

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

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Mahopac, New York 10541
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KATHLEEN KRAUS
Receiver of Taxes

MICHAEL A. BARILE
Town Councilman
FRANK D. LOMBARDI
Town Councilman
ROBERT F. SCHANIL, JR.
Town Councilman

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

TOWN BOARD VOTING MEETING
Wednesday, October 7, 2020 7:00pm

PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE

Public Hearing: On a proposed local Law amending Chapter 147 of the Town Code of the Town of Carmel entitled, "Vehicles and Traffic"

Res#1A- Consider Resolution Making SEQRA Determination in Regard to the Proposed Local Law# of the Year 2020 Enacting Chapter 147 of the Town Code of the Town of Carmel, entitled "Vehicles and Traffic"

1B- Consider Motion to Enact Law

Budget Message 2021 - Kenneth Schmitt, Town Supervisor
PowerPoint Presentation of 2021 Budget by
Mary Ann Maxwell, Town Comptroller

1. Res: Making Reappointment to the Town of Carmel Board of Assessment Review
2. Res: Authorizing Deletions to the Active List of the Mahopac Volunteer Fire Department
3. Res: Authorizing Filing of Semi-Annual MS4 Stormwater Report
4. Res: Authorizing Advertisement for Bids Carmel Water District #2 Distribution System Upgrades
5. Res: Rescinding Water Emergency Pursuant to Section 151-22 of the Town Code
6. Res: Accepting Proposal and Authorizing Entry into Contract for Concrete Repairs at Carmel Town Hall Facility R2020-003
7. Res: Declaring Certain Equipment Obsolete and Authorizing Disposal
8. Res: Amending 2020 User Fee Schedule
9. Res: Authorizing Entry into User Agreement with New York State Division of Criminal Justice Services
10. Res: Accepting Proposal for Professional Services-Police Department Policy & Procedures

- **Public Comment (Three (3) Minutes on Agenda Items Only)**
- **Town Board Member Comments**

Open Forum:

- **Public Comments on New Town Related Business (Three (3) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

Executive Session:

1. Personnel – Budget F/Y 2021

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, October 7, 2020 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 147 of the Code of the Town of Carmel, entitled "Vehicles and Traffic" by amending certain Schedules therein as follows:

**PROPOSED LOCAL LAW # ___ OF THE YEAR 2020
A LOCAL LAW AMENDING CHAPTER 147 OF THE TOWN CODE OF
THE TOWN OF CARMEL, ENTITLED "VEHICLES AND TRAFFIC"**

SECTION 1.

This Local Law shall be known as 2020 Amendments to Chapter 147 entitled "Vehicles and Traffic".

SECTION 2.

Chapter 147 of the Town Code of the Town of Carmel, §147-51, Schedule X: Parking Prohibited at All Times is hereby amended to add the following street/road locations set forth herein:

In accordance with the provision of §147-19, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Route 6	Both Sides	Between East Lake Boulevard and McMahon Place

SECTION 3. HOME RULE

Nothing in this Local Law is intended, or shall be construed to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 4. SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

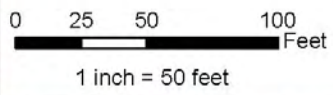
At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk




ROUTE 6

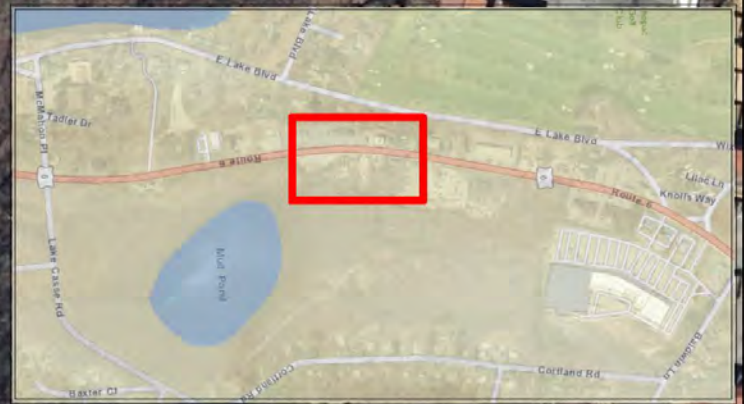
Town of Carmel, NY No Parking Zones

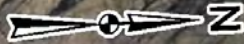


Sheet 3 Of 5

Legend

 No Parking Zone





E LAKE BLVD

ROUTE 6

NO PARKING
ANY TIME
→

NO PARKING
ANY TIME
→

NO PARKING
ANY TIME
←


NO PARKING
ANY TIME
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NO PARKING
ANY TIME
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Town of Carmel, NY No Parking Zones

0 25 50 100 Feet
1 inch = 50 feet

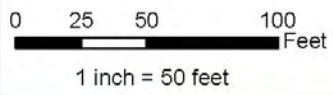
Sheet 4 Of 5

Legend
 No Parking Zone






Town of Carmel, NY No Parking Zones



Sheet 5 Of 5

Legend

 No Parking Zone









SIGN DRAWING SD-R17 White Background Red Legend

Parking Prohibition Signs (Sheet 1 of 2)
 (NYP1-2, NYP1-4, NYP1-5, NYP1-6, NYP1-7, NYP1-8, NYP1-9, NYP1-10, NYP1-11, NYP1-15, NYP1-16)



NYP1-2



NYP1-4



NYP1-5



NYP1-6



NYP1-7



NYP1-8



NYP1-9



NYP1-10



NYP1-11



NYP1-15



NYP1-16

RESOLUTION #PH1A

RESOLUTION MAKING SEQR DETERMINATION IN REGARD TO THE PROPOSED LOCAL LAW # OF THE YEAR 2020 ENACTING CHAPTER 147 OF THE TOWN CODE OF THE TOWN OF CARMEL

RESOLVED that the Town Board of the Town of Carmel hereby determines that, the Local Law # Amending Chapter 147 of the Town Code of the Town of Carmel, Entitled, "Vehicle and Traffic" is a Type II action under SEQR, NYCRR Section 617.5(c) (27) and no further review is necessary.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

TOWN OF CARMEL

2021

Tentative Budget

NYS Property Tax Cap

In 2011 the NYS Office of State Comptroller established the 2% Real Property Tax Cap Law.

With some exceptions, this law limits the amount local governments and school districts can increase property taxes by the lesser of:

2 percent; or
the rate of inflation.

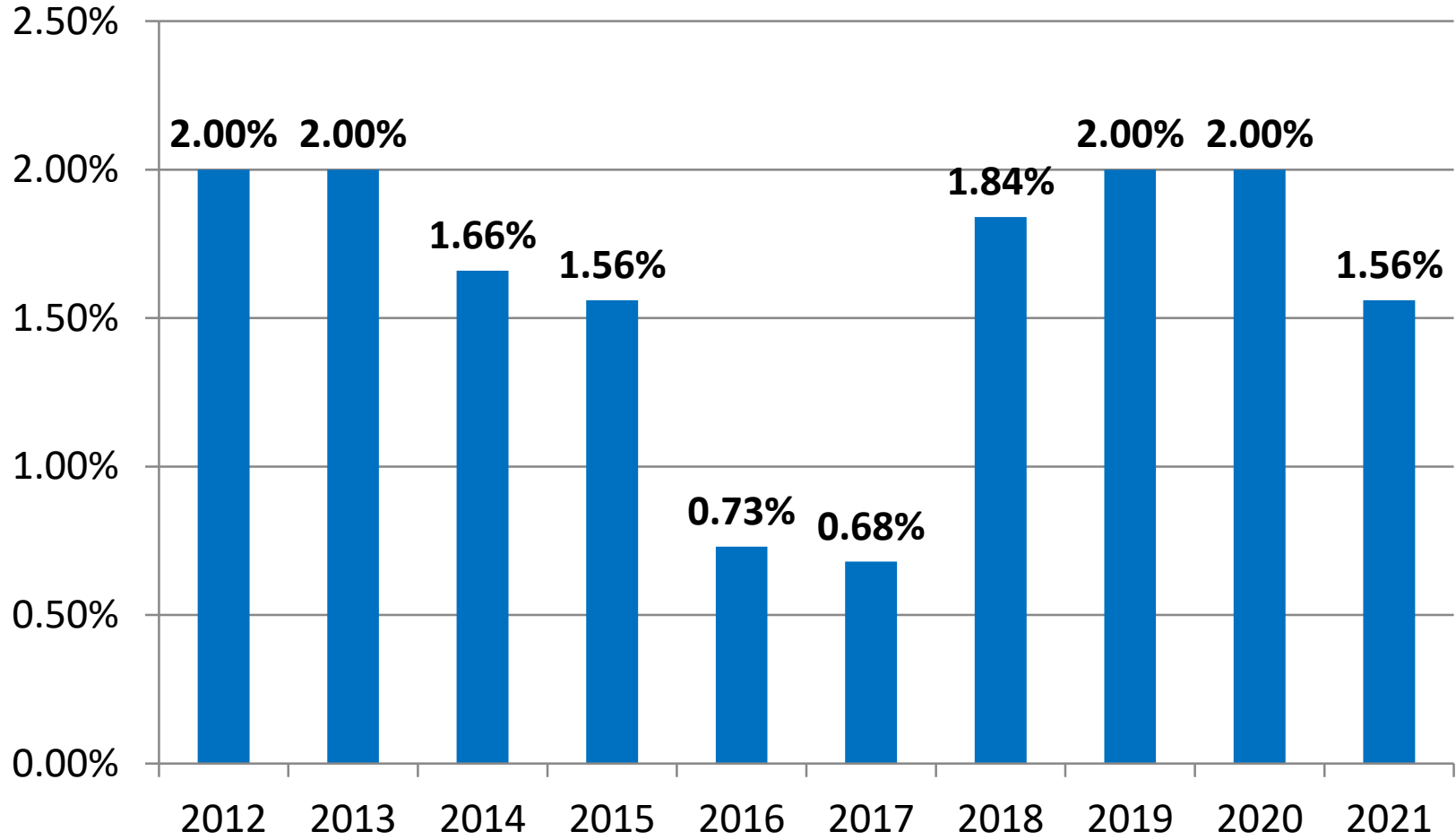
Tax Levy

The ***Allowable Tax Levy Growth*** imposed by NYS Comptroller's Office for the 2021 Budget is 1.56% which is the current rate of inflation (lesser of 2.0%)

For the Town of Carmel (Townwide and Special Districts) this equates to a ***Maximum Allowable Tax Levy*** increase of \$845,129 (which includes an available carryover from 2020 of \$835).

NYS 1.56% Property Tax Cap

Maximum Allowable Tax Levy



Total Tax Levy Increase

2021 Tentative Budget the Overall Tax Levy Increase of: \$835,683

General Fund	-	(\$173,221)
Highway Fund	-	\$139,346
Ambulance/Fire	-	\$107,000
Park/Lighting	-	\$14,610
Garbage Districts	-	\$258,460
Water Districts	-	\$581,699 (including Debt Transfers)
Sewer Districts	-	(\$27,412)
Debt Funds	-	(\$64,799)

Tentative 2021 Budget is under the Cap by \$9,446 ($845,129 - 835,683 = 9,446$)

Tax Levy vs. Tax Rate

Property Tax Levy is calculated by taking the Town's total annual expenditures less any revenues and/or appropriated fund balance equity.

$$\begin{aligned} & \text{Expenditures} \\ & - \text{Revenues} \\ & \underline{+(-) \text{Appropriated Fund Balance}} \\ & = \underline{\text{Property Tax Levy}} \end{aligned}$$

The Annual Tax Rate is determined by dividing the total amount of the **property tax levy** by the total taxable assessed value of a town or special district.

$$\begin{aligned} & \text{Property Tax Levy} / \text{Taxable Assessed Value} \\ & = \text{Annual Tax Rate} \end{aligned}$$

Town's 100% Equalized Assessed Value

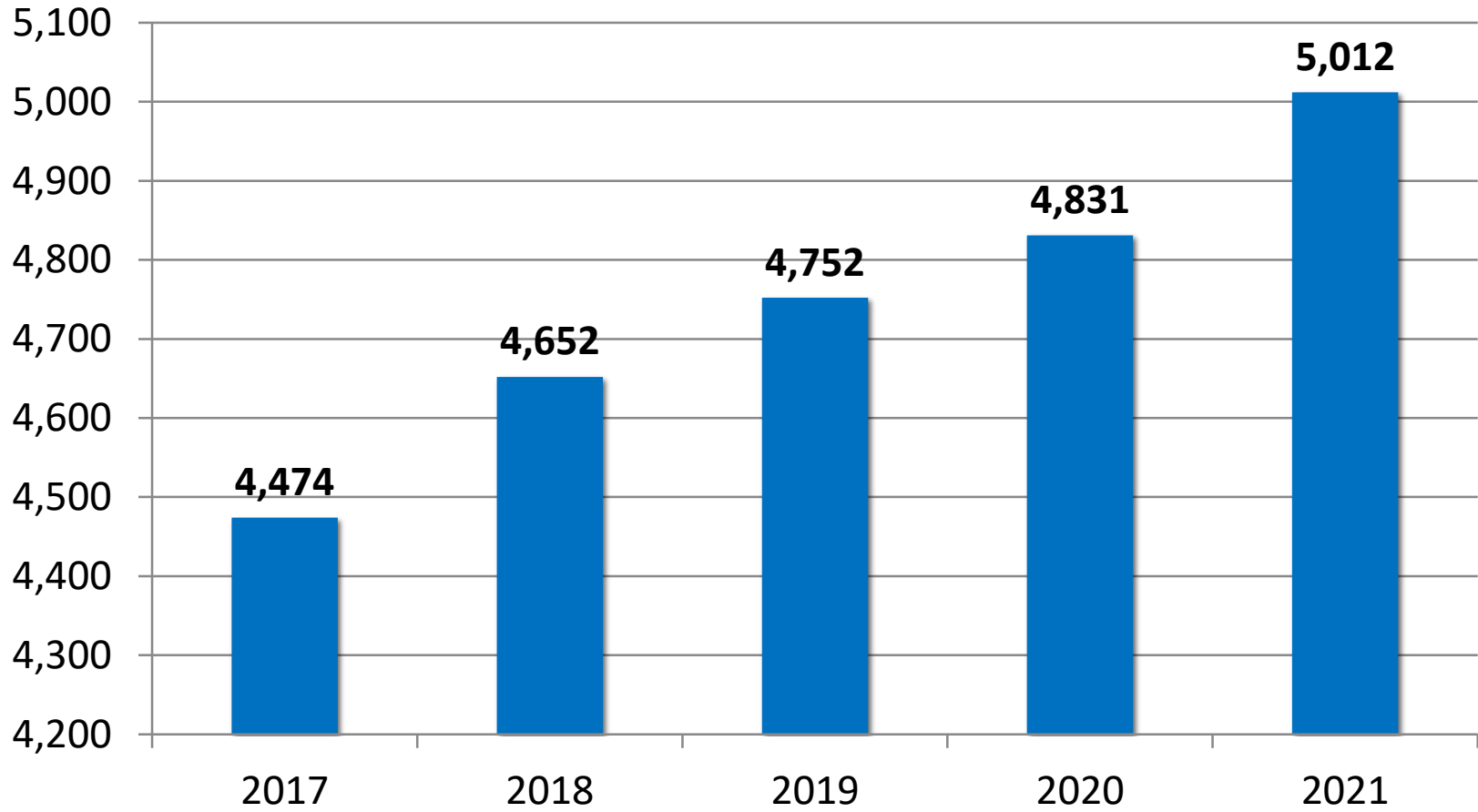
The Townwide *100% Equalized Assessed Value* used for the 2021 Tentative Budget is 5,012,149,559, an ***increase*** of approx. 181,091,607 from the prior year equalized assessed value.

An ***increase*** in the assessed value from one year to the next may result in a **decrease** in the tax rate if the levy decreased or remained unchanged.

Annual Taxable Assessed Value

Townwide (General/Highway) – 5 Year History - (in billions xxx,xxx)

Tax Years 2017-2021



2021 Townwide Budget (General/Highway)

Tax Levy

Expenditures \$30,465,067

(Revenues) (5,949,945)

Fund Balances - Reserves (110,000)

Property Tax Levy \$24,405,122 (decrease from prior year of \$33,874)

Tax Rate

Property Tax Levy \$24,405,122/

Taxable Assessed Value 5,012,149,559

2021 Tax Rate 4.87

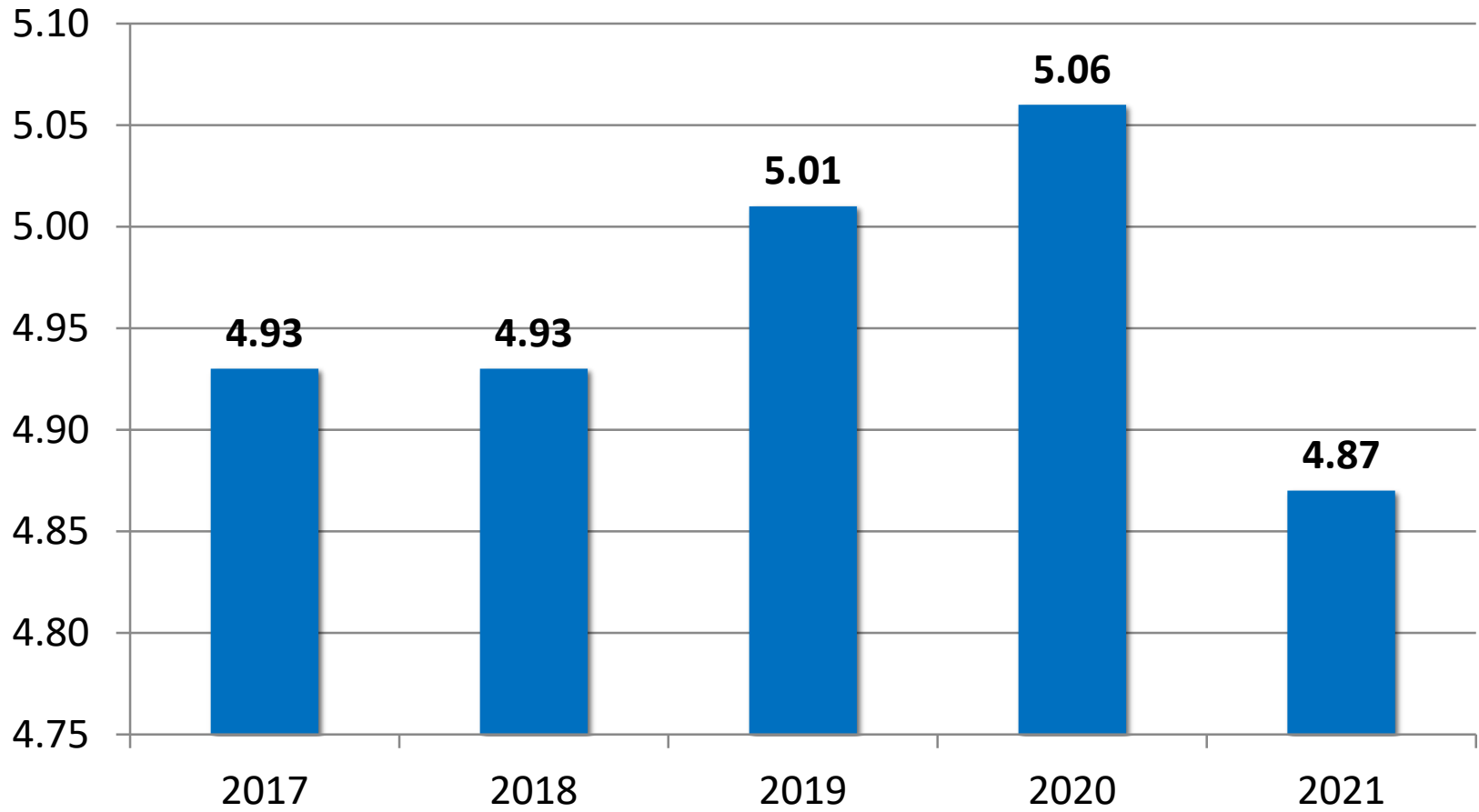
*** 2021 Annual Tax Rate Decrease -3.75%**

** Represents tax % increase on rate from prior year*

Annual Tax Rate

Townwide (General/Highway) – 5 Year History

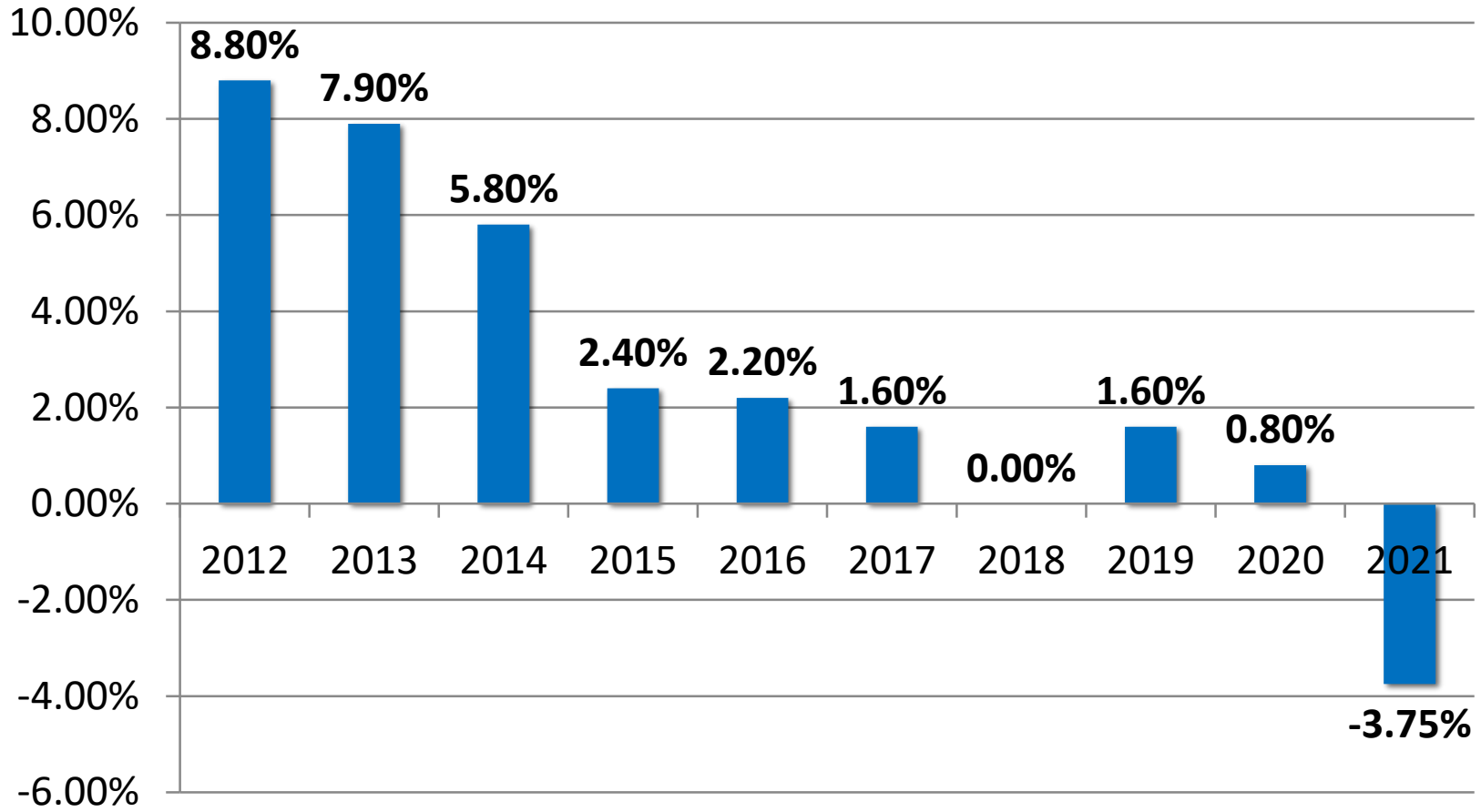
Years 2017-2021



Tax Rate Annual Increase/Decrease

Townwide (General/Highway) – 10 Year History

Years 2012-2021



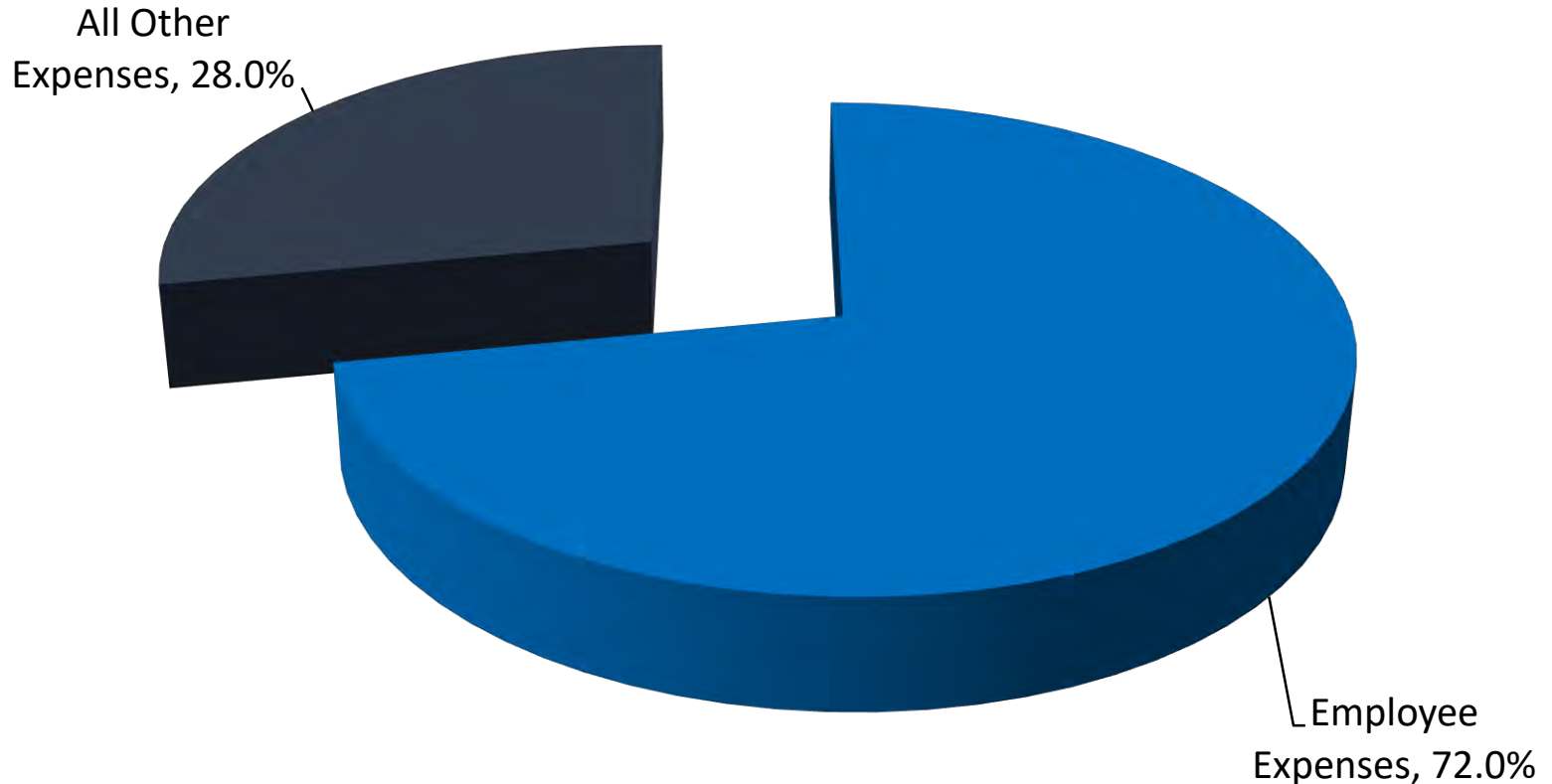
2021 Tentative Townwide Budget

A property homeowner (assessed at \$370,000) would pay approximately \$1,802 per year which is a \$70 decrease from the prior year if assessed at the same value. This assessed valuation reflects the current equalization rate of 100.00%

\$2,135,000 is budgeted for 2021 Annual Townwide Debt Obligations.

Of the \$30.5 million in Townwide Expenditures approximately \$21.9 million is budgeted in 2021 for ***Employee Compensation & Benefit Costs***. This represents a percentage of approximately 72.0% of total expenditures.

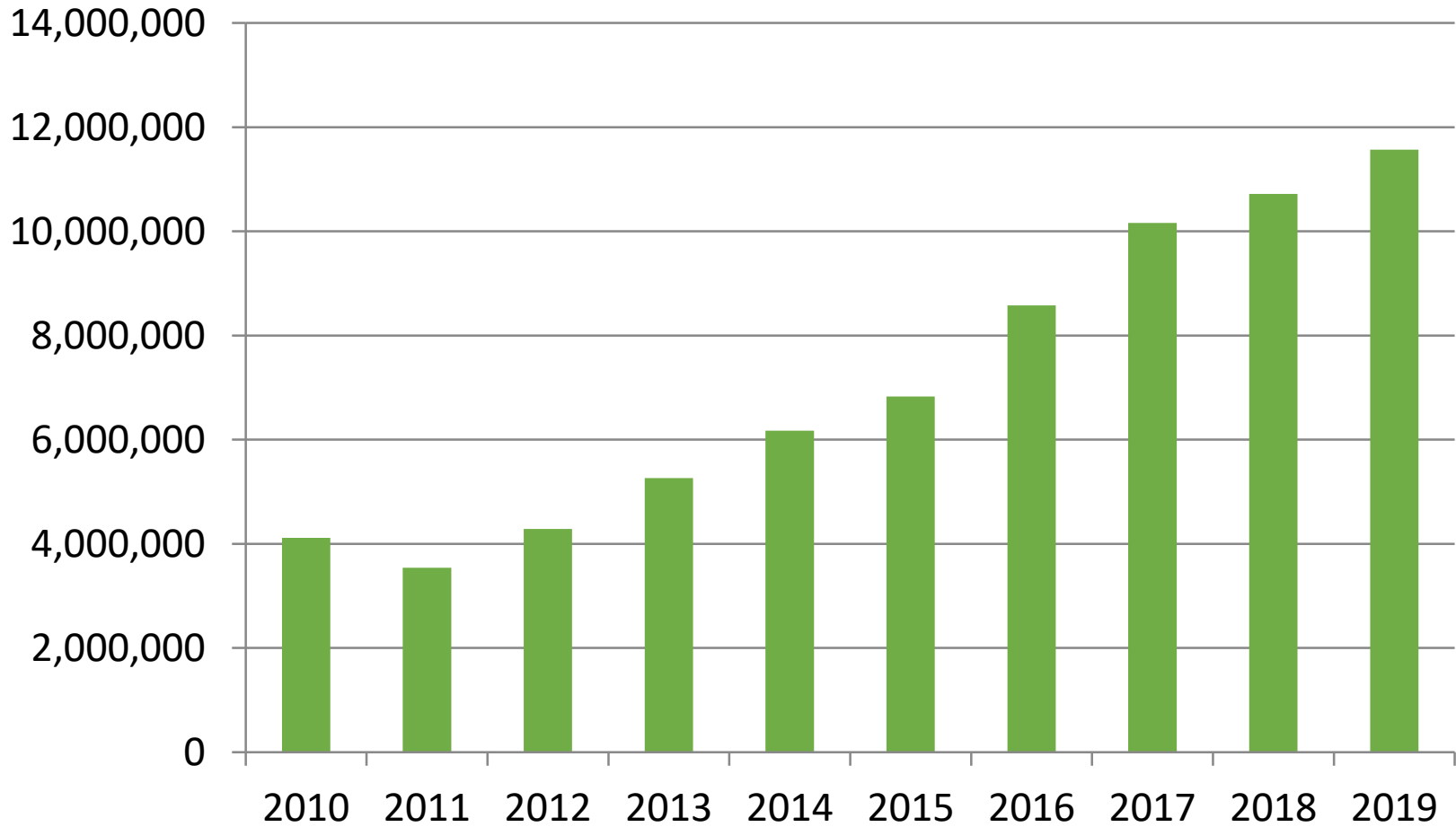
General & Highway Expenditures by Type



**** Employee expenses include Annual Salary, Overtime, Other Compensation Cost, Pension, Health Benefit Costs, Workers Compensation, FICA/Medicare/MTA Tax**

Townwide Fund Equity

10 Year History



BUDGET DRIVERS/HIGHLIGHTS

Employee Benefit Costs:

- Health Insurance Costs NYSHIP Rates decreased from 2019 to 2020. Budgeted 6-8% increase for 2021 – will not know 2021 NYSHIP rates until November 2020.
- Pension Contributions increased substantially (Tier 4 - ERS 18.0%, Tier 2 – PFRS 30.6% of salary).
- Workers Comp Exp - 2 year contract with PERMA estimated to remain flat compared to the 2020 actual.
- Salary Expense for Union Employees 2% or 2.25% due to union contract agreements.
- Police Overtime - Police Overtime Budget decreased to \$560,000 (including \$20,000 celebration line).
- Mortgage Tax Revenue the YTD 2020 actual revenue is approximately \$959,000 through September 2020 with a \$950,000 annual budget \$1,150,000 is budgeted in 2021.

BUDGET DRIVERS/HIGHLIGHTS

- **Other Revenues** increases/decreases from prior year:

- * **Employee HI Contributions** - increased approximately \$10,000 (*due to union contract agreements*)

- * **Court Fees/Fines** decreased by \$25,000 in the 2021 Budget

- * **Building Dept Fees** decreased approximately \$10,000 in the 2021 Budget

- **Cable Franchise Fees** - \$800,000 budgeted revenue in 2021 Budget

- **Parks and Recreation Fees** - \$285,000 budgeted revenue in 2021 Budget

- **CHIPS Highway Funding** – State Aid estimated to decrease by approx. 20% \$344,033 in 2021 Budget

- **Police Lake Patrol** – State Aid estimated at \$30,000 in 2021 Budget

- **Police Reform/Training** – Budgeted approx. \$100,000 in 2021 Tentative Budget for Police Reform/Training.

BUDGET DRIVERS/HIGHLIGHTS

▪ Capital Equipment/Projects Budgeted from Reserve Fund Balances/Other:

- Swan Cove Improvements/Upgrades (*Carry forward \$120k From 2020 Budget*) - \$170,000
 - Capital Improvements at Town Hall (*Carry forward from 2020 Budget*) - \$75,000
 - Bathroom Facility at Baldwin Meadows (*Carry forward from 2020 Budget*) - \$75,000
 - 2 marked/1 unmarked police vehicle (*From Equipment Reserve*) - \$110,000
- New Debt Service – 2021 Required Debt Payments from Land Acquisition, Airport Park, Highway Projects, Water Meter Project, Carmel Water District #2, Park Districts, Water Tank Project, Carmel Sewer District #1.

Total ‘New Money’ Debt Issued in 2020 October BAN/Bond Sale = \$4,717,948

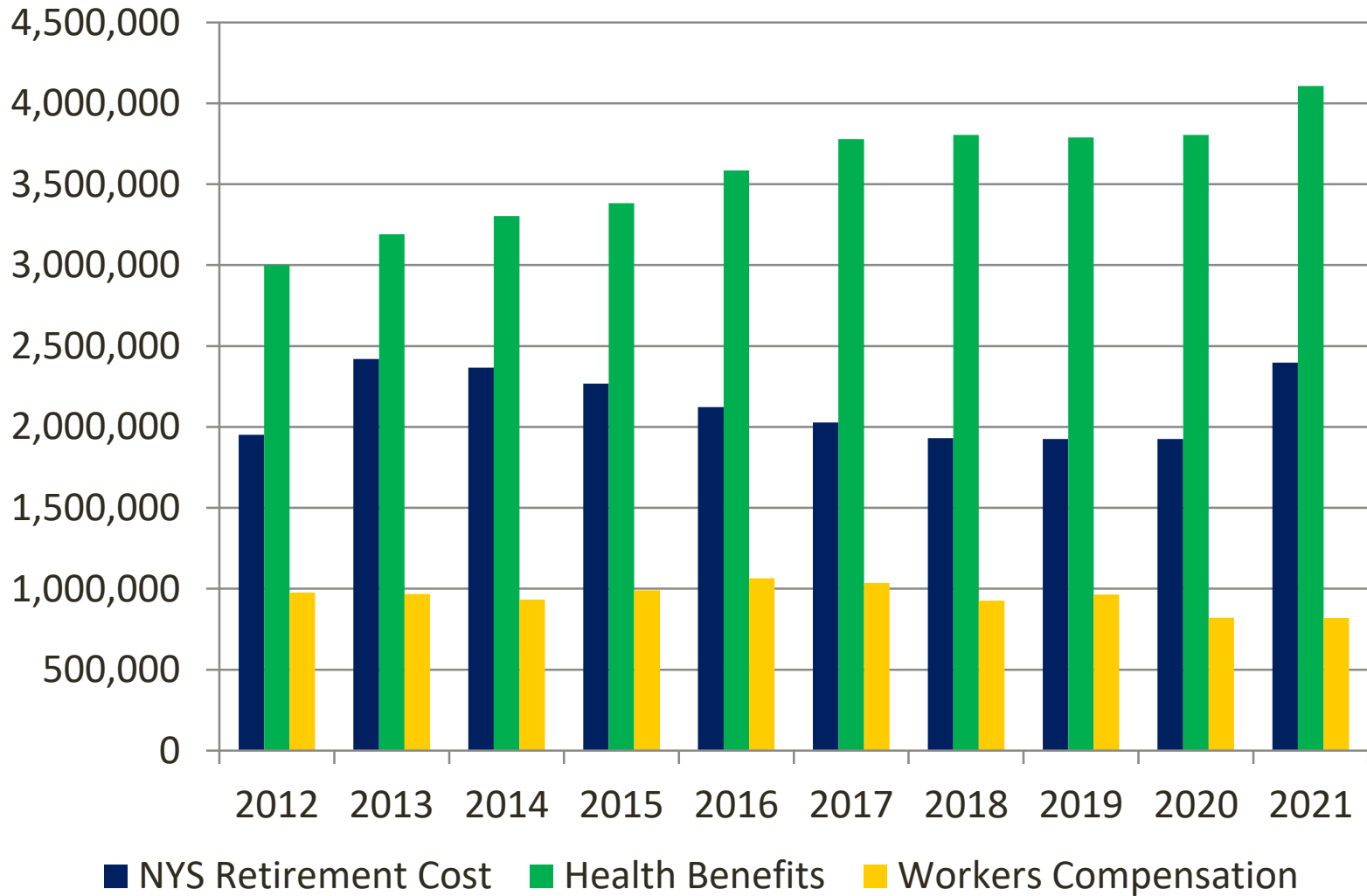
- Garbage Districts – Increases in Garbage Districts 2021 Budgets due to increase in contract expense authorized late 2019.
- Contingent Line – Budgeted \$150,000 in 2021 Tentative Budget (partially to fund a new Master Plan and Town Code revisions).

BUDGET DRIVERS/HIGHLIGHTS

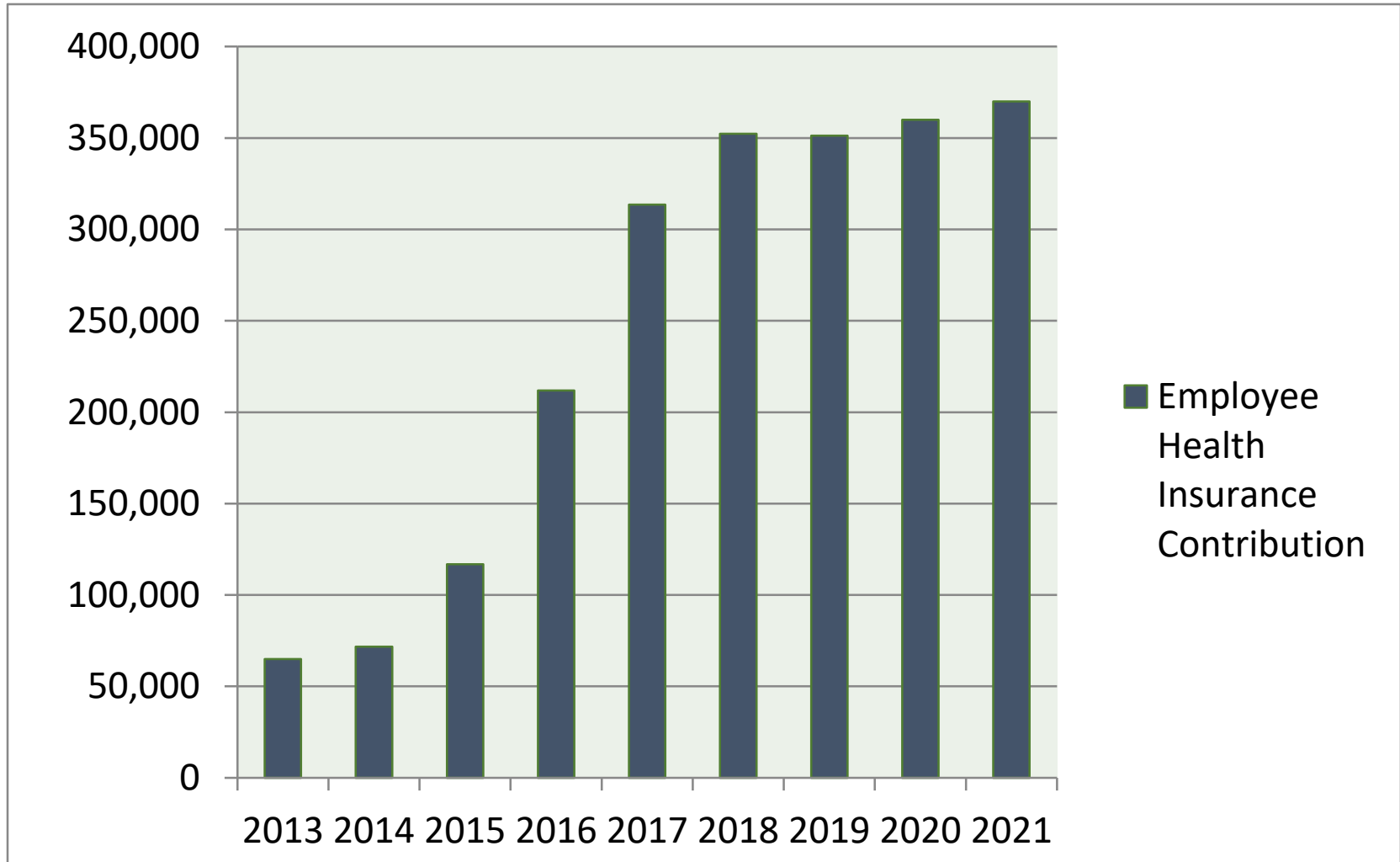
Highway Fund

- 2021 Snow Budget is a total of \$1,814M (to include \$700k for snow materials expense and \$350k for overtime expense).
- \$150,000 is budgeted for Capital Machinery increasing the Capital Reserve to \$340,000 due to an unused carryover balance of \$190,000 from 2019.
- Snow Reserve Fund Balance as of 12/31/19 was \$750,000. Due to the mild winter (Jan-March 2020) we should be able to transfer money into the reserve at year end 2020 pending OT costs through Dec 2020.
- CWD #2 - will see a special district tax increase due to annual debt obligations from capital project costs.
- Town Water Districts - will see a special district tax increase due to annual debt obligations from capital project costs for the Water Meter Project and Water Storage Tank Projects.
- CSD #4 - will see a special district tax increase due to an increase in the O&M contract with regard to emergencies and operator overtime expense.
- Technology upgrades - \$70,000 is budgeted in the 2021 for technology upgrades. A fund was established for future purchase of *data imaging equipment* - Balance \$85K

Employee/Retiree Benefits Costs 2012-2021



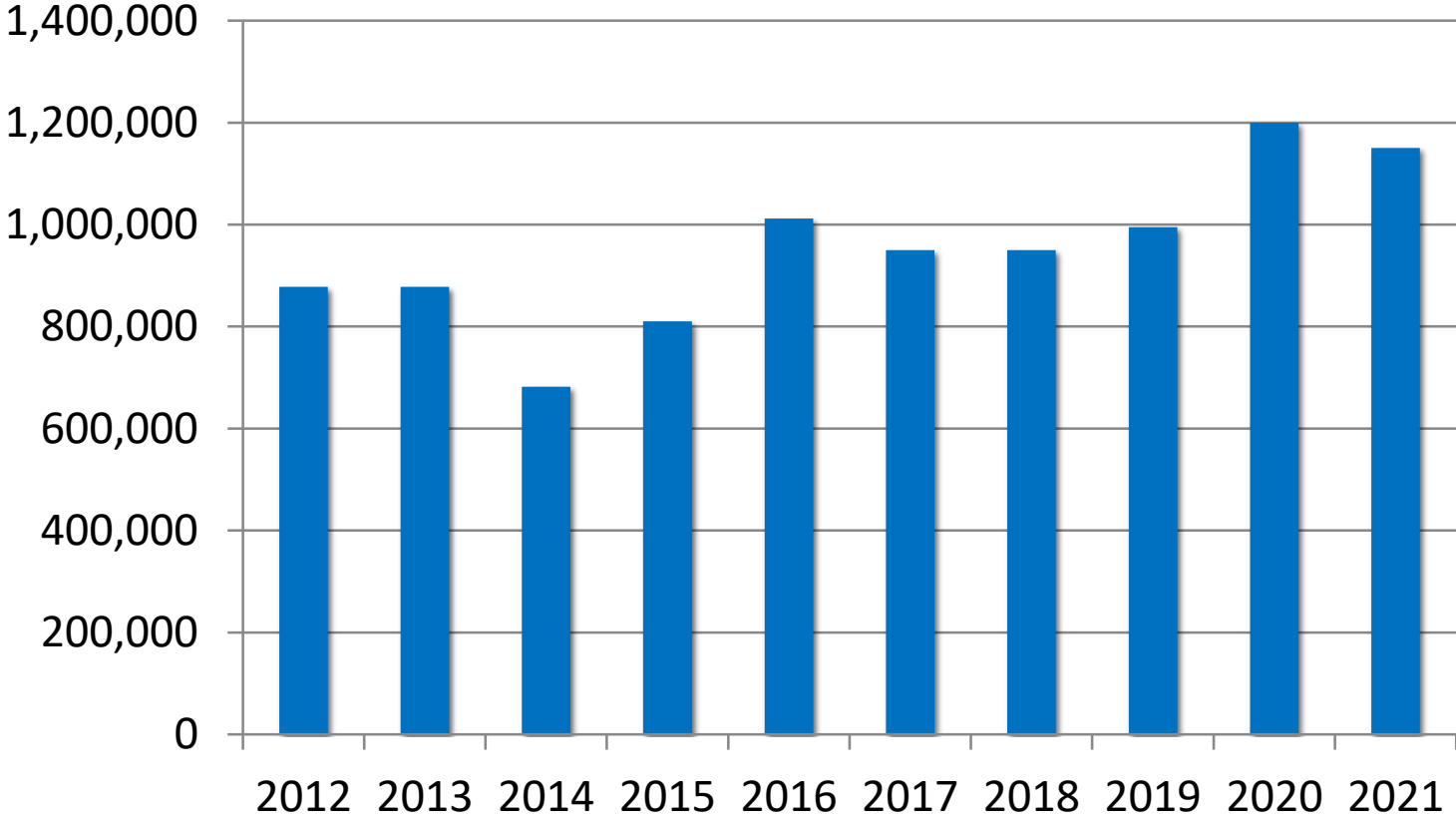
Employee HI Contributions 2013 - 2021



Mortgage Tax Revenue

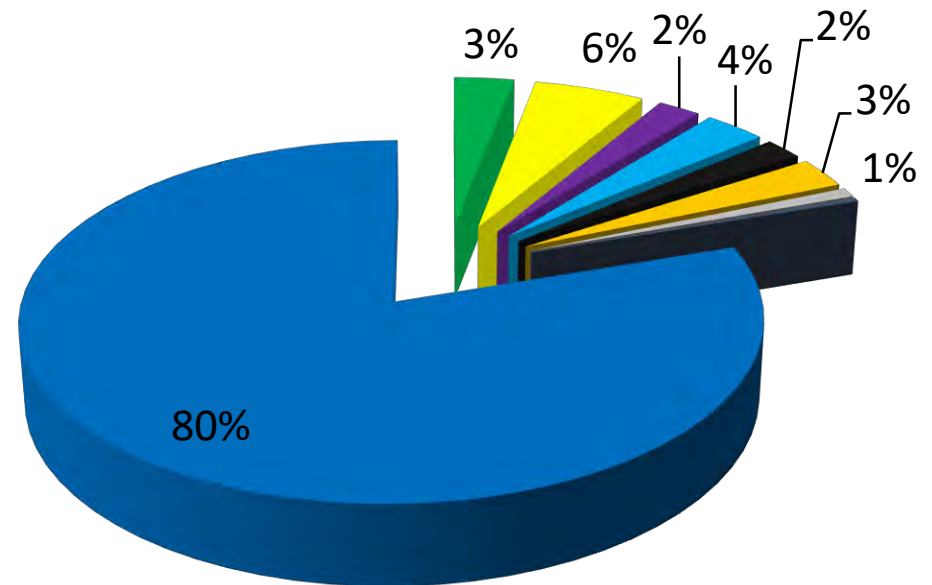
10 Year History

Years 2012-2021

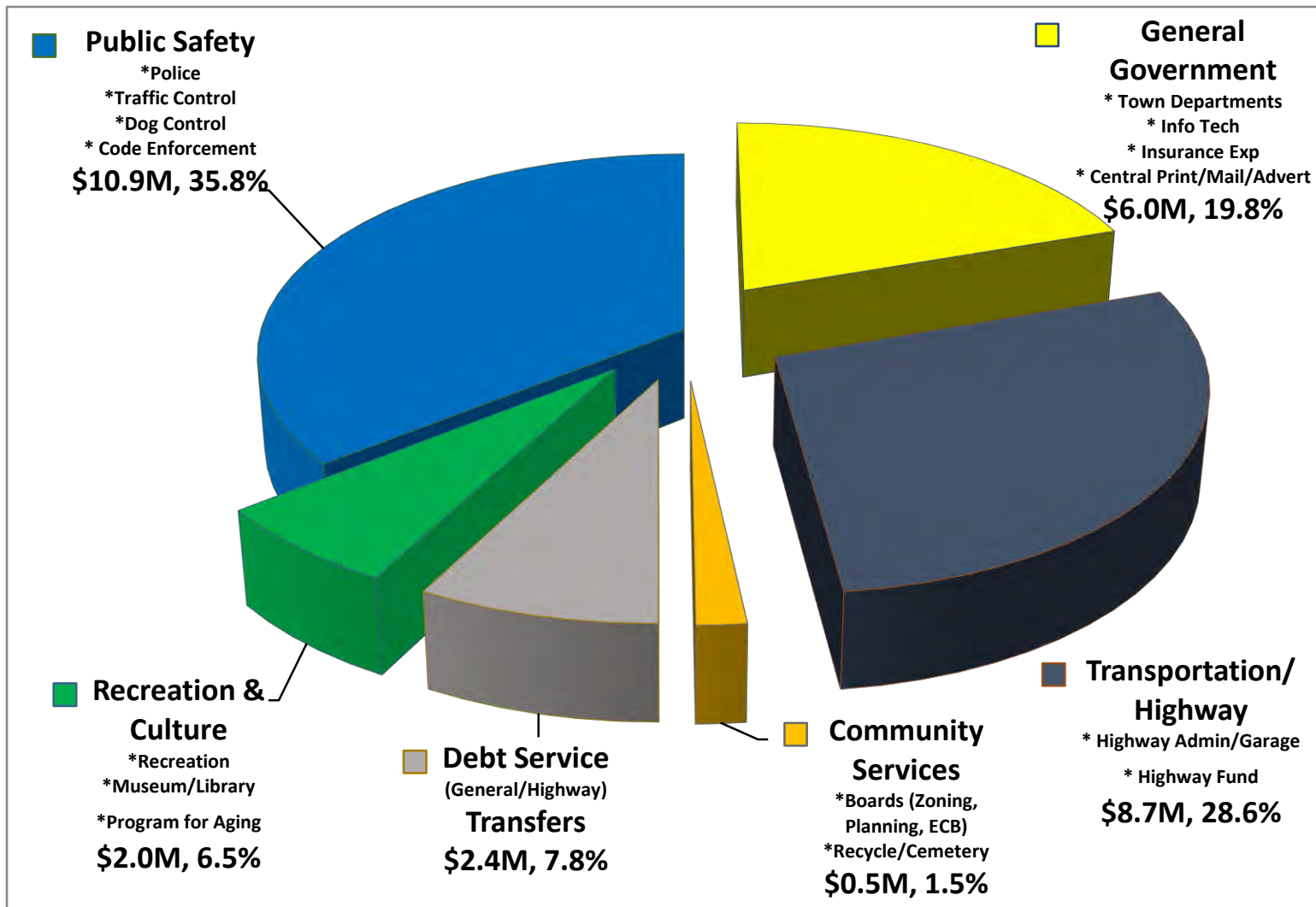


Townwide Budgeted Revenues for Fiscal Year 2021 - \$30,465,067

- Real/Non-Property Tax Items
- State Aid
- Departmental Income
- Inter Govt Service Fees/Revenue
- Use of Money/Property
- Licenses/Permits/Court Fees & Fines
- Transfers
- Fund Balance Appropriation
- Property Taxes



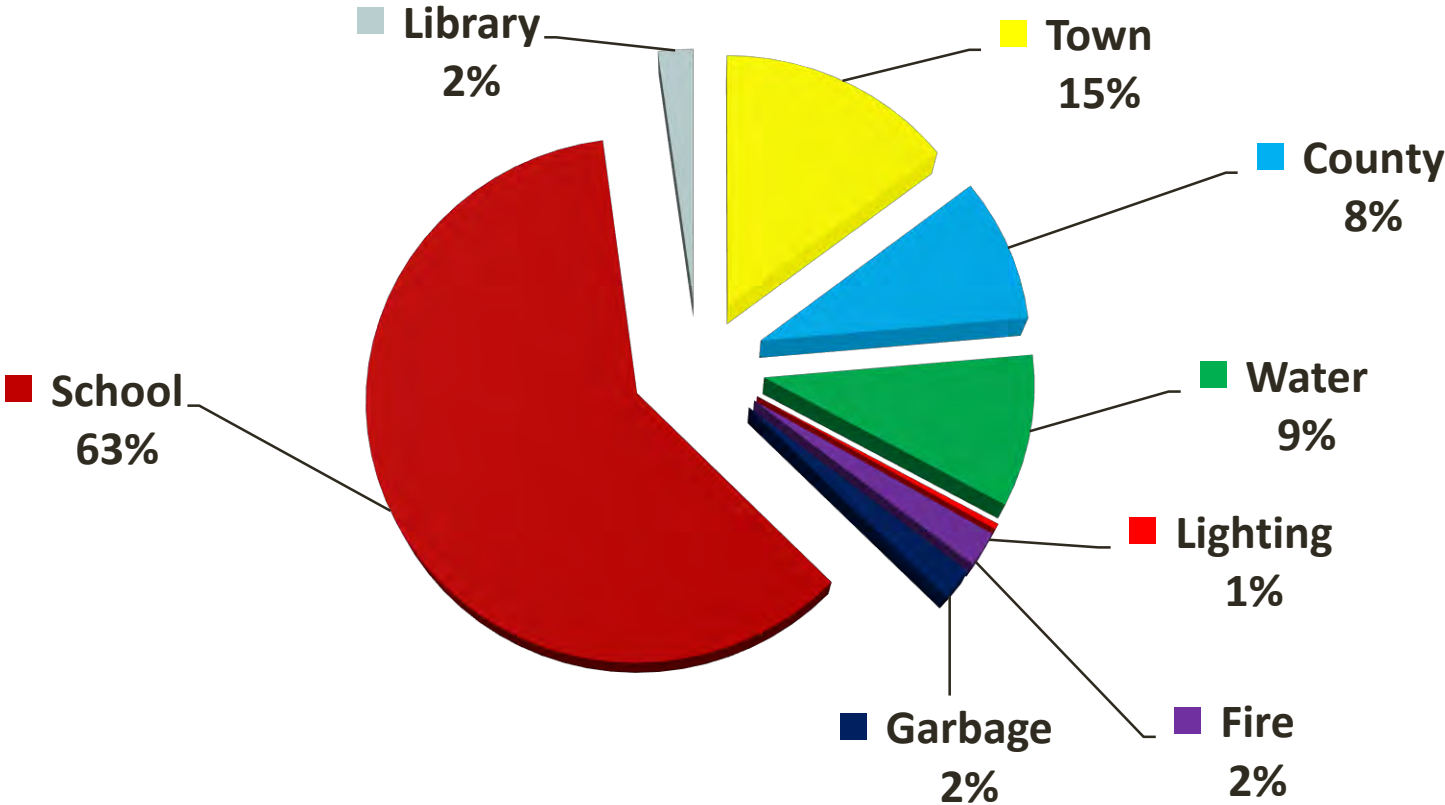
Townwide Budgeted Expenditures for Fiscal Year 2021 - \$30,465,067



Total Tax Bill for Taxpayer in Mahopac Central School District

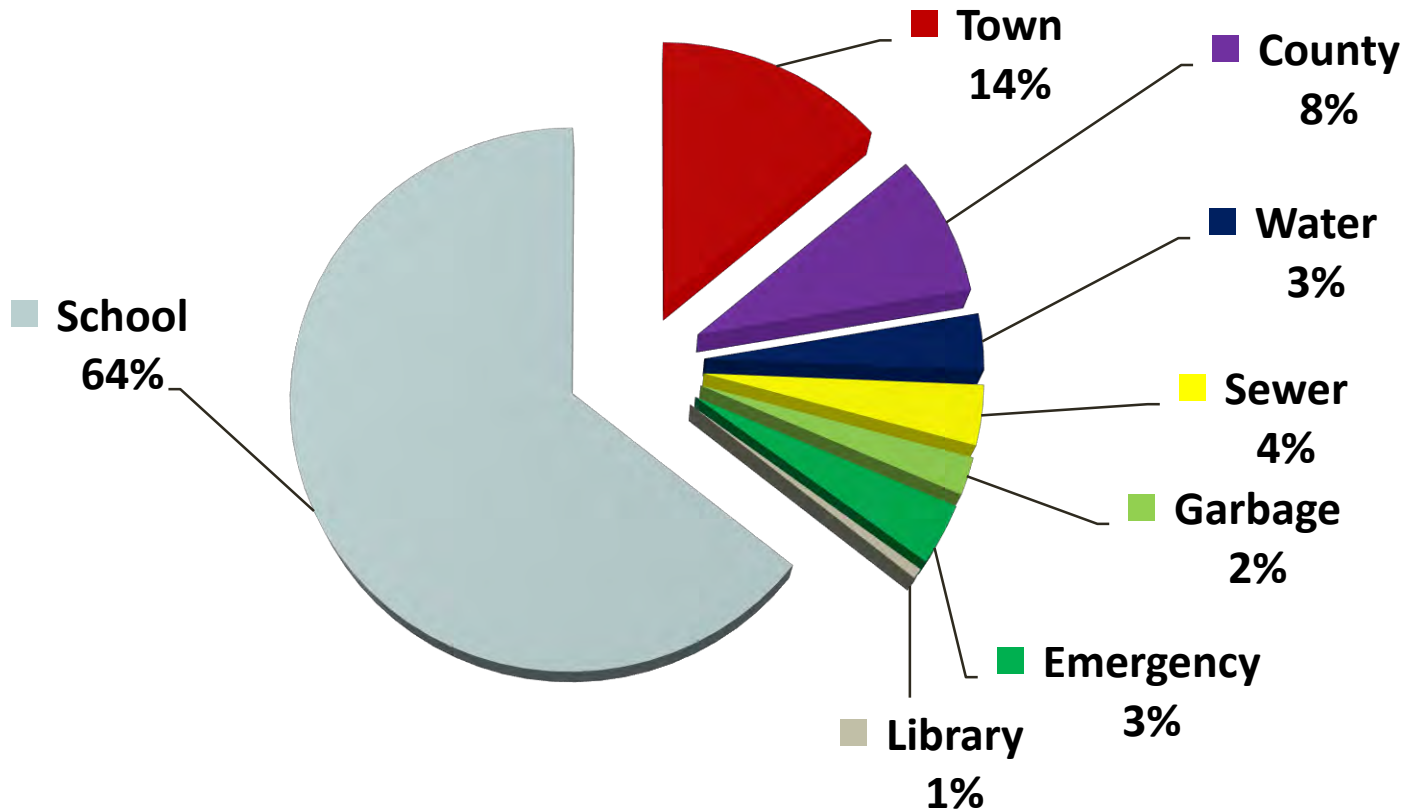
Tax Bill (403,300 AV – Town/County; 423,500 AV – School)

Total 2020 Taxes – \$13,938



Total Tax Bill for Taxpayer in Carmel Central School District

Tax Bill (334,400 AV -Town/County; 347,800 AV – School)
Total 2020 Taxes – \$12,233



Questions/Answers

If anyone has any questions or concerns regarding the 2021 Tentative Budget please feel free to stop by the Comptroller's Office or call at (845) 628-1500 ext 175.

Mary Ann Maxwell

Town Comptroller

Town of Carmel

RESOLUTION #1

RESOLUTION MAKING RE-APPOINTMENT TO TOWN OF CARMEL BOARD OF ASSESSMENT REVIEW

RESOLVED that the Town Board of the Town of Carmel hereby re-appoints Daniel Pearsall to the Town of Carmel Board of Assessment Review for a term commencing retroactive to October 1, 2020 and expiring September 30, 2025.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #2

RESOLUTION AUTHORIZING DELETIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the deletion of the following names to the active list of the Mahopac Volunteer Fire Department:

Sean Mullins
Cameron Rice
Michell Tenempaguay

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #3

RESOLUTION AUTHORIZING FILING OF SEMI-ANNUAL MS4 STORMWATER REPORT

WHEREAS the Town Board has been presented with a draft semi-annual MS4 Stormwater Report prepared by the Town of Carmel Engineering Department; and

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor, Kenneth Schmitt is hereby authorized to sign and file said report as drafted by Town Engineer Richard J. Franzetti, P.E.

Offered by: _____

Seconded by: _____

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

RESOLUTION #4

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS CARMEL WATER DISTRICT #2 DISTRIBUTION SYSTEM UPGRADES

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2 and pursuant to the request of Town of Carmel Town Engineer Richard J. Franzetti, P.E., hereby authorizes Town Clerk Ann Spofford to advertise for bids for construction and performance of Carmel Water District #2 Distribution System Upgrades, 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 Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

RESOLUTION #5

RESOLUTION RESCINDING WATER EMERGENCY PURSUANT TO SECTION 151-22 OF THE TOWN CODE

WHEREAS, that the Town Board of the Town of Carmel, acting as the Commissioners of the Water Districts of the Town of Carmel, and pursuant to Section 151-22 of the Code of the Town of Carmel, had previously determined that a water emergency existed within the Town of Carmel, specifically within Carmel Water Districts #7 and #12; and

WHEREAS, pursuant to previous resolution, the Town Board had declared such water emergency and promulgated restrictions on the use of water for nonessential purposes within Carmel Water District #7 and #12; and

WHEREAS, upon the advice of and consultation of Town Engineer Richard J. Franzetti, P.E., as well as the operators of the respective Carmel Water Districts, it is apparent that rescission of such water emergency declaration for certain water districts within the Town of Carmel is now appropriate;

NOW THEREFORE BE IT RESOLVED that pursuant to Section 151-22 (A) of the Town Code of the Town of Carmel, the Town Board, acting as Commissioners of Carmel Water District #7; hereby rescinds the aforesaid declaration of water emergency with respect to Carmel Water District #7; and

BE IT FURTHER RESOLVED that pursuant to Section 151-22 (A) of the Town Code of the Town of Carmel, the Town Board, acting as Commissioners of Carmel Water District #12; hereby rescinds the aforesaid declaration of water emergency with respect to Carmel Water District #12; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to publish this resolution in the official newspapers of the Town and to post said resolution on the official bulletin Board of the Town of Carmel.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #6

RESOLUTION ACCEPTING PROPOSAL AND AUTHORIZING ENTRY INTO CONTRACT FOR CONCRETE REPAIRS AT CARMEL TOWN HALL FACILITY R2020-003

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town Engineer Richard J. Franzetti, P.E. hereby authorizes acceptance of proposal and entry into contract for concrete repairs at Carmel Town Hall, 60 McAlpin Avenue with John Astrologo, Mahopac, NY at a cost not exceed \$26,000.00 in accordance with the proposal dated September 10, 2020; and

BE IT FURTHER RESOLVED that upon presentation of insurance certificates in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary contract documentation to effect the authorization upon the terms authorized 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 Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

RESOLUTION #7

RESOLUTION DECLARING CERTAIN EQUIPMENT OBSOLETE AND AUTHORIZING DISPOSAL

RESOLVED that, upon the recommendation of Town of Carmel Police Department Interim Commanding Officer Lt. John R. Dearman, the Town Board of the Town of Carmel hereby declares the following Police Department equipment to be obsolete and authorizes its disposal in accordance with Town Law, including but not limited to Town Law §64(2-a):

- Comnetix Inc (Fed ID #980488004/ GST #83736 6962 RT0001) to include:
- Processing/workstation serial #90050-002
- Signature pad
- Camera motor/tilt pan
- Digital mug shot trans kit
- Power supply/back up
- Touch print pad 5000 serial #90050-001

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #8

RESOLUTION AMENDING 2020 USER FEE SCHEDULE

RESOLVED that the Town Board of the Town of Carmel hereby amends, effective immediately, the Town of Carmel User Fee Schedule for Fiscal Year 2020 as follows:

POLICE DEPARTMENT

Fingerprinting Service Per Person \$100.00

BE IT FURTHER RESOLVED that the aforesaid amendment shall supersede and replace the prior/existing fingerprinting fees charged under said User Fee Schedule.

Resolution

Offered by: _____

Seconded by: _____

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

RESOLUTION #9

RESOLUTION AUTHORIZING ENTRY INTO USER AGREEMENT WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

RESOLVED, that the Town Board of the Town of Carmel, upon the request of Town of Carmel Police Department Interim Commanding Officer Lt. John R. Dearman, hereby authorizes entry into Letter of Agreement with the New York State Division of Criminal Justice Services pursuant to NY Executive Law §837(8-a) for fingerprint services and a fingerprint escrow account, in form as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED THAT Lt. John R. Dearman is authorized to execute said Letter of Agreement on behalf of the Town of Carmel Police Department; 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 Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___



**Division of Criminal
Justice Services**

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

BRAD STEVENS
Director of Finance

August 28, 2020

John Dearman
Carmel Town Police Department
60 McAlpin Avenue
Mahopac, NY 10541

Dear Mr. Dearman:

Enclosed is the Letter of Agreement for setting up the Fingerprint Escrow Account for payment of criminal history record searches. It is necessary to secure authorized signatory approval of this document by Carmel Town Police Department as a basis for establishing our mutual responsibilities in this area.

Upon return of the approved Letter of Agreement, a required initial deposit amount of **\$700.00** must be received in order for the Division of Criminal Justice Services (DCJS) to establish your account.

If you have any questions, please contact Mark Williams at (518) 485-7976.

Very truly yours,

A handwritten signature in blue ink that reads "Mark Williams".

Mark Williams
Senior Budgeting Analyst

Enclosure



Division of Criminal Justice Services

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Executive Deputy Commissioner

BRAD STEVENS
Director of Finance

August 28, 2020

John Dearman
Carmel Town Police Department
60 McAlpin Avenue
Mahopac, NY 10541

Dear Mr. Dearman:

The New York State Division of Criminal Justice Services, hereinafter called "DCJS", at Alfred E. Smith Office Building, 80 South Swan St, Albany, New York and Carmel Town Police Department, hereinafter called "User", at 60 McAlpin Avenue, Mahopac, NY 10541 agree to establish, maintain and debit a Fingerprint Escrow Account, hereinafter called "Account", for the payment of certain services. Both of the foregoing are collectively referred to as the "Parties".

Pursuant to Executive Law §837(8-a), DCJS shall charge a fee when it conducts a fingerprint-based search of its criminal history records and returns a report thereon in connection with applications for employment, licenses or permits. DCJS has adopted a rule, which has the force and effect of law, governing access to criminal history record information and fees for conducting criminal history record searches, specifically 9 NYCRR Part 6051. This rule establishes fees for conducting a fingerprint-based search of DCJS' criminal history records and returning a report thereon, which require that payment for such services shall be made by electronic transfer of funds, postal money order, Western Union, Integrated Payment Systems, bank, American Express, or Travelers Express money orders, corporate check, or governmental check, unless otherwise provided by agreement. Arrangements for electronic payments may be initiated by User. The foregoing payment methods are collectively referred to as "Authorized Instrument."

When User electronically submits fingerprints using Livescan or Cardscan, DCJS will conduct a search of the criminal history records maintained by it. User must agree to establish an Account so that payment may be made in a manner other than by individual payment. DCJS agrees to permit payment in a manner other than by individual payment under the following terms and conditions:

Payment for services shall be made by electronic transfer of funds; postal money order; Western Union, Integrated Payment Systems, bank, American Express, or Travelers Express money orders; corporate check; or governmental check, unless otherwise provided by agreement. Bank money orders must be issued by a bank chartered in the United States, must be payable in U.S. funds, and must be valid for at least 90 days from the date of issuance. A \$25 service charge may be imposed for all checks that are returned due to insufficient funds. The Commissioner of DCJS, or his or her designee, may refuse to accept a certain form of payment if, on prior requests, that form of payment has been uncollectible. Electronic transfers are the preferred method of payment. To make arrangement for electronic payment, please contact Mark Williams at mark.williams@dcjs.ny.gov. Other remittances shall be made payable to DCJS and directed to the *NYS Division of Criminal Justice Services, Attn: Office of Financial Services, Alfred E. Smith Office Building-10th Floor, 80 South Swan St, Albany, NY 12210.*

A. User's Duties

1. User agrees to make an initial deposit, termed **Required Deposit Amount**, based on a user's estimate of the number of prints to be submitted on a monthly basis via Livescan or CardScan multiplied by the required fee. Authorized Instrument shall be made payable to the order of the "New York State Division of Criminal Justice Services", which will be placed into the Account. **The User agrees that, based on actual and/or projected submissions and time periods for replenishing the Account, the Required Deposit Amount may be adjusted by DCJS and User will provide such amount.**
2. User agrees to replenish the funds in the Account to the level of the Required Deposit Amount each time it submits prints to DCJS. Such replenishment shall be by Authorized Instrument payable to the order of the "New York State Division of Criminal Justice Services".
3. User authorizes DCJS to debit the Account in the amount set forth in 9 NYCRR Part 6051 of DCJS' rule for each fingerprint submitted for a fingerprint-based search of DCJS' criminal history records.
4. User agrees that DCJS shall not process submitted fingerprints if the Account balance is insufficient to cover the required fee.
5. User agrees to provide the Office of Financial Services at DCJS with written notification regarding a change of address or change in the User's name.

B. DCJS' Duties

1. DCJS agrees to place the funds received pursuant to this Letter of Agreement in a non-interest bearing account within the State Treasury of the State of New York.
2. DCJS reserves the right to adjust the Required Deposit Amount to be maintained in the Account based on the actual and/or projected usage of the Account by the User.
3. DCJS agrees to provide User, on a periodic basis, with a statement indicating account activity.
4. DCJS agrees to provide User access to our eJusticeNY Integrated Justice Portal to monitor their Account balances and fingerprint reports.
5. If a fingerprint transaction, submitted electronically to DCJS via Livescan or Cardscan, is rejected, DCJS will return an electronic rejection including the rejection reason to the User. In all cases, DCJS will retain the original payment and apply it to the processing of the resubmitted fingerprint.
6. DCJS agrees it will provide User with a unique authorization code. Use of such code by User shall provide the necessary authorization for DCJS to debit the Account.

C. Terms and Cancellation

1. This Letter of Agreement shall continue until terminated by either DCJS or User.
2. This Letter of Agreement may be terminated by either party by serving a written notice of termination thirty (30) calendar days in advance of such cancellation. In the event of termination, the User shall not submit additional fingerprints to be charged against the Account after the effective date of the termination. DCJS shall provide a final accounting and request a refund be issued by the Office of the State Comptroller for the balance in the Account within thirty (30) calendar days after the termination.
3. This Letter of Agreement may be immediately terminated by DCJS if the User engages in any misuse of authority, misrepresentation or conduct that may be deemed detrimental to the State of New York.

D. Miscellaneous

1. This Letter of Agreement sets forth the entire understanding of the Parties with respect to the Account to be established hereunder and may not be altered or amended except in writing signed by the Parties hereto.

By execution of this Letter of Agreement by an authorized signatory to enter into contractual agreements, with proper notarization, both Parties have accepted the terms and conditions of this Letter of Agreement, including, but not limited to, the above conditions for the Account.

Please indicate acceptance of this Letter of Agreement by having an authorized signatory execute the Letter of Agreement with notary acknowledgment and return the original to the attention of Mr. Mark Williams, Alfred E. Smith Office Building - Finance 10th Floor, 80 South Swan Street, Albany, NY 12210. Your authorization code will be forwarded to you upon receipt.

Very truly yours,



Brad Stevens
Director of Financial Administration

User Acceptance of Letter of Agreement:

BY: _____

TITLE: _____

ENTITY: _____

DATE: _____

FEDERAL ID#: _____

ACKNOWLEDGMENT CLAUSE

State of _____)

)ss.:

County of _____)

On the _____ day of _____ in the year _____ before me personally appeared _____ to me known, who, being by me duly sworn, depose and say that she/he is the _____ of the _____, the entity which executed the above instrument; that she/he was authorized by and did execute the same at the direction of said entity and that she/he signed her/his name thereto.

Notary Public

USER INFORMATION*

Business Entity: _____

Primary Contact: _____

Telephone Number: () _____

Fax Number: () _____

Email address: _____

2nd Contact: _____

Telephone Number: () _____

Email address: _____

***Please Promptly Submit Updated User Forms as Changes Occur**

RESOLUTION #10

RESOLUTION ACCEPTING PROPOSAL FOR PROFESSIONAL SERVICES POLICE DEPARTMENT POLICY & PROCEDURES

RESOLVED, that the Town Board of the Town of Carmel, upon the request of Town of Carmel Police Department Interim Commanding Officer Lt. John R. Dearman, hereby accepts the proposal of the Daigle Law Firm, Plantsville, CT for the development and adopting a revised policy and procedures manual for the Town of Carmel Police Department in accordance with New York State Governor Executive Order 203 at a cost not to exceed \$20,000.00; and

RESOLVED, that the Town Board of the Town of Carmel, upon the request of Town of Carmel Police Department Interim Commanding Officer Lt. John R. Dearman, hereby accepts the proposal of the Power DMS, Inc, Orlando, FL for the development, installation and maintenance of Policy and Procedures Management Software at an annual estimated cost of \$6,000.00; and

BE IT FURTHER RESOLVED THAT Lt. John R. Dearman is authorized to execute any and all documentation reasonably necessary to effectuate this authorization on the terms set forth 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 Schanil	___	___
Michael Barile	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___