

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 11<sup>th</sup> day of June 2014 at 7:15 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, Councilman Lombardi and Supervisor Schmitt. Councilwoman McDonough was absent.

Lead by Eagle Scout candidates Jonathan Manahan and Matthew Filardi, the Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was observed to honor those serving in the United States Armed Forces.

**HOME RULE REQUEST AUTHORIZED - NEW YORK STATE ASSEMBLY - NEW YORK STATE RETIREMENT AND SOCIAL SECURITY LAW §384-D - SGT. ROBERT BEHAN AND OFFICER JAMES EVANS**

WHEREAS, the Town Board of the Town of Carmel has been advised that Sgt. Robert Behan and Officer James Evans are the only sworn members of the Town of Carmel Police Department who are not covered by the provisions of New York State Retirement and Social Security Law §384-d; and

WHEREAS, the Town Board of the Town of Carmel, pursuant to the provisions of New York law including but not limited to the Municipal Home Rule Law, hereby wish to authorize a request for the enactment of special legislation for consideration by the New York State Legislature in order to provide Sgt. Behan and Officer Evans coverage under the provisions of §384-d of the New York State Retirement and Social Security Law;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby requests the enactment of special legislation by the New York State Legislature specifically to provide Sgt. Behan and Officer Evans with coverage under the provisions of §384-d of the New York State Retirement and Social Security Law; and

BE FURTHER RESOLVED that upon passage of this resolution by two-thirds majority of the voting strength of the Town of Carmel Town Board, Town Clerk Ann M. Spofford is hereby authorized to execute the Clerk's Certification on the Home Rule Request Form attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution and the executed Home Rule Request Form shall hereby be transmitted immediately to the Offices of NYS Assemblyman Steve Katz; and

BE IT FURTHER RESOLVED that Town Comptroller MaryAnn Maxwell is hereby authorized to make any and all necessary budget revisions to address any change or modification in annual contributions to the New York State and Local Retirement System required as a result of the passage of such legislation.

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>      </u>	<u>      </u>	Absent
Frank Lombardi	<u>X</u>	<u>      </u>	
Kenneth Schmitt	<u>X</u>	<u>      </u>	

(Cont.)

To the Legislature:

Pursuant to Article IX of the Constitution, the Town of Carmel requests the enactment of Senate bill (no. A.9993),  
(county, city, town or village)  
(name)  
(strike out one)

entitled "An Act to authorize the town of Carmel, in the county of Putnam, to offer an optional twenty year retirement plan to police officers Robert Behan and James Evans."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

☒ The local government does not have the power to enact such legislation by local law.

☐ Other facts, as set forth in the following "Explanation" establish such necessity.

**EXPLANATION**  
(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

☐ The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

☒ The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

**READ BEFORE SIGNING**

A If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, *both* the chief executive officer *and* the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, *only* the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

**CHIEF EXECUTIVE OFFICER'S SIGNATURE**

(Signed) \_\_\_\_\_  
(chief executive officer)

\_\_\_\_\_  
(Print or type name below signature)

Date: \_\_\_\_\_, 20\_\_\_\_\_  
(Title of chief executive officer)

**CLERK'S CERTIFICATION**

I, Ann Spofford, do hereby certify that I am Clerk of the Town Board  
(print or type name)  
(local legislative body)

\_\_\_\_\_ of the Town  
(county, city, town or village)

of Carmel and that on the 11<sup>th</sup> day of June,  
(name)

2014, such legislative body, at least two-thirds of the total membership having voted in favor thereof,  
(strike out one)

approved the foregoing request.

(SEAL OF LOCAL GOVERNMENT)

(Signed) Ann Spofford  
(clerk)

Ann Spofford  
(Print or type name below signature)

Date: June 11, 2014

INSTRUCTIONS

Copies required:

Two signed copies of this form, specifying the final bill number and title must be filed with *each* House of the Legislature.

(Cont.)

*Examples:*

- (a) If the bill has been introduced in only *one* House of the Legislature, four copies of the request form must be filed, i.e., two with the Senate and two with the Assembly.
- (b) If the identical bill has been introduced in *both* Houses, eight copies of the request form must be filed, i.e., two with the Senate and two with the Assembly for the Senate bill and the same for the Assembly bill.

**Date of request:**

The signing of a home rule request or the adoption of a resolution by the local legislative body approving such request cannot precede the date on which the bill is actually introduced in the Legislature. In the case of prefiled bills, the actual date of introduction is the first day of the legislative session. The request may be signed or the resolution adopted the same day as the date of introduction.

**Amended bills:**

Each time the bill is amended a new request must be filed (with the appropriate number of copies) and the new request must correctly identify the bill number as last amended. The signing of the request, and the date of the supporting resolution, cannot precede the date of the amendment.

**Transmittal:**

The signed forms should be sent as follows:

<i>To the Senate:</i>	<i>To the Assembly:</i>
Home Rule Counsel	Home Rule Counsel
Senate Post Office	Assembly Post Office
208 Legislative Office Building	210 Legislative Office Building
Albany, N. Y. 12247	Albany, N. Y. 12248

**Definition of terms:**

*Chief executive officer.*  
In the case of a county, the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors; in the case of a city or village, the mayor (not manager); and in the case of a town, the supervisor. (Municipal Home Rule Law §40)

*Local legislative body.*  
The board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances. (Municipal Home Rule Law §2)

*Local government.*  
A county, city, town or village (Const. Art. IX, §3; Municipal Home Rule Law §2)

*Special law*  
A state statute which in terms and in effect applies to one or more, but not all, counties (other than those wholly included within a city) cities, towns or villages. (Const. Art. IX §3; Municipal Home Rule Law §2)

*Total membership.*  
The total voting power of a legislative body. (Municipal Home Rule Law, § §20, 40)

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Schneider, seconded by Councilman Lupinacci, with all Town Board members present in agreement, the Special Meeting was adjourned at 7:18 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk