

Bedford Hills, New York
December 16, 2008

The second meeting for the month of December of the Town Board of the Town of Bedford was held on December 16, 2008 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:25 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	:Supervisor
	Peter Chryssos	:Councilman
	Francis Corcoran	:Councilman
	Chris Burdick	:Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Nancy Tagliafierro	:Town Attorney
	Joan Gallagher	: Director of Personnel
	Kevin Winn	: Commissioner of Public Works
	Richard Megna	: Building Inspector
	Jeffrey Osterman	: Director of Planning
	Christian Menzel	: Chief of Police
	William Heidepriem	: Supt. Of Recreation and Parks
	Edward J. Ritter	: Town Comptroller
	Marcy Marchiano	: Asst. to Supervisor

And approximately eleven (11) residents/observers.

APPROVAL OF CLAIMS

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED, that the following claims be allowed for payment from their respective funds,

General Fund	\$	53,863.17
Highway Fund		18,499.53
Consolidated Water District		5,235.41
Drug Abuse		1,155.57
Special Districts:		
Bedford Village Memorial Park		2,537.15
Bedford Hills Memorial Park		1,910.01
Katonah Memorial Park		592.47
Bedford Lighting District		476.75
Capital Projects		466,367.31
	\$	<u>550,637.37</u>

MONTHLY REPORTS

Building	Parking
Code Enforcement	Police Consolidated
Dog Control	Receiver of Taxes
Department of Public Works	Town Clerk
Justice Court	Water

Mrs. Roberts advised that these reports were available for review during normal business hours in the offices of the Town Clerk and the Supervisor.

CORRESPONDENCE

1. Hazel Nourse letter of resignation as Chairman and member of the Zoning Board of Appeals.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

WHEREAS, by Resolution 96/341 dated September 17, 1996, Hazel W. Nourse was appointed to fill a vacancy on the Town of Bedford Zoning Board of Appeals and was then reappointed to the Board in 2001 and 2006; and

WHEREAS, by Resolution 217/2002 dated May 21, 2002, Mrs. Nourse was appointed to chair the Zoning Board of Appeals following the resignation of Hugh C. McMillan; and

WHEREAS, by letter dated December 1, 2008, Mrs. Nourse advised that she was resigning from the Town of Bedford Zoning Board of Appeals to pursue other adventures,

NOW, THEREFORE, BE IT RESOLVED

THAT, the Town Board does hereby accept the resignation of Hazel W. Nourse, member and chair of the Town of Bedford Zoning Board of Appeals, with thanks for her service to the Town of Bedford, effective January 31, 2009.

OLD BUSINESS

1. Request from Michael Klemens for support of Metropolitan Conservation Alliance (first considered at the second regular Town Board meeting in September).

On a motion by Mr. Burdick, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the appropriation of \$4750 for the support of the Metropolitan Conservation Alliance, Michael Klemens, PhD, for work with the Eastern Biotic Corridor towns of Bedford, Lewisboro, Pound Ridge and North Salem.

2. Consider application to renew Cabaret License – Willy Nick's.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that Willy Nick's Restaurant and Bar, having met all requirements as set forth in Chapter 44 of the Town Code be issued a Cabaret License for the calendar year of 2009, such license to expire on December 31, 2009.

3. Approval of license agreement with owners of Sunnyfield Farm for road access.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

WHEREAS, The Town of Bedford is owner of a parcel of land located on David Lapsley Road which property is designated on the Town Tax Map as 84.10.1.15; and

WHEREAS, Sunnyfield Farm Inc. is the owner of an adjacent parcel of land located at 749-801 South Bedford Road, which parcel is designated on the Town of Bedford Tax Map as 84.9.1.5; and

WHEREAS, the Town is seeking to enter into a License Agreement with Sunnyfield in order to utilize an existing driveway on the Sunnyfield property which starts on South Bedford Road and extend said driveway to the adjacent parcel owned by the Town, upon which Town parcel a municipal water tank will be erected and operated; and

WHEREAS, Sunnyfield is amenable to granting a license to the Town,

NOW, THEREFORE BE IT RESOLVED THAT

The Town Board does hereby approve the License Agreement with all conditions with Sunnyfield Farm Inc., for a one-time sum of \$20,000 upon receipt of the fully executed agreement.

4. Memo to the Planning Board regarding Northern Westchester Park Associates II plan for Bedford Park South.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the transmittal of the following memorandum from Supervisor Lee V. A. Roberts to Jeffrey Osterman, Don Coe and the Planning Board:

The Town Board has received and reviewed a memorandum from the Planning Board dated 11/13/08 regarding the request of Northern Westchester Park Associates II for an amendment to the Zoning Law and Zoning Map of the Town of Bedford. On behalf of the Town Board I wish to thank the Planning Board and Planning Department for their hard work with regard to this application and the careful review and considerations outlined in your memorandum.

Because of the importance of this application to the Town and the neighborhood, the Town Board is again requesting your assistance in determining the proper development of this property. We request that the Planning Board work with the applicant to create a better response to the following issues:

1. Traffic. A sound plan for adequate and safe traffic circulation must be created that does not depend on the use of McLain Street.
2. Zoning Transition. The proposed development must form a proper transition between the office development along Route 172 and single-family residences on McLain Street. The type and size of proposed buildings and available screening should be part of this consideration.
3. Hamlet Centers. The Town Development Plan states that multi-family housing should be located near hamlet centers where public facilities and shopping are available to the residents. The Planning Board should determine whether this requirement can be met.
4. Zoning District. If the above issues can be resolved, the Planning Board should recommend a zoning mechanism to meet the Town's goals for this proposal.
5. Additional repair work for Katonah Booster pump.

On a motion by Mr. Chryssos, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve a change order in the amount of \$7,000 to the contract with Stephen B. Church Company to replace the motor and repair the pump at the Katonah Well, for a total project cost of \$17,000, funding to come from the Consolidated Water District budget, as per the memorandum dated December 11, 2008 from Kevin Winn, Commissioner of Public Works.

- 6. Consider proposed fees/rates for 2009:
 - a. Planning and Wetland fees.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
 Nays: None
 Absent: None

RESOLVED that the Town Board does hereby approve the following schedule of fees for the Planning and Wetlands Departments:

Application Type	2008 Fees	Additional fees	2009 Fees
Planning			
Preliminary Subdivision	\$200 + \$150 per lot	\$300	\$500 + \$150 per lot
Final Subdivision	\$200 + \$100 per lot	\$300 + \$50	\$500 + \$150 per lot
Waiver of Subdivision Lot Line Adjustment	\$0	\$300	\$300
Recreation Fee	\$10,000	\$0	\$10,000
Preliminary Site Plan	\$500 + \$25 per parking space	\$0	\$500 + \$25 per parking space
Final Site Plan	\$25 per parking space	\$200	\$200 + \$25 per parking space
Special Use Permit	\$150	\$50	\$200
Special Use Permit Accessory Apartments & Cottages	\$75	\$25	\$100
Steep Slopes	\$100 + \$250 per 10,000 square feet disturbed steep slope	\$0	\$100 + \$250 per 10,000 square feet disturbed steep slope
Wetlands			
Administrative Permit	\$100	\$50	\$150
Full Wetlands Permit	\$100 Project involving a single lot	\$100	\$200 Project involving a single lot
	\$100 + \$25 for each additional lot or \$100 + \$50 per acre of affected wetland (whichever is higher)	\$100	\$200 + \$25 for each additional lot or \$200 + \$50 per acre of affected wetland (whichever is higher)

- b. Building Department fees for Temporary Certificate of Compliance; Oil Tank Installation, Removal or Abandonment; and Tree Removal.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson

Nays: None
 Absent: None

RESOLVED that the Town Board does hereby approve the following schedule of fees for the Building Department for Temporary Certificate of Compliance; Oil Tank Installation, Removal or Abandonment; and Tree Removal as follows:

Temporary Certificate of Compliance (6 month term)	\$500	
Oil Tank Installation/Removal/Abandonment	\$75	
Tree Removal Permit		
One to Ten Trees	\$50	The Tree Advisory Board shall make recommendations when more than 50 trees are to be removed.
Ten to 50 Trees	\$50	
More than 50 trees	\$100	

- c. DPW highway fees and set public hearing to increase fees and related changes in Town Code.

On a motion by Mr. Corcoran, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
 Nays: None
 Absent: None

RESOLVED that the Town Board does hereby approve the following schedule of fees for the Department of Public Works:

Permit Type	Current Fee 2008	2009 Fee	Security Deposit 2008	2009 Security Deposit
Street Opening Permit	\$10	\$200	\$1000	\$1200
Perform Construction in town Right of Way	\$10	\$200	\$1000	\$1200
Perform tree removal and/or landscaping work within town Right of Way	No fee currently specified	\$200	No fee currently specified	\$1200
Driveway Opening Permit	\$20	\$200	\$1000	\$1200
Sidewalk Opening	\$10	\$200	\$1000	\$1200
Connection to Town Storm Drain or Catch Basin	No fee currently specified	\$200	No fee currently specified	\$1200
Street and Sidewalk Obstruction	No fee currently specified	\$100 for 7 days plus \$20 per day each day thereafter	No fee currently specified	\$1200
Administrative fee for not using Town of	No fee currently specified	\$120		

Bedford Public Works applications				
Restoration fee for the performance of non-emergency work within town right of way within 5 years of paving and/or construction by the Town of Bedford	No fee currently specified	\$200		
Restoration fee for the performance of emergency work within town right of way within 5 years of paving and/or construction by the Town of Bedford	No fee currently specified	\$100		

d. Water rate increases and schedule public hearing.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
 Nays: None
 Absent: None

RESOLVED that the Town Board does hereby schedule a public hearing to consider water rate increases for the Consolidated Water District, Cedar Downs Water District and the Old Post Road Water District for Tuesday, January 20, 2008 at 7:15 P.M. at the Town House, 321 Bedford Road, Bedford Hills, New York.

e. Rates for Summer Day Camps, Tiny Tot Camps, Teen Travel Camp and Park ID (pool).

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
 Nays: None
 Absent: None

RESOLVED that the Town Board does hereby approve the following fees for the Recreation and Parks Department for calendar year 2009:

Teen Get Away Travel Camp	Full Season	\$875
Bedford Hills Community House	Rental	no change in fees
Day Camp	3/23 to 5/15	after 5/15
1 st Child – Full Session	\$370	\$480
Each Additional Child – Full Sess.	\$305	\$395
1 st Child in Session 1 or 2	\$310	\$400
	3/23 to 5/15	after 5/15
Each Add'l child Sess 1 or 2	\$250	\$330

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Tiny Tots	3/23 to 5/15	after 5/15
1 st Child – Full Session	\$300	\$395
Each Additional Child – Full Sess.	\$250	\$330
1 st Child in Session 1 or 2	\$255	\$335
Each Add'l child Sess 1 or 2	\$210	\$280
Pool Rates	3/23 to 5/15	after 5/15
Family (Full Season)	\$265	\$305
Adult Season	\$131	\$150
Child Season	\$47	\$58
Senior Citizen	\$40	\$40
Chile Care Provider	\$290	\$305
Adult Pay Tag	\$71 + 8	\$71 + 8
Replacement ID cards	\$20	\$20
Daily Guest Fee	\$8 Adult/\$5 Child	Same

f. Dog Park fees.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the following rates for 2009 for the Dog Park:

1 st Dog	\$40
2 nd Dog	\$30
3 rd Dog	\$20
Guest Pass	\$5

7. Consider recommendation for Water Treatment Plant Architectural Services.

On a motion by Mr. Corcoran, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby award the contract for the Water Treatment Plant Architectural Services, Phase I and Phase II to Lothrop Associates, Valhalla, New York, in an amount not to exceed \$28,500 for Phase I and proposed competitive bidding rates for Phase II, as per the memorandum dated December 15, 2008 from Kevin Winn, Commissioner of Public Works.

8. Discussion about Corsi lawsuit appeal, Executive Session.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board shall discuss the Corsi lawsuit appeal in an executive session to be conducted at the conclusion of the regular meeting.

NEW BUSINESS

1. Request to authorize the Town Clerk to go to bid for publication and mailing services for the 2009 Recreation and Parks Department seasonal brochures.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby grant approval for the Town Clerk to go to bid for publication and mailing services for the 2009 Recreation and Parks Department seasonal brochures, as per the memorandum dated December 15 2008 from Bill Heidepriem, Superintendent of Recreation and Parks and Daryl Ann Sudlow, Assistant Superintendent.

2. Police Department request to purchase Protective Body Armor.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the request from the Police Department to purchase four (4) Protective Body Armor Systems from New England Uniform at the New York State Contract price, not to exceed \$1600 per vest, as per the memorandum dated December 12, 2008 from Chief of Police, Christian Menzel.

3. Consider Snow & Ice Agreement (2009-2010) with NYS DOT.

On a motion by Mr. Gabrielson, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the New York State 2009-2010 Municipal Snow and Ice Agreement Extensions, commencing July 1, 2009 and expiring June 30, 2010, thus extending agreement no. D014717 dated December 17, 2003, in the amount of \$2,248.84 per lane mile for 13.98 miles for the 2007/08 season and for the remainder of the term of the agreement.

On a motion by Mr. Gabrielson, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the New York State 2010-2011 Municipal Snow and Ice Agreement Extensions, commencing July 1, 2010 and expiring June 30, 2011, thus extending agreement no. D014717 dated December 17, 2003, in the amount of \$2,688.93 per lane mile for 13.98 miles for the 2008/09 season and for the remainder of the term of the agreement.

4. Consider Memorandum of Understanding with NYS Department of Correctional Services for joint advancement of a Town-owned and operated water treatment system.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby agree to the Memorandum of Understanding with New York State Department of Correctional Services for joint advancement of a Town-owned and operated water treatment system, as per the letter

dated December 5, 2008 from Maynard J. Porter, Jr., Director, Facilities Planning and Management, State of New York Department of Corrections.

5. Appointments to boards, commissions, etc. and personnel issues.
 - a. Consider appointment of Mark Thielking as volunteer Director of Energy Resources.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the appointment of Mark Thielking to the volunteer position of Director of Energy Resources for the Town of Bedford.

- b. Request from Personnel Director Joan Gallagher to meet with the Town Board in Executive Session to discuss collective bargaining negotiations as relates to the Police Department.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board shall discuss collective bargaining negotiations as they relate to the Police Department in an executive session to be conducted at the conclusion of the regular meeting.

- c. Select dates for interviews for appointment of chairman and to fill vacant seat on the Zoning Board of Appeals.

The Town Board will be interviewing candidates for the vacant seat on the Zoning Board of Appeals and for the chairmanship of this Board on Wednesday, January 14, 2008 beginning at 6:30 PM.

- d. Lisa Spano reappointment to the Zoning Board of Appeals.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby reappoint Lisa Spano to the Zoning Board of Appeals for a 5 year term, effective 1/20/09 through 1/20/14.

- e. Consider reappointing Steve Lancia, Nancy Troiano and Jack McMahon to the Recreation and Parks Advisory Committee.

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby reappoint Steve Lancia, Nancy Troiano and Jack McMahon to the Recreation and Parks Advisory Committee for a three (3) year term from December 21, 2008 to December 21, 2011.

- f. Appoint Tree Advisory Board Chair.

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby appoint Michael Serio to the position of Chairman, Tree Advisory Board.

6. Consider replacing vehicle for the Building Department.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the purchase of a 2008 Chevrolet Silverado 2500HD 4WD vehicle, equipped with a medium plow from Arroway Chevrolet in Katonah, New York at a cost of \$26,689.55, to be purchased with existing 2008 funds and to replace two Chevy Suburbans owned by the Town of Bedford, as per the memorandum dated December 15, 2008 from Edward J. Ritter, Comptroller.

7. Set Work Sessions for discussion of Capital Projects and Legislative Agenda for 2009.

The Town Board of the Town of Bedford set a work session for the discussion of Capital Projects and the 2009 Legislative agenda for Tuesday, January 27, 2009 at 7:00 PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

8. Consider approval of Workers' Compensation quotes.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the Workers Compensation Insurance quote from PERMA, the Town's current provider, with a premium in the amount of \$438,523, which is \$51,506 less than the quote received from the NYS State Insurance Fund Safety Group, as per the memorandum dated December 15, 2008 from Edward J. Ritter, Comptroller.

9. Approve 2009 holiday schedule for Town of Bedford offices.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

WHEREAS, that per the Personnel Manual, paid holidays during the year 2009 for Town House employees will be observed as follows:

New Year's Day	Thursday, January 1
Martin Luther King Jr. Day	Monday, January 19
President's Day	Monday, February 16
Good Friday	Friday, April 10
Memorial Day	Monday, May 25
Independence Day	Friday, July 3

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Labor Day	Monday, September 7
Columbus Day	Monday, October 12
Election Day	Tuesday, November 3
Veterans Day	Wednesday, November 11
Thanksgiving	Thursday, November 26
Friday after	Friday, November 27
Christmas Eve (Floating Lincoln)	Thursday, December 24
Christmas	Friday, December 25

The Town Board adjourned to Executive Session at 10:10 PM and reconvened the public session at 10:30 PM.

Nancy Tagliaferro reported that the Corsis have until January 5th to appeal. The Board agreed to offer to sell them the land in question for \$125,000 or retain ownership for a \$50,000 restrictive covenant saying that the Town would not build a parking lot on the land.

The Board agreed to create a Community Service Worker (CSW) position and eliminate the Assistant Court Clerk position in the Police Department at a pay range A1 \$36,430.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick, Gabrielson
Nays: None
Absent: None

RESOLVED that the Town Board shall create a Community Service Worker (CSW) position and eliminate the Assistant Court Clerk position in the Police Department at a pay range A1 \$36,430.

There being no further discussion the meeting was adjourned at 10:35 PM.

Lisbeth Fumagalli, Town Clerk