment loss did not have a significant impact on the required contribution.

This is now the fourth consecutive year in which the investment return on the Trust Fund assets failed to meet our long-term assumption. However, based on the Investment Policy adopted by the Town Board with GFNB, we left the rate of return assumption at 5.50%. We will monitor the fund's performance and changes in future expectations and advise the Town if the 5.50% expected annual rate of return remains an appropriate assumption. We also encourage the Town to continue to review the statements and quarterly performance reports from GFNB relative to the Investment Policy and communicate with GFNB.

Unless investment returns exceed our assumption over the next several years, we anticipate contributions continuing to increase towards \$210,000. We suggest the Town budget at least \$200,000 again in 2018.

The funded ratio is 75% as of January 1, 2017, compared to 77% as of January 1, 2016. The decrease is the result of the change in mortality table and the investment loss. The total unfunded liability for the program is \$719,453 as of January 1, 2017. The program's unfunded liability continues to be paid down with an amortization schedule (14 years remaining) and is further supplemented with the Town's contributions in excess of the minimum required amount. This continued effort will help accelerate the program's funding progress.

PARTICIPATION NOTES

Chip Arnold (9/1), Camille Lapadula (10/1) & Charles Liggio Jr. (10/1) all reached the entitlement age in 2016 and should have commenced their payments on the date indicated. Ms. Lapadula returned the necessary paperwork in 2017 and her payments began then. However, forms from the other two are still outstanding. In addition, Keith McCarthy (11/1/2015) & James Peterson (12/1/2014) have not returned their paperwork. The benefits owed to these 5 participants are being held as a payable from the Trust assets as of December 31, 2016. The amounts owed are: Arnold: \$560; Lapadula: \$680; Liggio: \$280; McCarthy: \$3,080; Peterson: \$2,500; Total: \$7,100.

Non-vested participants Michael Camastro, Gregory Collins, Jason Vicario, and Andrew Villalobos are no longer active members of the Fire Department; consequently, their accrued service award and service credit have been completely and permanently forfeited as of December 31, 2016. Non-vested participant Carlos Goncalves failed to earn 50 points for the 5th consecutive year in 2016; therefore, he also forfeited his accrued service award and service credit.

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 1
SERVICE AWARD PROGRAM**

JANUARY 1, 2017 SPECIAL COMMENTARY

Page 3 of 3

Patrick Kelly and Anthony Vitanza both earned 50 points in 2016, but were under age 18 as of December 31, 2016 and therefore not eligible to participate. They were not awarded service credit for 2016.

Charles Brower was reported as being on military leave in 2016, which is his fourth year on such leave. He will be eligible to earn service credit for 2013 - 2016 provided that he returns as an active member of the fire department within one year of the expiration of his military leave and subsequently earns another year of service credit.

Entitled participant George Swarm died in 2016 and had already collected the 120-guaranteed monthly payments, so there were no benefits due to his beneficiary.

Previously vested terminated participant John Topf returned to active duty with the department in 2016.

INTERNAL REVENUE CODE COMPLIANCE CONCERN

Internal Revenue Code §457(e)(11)(B)(ii) imposes a \$3,000 limit on the aggregate amount that can be accrued with respect to any year of service in a Length of Service Award Program. Generally, this \$3,000 limitation applies to the actuarial present value (APV) of the Service Award earned in a given year, not the APV of the same Service Award at the Entitlement Age or the actual cash payments the participant receives after Entitlement Age. The purpose of this report is to calculate a contribution requirement that will properly fund for current and future Service Awards. These calculations are based on the Program provisions and actuarial assumptions, such as life expectancy and future investment earnings. Based on the Program's current monthly Service Award, Entitlement Age, and actuarial assumptions used for funding calculations, there may be some participants whose APV of this year's Service Award exceeds the \$3,000 limitation. This report should not be used to demonstrate compliance with §457(e)(11)(B)(ii), and Penflex cannot provide legal guidance regarding compliance with this section of the Code. We recommend that you consult your attorney to determine the implications of this limitation on your Program.

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 2
SERVICE AWARD PROGRAM**

JANUARY 1, 2017 SPECIAL COMMENTARY

Page 1 of 3

2017 REQUIRED CONTRIBUTION

As reported in the January 1, 2016 Annual Report, the minimum required Trust Fund contribution to be made in 2017 is \$211,812. However, we suggest the Town contribute the full amount budgeted of \$215,000.

2018 REQUIRED CONTRIBUTION & ASSUMPTION CHANGES

The minimum required contribution due to be paid into the Trust Fund in 2018 is \$181,473.

We have updated our mortality assumption to the RP2014 mortality table. This is the most recent table issued and recommended by the Society of Actuaries and reflects the expectation that participants will live longer going forward. See the December 2016 Technical Notice for more details.

Prior calculations of the required contribution have used the assumption that all pre-entitlement age active participants will continue to earn service credit each year until reaching the program's maximum allowable service credit of 40 years or the entitlement age of 60. Beginning with the current Annual Report, we will only be making this service credit projection for pre-entitlement age active participants who have earned at least one year of service credit in the prior three years. Participants who have not earned at least one year of service credit in the prior three years will be treated as "Inactive" (for report purposes only) and we will no longer project future service credit. This assumption change is for the calculation of required contributions only and does not affect the actual status of a program participant or the participant's accrued benefits.

The Town made an excess contribution in 2016 – the minimum required contribution was \$172,573 and the Town contributed \$207,000 for the 2nd year. This excess contribution, along with the change in the service credit projection, helped offset other factors that would have otherwise caused the contribution to increase. For example:

- The change in mortality table used to value the plan liabilities.
- This is the second year of implementing the three-year asset smoothing technique. As such, a portion of the larger investment loss from 2015, as well as the smaller investment loss from 2016 (more details below) are reflected in our cost calculation.

INVESTMENT RETURN, FUNDED RATIO & FUTURE CONTRIBUTIONS

During Late 2016, the Town entered into a Trust Agreement with Glens Falls National Bank & Trust Company (GFNB) to be the Trustee of the program assets. GFNB is also now the custodian of the Trust assets as of December 31, 2016 and assumed responsibility for paying the program benefits from Comerica effective January 1, 2017.

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 2
SERVICE AWARD PROGRAM**

JANUARY 1, 2017 SPECIAL COMMENTARY

Page 2 of 3

The Trust Fund investments earned 4.06% in 2016, compared to the 5.50% rate of return assumption used to value the plan liabilities. This investment loss did not have a significant impact on the required contribution.

This is now the fourth consecutive year in which the investment return on the Trust Fund assets failed to meet our long-term assumption. However, based on the Investment Policy adopted by the Town Board with GFNB, we left the rate of return assumption at 5.50%. We will monitor the fund's performance and changes in future expectations and advise the Town if the 5.50% expected annual rate of return remains an appropriate assumption. We also encourage the Town to continue to review the statements and quarterly performance reports from GFNB relative to the Investment Policy and communicate with GFNB.

Unless investment returns exceed our assumption over the next several years, we anticipate contributions continuing to increase towards the \$215,000 level that the Town budgeted in 2017. Therefore, we suggest the Town budget at least \$215,000 again in 2018.

The funded ratio is 81% as of January 1, 2017, compared to 80% as of January 1, 2016. The funding progress was muted by the change in mortality table and the investment loss. The total unfunded liability for the program is \$653,575 as of January 1, 2017. The program's unfunded liability continues to be paid down with an amortization schedule (14 years remaining) and is further supplemented with the Town's contributions in excess of the minimum required amount. This continued effort will help accelerate the program's funding progress.

PARTICIPATION NOTES

There were no participants that attained the entitlement age in 2016.

Non-vested participants Anthony Giunti, Joseph Giunti, Roger Sinistore, Joseph Woodruff and Aaron Zauderer are no longer active members of the Fire Department; consequently, their accrued service award and service credit have been permanently forfeited as of December 31, 2016. Non-vested participant Tyler Napp failed to earn 50 points for the 5th consecutive year in 2016; therefore, he also forfeited his accrued service award and service credit.

Non-vested participants Jeremy McGuigan, Casey Reynolds, and Ted Wozniak have failed to earn 50 points for 4 consecutive years. If they do not earn 50 points in 2017, they will forfeit their participation as of December 31, 2017.

Michael Fernez was again awarded 60 points for a line of duty disability.

Christopher Brinkman died during 2015 and his beneficiary elected to continue to receive the remaining portion of the 120-guaranteed monthly payments, which expired after the October 1, 2016 payment.

**TOWN OF CARMEL
CARMEL FIRE PROTECTION DISTRICT NO. 2
SERVICE AWARD PROGRAM**

JANUARY 1, 2017 SPECIAL COMMENTARY

Page 3 of 3

Entitled participants Roy Stevens and Ronald Schilpp died in 2016 and had already collected the 120-guaranteed monthly payments, so there were no benefits due to their beneficiaries. Entitled participant Peter Convery also died in 2016, and his beneficiary elected to receive the remaining portion of the 120-guaranteed monthly payments, the last of which will be made January 1, 2021.

Michael Revenson was given service credit for 2015 after a review of his 2015 activity.

Daniel Fiorio, Christopher Roberto, and Christopher Shkrdi were reported as being on military leave in 2016. They will be eligible to earn service credit for 2016 provided that they return as an active member of the fire department within one year of the expiration of their military leave and subsequently earn another year of service credit.

INTERNAL REVENUE CODE COMPLIANCE CONCERN

Internal Revenue Code §457(e)(11)(B)(ii) imposes a \$3,000 limit on the aggregate amount that can be accrued with respect to any year of service in a Length of Service Award Program. Generally, this \$3,000 limitation applies to the actuarial present value (APV) of the Service Award earned in a given year, not the APV of the same Service Award at the Entitlement Age or the actual cash payments the participant receives after Entitlement Age. The purpose of this report is to calculate a contribution requirement that will properly fund for current and future Service Awards. These calculations are based on the Program provisions and actuarial assumptions, such as life expectancy and future investment earnings. Based on the Program's current monthly Service Award, Entitlement Age, and actuarial assumptions used for funding calculations, there may be some participants whose APV of this year's Service Award exceeds the \$3,000 limitation. This report should not be used to demonstrate compliance with §457(e)(11)(B)(ii), and Penflex cannot provide legal guidance regarding compliance with this section of the Code. We recommend that you consult your attorney to determine the implications of this limitation on your Program.

Town of Carmel
Service Award Programs

Statements of Program Net Assets
for the years ended

	<u>12/31/2016</u>	<u>12/31/2015</u>
	<u>Total</u>	<u>Total</u>
<u>Assets</u>		
Cash & cash alternatives	\$3,834,602.11	\$170,311.67
Receivables		
Sponsor contributions	0.00	0.00
Interest and dividends	0.00	16.11
Total receivables	<u>0.00</u>	<u>16.11</u>
Investments at market value		
Equities	494,245.88	989,774.32
International equities	0.00	979,148.76
Fixed income	502,768.06	2,839,065.07
Mixed assets	0.00	1,244,303.98
Other	0.00	0.00
Total investments	<u>997,013.94</u>	<u>6,052,292.13</u>
Insurance company contracts at contract value	<u>0.00</u>	<u>0.00</u>
Total Assets	4,831,616.05	6,222,619.91
<u>Liabilities</u>		
January monthly payments made prior December	0.00	32,080.00
Benefits payable*	<u>(7,100.00)</u>	<u>(3,420.00)</u>
Total Liabilities	(7,100.00)	28,660.00
Net assets held in trust for		
Service Award Program benefits:	\$4,824,516.05	\$6,251,279.91

* See individual program asset reconciliations for details.

**Town of Carmel
Service Award Programs**

**Statements of Changes in Program Net Assets
for the years ended**

	<u>12/31/2016</u>	<u>12/31/2015</u>
	<u>Total</u>	<u>Total</u>
<u>Additions</u>		
Sponsor Contributions	\$477,000.00	\$477,000.00
Investment income		
Net appreciation (depreciation)		
in market value of investments	104,411.45	(458,771.50)
Interest and Dividends	173,146.46	206,688.13
Change in investment income receivable	(16.11)	(3.23)
Subtotal	277,541.80	(252,086.60)
Less investment expense	(26,482.09)	(31,717.83)
Net investment income	251,059.71	(283,804.43)
 Total Additions	 728,059.71	 193,195.57
<u>Deductions</u>		
Carmel #3 transfer out	(1,753,052.63)	0.00
Benefits	(363,480.00)	(390,800.00)
Change in liabilities	(35,760.00)	(1,900.00)
Management expense	0.00	0.00
Administrative expense - Comerica	(2,530.94)	(2,493.05)
 Total Deductions	 (2,154,823.57)	 (395,193.05)
 Net increase (decrease)	 (1,426,763.86)	 (201,997.48)
Net assets held in trust for		
Service Award Program benefits		
Beginning of year	6,251,279.91	6,453,277.39
End of year	\$4,824,516.05	\$6,251,279.91

Town of Carmel Service Award Programs

<u>2017 Contribution Summary</u>	<u>Carmel FPD No. 1</u>	<u>Carmel FPD No. 2</u>	<u>Total</u>
Minimum Contribution Due in 2017:	\$197,143	\$211,812	\$408,955
Penflex Recommended Contribution in 2017:	\$200,000	\$215,000	\$415,000
 <u>2018 Contribution Summary</u>			
Normal Cost:	\$70,277	\$63,377	\$133,654
Unfunded Liability Amortization Payment:	\$57,116	\$59,979	\$117,095
Post EA Service Amortization Payment:	\$43,684	\$38,656	\$82,340
Reimbursement of Comerica Administration Fees:	\$848	\$1,033	\$1,881
Contribution Timing Adjustment:	\$19,432	\$18,428	\$37,860
Minimum Contribution Due by Town During 2018:	\$191,357	\$181,473	\$372,830
Penflex Recommended 2018 Budget & Contribution:	\$200,000	\$215,000	\$415,000

Town of Carmel Service Award Programs

December 31, 2016 Participant Summary

	<u>Carmel FPD No. 1</u>		<u>Carmel FPD No. 2</u>		<u>Total</u>	
	<u>Participant Counts</u>	<u>2016 Service Credit</u>	<u>Participant Counts</u>	<u>2016 Service Credit</u>	<u>Participant Counts</u>	<u>2016 Service Credit</u>
Entitled Participants:	37	16	41	15	78	31
Active Participants:	67	47	72	56	139	103
Inactive Participants:	13	0	23	0	36	0
Terminated Vested Participants:	24	0	37	0	61	0
Total:	141	63	173	71	314	134
Non-Vested Terminations:	5	0	6	0	11	0
Volunteers Not Participating in Program:	4	0	4	0	8	0
Total Including Ineligible Volunteers:	150	63	183	71	333	134

Town of Carmel Service Award Programs

December 31, 2016 Plan Assets Summary

<u>Reconciliation for the Calendar Year 2016</u>	<u>Carmel FPD No. 1</u>	<u>Carmel FPD No. 2</u>	<u>Carmel FPD No. 3</u>	<u>Total</u>
Assets as of 1/1/2016:	\$1,993,959.29	\$2,589,664.01	\$1,667,656.61	\$6,251,279.91
Contributions Made:	\$175,000.00	\$207,000.00	\$95,000.00	\$477,000.00
Benefits Paid:	(\$120,240.00)	(\$171,020.00)	(\$72,220.00)	(\$363,480.00)
Change in Liabilities Payable:	(\$15,880.00)	(\$13,600.00)	(\$6,280.00)	(\$35,760.00)
Change in Investment Income Receivable:	(\$5.14)	(\$6.67)	(\$4.30)	(\$16.11)
Net Investment Income Received:	\$55,175.06	\$71,236.44	\$46,734.96	\$173,146.46
Net Appreciation / (Depreciation):	\$32,366.34	\$42,121.50	\$29,923.61	\$104,411.45
Comerica Bank Administration Expense:	(\$847.60)	(\$1,032.76)	(\$650.58)	(\$2,530.94)
Investment Expense:	(\$8,447.43)	(\$10,926.99)	(\$7,107.67)	(\$26,482.09)
Transfer out to Carmel Fire District:	\$0.00	\$0.00	(\$1,753,052.63)	(\$1,753,052.63)
Assets as of 12/31/2016:	\$2,111,080.52	\$2,713,435.53	\$0.00	\$4,824,516.05
 <u>Composition of Assets as of 12/31/2016</u>				
Share of Investments from GFNB Consolidated Statement:	\$2,118,180.52	\$2,713,435.53	\$0.00	\$4,831,616.05
Contribution Receivable:	\$0.00	\$0.00	\$0.00	\$0.00
Accrued Interest:	\$0.00	\$0.00	\$0.00	\$0.00
Benefits Payable:	(\$7,100.00)	\$0.00	\$0.00	(\$7,100.00)
Assets as of 12/31/2016:	\$2,111,080.52	\$2,713,435.53	\$0.00	\$4,824,516.05

Note: The end of year balances listed above represents each Fire Protection District's allocated share of the Trust Fund assets. The end of year balance listed is the actual balance; however, due to rounding in the allocation process, the sum of the year's activity may be pennies different than the balance listed.

TECHNICAL NOTICE

Change in Mortality Assumption

December 2016

This notice is to inform our clients with defined benefit service award programs that we are revising our actuarial assumptions with respect to the mortality tables used in determining annual contribution requirements and benefit calculations. This change will take effect with the upcoming report and will impact contribution requirements going forward, as well as certain calculations for upcoming benefits payable.

In years past, we have used the UP-1994 mortality table with a projection (using scale AA) to reflect improvement in life expectancy over time. However, the underlying data for this table was compiled over 20 years ago. Therefore, it is appropriate to update the mortality assumption using the new RP-2014 table recently published by the Society of Actuaries.

Selecting mortality rates that reflect the life expectancy of volunteer firefighters can be quite difficult given their diverse social and economic backgrounds. Penflex has administered volunteer firefighter and ambulance worker Service Award Programs for over 25 years. While we have gained valuable experience from monitoring these plans, we do not have the volume of historical data necessary to produce a credible mortality table based solely on that experience. The underlying data for the new table published by the Society of Actuaries was acquired from pension plans throughout the country and includes a wide variety of industry types, as well as a cross section of blue-collar and white-collar workers. It is reasonable to assume that these rates will appropriately reflect the life expectancy of a typical group of volunteer firefighters.

We anticipate that these newly-adopted rates will cause contribution requirements to increase. We expect the impact on contributions for most plans will be an increase of 5% to 10% as a result of the longer life expectancy in the new mortality assumption. Pending any other changes to actuarial assumptions, actuarial losses being recognized, or changes in plan demographics, contribution requirements may actually increase more than initially projected. For an estimate of how this change will affect your plan, or questions regarding the information herein, please contact our office.

Carmel Fire Protection District No. 1 Service Award Program

1/1/2017 FACT SHEET

Schedule of Funding Progress

<u>Actuarial Valuation Date</u>	<u>Net Program Assets (A)</u>	<u>Actuarial Accrued Liability (B)</u>	<u>Unfunded Liability (B) - (A)</u>	<u>Funding Ratio (A) ÷ (B)</u>
12/31/2012	\$1,954,521	\$2,114,954	\$160,433	92%
12/31/2013	\$2,008,209	\$2,226,839	\$218,630	90%
1/1/2015	\$2,030,820	\$2,309,276	\$278,456	88%
1/1/2016 *	\$1,993,959	\$2,598,797	\$604,838	77%
1/1/2017 **	\$2,111,081	\$2,830,534	\$719,453	75%

Comparison of Costs

<u>Actuarial Valuation Date</u>	<u>Calculated Contribution (C)</u>	<u>Sponsor Contribution (D)</u>	<u>Excess/(Deficit) Contribution (D) - (C)</u>	<u>Date(s) of Contribution</u>
12/31/2013	\$140,095	\$178,189	\$38,094	8/18/2014
1/1/2014	\$142,515	\$175,000	\$32,485	9/3/2015
1/1/2015	\$158,021	\$175,000	\$16,979	8/18/2016
1/1/2016 *	\$197,143	To be determined	To be determined	Due in 2017
1/1/2017 **	\$191,357	To be determined	To be determined	Due in 2018

Investment Rate of Return

2012: 11.65%	2013: 1.90%	2014: 0.17%	2015: -4.44%	2016: 4.06%
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Program Participation Breakdown

	<u>As of 1/1/2016</u>	<u>As of 1/1/2017</u>
Entitled participants (post-EA)	35	37
Active participants (pre-EA)	82	67
Inactive participants (pre-EA)	N/A	13
Terminated vested participants (pre-EA)	26	24
Total	143	141
Pre-EA participants earning service credit	55	47
Post-EA participants earning service credit	20	16
Total	75	63
Non-vested terminations	2	5
Volunteers not participating in Program	12	4

* The assumed rate of investment return (ROR) was lowered from 6.00% to 5.50%.

** The mortality rates have been changed to the RP2014 Male Mortality Table.

Carmel Fire Protection District No. 2 Service Award Program

1/1/2017 FACT SHEET

Schedule of Funding Progress

<u>Actuarial Valuation Date</u>	<u>Net Program Assets (A)</u>	<u>Actuarial Accrued Liability (B)</u>	<u>Unfunded Liability (B) - (A)</u>	<u>Funding Ratio (A) ÷ (B)</u>
1/1/2013	\$2,622,629	\$2,861,442	\$238,813	92%
1/1/2014	\$2,689,013	\$2,939,923	\$250,910	91%
1/1/2015	\$2,688,050	\$2,980,528	\$292,478	90%
1/1/2016 *	\$2,589,664	\$3,224,817	\$635,153	80%
1/1/2017 **	\$2,713,436	\$3,367,011	\$653,575	81%

Comparison of Costs

<u>Actuarial Valuation Date</u>	<u>Calculated Contribution (C)</u>	<u>Sponsor Contribution (D)</u>	<u>Excess/(Deficit) Contribution (D) - (C)</u>	<u>Date(s) of Contribution</u>
1/1/2014	\$171,451	\$201,123	\$29,672	8/18/2014
1/1/2014 (lagged)	\$171,276	\$207,000	\$35,724	9/3/2015
1/1/2015	\$172,573	\$207,000	\$34,427	8/18/2016
1/1/2016 *	\$211,812	To be determined	To be determined	Due in 2017
1/1/2017 **	\$181,473	To be determined	To be determined	Due in 2018

Investment Rate of Return

2012: 11.65%	2013: 1.90%	2014: 0.17%	2015: -4.44%	2016: 4.06%
--------------	-------------	-------------	--------------	-------------

Program Participation Breakdown

	<u>As of 1/1/2016</u>	<u>As of 1/1/2017</u>
Entitled participants (post-EA)	44	41
Active participants (pre-EA)	98	72
Inactive participants (pre-EA)	N/A	23
Terminated vested participants (pre-EA)	37	37
Total	179	173
Pre-EA participants earning service credit	56	56
Post-EA participants earning service credit	18	15
Total	74	71
Non-vested terminations	3	6
Volunteers not participating in Program	5	4

* The assumed rate of investment return (ROR) was lowered from 6.00% to 5.50%.

** The mortality rates have been changed to the RP2014 Male Mortality Table.

Investment Presentation for **Town of Carmel Losap**

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STUCKFLATION

Last month we wrote about our downgraded outlook for inflation, which has remained remarkably quiescent despite the global economy's continued advance. In our just-released 2017 Capital Markets Assumptions (CMA) paper, we reiterated our theme of Stuckflation, which posits that technology-enabled supply will continue to easily meet demand muted by high debt and maturing demographics. Federal Reserve Chair Janet Yellen gave a nod toward this outlook last week in her semi-annual testimony to Congress, noting uncertainty among some Fed members about the underlying drivers of today's persistently low inflation. Days later, we received another softer inflation report with the U.S. core consumer price index rising just 1.7% in June. Also noteworthy was Yellen's comment that the current Fed funds rate would "not have to rise all that much further to get to a neutral policy stance" – indicating that just a few more rate hikes could get the Fed to a neutral position.

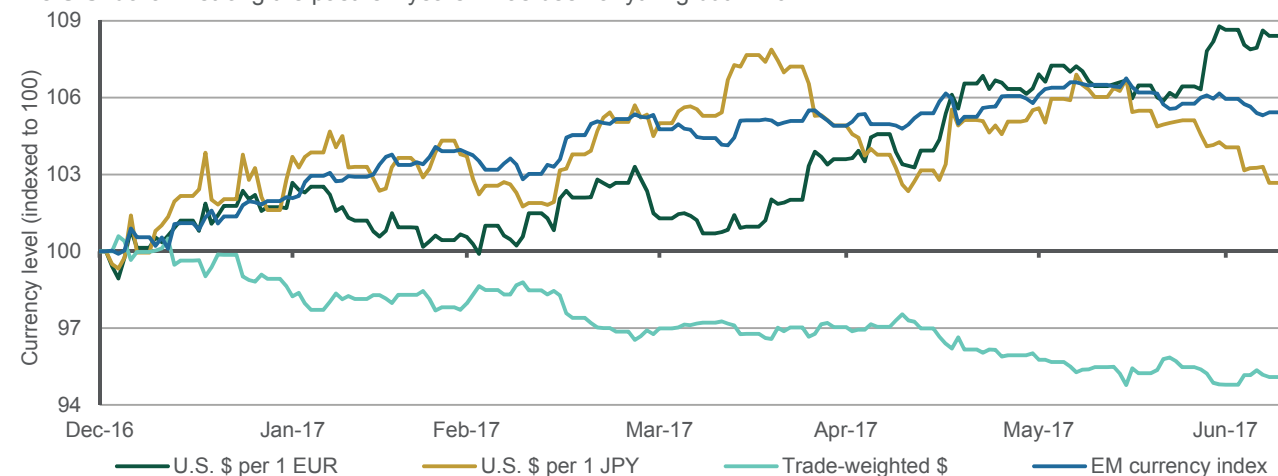
This environment of benign inflation is occurring during a period of Entrenched Growth, another of our CMA themes. Despite regular worries about the health of the global economy, we expect the global expansion to continue at a modest but steady pace over the next five years. Earlier in the year, the flattening of the yield curve was being viewed in some quarters as a signal of a growth disappointment in the offing. After several months of uninspiring data releases, however, the global economy is increasingly generating positive surprises versus economist expectations. All major regions are showing expansionary levels of activity, highlighted by improving growth in the United States and continued good growth across Europe.

Beyond Stuckflation, the other big story in the markets this year has been the move from dollar strength to dollar weakness, as shown in the exhibit

below. Currency levels can be driven by a multitude of factors, and this year's moves appear to be mostly influenced by changing investor expectations about future investment prospects. The starkest examples are the 5% decline in the value of the U.S. dollar, and related 8% rise in the euro. Certainly, the dollar's relative high value has played a role. A more likely near-term catalyst is changing investor views around the relative attractiveness of European risk assets compared with those in the United States. As highlighted in our recent report, *The Other Half: Non-U.S. Developed Markets Come to the Fore*, we think stock markets outside of the United States are looking more attractive after the significant U.S. outperformance during the last eight years.

CURRENCY REVERSAL

The U.S. dollar – strong the past few years – has been anything but in 2017.



Source: Northern Trust Investment Strategy, Bloomberg, MSCI. Data through 7/13/2017 indexed to 100 on 12/31/2016.

Past performance is no guarantee of future results. Returns of the indexes also do not typically reflect the deduction of investment management fees, trading costs or other expenses. It is not possible to invest directly in an index. Indexes are the property of their respective owners, all rights reserved. This newsletter is provided for informational purposes only and does not constitute an offer or solicitation to purchase or sell any security or commodity. Any opinions expressed herein are subject to change at any time without notice. Information has been obtained from sources believed to be reliable, but its accuracy and interpretation are not guaranteed. ViewPoints reflects data as of 7/18/17. Northern Trust Asset Management comprises Northern Trust Investments, Inc., Northern Trust Global Investments Limited, Northern Trust Global Investments Japan, K.K., NT Global Advisors, Inc. and investment personnel of The Northern Trust Company of Hong Kong Limited and The Northern Trust Company.

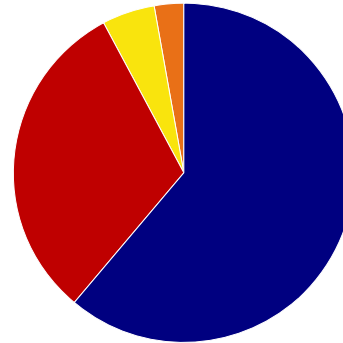
Asset Allocation as of 7/31/2017

Town of Carmel Losap

Investment Objective: GROWTH WITH INCOME

Asset Allocation

Asset Category	Market Value	% Total
Equity	2,992,676.80	61.2
Fixed Income	1,514,488.39	30.9
Alternative	244,294.18	5.0
Cash	142,481.17	2.9
Total	\$4,893,940.53	100.0%



Portfolio Detail

Asset	Market Value	% Class	% Total	Gain/Loss	Est. Income	Yield
Equity						
Domestic Equity Mutual Funds	1,969,953.71	65.8	40.3	119,953.71	20,026.15	1.02
International Equity Mutual Funds	493,793.09	16.5	10.1	43,793.09	6,116.59	1.24
Closed End Equity Mutual Funds	422,715.00	14.1	8.6	31,382.65	6,252.00	1.48
Equity ETF	106,215.00	3.5	2.2	3,165.05	1,315.50	1.24
Total Equity	\$2,992,676.80	100.0%	61.2%	\$198,294.50	\$33,710.24	1.13%
Fixed Income						
U.S. Corporate Bonds and Notes	602,229.00	39.8	12.3	-3,253.20	11,670.00	1.94
Taxable Fixed Income Funds	806,749.39	53.3	16.5	6,749.39	15,966.36	1.98
Closed End Fixed Income Funds (Tax)	105,510.00	7.0	2.2	400.10	1,618.00	1.53
Total Fixed Income	\$1,514,488.39	100.0%	30.9%	\$3,896.29	\$29,254.36	1.93%
Alternative						
Alternative Funds	244,294.18	100.0	5.0	7,213.99	12,097.90	4.95

August 9, 2017

Asset Allocation as of 7/31/2017

Town of Carmel Losap

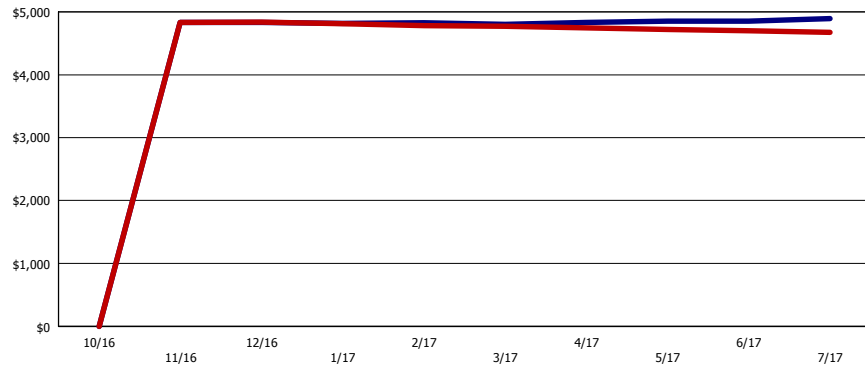
Asset	Market Value	% Class	% Total	Gain/Loss	Est. Income	Yield
Total Alternative	\$244,294.18	100.0%	5.0%	\$7,213.99	\$12,097.90	4.95%
Cash						
Taxable Money Market Funds	142,137.89	99.8	2.9	0.00	1,060.92	0.75
Uninvested Cash	343.28	0.2	0.0	0.00	0.00	0.00
Total Cash	\$142,481.17	100.0%	2.9%	\$0.00	\$1,060.92	0.74%
Total Portfolio	\$4,893,940.53		100.0%	\$209,404.77	\$76,123.41	1.56%

Performance Summary as of 7/31/2017

Town of Carmel Losap

Portfolio Growth Since Inception

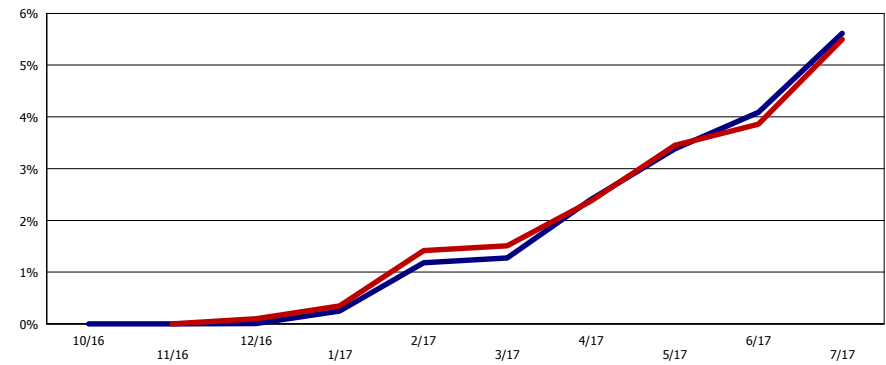
(in thousands)



Amounts shown for Total Fund

■ Portfolio Value ■ Net Amount Invested

Cumulative Returns



Returns shown for Total Fund

■ Account ■ Weighted Index

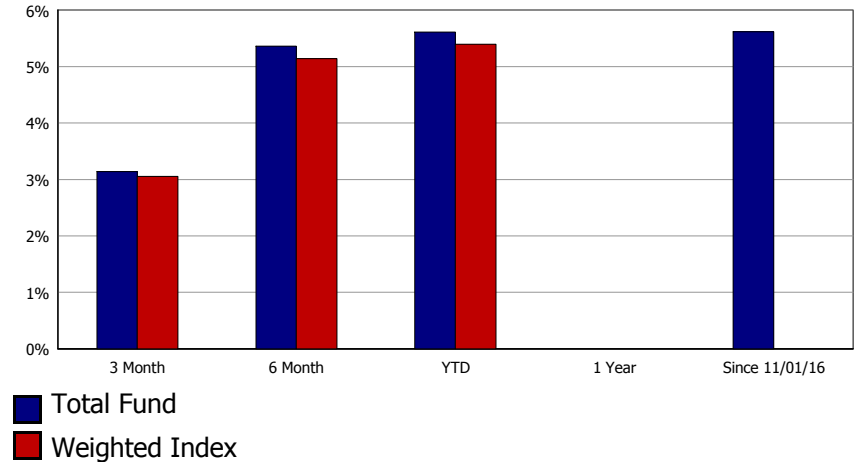
Return Details

	QTD	3 Month	6 Month	YTD	Since Inception
Total Fund	1.47%	3.14%	5.36%	5.61%	5.62%
Benchmark - Weighted Index	1.58%	3.05%	5.14%	5.39%	N/A
Equity	2.12%	4.56%	9.87%	12.44%	12.44%
Benchmark - Equity Weighted Index	2.29%	4.48%	9.73%	12.15%	12.15%
Fixed Income	0.44%	0.81%	1.40%	1.61%	1.61%
Benchmark - Merrill 1-10 Yr Corp/govt	0.46%	0.79%	1.92%	2.20%	2.20%
Cash Equivalents	0.07%	0.18%	0.29%	0.32%	0.35%
Benchmark - Citi 3 Mo T-bill	0.08%	0.21%	0.35%	0.39%	0.42%

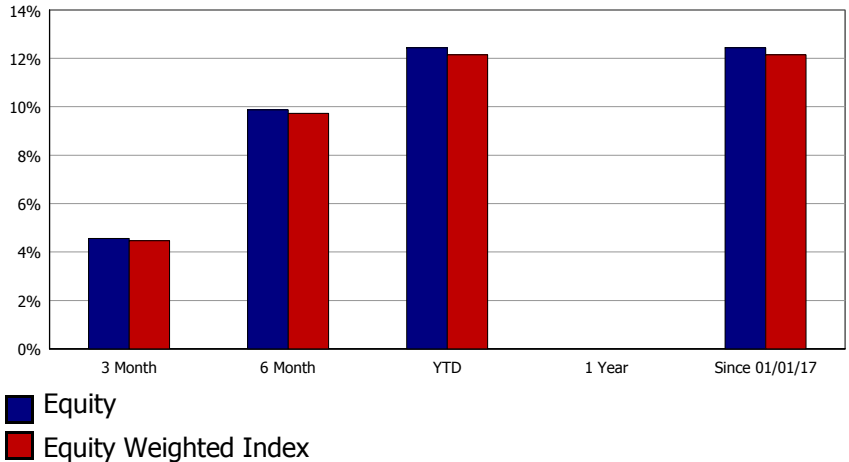
Asset Class Performance Summary as of 7/31/2017

Town of Carmel Losap

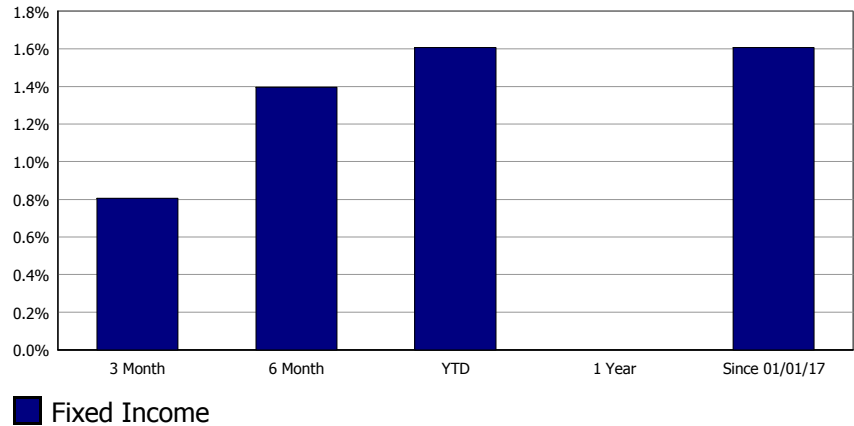
Total Fund Performance



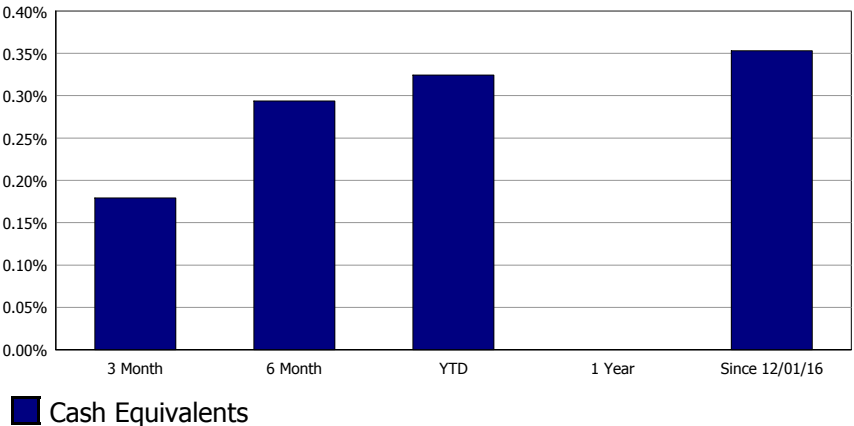
Equity Performance



Fixed Income Performance



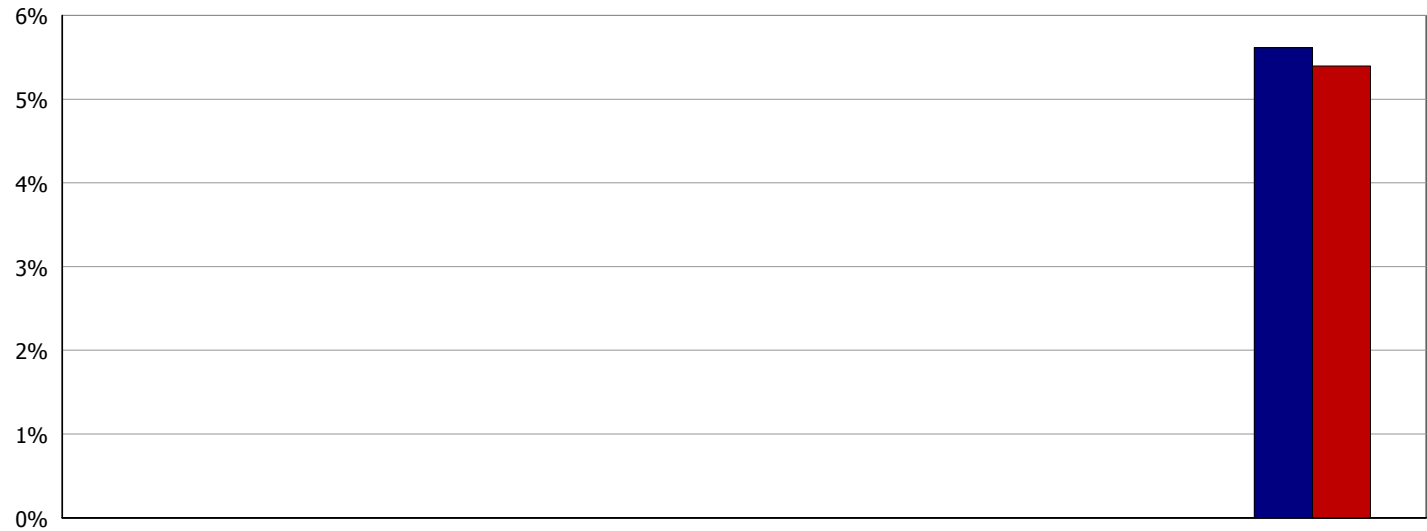
Cash Equivalents Performance



Portfolio Growth Analysis as of 7/31/2017

Town of Carmel Losap

Total Fund Performance



	2016*	YTD
Town of Carmel Losap		5.61%
Weighted Index		5.39%

Account Flows from 11/01/2016 to 07/31/2017

Flow Type			
Beginning Market Value	\$	0.00	\$ 4,833,152.09
Net Contributions Less Withdrawals		4,832,937.60	-198,713.17
Earned Income		5,229.30	39,641.40
Market Appreciation/Depreciation		-5,014.81	224,262.35
Ending Market Value	\$	4,833,152.09	\$ 4,898,342.67

Market values include accruals; An (*) indicates a partial time period.

Holdings Detail as of 7/31/2017

Town of Carmel Losap

Asset	Market Value	Quantity	% Total	Tax Cost	Est. Income	Yield	% G/L
Equity							
Domestic Equity Mutual Funds							
Dodge & Cox Stock Fund	515,696.99	2,629	10.5	500,000.00	6,466.91	1.25	3.1
North Country Equity Grw Fd	868,564.26	49,661	17.7	800,000.00	3,381.89	0.39	8.6
Vanguard 500 Index Fund-adm	425,761.62	1,865	8.7	400,000.00	7,863.00	1.85	6.4
Vanguard Mid Cap Index-adm	107,652.88	599	2.2	100,000.00	1,549.79	1.44	7.7
Vanguard Small-cap Index-adm	52,277.96	796	1.1	50,000.00	764.56	1.46	4.6
International Equity Mutual Funds							
Fidelity Overseas Fund	329,027.74	6,831	6.7	300,000.00	4,938.49	1.50	9.7
T Rowe Price New Asia-i	164,765.35	8,415	3.4	150,000.00	1,178.10	0.72	9.8
Closed End Equity Mutual Funds							
iShares MSCI Emerging Mkt ETF	131,400.00	3,000	2.7	111,855.90	1,764.00	1.34	17.5
iShares Russell Midcap ETF	291,315.00	1,500	6.0	279,476.45	4,488.00	1.54	4.2
Equity ETF							
iShares S&P Smallcap 600	106,215.00	1,500	2.2	103,049.95	1,315.50	1.24	3.1
Total Equity	\$2,992,676.80		61.2%	\$2,794,382.30	\$33,710.24	1.13%	
Fixed Income							
U.S. Corporate Bonds and Notes							
Apple Inc 2.100% 5/06/19	60,624.00	60,000	1.2	60,929.40	1,260.00	2.08	-0.5
Bank of Amer MTN 1.950% 5/12/18	60,100.80	60,000	1.2	60,379.20	1,170.00	1.95	-0.5
Berkshire Hath 2.000% 8/15/18	60,359.40	60,000	1.2	60,892.20	1,200.00	1.99	-0.9
Cardinal Health Inc 1.950% 6/15/18	60,151.20	60,000	1.2	60,469.80	1,170.00	1.95	-0.5
CISCO Systems Inc 1.400% 2/28/18	60,031.20	60,000	1.2	60,367.20	840.00	1.40	-0.6
Goldman Sachs Gp 2.000% 4/25/19	60,156.60	60,000	1.2	60,233.40	1,200.00	1.99	-0.1
Lowe's Cos Inc 1.150% 4/15/19	59,475.00	60,000	1.2	59,696.40	690.00	1.16	-0.4
Morgan Stanley MTN 2.500% 1/24/19	60,559.20	60,000	1.2	60,857.40	1,500.00	2.48	-0.5
SunTrust Banks Inc 2.500% 5/01/19	60,625.20	60,000	1.2	61,051.80	1,500.00	2.47	-0.7
Sysco Corporation 1.900% 4/01/19	60,146.40	60,000	1.2	60,605.40	1,140.00	1.90	-0.8

Holdings Detail as of 7/31/2017

Town of Carmel Losap

Asset	Market Value	Quantity	% Total	Tax Cost	Est. Income	Yield	% G/L
Fixed Income							
Taxable Fixed Income Funds							
North Country Intm Bond Fund	254,975.14	24,876	5.2	250,000.00	4,378.11	1.72	2.0
PIMCO Low Duration Fund-inst	352,090.60	35,673	7.2	350,000.00	6,920.52	1.97	0.6
Western Asset Core Bd Fund-s	199,683.66	15,823	4.1	200,000.00	4,667.72	2.34	-0.2
Closed End Fixed Income Funds (Tax)							
iShares Barclays 1-3 Year CR ETF	105,510.00	1,000	2.2	105,109.90	1,618.00	1.53	0.4
Total Fixed Income	\$1,514,488.39		30.9%	\$1,510,592.10	\$29,254.36	1.93%	
Alternative							
Alternative Funds							
Nuveen Preferred Securit-i	125,123.50	7,037	2.6	119,333.00	6,882.50	5.50	4.9
Vanguard REIT Index Fund-adm	119,170.68	998	2.4	117,747.19	5,215.40	4.38	1.2
Total Alternative	\$244,294.18		5.0%	\$237,080.19	\$12,097.90	4.95%	
Cash							
Taxable Money Market Funds							
Blackrock Liq Fd Treasury-in	142,137.89	142,138	2.9	142,137.89	1,060.92	0.75	0.0
Uninvested Cash							
Principal Cash	343.28	343	0.0	343.28	0.00	0.00	0.0
Total Cash	\$142,481.17		2.9%	\$142,481.17	\$1,060.92	0.74%	
Total Portfolio	\$4,893,940.53		100.0%	\$4,684,535.76	\$76,123.41	1.56%	

**TOWN OF CARMEL
WIRELESS TELECOMMUNICATIONS ORDINANCE**

§ I. Legislative intent.

1. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities. The purpose of this Wireless Telecommunications Ordinance is to provide the Town of Carmel with the authority to properly regulate necessary utility infrastructure for the provision of wireless telecommunications facilities within the Town,
2. The Town Board finds that the regulation of wireless telecommunications facilities is necessary to protect the predominantly suburban and rural residential character of the Town and the property values of the community; such regulation is needed to protect schools, parks, churches, playgrounds and historic structures; to preserve scenic areas; important commercial corridors; to minimize aesthetic impacts; to preserve the health and safety of residents; and to respect the need of wireless telecommunications service providers to relay signals without electronic interference from other service providers' operations, while not unreasonably limiting competition among them.
3. The Town Board declares that the protection of residential areas of the Town is of paramount importance and that any local regulations of wireless telecommunications facilities must furnish all possible protection for residential areas, and further declares that the provisions of this article are to be interpreted to favor protection of residential areas. The Planning Board shall, before issuing a special exception use permit for a wireless telecommunications facility in a residentially zoned area, satisfy itself that all other alternatives have been exhausted.
4. The Town Board finds that the aesthetic appearance of wireless telecommunication facilities is a paramount concern, particularly along the Town's important commercial corridors.
5. In general, shared use and collocation of antennas and antenna- mounting structures are preferred to the construction of new facilities.

§ II. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADMINISTRATIVE APPROVAL — Zoning approval that the Director of Code Enforcement or designee is authorized to grant after administrative review.

ADMINISTRATIVE REVIEW — Nondiscretionary evaluation of an application by the Director of Code Enforcement or designee. The process is not subject to a public hearing. The procedures for administrative review are established in § of this chapter.

ANSI — The American National Standards Institute.

ANTENNA — A system of electrical conductors for radiating or receiving radio waves.

ANTENNA, WIRELESS TELECOMMUNICATIONS — Any device, including the supporting structure and all related appurtenances, used for the transmission and reception of radio waves as part of wireless two-way communications.

BASE STATION

1. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base station" includes, without limitation:
 1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
 3. Any structure other than a tower that, at the time the relevant application is filed with the Town under this section, supports or houses equipment defined as a "wireless telecommunications facility" that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
2. The term does not include any structure that, at the time the relevant application is filed with the Town under this article, does not support or house equipment defined as a "wireless telecommunications facility."

COLLOCATION — The mounting or installation of a subsequent wireless telecommunications antennas and related transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

ELIGIBLE FACILITY REQUEST OR ELIGIBLE FACILITIES REQUEST — Any request for a wireless communications facility that does not involve substantial change to the physical conditions of a tower, base station or building involving:

1. Collocation of new transmission equipment in a high priority area as defined in § IX; or
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE — Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with Building Department under this article.

EXISTING FACILITY — A constructed tower or base station is existing for purposes of this article if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this article.

FCC — The Federal Communications Commission.

FREQUENCY — The number of sinusoidal cycles made by electromagnetic radiation in one second; usually expressed in units of hertz (Hz).

NIER (NONIONIZING ELECTROMAGNETIC RADIATION) — Electromagnetic radiation of such frequency that the energy of the radiation does not dissociate electrons from their constituent atoms when an atom absorbs the electromagnetic radiation.

RF — Radio frequency.

SUBSTANTIAL CHANGE — A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. The mounting of the proposed antenna on existing towers, other than towers in the public rights-of-way, would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to avoid interference with existing antennas;
2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;
3. The mounting of the proposed antenna would involve adding an appurtenance to the body of existing towers, other than towers in the public rights-of-way, that would protrude from the edge of the towers more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable;
4. The mounting of the proposed antenna would involve excavation outside the current existing structure site, defined as the current boundaries of the leased or owned property surrounding the existing structure and any access or utility easements currently related to the site;
5. The modification defeats concealment and/or stealth elements of the support structure; or
6. The modification does not comply with prior conditions of the approval for the existing structure site; provided, however, that this limitation does not apply to any modification

that is noncompliant only in a manner that would not exceed the thresholds identified above.

STEALTH TECHNOLOGY- a cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

TOWER — Any structure built for the sole or primary purpose of supporting any FCC- licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

TRANSMISSION EQUIPMENT — Equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

WIRELESS TELECOMMUNICATION FACILITIES — Any facility for the receiving or transmitting of wireless signals for commercial purposes, such as cellular telephone services, personal communication services (PCS), specialized mobile radio (SMR), enhanced mobile radio (ESMR), paging, satellite digital audio radio service (SDARS), fleet communication systems and similar commercial facilities, whether operated in support of another business activity or available for the transmission of signals on a sale or rental basis. As used herein the term shall include any necessary support structure, connection cables and equipment buildings as well as towers or monopoles.

§ III. Special exception use permit; policies and goals.

In order to assure that the placement, construction and modification of wireless telecommunications facilities conforms to the Town of Carmel's purpose and intent of this article, such facilities shall require the approval of a special permit. Consideration of a wireless telecommunications facility special permit shall address the following goals:

1. Establish an application procedure for person(s) seeking a special permit for a wireless telecommunications facility.
2. Establish a policy for examining an application for and issuing a special permit for a wireless telecommunications facility that is both fair and consistent.

3. Establish reasonable time frames for granting or not granting a special exception use permit for a wireless telecommunications facility.
4. Promote and encouraging, wherever possible, the sharing and/or collocation of a wireless telecommunications facility among service providers.
5. Promote and encouraging, wherever possible, the placement of a wireless telecommunications facility in such a manner as to cause minimal disruption to the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such facility.
6. Minimize any adverse aesthetic impacts to the community through the proper siting, location, screening, buffering or through the application of effective and innovative design measures and stealth technology.

§ IV. Eligible Facilities Request; administrative approval.

1. The Town has determined that the full special permit review procedure is unnecessary for certain wireless communications facilities that do not involve a substantial change to the physical characteristics of an existing tower, base station or building involving:
 4. Collocation of new transmission equipment in a high priority area as defined in § IX; or
 5. Removal of transmission equipment; or
 1. Replacement of transmission equipment.
2. Type of review. Upon receipt of an application for an Eligible Facilities Request, the Director of Code Enforcement or designee shall review such application to determine whether the application so qualifies as an Eligible Facility Request as defined in this chapter. If determined to be an Eligible Facility Request, such application shall undergo an administrative review, as defined herein. If it is determined that there will be a substantial change to an existing facility, this section shall not apply.
3. Application. An application form provided by the Building Department shall be provided which shall establish the information necessary for the Town to consider whether an application is an Eligible Facilities Request. Each application shall include the following:
 - (1) An application form provided by the Building Department.
 - (2) A radio frequency safety report demonstrating compliance with FCC safety standards.
 - (3) Certification that the installation will comply with visual standards set forth in § XIV.
 - (4) The payment of a fee for an eligible facilities request, as stated in the Town of Carmel Schedule of User Fees.

4. Timeframe for review. Within 60 days after an Eligible Facilities Request has been received, the Director of Code Enforcement or his designee shall approve the application unless it has been determined that the application creates a substantial change or otherwise does not meet the criteria of an Eligible Facilities Request. Once an Eligible Facilities Request application has been approved, the Director of Code Enforcement shall issue a building permit.
4. Tolling of time frame for review.
 - (1) The sixty-day review period begins to run when the application is filed, and may be tolled by mutual agreement by the Director of Code Enforcement and the applicant.
 - (2) The time frame for review may also be tolled when the Director of Code Enforcement or his designee determines that the application is incomplete. When an application has been determined to be incomplete, the following process shall be used to toll the time frame for review:
 - (a) The Director of Code Enforcement or designee shall provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application or such other reasons why the application has been determined to be incomplete.
 - (b) Within 10 days of a supplemental submission, the Director of Code Enforcement or designee will notify the applicant if his or her application has been deemed complete. If application is still found to be incomplete after a supplemental submission, the applicant must provide additional supplemental submissions until the application has been deemed complete.
 - (c) The time frame for review will not begin to run again until the application has been deemed complete.
5. Failure to act. In the event the Director of Code Enforcement or designee fails to approve or deny a request seeking approval under this section within the time frame for review, accounting for any tolling, the application shall be approved. However, such approval does not become effective until the applicant notifies the Director of Code Enforcement in writing after the review period has expired, accounting for any tolling, that the application has been approved.
6. Interaction with §n (c)(7). If it is determined that the applicant's request is not covered by § 6409(a)¹ as delineated under this section, the presumptively reasonable time frame under § (c)(7),² as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the decision that the application is not a covered request. To the extent such

information is necessary, the Town may request additional information from the applicant to evaluate the application under § 332(c)(7), pursuant to the limitations applicable to other § (c)(7) reviews.

1. **Editor's Note: See 47 U.S.C. § 1455(a).**
2. **Editor's Note: See 47 U.S.C. § 332(c)(7).**

§ V. Procedure for special permit application; fee.

1. All applicants for a special permit for a wireless telecommunications facility or any modification of such facility and renewal thereof shall comply with the requirements set forth in this section.
2. The applicant shall be required to provide sufficient funds to an escrow account to allow the Planning Board to retain such technical experts as may be necessary to review the proposal, provided that no funds shall be deposited until a scope of work is agreed upon among the applicant, the expert and the Planning Board. In any event, the initial deposit shall be a minimum of \$3,500. A larger deposit may be required if, in the judgment of the Planning Board, the complexity and scope of the proposal requires additional expert review. The applicant shall maintain the escrow account at the amount of the initial deposit and replenish same in a timely manner. Payment in full thereto shall be a condition precedent to any approval by the Planning Board. Any unused funds will be returned to the applicant upon completion of the review. The withdrawal of an application shall not relieve the applicant of the payment obligations of this section.
3. The Planning Board is hereby authorized to issue a special permit under the provisions of this article subject to all of the special requirements and conditions herein and any requirements which may be made a part hereof. Every special permit shall also conform to all special findings that are specified herein.
4. Application to the Planning Board for a special permit under this article shall be accompanied by a fee in accordance with the current Town fee schedule.
5. Prior to or concurrent with the filing of a formal application to the Planning Board to obtain a special permit under this article, the applicant shall submit information needed to meet the requirements of the New York State Environmental Quality Review Act (SEQR). The Planning Board may hold a joint public hearing under the provisions of SEQR and this article whenever practicable. In the event that a final SEQR determination has not been made, no application for a special permit under this article shall be granted. The time periods in which the Planning Board may take action may be extended with the consent of the applicant.
6. The owner of the subject property shall be joined as a co-applicant.
7. In addition to any other applicable notice requirements established elsewhere in the Town Code, the applicant shall cause notice of the public hearing by notifying all property owners by certified mail, return receipt requested, within 500 feet of the boundary line of the subject property.

8. The applicant is required to provide a physical mockup of the proposed project

§ VI. Information required for wireless telecommunications antennas.

A. For all proposed wireless telecommunications antennas the following information shall be provided:

1. Name and address of the property owner and the applicant.
2. Address, lot and block and/or parcel number of the property.
3. Zoning district in which the property is situated.
4. Name and address of the person preparing the plan.
5. Size of the property and the location of all lot lines.
6. Approximate location of nearest residential structure.
7. Approximate location of nearest occupied structure.
8. Location of all structures on the property which is the subject of the application.
9. Location, size and height of all proposed and existing antennas and all appurtenant structures on the property.
10. Type, size and location of all proposed landscaping.
11. A report by a New York State licensed professional engineer documenting compliance with applicable structural standards and describing the general structural capacity of any proposed installation.
12. The number and type of antennas proposed.
13. A description of the proposed antennas and all related fixtures, structures, appurtenances and apparatus, including height above grade, materials, color and lighting.
14. A description of the antenna's function and purpose.
15. The make, model and manufacturer of the antenna.
16. The frequency, modulation and class of service.
17. Transmission and maximum effective radiated power.
18. Direction of maximum lobes and associated radiation and compliance with FCC regulations.
19. Consent to allow additional antennas (for purposes of collocating) on any new antenna towers, if feasible.
20. If a collocation, the cumulative impacts, visual and otherwise, of the proposed antenna.

B. The items in Subsection A(12) through (18) shall be included in a report prepared by a radio frequency engineer, health physicist or other qualified professional.

§ VII. Facility service plan.

All proposals to provide or operate wireless telecommunications facilities shall be accompanied by a facility service plan, which shall include all the information necessary to allow the Planning Board to understand the existing, proposed and long-range plans of the applicant. The facility service plan shall include at least the following information:

1. The location, height and operational characteristics of all existing facilities of the applicant in and immediately adjacent to the Town.

2. A two-to-five-year plan for the provision of additional facilities in and immediately adjacent to the Town, indicating whether each proposed facility is for initial coverage or capacity-building purposes and showing proposed general locations or areas in which additional facilities are expected to be needed. Subsequent applications will confirm or modify the facility service plan so that the Planning Board may be kept up-to-date on future activities.
3. A commitment to collocate or allow collocation wherever possible on all existing and proposed facilities.

§ VIII. Requirements applicable to all wireless telecommunications antennas.

For all proposed wireless telecommunications antennas the following requirements are applicable:

1. For proposed sites within 100 feet of other sources of RF energy, emanating from other wireless telecommunications facilities, the applicant shall provide an estimate of the maximum total exposure from all nearby stationary sources and a comparison with relevant standards. This assessment shall include individual and ambient levels of exposure. It shall not include such residentially based facilities such as cordless telephones.
2. All obsolete or unused wireless telecommunications antennas (including tower supports) shall be removed within 60 days of cessation of operations at the site. The Town may remove such facilities upon reasonable notice and an opportunity to be heard and treat the cost as a tax lien on the property. The Planning Board may also require at the time of approval, the posting of a bond sufficient to cover the costs of removing an abandoned wireless telecommunications facility.
3. All antennas shall be identified with signs not to exceed six square feet, listing the owner's or operator's name and emergency telephone number, and shall be posted in a conspicuous place.
4. New antennas may not be sited within 500 feet of any existing antenna. This restriction does not apply to the siting of new antennas at an existing site.
5. No source of NIER, including facilities operational before the effective date of this article, shall exceed the federal or state NIER emission standard.
6. New antennas and supporting towers shall be designed to accommodate additional antennas for purposes of collocating.

§ IX. Location of wireless telecommunications facilities.

1. Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities, including towers and other tall structures, in

accordance with the following priorities, one being the highest priority and six being the lowest priority:

- a. On existing tall structures or wireless telecommunications towers in nonresidential zoning districts.
 - b. Collocation on a site with existing wireless telecommunications towers or structures in nonresidential districts, not fronting on NYS Routes 6, 6N, 52 and 301.
 - c. Collocation on a site with existing wireless telecommunications towers or structures in any other nonresidential districts.
 - d. Installation of a new wireless telecommunications facility in any nonresidential district.
 - e. Installation of a new wireless telecommunications facility in any residential district.
 - f. On other property in the Town.
2. If the proposed site for a wireless telecommunications facility is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
3. An applicant may not bypass a site of higher priority by stating that the site presented is the only site selected or secured. An applicant shall address collocation as an option, and, if such option is not proposed, the applicant shall explain why collocation is impracticable. Agreements between providers limiting or prohibiting collocation shall not be considered a valid basis for a claim of impracticability. Notwithstanding the above, the Planning Board may approve any site located within an area in the above list of priorities, provided that the Planning Board finds that the proposed site is in the best interests of the health, safety and welfare of the Town of Carmel and its inhabitants.
4. The applicant shall submit a report demonstrating the applicant's review of the above priorities demonstrating the technical reasons for the site selection and, if the site selected is not the highest priority, a detailed explanation of why sites of higher priority were not selected.
5. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Planning Board may disapprove an application for any of the following reasons:
 - (a) Conflict with safety and safety-related codes and regulations.

- (b) Conflict with traffic needs or traffic laws, or definitive plans for changes in traffic flow or traffic laws.
- (c) Conflict with the historic nature of a neighborhood.
- (d) The use of a wireless telecommunications facility which is contrary to an already stated purpose of a specific zoning or land use designation.
- (e) The placement and location of a wireless telecommunications facility which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the Village or employees of the service provider or other service providers.
- (f) Conflicts with the provisions of this article.

§ X. Antenna locations where public exposure is likely.

For roof-mounted, collocated or other situations in which public exposure is likely, the application shall include:

1. An assessment of potential public exposure to radio frequency (RF) energy from the proposed facility indicating the facility's compliance with applicable federal or state standards. The applicant shall identify the maximum exposure level, the locations at which this occurs and the estimated RF levels at specific locations of community interest, such as schools, residences or commercial buildings. Assumptions used in the calculations shall be stated, including building heights and topography.
2. A multiple-source exposure impact assessment shall be prepared if the wireless telecommunications facility is to be situated on the same site as existing facilities, such as a tower or roof.
3. Evidence that the maximum exposure to the general public will not exceed federal or state standards.
4. An identification of rooftop areas to which the public may have access. The exposure in these areas shall be in compliance with the standards established by any federal or state agencies.
5. An identification of how much of the roof, if any, should be designated a "controlled environment" due to RF field levels in accordance with the applicable federal or state standard.
6. Notification of the building management if any portion of the roof needs to be identified as a "controlled environment" due to RF levels in excess of the guidelines in the applicable federal or state standards.

§ XI. Roof-mounted antennas.

Requirements applicable to roof-mounted antennas are as follows:

1. Antennas shall not be placed more than 15 feet higher than the height limitation for buildings and structures within the zoning district in which the antenna is proposed to be erected.
2. Antennas may be set back from the outer edge of the roof a distance equal to or greater than 10% of the rooftop length and width, or such antennas may be attached directly to the roof parapet wall, whichever, in the Planning Board's opinion, will have the minimal visual impact while achieving signal coverage requirements.
3. If the Planning Board requests, antennas shall be the same color of the exterior of the top floor or parapet of the building except to the extent required by law.

§ XII. New wireless telecommunications towers.

1. The applicant shall demonstrate to the satisfaction of the Planning Board that there exists no tower on which the antenna may collocate or that collocation is not feasible for any of the following reasons:
 - (a) The applicant has been unable to come to a reasonable agreement to collocate on another tower. The names, addresses, phone and fax numbers of other service providers approached shall be provided, accompanied by a written statement as to the reason an agreement could not be reached.
 - (b) The antenna will not unreasonably interfere with the view of or from any park, designated scenic area, historic district, site or structure.
 - (c) The radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
 - (d) The applicant's network of antenna locations is not adequate to properly serve its customers, and the use of facilities of other entities is not suitable for physical reasons.
 - (e) Adequate and reliable service cannot be provided from existing sites in a financially and technologically feasible manner consistent with the service providers' system requirements.
 - (f) Existing sites cannot accommodate the proposed antenna due to structural or other engineering limitations (e.g., frequency incompatibilities).

- (g) For proposed monopole or tower facilities, there is a report by a New York State licensed professional engineer specializing in structural engineering certifying that the proposed design is structurally sound.
- b. Any application for the approval of a special permit for a wireless telecommunications facility shall include a report by a qualified radio frequency engineer, health physicist or other qualified professional, as determined by the Planning Board, which calculates the maximum amount of nonionizing electromagnetic radiation (NIER) which will be emitted from the proposed wireless telecommunications facility upon its installation and demonstrates that the facility will comply with the applicable federal or state standards.

§ XIII. NIER measurements and calculations.

All applicants for wireless telecommunications facilities in any district shall submit calculations of the estimated NIER output of the antenna(s). For antennas mounted on an existing structure not requiring a special permit, the calculations shall be provided to the Director of Code Enforcement prior to the issuance of a permit. For antenna applications requiring a special permit, the calculations shall be provided to the Planning Board at the time of making the application for special permit. NIER levels shall be measured and calculated as follows:

1. Measuring equipment used shall be generally recognized by the Environmental Protection Agency (EPA), National Council on Radiation Protection and Measurement (NCRPM), American National Standards Institute (ANSI), or National Bureau of Standards (NBS) as suitable for measuring NIER at frequencies and power levels of the proposed and existing sources of NIER.
2. Measuring equipment shall be calibrated as recommended by the manufacturer in accordance with methods used by the NBS and ANSI, whichever has the most current standard.
3. The effect of contributing individual sources of NIER within the frequency range of a broadband measuring instrument may be specified by separate measurement of these sources using a narrow band measuring instrument.
4. NIER measurements shall be taken based on maximum equipment output. NIER measurements shall be taken or calculated when and where NIER levels are expected to be highest due to operating and environmental conditions.
5. NIER measurements shall be taken or calculated along the property lines at an elevation six feet above grade at such locations where NIER levels are expected to be highest and at the closest occupied structure.
6. NIER measurements shall be taken or calculated following spatial averaging procedures generally recognized and used by experts in the field of RF measurement or other procedures recognized by the FCC, EPA, NCRPM, ANSI or NBS.

7. NIER calculations shall be consistent with the FCC, Office of Science and Technology (OST) Bulletin 65 or other engineering practices recognized by the EPA, NCRPM, ANSI, MBS or similarly qualified organization.
8. Measurements and calculations shall be certified by a New York State licensed professional engineer, health physicist or a radio frequency engineer. The measurements and calculations shall be accompanied by an explanation of the protocol, methods and assumptions used.

§ XIV. NIER monitoring and enforcement.

1. The owner and/or operator of the antenna shall perform a NIER level reading as set forth above and shall submit the results of the test to the Town of Carmel Director of Code Enforcement Department within 90 days of initially operating the antenna system, and annually thereafter. The owner or operator shall provide a report from a qualified professional who shall certify, under penalties of perjury, that the installation does not expose the general public to NIER standards in excess of those of any federal or state agency regulating RIF-energy.
2. The Town may measure NIER levels as necessary to ensure that the federal or state standards are not exceeded. Any approval of a wireless telecommunications facility shall be conditioned upon an offer of perpetual consent to allow the Town access to the premises to conduct the required NIER monitoring, should the operator of the wireless communications facility fail to do so.
3. If the standards of any federal or state agency are exceeded at the location of a proposed transmitting antenna, the proposed facility shall not be permitted.

§ XV. Bulk regulations and height.

1. In all zoning districts, all wireless telecommunications facilities shall comply with yard requirements of the Zoning Ordinance for principal buildings. No wireless telecommunications facilities may be located between the principal structure and the street.
2. In residential districts, wireless telecommunications facilities shall not exceed 50 feet in height unless the requirements of Subsection 3 below are met. In nonresidential districts, wireless telecommunications facilities shall not exceed 100 feet in height unless the requirements of Subsection C below are met.
3. In the event that applicants propose a height greater than that listed above, the applicant must demonstrate to the satisfaction of the Planning Board that:
 - a. Alternative means of mounting the antenna have been considered and are not feasible for the applicant.

- b. The height is the minimum height necessary for adequate operation to meet the applicants' communications needs and the aesthetic intrusion has been minimized to the greatest extent practicable.
 - c. The height does not exceed 50% of the maximum height listed in Subsection 2. above.
 - d. The site or building on which the facility is proposed to be installed does not become nonconforming or increase in nonconformity by reason of the installation of wireless telecommunications facilities. This includes, but is not limited to, yard, buffer, height, floor area ratio for equipment buildings, parking, open space and other requirements. The height requirements of this chapter shall apply to buildings and equipment shelters.
4. Notwithstanding anything stated herein, the Planning Board shall be permitted to increase the height of any tower beyond any limitations set forth herein in order to accommodate additional users. In reviewing a request for greater height, the Planning Board shall balance the effect of a greater height against the provision of one or more additional towers, collocating or other alternatives.
 5. In residential districts, wireless telecommunications towers and monopoles shall be separated from residential buildings on adjacent or abutting properties for a distance by not less than two times the height of the tower or monopole. This provision shall apply to the proposed use for wireless telecommunications facilities of towers or monopoles existing at the time of adoption of this article.

§ XVI. Visual impact.

1. For all new wireless telecommunication facilities, the applicant shall provide to the Planning Commission a short Environmental Assessment Form (EAF), Part I and Visual EAF Addendum, Appendix A and B, including graphic information that accurately portrays the visual impact of the proposed facility from various vantage points selected by the Planning Board or the Planning Board's consultants, such as, but not limited to, residential areas, major commercial corridors, parks, historic buildings or scenic areas, including nighttime visual impacts. This graphic information may be provided in the form of photographs or computer-generated images with the tower superimposed, as may be required by the Planning Board or its consultants.
2. The applicant shall provide a temporary physical mockup of the proposed project. The mockup shall be mounted in the same location(s) at the project site as the proposed project and shall be the same dimensions, color and set at the same height and width as proposed project. The mockup shall be installed two (2) weeks prior to the initial appearance before the Planning Board, and shall remain in place until the Planning Board renders its decision on the application. The applicant shall obtain authorization for the installation of this temporary mockup from the Building Department, to ensure the mockup is installed safely, and does not represent a hazard to public safety. The mockup

shall be removed no later than two days after the close of the public hearing where the proposed project is considered.

3. For all buildings or equipment shelters to be located in a residential zoning district, the equipment shelter shall be treated in an architectural manner compatible with the residences in the vicinity.
4. Careful consideration of design details including color, texture, and materials shall be made to ensure the stealth design of the wireless telecommunication facility.
5. All building-mounted wireless telecommunication facilities shall be, at a minimum, designed as stealth facilities. Design techniques shall be employed to minimize visual impacts and provide appropriate camouflage.
6. All building-Mounted wireless telecommunication facility components, including all antenna panels, shall be painted or be designed to match the predominant color and/or design of the structure so as to be visually inconspicuous.
7. A minimum of three (3) live trees with a minimum height of 20-feet shall be planted in close proximity to a wireless telecommunications facility designed as a faux tree. The Planning Board may require additional live mature plantings to assist in mitigating visual impacts of wireless telecommunication facilities designed as faux trees.
8. Where a wireless telecommunications facility is proposed to be located on a building rooftop, the associated equipment shall be enclosed within an architecturally integrated penthouse or otherwise be completely screened to the satisfaction of the Planning Board. Required screening shall be decorative, of a design, color, and texture that is architecturally integrated with the building it is on.
9. Associated equipment shall be enclosed by a fence, landscaped screening decorative wall, or other screening and buffering measures found to be acceptable by the Planning Board.

§ XVII. Color and lighting standards.

Except as specifically required by the Federal Aviation Administration (FAA) or the FCC, antennas, including the supporting structure and all related appurtenances, shall:

1. Be colored to reduce the visual impact to the greatest degree possible.
2. Not be illuminated, except that buildings may use lighting required by the New York State Fire Prevention and Building Code or when required for security reasons. When lighting is used, it shall be compatible with the surrounding neighborhood to the greatest degree practicable.

§ XVIII. Fencing and NIER warning signs.

1. The area surrounding the facility shall:

- a. Be fenced or otherwise secured in a manner which prevents unauthorized access by the general public to areas where the standards of any federal or state agency are exceeded.
- b. Contain appropriate signage to warn of areas of the site where:
 1. NIER standards are exceeded.
 2. High risks for shocks or burns exist.
2. For wall-mounted antennas, the signage shall be placed no more than five feet off the ground.
3. No other signage, including advertising, shall be permitted at the facility, antenna or tower or supporting structure, unless required by law.

§ XIX. NIER exposure standards.

No antenna or combination of antennas shall expose the general public to NIER levels exceeding the standard of any federal or state agencies having jurisdiction. In addition, no antenna facility shall emit radiation such that the general public will be exposed to shock and burn in excess of the standards contained in ANSI C-95.1.

§ XX. Registration of antenna operators.

The Building Department shall keep a list of the names, addresses, type and maximum emissions of all antenna operators in the Town. This list shall be maintained from applications to the Planning Board and Building Department and from FCC or similar inventories of facilities in the Town. If the name or address of the owner or operator of the antenna facility is changed, the Building Department shall be notified of the change within 30 days.

§ XXI. Expiration of special permit.

1. The special permit shall be issued to the use that was the subject of the application and shall expire upon the termination of such use.
2. The Director of Code Enforcement shall require issuance of a revised or new special permit prior to the issuance of a building permit where the proposal requires a special permit use under this article.
3. After issuance of a building permit, the applicant shall provide a report to the Director of Code Enforcement prepared by a New York State licensed professional engineer certifying that any monopole or tower has been constructed in accordance with the plans approved by the Director of Code Enforcement.
4. All special permits issued for any wireless telecommunications facility shall be renewed every two years from the effective date of the approval of the facility. An application for renewal shall be made to the Planning Board. The Planning Board shall review any and

all changes in circumstances influencing the wireless telecommunications facility, or the actual facility itself, including its operation and use. If circumstances have materially changed, then the Planning Board shall reconsider the special permit approval. Failure to renew the special exception permit use, or the denial of the renewal by the Planning Board, shall result in the removal of the wireless telecommunications facility in accordance with this article.

§ XXII. Existing installations.

Any wireless telecommunications facility legally existing at the time that this article takes effect shall be permitted to continue, provided that the operator submits proof within six months of the enactment of this article that a valid building permit has been issued for the facility and that the facility complies with the standards adopted by the Federal Communications Commission and all requirements of this article, as certified by a professional engineer with qualifications acceptable to the Town of Carmel.

§ 345-99. Severability.

Should any section, paragraph, sentence, clause, word or provision of this article be declared void, invalid or unenforceable, for any reason, such decision shall not affect the remaining provisions of this article.