

19 JANUARY 2011

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 19<sup>th</sup> day of January 2011 at 7:12 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to honor those serving in the United States Armed Forces. Supervisor Schmitt congratulated and recognized the efforts of recent Eagle Scout award recipient Eric McCabe.

**MINUTES OF TOWN BOARD MEETINGS HELD ON 11/3/10, 11/17/10 11/23/10, 12/1/10, 12/8/10 AND 12/15/10 - ACCEPT AS SUBMITTED BY THE TOWN CLERK**

On motion by Councilman Lombardi, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on November 3<sup>rd</sup>, November 17<sup>th</sup>, November 23<sup>rd</sup>, December 1<sup>st</sup>, December 8<sup>th</sup> and December 15<sup>th</sup>, 2010 were accepted as submitted by the Town Clerk.

**MS4 REQUIREMENTS - PAYMENT OF LEGAL FEES AUTHORIZED IN CONJUNCTION WITH EAST OF HUDSON MUNICIPALITIES - RAPPORT MEYERS, LLP - NOT TO EXCEED \$2,955.84**

WHEREAS, the Town Board of the Town of Carmel is desirous of participating in conjunction with East of Hudson Municipalities in negotiations with, and potential litigation against the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection relating to heightened MS4 requirements, and

WHEREAS, Rapport Meyers, LLP has presented a proposed legal budget to East of Hudson Municipalities in Putnam and Westchester Counties for the express purposes of NYSDEC and NYCDEP negotiations and/or litigation dated December 9, 2010, a copy of which is attached hereto and made a part hereof

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of the sum not to exceed \$2,955.84 to Rapport Meyers, LLP, as the Town of Carmel's proportionate share for services rendered in Task 1 of the aforesaid proposal.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Ravallo	<u>          </u>	<u>          </u>	Abstain
Frank Lombardi	<u>    X    </u>	<u>          </u>	
Suzanne McDonough	<u>    X    </u>	<u>          </u>	
Kenneth Schmitt	<u>    X    </u>	<u>          </u>	

EAST OF HUDSON MUNICIPALITIES  
ALLOCATION OF EXPENSES\*  
December 9, 2010

<u>Municipality</u>	<u>Land area in watershed</u>	<u>Percent Contribution</u>	<u>Cost/\$30,000</u>	<u>Cost/\$150,000</u>
Carmel	24,264	9.8528%	\$2,955.84	\$14,779.20
Kent	22,994	9.3373%	\$2,801.19	\$14,005.95
Patterson	20,902	8.4856%	\$2,545.68	\$12,728.40
Putnam Valley	2,161	0.8747%	\$262.41	\$1,312.05
Southeast	21,479	8.7191%	\$2,615.73	\$13,078.65

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Brewster (Village)	286	0.1161%	\$34.83	\$174.15
Putnam County	n/a	7.4411%	\$2,232.33	\$11,161.65
Bedford	21,647	10.5375%	\$3,161.24	\$15,806.19
Cortlandt	3,765	1.8327%	\$549.82	\$2,749.12
Lewisboro	14,181	6.9031%	\$2,070.93	\$10,354.67
Mount Kisco	1,974	0.9609%	\$288.27	\$1,441.37
New Castle	9,442	4.5962%	\$1,378.87	\$6,894.35
North Castle	219	0.1066%	\$31.98	\$159.91
North Salem	14,685	7.1485%	\$2,144.54	\$10,722.68
Pound Ridge	6,047	2.9436%	\$883.08	\$4,415.39
Somers	20,499	9.9786%	\$2,993.59	\$14,967.94
Yorktown	20,883	10.1656%	\$3,049.67	\$15,248.33
Total	205,429	100.00%	\$30,000.00	\$150,000.01

\*Prepared by the Patterson Planning Department

Supervisor Schmitt explained that the negotiations and/or potential litigation relates to the heightened MS4 requirements imposed by the Federal Environmental Protection Agency to protect drinking water, with the goal of having New York City as the primary benefactor of the requirements, contribute more funds. Discussion ensued.

**REVISED TOWN OF CARMEL ELECTION DISTRICT MAP DATED DECEMBER 2010 - ADOPTED**

RESOLVED that the Town Board of the Town of Carmel hereby adopts the revised Town of Carmel Election District Map dated December 2010 in form and content as maintained on file in the Office of the Town Clerk.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman Lombardi

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

**TOWN OF CARMEL INVESTMENT POLICIES AND PROCEDURES - AMENDED AND ADOPTED**

Resolved that upon the recommendation of Comptroller MaryAnn Maxwell and Financial Consultant Thomas Carey, the Town Board of the Town of Carmel hereby adopts the amended investment policies and procedures for the Town of Carmel in form and content as attached hereto and made a part hereof.

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Ravallo

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

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**TOWN OF CARMEL**  
**INVESTMENT POLICIES AND PROCEDURES**

I. SCOPE

This investment policy of the Town of Carmel applies to all town government monies and other financial resources available for investment on its own behalf of any component unit.

II. OBJECTIVES

The primary objectives of the Town of Carmel's investment activities are, in priority order,

- To conform with all applicable federal, state and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and,
- To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor (Chief Fiscal Officer) and/or Principle Account Clerk who with the Town Comptroller shall comply with recommended procedures for the operation of the investment program consistent with GFOA Recommended Practices for local government. The investment procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment activities shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Carmel to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment activities shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions.

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V. DIVERSIFICATION

It is the policy of the Town of Carmel to diversify its deposits and investments by financial institutions and maximum limits, (described in Article VII) by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the Town of Carmel for all monies collected by any officer or employee of the Town of Carmel to transfer those funds to the Town Supervisor within 30 days of deposit, or within the time period specified in law, whichever is shorter.

The Town Supervisor with the assistance of the Principle Account Clerk/Town Comptroller, is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATIONS OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer Contact</u>
Mahopac National Bank	18,000,000	_____
Key Bank	8,000,000	_____
Cooperative Investment Agreements	5,000,000	_____
TD Bank	6,000,000	_____
HSBC	1,000,000	_____
Provident Bank	1,000,000	_____
Putnam County National Bank	1,300,000	_____
Putnam County Commercial Bank	9,000,000	_____
All Other New York Banks	1,000,000	_____

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, § 10, all deposits of the Town of Carmel, including demand deposits, certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured (pledged) by eligible securities/collateral listed on Appendix A with the aggregate "market value" as provided by GML § 10, equal to the aggregate amount of deposits from the categories listed in "Appendix A".



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An "Irrevocable Letter of Credit" is eligible provided it is issued by a qualified bank other than the bank with the deposits in favor of the Town of Carmel for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk based capital requirements.

A Surety Bond payable to the Town of Carmel is eligible provided it is for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing Town of Carmel deposits shall be held by the depository and/or a third party or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in the blank to the Town of Carmel or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government of a perfected interest in the securities.

#### X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the Town of Carmel authorized the Town Supervisor and/or the Principle Account Clerk/Town Comptroller to invest monies not required

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for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

Special time deposits accounts;

- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Carmel;
- Obligations of public authorities, public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- Certificates of Participation (COPS) issued pursuant to GML §109-b.
- Obligations of local government, but only with any monies in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Carmel within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Carmel within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town of Carmel list of financial institutions and dealers approved for investment purposes and the appropriate limits to the amount of investments with each financial institution or dealer is listed in Article VII. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Conditions (Call Report) at the request of the Town Comptroller. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal

Reserve Bank, as primary dealers. The Town Supervisor and/or Principle Account Clerk/Town Comptroller is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Town Supervisor and/or Principle Account Clerk/Town Comptroller is authorized to contract for the purchase of investments as follows:

1. Directly, including through a repurchase agreement from an authorized trading partner.

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2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board. This would include Cooperative Investment Agreements in money market mutual funds, namely CLASS.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant of a contract authorized by the Town Board of the Town of Carmel.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the Town officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Carmel by the bank or trust company. Any obligation held in custody of a bank or trust company should be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The Custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not in any circumstances, be

commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Town of Carmel a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitutions of securities will be allowed.
- The custodian shall be a party other than the trading partner.

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APPENDIX A

ELIGIBLE COLLATERAL FOR SECURING TOWN DEPOSITS

- 1. Obligations of, or fully guaranteed by, U.S. Government, its agencies and government sponsored corporations, which would include, for example, obligations of Fannie Mae and Freddie Mae at 100% of deposited funds. \_\_\_\_\_
- 2. Obligations of, or fully guaranteed by, certain international development banks at 100% of deposited funds. \_\_\_\_\_
- 3. Obligations partially guaranteed by agencies of the U.S. Government to the extent of such guarantee at 100% of deposited funds. \_\_\_\_\_
- 4. Obligations of, or fully guaranteed by, the State of New York and it's political sub-divisions at 100% of deposited funds. \_\_\_\_\_
- 5. Obligations of states other than New York rated in one of the three higher fund rating categories by one nationally rating organization at 100% to 120% of deposited funds depending upon rating. \_\_\_\_\_
- 6. Obligations of Puerto Rico rated in one of the three highest rating categories at 100% to 120% of deposited funds depending upon rating. \_\_\_\_\_
- 7. Obligations of certain counties, cities and other governmental entities of states other than New York rated in one of the three highest rating categories at 100% to 120% of deposited funds depending upon rating. \_\_\_\_\_
- 8. Obligations of New York corporations that are rated in one of the two highest rating categories at 120% of deposited funds. \_\_\_\_\_
- 9. Mortgage-related securities as defined in the Securities Exchange Act of 1934 ("SMEEAs") rated in one of two highest categories at 130% of deposited funds. \_\_\_\_\_
- 10. Certain commercial paper and bankers' acceptance rated in the highest short-term rating category and having a maturity of less than 60 days at 120% of deposited funds. \_\_\_\_\_
- 11. U.S. Government zero-coupon obligations at 120% of deposited funds. \_\_\_\_\_
- 12. Surety bonds issued by certain highly-rated insurance companies at 100% of deposited funds. \_\_\_\_\_
- 13. Letters of credit with a maturity of less than 90 days issued by certain highly-rated or well-capitalized banks at 140% of deposited funds. \_\_\_\_\_

TOWN OF CARMEL PROCUREMENT POLICY - RENEWED

WHEREAS Section 104-b of the General Municipal Law requires the governing body of every municipality to annually review their Official Procurement Policy, for the purchase of all goods and services which are not required by law to be publicly bid; and  
WHEREAS the Town Board deems that no revisions are necessary at this time,  
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby renews the Procurement Policy which is attached hereto and made a part of hereof and designates the Town Comptroller's Office to distribute the policy to all department heads; and  
BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby designates the responsible purchasing agents and titles as set forth within the aforesaid policy.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman Ravallo



(Cont.)

Roll Call Vote	YES	NO
Robert Ravallo	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	

**TOWN OF CARMEL**

**PROCUREMENT POLICY AND PROCEDURES**  
**(Revised January 2011)**

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

**PURPOSE**

Goods and services which are required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption. The Purchasing Policy confirms the commitment of The Town of Carmel to ensure that its purchases of goods and services are made legally, fairly, prudently, competently, and at the lowest possible cost offered by responsible vendors. This Purchasing Policy, General Municipal Law Sections 103 and 104, and the State Comptroller’s Financial Management Guide subsection 8, provide guidance to those involved in the purchasing process. The Town of Carmel adopts the following Purchasing Policy statements in accordance with Section 104b of the General Municipal Law (GML).

**I. ANALYZE THE PROPOSED PROCUREMENT/PURCHASE**

Generally, the official(s) responsible for making the particular procurement will make the initial determination of whether competitive bidding is required as follows:

- Determine whether it is expected that over the course of the fiscal year, the Town will spend in excess of the competitive bidding thresholds for the same or similar items or services.
- Determine whether an item is available under State or County contract.
- For legal issues regarding the applicability of competitive bidding requirements, verify with the Town Legal Counsel, as appropriate
- In the case of an emergency, determine that the statutory criteria are met (see GML, §102[4])
- In the case of a lease, determine that a document is a true lease and not an installment purchase contract
- In the case of a sole source, determine that the item is required in the public interest, has no reasonable equivalent and is in fact available only from one source.
- In the case of a combination of professional services and a purchase, determine whether the professional service is the predominate part of the transaction and is inextricably integrated with the purchase.

**CATEGORIES OF PROCUREMENTS/PURCHASING**

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

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

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

EMERGENCIES. There are three basic statutory criteria to be met within this exception. These are

- (1) the situation arises out of an accident or other unforeseen occurrence or condition;
- (2) the circumstance affects public building, public property or the life, health, safety or property of the political subdivision’s residents; and
- (3) the situation requires immediate action which cannot await competitive bidding.

Sole Source. With this exception, the town employee should document the unique benefits of the item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item is reasonable, when compared to other products or services in the marketplace.

In addition, the responsible town employee must document that, there is no possibility of competition for the procurement and there is a sole source provider.

II. METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS

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

TYPE AND AMOUNT OF PROCUREMENT	VERBAL QUOTES			WRITTEN QUOTES		OFFICIAL RFPS	EXCEPT EXEMPT
	0	3	More Than 3	3	More Than 3		
Purchase Contracts Below \$10,000							
200 – 999		X					
1,000 – 2,999			X				
3,000 – 9,999				X			
Public Work Contracts Below \$35,000							
Under 1,000	X						
1,000 – 2,000		X					
3,000 – 9,999				X			
10,000 – 19,999						X	
* 20,000 – 34,999						X	
Emergencies							X
Insurance							X
Professional Services						X	X
True Leases							X
Second-Hand Equipment from other Govts.							X
Sole Source Providers							X

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\* NOTES: THE TOWN WILL CONTINUE TO MONITOR PUBLIC WORK CONTRACTS FOR COMPETITIVE PRICING IN THE INCREASED BID LIMIT \$20,000 – \$34,999; FOR EXEMPTIONS, OFFICIAL REQUESTS FOR PROPOSALS (RFP'S) ARE STILL ENCOURAGED.

General Municipal Law, Section 104-b, subdivision 2, paragraph (b) requires that alternative proposals for goods and services be secured by the responsible employee by use of written requests for proposals, written quotations, verbal quotations or any other methods which further the objectives of Section 104-b.

### III. DOCUMENT ACTIONS TAKEN

Documentation of actions taken shall include board resolutions, memoranda, written quotes, telephone logs for verbal quotes, requests for proposals, contracts and other appropriate forms of documentation.

Distinguish between contracts for public works and purchase contracts. In general, purchase contracts involve the acquisition of commodities, materials, supplies or equipment, while contracts for public work involve services, labor or construction. Each procurement must be reviewed on a case-by-case basis and a determination made as to what kind of contract is involved.

For other items not subject to competitive bidding, such as professional services, emergencies, purchases under State or County contracts or procurements from sole sources, documentation could include a memo to the files which details why the procurement is not subject to competitive bidding and include:

- a description of the facts giving rise to an emergency and a statement of how the situation meets the statutory criteria
- a description of the particular professional services and a statement of what general criteria apply
- copies of state or county contracts
- opinions of the municipal attorney
- a description of sole source items and how such determinations were made.

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Verbal Quotations. The responsible employee should record at a minimum: date, item or service desired, price quoted, name of vendor, name of vendor's representative.

Written or Fax Quotations. Vendors should provide at a minimum: date, description of item or details of service to be provided, price quoted, name of contact.

Requests for Proposals. Public notice and a minimum number of professionals are contacted directly asking for the submission of written proposals. A request for proposals and evaluation of proposals should consider price plus other factors like experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the Town.

**NOTE:\* TOWN LEGAL COUNSEL SHOULD REVIEW RFPS AND CONTRACTS TO BE EXECUTED WITH THE FIRM SELECTED.**

### IV. PROCUREMENT FROM OTHER THAN LOWEST RESPONSIBLE DOLLAR OFFERED

Whenever any contract is awarded to other than the lowest responsible vendor or contractor there must be justification and documentation of the reason why the purchase is in the best interest of the Town and otherwise furthers the purposes of Section 104-b.

For example, if a vendor submitting the lowest proposal has a history of not making deliveries on time or of delivering goods of inferior quality, such facts might be justification for taking other than the lower offer, but such decision must be documented with facts.

### V. GOVERNING BOARD EXCEPTIONS

The Town Board sets forth the following circumstance where types of procurements for which it would not be in the best interests of the Town to solicit alternative proposals or quotations:

- emergencies where time is a crucial factor
- procurements for which there is no possibility of competition (sole source items)
- very small procurements for which solicitations of competition would not be cost effective.

### VI. INPUT FROM OFFICERS INVOLVED IN PROCUREMENT

Comments concerning the policies and procedures shall be solicited from officers of the Town of Carmel therein involved in the procurement process from time to time, to be used in amending the policy when circumstances warrant changes.



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VII. UPDATING THE POLICIES AND PROCEDURES

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

VIII. UNINTENTIONAL FAILURE TO COMPLY

The unintentional failure to fully comply with the provisions of General Municipal Law Section 104-b shall not be grounds to avoid action taken or give rise to a cause of action against the Town of Carmel or any officer or employee thereof.

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IX. RESPONSIBLE PURCHASING AGENTS – NAMES AND TITLES

Pursuant to Chapter 402 of the Laws of 2007, effective January 1, 2011, as required under Section 104 of the NYS General Municipal Law, the Town is including the names of the municipal officials responsible for purchasing decisions, as follows:

<u>Position Title</u>	<u>Position Incumbent</u>
Town Supervisor	Kenneth Schmitt
Town Board	Robert Ravallo
Town Board	Frank Lombardi
Town Board	Suzanne McDonough
Town Justice	Joseph Spofford
Town Justice	Thomas Jacobellis
Court Clerk	Patricia Genna
Comptroller	Mary Ann Maxwell
Town Assessor	Paul Jonke
Town Clerk	Ann Garris
Deputy Town Clerk	Phyllis Bourges
Receiver of Taxes	Kathleen Kraus
Town Engineer	T/B/D
Town Engineering Project Coordinator	Robert Vara
Principal Clerk	Eileen Brennan
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Robert Erickson
Chief of Police	Michael Johnson
Lieutenant	Michael Cazzari
Lieutenant	Brian Karst
Codes Enforcer	Michael Carnazza
Director of Parks and Recreation	James Gilchrist

X. REIMBURSEMENT FOR EXPENSES \$15.00 OR LESS

From time to time a department head or employee attends a town business function or makes a minor purchase for which they lost a receipt, did not receive a receipt or forgot to obtain a receipt. Documentation representing what was paid for, how much was paid for it, that it was for town business, and the signature of the claimant verifying such will be acceptable in lieu of a receipt. The town reserves the right to reject such claim if claims lacking receipts become more frequent, or if it becomes known that receipts are readily available. Receipts should be attached to claims for reimbursement whenever possible: regardless of the dollar amount.



**ATTENDANCE AT 2011 NEW YORK STATE GFOA CONFERENCE - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Supervisor Kenneth Schmitt, Comptroller Maryann Maxwell, Principal Account Clerk Eileen Brennan and Financial Consultant Thomas Carey to attend the 2011 New York State GFOA Conference from April 6, through April 8, 2011 in Albany, NY; and

BE IT FURTHER RESOLVED that the cost of registration and other necessary expenses be advanced or reimbursed by the Town Comptroller's Office upon audit and approval.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilman Lombardi

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

Councilwoman McDonough noted that she had previously questioned the Financial Consultant's attendance at the conference however, was advised that his attendance was included in his contract with the Town.

**BIDS FOR MISCELLANEOUS HIGHWAY DEPARTMENT MATERIALS AWARDED - WASHED SAND, GUIDE RAIL AND WINTER MIX**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for washed sand, winter mix and guide rail, and

WHEREAS the Highway Superintendent has recommended the awarding of the bids as set forth hereafter,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby awards the bids for the foregoing materials to the lowest responsible bidders who met specifications (after adjustment for mileage in the case of FOB plant bids) as follows:

Galvanized Guide Rail	-	Chemung Supply Corp.
Corten (Rustic) Guide Rail		PO Box 527
Timber Guide Rail		Elmira, NY 14902
(Furnished & Installed)		
Washed Sand	-	Red Wing Properties, Inc
FOB Plant		P.O. Box 408
		Stormville, NY 12582
Washed Sand	-	Red Wing Properties, Inc.
Delivered		P.O. Box 408
		Stormville, NY 12582
Winter Mix	-	Package Pavement Company, Inc.
		PO Box 408
		Stormville, NY 12582

Resolution

Offered by: Councilwoman McDonough  
Seconded by: Councilman Ravallo

(Cont.)

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

**ENTRY INTO LICENSE AGREEMENT WITH ASCAP - 5/1/11 THROUGH 4/30/12 - AUTHORIZED - \$309.00**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the entry into a license agreement with ASCAP for public performances of copyrighted music for the period commencing May 1, 2011 through April 30, 2012 at the cost of \$309.00; and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign said license agreement on behalf of the Town of Carmel.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilwoman McDonough

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

**TOWN ASSESSOR - REQUEST FOR PROPOSALS FOR TOWN-WIDE REVALUATION OF REAL PROPERTY - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Paul Jonke, Assessor of the Town of Carmel, to request proposals for a Town-wide revaluation of real property within the Town of Carmel.

Resolution

Offered by: Councilman Ravallo  
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt explained that the Town Assessor is being authorized to request proposal to find out what the cost would be to conduct a Town-wide revaluation of property.

Councilman Ravallo added that this does not necessarily mean that the Town will conduct a revaluation.

**RESOLUTION AUTHORIZING ISSUANCE OF LICENSE FOR THE COLLECTION OF REFUSE AND GARBAGE WITHIN THE TOWN OF CARMEL - MOTION FAILED**

RESOLVED that the Town Board of the Town of Carmel, upon review of the application of SaniPro Disposal, Inc., dated July 6, 2010, as amended by submissions by applicant dated January 14, 2011, hereby authorizes the issuance of a license for the collection of refuse and garbage within the Town of Carmel pursuant to Chapter 95, Article III of the Town Code of the Town of Carmel to:

APPLICANT	ADDRESS	LICENSE PERIOD
Sani-Pro Disposal Services Corp.	566 North State Road Briarcliff Manor, NY 10510	Jan.20, 2011 to Jan.19, 2012

Resolution  
Offered by: Councilwoman McDonough  
Seconded by: Councilman Lombardi

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

Councilwoman McDonough offered the aforementioned motion. Councilman Lombardi seconded the motion for the purpose of discussion.

Councilman Ravallo referenced discussion held at the previous Work Session regarding whether the license application of SaniPro Disposal, Inc. falls under the current licensing law or the previous licensing law and stated why he would vote no either way. He added that he believed that the new law was a good idea, however, required revisions.

Councilman Lombardi stated that he continues to support the statements he made at the previous Work Session in that the license application of SaniPro Disposal, Inc. is not a renewal, it is a new application. Councilman Lombardi indicated that did not have a problem with their commercial rates, however stated that the residential rates were noncompliant.

Supervisor Schmitt said that his concern with regard to the application was that it was a new one, not a renewal and that the applicant, along with the applicant’s attorney were clearly aware that the Town of Carmel adopted legislation setting the maximum monthly rate for household pickup at \$25.00. He reiterated that SaniPro Disposal, Inc.’s rates were noncompliant.

Supervisor Schmitt called for a roll call vote at the conclusion of which the members of the Town Board made additional comments.

The Town Board members spoke regarding compliance and enforcement of the Town Code with regard to garbage, rubbish and refuse pickup.

Councilwoman McDonough explained that she voted in support of the resolution because the license application of SaniPro Disposal, Inc. was submitted prior to the adoption of the new legislation and that there was an issue with time constraints.

Further discussion was held regarding the matter.

**OPEN DEVELOPMENT STATUS GRANTED - BLUE CHIP HOUSES LTD.  
SUBDIVISION - TM# 86.9-1-64.2**

WHEREAS Blue Chip Houses, Ltd. ("Owner"), has applied to the Town of Carmel Planning Board for subdivision approval of a five (5) lot subdivision situate on Tax Map No. 86.9-1-64.2, located off Hilltop Drive in the Town of Carmel, consisting of approximately 25 acres in a R-Residential Zoning District, and

WHEREAS the proposed subdivision is shown on a plan prepared by Baxter Land Surveying, P. C. and Daniel J. Donahue, P.E. entitled "Subdivision of Property prepared for Blue Chip Houses, Ltd, Property situated in the Town of Carmel, County of Putnam, State of New York", dated March 22, 1994 and last revised October 22, 2010, and

WHEREAS the proposed subdivision will require the construction of approximately 1,700 linear feet of common road to serve the five (5) proposed lots; and

WHEREAS the Owner has represented to the Town Board that it is the owner and has agreed to a lot count of five (5) lots in the requested Open Development Area, which shall comprise the entire subdivision, and to the establishment of a prohibition on future subdivision of the property as a term and condition of open development, and

WHEREAS the Town of Carmel Planning Board has recommended granting open development to the aforementioned subdivision,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby grants open development status to the Blue Chip Homes, Ltd. Subdivision subject to the following terms and conditions in addition to such conditions and limitations as the Town of Carmel Planning Board may deem appropriate:

1. The open development area shall consist of Lots #1, 2, 3, 4 and 5 in the proposed Blue Chip Homes Ltd. Subdivision as shown on a plan prepared by Baxter Land Surveying, P. C. and Daniel J. Donahue, P.E. entitled "Subdivision of Property prepared for Blue Chip Houses, Ltd, Property situated in the Town of Carmel, County of Putnam, State of New York", dated March 22, 1994 and last revised October 22, 2010.
2. The maximum number of lots to be established in said open development area shall be five (5). The maximum number of dwelling units to be established in said open development area shall be five (5) single family residences.
3. No further subdivision of the lots in the open development area shall be permitted.
4. The access road leading to the proposed lots in the open development area shall consist of a minimum of 18 feet of paved roadway in a 40 foot right of way with a minimum of 6" Item 4 base, 2 " of asphalt binder course and 2" of asphalt top course. No deviation from these specifications shall be permitted except by resolution of the Town Board and the improvements shall be bonded in an amount as determined by the Town Engineer or Engineering Consultant.
5. The following notes shall be placed on the map:

The Lot Owners are advised that, according to current school district regulations, school buses may not travel the access road servicing the lots in the subdivision.

The access road servicing the subdivision is a private road and shall remain so forever unless improved to Town road specifications at the lot owners' expense and accepted for dedication by the Town. All maintenance and repair, including snow plowing, is the responsibility of the property owners of the lots in the subdivision.

Further subdivision in the Open Development Area is prohibited.



(Cont.)

- 6. An Easement and Maintenance Agreement for the access road in form satisfactory to the Town Counsel or Planning Board Counsel shall be filed simultaneously with the final subdivision plat in the Putnam County Clerk's Office.
- 7. This Open Development Resolution shall expire two (2) years from the date of enactment if the final subdivision plat has not been approved and signed by the Planning Board and filed in the Putnam County Clerk's Office within that time.
- 8. In the event of any changes to the proposed lot count, lot configuration or proposed easement areas on the subdivision map prior to filing of the final plat with the Putnam County Clerk, the Applicant shall return to the Town Board for re-approval of open development.
- 9. The foregoing notes #1 through #6 shall be included on the final subdivision plat and this resolution shall be referenced by date and subject matter in the notes on the final subdivision plat as follows:  
"This subdivision consisting of five (5) lots is subject to the terms, conditions and limitations contained in an Open Development Resolution of the Town Board of the Town of Carmel, dated January 19, 2011."

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman Ravallo

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

Prior to the roll call vote, Councilman Ravallo explained that although he initiated the Town of Carmel's moratorium with regard to open development, the open development process for this applicant predated the moratorium, and the moratorium would not be a reason in itself to vote no. In addition, he stated that he is against open development for major subdivisions, however because this five lot (major subdivision) was granted open development status two years ago by the Town Board, the applicant moved forward with the project and incurred significant expenditures because of the action. Therefore, he would not vote against it.

**PUBLIC COMMENTS**

Michael Barile stated his support of a Town-wide revaluation. He then went on to comment regarding garbage companies operating in the Town without a license and the need for stricter enforcement of Town Code violations. Discussion ensued regarding the issue.

John Lupinacci suggested that the Town provide to the public, a list of which garbage companies are licensed, what their rates are, and when their licenses expires.

Councilman Lombardi advised Mr. Lupinacci that the licenses are public records.

Supervisor Schmitt added that he is in the process of preparing a press release with regard to the matter that contained the information. Discussion followed.

Jerry Ravnitzky inquired about the amendment to the Town of Carmel Election District Map.

19 JANUARY 2011  
TOWN BOARD MEETING

(Cont.)

Ann Garris, Town Clerk explained that the revision was necessitated by the relocation of a polling place within the Town, from the Carmel Firehouse to the Putnam County Board of Elections building.

Mr. Ravnitzky asked how long the Town will continue to have both a town comptroller and a financial consultant.

Supervisor Schmitt stated that the Financial Consultant's agreement with the Town of Carmel expires at the end of the year. At that point, the Town will no longer have a financial consultant. A discussion followed.

Mr. Ravnitzky commented that he noticed many businesses along the Route 6 corridor that did not comply with the Town's regulations with regard to the storage of garbage and refuse.

Mr. Ravnitzky then went on to inquire if the Town Board was aware of the rates included in the license application for the collection of garbage that they denied, prior to consideration of the application at the meeting this evening.

Councilman Lombardi explained that pursuant to the applicant, their original application submitted contained errors. The day after the last Work Session, the applicant resubmitted their fees which were still not in compliance.

Mr. Ravnitzky held discussion with Councilman Ravallo with regard to the granting of open development status to the Blue Chip Homes, Ltd. Subdivision. Mr. Ravnitzky concluded that approvals should not be granted routinely and/or because an applicant invested money in a project.

Councilman Lombardi indicated that they were not, and cited an example of the Town Board recently denying a request for open development status.

Peter Creegan commented that it was his understanding that Corten (rustic) guide rail was not to be utilized in the State of New York any longer and asked that the Highway Superintendent be informed. A brief discussion was held.

Don Schiff requested clarification regarding the affect that the proposed Town-wide revaluation would have on his property's assessment.

Gregory Folchetti, Legal Counsel explained that the goal of the revaluation pursuant to the Assessor's office is to bring the equalization rate up to one hundred percent. Discussion followed.

Mr. Butler asked if the Town will be paying for hotel accommodations for officials/employees who attend the New York State Association of Towns Conference.

Supervisor Schmitt stated that only the judges and the court clerks will be staying overnight. He noted that the expenses are budgeted and coming from STOP DWI program funds.

Mr. Butler asked if the company he retains to pick up his garbage is not licensed by the Town, does his contract with the company become null and void.

Mr. Folchetti stated the issue to be private between him and his carter.

Mr. Butler asked if a resident was at risk if they used an unlicensed carter.

Mr. Folchetti stated that there was nothing in the Town's statute that punishes those who contract with an unlicensed carter.

19 JANUARY 2011  
TOWN BOARD MEETING

(Cont.)

Mr. Butler commented that he believed the Town of Carmel's Web site to be under utilized. He suggested that minutes of board meetings, among other things, be included on the Web site.

Supervisor Schmitt responded that the Town will be posting minutes from all meetings on the Web site. In addition, he is obtaining costs to video link the meetings to the Web.

Mr. Butler commented with regard to open development and business risk. He held discussion with Councilman Ravallo regarding the issue.

David Gagliardi asked how a consumer considering purchasing a home in the open development area will be advised of the associated restrictions and limitations.

Mr. Folchetti explained that the terms and conditions of the open development will be included in the notes on the filed subdivision map and typically raised in a title report obtained when the property is being purchased.

Scott Friedman once again requested that public comment be permitted at meetings before the Town Board votes on the resolutions.

Supervisor Schmitt responded that the public has the opportunity to comment on items before being voted on at the Work Sessions which are held prior to the Voting Meetings.

Mr. Friedman stated that changes are made in Executive Session to contracts and then voted on at meetings without the public having the opportunity to comment on them. He cited the contract for the sale of nineteen acres of Town property in the hamlet of Carmel as an example.

Councilman Ravallo indicated that many discussions were held regarding the sale of the property. Discussion regarding the matter proceeded.

Mr. Friedman inquired how an item gets included on an agenda of a Town Board meeting.

Supervisor Schmitt explained that an item is placed on an agenda by himself or by any other member of the Town Board requesting it.

Mr. Friedman asked if there was a form that a resident may submit to suggest an agenda item and recommended if not, there should be.

Supervisor Schmitt stated that there was not a form, however a resident may bring an issue to him or any other member of the Town Board and it would be considered for inclusion on a meeting agenda.

**TOWN BOARD MEMBER COMMENTS**

Councilman Lombardi spoke regarding the need to find solutions to prevent drinking and driving, as well as substance abuse among the youth in the community. He requested that the Town Board invite the Chief of Police, along with the Mahopac and Carmel School District superintendents to a future Work Session to discuss effective prevention measures.

Councilman Lombardi then went on to suggest that the Town offer a CPR class at the Town Hall.

Councilwoman McDonough stated that she believed that CPR classes are held at the Department of Recreation and Parks in the summer.

19 JANUARY 2011  
TOWN BOARD MEETING

(Cont.)

Councilman Lombardi announced that the Mahopac Library will be conducting a defensive driving class in the near future.

Councilwoman McDonough took issue with a remark made by a resident regarding the Town Board's public comment policy, noting that the public has the opportunity to comment at the Work Sessions held prior to the Voting Meetings at length and on non-agenda items. Councilwoman McDonough stated that she is often addressed by residents outside of meetings and may also be contacted via email or telephone with questions and concerns.

Supervisor Schmitt announced that the Town Board is looking for interested and qualified persons to fill vacant terms on the Planning Board and Zoning Board of Appeals. Letters of interest and resumes should be submitted to the Town Supervisor's office by February 1, 2011.

Supervisor Schmitt urged residents to attend the Hope Forum III which will be held on February 3, 2011 from 7:00 p.m. to 9:00 p.m. at the Lakeview Elementary School. The discussion will focus on bullying and crime prevention.

Supervisor Schmitt announced that the Croton Watershed Clean Water Coalition in association with the Coalition to Preserve Open Space and the Concerned Residents of Carmel and Mahopac will present *Gas Drilling / Hydrofracking, the Myth and Reality of "Clean Natural Gas"* featuring Chris W. Burger, Broome County Legislator and Chairman of the Broome County Energy Advisory Board at the Mahopac Library on has been rescheduled due to inclement weather to January 25, 2011 from 6:30 p.m. to 9:30 p.m.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Ravallo, seconded by Councilwoman McDonough and Councilman Lombardi, with all Town Board members present in agreement, the meeting was adjourned at 9:00 p.m. to Executive Session to discuss a personnel matter with the Chief of Police.

Respectfully submitted,

Ann Garris, Town Clerk