

ORGANIZATIONAL MEETING
TOWN HALL, MAHOPAC, N.Y.

The 2022 Organizational Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Michael Cazzari on the 5th day of January 2022 at 7:01 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Baranowski, Councilman Lombardi, Councilwoman McDonough, Councilman Schanil and Supervisor Cazzari.

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 as well as our local first responders.

Supervisor Cazzari announced that residents’ public comments will now be addressed at the beginning of the Town Board meetings and relate to agenda items only. He requested that speakers clearly state their name and address, and limit their comments to three minutes.

PUBLIC COMMENTS

Thomas Ianniccari, a local insurance broker, revisited his comments from prior years with regard to the designation of the Town’s insurance agent. Mr. Ianniccari suggested that a significant savings could be achieved by soliciting a Request for Proposals (RFP) in connection with the Town’s insurance policies.

Supervisor Cazzari thanked Mr. Ianniccari for his comments.

Mr. Ianniccari indicated that he would email the information to the Town Board for their review.

Supervisor Cazzari explained that if residents wish to comment on a non-agenda matter, or is running over their three-minute allotted time allowance, they can email the Town Board or call the Supervisor’s office at Town Hall during normal business hours.

Kevin McCarthy introduced himself to the Town Board and stated that he will be attending Town Board meetings as a representative of the Mahopac Hills Homeowners Association.

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: Frank Lombardi, Robert Schanil, Michael Cazzari, Suzanne McDonough, and Stephen Baranowski.

Resolution

Offered by: Supervisor Cazzari
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<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:

Stephen Baranowski
Frank Lombardi
Suzanne McDonough
Robert Schanil
Michael Cazzari

(Cont.)

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

DATES, TIME AND LOCATION OF TOWN BOARD MEETINGS ESTABLISHED

RESOLVED that all regular voting 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 19, 2022 at the Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM, with the exception of Wednesday, March 2, 2022, which shall be held in the hamlet of Carmel at the Knights of Columbus Hall, 10 Fair Street Carmel, NY 10512 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 third Wednesdays of each month commencing Wednesday, January 12, 2022, and all work sessions scheduled for third Wednesdays shall commence immediately following the regular voting meetings. 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, October 12 2022, which shall be held in the hamlet of Carmel at the Knights of Columbus Hall, 10 Fair Street, Carmel, NY 10512 at 7:00 PM.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<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: Supervisor Cazzari
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<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: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

DESIGNATION OF DEPUTY SUPERVISOR ACKNOWLEDGED - COUNCILMAN ROBERT SCHANIL

RESOLVED that the Town Board of the Town of Carmel hereby acknowledges the designation by Supervisor Michael Cazzari of Councilman Robert Schanil as Deputy Supervisor.

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

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 effective January 3, 2022, ending December 31, 2023 at the salary contained in the 2022 Budget as adopted.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

POSITION OF CHIEF OF STAFF IN THE SUPERVISOR’S OFFICE CREATED AND APPOINTMENT OF ANNE PASQUERELLO MADE

RESOLVED that the Town Board of the Town of Carmel, upon the recommendation of Supervisor Michael Cazzari, hereby creates the position of Chief of Staff in the Town of Carmel Supervisor’s Office and appoints Anne Pasquerello to said position effective January 3, 2022, for a term ending December 31, 2023 at the salary contained in the 2022 Budget as adopted.

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(Cont.)

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Robert Schanil	X	
Michael Cazzari	X	

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 3, 2022 for a term ending December 31, 2023 at the salary contained in the 2022 Budget as adopted.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Robert Schanil	X	
Michael Cazzari	X	

PROMOTIONAL PROBATIONARY APPOINTMENT OF PRINCIPAL OFFICE ASSISTANT MADE - OFFICE OF THE TOWN SUPERVISOR - JOANNA TERILLI

RESOLVED that the Town Board of the Town of Carmel hereby appoints Joanna Terilli to the position of Principal Office Assistant in the Town of Carmel Supervisor’s Office at a CSEA Group 4 Step 1 salary effective January 3, 2022, on a promotional probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Robert Schanil	X	
Michael Cazzari	X	

PROMOTIONAL PROBATIONARY APPOINTMENT OF PRINCIPAL OFFICE ASSISTANT MADE - BUILDING DEPARTMENT - ANN PISTEY

RESOLVED that the Town Board of the Town of Carmel hereby appoints Ann Pistey to the position of Principal Office Assistant in the Town of Carmel Building Department at a CSEA Group 4 Step 1 salary level effective January 3, 2022, on a promotional probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

(Cont.)

Resolution
Offered by: Councilman Baranowski
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

PROMOTIONAL PROBATIONARY APPOINTMENT OF PRINCIPAL OFFICE ASSISTANT MADE - DEPARTMENT OF RECREATION AND PARKS - NANCY SLATTERY

RESOLVED that the Town Board of the Town of Carmel hereby appoints Nancy Slattery to the position of Principal Office Assistant in the Town of Carmel Department of Recreation and Parks at a CSEA Group 4 Step 1 salary level effective January 3, 2022, on a promotional probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

PROMOTIONAL PROBATIONARY APPOINTMENT OF PRINCIPAL OFFICE ASSISTANT MADE - POLICE DEPARTMENT - MARY ROSE MCNAMARA

RESOLVED that the Town Board of the Town of Carmel hereby appoints Mary Rose McNamara to the position of Principal Office Assistant in the Town of Carmel Police Department at a CSEA Group 4 Step 1 salary level effective January 3, 2022, on a promotional probationary basis 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 and Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

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PROMOTIONAL PROBATIONARY APPOINTMENT OF SENIOR REAL PROPERTY APPRAISER MADE - OFFICE OF THE TOWN ASSESSOR - CHRISTOPHER PALEO

RESOLVED that the Town Board of the Town of Carmel hereby appoints Christopher Paleo to the position of Senior Real Property Appraiser in the Town of Carmel Assessor’s Office at a CSEA Group 9 Step 1 salary level effective January 3, 2022 on a promotional probationary basis and subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Supervisor Cazzari
Seconded by: Councilman Schanil and Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

PROMOTIONAL PROBATIONARY APPOINTMENT OF SENIOR ACCOUNT CLERK II MADE - OFFICE OF THE RECEIVER OF TAXES - ANTOINETTE PESAVENTO

RESOLVED that the Town Board of the Town of Carmel hereby appoints Antoinette Pesavento to the position of Senior Account Clerk II in the Town of Carmel Receiver of Taxes at a CSEA Group 8 Step 2 salary level effective January 3, 2022, on a promotional probationary basis 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>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

PROBATIONARY APPOINTMENT OF PARK MAINTENANCE WORKER MADE - RECREATION DEPARTMENT - JASON HOPPE

RESOLVED that the Town Board of the Town of Carmel hereby appoints Jason Hoppe to the position of Park Maintenance Worker in the Town of Carmel Recreation Department on a Probationary basis at a CSEA Group 5 Step 1 salary level effective January 6, 2022, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: Councilman Baranowski
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

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BUILDING DEPARTMENT - STIPULATION CHANGING SALARY GROUP OF FIRE INSPECTOR JOSEPH WILOCHOWSKI AUTHORIZED

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, 2022, Fire Inspector, Joseph Wilochowski (Emp. No. 2506) shall be placed at Step 1 of Salary Group 8, as specified in Appendix "E" of the Collective Bargaining Agreement between the Town and Local 840, CSEA, AFSCME, AFL-CIO that expired on December 31, 2021, and was modified and extended by a Memorandum of Agreement with a duration of January 1, 2022 to January 1, 2026 (the "CBA").

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

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

RESOLVED that the Town Board of the Town of Carmel designates the Putnam County Press and the Mahopac News as the official newspapers of the Town of Carmel for the year 2022 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: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<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 2022 in order to obtain the maximum rate of interest on said deposits.

Resolution
Offered by: Supervisor Cazzari
Seconded by: Councilman Lombardi and Councilwoman McDonough

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(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

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 2022.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Baranowski

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

PETTY CASH FUNDS AUTHORIZED FOR FISCAL YEAR 2022

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 2022:

Supervisor \$200	Town Clerk \$200
Receiver of Taxes \$500	Police Chief \$200
Justice Court \$200	Bldg. Maintenance \$100
Recreation \$200	Supt. of Highways \$300

Resolution
Offered by: Councilman Baranowski
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

MILEAGE RATE SET FOR FISCAL YEAR 2022

RESOLVED that the Town Board of the Town of Carmel hereby establishes the mileage reimbursement rate for 2022 at the IRS rate for 2022.

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

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(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<u>X</u>	<u></u>

HIGHWAY DEPARTMENT - RATES SET FOR 2022 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 2022:

- 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: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<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 Steven Baranowski – Liaison to CSEA and Veterans, Special Legal Counsel, other Governmental Agencies including County, State and School Districts, and Libraries, Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac)

Councilwoman Suzanne McDonough – Liaison to CSEA, Veterans and 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

Councilman Robert Schanil – Liaison to Police Department, Highway Department, Recreation, and other Governmental Agencies including County, State and School Districts, Libraries all Administrative Boards including Planning, Zoning, ECB, Ethics Board and Cable TV Advisory Boards

Councilman Frank Lombardi – Liaison to Special Legal Counsel, Highway Department, Police, 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 and all Lake Park District Advisory Boards (Casse, Secor, Teakettle Spout & Mahopac)

Resolution

Offered by: Supervisor Cazzari
Seconded by: Councilwoman McDonough and Councilman Baranowski

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<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

CHAIRMAN OF PLANNING BOARD APPOINTED FOR 2022 - 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 2022.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

VICE-CHAIRMAN OF PLANNING BOARD APPOINTED FOR 2022 - 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 2022.

Resolution

Offered by: Councilman Baranowski
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

ZONING BOARD OF APPEALS REAPPOINTMENT MADE - PHILIP AGLIETTI - 1/1/2022 TO 12/31/2026

RESOLVED that the Town Board of the Town of Carmel hereby appoints Philip Aglietti to the Town of Carmel Zoning Board of Appeals for a term retroactive to January 1, 2022 and expiring December 31, 2026.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

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**ZONING BOARD OF APPEALS REAPPOINTMENT MADE - ROSEMARIE FABIANO
- 1/1/2022 TO 12/31/2026**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Rosemarie Fabiano to the Town of Carmel Zoning Board of Appeals for a term retroactive to January 1, 2022 and expiring December 31, 2026.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<u>X</u>	<u></u>

**CHAIRMAN OF ZONING BOARD OF APPEALS APPOINTED FOR 2022 - 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 2022.

Resolution
Offered by: Supervisor Cazzari
Seconded by: Councilwoman McDonough and Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<u>X</u>	<u></u>

**VICE-CHAIRMAN OF ZONING BOARD OF APPEALS APPOINTED FOR 2022 -
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 2022.

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<u>X</u>	<u></u>

CHAIRMAN OF ENVIRONMENTAL CONSERVATION BOARD APPOINTED FOR 2022 - 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 2022.

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<u>X</u>	<u></u>

VICE-CHAIRMAN OF ENVIRONMENTAL CONSERVATION BOARD APPOINTED FOR 2022 - 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 2022.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<u>X</u>	<u></u>

SALARIES SET FOR FISCAL YEAR 2022 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 2022 for the following officials and employees of the Town not covered under the terms of a Collective Bargaining Agreement: Town Comptroller, Receiver of Taxes, Town Justices, Town Engineer, Director of Parks & Recreation, Town Assessor, Deputy Town Clerk, Deputy Highway Superintendent, Deputy Receiver of Taxes, Clerks to Town Justices, Chief of Staff/Assistant to the Town Board, at the amounts set forth in the 2022 budget as adopted.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u></u>
Frank Lombardi	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Robert Schanil	<u>X</u>	<u></u>
Michael Cazzari	<u>X</u>	<u></u>

5 JANUARY 2022
ORGANIZATIONAL MEETING

**SIGNING OF CONTRACT FOR TOWN COUNSEL LEGAL SERVICES AUTHORIZED
- GREGORY L. FOLCHETTI, ESQ.**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the entry into contract with Gregory L. Folchetti, Esq., 1875 Route Six, Carmel, New York 10512, for legal services as Town Counsel and Counsel to the Town of Carmel Zoning Board of Appeals; and

BE IT FURTHER RESOLVED, that Town Supervisor Michael Cazzari is authorized and designated to execute said contract on behalf of the Town of Carmel, in form as attached hereto and made a part thereof.

Resolution

Offered by: Supervisor Cazzari
Seconded by: Councilwoman McDonough, Councilman Lombardi and
Councilman Baranowski

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

AGREEMENT

THIS AGREEMENT, made this 1st day of January 2022, by and between the TOWN OF CARMEL, with offices at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 (hereinafter referred to as the "TOWN"), and Gregory L. Folchetti, Esq., whose address is 1875 Route 6, Carmel, New York 10512 (hereinafter referred to as "FOLCHETTI").

WITNESSETH:

WHEREAS, the TOWN desires to secure the services of an attorney as Town Counsel; and;
WHEREAS, FOLCHETTI is an experienced attorney properly licensed by the State of New York and is willing to be retained as Town Counsel for the TOWN;

NOW THEREFORE IT IS AGREED:

SECTION I - EMPLOYMENT

FOLCHETTI is hereby retained as Town Counsel to provide general legal advice to the Town Board, the officers and department heads of the Town of Carmel, except as provided hereinafter. Legal services in regard to the formation of new improvement districts and/or expansion of existing districts of every type and nature and legal services and expenses in regard to any and all litigation brought by or against the TOWN, its officers, employees, Boards and Board members are not included as part of the foregoing services and shall be compensated separately. The provision of legal services to Town Districts are also specifically excluded from this agreement and governed by a separate agreement.

SECTION II - COMPENSATION

For basic services to be performed hereunder, TOWN agrees to pay FOLCHETTI a fixed annual fee of NINETY FIVE THOUSAND and no/hundredths (\$95,000.00) dollars in twelve equal monthly installments of Seven Thousand Nine Hundred Sixteen and 66/hundredths (\$7,916.66) dollars

**5 JANUARY 2022
ORGANIZATIONAL MEETING**

(Cont.)

payable in advance on the first of each month. For work not covered by this contract, including but not limited to, legal services in regard to the formation of new districts and/or extension of existing districts of every type and nature as well as road dedications, the TOWN agrees to pay FOLCHETTI an hourly rate of TWO HUNDRED TWENTY FIVE and no/hundredths (\$225.00) dollars per hour for all attorney time not involving litigation and TWO HUNDRED TWENTY FIVE and no/hundredths

(\$225.00) dollars per hour for all attorney time involving litigation; for the time of a paralegal associated with FOLCHETTI at the hourly rate of Seventy-Five and no/hundredths (\$75.00) dollars and for the time of a secretary associated with FOLCHETTI at the hourly rate of Forty and no/hundredths (\$40.00). TOWN shall have the right to increase compensation due under this contract by resolution of the Town Board duly passed without a written amendment to this contract.

For and legal services in regard to the representation of the Zoning Board of Appeals of the Town of Carmel the TOWN agrees to pay FOLCHETTI a flat monthly rate of \$1,000 (One thousand dollars) per month with the exception of any litigation matters involving said Zoning Board of Appeals, for which the TOWN agrees to pay FOLCHETTI TWO HUNDRED TWENTY FIVE and no/hundredths (\$225.00) dollars per hour for all attorney time involving such litigation; for the time of a paralegal associated with FOLCHETTI at the hourly rate of Seventy-Five and no/hundredths (\$75.00) dollars and for the time of a secretary associated with FOLCHETTI at the hourly rate of Forty and no/hundredths (\$40.00).

TOWN shall have the right to increase compensation due under this contract by resolution of the Town Board duly passed without a written amendment to this contract.

SECTION III - EXPENSES

It is understood and agreed that the expenses incurred by FOLCHETTI in connection with his representation of the TOWN including but not limited to, litigation expenses, court fees, stenographer fees, witness fees, filing fees in connection with any documents, express delivery of documents and postage will either be paid directly by the TOWN or if advanced by FOLCHETTI will be reimbursed by the TOWN.

SECTION IV - ERRORS AND OMISSIONS INSURANCE

FOLCHETTI agrees to maintain malpractice insurance at all times during this agreement in a minimum amount of One Million and no/hundredths (\$1,000,000.00) dollars.

SECTION V- TERM

The terms of this agreement shall commence on January 1, 2022 and shall terminate on December 31, 2025.

SECTION VI- RENEWAL

This contract shall be subject to renewal by mutual agreement of the parties. TOWN agrees to notify FOLCHETTI whether it intends to renew this Contract no later than December 1, 2025.

(Cont.)

SECTION VII- FOLCHETTI NOT AN EMPLOYEE

It is further understood and agreed by the TOWN that FOLCHETTI shall serve in the capacity of an independent contractor. FOLCHETTI agrees not to hold himself out as an officer or employee of the TOWN nor shall he make any claim against the TOWN as an officer or employee thereof for such benefits as Workers Compensation coverage, Unemployment Insurance benefits, Social Security coverage or Retirement Membership or Credit or any other benefits accruing to said officers or employees of the TOWN. Nothing contained herein shall be deemed to prohibit the TOWN from providing said benefits if it is legally permissible and if the TOWN elects to do so.

TOWN OF CARMEL

GREGORY L. FOLCHETTI ESQ.

By: _____

By: _____

MICHAEL S. CAZZARI
SUPERVISOR

GREGORY L. FOLCHETTI, ESQ.

**SIGNING OF CONTRACT FOR SPECIAL DISTRICT COUNSEL LEGAL SERVICES
AUTHORIZED - GREGORY L. FOLCHETTI, ESQ.**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the entry into contract with Gregory L. Folchetti, Esq., 1875 Route Six, Carmel, New York 10512, for legal services as Special District Counsel for the Town of Carmel Sewer, Water and Lighting Districts; and

BE IT FURTHER RESOLVED, that Town Supervisor Michael Cazzari is authorized and designated to execute said contract on behalf of the Town of Carmel, in form as attached hereto and made a part thereof.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Baranowski, Councilman Lombardi,
Councilman Schanil and Supervisor Cazzari

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

AGREEMENT

THIS AGREEMENT, made this ____ day of January 2022, by and between the TOWN OF CARMEL, with offices at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 (hereinafter referred to as the "TOWN"), and Gregory L. Folchetti, Esq., whose address is 1875 Route 6, Carmel, New York 10512 (hereinafter referred to as "FOLCHETTI").

WITNESSETH:

WHEREAS, the TOWN desires to secure the services of an attorney for the provision of legal services to the TOWN DISTRICTS of the TOWN; and

WHEREAS, FOLCHETTI is an experienced attorney properly licensed by the State of New York and is willing to be retained to provide said services;

**5 JANUARY 2022
ORGANIZATIONAL MEETING**

(Cont.)

NOW THEREFORE IT IS AGREED:

SECTION I - EMPLOYMENT

FOLCHETTI is hereby retained to provide general legal advice to the TOWN DISTRICTS. Legal services in regard to the formation of new improvement districts of every type and nature and legal services and expenses in regard to any and all litigation brought by or against the TOWN DISTRICTS of the TOWN and their members are not included as part of the foregoing services and shall be compensated separately.

SECTION II - COMPENSATION

For basic services to be performed hereunder, TOWN agrees to pay FOLCHETTI a fixed annual fee of Forty Thousand and no/hundredths (\$40,000.00) dollars in twelve equal monthly installments of Three Thousand Three Hundred Thirty Three and thirty-three/hundredths (\$3,333.33) dollars payable in advance on the first of each month. TOWN agrees to compensate FOLCHETTI for legal services in regard to the formation of new improvement districts and/or expansion of existing districts of any type and nature and legal services in regard to any and all litigation brought by or against the TOWN DISTRICTS of the TOWN and their members at an hourly rate of TWO HUNDRED TWENTY-FIVE and no/hundredths (\$225.00) dollars per hour for all attorney time not involving litigation and TWO HUNDRED TWENTY-FIVE and no/hundredths (\$225.00) dollars per hour for all attorney time involving litigation; for the time of a paralegal associated with FOLCHETTI at the hourly

rate of Seventy-Five and no/hundredths (\$75.00) dollars and for the time of a secretary associated with FOLCHETTI at the hourly rate of Forty and no/hundredths (\$40.00). FOLCHETTI shall submit itemized vouchers for said services. TOWN shall have the right to increase compensation due under this contract by resolution of the Town Board duly passed without a written amendment to this contract.

SECTION IV - EXPENSES

It is understood and agreed that the expenses incurred by FOLCHETTI in connection with his representation of the TOWN DISTRICTS and of the TOWN and their members including but not limited to, litigation expenses, court fees, stenographer fees, witness fees, filing fees in connection with any documents, express delivery of documents and postage will either be paid directly by the TOWN or if advanced by FOLCHETTI will be reimbursed by the TOWN.

SECTION V - ERRORS AND OMISSIONS INSURANCE

FOLCHETTI agrees to maintain malpractice insurance at all times during this agreement in a minimum amount of One Million and no/hundredths (\$1,000,000.00) dollars.

SECTION VI- TERM

The terms of this agreement shall commence on January 1, 2022 and shall terminate on December 31, 2025.

5 JANUARY 2022
ORGANIZATIONAL MEETING

(Cont.)

SECTION VII- RENEWAL

This contract shall be subject to renewal by mutual agreement of the parties. TOWN agrees to notify FOLCHETTI whether it intends to renew this Contract no later than December 1, 2022.

SECTION VIII- FOLCHETTI NOT AN EMPLOYEE

It is further understood and agreed by the TOWN that FOLCHETTI shall serve in the capacity of an independent contractor. FOLCHETTI agrees not to hold himself out as an officer or employee of the TOWN nor shall he make any claim against the TOWN as an officer or employee thereof for such benefits as Workers Compensation coverage, Unemployment Insurance benefits, Social Security coverage or Retirement Membership or Credit or any other benefits accruing to said officers or

employees of the TOWN. Nothing contained herein shall be deemed to prohibit the TOWN from providing said benefits if it is legally permissible and if the TOWN elects to do so.

TOWN OF CARMEL

GREGORY L. FOLCHETTI ESQ.

By: _____

By: _____

MICHAEL S. CAZZARI
SUPERVISOR

GREGORY L. FOLCHETTI, ESQ.

SIGNING OF CONTRACT FOR SPECIAL LEGAL SERVICES FOR PLANNING BOARD, ENVIRONMENTAL CONSERVATION BOARD, CABLE ADVISORY BOARD AND ETHICS BOARD AUTHORIZED - JOSEPH A. CHARBONNEAU, ESQ.

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the entry into contract with Joseph A. Charbonneau, Esq., 3 Starr Ridge Road, Brewster, NY 10509, for legal services as Special Counsel to the Town of Carmel Planning Board, Environmental Conservation Board, Cable Advisory Board and Ethics Board; and

BE IT FURTHER RESOLVED, that Town Supervisor Michael Cazzari is authorized and designated to execute said contract on behalf of the Town of Carmel, in form as attached hereto and made a part thereof.

Resolution

Offered by: Councilman Baranowski
Seconded by: Councilman Lombardi, Councilwoman McDonough
Councilman Schanil and Supervisor Cazzari

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

CONTRACT BETWEEN

LAW OFFICE OF JOSEPH A. CHARBONNEAU

AND

THE TOWN OF CARMEL

**5 JANUARY 2022
ORGANIZATIONAL MEETING**

(Cont.)

THIS CONTRACT made this 1st day of January, 2022, by and between the TOWN OF CARMEL, a municipal corporation of the State of New York, having an office and place of business at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 (hereinafter referred to as the "TOWN"); and the Law Office of Joseph A. Charbonneau, having an office at 3 Starr Ridge Road, Suite 203, Brewster, New York 10509 (hereinafter referred to as the "LAW FIRM");

WHEREAS, the TOWN desires to secure the services of the LAW FIRM as (1) special counsel to the Town's Planning Board, Environmental Conservation Board, Architectural Review Board and Ethics Board; (2) as Town Prosecutor before the Town of Carmel Justice Court; and (3) to represent the TOWN as counsel in all litigation brought against the various Boards herein mentioned above which is not covered by the TOWN's insurance carrier or otherwise handled by the Town Attorney, Gregory L. Folchetti, Esq.; and

WHEREAS, the LAW FIRM desires to provide legal services to the TOWN for the compensation and on the terms herein provided;

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: The TOWN has the necessary funds to pay the LAW FIRM under budget line.

SECOND: The LAW FIRM shall furnish legal representation to the TOWN as more fully outlined below.

THIRD: The term of this Contract shall commence on January 1, 2022 and shall continue to December 31, 2025.

FOURTH: The LAW FIRM shall be in an attorney/client relationship with the TOWN, and all communications between the LAW FIRM and the TOWN shall be confidential and privileged to the fullest extent permitted by law, unless such privilege is specifically waived in writing by the TOWN.

FIFTH: The LAW FIRM shall report to the Town Board or its designee and shall, within five (5) days of receipt or filing, send copies of all papers served and/or filed in any action or proceeding to the Supervisor's office and to the Town Clerk's office, and to the Planning Board or other appropriate Board, if such Boards are involved in the action or proceeding, and to any other persons in the TOWN involved in the action or proceeding.

SIXTH: The LAW FIRM understands that settlement of all actions, claims, disputes, etc. handled by the LAW FIRM pursuant to this Contract must be approved by the Town Board. Moreover, in no circumstance shall the LAW FIRM obligate, or attempt to obligate, the TOWN by way of settlement or otherwise without the express written consent of the Town Board or its designee.

**5 JANUARY 2022
ORGANIZATIONAL MEETING**

(Cont.)

SEVENTH: For the professional services rendered by the LAW FIRM to the TOWN under this Contract in connection with services rendered as (1) special counsel to the Town's Planning Board, Environmental Conservation Board, Architectural Review Board and Ethics Board, the TOWN agrees to pay the LAW FIRM a fixed annual fee of Thirty Six Thousand and no/hundreths (\$36,000.00) dollars in twelve equal monthly installments of Three Thousand and no/hundreths (\$3,000.00) dollars payable in advance on the first of each month. For work not covered by the above, the TOWN agrees to pay to the LAW FIRM an hourly rate of TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00) for all attorney time not involving litigation. The TOWN agrees to pay to the LAW FIRM an hourly rate of TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00) for all attorney time involving litigation, including attorney time expended in connection with the LAW FIRM's representation as Town Prosecutor and the LAW FIRM's representation of the TOWN in any litigation involving the aforementioned Boards. The TOWN agrees to pay the LAW FIRM an hourly rate of SEVENTY FIVE DOLLARS (\$75.00) for all paralegal time associated with the LAW FIRM's representation of the TOWN in any matter and an hourly rate of FORTY (\$40.00) DOLLARS for all secretarial time. The TOWN shall have the right to increase compensation due under this Contract by resolution of the Town Board duly passed without a written amendment to this Contract.

The TOWN authorizes the LAW FIRM to provide legal services to the TOWN in connection with various other Boards within the TOWN, including but not limited to, the Zoning Board of Appeals, in the event that such legal services are requested by either the TOWN or by the Town Attorney, Gregory L. Folchetti, Esq. The TOWN agrees to compensate the LAW FIRM in accordance with the terms hereinabove provided in this section.

The LAW FIRM shall be reimbursed for all out-of-pocket disbursements, such as court filing fees, stenographic services, expert witness fees, process service fees, copying fees, and any other extraordinary fees.

The LAW FIRM shall properly maintain a detailed log, including time and disbursement records, relative to and contemporaneous with the services rendered by the LAW FIRM pursuant to this section for which compensation is to be paid by the TOWN on an hourly basis pursuant to the terms of this Contract. Any and all requests for payment to be made shall be submitted by the LAW FIRM on a monthly basis on properly executed claim forms of the TOWN and shall be paid by the TOWN only after approval by the Town Board.

5 JANUARY 2022
ORGANIZATIONAL MEETING

(Cont.)

EIGHTH: The work to be performed by the LAW FIRM pursuant to the terms of this Contract shall commence promptly upon assignment of a matter to the LAW FIRM and shall be conducted in the best interests of the TOWN as determined by the LAW FIRM in consultation with the Town Board or its designee.

NINTH: The LAW FIRM shall issue progress reports to the TOWN as the Town Board may direct and shall immediately inform the Town Board in writing of any cause for delay in the performance of its obligations under this Contract.

TENTH: All records compiled by the LAW FIRM in completing the work described in this Contract, including but not limited to pleadings, transcripts, written reports, studies, computer printouts, graphs, charts, plans and all other similar recorded data, shall become and remain the property of the TOWN. The LAW FIRM shall deliver to the TOWN all such records upon demand by the Town Board. The LAW FIRM may retain copies of such records for its own use.

ELEVENTH: The LAW FIRM agrees that it has no interest and will not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the services and duties hereunder. The LAW FIRM further agrees that, in the performance of this Contract, no person having any such interest shall be employed by it.

The LAW FIRM represents and warrants that it has not employed or retained any person, other than a bonafide full-time salaried employee working solely for the LAW FIRM to solicit or secure this Contract, and that it has not paid or agreed to pay any person (other than payments of fixed salary to a bonafide full-time salaried employee working solely for the LAW FIRM) any fee, commission, percentage, gift or other consideration, contingent upon or resulting from the award or making of this Contract. For the breach or violation of this provision, without limiting any other rights

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or remedies to which the TOWN may be entitled or any civil or criminal penalty to which any violator may be liable, the TOWN shall have the right, in its discretion, to terminate this Contract without liability and to deduct from the contract price, or otherwise to recover, the full amount of such fee, commission, percentage, gift or consideration.

TWELFTH: The LAW FIRM shall comply, at its own expense, with the provisions of all applicable state and municipal requirements and with all state and federal laws applicable to the LAW FIRM as an employer of labor or otherwise. The LAW FIRM shall further comply with all rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the services hereunder.

5 JANUARY 2022
ORGANIZATIONAL MEETING

(Cont.)

THIRTEENTH: No discrimination by the LAW FIRM shall be permitted during the performance of this Contract with respect to race, religion, creed, color, national origin, sex, age, handicap, political affiliation or beliefs.

FOURTEENTH: The LAW FIRM agrees to maintain malpractice insurance at all times during this agreement in a minimum amount of One Million and no/hundredths (\$1,000,000.00) Dollars.

FIFTEENTH: All notices of any nature referred to in this Contract shall be in writing and hand delivered or sent by registered or certified mail postage prepaid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the TOWN:	Town Board of the Town of Carmel 60 McAlpin Avenue Mahopac, New York 10541
To the LAW FIRM:	Law Office of Joseph A. Charbonneau 3 Starr Ridge Road, Suite 203 Brewster, New York 10509

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All notices shall be effective on the date of mailing.

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

SEVENTEENTH: This Contract shall not be enforceable until signed by all parties and approved by the Town Board.

EIGHTEENTH: This Contract shall be construed and enforced in accordance with the laws of the State of New York.

NINETEENTH: The TOWN and the LAW FIRM may execute this Contract in two (2) counterparts, which together shall be deemed an original.

TWENTIETH: This Contract shall be subject to renewal by mutual agreement of the parties. The TOWN agrees to notify the LAW FIRM whether it intends to renew this Contract no later than December 1, 2025.

IN WITNESS WHEREOF, the parties have executed this Contract on the date first above written.

5 JANUARY 2022
ORGANIZATIONAL MEETING

(Cont.)

TOWN OF CARMEL

Law Office of Joseph A. Charbonneau

By: _____

By: _____

Miachael S. Cazzari, Supervisor

Joseph A. Charbonneau, Esq.

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STATE OF NEW YORK)

) SS:

COUNTY OF PUTNAM)

On the day of January in the year 2022 before me, the undersigned personally appeared MICHAEL S. CAZZARI, 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.

Notary Public

STATE OF NEW YORK)

) SS:

COUNTY OF PUTNAM)

On the day of January in the year 2022 before me, the undersigned personally appeared JOSEPH A. CHARBONNEAU, 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.

Notary Public

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APPOINTMENTS MADE TO LAKE CASSE PARK DISTRICT ADVISORY BOARD - 1/1/2022 THROUGH 12/31/2022

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, 2022 and expiring December 31, 2022:

- John Aquina
- Teresa DePace
- Erin Haddeland
- Stacey Ann Kelly
- Kim Kugler
- Scott Sterbins
- Joseph Zakon

Resolution

Offered by: Councilman Lombardi

Seconded by: Councilman Schanil

Roll Call Vote	YES	NO
Stephen Baranowski	X	
Frank Lombardi	X	
Suzanne McDonough	X	
Robert Schanil	X	
Michael Cazzari	X	

5 JANUARY 2022
ORGANIZATIONAL MEETING

**APPOINTMENTS MADE TO LAKE MAHOPAC PARK DISTRICT ADVISORY BOARD
- 1/1/2022 TO 12/31/2022**

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, 2022 and expiring December 31, 2022:

Compton Spain
Charles Langlitz
James Maxwell
John Maxwell
Robert Frenkel

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

**ATTENDANCE OF OFFICERS AND EMPLOYEES TO ATTEND THE 2022
ASSOCIATION OF TOWNS VIRTUAL CONFERENCE - AUTHORIZED**

WHEREAS the Annual Meeting and Training School of the Association of Towns is to be held in New York, NY from February 20th through the 23rd, 2022; 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 2022 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
Mary Ann Maxwell – Town Comptroller
Anne Pasquerello – Chief of Staff

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 Cazzari
Seconded by: Councilwoman McDonough

5 JANUARY 2022
ORGANIZATIONAL MEETING

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

**TOWN OF CARMEL VOTING DELEGATE AND ALTERNATE VOTING DELEGATE
AT THE 2022 ASSOCIATION OF TOWNS ANNUAL BUSINESS SESSION
DESIGNATED - SUPERVISOR MICHAEL CAZZARI, DELEGATE AND
COUNCILMAN ROBERT SCHANIL, ALTERNATE VOTING DELEGATE**

RESOLVED that Supervisor Michael Cazzari is hereby designated as the voting delegate and Councilman Robert Schanil is hereby designated as the alternate voting delegate of the Town of Carmel to the 2022 Annual Business Session of the Association of Towns of the State of New York to be held in New York City from February 20th through the 23rd, 2022 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: Councilwoman McDonough
Seconded by: Councilman Baranowski

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

**2022 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 2022 Subject Matter List and Record Retention Schedule as pre-filed with the Town Clerk.

Resolution

Offered by: Councilman Baranowski
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<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 of hereof and designates the Town Comptroller’s Office to distribute the policy to all department heads; and

(Cont.)

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 Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

Town of Carmel
60 McAlpin Ave
Mahopac, New York 10541
(845) 628-1500



**PROCUREMENT POLICY
AND
PROCEDURES**

(Cont.)

Adopted by Resolution of
Carmel Town Board
Date
“insert resolution when passed”

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(Cont.)

SECTION I: PROCUREMENT POLICY OBJECTIVES

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 Procurement 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 Procurement Policy and General Municipal Law Sections 103 and 104 provide guidance to those involved in the purchasing process. The Town of Carmel adopts this following Procurement Policy in accordance with Section 104b of the General Municipal Law (GML) Procurement.

ANALYZE THE PROPOSED PROCUREMENT/PURCHASE

Generally, the official(s) responsible for making the particular procurement will make the initial determination as to how such purchases are to be made under New York State Law and this policy, as follows:

- Comply with New York State Law regarding Municipal Purchasing
- 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 a lease, determine that a document is a true lease and not an installment purchase contract
- 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
- Promote timely procurement of goods and services for the daily operation
- Promote prudent spending of the funds by ensuring competition and obtaining maximum value for purchasing dollars spent
- Promote fair and open competition among vendors in an impartial manner
- Provide for uniformity in purchasing by all Town of Carmel Departments

SECTION II. CATEGORIES OF PROCUREMENTS/PURCHASING

It is important to distinguish between contracts for Public Works and Purchase Contracts, as these items are not defined in the General Municipal Law. This distinction is especially important because there is a \$15,000 difference between the bidding thresholds.

(Cont.)

Many times, contracts involve both goods and services and it is difficult to determine which bid limit to apply. Each procurement must be reviewed on a case-by-case basis and a determination must be made as to what kind of contract is involved. As a general rule, if the contract involves a substantial amount of services, such that it is the predominate element and goods are incorporated into the project, it will be considered a contract for public works. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, (delivery, setup, installation or assembly) it is considered a purchase contract for goods.

If a Purchasing Agent is unclear whether the procurement is a ‘Purchase Contract’ or ‘Public Works Contract’ contact the Comptroller’s Office for guidance.

Refer to Procurement Methods Charts on Pages 6 and 7

PROCUREMENT METHODS USED FOR COMPETITIVE BIDDING

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.

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. Sole Source (See section III)		X	103(4) GML
10. Emergencies (See section IV)		X	103(4) GML
11. Professional Services (See Section V)		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).

*** The fact that a vendor is willing to meet or even provide pricing below an awarded State or County Bid Contract does not provide a basis for a contract or purchase award**

(Cont.)

TOWN OF CARMEL
Procurement Policy

METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS
EXEMPT FROM GML103

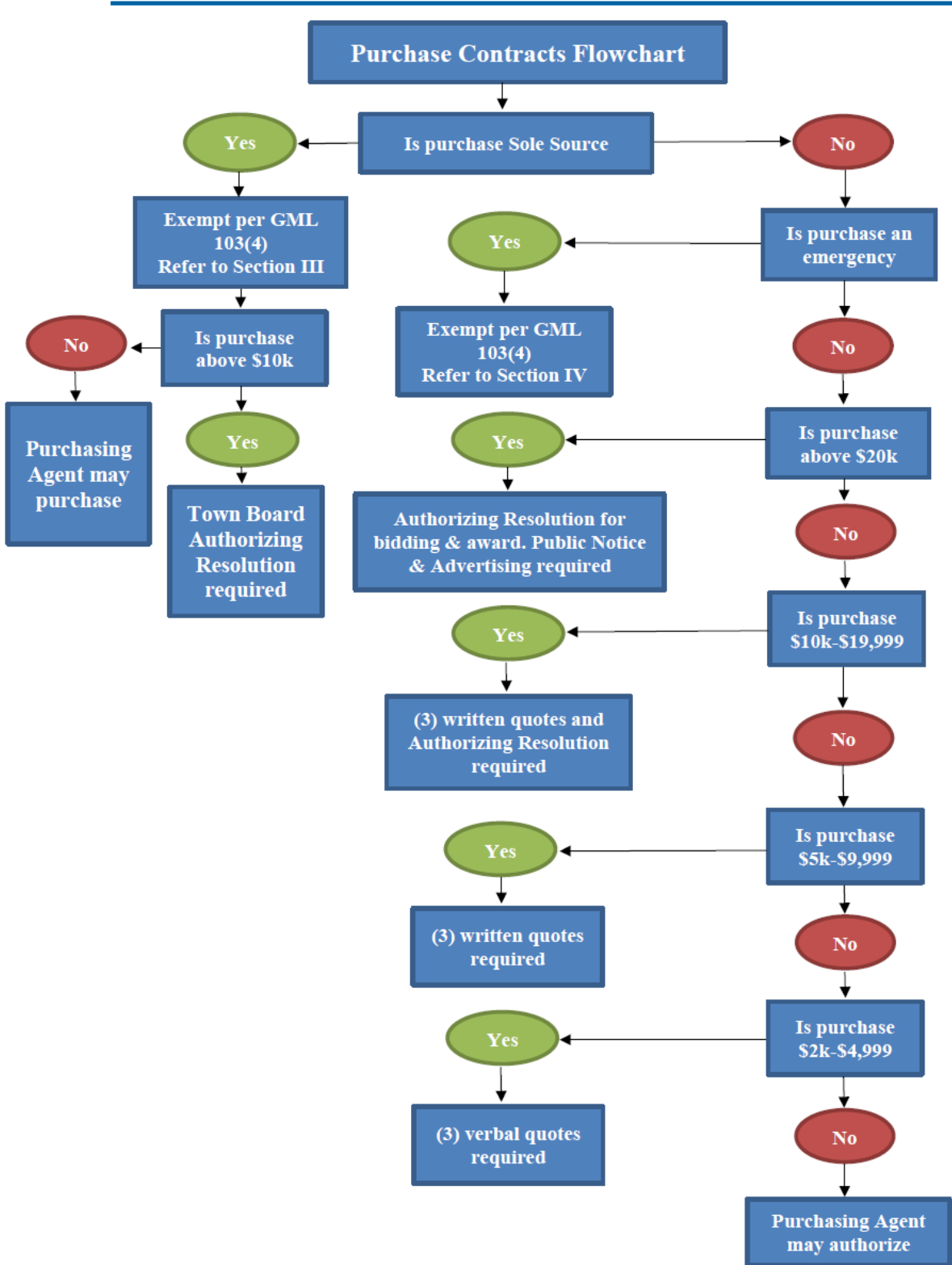
The Town Board of the Town of Carmel requires that the method to be used for seeking competition depends on the amount and type of procurement listed in the following chart.

TYPE AND AMOUNT OF PROCUREMENT	VERBAL QUOTES		WRITTEN QUOTES	WRITTEN QUOTES	OFFICIAL RFPS	EXEMPT PER GML
	0	3	3	3 AUTHORIZING RESOLUTION REQUIRED	AUTHORIZING RESOLUTION REQUIRED	
Purchase Contracts Below \$20,000						
Under 1,999	X					
2,000-4,999		X				
5,000-9,999			X			
10,000 – 19,999				X		
Public Work Contracts Below \$35,000						
Under 2,999	X					
3,000-5,999		X				
6,000-9,999			X			
10,000-19,999				X		
20,000 – 34,999					X	
Emergencies (refer to SEC IV)						X
Insurance						X
Professional Services (refer to SEC V)					X	X
True Leases						X
Second-Hand Equipment from other Govts.						X
Sole Source Providers (refer to SEC III)						X

➤ (See Exhibit C) Verbal Quotes Form

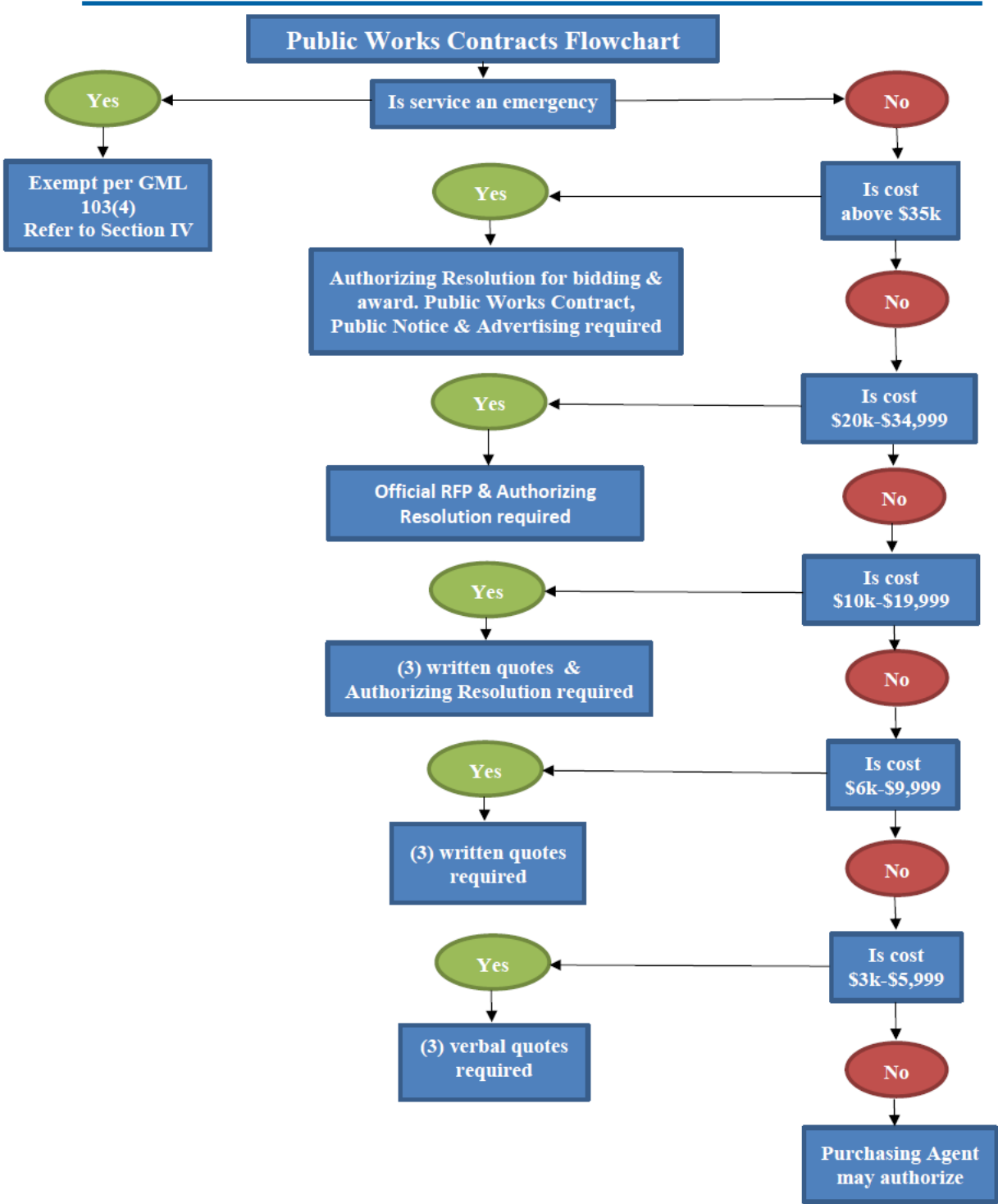
(Cont.)

TOWN OF CARMEL
Procurement Policy



(Cont.)

TOWN OF CARMEL
Procurement Policy



(Cont.)

TOWN OF CARMEL
Procurement Policy**SECTION III. SOLE SOURCE**

Competitive bidding is not required under §103 in the General Municipal Law in those limited situations when there is only one possible source from which to procure goods or services required to uniquely serve the public interest, for which there is no substantial equivalent and, which are, in fact, available from only one source. In making these determinations, the purchasing agent should document the unique benefits received as compared to other goods or services available in the marketplace; that no other goods or services provide substantially equivalent or similar benefits; and that, considering the benefits received, the cost is reasonable, when compared to other goods or services in the marketplace.

A Town Board Authorizing Resolution is required for Sole Source Purchases that exceed \$10,000

➤ (See Exhibit A) A Sole Source Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment. If the purchase will exceed \$10,000, a Town Board Authorizing Resolution is required.

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TOWN OF CARMEL
Procurement Policy**SECTION IV. EMERGENCIES**

Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations and provides as follows:

"Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, Council or agency of a political subdivision or district therein."

There are three basic statutory criteria to be met in order to fall within this exception:

1. The situation must arise out of an accident or unforeseen occurrence or condition;
2. Public buildings, public property, or the life, health, safety or property of the political sub-division's residents must be affected;
3. The situation must require immediate action, which cannot await competitive bidding.

In cases of emergency situations which meet the criteria above, the following procedures will be used:

1. Contact the vendor immediately and arrange the purchase or service.

(Cont.)

2. If the emergency purchases or services were below \$10,000, an Emergency Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment, unless supporting documentation is available for submission which sufficiently meets the statutory criteria listed above.
3. If the emergency purchases or services were above \$10,000, an Emergency Justification Form must be completed, approved by the Purchasing Agent and accompany all paperwork submitted to the Comptroller's Office for payment. The box indicating that notification will be made to the Town Board must be checked and a Town Board Resolution should be passed acknowledging said emergency.

➤ (See Exhibit B) Emergency Justification Form

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TOWN OF CARMEL
Procurement Policy

SECTION V. PROFESSIONAL SERVICES

One of the most prominent exceptions to competitive bidding is professional services. Professional services generally include services rendered by attorneys, engineers, auditors and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a higher degree of creativity.

Professional services are specifically exempt from public bidding under GML 103(4). They are however subject to the application of this policy and require actions which are dependent upon the category that the professional service falls into and cost threshold.

For purposes of procurement, there are two general categories of Professional Services, those which have a **Finite Scope** and/or duration and those that are **Indeterminable** in scope at the time of engagement. It is important to identify which type at the outset, as the two types vary in procurement procedure. Where the professional service is identified as a Finite Scope refer to the chart for procurement requirements based upon various monetary thresholds. Where the professional service is Indeterminable a Town Board Resolution is required to engage the Professional.

FINITE SCOPE

Either a set project scope or a fixed duration where complete pricing can be determined at the time of engagement.

Examples:

- Engineering Design services for a project that involves the design, permitting and construction oversight of one thousand feet of water main in a known location. This example shows that a fixed price can be determined for this professional service.
- Planning Board Consultant for a period of one year where the scope of services is identified. This example also shows that a fixed price can be determined for a specific duration and scope.

(Cont.)

AMOUNT OF PROCUREMENT	PROFESSIONAL SERVICE FINITE SCOPE APPROVAL REQUIREMENT
Under \$4,999	Recommendation of Purchasing Agent
\$5,000 - \$9,999	Recommendation of Purchasing Agent and with the approval of the Town Supervisor
\$10,000 - \$19,999	Prices will be obtained by formal written proposals from at least (3) sources and presented by the Department Head to the Town Board and the award will be made by an Authorizing Town Board Resolution
\$20,000 and Above	Prices will be obtained by RFP and presented by the Department Head to the Town Board and the award will be made by an Authorizing Town Board Resolution

PROFESSIONAL SERVICES - continued

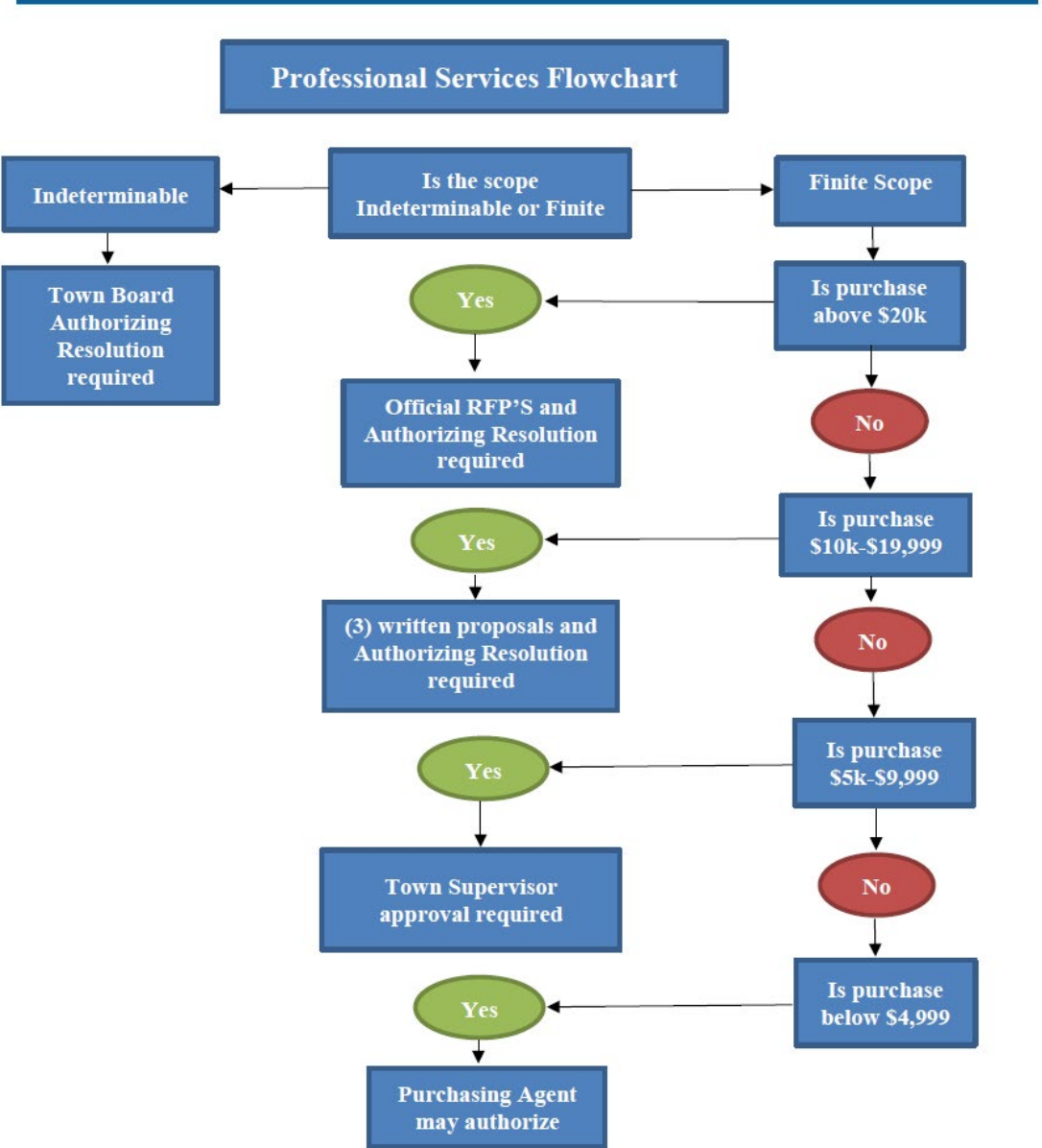
INDETERMINABLE

At the time of engagement of the professional service, the duration and/or scope and ultimate cost cannot be determined. A Town Board resolution is required to engage the Professional.

Example:

- The Town wishes to engage a law firm for representation in a lawsuit. The very nature of litigation makes it impossible to determine how long it will go on or what level of effort will be required to prosecute or defend the lawsuit.

(Cont.)



SECTION VI. PIGGYBACKING

GML 103(16) authorizes political subdivisions to purchase apparatus, material, equipment and supplies and to contract for services related to the installation, maintenance and repair of those items through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision of district therein. In purchasing, this concept is known as “piggybacking”. While the above authorizes “piggybacking” on United States contracts and contracts of “any state”, by adoption of this procurement policy, the Town Board limits the application of “piggybacking” to only contracts of the State of New York or any municipal instrument of the State of New York (county, town, village or school district).

**5 JANUARY 2022
ORGANIZATIONAL MEETING**

(Cont.)

There are five prerequisites to the Piggybacking option:

1. In accordance with this policy, the contract must have been let by an Agency of the State of New York or political subdivision thereof (the Host). This is straight forward.
2. The contract must have been made available for use by other governmental entities. For this, you will need to examine the documents that were used by the Host in the procurement process. There must be language indicating in the solicitation that the Vendor understands that the bid price for a particular item will be extended to other entities. It is not enough that the Vendor unilaterally extends the pricing to the Town of Carmel.
3. You must compare the bid process followed by the Host with the process adopted by the Town of Carmel. In the case of Public Bids procured in compliance with GML 103, you may presume that the Host followed the law, which is the same law that the Town of Carmel is required to follow. However, in procurements that were made below the statutory thresholds (\$35,000 and \$20,000), you must look to the process followed by the Host and determine if that process substantially conforms to the Town of Carmel's Procurement Policy in both monetary thresholds and authorizing authority (Purchasing Agent, Supervisor, Town Board). This is not a perfect test as procurement policies vary, but there should be a written explanation of why the procurement substantially complies with the Town's policy.
4. Staleness- The cost of goods and services vary with time. Most of the time costs go up, but there are instances where prices decrease. The Purchasing Agent should look to the market conditions at the time of purchasing to ensure that the "piggyback" provides for pricing that is comparative to current pricing.
5. Monetary thresholds- Piggybacking does not eliminate Town Board Authorization where the procurement exceeds monetary thresholds. For Purchases and Public Work above \$10,000 a Town Board Authorizing Resolution is required.

If a Purchasing Agent is uncertain as to whether the Piggybacking can be utilized contact Comptroller's Office for guidance.

SECTION VII. THE PURCHASING PROCESS

The purchasing process is designed to provide a system of internal control over purchasing, to ensure that the proper authorizations are obtained before items are purchased, and to ensure that Town of Carmel's Procurement Policy is followed. A number of forms are generated as part of the purchasing process to document the validity of the purchases. It is imperative as a local government that we remain transparent in our fiscal matters.

I. REQUISITIONS

The REQUISITION initiates a request to purchase goods or services from a vendor. Once all required quotes, bids, contracts, and resolutions are obtained a requisition must be entered into the KVS Financial Software System by the designated department representative. When entering a requisition written quotes are required to be uploaded in the "Attachments" tab. Verbal quotes may be noted in the "Memo" tab or uploaded in the "Attachments" tab using the Verbal Quotes Form (see EXHIBIT "C"). If the purchase is a sole source or emergency this must be indicated on the description line. At this time the correct appropriation number must be entered. If an account is over budget, a budget transfer request must be submitted to the Comptroller's Office before proceeding. Upon completion of entering a requisition, an email will be sent to the authorized departmental purchasing agent for approval. Upon department approval the requisition will be reviewed by the Comptroller's Office. If the department does not have access to KVS an email must be sent to the Comptroller's Office with the details of the requested purchase.

II. PURCHASE ORDERS

Once a requisition has been fully approved, a purchase order will be created and a system generated email will be sent to the department representative that created the requisition. If the department does not have access to KVS once the requisition is approved a purchase order will be emailed to the departmental personnel requesting the purchase.

(Cont.)

At this point the goods or services can be purchased from the vendor.

III. VOUCHERS/VENDOR CLAIM FORMS

The department representative should timely provide to the Comptroller’s Office the documents needed to approve and pay vendors’ invoices. These documents must include the purchase order, all invoices associated with the purchase, and a vendor claim form signed by the vendor and approved by the authorized departmental purchasing agent. Any required quotes, bids, contracts or resolutions must be attached to the submitted paperwork.

SECTION VIII. RESPONSIBLE PURCHASING AGENTS

Pursuant to Chapter 402 of the Laws of 2007, effective January 2022, 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	Michael Cazzari
Town Deputy Supervisor	Robert Schanil
Town Board	Stephen Baranowski
Town Board	Frank Lombardi
Town Board	Suzanne McDonough
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 Account Clerk	Carol Ormsby
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Michael Martin
Chief of Police	Anthony Hoffmann
Lieutenant	John Dearman
Lieutenant	Stephen Kunze
Codes Enforcer	Michael Camazza
Director of Parks and Recreation	James Gilchrist

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.

(Cont.)

EXHIBIT “A”
Sole Source Justification Form
Town of Carmel Procurement Policy

Procurement Policy, Section V: Sole Source Procurement

A sole source procurement is justified when there is only one good or service that can reasonably meet the need *and* there is only one vendor who can provide the good or service.

Department: _____

Vendor name: _____

Goods or Services: _____

State the basis for identifying this vendor as a sole source, check any that apply:

- ☐ The vendor is the manufacturer of the product and has no distributors.
- ☐ The vendor is the only reseller of the manufacturer’s product in this geographic region.
- ☐ Item to be purchased is a supply for equipment which is under warranty, and use of any product other than specified will void the warranty.
- ☐ Item is proprietary and is additional product or software which must work with an existing system.
- ☐ This purchase will exceed \$10,000 and will require a Town Board Authorizing Resolution.
- ☐ Other (provide explanation):

Purchasing Agent’s signature for approval: _____

Department Head’s signature for approval: _____

EXHIBIT “B”
Emergency Justification Form
Town of Carmel Procurement Policy

(Cont.)

Procurement Policy, Section VI: Emergency Procurement

Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations

Department: _____

Vendor names: _____

Nature of emergency: _____

Estimated cost: _____

There are three basic statutory criteria to be met in order to fall within the emergency purchase exception. State the basis for identifying an emergency purchase or service, check any that apply:

- ☐ The situation arose out of an accident or unforeseen occurrence or condition.
- ☐ Public buildings, public property, or the life, health, safety or property of the political sub-division's residents were affected.
- ☐ The situation required immediate action, which could not await competitive bidding.
- ☐ The emergency purchases or services exceeded \$10,000 and will be submitted to the Town Board for presentation at a Town Board Meeting to acknowledge said emergency. A Town Board Resolution should be passed acknowledging the same.
- ☐ Other (provide explanation):

Purchasing Agent's signature for approval: _____

Department Head's signature for approval: _____

EXHIBIT "C"
Verbal Quotes Form
Town of Carmel Procurement Policy
Purchase Contracts \$2,000-\$4,999 ~ Public Work Contracts \$3,000-\$5,999

Date: _____

Department: _____

Quotes received by: _____

(Cont.)

Vendor:	1.		2.		3.	
Telephone Number:						
Contact Person's Name:						
Description	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

SEASONAL/TEMPORARY AND PART-TIME WORKERS WAGE RATES – ESTABLISHED AMENDED 02-02-2022

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 January 1, 2022:

SEASONAL/TEMPORARY FULL TIME WORKERS

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

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

5 JANUARY 2022
ORGANIZATIONAL MEETING

RATES SET FOR 2022 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 2022:

Department	Minimum	Maximum	Comments
Accounting	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Assessor	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Building	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Comptroller/Accounting	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Engineering/Planning	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Highway	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Justice Ct.	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Police	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Recreation	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Supervisor/Receptionist	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Tax Receiver	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Town Clerk	\$13.00/hr	\$30.00/hr	Commensurate with Experience
Recycling	\$12.00/hr	\$15.00/hr	Commensurate with Experience

Resolution
Offered by: Supervisor Cazzari
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

“888 ROUTE SIX, LLC V. THE TOWN OF CARMEL” CERTIORARI LITIGATION - COUNSEL APPOINTED - JOHN B. CHERICO

RESOLVED, that the Town Board of the Town of Carmel, hereby appoints John B. Cherico, 312 Battle Avenue, White Plains, NY as counsel for the Town of Carmel in the matter known as “888 Route Six, LLC v. The Town of Carmel” and pending in Putnam County Supreme Court under index number 501015/2021; and
BE IT FURTHER RESOLVED that said services are hereby authorized at a rate of \$300.00 per hour.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Baranowski

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

CARMEL SEWER DISTRICT NO. 4 - EMERGENCY EXPENDITURE OF MONIES FROM THE REPAIR RESERVE FUND AUTHORIZED - NOT TO EXCEED \$43,750.00

WHEREAS, the Town of Carmel has a Repair Reserve Fund for Carmel Sewer District #4 established pursuant to GML 6d, and,

WHEREAS, in cases of emergency, monies in such fund may be expended by resolution approved by not less than two-thirds of the members of the governing body, and,

WHEREAS, it is recommended by the Town Comptroller’s Office that monies in the fund be used to pay for the cost of emergency repairs.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel authorizes the appropriation of monies from the Repair Reserve Fund not to exceed \$43,750.00 for emergency service calls in 2021; and

BE IT FURTHER RESOLVED, that not less than one-half of the monies so expended be repaid in fiscal year 2023 and the total amount shall be repaid in full not later than the last day of fiscal year 2024; and

BE IT FURTHER RESOLVED that this resolution and authorization shall be deemed to have an effective date of December 31, 2021.

Resolution

Offered by: Councilman Baranowski
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

HIGHWAY DEPARTMENT - PURCHASE OF VEHICLES AND EQUIPMENT AUTHORIZED - 2010 INTERNATIONAL 4300 UTILITY - NOT TO EXCEED \$18,900, NEW HOLLAND L328 SKID STEER LOADER - NOT TO EXCEED \$70,575.23 PER NYSOGS CONTRACT AND JOHN DEERE 410L BACKHOE LOADER - NOT TO EXCEED \$124,900 PER NYSOGS CONTRACT **PARTIALLY RESCINDED 02-16-2022**

RESOLVED that the Town Board of the Town of Carmel, upon the request and recommendation of Town of Carmel Superintendent of Highways Michael J. Simone, hereby authorizes the purchase of the following equipment and vehicles for the Town of Carmel Highway Department:

- 2010 International 4300 Utility from vendor Upstate Auto Sales, Hoosick Falls, New York at a cost not to exceed \$18,900;
- New Holland L328 Skid Steer Loader from vendor Westchester Tractor, Inc. Brewster, NY at a cost not to exceed \$70,575.23 per NYSOGS Contract #PC6265 New Holland Member 4652 Sourcewell Member N H #32119

(Cont.)

- John Deere 410L Backhoe Loader from vendor Jesco, Inc., Beacon, NY at a cost not to exceed \$124,900 per NYSOGS Contract# PC69403/Sourcewell Contract #032119-JDC

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to sign all necessary documents to effectuate the authorizations set forth herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect the aforesaid purchase transaction authorized herein.

Resolution

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

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Stephen Baranowski	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Cazzari	<u>X</u>	<u> </u>

TOWN BOARD MEMBER COMMENTS/ANNOUNCEMENTS

Councilwoman McDonough confirmed with Legal Counsel Gregory Folchetti that the Work Sessions of the Town Board will be held on the second and third Wednesdays of each month as stated in the Resolution Establishing Dates, Time and Location of Town Board Meetings.

Councilman Schanil explained that the much-needed vehicles and equipment referenced in the Resolution Authorizing Purchase of Vehicles and Equipment - Town of Carmel Highway Department were budgeted for this year by Highway Superintendent Michael Simone.

Highway Superintendent Michael Simone expressed his appreciation to the Town Board for authorizing the purchases on such short notice. He pointed out that time was of the essence due to the current nationwide supply chain issues. A brief discussion followed.

Supervisor Cazzari voiced his gratitude to his colleagues on the Town Board for their assistance as he presided over his first Town Board meeting and added that he looked forward to working with them. He went on to wish a happy New Year to all.

Supervisor Cazzari announced the details in connection with the upcoming Christmas tree pick-up for residents serviced by AAA Carting & Rubbish Removal.

Councilman Lombardi voiced his pleasure as he continues to serve on the Town Board. He offered his assistance to newly elected Supervisor Cazzari with any matter.

Councilman Schanil thanked Supervisor Cazzari for designating him as Deputy Supervisor, noting that it is an honor and a privilege. Councilman Schanil thanked his colleagues on the Town Board for their support and stated that he looks forward to working alongside them.

Councilwoman McDonough wished everyone a happy New Year and stated that she was looking forward to serving with her colleagues on the Town Board for the next four years.

5 JANUARY 2022
ORGANIZATIONAL MEETING

(Cont.)

Councilman Baranowski commented that he is honored to be serving on this Town Board and that he anticipates that they will accomplish great things. He went on to acknowledge Highway Superintendent Michael Simone and his department for their efforts clearing the roads of ice this morning.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schanil and Councilman Baranowski, with all Town Board members present and in agreement, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk