

ORGANIZATIONAL MEETING
TOWN HALL, MAHOPAC, N.Y.

The 2020 Organizational Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on Thursday, the 2nd day of January 2020 at 7:06 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schanil, Councilman Lombardi, Councilwoman McDonough, and Supervisor Schmitt. Councilman Barile was absent.

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 welcomed Councilman Schanil to the Town Board and Councilman Lombardi, who had previously served on the Town Board.

SWEARING-IN CEREMONY

Supervisor Schmitt welcomed recently appointed police officers Vincent Desantola and Arthur Kloskowski to the Town of Carmel Police Department and administered their oaths of office. The Town Board members expressed their congratulatory best wishes.

Supervisor Schmitt spoke regarding Stephen Kunze’s dedicated career with the Carmel Police Department and administered his oath of office. The members of the Town Board acknowledged him on his promotion to the rank of Lieutenant.

Previously sworn in officials were administered ceremonial oaths of office in connection with their recent election or re-election. Town of Carmel Judge Daniel Miller administered a ceremonial oath of office to Supervisor Kenneth Schmitt. Putnam County Judge Joseph Spofford administered ceremonial oaths of office to councilmen Frank Lombardi and Robert Schanil. Town of Carmel Judge Daniel Miller concluded the ceremonial oaths with Highway Superintendent Michael Simone.

SEATING ORDER OF THE TOWN BOARD MEMBERS SET

RESOLVED that the Town Board Members will be seated as follows (left to right): facing the dais: Robert Schanil, Suzanne McDonough, Kenneth Schmitt, Frank Lombardi and Michael Barile.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough and Councilman Lombardi

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

ROLL CALL VOTING ORDER OF TOWN BOARD MEMBERS SET

RESOLVED that the Roll Call Voting Order of the Town Board shall be as follows:

Robert Schanil
Michael Barile
Frank Lombardi
Suzanne McDonough
Kenneth Schmitt

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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(Cont.)

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

DATES, TIME AND LOCATION OF TOWN BOARD MEETINGS ESTABLISHED

RESOLVED that all regular meetings of the Town Board of the Town of Carmel shall be held on the first and third Wednesdays of each month, commencing Wednesday, January 15, 2020 at the Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM and

BE IT FURTHER RESOLVED that all work sessions of the Town Board of the Town of Carmel shall be held on the second and fourth Wednesdays of each month commencing Wednesday, January 8, 2020, and with the exception of fifth Wednesdays where there shall be no meetings; and with the exception of the month of February where the following work sessions shall be held on Thursday, February 13th instead of Wednesday, February 12th and Thursday, April 9th instead of Wednesday, April 8th, and Tuesday, November 10th instead of Wednesday, November 11th and Tuesday, November 24th instead of Wednesday, November 25th, and the month of December when no meeting shall be held on the fourth Wednesday. All work sessions shall be held at the Town of Carmel Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM, with the exception of Wednesday, April 22, 2020, which shall be held in the hamlet of Carmel at the Carmel Firehouse, Vink Drive, Carmel, NY at 7:00 PM.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

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

RULES OF ORDER FOR TOWN BOARD MEETINGS SET

RESOLVED that the Rules of Order for Town Board Meetings shall be Roberts' Rules of Order Newly Revised.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

POLICE COMMISSIONERS APPOINTED - TOWN BOARD

RESOLVED that the Town Board of the Town of Carmel hereby appoints all members of the Town Board to serve as the Board of Police Commissioners.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi and Councilwoman McDonough

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

OFFICIAL NEWSPAPERS OF THE TOWN DESIGNATED - PUTNAM COUNTY COURIER AND THE MAHOPAC NEWS (JOURNAL NEWS - DAILY)

RESOLVED that the Town Board of the Town of Carmel designates the Putnam County Courier and the Mahopac News as the official newspapers of the Town of Carmel for the year 2020 at the unit rates referenced in the proposals filed in the Office of the Town Clerk; and

BE IT FURTHER RESOLVED that, in those situations where the Town is required by law to publish in a daily newspaper, the Journal News is hereby designated as the daily newspaper in which publication shall be made.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

OFFICIAL DEPOSITORIES DESIGNATED

RESOLVED that the Town Board of the Town of Carmel hereby designates any commercial bank authorized to do business in the State of New York as an official depository for Town of Carmel funds and investments provided all deposits are properly collateralized in accordance with New York State law and hereby authorizes the Town Supervisor to deposit funds in any authorized depository for fiscal year 2020 in order to obtain the maximum rate of interest on said deposits.

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	Absent
Michael Barile	<u> </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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INSURANCE AGENT DESIGNATED - BROWN AND BROWN OF NY, INC., D/B/A SPAIN AGENCY

RESOLVED that the Town Board of the Town of Carmel hereby appoints the Brown and Brown of NY, Inc., d/b/a Spain Agency, 625 Route Six, Mahopac, New York as Insurance Agents and Brokers of Record for the Town of Carmel for the year 2020.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

PETTY CASH FUNDS AUTHORIZED FOR FISCAL YEAR 2020

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the establishment of Petty Cash Funds in the following departments at the following amounts for fiscal year 2020:

Supervisor \$200	Town Clerk \$200
Receiver of Taxes \$500	Police Chief \$200
Justice Court \$200	Bldg. Maintenance \$100
Recreation \$200	Supt. of Highways \$200

Resolution
Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

MILEAGE RATE SET FOR FISCAL YEAR 2020

RESOLVED that the Town Board of the Town of Carmel hereby establishes the mileage reimbursement rate for 2020 at the IRS rate for 2020.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

Supervisor Schmitt noted the standard mileage reimbursement rate for 2020.

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ORGANIZATIONAL MEETING

HIGHWAY DEPARTMENT - RATES SET FOR 2020 TEMPORARY HELP

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for Highway Department temporary help for fiscal year 2020:

- Private Plowers (minimum 2500 Series Truck/1 Ton Truck with plow) - \$60.00/hour
- Drivers (Labor only in Town trucks) - \$30.00/hour

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

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

COUNCIL MEMBERS AS LIAISONS TO SPECIAL COMMITTEES - DESIGNATED

BE IT RESOLVED that the Town Board of the Town of Carmel hereby designates the following Town Council Members as liaisons for the following purposes:

Councilman Michael Barile – Liaison to Police Department, Highway Department, Special Legal Counsel, other Governmental Agencies including County, State and School Districts, and Libraries, Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac) Town-wide Garbage Districts

Councilwoman Suzanne McDonough – Liaison to Planning Board, Recreation, Cable TV Advisory Board, Other Governmental Agencies including County, State and School Districts, Liaison to the Hamlet of Carmel Civic Association and the local Chambers of Commerce, Town-wide Garbage Districts

Councilman Frank Lombardi – Liaison to Highway Department, Recreation, and Special Legal Counsel, other Governmental Agencies including County, State and School Districts, and Libraries all Administrative Boards to include Planning, Zoning, ECB, Ethics Board and Libraries and all Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac),

Councilman Robert Schanil – Liaison to Police Department, Administrative Boards to include Zoning, ECB, and Ethics Board, Liaison to Hamlet of Carmel Civic Association, and other Government agencies including County, State and School Districts, and the local Chambers of Commerce

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u> </u>	<u> </u>	Absent
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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DESIGNATION OF DEPUTY SUPERVISOR ACKNOWLEDGED - SUZANNE MCDONOUGH

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the designation by Supervisor Schmitt of Suzanne McDonough as Deputy Supervisor.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

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

Supervisor Schmitt congratulated Councilwoman McDonough on her appointment and she expressed her appreciation to him for having confidence in her.

TOWN COMPTROLLER APPOINTED - MARY ANN MAXWELL

RESOLVED that the Town Board of the Town of Carmel hereby appoints Mary Ann Maxwell as Town Comptroller for a term ending December 31, 2021 at the salary contained in the 2020 Budget as adopted.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Supervisor Schmitt

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

Supervisor Schmitt cited Comptroller Mary Ann Maxwell as an amazing steward of the Town’s finances.

APPOINTMENT OF CONFIDENTIAL SECRETARY TO TOWN SUPERVISOR ACKNOWLEDGED - ANNE PASQUERELLO

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the appointment by Supervisor Kenneth Schmitt of Anne Pasquerello as Confidential Secretary to the Supervisor, effective January 1, 2020 for a term ending December 31, 2021 at the salary contained in the 2020 Budget as adopted.

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilman Lombardi

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

Supervisor Schmitt acknowledged Anne Pasquerello for her outstanding dedicated service.

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ASSISTANT TO TOWN BOARD APPOINTED - ANNE PASQUERELLO

RESOLVED that the Town Board of the Town of Carmel hereby appoints Anne Pasquerello as Assistant to the Town Board, effective January 1, 2020 for a term ending December 31, 2021 at the salary contained in the 2020 Budget.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

REGISTRAR OF VITAL STATISTICS APPOINTED - ANN SPOFFORD

RESOLVED that the Town Board of the Town of Carmel hereby appoints Ann Spofford as Town of Carmel Registrar of Vital Statistics as of January 1, 2020, at the salary contained in the 2020 Budget as adopted.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt acknowledged Town Clerk Ann Spofford.

APPOINTMENT OF DEPUTY TOWN CLERKS ACKNOWLEDGED - ALICE DALY AND BELLA CIMADOMO

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the appointments by Town Clerk Ann M. Spofford of Alice Daly as First Deputy Town Clerk and Bella Cimadomo as Second Deputy Town Clerk at the salary contained in the 2020 budget as adopted.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

Supervisor Schmitt acknowledged Bella Cimadomo in attendance at the meeting and congratulated her on her well-deserved appointment.

2 JANUARY 2020
ORGANIZATIONAL MEETING

**APPOINTMENT OF DEPUTY REGISTRAR OF VITAL STATISTICS
ACKNOWLEDGED - ALICE DALY**

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the appointment by Town Clerk Ann M. Spofford of Alice Daly as Deputy Registrar of Vital Statistics and Bella Cimadomo as Sub-Registrar of Vital Statistics at the salary contained in the 2020 budget as adopted.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilman Lombardi and Councilwoman McDonough

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

**APPOINTMENT OF DEPUTY HIGHWAY SUPERINTENDENT ACKNOWLEDGED -
MICHAEL MARTIN**

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the appointment by Highway Superintendent Michael Simone of Michael Martin as Deputy Highway Superintendent at the salary contained in the 2020 budget as adopted.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt acknowledged Michael Martin in attendance at the meeting and congratulated him on his reappointment.

APPOINTMENT OF TOWN HISTORIAN ACKNOWLEDGED - JAMES MEYER

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the reappointment by Supervisor Kenneth Schmitt of James Meyer as the Town of Carmel Town Historian.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt expressed appreciation to James Meyer for his efforts and spoke regarding their hopes for a revitalization of the Town of Carmel Historical Society.

2 JANUARY 2020
ORGANIZATIONAL MEETING

APPOINTMENT OF DEPUTY RECEIVER OF TAXES ACKNOWLEDGED - GARY KIERNAN

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the appointment by Receiver of Taxes, Kathleen Kraus of Gary Kiernan as Deputy Receiver of Taxes at the salary contained in the 2020 budget as adopted.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

Supervisor Schmitt acknowledged Gary Kiernan on his appointment.

CHAIRMAN OF PLANNING BOARD APPOINTED FOR 2020 - CRAIG PAEPRER

RESOLVED that the Town Board of the Town of Carmel hereby appoints Craig Paeprer as Chairman of the Town of Carmel Planning Board for the year 2020.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilman Lombardi and Councilwoman McDonough

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

VICE-CHAIRMAN OF PLANNING BOARD APPOINTED FOR 2020 - ANTHONY GIANNICO

RESOLVED that the Town Board of the Town of Carmel hereby appoints Anthony Giannico as Vice-Chairman of the Town of Carmel Planning Board for the year 2020.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

2 JANUARY 2020
ORGANIZATIONAL MEETING

CHAIRMAN OF ZONING BOARD OF APPEALS APPOINTED FOR 2020 - JOHN MAXWELL

RESOLVED that the Town Board of the Town of Carmel hereby appoints John Maxwell as Chairman of the Town of Carmel Zoning Board of Appeals for the year 2020.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

VICE-CHAIRMAN OF ZONING BOARD OF APPEALS APPOINTED FOR 2020 - PHILIP AGLIETTI

RESOLVED that the Town Board of the Town of Carmel hereby appoints Philip Aglietti as Vice-Chairman of the Town of Carmel Zoning Board of Appeals for the year 2020.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

APPOINTMENT MADE TO ZONING BOARD OF APPEALS - JOHN STARACE - 1/1/20 AND EXPIRING 12/31/24

RESOLVED that the Town Board of the Town of Carmel hereby appoints John Starace to the Town of Carmel Zoning Board of Appeals for a term commencing, January 1, 2020 and expiring December 31, 2024.

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilman Schanil

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

Supervisor Schmitt thanked John Starace for his continued service on the Zoning Board of Appeals.

CHAIRMAN OF ENVIRONMENTAL CONSERVATION BOARD APPOINTED FOR 2020 - ROBERT LAGA

RESOLVED that the Town Board of the Town of Carmel hereby appoints Robert Laga as Chairman of the Town of Carmel Environmental Conservation Board for the year 2020.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

VICE-CHAIRMAN OF ENVIRONMENTAL CONSERVATION BOARD APPOINTED FOR 2020 - NICHOLAS FANNIN

RESOLVED that the Town Board of the Town of Carmel hereby appoints Nicholas Fannin as Vice-Chairman of the Town of Carmel Environmental Conservation Board for the year 2020.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

SALARIES SET FOR FISCAL YEAR 2020 FOR CERTAIN OFFICIALS OF THE TOWN AND FOR EMPLOYEES OF THE TOWN NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

RESOLVED that the Town Board of the Town of Carmel hereby sets the salaries for fiscal year 2020 for the following officials and employees of the Town not covered under the terms of a Collective Bargaining Agreement: Town Comptroller, Town Engineer, Receiver of Taxes, Town Justices, Director of Parks & Recreation, Town Assessor, Deputy Town Clerks, Deputy Highway Superintendent, Deputy Receiver of Taxes, Confidential Secretary to the Supervisor/Assistant to the Town Board, at the amounts set forth in the 2020 budget as adopted.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u> </u>	<u> </u>	Absent
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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ORGANIZATIONAL MEETING

PROPOSAL ACCEPTED FOR PLANNING CONSULTING SERVICES THROUGH 3/31/2020 - PATRICK CLEARY OF CLEARY CONSULTING - NOT TO EXCEED \$17,500.00

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Patrick Cleary of Cleary Consulting, Northport, NY, for the provision of planning consulting services, commencing immediately, through March 31, 2020 and not to exceed \$17,500, and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form and content satisfactory to counsel, Supervisor Kenneth Schmitt is authorized to execute a contract for said services and any other documentation necessary to accept the aforementioned proposal.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilman Lombardi

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

REQUEST FOR PROPOSALS AUTHORIZED - PLANNING CONSULTING SERVICES

RESOLVED that the Town Board of the Town of Carmel authorizes Town Engineer Richard Franzetti, PE, to solicit request for proposals for Planning Consulting Services for 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 Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

APPOINTMENTS MADE TO LAKE CASSE PARK DISTRICT ADVISORY BOARD - 1/1/20 THROUGH 12/31/20

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Casse Park District Advisory Board for a term commencing retroactive to January 1, 2020 and expiring December 31, 2020:

Jon Aquina
Teresa DePace
Stacey Ann Kelly
Kim Kugler
William Siclari
Scott Sterbens

Resolution

Offered by: Councilman Schanil
Seconded by: Councilman Lombardi and Councilwoman McDonough

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ORGANIZATIONAL MEETING

(Cont.)

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

Supervisor Schmitt expressed appreciation to the volunteers on the Lake Casse Park District Advisory Board for their outstanding service to their community.

APPOINTMENTS MADE TO LAKE MAHOPAC PARK DISTRICT ADVISORY BOARD
- 1/1/20 TO 12/31/20

RESOLVED that the Town Board of the Town of Carmel hereby appoints the following residents to the Town of Carmel Lake Mahopac Park District Advisory Board for a term commencing retroactive to January 1, 2020 and expiring December 31, 2020:

Compton Spain
Jay Crawford
James Maxwell
Robert Frenkel

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

Supervisor Schmitt expressed appreciation to the volunteers on the Lake Mahopac Park District Advisory Board for their outstanding service to their community.

ATTENDANCE OF OFFICERS AND EMPLOYEES TO ATTEND THE 2020
ASSOCIATION OF TOWNS CONFERENCE - AUTHORIZED

WHEREAS the Annual Meeting and Training School of the Association of Towns is to be held in New York, NY from February 16th through the 19th, 2020; and

WHEREAS in the past, the information and training available at said meeting and the seminars conducted there have proved to be helpful to Town Officers and employees in the performance of their duties and it is in the best interest of the Town of Carmel to have certain of its officers and employees attend such meeting and training schools;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the following officers and employees of the Town to attend the Association of Towns Conference in New York, NY and that the reasonable and necessary expenses of said persons be reimbursed by the Town upon audit and approval by the Town Comptroller to the extent reserved in the 2020 Conference and Seminars line of the Court Budget:

Thomas Jacobellis – Town Justice
Daniel Miller – Town Justice
Patricia Genna – Town Court Clerk
Francine Schmansky – Senior Account Clerk
Marie Paprocki – Clerk to Town Justice
Lisa Laquidara – Clerk to Town Justice

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ORGANIZATIONAL MEETING

(Cont.)

BE IT FURTHER RESOLVED that the entire Town Board of the Town of Carmel is also authorized to attend the Association of Towns Conference in New York, NY and that their reasonable and necessary expenses be reimbursed by the Town upon audit and approval by the Comptroller’s Office.

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

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

TOWN OF CARMEL VOTING DELEGATE AND ALTERNATE VOTING DELEGATE AT THE 2020 ASSOCIATION OF TOWNS ANNUAL BUSINESS SESSION DESIGNATED - COUNCILMAN ROBERT SCHANIL, DELEGATE AND SUPERVISOR KENNETH SCHMITT, ALTERNATE VOTING DELEGATE

RESOLVED that Councilman Robert Schanil is hereby designated as the voting delegate and Supervisor Kenneth Schmitt is hereby designated as the alternate voting delegate of the Town of Carmel to the 2020 Annual Business Session of the Association of Towns of the State of New York to be held in New York City from February 16th through the 19th, 2020 and are hereby authorized to cast the vote of the Town of Carmel pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

2020 TOWN OF CARMEL SUBJECT MATTER LIST AND OFFICE RETENTION SCHEDULE - ADOPTED

RESOLVED that, upon the recommendation of Ann Spofford, Town Clerk, the Town Board of the Town of Carmel hereby adopts the Town of Carmel 2020 Subject Matter List and Record Retention Schedule as pre-filed with the Town Clerk.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

TOWN OF CARMEL PROCUREMENT POLICY - 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 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: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

TOWN OF CARMEL
PROCUREMENT POLICY AND PROCEDURES

(Revised December 2019)

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

(Cont.)

- 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
Purchase and Public Works Contracts:			
1. Purchase Contract – Above \$20,000	X		103 GML
2. Purchase Contract – Below \$20,000		X	104 GML
3. Contract for Public Work – Above \$35,000	X		103 GML
4. Contract for Public Work – Below \$35,000		X	104 GML
Procurement Exempt from GML §103 and §104-b			
5. Agencies for Blind or Severely Handicapped, etc.		X	175-b SFL
6. Correctional Institutions		X	184 CL
7. State Contract		X	104 GML
8. County Contract		X	103(3) GML
Procurement Exempt from GML §103 and 104b			
9. 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.

(Cont.)

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 Solicited	3 AUTHORIZING RESOLUTION REQUIRED	AUTHORIZING RESOLUTION REQUIRED	
Purchase Contracts Below \$20,000					
200 – 999	X				
1,000 – 4,999		X			
5,000 – 9,999			X		
10,000 – 19,999				X	
Public Work Contracts Below \$35,000					
Under 1,000	X				
1,000 – 4,999		X			
5,000 – 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

* NOTES: THE TOWN WILL CONTINUE TO MONITOR PUBLIC WORK CONTRACTS FOR COMPETITIVE PRICING IN THE BID CATEGORY \$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

With respect to any Purchase Contract or Public Works Contract requiring verbal or written quotes pursuant to this policy, all quotes received must be submitted to the Comptroller’s Office for review prior to any purchase or commencement of any public work.

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:

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- 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.

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.

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.

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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, 2020, as required under Section 104 of the NYS General Municipal Law, the Town is including the names of the municipal officials responsible for purchasing decisions, as follows:

<u>Position Title</u>	<u>Position Incumbent</u>
Town Supervisor	Kenneth Schmitt
Town Board	Michael Barile
Town Board	Frank Lombardi
Town Board	Suzanne McDonough
Town Board	Robert Schanil
Town Justice	Daniel Miller
Town Justice	Thomas Jacobellis
Court Clerk	Patricia Genna
Comptroller	Mary Ann Maxwell
Town Assessor	Glenn Droese
Town Clerk	Ann Spofford
Deputy Town Clerk	Alice Daly
Receiver of Taxes	Kathleen Kraus
Deputy Receiver of Taxes	Gary Kiernan
Town Civil Engineer	Richard Franzetti
Town Engineering Project Coordinator	Robert Vara
Principal Clerk	Eileen Brennan
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Michael Martin
Chief of Police	Michael Cazzari
Lieutenant	John Dearman
Lieutenant	Stephen Kunze
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. Original receipts should be attached to claims for reimbursement whenever possible: regardless of the dollar amount.

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SEASONAL/TEMPORARY AND PART-TIME WORKERS WAGE RATES - ESTABLISHED

RESOLVED that the Town Board of the Town of Carmel hereby sets the Seasonal/Temporary Full-Time Workers maximum wage rates for the following title effective retroactive to January 1, 2020:

SEASONAL/TEMPORARY FULL TIME WORKERS

<u>POSITION AND/OR TITLE</u>	<u>HOURLY WAGE RATE BASED ON CUMULATIVE HOURS OF SERVICE:</u>			
	0-500	501-1000	1001-1500	1501-XXXX
Seasonal/Temp.	12.50	13.50	14.50	15.50

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

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

RATES SET FOR 2020 PART-TIME/TEMPORARY HELP - OFFERED AS PRE-FILED

RESOLVED that the Town Board of the Town of Carmel hereby sets the following rates for part-time/temporary help in the following departments for fiscal year 2020:

<u>Department</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Comments</u>
Accounting	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Assessor	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Building	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Comptroller/Accounting	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Engineering/Planning	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Highway	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Justice Ct.	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Police	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Recreation	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Supervisor/Receptionist	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Tax Receiver	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Town Clerk	\$13.00/hr	\$27.00/hr	Commensurate with Experience
Recycling	\$12.00/hr	\$15.00/hr	Commensurate with Experience

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Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

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

RECREATION AND PARKS ADVISORY COMMITTEE APPOINTMENTS MADE - DAVE FURFARO AND JOYCE PICCONE - RETROACTIVE TO 1/1/20 AND EXPIRING 12/31/22

RESOLVED that the Town Board of the Town of Carmel hereby re-appoints Dave Furfaro and Joyce Piccone to the Town of Carmel Recreation and Parks Advisory Committee for a term retroactive to January 1, 2020 and expiring December 31, 2022.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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

SIGNING OF STIPULATION OF AGREEMENT CHANGING SALARY GROUP OF SENIOR RECREATION LEADER JOB TITLE AUTHORIZED AND EMPLOYEE PLACED - NINA KALLMEYER

RESOLVED, that the Town Board of the Town of Carmel (“Town”) hereby authorizes the Town Supervisor to sign a Stipulation of Agreement, effective January 1, 2020, the Senior Recreation Leader job title shall be placed at a Salary Group 8, as specified in Appendix “E” of the Collective Bargaining Agreement between the Town and Local 840, CSEA, AFSCME, AFL-CIO, and was modified and extended by a Memorandum of Agreement with a duration of January 1, 2018 to December 31, 2021 (the “CBA”).

BE IT FURTHER RESOLVED, that pursuant to the above-referenced Stipulation of Agreement, effective January 1, 2020, Senior Recreation Leader, Nina Kallmeyer Employee number 2583 shall be placed at Step 1 of Group 8 Salary, as specified in Appendix “E” of the CBA, and shall receive retroactive pay accordingly.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

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

Supervisor Schmitt commended Nina Kallmeyer on her outstanding job performance.

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ORGANIZATIONAL MEETING

SIGNING OF STIPULATION OF AGREEMENT ADDING TITLE OF RECEPTIONIST / OFFICE ASSISTANT AUTHORIZED AND APPOINTMENT MADE - LORI WOLLMAN

RESOLVED, that the Town Board of the Town of Carmel (“Town”) hereby authorizes the Town Supervisor to sign a Stipulation of Agreement, effective January 1, 2020, adding the job title of Receptionist/Office Assistant shall be placed at a Salary Group 3, as specified in Appendix “E” of the Collective Bargaining Agreement between the Town and Local 840, CSEA, AFSCME, AFL-CIO, and was modified and extended by a Memorandum of Agreement with a duration of January 1, 2018 to December 31, 2021 (the “CBA”).

BE IT FURTHER RESOLVED, that pursuant to the above-referenced Stipulation of Agreement, and pursuant to NYS Civil Service Law, Section 55-a, effective January 1, 2020, Lori Wollman, Employee number 1837 shall be appointed to said position at Step 1 of Group 3 Salary, as specified in Appendix “E” of the CBA, and shall receive retroactive pay accordingly.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilwoman McDonough

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

Supervisor Schmitt praised Lori Wollman on her excellent job performance.

PERMANENT APPOINTMENT OF SENIOR ACCOUNT CLERK II MADE IN HIGHWAY DEPARTMENT - STACI NORTON

RESOLVED that the Town Board of the Town of Carmel hereby permanently appoints Staci Norton to Senior Account Clerk II in the Town of Carmel Highway Department retroactive to January 1, 2020, and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Schanil and Councilwoman McDonough

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

PERMANENT APPOINTMENT OF SENIOR ACCOUNT CLERK II MADE IN THE ENGINEERING DEPARTMENT - DONNA ESTEVES

RESOLVED that the Town Board of the Town of Carmel hereby permanently appoints Donna Esteves to Senior Account Clerk II in the Town of Carmel Engineering Department retroactive to January 1, 2020, and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilwoman McDonough

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(Cont.)

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

PERMANENT APPOINTMENT OF SENIOR ACCOUNT CLERK MADE IN THE JUSTICE COURT - FRANCINE SCHMANSKY

RESOLVED that the Town Board of the Town of Carmel hereby permanently appoints Francine Schmansky to Senior Account Clerk in the Town of Carmel Justice Court retroactive to January 1, 2020, and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilwoman McDonough
 Seconded by: Councilman Lombardi

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

PERMANENT APPOINTMENT OF SENIOR ACCOUNT CLERK MADE IN THE RECEIVER OF TAXES DEPARTMENT - ANTOINETTE PESAVENTO

RESOLVED that the Town Board of the Town of Carmel hereby permanently appoints Antoinette Pesavento to Senior Account Clerk in the Town of Carmel Receiver of Taxes Department retroactive to January 1, 2020, and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Supervisor Schmitt
 Seconded by: Councilman Lombardi

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

PERMANENT APPOINTMENT OF SENIOR ACCOUNT CLERK MADE IN THE COMPTROLLER'S OFFICE - MICHELLE RUSSELL

RESOLVED that the Town Board of the Town of Carmel hereby permanently appoints Michelle Russell to Senior Account Clerk in the Town of Carmel Comptroller's Office, retroactive to January 1, 2020, and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Lombardi
 Seconded by: Councilman Schanil

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(Cont.)

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

APPOINTMENT OF CLERK TO TOWN JUSTICE ACKNOWLEDGED - LISA LAQUIDERA

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the appointment by Town Justice Daniel Miller of Lisa Laquidera as Clerk to Town Justice at the salary contained in the 2020 budget as adopted.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi and Councilwoman McDonough

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

SIGNING OF INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF WESTCHESTER AND THE TOWN OF CARMEL FOR EMPLOYEE ASSISTANCE PROGRAM - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the Town Supervisor Kenneth Schmitt to sign on behalf of the Town of Carmel, the Intermunicipal Agreement between the Town of Carmel and The County of Westchester for Employee Assistance Program Services for a term of four (4) years retroactive to January 1, 2020 and expiring December 31, 2024 at a cost of \$45.00 annually per employee; said Intermunicipal Agreement to be in general form and substance as attached hereto and made a part hereof; and
BE IT FURTHER RESOLVED that a copy of said Intermunicipal Agreement be filed with the Town Clerk Ann M. Spofford after signature by the Town Supervisor.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi and Councilman Schanil

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

THIS AGREEMENT (“Agreement”), made the ____ day of _____, 20____, by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having its principal place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”),

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ORGANIZATIONAL MEETING

(Cont.)

and

TOWN OF CARMEL, a municipal corporation of the State of New York, having an office and place of business at 60 McAlpin Avenue, Mahopac, New York, 10541 (hereinafter referred to as the “Agency”)

WITNESSETH:

WHEREAS, the County, acting by and through its Department of Community Mental Health (“Department”), and the Agency desire to enter into the Agreement to provide preventive, rehabilitative and treatment services under Article 25 (Funding For Substances Abuse Services) and Article 41 (Local and Unified Services) of the New York State Mental Hygiene Law (“Mental Hygiene Law”); and

WHEREAS, pursuant to the provisions of Articles 25 and 41 of the Mental Hygiene Law, the County receives funding from the State of New York (“State”) and local municipalities, among others, for preventive, rehabilitative and treatment service programs for the mentally ill, the mentally retarded, the developmentally disabled and those suffering from alcohol and substance abuse. Pursuant to Article 41, the County also operates an Employee Assistance Program, which provides such services to various municipalities and school districts within Westchester and Putnam counties; and

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WHEREAS, the Agency has indicated it would like to receive these services.

NOW, THEREFORE, the parties hereto in consideration of the premises and of the covenants, agreements, terms and conditions herein contained do agree as follows:

Section 1. The Department shall provide services under Article 25 (Funding For Substances Abuse Services) and Article 41 (Local and Unified Services) of the Mental Hygiene Law to the Agency and render Employee Assistance Program services (hereinafter collectively the “Services”) to the Agency as more particularly described in Schedule “A” which is attached hereto and made a part hereof.

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(Cont.)

Section 2. In consideration of the Services to be provided to the Agency by the Department pursuant to Paragraph "1" above, the Agency shall pay to the County a certain fee per employee per year, for a total aggregate yearly amount, as more fully set forth in the Budget set forth in Schedule "B" which is attached hereto and made a part hereof.

Any and all payments to be made to the County, including any partial payment made in proportion to the provision of Services, shall be made on an annual basis, as set forth in Schedule "B."

Section 3. All records compiled by the Department in completing the work described in this Agreement, including but not limited to evaluation, progress notes, written reports, studies, drawings, computer printouts, graphs, charts, and all other similar recorded data, shall become and remain the property of the Department.

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Section 4. The term of the Agreement shall commence on January 1, 2020 and shall expire on December 31, 2024. Notwithstanding anything to the contrary herein, either party may, at any time, upon ten (10) business days' prior notice to the other party, terminate the Agreement, when it deems that doing so would be in its best interest.

Section 5. The Agency agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C," entitled "Standard Insurance Provisions", which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C," the Agency agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Agency shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Agency or third parties under the direction or control of the Agency; and

(Cont.)

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) In the event the Agency does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Agency shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

Section 6. Confidentiality of Records:

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(a) The Department and the Agency shall observe and require the observance of applicable Federal and State requirements relating to confidentiality of records and information. The Department and the Agency agree not to allow examination of records or the disclosure of information except as herein set forth or as may be required by applicable Law.

(b) The Department and the Agency shall fully inform their own staff members to observe and require the observance of applicable Federal and State requirements relating to confidentiality of records and information.

(c) The Department and the Agency shall implement the following procedures for the purpose of safeguarding information and ensuring the protection and confidentiality of said information.

- (1) Records containing individually identifiable information shall be marked "confidential" and kept in locked files or in rooms that are locked when the records are not in use.
- (2) When in use, records shall be maintained in such a manner as to prevent exposure of individual identifiable information to anyone other than the authorized party directly utilizing the case record.
- (3) Records shall be transmitted from one location to another in a sealed envelope stamped "confidential" and a receipt shall be obtained documenting delivery of said records. Records may be removed from Department's work locations only with the prior written permission of the Department's Commissioner.

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(Cont.)

- (4) Interviews with clients shall be conducted at a location and in a manner which maximizes privacy.
- (5) The Agency consistent with applicable statute and regulation shall have access to the following:
 - All identifiable information released with client's consent.
 - Information released is usually within the context of a supervisor's referral.

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- Released information normally includes information regarding compliance with Employee Assistance Program services and treatment and client's medical clearance to return to work

Section 7. The Agency expressly agrees that neither it nor any contractor subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Agency acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

Section 8. Either party may cancel this Agreement upon ten (10) days prior written notice to the other by certified mail.

Section 9. All notices, requests, demands or other communications required or permitted to be given hereunder shall be in writing and shall be deemed given when delivered by hand or mailed postage prepaid, certified mail, return receipt requested, addressed as follows:

To the County:	Commissioner Westchester County Department of Community Mental Health 112 East Post Road - Second Floor, Room 219 White Plains, New York 10601
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(Cont.)

with copy to: County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

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To the Agency: Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Section 10. This Agreement may not be assigned by the Agency without the prior written consent of the County.

Section 11. This Agreement shall not be enforceable until signed by all parties and approved by the Westchester County Board of Legislators, the Westchester County Board of Acquisition and Contract and the Office of the County Attorney.

Section 12. This Agreement shall be construed and enforced in accordance with the Laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

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IN WITNESS WHEREOF, the County and the Agency have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Michael Orth, M.S.W., Commissioner
Department of Community Mental Health

TOWN OF CARMEL

By: _____
Name: _____
Title: _____

(Cont.)

Authorized by the Board of Legislators of the County of Westchester on the 21st day of October, 2019, by Act No. 2019-223.

Approved as to form and
manner of execution:

Assistant County Attorney
The County of Westchester

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 2019 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

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(Cont.)

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Corporation)

a corporation duly organized and in good standing under the
(Law under which organized, e.g., the New York
Business Corporation Law) named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the

(Name of Corporation)

was, at the time of execution

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 2019 before me, the undersigned, a Notary Public in and for said State, _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at _____, and he/she is an officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to such authority.

Notary Public
Date

SCHEDULE "A"
Scope of Services
(Town of Carmel)

The Agency will receive the following services from the Department of Community Mental Health (DCMH) Employee Assistance Program:

(Cont.)

1. Program consultation and design including technical assistance for development of policies and procedures.
2. Staff development services:
 - a. Program facilitator (s) training for appropriate jurisdictions;
 - b. Labor/Management orientation and training;
 - c. Supervisory training
 - d. Employee Orientations
3. Program Administration
 - a) Data collection;
 - b) Statistical analysis;
 - c) Reporting services for labor and management, as required.
4. Program Maintenance:
 - a) On-going training and education;
 - b) Collection and dissemination of appropriate program data and material;
 - c) On-going training and support for program facilitators;
 - d) Appropriate corrective action for local programs, as required.

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SCHEDULE "A" (continued)**Scope of Services
(Town of Carmel)**

5. Client Evaluation and Referral:

Upon contact from a supervisor or a self-referred employee, the local Employee Assistance Program coordinator will contact the County Employee Assistance Program;

- a) County Employee Assistance Program staff will make an appointment for the employee and assign a counselor for the contact;
- b) The Counselor will interview the employee and complete appropriate assessment and referral services;

(Cont.)

- c) County Employee Assistance Program staff will monitor the employee's progress in treatment;
- d) The counselor will provide appropriate follow-up to the local Employee Assistance Program coordinator or other designated supervisory staff.

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SCHEDULE "B"

**BUDGET
(Town of Carmel)**

The Agency shall pay to the County a fee of \$45 per employee per year for all five years.

For the purpose of this Agreement, the Agency represents that as of the date hereof, the Agency has 118 employees and the total amount for 2020 is \$5,310.00. The fee for 2020 shall be due and payable upon execution of this Agreement by both parties. The total amount billed by Westchester County Department of Community Mental Health for years 2021 through 2024 shall be based on the head count supplied by the Agency in December of the preceding year and shall be paid within fifteen (15) days of submission of an invoice by the Department.

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SCHEDULE "C"

STANDARD INSURANCE PROVISIONS

1. Prior to commencing work, and through the term of the Agreement, the Agency shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Agency shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Agency and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Agency shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County of Westchester for approval by the Director. Upon failure of the Agency to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

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(Cont.)

Failure of the Agency to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Agency from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Agency concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of the Agency's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Agency until such time as the Agency shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Agency maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Agency. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2. The Agency shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- (a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form

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DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov/>

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- (b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.l) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - (i) Premises - Operations.
 - (ii) Broad Form Contractual.
 - (iii) Independent Contractor and Sub-Contractor
 - (iv) Products and Completed Operations.
- (c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

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(Cont.)

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County for both on-going and completed operations.

All Contracts involving the use of explosives, demolition and/or underground work shall provide proof that XCU is covered.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Agency shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

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(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Agency.

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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.

PUBLIC COMMENTS - OPEN FORUM

Thomas Iannicari from the Greater Mahopac-Carmel Chamber of Commerce inquired about the progress of the new Town of Carmel Comprehensive Plan and Town Code revisions.

Councilwoman McDonough explained that the Town Board will be meeting with the planners from Nelson, Pope & Voorhis, retained in connection with the project, later this month. At that point, the Town Board will be requesting a timeline. Discussion ensued regarding the matter.

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TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced the details in connection with the upcoming Christmas tree pick-up for residents serviced by AAA Carting & Rubbish Removal and Oak Ridge Waste and Recycling.

Councilwoman McDonough addressed a recent rumor being circulated about her residency. She clarified that although she recently sold her house and is the process of seeking another, she is currently living with family members and remains a Town of Carmel resident.

Supervisor Schmitt announced that the Town Board will meet next at their Work Session to be held on January 8, 2020 at 7:00 p.m. at the Carmel Town Hall.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Supervisor Schmitt, with all Town Board members present and in agreement, the meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk