

**NORTH SALEM TOWN BOARD AGENDA
REGULAR MEETING/WORKSESSION
VIA ZOOM
May 26, 2020
7:30 pm**

ZOOM DIAL IN NUMBER

1. 929-205-6099
2. ID 914-261-2636
3. <https://zoom.us/j/9142612636>

PRESENTATION

1. Cynthia Curtis, Planning Chair – Annual Stormwater Report

RESOLUTIONS

1. To Authorize Supervisor to Sign Insurance Renewal Coverage Agreement
2. To Establish the Standard Work Days for Supervisor and Town Justices
3. To Accept Recertification of the Record of Activities for Town Board Member, Town Clerk and Confidential Secretary
4. To Acknowledge Receipt of Resignation Letter
5. To Authorize Supervisor to Sign and File Annual Stormwater Report
6. To Authorize Refunds – North Salem Day Camp
7. To Authorize a Tax Refund
8. To Authorize a Tax Refund
9. To Authorize Payment – D’Amico Electric
10. To Authorize Budget Transfer
11. To Authorize Issuance of Bonds – Purchase of Land
12. To Authorize SEQR Determination – Purchase of Land
13. To Authorize the Purchase of Property
14. To Allow for the Waiver of Penalties – Late Filing of Certain Taxes Due to Postal Hardship

WORKSESSION

1. North Salem Town Restaurant/Business Reopening Plans
2. Croton Falls Walk-through Update

Posted: May 22, 2020

1. TO AUTHORIZE SUPERVISOR TO SIGN INSURANCE RENEWAL COVERAGE AGREEMENT - ASSURED PARTNERS NORTHEAST, LLC

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign the renewal agreement with AssuredPartners Northeast, LLC for the Town's comprehensive insurance for the period of May 14, 2020 through May 14, 2021 and to make payment in the amount of one hundred fourteen thousand six hundred three dollars (\$114,603.00).

2. TO ESTABLISH THE STANDARD WORK DAYS FOR SUPERVISOR AND TOWN JUSTICES

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby acknowledges the receipt of the record of activities by the Town Clerk for the Supervisor and two Town Justices and will report the days worked to the New York State and Local Employees' Retirement System based upon said records, and calculated in accordance with the required retirement system formula.

3. TO ACCEPT THE RECERTIFICATION OF THE RECORD OF ACTIVITIES FOR TOWN BOARD MEMBER, TOWN CLERK AND CONFIDENTIAL SECRETARY

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby acknowledges the receipt of the record of activities by a Town Board Member, the Town Clerk and the Confidential Secretary to the Supervisor.

4. TO ACKNOWLEDGE RECEIPT OF RESIGNATION LETTER

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby acknowledges receipt of a letter of resignation from Court Clerk Jennifer Santis dated May 18, 2020.

5. TO AUTHORIZE SUPERVISOR TO SIGN AND FILE ANNUAL STORMWATER REPORT

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign and file the Annual Stormwater Report for the period of March 9, 2019 through March 9, 2020.

6. TO AUTHORIZE REFUNDS – NORTH SALEM DAY CAMP

Motion made by
 Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the following cancellation refunds for the 2020 North Salem Day Camp:

<u>Name</u>	<u>Description</u>	<u>Amount</u>
Aparicio, Carly	2 - North Salem Resident Tuition (partial payment)	\$ 500.00
Thomas-Belloni, Arwen	1 - Lewisboro Resident Tuition	\$ 950.00
Brenninkmeyer, Beth	2 - Non-Resident Tuition; 2 - bus	\$ 2,460.00
Urban, John	2 - North Salem Resident Tuition; 2 - bus; 2 - Swim Lessons	\$ 2,084.00
Maloney, Lisa	1 - School District Tuition, partial session; 1 - bus	\$ 780.00
Pollaro, Stephanie	1 - CIT Program fee; 1 - bus	\$ 540.00
Roche, Jaime	1 - North Salem Resident; 1 - Bus	\$ 942.00
Lisi, Catherine	1 - North Salem Resident; 1 - Bus	\$ 942.00
Marinucci, Massimo	1 - Lewisboro Resident Tuition (partial payment)	\$ 465.00

7. TO AUTHORIZE A TAX REFUND

Motion made by
 Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes a tax refund in conjunction with the Application for Refund or Credit of Real Property Taxes Form RP-556, due to the corrected, reduced assessments for the 2017, 2018 and 2019 assessment years. The tax refund should be made payable and sent to: Cynthia Page, P.O. Box 620, North Salem, N.Y. 10560.

<u>Tax Parcel</u>	<u>Owner</u>	<u>Property Location</u>
26-1765-19	Cynthia Page	189 Vail Lane

Break Out of Total Refunds by Tax Description Line:

Town of North Salem	Refund Amount	\$566.48
County of Westchester	Refund Amount	\$392.69
CFFD	Refund Amount	\$113.94

Total Refund Amount to be issued by North Salem in accordance with NYSRPTL is \$566.48.

8. TO AUTHORIZE A TAX REFUND

Motion made by
 Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes a tax refund in conjunction with the Application for Refund or Credit of Real Property Taxes Form RP-556, due to the corrected, reduced assessment for the 2019 assessment year. The reduced assessment for the 2019 assessment roll did not reflect on the 2020 State, County and Town tax bill. The tax refund should be made payable and sent to: The O’Donohue Family Property Trust, M.M. Russell & J. O’Donohue Trustees, 649 Grant Road, North Salem, N.Y. 10560.

<u>Tax Parcel</u>	<u>Owner</u>	<u>Property Location</u>
35-1370-7	The O’Donohue Family Property Trust	1-83 Howe Lane

Break Out of Refund by Tax Description Line:

Town of North Salem	Refund Amount	\$208.16
County of Westchester	Refund Amount	\$139.03
CFFD	Refund Amount	\$0.00

Total Refund Amount to be issued by North Salem in accordance with NYSRPTL is \$208.16.

9. TO AUTHORIZE PAYMENT – D’AMICO ELECTRIC

Motion made by
 Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes payment in the amount of two thousand seven hundred fifty dollars (\$2,750.00) to D’Amico Electric for materials and labor to replace lights on seven poles on Back Street in Croton Falls.

10. TO AUTHORIZE BUDGET TRANSFER

Motion made by
 Seconded by

RESOLVED, that the Town Board of the Town of North Salem authorizes the following budget transfer:

<u>Acct #</u>	<u>Description</u>	<u>From</u>	<u>To</u>
A19904	Contingency	\$1,739.76	
A1910.4	Insurance, Unallocated		\$1,739.76

11. TO AUTHORIZE ISSUANCE OF BONDS – PURCHASE OF LAND

Motion made by
Seconded by

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project; **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 North Salem, Westchester County, New York, as follows:

Section 1. For the specific objects or purposes of paying the cost of the purchase of a parcel of land for general municipal purposes located at 580-588 Route 22, in Croton Falls, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued not to exceed \$500,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$500,000, and that the plan of financing thereof is by the issuance of \$500,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 21(a) 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. 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, 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 5. The faith and credit of said Town of North Salem, Westchester 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 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to

be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

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.

12. TO ISSUE SEQR DETERMINATION – PURCHASE OF LAND

Motion made by

Seconded by

WHEREAS, the Town Board of the Town of North Salem is considering the purchase of property at 580-588 Route 22, Town of North Salem, NY, and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 for which a Short Form Environmental Assessment Form (Short EAF) has been prepared assessing potential environmental impacts relating to the purchase, and

WHEREAS, the action is subject to permissive referendum, allowing public vote if a petition is filed.

RESOLVED, that the Town Board as the sole involved agency hereby confirms its status as lead agency for the environmental review of the Unlisted Action pursuant to the provisions of SEQR 6 NYCRR Part 617. As lead agency the Town Board has considered the Short EAF, and

FURTHER RESOLVED, that the Town Board, as lead agency, hereby determines that the proposed Unlisted Action will not have a significant adverse effect on the environment and further determines that preparation of an environmental impact statement will not be required. As such, the Town Board hereby issues the attached Notice of Negative Declaration, which includes supporting reasons for its determination of SEQR Non-Significance.

13. TO AUTHORIZE THE PURCHASE OF PROPERTY

Motion made by

Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the purchase of 580-588 Route 22 (Sec.10, Block 1711, Lot 3&6) for general municipal purposes at a purchase price of \$500,000.00 and hereby authorizes the Supervisor to execute all documents in connection therewith; and be it

RESOLVED, that the Supervisor is authorized to make a down payment for said property in the amount of \$50,000.00 made payable to “Stephen J.M. Brotmann, Esq., as attorney; and be it further

RESOLVED, that this resolution is adopted subject to permissive referendum and that the Town Clerk be authorized to publish a Notice of Permissive Referendum within ten (10) days hereof.

14. TO ALLOW FOR WAIVER OF PENALTIES - LATE FILING OF CERTAIN TAXES DUE TO POSTAL SERVICE ERROR

Motion made by

Seconded by

WHEREAS, on January 30, 2020, the World Health Organization [WHO] designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 7, 2020, the Governor of the State of New York declared a State of Emergency in the State of New York to address the threat of the COVID-19 virus to residents and visitors to the State of New York; and

WHEREAS, on March 11, 2020 the WHO declared COVID-19 a pandemic, pointing to the over 118,000 cases of the coronavirus illness in over 110 countries and territories around the world and the sustained risk of further global spread; and

WHEREAS, on March 19, 2020, the Town Supervisor issued an Emergency Disaster Declaration, declaring a state of emergency for the Town of North Salem; and

WHEREAS, on March 16, 2020, the County of Westchester declared a state of emergency in the County of Westchester; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 virus have been documented in New York State, Westchester County and the Town of North Salem; and

WHEREAS, due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Town. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and

WHEREAS, on April 20, 2020, Governor Cuomo issued Executive Order 202.22 that suspending certain laws pertaining to real property tax collection in the County of Westchester and authorized the Westchester County Executive to implement hardship criteria to alter the imposition of penalties for the late payment of taxes in local municipalities; and

WHEREAS, the Westchester County Executive has implemented hardship criteria to alter the imposition of penalties for the late payment of taxes in local municipalities, which are being applied in the Town of North Salem; and

WHEREAS, the New York State Real Property Tax Law, Section 925 states as follows:

“Notwithstanding any contrary provision of this chapter, or of any general, special or local law, code or charter, if payment for the amount of any taxes on real property, accompanied by the statement of such taxes, is enclosed in a postpaid wrapper properly addressed to the appropriate collecting officer and is deposited in a post office or official depository under the exclusive care and custody of the United States postal service, such payment shall, upon delivery, be deemed to have been made to such officer on the date of the United States postmark on such wrapper. If the postmark does not appear on such wrapper or the postmark is illegible such payment shall be deemed to have been made on the date of delivery to such collecting officer.”

WHEREAS, a hardship has been created with respect to strict compliance with the provisions of the New York State Real Property Tax Law, Section 925, on account of disruptions to the functioning of the United States Postal Service caused by COVID-19 pandemic, which has led to the postmarking of tax payments mailed prior to April 30, 2020, to be delayed beyond the April 30, 2020 postmarking date resulting in potential unwarranted penalties to taxpayers; and

WHEREAS, to address this hardship, measures are being undertaken to allow such delayed mailings to be accepted by the Town Tax Receiver without the imposition of penalties, despite the date of the United States Postal Service postmark affixed thereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board authorizes and accepts the use of hardship criteria stemming from this disruption of the United States Postal Service’s operations, so as to allow the Town Tax Receiver to accept, as timely, mailed tax payments bearing a postmark later than April 30, 2020, provided the taxpayer certifies that such payment was placed into the custody of the United States Postal Service on or before April 30, 2020; and

IT IS FURTHER RESOLVED, that any such hardship shall apply only to payments required to be postmarked prior to April 30, 2020; and

IT IS FURTHER RESOLVED, that the terms and provisions of this Resolution shall be subject to final approval by the Town Attorney prior to being implemented.