

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

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 22nd day of June 2016 at 7:08 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

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

Supervisor Schmitt announced that prior to the commencement of the Voting Meeting, the Town Board met at 6:30 p.m. with Police Chief Michael Cazzari in Executive Session to discuss a matter of personnel.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW ENACTING CHAPTER 15 OF THE CODE OF THE TOWN OF CARMEL ENTITLED "APPLICANT FINGERPRINT INQUIRIES"

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

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, June 22, 2016 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law enacting Chapter 15 of the Code of the Town of Carmel, entitled "Employment Fingerprint Inquiries";

TOWN OF CARMEL
PROPOSED LOCAL LAW # ____
OF THE YEAR 2016
CHAPTER 15

I. LEGISLATIVE INTENT

Access to criminal history record information ("CHRI")

maintained by the New York State Division of Criminal Justice Services ("DCJS") for job or license applicants is permitted pursuant to state law, federal law, or local law of a municipality or political subdivision of the state, that specifically provides for fingerprint submission to DCJS. The intent of this local law is establish the Town of Carmel's authorization to submit applicant fingerprint inquiries to the DCJS for applicants for full- and part-time employment within the Town of Carmel.

II. A new Chapter 15 shall be added to the Town of Carmel Code to provide as follows:

**CHAPTER 15
APPLICANT FINGERPRINT
INQUIRIES**

§ 15-1. AUTHORITY

9 NYCRR Part 6051.1 and 6051.2 expressly permits the release of CHRI to entities that have statutory authority to access

such records, and the execution of a written Use and Dissemination agreement between the DCJS and the Town of Carmel.

**§ 15-2. APPLICABILITY TO
TOWN EMPLOYEES.**

With the exception of those individuals who are under the age of eighteen and applying for seasonal employment, the requirements of this Chapter 15 apply to all applicants for employment in the Town of Carmel whether full- and part-time, including but not limited to applicants to positions that require or contemplate interaction with minors.

**§ 15-3. SUBMISSION OF
FINGERPRINTS; FEES.**

With the exception of those individuals who are under the age of eighteen and applying for seasonal employment, all applicants for full- and part-time employment within the Town of Carmel shall be required to submit fingerprints and information

required for application of same and in the form and manner as prescribed by the DCJS.

**§ 15-4. ACCESS TO; REVIEW
OF CHRI.**

The Town Supervisor and the Town Clerk shall have the right to review the CHRI disseminated by the DCJS. No other Town employee shall have access to such information.

**§ 15-5. OTHER APPLICABLE
LAWS.**

A. If a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license or employment must be made upon consideration of New York State Correction Law §§701-703-b and §§751-753. Correction Law §§701-703-b provides for certificates of relief from disability and certificates of good conduct and §§751-753 sets forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determinations.

B. These provisions hereof shall not be interpreted or applied to affect the statutory authority under §50 (4) of New York State Civil Service Law which authorizes the state civil service department or municipal commission to require applicants undergo a state and national criminal history record check.

III. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

IV. EFFECTIVE DATE.

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

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

*By Order of the Town Board of
the Town of Carmel
Ann Spofford, Town Clerk*

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:14 p.m. Twenty-four (24) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:15 p.m.

SEQR DETERMINATION OF SIGNIFICANCE - PROPOSED LOCAL LAW ENACTING CHAPTER 15 OF THE CODE OF THE TOWN OF CARMEL ENTITLED "APPLICANT FINGERPRINT INQUIRIES" - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #2 of 2016 concerning enactment of Chapter 15 of the Town of Carmel Town Code Chapter entitled "Applicant Fingerprint Inquiries" is a Type II action under SEQR and no further review is necessary.

(Cont.)

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lombardi

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

LOCAL LAW #2 OF THE YEAR 2016 - A LOCAL LAW ENACTING CHAPTER 15 OF THE CODE OF THE TOWN OF CARMEL ENTITLED “APPLICANT FINGERPRINT INQUIRIES” - ADOPTED AS NOTICED AND PUBLISHED

**LOCAL LAW #2 OF THE YEAR 2016
A LOCAL LAW ENACTING CHAPTER 15 OF THE CODE OF THE
TOWN OF CARMEL ENTITLED
“APPLICANT FINGERPRINT INQUIRIES”**

I. Legislative Intent.

Access to criminal history record information ("CHRI") maintained by the New York State Division of Criminal Justice Services ("DCJS") for job or license applicants is permitted pursuant to state law, federal law, or local law of a municipality or political subdivision of the state, that specifically provides for fingerprint submission to DCJS. The intent of this local law is establish the Town of Carmel's authorization to submit applicant fingerprint inquires to the DCJS for applicants for full- and part-time employment within the Town of Carmel.

II. A new Chapter 15 shall be added to the Town of Carmel Code to provide as follows:

**CHAPTER 15
Applicant Fingerprint Inquiries**

§ 15-1. Authority.

9 NYCRR Part 6051.1 and 6051.2 expressly permits the release of CHRI to entities that have statutory authority to access such records, and the execution of a written Use and Dissemination agreement between the DCJS and the Town of Carmel.

§ 15-2. Applicability to Town Employees.

With the exception of those individuals who are under the age of eighteen and applying for seasonal employment, the requirements of this Chapter 15 apply to all applicants for employment in the Town of Carmel whether full- and part-time, including but not limited to applicants to positions that require or contemplate interaction with minors.

§ 15-3. Submission of Fingerprints; Fees.

With the exception of those individuals who are under the age of eighteen and applying for seasonal employment, all applicants for full- and part-time employment within the Town of Carmel shall be required to submit fingerprints and information required for application of same and in the form and manner as prescribed by the DCJS.

§ 15-4. Access to; Review of CHRI.

The Town Supervisor and the Town Clerk shall have the right to review the CHRI disseminated by the DCJS. No other Town employee shall have access to such information.

(Cont.)

§ 15-5. Other Applicable Laws.

- A. If a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license or employment must be made upon consideration of New York State Correction Law §§701-703-b and §§751-753. Correction Law §§701-703-b provides for certificates of relief from disability and certificates of good conduct and §§751-753 sets forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determinations.
- B. These provisions hereof shall not be interpreted or applied to affect the statutory authority under §50 (4) of New York State Civil Service Law which authorizes the state civil service department or municipal commission to require applicants undergo a state and national criminal history record check.

III. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

IV. EFFECTIVE DATE.

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

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

Councilman Lombardi acknowledged Police Chief Michael Cazzari for bringing the issue to the attention of the Town Board.

Supervisor Schmitt recognized Councilman Lombardi for championing this legislation to ensure the safety of the community.

POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF SERGEANT MADE - STEPHEN KUNZE

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

(Cont.)

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt

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

Supervisor Schmitt commended Stephen Kunze for his dedicated service with the Town of Carmel Police Department which commenced in 2002. Supervisor Schmitt administered his oath of office and the members of the Town Board congratulated him on his promotion to the rank of Sergeant.

POLICE DEPARTMENT - PROBATIONARY PROMOTIONAL APPOINTMENT OF DETECTIVE MADE - MICHAEL SHEIL

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

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt

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

Supervisor Schmitt acknowledged Michael Sheil on his appointment as detective and administered a ceremonial oath of office to him. The Town Board members expressed congratulatory wishes.

FISCAL YEAR 2015 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) - ACCEPTED AND ADOPTED

RESOLVED that the Town Board of the Town of Carmel hereby accepts and adopts the Comprehensive Annual Financial Report (CAFR) of the Town's independent auditor PKF O'Connor Davies, LLP, for fiscal year 2015 and hereby directs Town Clerk Ann Spofford to publish all notices required in connection herewith in the official newspapers of the Town.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

(Cont.)

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

POLICE DEPARTMENT - CERTAIN EQUIPMENT DECLARED OBSOLETE (2003 FORD CROWN VICTORIA) AND DISPOSAL AUTHORIZED

RESOLVED that, upon the recommendation of Chief of Police Michael Cazzari, the Town Board of the Town of Carmel hereby declares the 2003 Ford Crown Victoria police vehicle VIN # 2FAFP71W93X118612 to be obsolete and authorizes its disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

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

ENGINEERING DEPARTMENT - CERTAIN EQUIPMENT DECLARED OBSOLETE (2003 FORD CROWN VICTORIA) AND DISPOSAL AUTHORIZED

RESOLVED that, upon the recommendation of Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel hereby declares the 2003 Ford Crown Victoria vehicle VIN # 2FAFP71W53X212289 to be obsolete and authorizes its disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci and Councilman Schneider

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

BOND RELEASE AUTHORIZED - TM #53.18-1-28 - WAGNER MILLWORK, LLC

WHEREAS application has been made by Wagner Millwork, LLC for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations of the Town of Carmel for Tax Map #53.18-1-28, 150 Barrett Hill Road, Carmel NY; and

WHEREAS said application has been reviewed by the Town Engineer, Richard J. Franzetti, P.E. and release of the bond has been recommended and approved by the Town Engineer, and the Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan bond posted for Tax Map #53.18-1-28, by Chemung Canal Trust Company in the amount of \$10,000.00.

(Cont.)

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

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

ENVIRONMENTAL CONSERVATION BOARD APPOINTMENT MADE - JOHN STARACE - 6/14/16 THROUGH 6/13/19

RESOLVED, that the Town Board of the Town of Carmel hereby re-appoints John Starace to the Town of Carmel Environmental Conservation Board commencing June 14, 2016 and concluding June 13, 2019.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

FILING OF ANNUAL MS4 STORMWATER REPORT - AUTHORIZED

WHEREAS the Town Board has been presented with a draft annual MS4 Stormwater Report prepared by the Town of Carmel Engineering Department; and
WHEREAS opportunity for public comment on the draft annual MS4 report was given by the Town Board and the Town Board has considered said comments;
NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

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

POLICE DEPARTMENT - PROPOSAL ACCEPTED FOR VIDEO SURVEILLANCE RECORDING SYSTEM IN INTERVIEW ROOM - COMMERCIAL INSTRUMENTS & ALARM SYSTEMS, INC. - NOT TO EXCEED \$4,849.00

RESOLVED that, upon the recommendation of Chief of Police Michael Cazzari, the Town Board of the Town of Carmel hereby accepts the proposal, dated January 26, 2016, from Commercial Instruments & Alarm Systems, Inc. of Fishkill, New York, for the purchase and installation of a surveillance recording system in the amount not to exceed \$4,849.00, and

(Cont.)

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications necessary to effectuate this authorization on the terms set forth herein.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

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

CARMEL WATER DISTRICT #12 - WATER EMERGENCY DECLARED PURSUANT TO SECTION 151-22 OF THE TOWN CODE

WHEREAS, that the Town Board of the Town of Carmel, has been advised by Town Engineer Richard J. Franzetti, as well as Severn Trent Environmental Services, Inc., operator for Carmel Water District #12, that a water emergency exists within the aforesaid water district;

NOW THEREFORE BE IT RESOLVED that pursuant to Section 151-22 (A) of the Town Code of the Town of Carmel, the Town Board, acting as Commissioners of the Carmel Water District #12, hereby declares a water emergency with respect to and within Carmel Water District #12; and

BE IT FURTHER RESOLVED, that pursuant to Town Code §155-22 (B), during the period of said emergency as declared herein, the use of water for any nonessential the following purpose(s) as enumerated in §155-22(C) shall be prohibited:

- (1) THE WASHING OF MOTOR VEHICLES, EXCEPT FOR WINDSHIELDS, MIRRORS AND THE LIKE.
- (2) THE CLEANING OR WASHING OF THE OUTSIDE OF BUILDINGS OR OTHER STRUCTURES BY THE USE OF WATER OR STEAM.
- (3) THE BLEEDING OF SUPPLY LINES FOR THE PURPOSE OF MAINTAINING A CONSTANT FLOW TO PREVENT FREEZING.
- (4) THE FLOODING OF OUTDOOR SKATING RINKS.
- (5) THE OPERATION OF SWIMMING POOLS, PORTABLE AND OTHERWISE, EXCEPT SWIMMING POOLS DESIGNED AND USED EXCLUSIVELY FOR MEDICAL TREATMENT.
- (6) THE USE OF AUTOMATIC PLUMBING FLUSH FIXTURES OR APPARATUS, AND THE MAINTENANCE OF CONSTANT FLOW FROM SHOWERS AND SIMILAR APPARATUS.
- (7) THE USE OF HOSE, SPOUT AND SIMILAR PRESSURE-BATHING APPARATUS, AND THE MAINTENANCE OF CONSTANT FLOW FROM SHOWERS AND SIMILAR APPARATUS.
- (8) THE NEW INSTALLATION OF REFRIGERATION AND/OR AIR-CONDITIONING EQUIPMENT REQUIRING THE USE OF WATER.
- (9) THE WATERING OF LAWNS AND PRIVATE GARDENS AND THE OPERATION OF ORNAMENTAL PONDS, POOLS AND FOUNTAINS.

BE IT FURTHER RESOLVED that the Town Clerk is directed to publish this resolution in the official newspapers of the Town and to post said resolution on the official bulletin Board of the Town.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Lombardi

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

TOWN OF CARMEL AND THE TOWN OF CARMEL LIEUTENANTS BENEVOLENT ASSOCIATION - ENTRY INTO MEMORANDUM OF AGREEMENT - AUTHORIZED

RESOLVED, that the Town Board of the Town of Carmel hereby ratifies and accepts the Memorandum of Agreement between the Town of Carmel and the Town of Carmel Lieutenants Benevolent Association for the period of January 1, 2013 through December 31, 2016, dated June 22, 2016, which is attached hereto. The Memorandum of Agreement is subject to ratification by employees in the Lieutenants Benevolent Association and, provided such ratification occurs, the Town Board hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms of the Memorandum of Agreement.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

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

**Memorandum of Agreement by and
Between
Town Of Carmel
and
Town Of Carmel Lieutenants Benevolent Association**

THIS MEMORANDUM OF AGREEMENT is entered into this ____ day of June 2016, by and between the **Town of Carmel** (hereinafter the “Town”) and the **Town of Carmel Lieutenants Benevolent Association** (hereinafter the “LBA”), referred to collectively as the “parties”.

WHEREAS, the parties have now reached an agreement as of the ____ day of June 2016, on the terms and conditions for a successor collective bargaining agreement for the period of January 1, 2013 through December 31, 2016, and it is the agreement of the parties to memorialize their understandings, in writing, pending the signing of a new collective bargaining agreement; and

WHEREAS, the LBA recognizes and acknowledges that the Town’s decision to agree to the terms set forth in this Memorandum of Agreement is based upon the Town’s desire to efficiently and economically resolve the instant negotiations;

WHEREAS, upon execution of this Memorandum of Agreement by the negotiating committees of both the Town and LBA, the parties agree to comply with the following:

- A. All parties and their representatives to this Memorandum of Agreement shall support and endorse it for ratification by their respective bodies. This Memorandum of Agreement is subject to ratification by the Town and the LBA’s membership.
- B. All terms and conditions of the parties’ prior collective bargaining agreement, which expired on December 31, 2012, shall remain in full force and effect except as agreed to be modified herein.
- C. The LBA shall hold a ratification vote as soon as possible. Upon finalization of the ratification vote, the LBA shall notify the Town of the results of the LBA’s ratification vote.

NOW THEREFORE, in consideration of the promises and mutual covenants contained herein, the parties agree that a successor collective bargaining agreement to the one, as extended, as expired on December 31, 2012, shall reflect the following terms:

1. Annual Salary and Overtime

(Article III, ¶ 1): Amend to provide:

- Effective January 1, 2013- 2.25%
- Effective January 1, 2014- 2.25%
- Effective January 1, 2015- 2.0%
- Effective January 1, 2016- 2.0%

(Cont.)

2. Retroactive Pay

(Article III, new language): Insert new section below salary schedule as follows:

- Each Employee shall be entitled to retroactive salary payment in a sum representing the increase provided in paragraph 1 of this Article consistent with their appointment to Lieutenant in the Department.

3. Sick Leave

(Article IX, ¶ B): Replace with:

- Any Employee who utilizes five (5) or less sick leave days during the course of the calendar year may receive payout of up to ten (10) sick leave days at the employee's per diem rate.

(Article IX, ¶ C): Replace with:

- An Employee shall be entitled to accrue unused sick leave up to a maximum of three hundred (300) days.

(Article IX, ¶ D): Amend to reflect:

- Maximum accrual of sick days reduced from four hundred (400) to three hundred (300).

(Article IX, ¶ E): Replace the schedule to reflect:

- Employees upon retirement can sell back up to 300 sick days at the rate of 50% of their salary rate or 150 days at their present salary rate at retirement. Sick days shall be capped at 300 days.

4. Retirement

(Article X, new ¶ D): Insert the following:

- In accordance with subparagraph (C) of this Article, any Employee hired into the Town Police Department and continually employed on or before December 31, 2015, shall have not be required to contribute to his/her health insurance premium in retirement. Any Employee hired into the Town Police Department and continually employed on or after January 1, 2016, shall be required to contribute to his/her health insurance premium in retirement whatever percentage or dollar amount he or she paid in his or her last year of employment with the Town.

5. Welfare Benefits

(Article XI, ¶ A): Replace the last sentence with the following:

- Effective January 1, 2016, all employees shall contribute 10.0% of their

6. Longevity

(Article XV): Replace the schedule to reflect:

After 5 years	\$1,050
After 8 years	\$1,375
After 12 years	\$1,700
After 17 years	\$2,600

(Cont.)

AGREED UPON:

TOWN OF CARMEL

TOWN OF CARMEL LIEUTENANTS
BENEVOLENT ASSOCIATION

Date

Date

PUBLIC COMMENTS - AGENDA ITEMS

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

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

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

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci and Councilman Schneider, with all Town Board members present and in agreement, the meeting was adjourned at 7:44 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk