

**MICHAEL S. CAZZARI**  
Town Supervisor

**ROBERT F. SCHANIL, JR.**  
Town Councilman  
Deputy Supervisor

**STEPHEN J. BARANOWSKI**  
Town Councilman  
**FRANK D. LOMBARDI**  
Town Councilman  
**SUZANNE MC DONOUGH**  
Town Councilwoman

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

**ANN SPOFFORD**  
Town Clerk

**KATHLEEN KRAUS**  
Receiver of Taxes

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

**TOWN BOARD VOTING MEETING**  
**Wednesday, September 6, 2023 7:00pm**  
**DRAFT – SUBJECT TO CHANGE**  
**PLEASE CHECK AGENDA AT 4:30PM ON DAY OF MEETING**

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PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE

**OATH OF OFFICE CEREMONY**  
**SERGEANT ERIN MACOM**  
**CARMEL POLICE DEPARTMENT**

- **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:**

1. Res: Acknowledging Emergency Repairs Carmel Water and Sewer Districts
2. Res: Declaring Old Equipment Obsolete and Authorizing Disposal
3. Res: Authorizing Purchase of Truck
4. Res: Authorizing Advertisement for Bids Town of Carmel Highway Department
5. Res: Authorizing Settlement of Litigation
6. Res: Authorizing Entry into Interim Agreement with Aptive Environmental, LLC
7. Res: Amending Town of Carmel Procurement Policy

- **Town Board Comments**
- **Motion to Move into Executive Session**

**Executive Session:**

1. Gregory Folchetti, Town Counsel - Regulatory Matters- Attorney Client
  - **Motion to Adjourn Meeting**

# RESOLUTION #1

## RESOLUTION ACKNOWLEDGING 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 as fully detailed in the revised memorandum of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated August 9, 2023, as attached hereto and made a part thereof.

### Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

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**To:** Carmel Town Board

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

**Date:** August 9, 2023

**Re:** Emergency Repairs/Services

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

- Carmel Sewer District 4

On August 1, 2023 Inframark, the operators for CSD4, notified the Engineering Department that the motor and internal computer/PLC of one (1) of the two (2) air compressors required to process the CMF at CSD 4 has failed and replacement parts are no longer available.

The WWTP is currently operating on a single air compressor, which is the same make/model and age of the failed air compressor #2 (20 years).

The compressors supply the air for the CMF units' processes and actuators. They are necessary for the units to open and close valves and flush out the membranes. The CMF units cannot operate without them. Both air compressors are needed to be functioning in order to prevent the CMFs from entering machine shutdown when they complete air intensive processes such as backwashes, alternating units, CIPs, maintenance washes, and running both CMFs simultaneously.

This type of equipment is highly specific and varies from each individual plant. Due to the age of the system the units are no longer under warranty and a replacement in kind is no longer available. This Department therefore considers this particular manufacturer to be a sole source.

Attached please find a proposal for the replacement which includes the cost for the materials and installation by the manufacturer. The replacement cost is \$44,240.00

As an FYI these projects were completed as a Regulatory Upgrade and were financed through NYS EFC by the New York City Department of Environment Protection (NYCDEP) and the NYCDEP has approved this purchase and will reimburse the Town accordingly.

08-09-2023  
Emergency Repairs/Services

- Carmel Water District 12

On July 23, 2023 Inframark, the operators for CWD12, notified the Engineering Department of a water leak between the water main and curb valve. It was determined that a saddle had failed. Attached is an invoice from Kuck Excavating in the amount of \$10,209.96 to make the repair. There are sufficient funds in the budget for this expense

- Carmel Water District 6

On August 2, 2023 Bee and Jay, the operators for CWD6, notified the Engineering Department that the inter process communication (IPC) for the booster pumps at CWD 6 had failed. The booster pumps are required to provide water to the district. Attached is an invoice in the amount of \$11,730.00 from D&S Pump and Supply to provide new IPCs for the water treatment plant.

There are sufficient funds in the budget for this expense, the Board should note that the drive failed due to a lightning storm and will be submitted to the insurance company for reimbursement.

**From:** [Esteves, Donna](#)  
**To:** [Franzetti, Richard](#)  
**Subject:** CMF4 ~ Air Compressors Emergency Purchase  
**Date:** Friday, August 4, 2023 12:45:37 PM  
**Attachments:** [S2ndFlrCopi23080411140.pdf](#)

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Rich,

See attached emergency request which will require Board acknowledgement. There are insufficient funds in the operating budget for this expense. I will be submitting a budget transfer request from the revenue line to encumber the cost. Please note that the Town will be reimbursed 50% of the cost per the attached approval from DEP.

Thanks,

*Donna Esteves*  
Town of Carmel ~ Engineering Department  
60 Mc Alpin Ave  
Mahopac, NY 10541  
845-628-1500 ext. 184

EXHIBIT "B"

**Emergency Justification Form  
Town of Carmel Procurement Policy**

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**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

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Department: Engineering

Vendor name: Iacono Inc

Nature of emergency: Replacement of (2) Air Compressors (Sole Source)

Estimated cost: See attached

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: *Richard J. Zuppi*

Department Head's signature for approval: *Richard J. Zuppi*

## Esteves, Donna

---

**From:** Ostapyshyn, Dmitriy <DOstapyshyn@dep.nyc.gov>  
**Sent:** Friday, August 4, 2023 8:10 AM  
**To:** Esteves, Donna  
**Cc:** Franzetti, Richard; Maxwell, Mary Ann; Tenefrancia, Michelle  
**Subject:** RE: CMF4 ~ Air Compressors Emergency Request

Donna,

This request is approved.

Thank You,  
Dmitriy

---

Dmitriy Ostapyshyn, ENV SP | Project Manager | NYC Environmental Protection  
Bureau of Water Supply, Watershed Lands & Community Planning  
(O) 845 340-7299 | [dostapyshyn@dep.nyc.gov](mailto:dostapyshyn@dep.nyc.gov)

**From:** Esteves, Donna <de@ci.carmel.ny.us>  
**Sent:** Tuesday, August 1, 2023 12:13 PM  
**To:** Ostapyshyn, Dmitriy <DOstapyshyn@dep.nyc.gov>  
**Cc:** Franzetti, Richard <rjf@ci.carmel.ny.us>; Maxwell, Mary Ann <mam@ci.carmel.ny.us>; Tenefrancia, Michelle <mt@ci.carmel.ny.us>  
**Subject:** [EXTERNAL] CMF4 ~ Air Compressors Emergency Request  
**Importance:** High

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspected phishing emails with the Phish Alert Button or forward them to [phish@oti.nyc.gov](mailto:phish@oti.nyc.gov) as an attachment.

Good Morning Dmitriy,

Please see attached emergency request for your approval.

Regards,

*Donna Esteves*

Town of Carmel ~ Engineering Department  
60 Mc Alpin Ave  
Mahopac, NY 10541  
845-628-1500 ext. 184

**TOWN OF CARMEL**

**ENGINEERING**

**REQUEST FOR PURCHASE OR REPAIR**

District: **CSD 4 CMF**

Inframark, LLC  
2 Renwick Street  
Newburgh, NY 12550  
United States

T: +1 845 228 0460  
www.inframark.com

Date of Request: 8-1-23      Asset ID #: 1436 Air Compressor #1      Quote Expires: n/a  
1437 Air Compressor #2

Item requested: **Emergency Request** for replacement of two (2) air compressors at CSD 4 CMF.

Purpose of item: Two air compressors are required for the process at CSD 4 CMF. The motor and internal computer / PLC of Air Compressor #2 are burned out and replacement parts are not longer available. We are currently running on just Air Compressor #1 and it is the same age as Air Compressor #2 (20 years). It has recently been overhauled but has also exceeded its life expectancy and is in need of replacement as soon as possible.

The compressors supply the air for the CMF units' processes and actuators. They are necessary for the units to open and close valves and flush out the membranes. The CMF units cannot operate without them.

We need both air compressors functioning properly in order to prevent the CMFs from entering machine shutdown when they complete air intensive processes such as backwashes, alternating units, CIPs, maintenance washes, and running both CMFs simultaneously. Having the CMFs enter machine shutdown mid-process due to low system air pressure is not healthy for the units and adds unneeded stress on the piping and actuating valves as they may be left in the wrong position either causing a water hammer or sending unregulated flow to an incorrect circuit of the CMF skid.

Estimated age of equipment to be replaced / repaired: 20 years

Estimated life expectancy of new equipment / repair: 20 years or less

Labor cost for installation and/or repair: n/a

Vendor #1:	Iacono Inc.	Cost: \$44,240.00*
Vendor #2:	Sole Source Supplier	Cost:
Vendor #3:		Cost:

\*Quote for replacing only one unit: \$25,940.00



# Iacono Inc.

Compressed Air & Vacuum Systems  
230 Knickerbocker Ave. Bohemia, NY 11716

230 Knickerbocker Avenue Suite A  
Bohemia, New York 11716  
www.iaconoinc.com  
631-589-6303  
david@iaconoinc.com

Estimate #9148

Estimate Date Wed Jul 26, 2023

## Customer

Town of Carmel  
Engineering Department  
Carmel Town Hall  
60 Mc Alpin Ave  
Mahopac, NY 10547  
845-628-2087

## Service Location

Carmel Sewer District #4  
297 North Rd  
Mahopac, NY 10541-1009

## Item(s)

Qty	Name	Description	Rate
2	GA15+-175 AFF 208-230/460_2	Air Compressor	\$20,500.00
2	PIPING	PIPING OF EXISTING	\$300.00
8	Technical Services	Technical Service	\$165.00
8	Technical Services Plumber	Technical Service Plumber	\$165.00

<b>Subtotal</b>	\$44,240.00
<b>Tax</b>	\$0.00
<b>Total</b>	<b>\$44,240.00</b>

## Notes

Good afternoon,  
This estimate is for replacement of both air compressors. A team will replace one unit at a time and get one running first before working on the other compressor. If you approve of this estimate. Please email us for approval. Thank You !

## Terms

Net 30

Signature

Date

**Ed Kuck Excavating Inc**

20 Day Road  
 Carmel, NY 10512

CWD 12  
 INV #  
 TOC -59-2023  
 REQ #  
 Vendor 0670  
 Tax ID - 133851002

Attention:, ENGINEERING  
 TOWN OF CARMEL

**EMERGENCY 1" BLUE JET AND SADDLE REPLACEMENT**

Respond as per INFRAMARK

Job Location: 15 ALLISON CT

Work Completed;7/23-24/2023 8 HRS

Start time:

End Time: TOTAL 8 HRS PWOT

**Job Description:**

**WATER LEAKING BETWEEN WATER MAIN AND CURB VALVE, ASSISTED WITH LOCATING VALVES AND SHUTTING OFF. DUG UP AND EXPOSED BLUE JET LINE, ROTTED SADDLE. REPLACED SADDLE ON MAIN AND RAN COPPER TO EXISTING SERVICE LINE. NEW CURB BOX AND CURB VALVE INSTALLED, BACKFILLED. NEEDS BLACKTOP RESTORATION**

Materials / Equipment/ Labor	Total Hrs,yds,qty	Price per yd, qty, day	Total
Track Hoe MR55	8	\$95.00 per hour	760.00
PC-120		\$175.00 PER HR	
Dump Truck	8	\$100.00 per hour	800.00
Support Vehicle	Day rate DAYS	\$155.00 PER DAY	155.00
Chop Saw	Day rate DAYS	\$ 70.00	
Jumping Jack	Day rate	\$70.00	
Plate tamper	Day rate	\$70.00	
Mud Sucker	Day rate	\$70.00	70.00
Locater	Day rate	\$70.00	
TRASH PUMP & HOSE	DAY RATE PER UNIT	\$225.00 PER PUMP	
Machine Hammer	Day rate	\$250.00	
Powered drill/hammer	Day rate	\$70.00	
MACHINE OPERATOR OT 1-1/2	8 HRS X 1 MAN	\$291.27 PER HR	2,330.16
Machine operator	HRS X MAN	\$194.18 PER HR	
Laborers	HRS X MAN	\$169.30 PER HR	
LABORER OT 1-1/2	8 HRS X 3 MEN DAY	\$253.95 PER HR	6,094.80
Item 4		\$52.00 per yard	
Seed		\$150.00 bag	
CONCRETE			
Top soil		\$50.00	
Blacktop		\$151.00 per ton	
SHORING BOX		\$500.00	
HAY		\$19.00 bag	
GRAVEL		\$50.00/YARD	
LIGHT TOWER		\$275.00 DAY RATE	
SKYLIFT		90.00 PER HR	
Total			10,209.96

# VENDOR CLAIM FORM

**TOWN OF CARMEL**  
 60 McAlpin Ave  
 Mahopac, NY 10541  
 (845) 628-1500

CLAIMANT'S  
 NAME AND  
 ADDRESS

*ED KUCK EXCAVATING INC*  
 20 DAY ROAD  
 CARMEL, NY 10512

DEPARTMENT ENGINEERING

VENDOR TAX ID# 0670

TOWN OF CARMEL TAX EXEMPT No. 15898

VOUCHER #	
PURCHASE ORDER #	
REQUISITION #	
APPROPRIATION #	AMOUNT
<b>TOTAL</b>	

TOWN OF CARMEL

PURCHASE ORDER NO. \_\_\_\_\_

Date	Invoice Number	Description of Materials or Services	Unit Price	Amount
		<i>EMERGENCY</i>		
<i>7/23/2023</i>	<i>TOC-59-2023</i>	<i>1" Blue Jet + Saddle Replacement</i>		<i>10,209.96</i>
<i>7/24/2023</i>		<i>CWD 12</i>		
		<i>AS PER INFRAMARK</i>		
		<i>8 HRS PW OT</i>		
		<i>TOTAL</i>		
<b>TOTAL</b>				<i>0.00</i>

### VENDOR'S / CLAIMANT'S CERTIFICATION

I, EDWARD L KUCK, certify that the above account in the amount of \$ 10,209.96 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due. I further certify that to the extent any Public Work forms the basis of this Claim, that any employees who performed said work, have been paid New York State Prevailing Wages in accordance with the New York State Labor Law.

\_\_\_\_\_  
 DATE  
Edward Kuck  
SIGNATURE  
PRESIDENT  
TITLE

(Space below for Municipal Use)

#### TOWN DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the date stated and the charges are correct.

\_\_\_\_\_  
 DATE AUTHORIZED OFFICIAL

#### APPROVAL FOR PAYMENT

The claim is approved and ordered paid from the appropriations indicated above.

\_\_\_\_\_  
 COMPTROLLER, TOWN OF CARMEL

**From:** [Esteves, Donna](#)  
**To:** [Franzetti, Richard](#)  
**Subject:** 08-09-23 ~ CWD12 ~ Kuck Invoice #TOC 059-23  
**Date:** Wednesday, August 9, 2023 11:50:40 AM  
**Attachments:** [Scan08082023.pdf](#)

---

Rich,

Please see attached emergency repair invoice that will require Board acknowledgement. There are sufficient funds in the budget for this expense.

Thanks,

*Donna Esteves*  
Town of Carmel ~ Engineering Department  
60 Mc Alpin Ave  
Mahopac, NY 10541  
845-628-1500 ext. 184

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

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Department: Engineering

Vendor names: D&S Pump

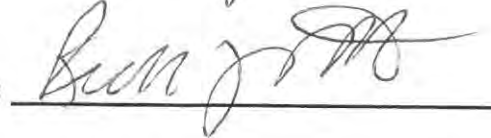
Nature of emergency: Pump Replacement \*\*\*Insurance

Estimated Cost: See attached

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: 



**From:** [Esteves, Donna](#)  
**To:** [Franzetti, Richard](#)  
**Subject:** 08-08-23 ~ CWD6 Purchase of IPC Drive  
**Date:** Wednesday, August 9, 2023 11:49:28 AM  
**Attachments:** [D&S Pump.pdf](#)

---

Rich,

See attached invoice for the replacement of the IPC drive at CWD6 (SV) which will require Board acknowledgement. There are sufficient funds in the budget for this expense, However, the drive failed due to a lightning storm and will be submitted to the insurance company for reimbursement.

Thanks,

*Donna Esteves*  
Town of Carmel ~ Engineering Department  
60 Mc Alpin Ave  
Mahopac, NY 10541  
845-628-1500 ext. 184

**RESOLUTION #2**

**RESOLUTION DECLARING CERTAIN EQUIPMENT OBSOLETE AND AUTHORIZING DISPOSAL**

RESOLVED, that the Town Board of the Town of Carmel, per the recommendation of Supervisor Michael Cazzari in his memos dated August 14, 2023, hereby declares 1998 Green Chevrolet Pickup Truck Vin# 1GCGK24RXWZ214883 to be obsolete and authorizes disposal in accordance with Town Law, including but not limited to Town Law §64(2-a).

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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



# RESOLUTION #3

## RESOLUTION AUTHORIZING PURCHASE OF TRUCK

RESOLVED, that the Town Board of the Town of Carmel and upon the recommendation and request of Town Supervisor, Michael Cazzari, in his memo dated August 14, 2023 hereby authorizes the purchase of a 2010 GMC Pick Up Truck Model 2500HD, VIN# 1GT3KZBG0AF147438, from Upstate Auto Sales, Inc., Hoosick Falls, NY at a cost not to exceed \$16,271.00 in accordance with the price quote dated August, 2023; and

BE IT FURTHER RESOLVED that Town Supervisor Michael S. Cazzari is hereby authorized to sign any and all documentation necessary to accept the proposal 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>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

**RESOLUTION #4**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS**

RESOLVED that Michael J. Simone, Town of Carmel Superintendent of Highways is hereby authorized to advertise for bids for the purchase of Sand, Guide Rail and Winter Mix for use by the Town of Carmel Highway Department; and

BE IT FURTHER RESOLVED that upon finalization and completion of bid specifications, the Superintendent of Highways is to furnish detailed specifications for the above to the Town Clerk Ann Spofford which are 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>
Stephen Baranowski	_____	_____
Frank Lombardi	_____	_____
Suzanne McDonough	_____	_____
Robert Schanil	_____	_____
Michael Cazzari	_____	_____

**RESOLUTION #5**

**RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION**

WHEREAS there is currently pending in the Supreme Court, County of Putnam, State of New York under Index No. 500140/2022 a certain lawsuit entitled “Charlotte DeSalvo vs. The Town of Carmel; and

WHEREAS a proposed settlement of the litigation has been negotiated by Town Attorney Gregory L. Folchetti who has recommended approval of the proposed settlement to the Town Board;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the settlement of the aforementioned litigation and any other open litigation concerning the assessment of the aforesaid real property as recommended; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari and Town Attorney Gregory Folchetti are hereby authorized to sign, on behalf of the Town of Carmel, the stipulation reflecting the terms of the settlement.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

**RESOLUTION #6**

**RESOLUTION AUTHORIZING ENTRY INTO INTERIM AGREEMENT WITH  
APTIVE ENVIRONMENTAL, LLC**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the entry into interim agreement with Aptive Environmental, LLC, relating to the provisions of Chapter 111 of the Town Code; and

BE IT FURTHER RESOLVED that Town Supervisor Michael Cazzari is hereby authorized to sign, on behalf of the Town of Carmel, the referenced agreement in form and substance is on file in the office of the Town Supervisor.

Resolution

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

**RESOLUTION # 7**

**RESOLUTION AMENDING  
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>
Stephen Baranowski	___	___
Frank Lombardi	___	___
Suzanne McDonough	___	___
Robert Schanil	___	___
Michael Cazzari	___	___

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



**PROCUREMENT POLICY  
AND  
PROCEDURES**

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

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## 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
<b>Purchase and Public Works Contracts:</b>			
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
<b>Procurement Exempt from GML §103 and §104-b</b>			
5. Agencies for Blind or Severely Handicapped, etc.		X	175-b SFL
6. Correctional Institutions		X	184 CL
7. State Contract *		X	104 GML
8. County Contract *		X	103(3) GML
<b>Procurement Exempt from GML §103 and 104b</b>			
9. 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).

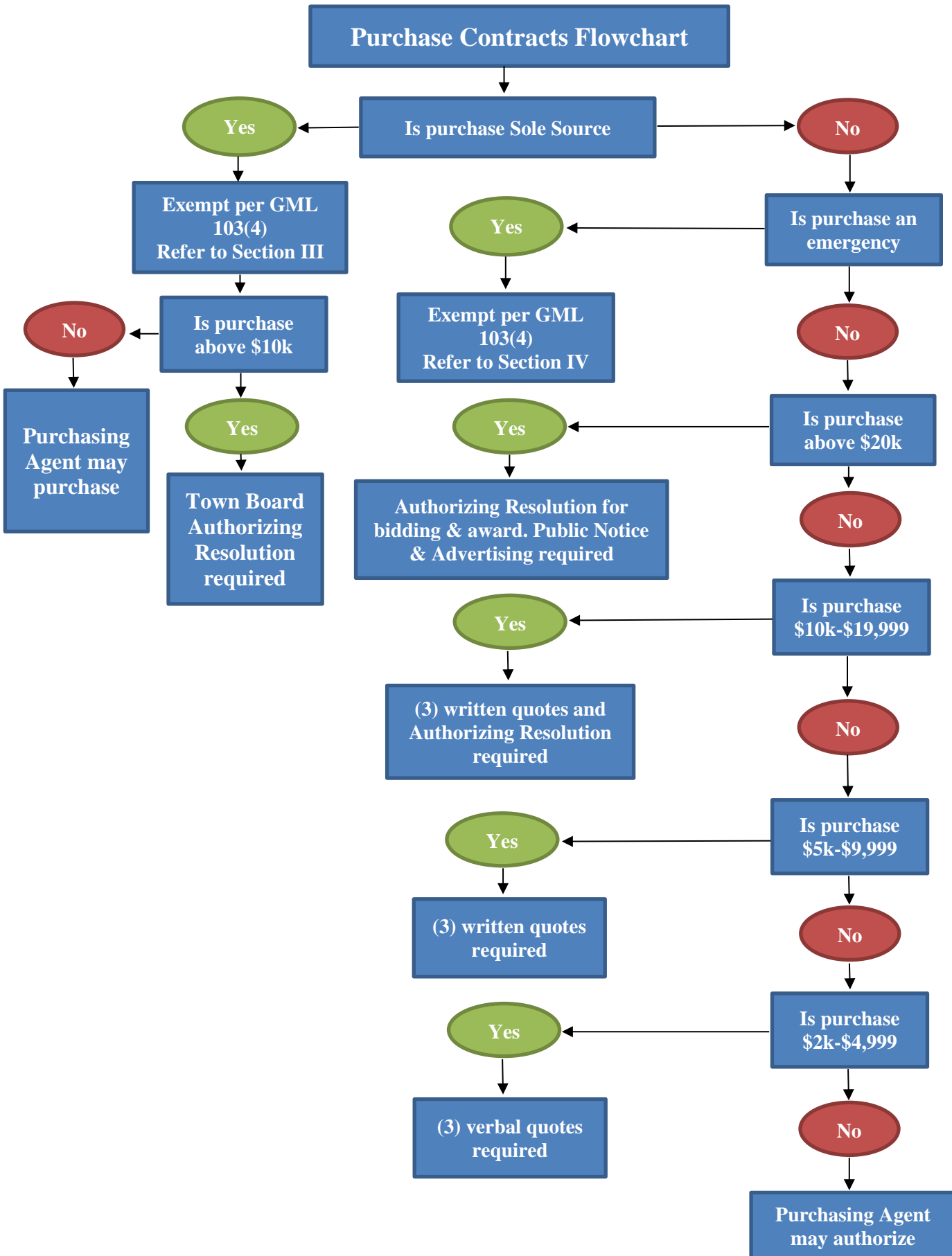
**\* The fact that a vendor is willing to meet or even provide pricing below an awarded State or County Bid Contract does not provide a basis for a contract or purchase award**

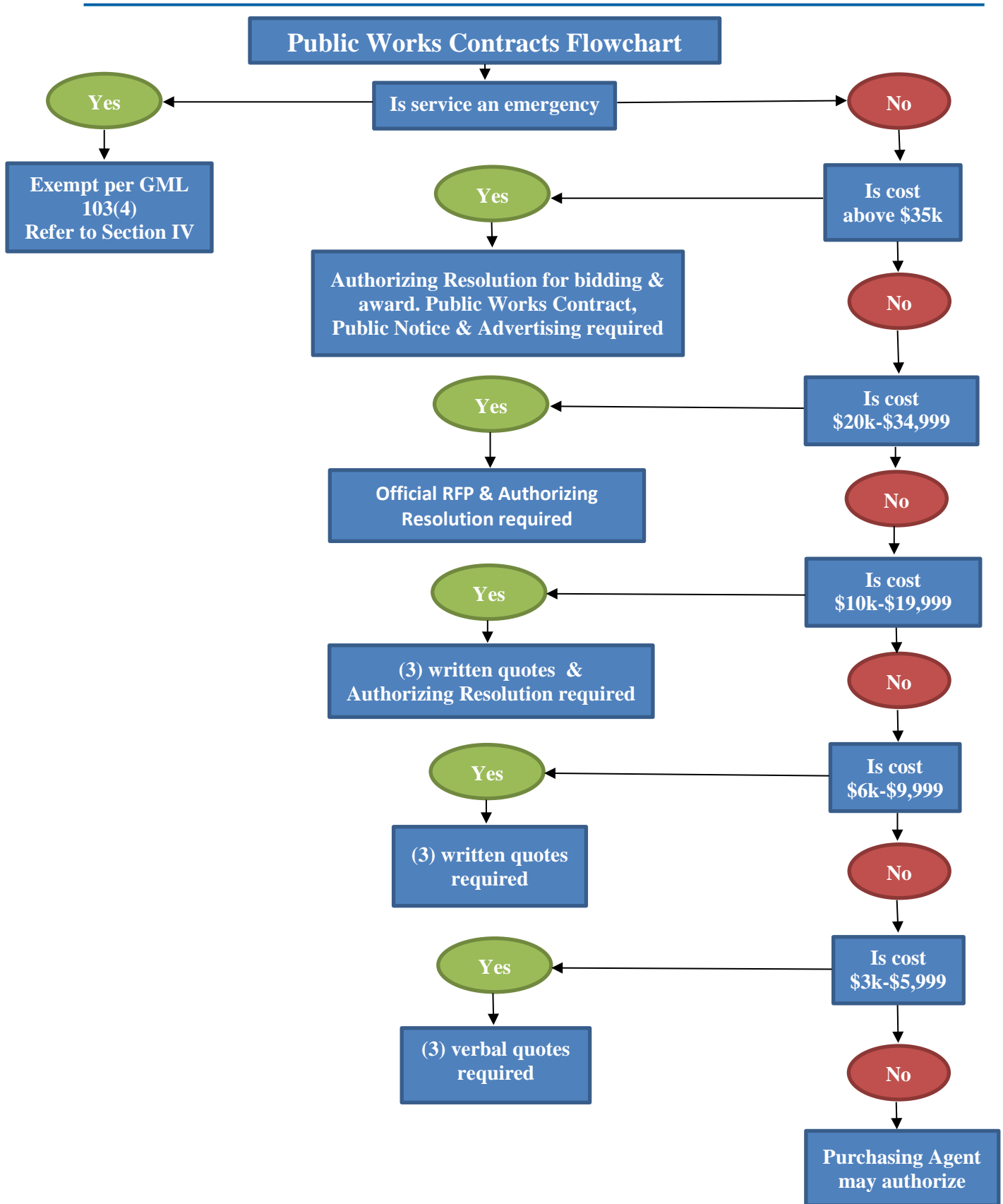
## METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS EXEMPT FROM GML103

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	
<b>Purchase Contracts Below \$20,000</b>						
Under 1,999	X					
2,000-4,999		X				
5,000-9,999			X			
10,000 – 19,999				X		
<b>Public Work Contracts Below \$35,000</b>						
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**

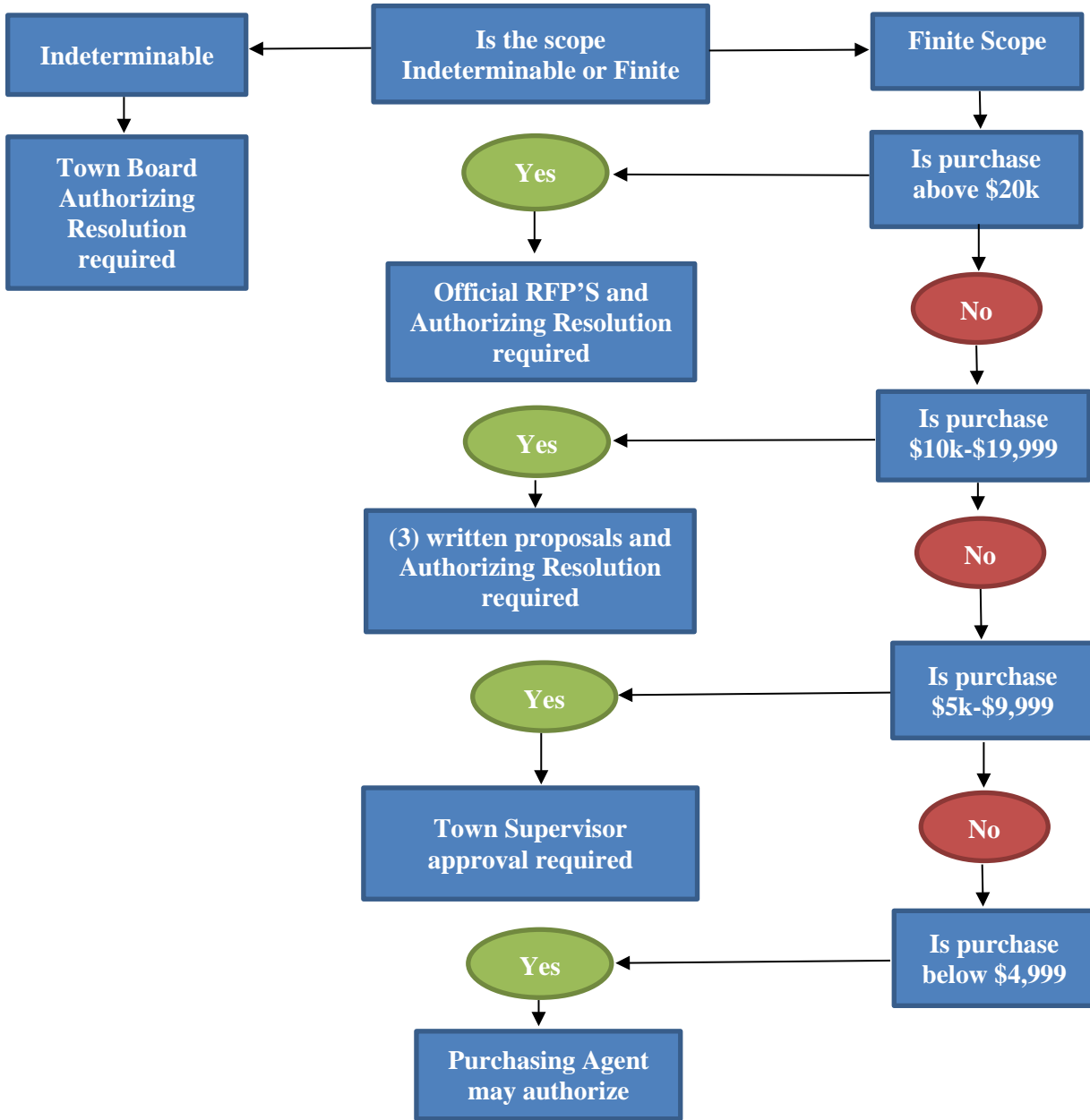
**INDETERMINABLE**

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 October 2022, as required under Section 104 of the NYS General Municipal Law, the Town is including the names of the municipal officials responsible for purchasing decisions, as follows:

<b><u>Position Title</u></b>	<b><u>Position Incumbent</u></b>
Town Supervisor	Michael Cazzari
Town Deputy Supervisor	Robert Schanil
Town Board	Stephen Baranowski
Town Board	Frank Lombardi
Town Board	Suzanne McDonough
Town Justice	Daniel Miller
Town Justice	Thomas Jacobellis
Court Clerk	Patricia Genna
Comptroller	Mary Ann Maxwell
Town Assessor	Glenn Droese
Town Clerk	Ann Spofford
Deputy Town Clerk	Alice Daly
Receiver of Taxes	Kathleen Kraus
Deputy Receiver of Taxes	Gary Kiernan
Town Civil Engineer	Richard Franzetti
Principal Account Clerk	Carol Ormsby
Highway Superintendent	Michael Simone
Deputy Highway Superintendent	Michael Martin
Chief of Police	Anthony Hoffmann
Lieutenant	Neil Brown
Lieutenant	Michael Bodo
Codes Enforcer	Michael Carnazza
Director of Parks and Recreation	James Gilchrist

### UPDATING THE POLICIES AND PROCEDURES

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

EXHIBIT "A"

**Sole Source Justification Form**  
**Town of Carmel Procurement Policy**

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**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.

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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**

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**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

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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:** \_\_\_\_\_



