

TOWN OF CARMEL

TOWN HALL



60 McAlpin Avenue

Mahopac, New York 10541

Tel. (845) 628-1500 • Fax (845) 628-6836

www.ci.carmel.ny.us

MICHAEL S. CAZZARI
Town Supervisor

FRANK D. LOMBARDI
Town Councilman
Deputy Supervisor

ROBERT KEARNS
Town Councilman

SUZANNE MC DONOUGH
Town Councilwoman

ALICE DALY
Town Clerk

KATHLEEN KRAUS
Receiver of Taxes

MICHAEL STERN
Superintendent of Highways
Tel. (845) 628-7474

TOWN BOARD VOTING MEETING

Carmel Fire House, Vink Drive
94 Gleneida Ave, Carmel Hamlet, NY 10512
Wednesday, March 6th, 2024 7:00pm

PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE

Presentation of Honorary Proclamation Acknowledging Alex David Wolfsie, US Navy Veteran

- **Roll Call Attendance**
- **Public Comments on Town Related Business (Five (5) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**

Town Board Voting Meeting:

- **Accept Town Board Minutes February 7th, 2024**
 1. Res: Making Appointment of Interim Parks & Recreations Director
 2. Res: Making Probationary Appointment of Police Officer - Town of Carmel Police Department
 3. Res: Authorizing Permissive Referendum, Issuance of \$750,000 Bond for Road Reconstruction and Resurfacing
 4. Res: Awarding Bid for Purchase of Utility Terrain Vehicle, 2024 XP Ranger NorthStar (\$32,129.00)
 5. Res: Authorizing Acceptance of Proposal for Town of Carmel Police Utility Terrain Vehicle Emergency Lighting Equipment
 6. Res: Accept Adoption of Application for Canvassing & Soliciting License – Chapter 111 of Town Code
 7. Res: Accept Adoption of Application for Peddling License – Chapter 111 of Town Code
 8. Res: Accept Amendment of 2024 User Fee Schedule
 9. Res: Authorizing Advertisements for Bids
 10. Res: Acknowledgment for Performance of Emergency Repairs
 11. Res: Authorizing Purchase and Installation of Turbidity Meters for Carmel Sewer District 2 and Carmel Sewer District 4
 12. Res: Authorizing of Bond Reduction - Fairways and Gateway Subdivision
 13. Res: Authorizing Proposal of Ultraviolet Bulbs, Disinfection Ballasts and Controllers Carmel Sewer District # 7 Waste Water Treatment Plant
 14. Res: Making Appointment to Lake Secor District Advisory Board
 15. Res: Authorizing Acceptance of Proposal for Service / Support of Town Server
 16. Res: Authorizing Extension of Inter-municipal Agreement Between the Mahopac Central School District and the Town of Carmel for Use of Athletic Fields, School Facilities and Town Facilities
 17. Res: Authorizing Calling of Bid Bond Contract C292 Airport Park Playground Installation
 18. Res: Authorizing Entry into Agreement with Putnam County Department of Real Estate Property
 19. Res: Authorizing Probationary Appointment of Account Clerk
 20. Res: Authorizing Amendment of the Town of Carmel Procurement Policy
 21. Res: Authorizing Encumbrances of 2023 Funds for Expenditures in 2024
 22. Res: Authorizing Salary Adjustment

- **Adjourn Voting Meeting**
- **Motion to Move into Executive Session**

Executive Session

- Pending Litigation
- Contracts – Waste Haul
- Watercooler Services Review

Resolution # 1

RESOLUTION MAKING PROMOTIONAL APPOINTMENT OF PARKS & RECREATION DIRECTOR

RESOLVED that the Town Board of the Town of Carmel hereby appoints Nina Kallmeyer to the position of Acting Director of Parks & Recreation at an annual salary level of \$110,081.00 retroactive effective March 1, 2024, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>Yes</u>	<u>No</u>
Robert Kearns	_____	_____
Suzanne McDonough	_____	_____
Frank Lombardi	_____	_____
Michael Cazzari	_____	_____

Resolution #2

RESOLUTION MAKING PROBATIONARY APPOINTMENT OF POLICE OFFICER -TOWN OF CARMEL POLICE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Town of Carmel Police Department hereby appoints Justin Goldfine to the position of Police Officer in the Town of Carmel Police Department, effective March 7 2024, at an annual salary of \$69,087.00, on a probationary basis, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #3

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$750,000 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE ROAD RECONSTRUCTION AND RESURFACING, THROUGHOUT AND IN AND FOR SAID TOWN

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize such capital project and the financing thereof;
NOW, THEREFORE

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Road reconstruction and resurfacing, throughout and in and for the Town of Carmel, Putnam County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$750,000, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of \$750,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable

real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #4

**RESOLUTION AWARDING BID FOR PURCHASE OF
UTILITY TERRAIN VEHICLE – CONTRACT C293**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for purchase of a utility terrain vehicle for the Town of Carmel Police Department, Contract #C293; and

WHEREAS such bids were received and opened on December 1, 2023; and
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, and upon the recommendation of Chief of Police Anthony Hoffman hereby awards said bid for acquisition of a 2024 Polaris XP Ranger Northstar from Texiera Polaris, Hyde Park, NY, the low responsible bidder meeting specifications at a contract price of \$32,129.00; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to sign all necessary documents to purchase said vehicle from the vendor 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: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #5

**RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL
FOR TOWN OF CARMEL POLICE UTILITY TERRAIN VEHICLE
EMERGENCY LIGHTING EQUIPMENT INSTALLATION**

WHEREAS, Chief of Police Anthony Hoffmann has previously solicited proposals for the cost of outfitting utility terrain vehicle for the Carmel Police Department with emergency lighting and related equipment;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of RFC Emergency Lighting & Services, LLC, Briarcliff Manor, NY for the installation of emergency lighting and related equipment on a new 2024 Polaris XP Ranger Northstar; and

BE IT FURTHER RESOLVED that such services be performed at an estimated total cost not to exceed \$4,100.00 in accordance with the proposals dated August 16,2023 and under Village of Briarcliff Manor Contract #2324-RFP-1; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #6

**RESOLUTION ADOPTING APPLICATION
CANVASSING & SOLICITING LICENSE –CHAPTER 111 OF TOWN CODE**

RESOLVED that the Town Board of the Town of Carmel hereby adopts the application for the issuance of a Canvassing and Soliciting license pursuant to Chapter 111 of the Town of Carmel Town Code, said application to be in form and content as attached hereto and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___



TOWN OF CARMEL No. _____
CANVASSING AND SOLICITING LICENSE APPLICATION

Alice Daly, Town Clerk
Town Hall - 60 McAlpin Avenue
Mahopac, NY 10541
845.628.1500

1. Name: _____ Date of Birth: _____
2. Identification: _____
3. Social Security Number: _____
4. Sex: Male _____ Female _____
5. Permanent Home Address: _____
Telephone Number: _____
6. Name and address of firm represented (attach letter of authorization from firm):

7. Purpose of canvass or solicitation: _____
8. Length of time for which license is required (not to exceed 60 days): _____
Date of issuance: _____ Expiration of License: _____
9. Set forth number of arrest or convictions for crimes and the nature thereof: _____

Submitted with this application shall be two photographs, 2" by 2", taken within 30 days of the date of this application showing head, full face, and shoulders.

I hereby acknowledge receipt of a copy of Chapter 111, Article II of the Town of Carmel Code, which provides for the licensing and regulating of canvassing and soliciting in the Town of Carmel.

Date of Application: _____ Signature: _____

Police Department Review: _____
Signature

Approved by: _____
Town Clerk, Town of Carmel

Date: _____

License Fee:
Payable by cash, certified check# _____ or money order # _____

Resolution #7

**RESOLUTION ADOPTING APPLICATION
PEDDLING LICENSE –CHAPTER 111 OF TOWN CODE**

RESOLVED that the Town Board of the Town of Carmel hereby adopts the application for the issuance of a Peddling license pursuant to Chapter 111 of the Town of Carmel Town Code, said application to be in form and content as attached hereto and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

TOWN OF CARMEL APPLICATION FOR PEDDLING LICENSE
CHAPTER 111 OF THE TOWN CODE

It is unlawful for any person to peddle within the Town of Carmel without first having obtained and paid for and having in force and effect a license therefor. The purpose of this chapter (law) is to prevent fraud, crime and unethical and dishonest business practices and to protect the health, safety and welfare of the residents of the Town of Carmel.

APPLICANT'S NAME: _____

Identification: _____

Permanent Home Address: _____

Town: _____ State: _____ Zip Code: _____ Tel. # (____) _____

Applicant's mailing address if different: Street and/or PO Box:

Email address: _____

Date of Birth: ___/___/___ Sex: ___ Race: _____ Home Tel. # (____) _____

[] Self Employed - Social Security #: ___ ___ / ___ ___ / _____

Or

[] Employed by: _____

Street Address: _____

Town/City: _____ State: _____ Zip: _____ Tel. # (____) _____

[] I or [] my employer (listed above) possess a NYS Department of Taxation & Finance

Sales Tax Certificate of Authority # _____

[] I am a Contractor licensed in Putnam County: License No. _____

[] I am a Disabled Veteran and have obtained a license from the Putnam County Clerk pursuant to Art. 4 of NYS Gen. Business Law.

[] An itemized statement of all property or services to be sold or offered for sale.

[] List of all municipalities (name and state) in which applicant has carried on the business of hawking, selling or soliciting orders during the six months immediately preceding the application.

[] A statement of the name, address and telephone number of any person and of any corporation, entity etc. which is employing and/or supervising the applicant's local selling activities under contractual or employment arrangement.

[] Copies of all forms of order and receipt used by the applicant in soliciting sales or orders.

[] An enumeration of the number and kind of vehicles, if any, to be used by the applicant in carrying on the business for which the license is requested.

[] The name and address of a person upon whom a legal notice may be served.

A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the Town of Carmel or by any department or officer thereof.

Results of a national database criminal history/background investigation for all individuals which the applicant may intend to utilize and/or employ in connection with peddling activities sought under the application. Said investigation, reports and accompanying materials shall be from source(s) and in form acceptable to the Chief of Police of the Town of Carmel.

I request license be issued for the following 120 (one-hundred twenty) days

FROM: _____, 20____ TO: _____, 20____

If you are offering food related items for sale and a certificate from the Putnam County Health Department is required, complete the following:

Certificate #: _____ Issued: _____ Expires: _____

Certificate is issued to Veh: YR.: _____ Make: _____ Reg #: _____ St.: _____

Set Forth the number of arrest(s) and/or conviction(s) for crimes and the nature thereof (if none, so indicate): _____

I am submitting with this application the required two (2) photographs, taken within the past thirty (30) days of the date of this application showing head, full face and shoulders.

I hereby acknowledge receipt of a copy of Chapter 111 of the Town of Carmel Code, which provides for the licensing and regulation of peddling in the Town of Carmel.

IN WITNESS WHEREOF, I have executed this application and affirm the statements therein under penalty of perjury.

_____, 20____ _____
(Applicant's Signature)

<p>POLICE DEPARTMENT USE ONLY</p> <p>A criminal record check was made of this department's records. The check was made by name and date of birth only. The record check revealed this applicant</p> <p><input type="checkbox"/> does not - <input type="checkbox"/> does have a criminal record with this department.</p> <p>PD Official: _____ Date: _____</p>
--

Approved by _____ Town Clerk, Town of Carmel

Date: _____

License Fee:

License #: _____

Cash, Certified Check # _____ MO# _____

Cc: Town Supervisor
Police Department

Resolution #8

RESOLUTION AMENDING 2024 USER FEE SCHEDULE

RESOLVED that the Town Board of the Town of Carmel hereby amends the 2024 user fee schedule as follows:

<u>FEE DESCRIPTION</u>	<u>2024 ADOPTED USER FEES</u>	<u>COMMENT</u>
Canvassing & Soliciting License	\$50.00	60 Days
Peddling License	\$100.00	120 Days

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #9

RESOLUTION AUTHORIZING ADVERTISING FOR BIDS

RESOLVED that, pursuant to the request of Town Engineer, Richard J. Franzetti P.E., the Town Board of the Town of Carmel hereby authorizes Alice Daly, Town Clerk, to advertise for bids in connection with the Town-Wide Collection of Refuse, Garbage, Recyclable Materials and Bulk Collection; and

BE IT FURTHER RESOLVED that the Town Engineer is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #10

**RESOLUTION ACKNOWLEDGING PERFORMANCE OF
EMERGENCY REPAIRS CARMEL WATER AND SEWER DISTRICTS**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, hereby acknowledges the emergency performance of water and sewer district collection system/distribution system and treatment facilities repairs within Carmel Water District #2 Carmel Water District #3 and Carmel Water District #4, all as fully detailed in the memoranda of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated February 12, 2024, as attached hereto and made a part thereof.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Richard J. Franzetti, P.E.
Town Engineer




(845) 628-1500
(845) 628-2087
Fax (845) 628-7085

Office of the Town Engineer
60 McAlpin Avenue
Mahopac, New York 10541

MEMORANDUM

To: Carmel Town Board

From: Richard J. Franzetti P.E. Town Engineer 

Date: February 12, 2024

Re: Emergency Repairs/Services

This memorandum is being presented to the Town Board to advise the Board of the attached emergency invoice that was submitted for payment/authorization to proceed in excess of \$10,000.00 for services rendered. The following provides a brief a summary of the work that was performed.

- CWD4 - 153 Lake Baldwin Drive

On January 7, 2024 Bee and Jay, the operators for CWD4, notified the Engineering Department of a water leak between the water main and curb valve. It was a determined that a saddle had failed. Attached is an invoice form Kuck Excavating in the amount of \$10,765.89 to make the repair. Per the attached, there are sufficient funds in the operating budget for this expense.

- CWD2 - 15 Sunnycrest and 66 Arborview

On January 13, 2024 Inframark, the operators for CWD2, notified the Engineering Department of a water leak at 15 Sunnycrest. It was a determined that the water main had had a circular crack. Attached is an invoice form Kuck Excavating in the amount of \$11,129.96 to make the repair. On January 21, 2024 Inframark, the operators for CWD2, notified the Engineering Department of a water leak at 66 Arborview It was a determined that a saddle had failed. Attached is an invoice form Kuck Excavating in the amount of \$13,427.56 to make the repair. Per the attached, there are sufficient funds in the operating budget for this expense.

- CWD3 - 223 Orchard Road

On January 26, 2024 Inframark, the operators for CWD3, notified the Engineering Department of a water leak at 223 Orchard Rd . It was a determined that a saddle had failed. Attached is an invoice form Kuck Excavating in the amount of \$11,238.926 to make the repair. Per the attached, there are sufficient funds in the operating budget for this expense.

We request that this memorandum be put into the agenda as a matter of record.

Tel: (845) 628-1500 Fax: (845) 628-7085 email rjf@ci.carmel.ny.us

G:\Engineering\Town Board\Emergency Invoices\02-14-24 WS\02-12-24 Emergency Repair Acknowledgement to TB.doc

Resolution #11

**RESOLUTION ACCEPTING AUTHORIZING PURCHASE
AND INSTALLATION OF TURBIDITY METERS
CARMEL SEWER DISTRICT #2 & CARMEL SEWER DISTRICT #4 WASTEWATER
TREATMENT PLANT**

WHEREAS, Inframark, LLC, operator for the Carmel Sewer District #4 Wastewater Treatment Plant, and Town Engineer Richard J. Franzetti, P.E. have each advised the Town Board of the Town of Carmel that the three (3) turbidity meter units located within the Carmel Sewer District #4 Wastewater Treatment Plant are in need of replacement; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #4, upon the recommendations hereby authorizes the purchase and installation of three (3) turbidity meter units by Hach Company, Loveland, CO, at a cost not to exceed \$18,187.50 and in accordance with the quotation dated January 30, 2024; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #2, upon the recommendations hereby authorizes the purchase and installation of three (3) turbidity meter units by Hach Company, Loveland, CO, at a cost not to exceed \$18,187.50 and in accordance with the quotation dated January 30, 2024; 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 transactions authorized herein.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #12

**RESOLUTION AUTHORIZING
REDUCTION OF BOND – FAIRWAYS AND GATEWAY SUBDIVISION**

WHEREAS application has been made by Hudson Valley Realty Corp. for reduction of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for the property owned by applicant known and designated as Town of Carmel Tax Map #55.-2-24.5,6-1; 7-2 & 8-2; AND

WHEREAS said application had been previously reviewed by Town Engineer Richard J. Franzetti, P.E. and a reduction of the bond has been previously recommended and approved by the Planning Board; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the reduction of the aforementioned bond posted for the applicant, from its current amount of \$1,539,425 to \$320,000.00; and

BE IT FURTHER RESOLVED, that the substitution of collateral by the Applicant in form of an acceptable letter of credit, surety bond, surety bond rider or cash bond in the amount of the reduced bond is hereby authorized as well.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	_____	_____
Suzanne McDonough	_____	_____
Frank Lombardi	_____	_____
Michael Cazzari	_____	_____

Resolution #13

**RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL FOR ULTRAVIOLET
BULBS, BALLASTS AND CONTROLLERS
CARMEL SEWER DISTRICT #7 WASTEWATER TREATMENT PLANT**

WHEREAS, Inframark, LLC, operator for the Carmel Sewer District #7 Wastewater Treatment Plant, and Town Engineer Richard J. Franzetti, P.E. have each advised the Town Board of the Town of Carmel that certain components for the ultraviolet treatment systems within the microfiltration processes of the Carmel Sewer District #7 Wastewater Treatment Plant are in need of replacement; and

WHEREAS Inframark, LLC and the Town Engineer have each further advised the Town Board that the acquisition of the aforesaid equipment is exempt from the New York General Municipal Law and Town Procurement Policy as a “sole source” exception;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Sewer District #7 hereby accept and adopt the recommendations of Inframark, LLC and the Town Engineer, and accordingly authorize the acquisition and installation of replacement modules and drivers for ultraviolet bulbs at the CSD #7 Wastewater Treatment Plant from Trojan Technologies Group, Ontario, CA a cost not to exceed \$12,655.28 in accordance with the proposal dated January 26, 2024; 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 transactions authorized herein.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #14

**RESOLUTION MAKING APPOINTMENT
TO LAKE SECOR PARK DISTRICT ADVISORY BOARD**

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Secor Park District, hereby appoints Joan A. Ricci to the Town of Carmel Lake Secor Park District Advisory Board for a term commencing retroactive to January 1, 2024 and expiring December 31, 2024.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #15

**RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL
FOR SERVICE/SUPPORT OF TOWN SERVER**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of NAKA Technologies, West Islip, NY for Town service support services for the period of March 15, 2024 through November 15, 2025 at an estimated total cost not to exceed \$12,032.62 in accordance with the proposals dated February 21, 2024; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to sign any and all documentation necessary to accept the proposal and authorize the actions contained herein; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #16

**RESOLUTION AUTHORIZING EXTENSION OF INTERMUNICIPAL
AGREEMENT BETWEEN THE MAHOPAC CENTRAL SCHOOL DISTRICT
AND THE TOWN OF CARMEL FOR USE OF ATHLETIC FIELDS SCHOOL FACILITIES
AND TOWN FACILITIES**

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the extension of the existing Intermunicipal agreement between the Mahopac Central School District and the Town of Carmel which provides for use by the Town of Carmel of certain athletic fields and facilities belonging to the Mahopac Central School District, as well as for the use of certain Town of Carmel Parks by the Mahopac Central School District; and

BE IT FURTHER RESOLVED that the extension of said intermunicipal agreement be for a period of one (1) year, commencing retroactive July 1, 2023 through June 30, 2024; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Michael Cazzari to sign said extension on behalf of the Town of Carmel; and

BE IT FURTHER RESOLVED that a copy of said Intermunicipal Agreement is to be filed with the Town Clerk after signature by the Town Supervisor.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Resolution #17

**RESOLUTION AUTHORIZING CALLING OF BID BOND
CONTRACT C292 AIRPORT PARK PLAYGROUND INSTALLATION**

WHEREAS, the Town Board of the Town of Carmel had previously authorized the advertisement for bids for the Airport Park Playground Installation within the Town of Carmel Contract C292; and

WHEREAS, on January 17, 2024, the Town Board, by resolution, did award such bid for said contract C292 to GiaCorp Contracting Inc., Hawthorne, NY at cost not to exceed \$203,258.00; and

WHEREAS, Giacorp Contracting, Inc., was thereafter provided with a Notice of Award for said contract from Town Engineer Richard J. Franzetti, P.E.; and

WHEREAS, the Town Attorney thereafter approved proposed performance bond, labor and materials bond and insurance certificates submitted by Giacorp. Contracting, Inc.; and

WHEREAS, Giacorp. Contracting, Inc. has since otherwise failed and refused to sign the contract documents which would provide for the issuance of a Notice to Proceed and the commencement of its performance of contract C292;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the calling and liquidation of the bid bond posted by Giacorp Contracting, Inc. in connection with the referenced bid; and

BE IT FURTHER RESOLVED, that Town Board of the Town of Carmel hereby awards the bid for the referenced contract C292 to Papitto Construction, Carmel NY at a cost not to exceed \$274,850.00; and

BE IT FURTHER RESOLVED, that upon review of bonds and certificates of insurance in form acceptable to Town Attorney, Town Supervisor Michael Cazzari is authorized to sign all document necessary to commence performance of contract work

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	—	—
Suzanne McDonough	—	—
Frank Lombardi	—	—
Michael Cazzari	—	—

Resolution #18

**RESOLUTION AUTHORIZING ENTRY INTO AGREEMENT WITH
PUTNAM COUNTY DEPARTMENT OF REAL PROPERTY TAX SERVICES**

WHEREAS appropriations have been made in the 2024 Town Budget for entry into various contracts for the provision of various services to the Town of Carmel, and

WHEREAS said contracts are on file in the office of the Town Supervisor for the inspection and review of all Town Board members,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Supervisor Michael Cazzari to enter into and execute, on behalf of the Town, the contract with the Putnam County Department of Real Property Tax Services for preparation of the tentative assessment roll for year 2024 in form as attached hereto and made a part hereof.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

Michael Lewis
Commissioner of Finance



TRISH MCLOUGHLIN
County Director- Real Property

MEMORANDUM

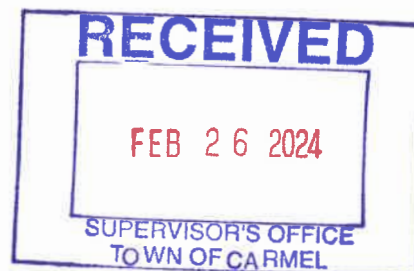
DATE: February 21, 2024
TO: Town Supervisors / School Superintendents / Village Mayors
FROM: Trish McLoughlin, County Director of Real Property
RE: 2024 Contracts

Please sign the enclosed contracts and **return all 3 originals with Resolution attached** to:

Putnam County Real Property Office
40 Gleneida Avenue
Carmel, NY 10512

A completed and signed-by-all-parties original will be returned for your records. If you have any questions, please call 845-808-1000 X-49315.

Thank you.



PUTNAM COUNTY REAL PROPERTY TAX SERVICE TOWN CONTRACT

**TOWN OF CARMEL
2024**

AGREEMENT MADE THIS 1ST DAY OF JANUARY, 2024, BETWEEN THE TOWN OF CARMEL, HEREINAFTER REFERRED TO AS **THE TOWN** AND THE COUNTY OF PUTNAM, HAVING ITS PRINCIPAL PLACE OF BUSINESS AT 40 GLENEIDA AVENUE, CARMEL, NEW YORK, 10512, HEREINAFTER REFERRED TO AS **THE COUNTY**.

THE PARTIES HEREIN AGREE AS FOLLOWS:

- 1) THE COUNTY SHALL PROCESS AND PRINT THE TENTATIVE ASSESSMENT ROLL FOR THE CALENDAR YEAR OF **2024** AND HAVE A LINK TO IT AVAILABLE ON THE COUNTY WEBSITE TO COMPLY WITH RPTL §1591.
- 2) EVERY TRANSFER OF PROPERTY, CHANGE OF ADDRESS, DESCRIPTION, VALUATION, SPECIAL FRANCHISE, OR PUBLIC UTILITY, SHALL BE DATA ENTERED BY THE ASSESSOR OF THE TOWN OR DESIGNATED STAFF MEMBER. THE ASSESSOR AND/OR DESIGNATED STAFF MEMBER IS RESPONSIBLE FOR ALL RPS SOFTWARE UPDATES TO BE CURRENT AND FOR UPDATING THE REFERENCE TABLES IN RPS (**REAL PROPERTY SERVICES SOFTWARE**).
- 3) AFTER TAXABLE STATUS DATE ON MARCH 1st, ALL CHANGES SHALL BE ENTERED INTO RPS ON OR BEFORE **APRIL 14TH** BY THE TOWN ASSESSOR'S OFFICE. THIS IS ESSENTIAL SO THAT THE TENTATIVE ASSESSMENT ROLL IS AVAILABLE FOR THE MAY 1st DEADLINE.
- 4) ALL GRIEVANCE CHANGES, CORRECTION OF CLERICAL ERRORS, & UNLAWFUL ENTRIES SHALL BE APPROVED BY THE *BOARD OF ASSESSMENT REVIEW* AND ENTERED BY THE TOWN ASSESSOR'S OFFICE INTO RPS, BACKED UP AND BROUGHT/EMAILED TO THE REAL PROPERTY TAX SERVICE AGENCY NO LATER THAN **JUNE 16TH** FOR FINAL ROLL PROCESSING AND USE FOR SCHOOL PROCESSING.
- 5) ALL CHANGES FOR COUNTY AND TOWN TAX ROLLS SHALL BE ENTERED AND SUBMITTED BY THE TOWN ASSESSOR'S OFFICE TO THE REAL PROPERTY TAX SERVICE AGENCY ON OR BEFORE **NOVEMBER 10TH**.
- 6) ALL UNPAIDS TO BE MANUALLY ENTERED BY THE COUNTY (REAL PROPERTY TAX SERVICE AGENCY) FROM EACH TOWN'S APPLICABLE OFFICE MUST BE SUBMITTED BY SAME BY **NOVEMBER 15TH**.
- 7) A SEPARATE AGREEMENT SHALL BE NEGOTIATED FOR ANY PROVISIONS OF RPTL §1537, OPTIONAL COUNTY SERVICES, IF NECESSARY.

PRICE FOR THE PREPARATION OF THE FOLLOWING IS .48 PER PARCEL:

- 1) 1 PRINTED TENTATIVE ASSESSMENT ROLL IN A HARD BINDER
- 2) PRINTED COA LETTERS (Town provided envelopes)
- 3) 1 PRINTED FINAL ASSESSMENT ROLL IN A HARD BINDER
- 4) PDF File of Tentative and Final Rolls
- 5) 1 SET TAX MAPS 24" x 36"
- 6) APPORTIONMENT OF SPECIAL FRANCHISE
- 7) DATA ENTRY FOR PRO-RATAS
- 8) BANK CODE LISTING
- 9) RPS 147D1, 155D1 & 160D1 TAX EXTRACTS
- 10) PDF Files of County/Town & School Tax Bills

Optional Items-

Printed Tax Roll 1 Copy (155P1)	.04 Per 2-sided Page
1 Set of County/Town Tax Bills in Envelopes	.20 Per Parcel
1 set of Printed TSO Lettered Bankcoded Bills	.10 Per Parcel
Inserts (COA Notices and/or Tax Bills)	.01 Per Piece

UNPAID WATER, SEWER, OR OTHER UNPAIDS WILL BE CHARGED A FEE IN THE AMOUNT OF \$.50 PER UNPAID ENTRY IF THE DATA HAS TO BE MANUALLY ENTERED, OR IF TAX MAP NUMBERS PROVIDED IN COMPUTER FORMAT ARE INVALID.

THE TOWN OF CARMEL HEREBY REPRESENTS THAT THE AGREEMENT HEREIN HAS BEEN APPROVED BY RESOLUTION OF THE TOWN BOARD, A COPY OF WHICH IS ANNEXED HERETO AND MADE A PART HEREOF.

THE PARTIES HAVE EXECUTED THIS AGREEMENT IN NEW YORK, ON THE DATE HEREIN ABOVE SET FORTH.

READ AND APPROVED BY:

_____ Date _____	 Date <u>2/21/24</u>
Kevin M. Byrne County Executive	Patricia A. McLoughlin County Director, RPTSA

_____ Date _____	_____ Date: _____
Michael Lewis Commissioner of Finance	C. Compton Spain County Attorney

_____ Date _____	_____ Date: _____
Mat C. Bruno, Sr Risk Manager	Michael S. Cazzari Town Supervisor

RESOLUTION # 19

RESOLUTION MAKING PROBATIONARY APPOINTMENT OF ACCOUNT CLERK

RESOLVED that the Town Board of the Town of Carmel hereby appoints Colleen Larson to the position of Account Clerk in the Town of Carmel Accounting Office at a CSEA Group 2 Step 1 salary level effective March 11, 2024, subject to the provisions of Civil Service Law and the Civil Service Rules and Regulations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___

RESOLUTION #20

**RESOLUTION FOR AMENDING
OF THE TOWN OF CARMEL PROCUREMENT POLICY**

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel hereby amends the Procurement Policy which is attached hereto and made a part of hereof and designates the Town Comptroller's Office to distribute the policy to all department heads; and

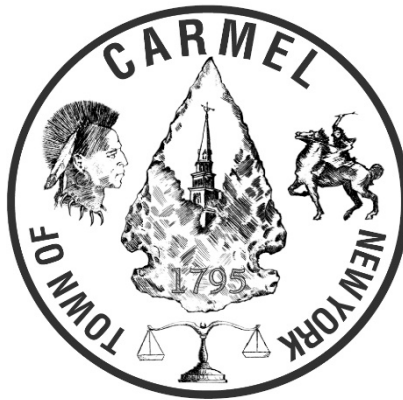
BE IT FURTHER RESOLVED that the Town Board of the Town of Carmel hereby designates the responsible purchasing agents and titles as set forth within the aforesaid policy.

Resolution

Offered by: _____ Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	_____	_____
Suzanne McDonough	_____	_____
Frank Lombardi	_____	_____
Michael Cazzari	_____	_____

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



**PROCUREMENT POLICY
AND
PROCEDURES**

Revised March 2024

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

TABLE OF CONTENTS

SECTION I. PROCUREMENT POLICY OBJECTIVES4
SECTION II. CATEGORIES OF PROCUREMENTS/PURCHASING5
PURCHASING & PUBLIC WORKS PRICE CHARTS6
PURCHASE CONTRACTS FLOWCHART8
PUBLIC WORKS CONTRACTS FLOWCHART9
SECTION III. SOLE SOURCE10
SECTION IV. EMERGENCIES11
SECTION V. PROFESSIONAL SERVICES12
PROFESSIONAL SERVICES FLOWCHART14
SECTION VI. PIGGYBACKING15
SECTION VII. THE PURCHASING PROCESS16
SECTION VIII. RESPONSIBLE PURCHASING AGENTS17
EXHIBIT “A” SOLE SOURCE JUSTIFICATION FORM18
EXHIBIT “B” EMERGENCY JUSTIFICATION FORM19
EXHIBIT “C” VERBAL QUOTES FORM20

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.

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).

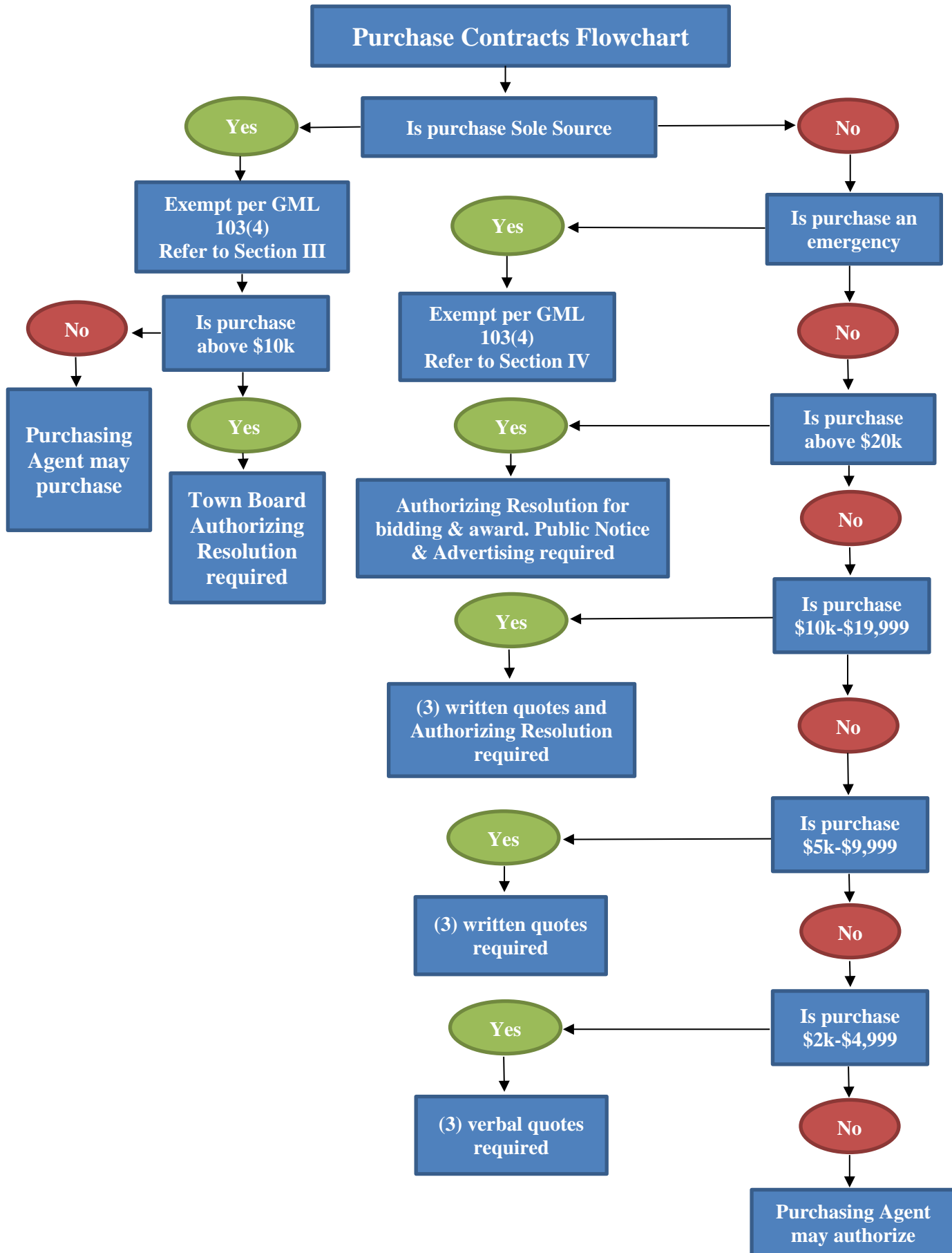
*** The fact that a vendor is willing to meet or even provide pricing below an awarded State or County Bid Contract does not provide a basis for a contract or purchase award**

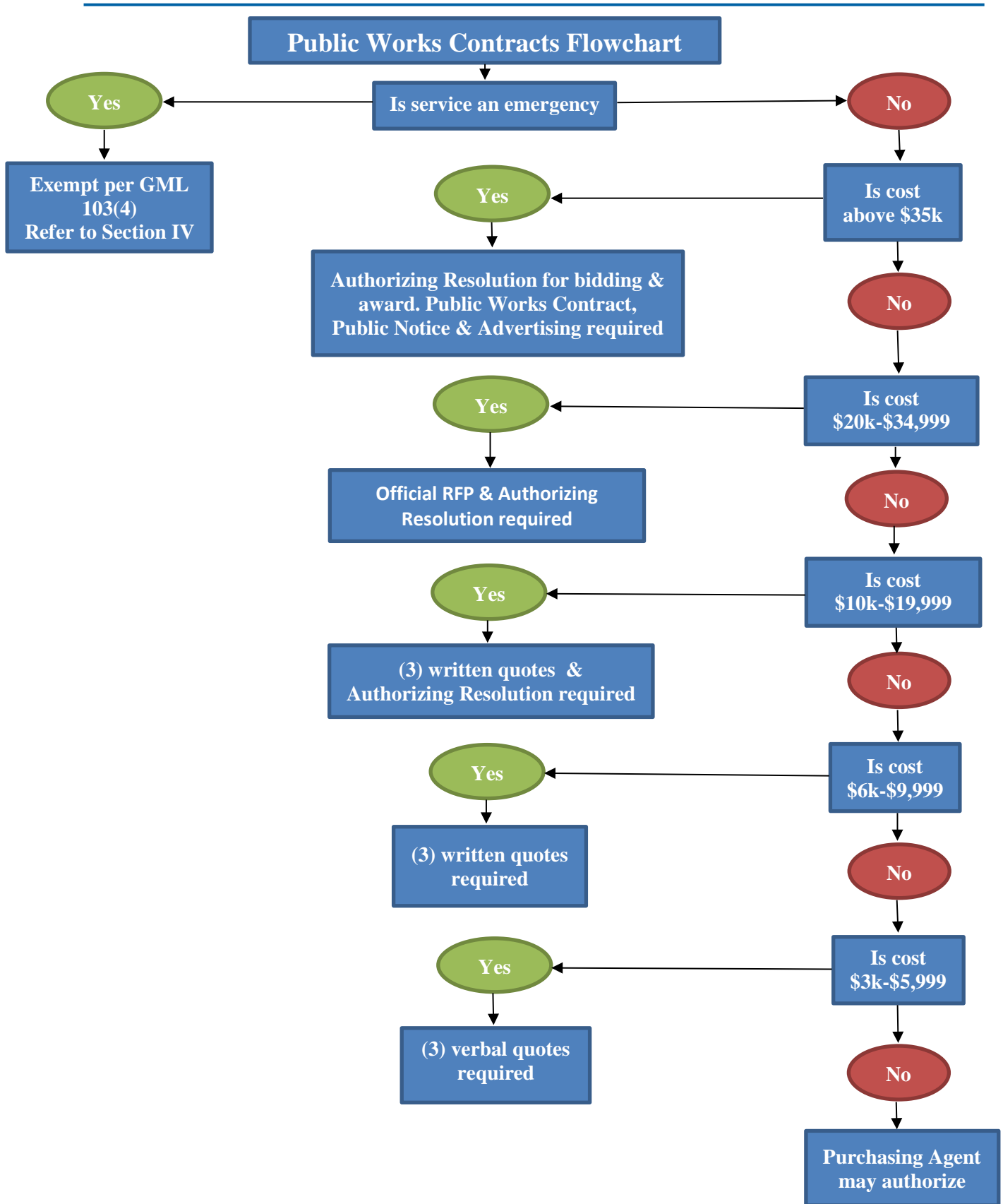
METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS EXEMPT FROM GML103

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





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.**

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.
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**

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.

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

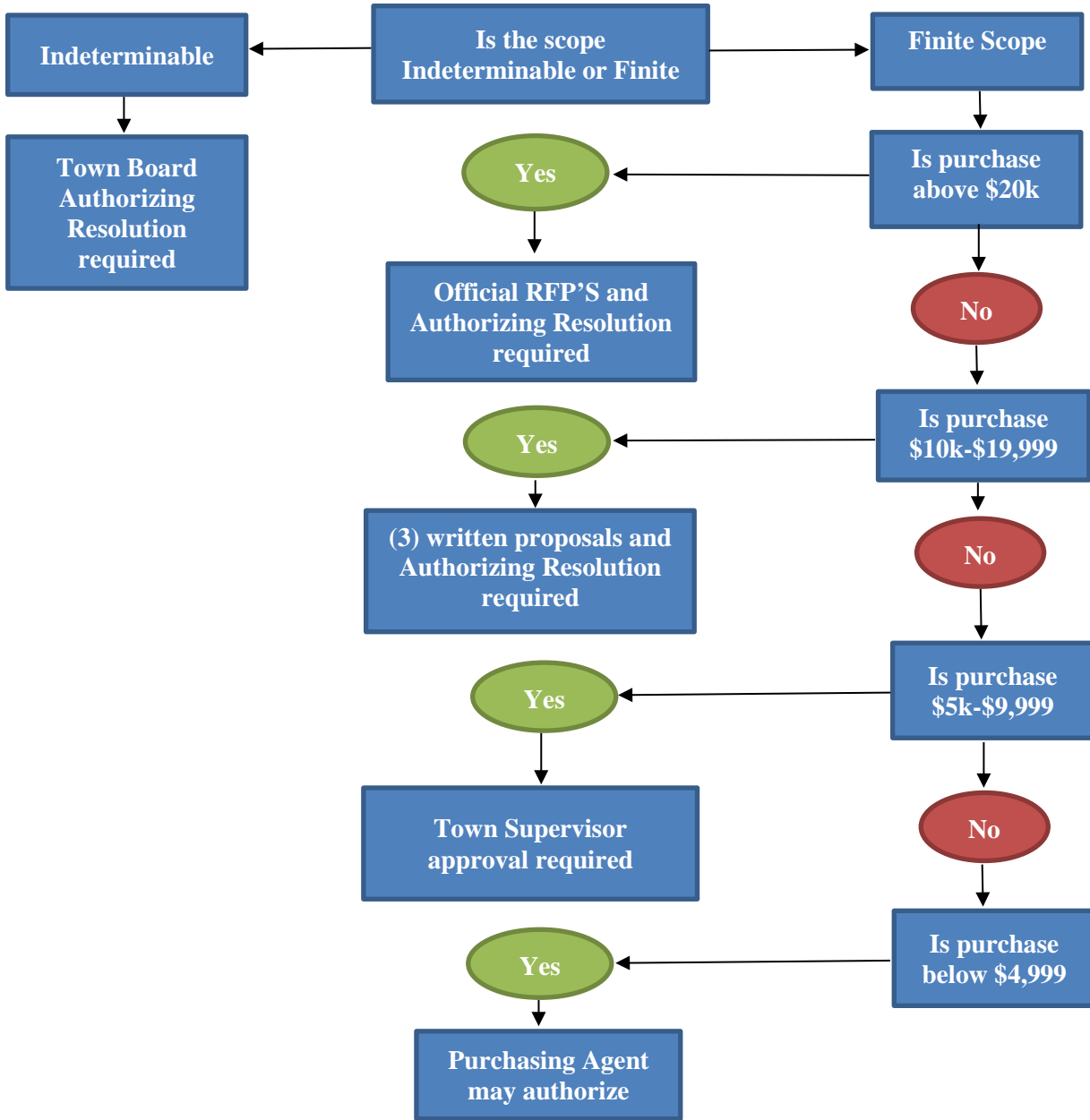
INDETERMINABLE

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.

Professional Services Flowchart



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).

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.

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 March 2024, 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	Frank Lombardi
Town Board	Robert Kearns
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	Alice Daly
Deputy Town Clerk	Bella Cimadomo
Receiver of Taxes	Kathleen Kraus
Deputy Receiver of Taxes	Gary Kiernan
Town Civil Engineer	Richard Franzetti
Principal Account Clerk	Carol Ormsby
Highway Superintendent	Michael Stern
Deputy Highway Superintendent	John Bryson
Chief of Police	Anthony Hoffman
Lieutenant	Neil Brown
Lieutenant	Michael Bodo
Codes Enforcer	Michael Carnazza
Director of Parks and Recreation	Nina Kallmeyer

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.

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

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: _____

Resolution #21

**RESOLUTION AUTHORIZING ENCUMBRANCES OF 2023 FUNDS
FOR EXPENDITURES IN 2024**

WHEREAS, it is recommended by the Town Comptroller’s Office that 2023 Government Budget Funds be encumbered or reserved for the 2024 Budget Appropriations, based on recent approved Town Board Resolutions and/or specific projects in progress for various purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Carmel authorizes the Town Comptroller’s Office to Encumber or Reserve unexpended 2023 Government Fund monies for expenditures in fiscal year 2024 as follows:

<u>Purpose of Encumbrance</u>	<u>Accounts</u>	<u>Maximum</u>	<u>Explanation and/or Comments</u>
General Fund			
Building Grounds Spec Improvement	100-1620-0045	14,000.00	Bal Improvements/Upgrades Town Hall
Data Imaging Equipment	100-1680-0021	105,000.00	Data Imaging Equipment.
Technology Line	100-1680-0020	118,000.00	Bal Technology Upgrades
Contingency Line	100-1990-0040	73,376.00	Software Conversion
Contingency Line	100-1990-0040	25,600.00	Bal left Master Plan/Tn Code
Contingency Line	100-1990-0040	325,000.00	Swan Cove Improvements
Police Motor Vehicle Line	100-3120-0021	55,000.00	Police Vehicle Encumbrance
Police Other Equipment	100-3120-0027	30,000.00	Police Other Equip
Police Rentals/Leases	100-3120-0046	70,000.00	Records Management System/Radios
Park Maintenance Equip	100-7110-0020	18,500.00	Purchase Vehicle from Highway for Rec
Park Special Equipment	100-7110-0022	11,512.00	Remaining Parks Video Surveillance
McDonough Skate Park	100-7112-0041	9,500.00	Remaining Bal Skate Park
Swan Cove Park Improvements	100-7113-0045	20,000.00	Swan Cove Improvements
Airport Park Equipment	100-7115-0020	39,000.00	Airport Park Equipment
Skating Rink Contractual Expense	100-7190-0040	48,000.00	Recoat Skating Rink
Park Capital Improvements	100-7999-0040	170,000.00	Airport Parking Lot Lighting/Landscaping

Total General Fund Encumbrances **\$1,132,488.00**

Mahopac Falls Fire Dept	301-3410-0045	\$102,230	Reserve for Dry Hydrant Estimate
Mahopac Vol Fire Dept	302-3410-0045	\$50,000	Reserve for Dry Hydrant Estimate

Resolution

Offered by: _____

Seconded by: _____

Roll Call Vote: YES NO

Robert Kearns _____ _____

Suzanne McDonough _____ _____

Frank Lombardi _____ _____

Michael Cazzari _____ _____

March 6, 2024

Resolution #22

RESOLUTION AUTHORIZING SALARY ADJUSTMENT

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the adjustment of the annual salary for the position of Deputy Highway Superintendent to \$115,000 annually for the 2024 budget year, effective immediately; 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 authorization.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Kearns	___	___
Suzanne McDonough	___	___
Frank Lombardi	___	___
Michael Cazzari	___	___