

**NORTH SALEM TOWN BOARD AGENDA
REGULAR MEETING/WORKSESSION
TOWN MEETING HALL
66 JUNE ROAD
June 13, 2023
7:30 pm**

**MEETINGS ARE IN-PERSON or
ZOOM DIAL IN NUMBER**

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

PRESENTATIONS

1. Westchester Power Program Electricity Supply Bid – Dan Welsh, Director

APPROVAL OF REPORTS

1. Building Inspector's Monthly Report – May 2023
2. Highway Department Monthly Report – May 2023
3. Planning Board Financial Report – May 2023
4. Police Department Monthly Report – May 2023
5. Receiver of Taxes Monthly Report (including any tax refunds) – May 2023
6. Recreation Department Monthly Reports – May 2023
7. Supervisor's Monthly Report – May 2023
8. Town Clerk's Monthly Report – May 2023

APPROVAL OF MINUTES

1. May 9, 2023 – Regular Meeting/Worksession
2. May 23, 2023 - Regular Meeting/Worksession
3. May 31, 2023 – Special Meeting

RESOLUTIONS

1. To Pay Town Bills
2. To Pay Highway Bills
3. To Authorize Supervisor to Execute Memorandum of Understanding with Sustainable Westchester, Inc
4. To Authorize Building Inspector to Require on Site Ambulance
5. To Appoint Seasonal Personnel - 2023 Day Camp Staff
6. To Appoint Volunteer - Recreation
7. To Authorize Refund – Recreation Programs
8. To Authorize Supervisor to Sign Agreements – 2023 Recreation Programming
9. To Authorize Compensatory Time Pay – Recreation Assistant
10. To Authorize Supervisor to Sign Agreement – Westchester County Camp Hemlock
11. To Authorize Town Attorney to Extend Stipulation – Lukashok
12. To Authorize Expense – Matrix Security System

13. To Authorize Supervisor to Sign Agreement and Authorize Payment for the 2022 Senior Citizens Nutrition Program
14. To Set Public Hearing Date – To Consider a Local Law to Amend the Code of the Town of North Salem by Amending Chapter 8 Entitled Taxation
15. To Award Bid – Lumar Plumbing & Heating
16. To Authorize Budget Modification
17. A Resolution Authorizing the Cost of Planning Studies and Preliminary Engineering Costs for Improvements to the Croton Falls Water District, in the Town of North Salem, Westchester County, New York, at a Maximum Estimated Cost of \$250,000, and Authorizing the Issuance of up to \$250,000 Bonds of Said Town to Pay the Cost Thereof

WORKSESSION

1. Discussion with Angelo D'Agostino, Chairman of the Board of Commissioners, Croton Falls Fire Department regarding Volunteer's Exemption

Posted: June 9, 2023

1. TO PAY TOWN BILLS

Motion made by
Seconded by

RESOLVED, that the Town Bills totaling \$283,957.29 as listed on Abstract #6, claims 365 through 445 be audited, approved, and ordered paid.

2. TO PAY HIGHWAY BILLS

Motion made by
Seconded by

RESOLVED, that the Highway Bills totaling \$29,937.60 as listed on Abstract #6, claims 186 through 215 be audited, approved, and ordered paid.

3. TO AUTHORIZE SUPERVISOR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH SUSTAINABLE WESTCHESTER, INC

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to execute a Memorandum of Understanding with Sustainable Westchester, Inc. renewing the Community Choice Aggregation Program (CCA) and reauthorizing the CCA program under the Master Implementation Plan for an additional term of up to three (3) years.

4. TO AUTHORIZE BUILDING INSPECTOR TO REQUIRE ON SITE AMBULANCE

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes its Building Inspector to require a BLS (Basic Life Support) equipped ambulance to be on site with a backup BLS equipped ambulance on standby, if necessary, during the operational hours of a business, special event, exhibition, market or other similar activity where in the opinion of the Building Inspector it can be reasonably anticipated that the attendees or guests will exceed 2,000 people inclusive of all on site employees of a business and all on site volunteers of a sponsor or organization.

5. TO APPOINT SEASONAL PERSONNEL – 2023 DAY CAMP STAFF

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby appoints the following seasonal employees as the 2023 Summer Camp Staff for the period of June 24, 2023 through August 6, 2023.

*** see attached ***

BE IT FURTHER RESOLVED, that the Town Board of the Town of North Salem hereby appoints Tyler Sandor as a Recreation Assistant at an hourly salary of \$18.00 from June 14, 2023 through September 12, 2023.

6. TO APPOINT VOLUNTEER - RECREATION

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby appoints Adam Cannistra as a volunteer counselor at North Salem Day Camp from June 24, 2023 through July 21, 2023.

7. TO AUTHORIZE REFUND – RECREATION PROGRAM

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the following refund for Recreation Programs:

Parks/Recreation Camp, A 2002

- Jocelyn De Carvalho, 4 Lakeview Drive, Yorktown Heights, NY 10598, in the amount of one thousand five hundred dollars (\$1,500.00).

8. TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENTS – 2023 RECREATION PROGRAMMING

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign Recreation Programming Service Agreements for the following:

<u>Instructor/Vendor</u>	<u>Program Name/Service</u>	<u>Program/Service Dates</u>	<u>Amount Paid to Vendor</u>	<u>Total Cost paid by Participant</u>
Chris Martinelli, Saints	All-Sports Camp	6/19/23, 10am-12pm	\$25 per participant	\$30 per participant
Chris Martinelli, Saints	Speed & Agility Clinic	2023 Season	\$90 per participant	\$99 per participant
Jack Voight, Overtime Athletics	Multi-Sport Camp	8/28-8/31, 9am-12pm	\$164 per participant	\$189 per participant
Joylight Production	FREE Music Together Classes for Children and Families	2023 Season	\$0 per participant	\$0 per participant

9. TO AUTHORIZE COMPENSATORY TIME PAY – RECREATION ASSISTANT

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes 23.5 hours of compensatory time pay for Recreation Assistant Colleen Casale for compensatory time accrued due to staff supervision at 3 Owens Road outside of usual business hours at an hourly rate of thirty-one dollars and thirty-six cents (\$31.36).

10. TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT – WESTCHESTER COUNTY CAMP HEMLOCK

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign a permit agreement with Westchester County for the use of Camp Hemlock as North Salem day camp for a term from June 1, 2023 through September 1, 2023.

11. TO AUTHORIZE TOWN ATTORNEY TO EXTEND STIPULATION - LUKASHOK

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Town Attorney to extend the Stipulation of Settlement in the matter entitled Alvin Lukashok et al. v. Town of North Salem, et al. - Index No. 19771/87 until December 31, 2023.

12. TO AUTHORIZE EXPENSE – MATRIX SECURITY SYSTEM

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes an expense in the amount of one thousand six hundred ninety-five dollars (\$1,695.00) to Matrix Security Systems Inc. to replace twelve (12) smoke detectors in the Annex at 274 Titicus Road.

13. TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT AND AUTHORIZE PAYMENT FOR THE 2022 SENIOR CITIZENS NUTRITION PROGRAM

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby authorizes the Supervisor to sign a Memorandum of Agreement among the Towns of Somers, Lewisboro, and North Salem, for the Senior Citizen Nutrition Program provided by the Town of Somers, effective January 1, 2022 through December 31, 2022, and authorizes a payment in the amount of nineteen thousand four hundred eighty-two dollars and eighty-nine cents (\$19,482.89) to the Town of Somers.

14. TO SET PUBLIC HEARING DATE - TO CONSIDER A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NORTH SALEM BY AMENDING CHAPTER 8 ENTITLED TAXATION

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby sets a Public Hearing on Tuesday, July 11, 2023 at 7:30 pm at the Town Meeting Hall, 66 June Road, North Salem, New York (and via zoom link to be published with the notice), to consider a local law to amend the Code of the Town of North Salem by amending Chapter 8 entitled Taxation to extend the real property tax exemption authorized by Section 466-a of the Real Property Tax law as enacted by Chapter 670 of the Laws of 2022 to volunteer fire fighters and ambulance workers for purposes of Town taxation.

*** see attached ***

15. TO AWARD BID – LUMAR PLUMBING & HEATING

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem hereby awards the bid for the installation of water meters in the Salem Acres Water District to Lumar Plumbing & Heating in the amount of seventeen thousand five hundred four dollars (\$17,504.00) as the lowest responsible bidder at the bid opening at Town Hall on June 2, 2023 at 2:00 pm, and as recommend by Hahn Engineering.

16. TO AUTHORIZE BUDGET MODIFICATION

Motion made by
Seconded by

RESOLVED, that the Town Board of the Town of North Salem approves the following modification to the 2023 Budget:

Increase	A2705	Donations	\$4,000.00
Increase	A31202	Equipment	\$4,000.00

17. A RESOLUTION AUTHORIZING THE COST OF PLANNING STUDIES AND PRELIMINARY ENGINEERING COSTS FOR IMPROVEMENTS TO THE CROTON FALLS WATER DISTRICT, IN THE TOWN OF NORTH SALEM, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$250,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$250,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

Motion made by
Seconded by

WHEREAS, all conditions precedent to the financing of the object or purpose hereinafter described have been performed; and

WHEREAS, it is now desired to authorize the financing thereof; NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of North Salem, Westchester County, New York, as follows:

Section 1. Planning studies and preliminary engineering costs relating to proposed improvements to the Croton Falls Water District, in the Town of North Salem, Westchester County, New York, including incidental expenses related thereto, are hereby authorized at a maximum estimated cost of \$250,000, pursuant to General Municipal Law Section 99-d.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$250,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62(2nd) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years.**

Section 4. 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. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities

Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Health and Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes for said class of objects or purposes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10.

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 11.

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 12.

This resolution, which takes effect immediately, 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.