

Bedford Hills, New York
February 24, 2009

The second meeting for the month of February of the Town Board of the Town of Bedford was held on February 24, 2009 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 7:58 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	:Supervisor
	Peter Chryssos	:Councilman
	Francis T. Corcoran	:Councilman
	Chris Burdick	:Councilman
	David Gabrielson	:Councilman
	Lisbeth Fumagalli	:Town Clerk
	Joel H. Sachs	:Town Attorney
	Amy Pectol	:Receiver of Taxes
	Christian Menzel	:Chief of Police
	Kevin Winn	:Commissioner of Public Works
	William Heidepriem	:Superintendent of Recreation
	Edward J. Ritter	:Town Comptroller
	Marcy Marchiano	:Asst. to Supervisor

and approximately twenty-five (25) residents/observers.

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

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

RESOLVED that the Town Board shall adjourn to executive session to discuss a legal matter.

The Town Board meeting was reconvened to the public session at 8:38 PM and called to order by Supervisor Roberts.

PUBLIC COMMENT –

A resident advised the Board that during the work session he had been unable to hear the dialog. Mrs. Roberts responded that the Town Board would address this concern for future sessions.

APPROVAL OF CLAIMS

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

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

RESOLVED, that the following claims for 2008 be allowed for payment from their respective funds,

General Fund	\$ 74,084.35
Highway Fund	9,375.94
Consolidated Water District	510.97
Cedar Downs Water District	25.00
Farms Water District	25.00
Old Post Road Water District	50.00
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	\$ 84,071.26

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

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

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RESOLVED, that the following claims for 2009 be allowed for payment from their respective funds,

General Fund	\$	132,852.65
Highway Fund		215,687.76
Consolidated Water District		5,566.80
Cedar Downs Water District		40.20
Farms Water District		3,246.19
Old Post Road Water District		268.50
Special Districts		
Bedford Village Memorial Park		2,645.88
Bedford Hills Memorial Park		3,982.48
Katonah Memorial Park		2,539.77
Katonah Lighting District		259.92
Capital Projects		<u>68,675.89</u>
	\$	435,766.04

MONTHLY REPORTS

Building	Justice Court	Receiver of Taxes
Code Enforcement	Parking	Recreation and Parks
Department of Public Works	Police Consolidated	Town Clerk
Finance		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.

PRESENTATION

- Presentation by Bedford Dog Owners Group

Appearing before the Board were members of the Bedford Dog Owners Group Rose Goldfine, Amy Peckham and Marc Bergman.

Ms. Goldfine addressed the Board to express concerns that Bedford Dog Owners Group (BDOG) had with the increase in the usage fees for the dog park from \$20 to \$40, noting that this group felt there should be no fees for dog owners to use the park or reduce the fee to \$10.00. She added that this group had donated approximately \$400,000.00 to the Town of Bedford for this facility and that it was an improvement to the community.

A discussion followed concerning the usage fees and the number of dogs licensed in the Town and whether dogs from other Towns could use the park. BDOG restated its belief that the dog park should be free to use as well as open to non-residents. The Board pointed out that the dog park was not supported by park district funding, as is each of the hamlet parks but that they would consider reducing the \$40 annual fee to \$10.00 as BDOG had requested in their letter to the Town Board.

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

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

RESOLVED that that Town Board does hereby approve the reduction in the annual permit fee to use the Canine Commons at Beaver Dam Dog Park from \$40.00 to \$10.00, and it is further

RESOLVED that the dog park shall only be for open to the residents of the Town of Bedford, no non-resident permits shall be issued and it is further

RESOLVED that if a resident cannot afford the annual permit fee, there will be financial assistance available.

- Communications Committee Recommendation on Webcasting

Appearing before the Board was Communications Committee Chairman Peter Michaelis who advised them of the options available from Webcasting.com for the Webcasting of

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Town Board meetings ranging in cost from \$225.00 per meeting to \$375.00 per meeting as well as other options available through independent contractors.

The Board reviewed the options and agreed that Webcasting.com was the company they favored. A final decision on which option will not be made until after the March 4th Capital Projects work session with information from Glenn Sullivan, of Sullivan Data, the Town's IT company on the work that would need to be performed and the associated costs for each option. The cost per meeting and the specifics of the package will be addressed at the March 17, 2009 Town Board meeting.

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

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

RESOLVED that the Town Board does hereby agree to move forward for the Webcasting of Town of Bedford Town Board meetings with Webcasting.com Inc., 95 Madison Avenue, Suite 707, New York, New York.

CORRESPONDENCE

1. Request from John Talty to hold annual Chowder and Marching Tag Sale and Cleanup activities at Crusher Road the weekend of May 2nd and 3rd.

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

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

RESOLVED that the Town Board authorizes the Bedford Village Chowder & Marching Club to hold its annual tag sale on May 2 and May 3, 2009 at the site of the Towns annual clean up at Crusher Road, Bedford Village.

OLD BUSINESS

1. Authorize Supervisor to sign a NYS Environmental Facilities Corporation Drinking Water State Revolving Fund Application for proposed Water Filtration Plant.

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign a New York State Environmental Facilities Corporation Drinking Water State Revolving Fund Application for up to \$20,000,000.00 for the proposed Bedford Consolidated Water District Water Filtration Plant and associated piping work, as per the memorandum dated February 13, 2009 from Kevin Winn, Commissioner of Public Works.

2. Consider rejecting bids for telephone system.

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

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

WHEREAS, the Town Board of the Town of Bedford previously authorized the Town Clerk to solicit bids for the purchase and installation of a new telephone system for the Town offices; and

WHEREAS, after the bid was advertised, seven (7) bids were received and publicly opened and read aloud in the Office of the Town Clerk on February 6, 2009; and

WHEREAS, the Town of Bedford reserved the right to reject any and all bids and readvertise for new bids; and

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WHEREAS, the Town's telephone system consultant has reviewed all of the bids and advised the Town Board that it is his opinion that none of the bids are satisfactory and that the Town would benefit by undergoing the bid process again;

THEREFORE, IT IS

RESOLVED, that the Town Board hereby rejects all of the bids for the purchase and installation of a telephone system on the grounds that it would be in the Town's best interests to re-bid the telephone system; and it is

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Clerk to readvertise the notice for bids for the purchase and installation of a telephone system for the Town offices.

NEW BUSINESS

1. Request to waive 30-day comment period on liquor license for Al Fresco Trattoria. On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby approve the waiver of the thirty (30) day comment period requirement for the renewal of the liquor license for SDB Restaurant of Mt. Kisco Inc., dba Al Fresco Trattoria (Francesca's Bistro), 720 North Bedford Road, Bedford Hills, New York as requested by Alex Sacchetti, President, SDB Restaurant of Mt. Kisco.

2. Authorize Supervisor to sign contract for Web Interface Tracking System-Valuations.

Mr. Ritter explained the proposal to the Board, noting that this was a web based method of tracking and updating our fixed assets.

Mr. Sachs expressed his concern that the vendor's liability was limited to the cost of the annual fee.

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the contract for Web-Interface Tracking Systems-Valuations (WITS-V) with Associated Valuation Services, Inc. for a term of service from February 12, 2009 to June 30, 2015, at a cost of \$1,100 per year, with a yearly 5% cost of living beginning July 1, 2010; and

FURTHER BE IT

RESOLVED that at the request of the Town Attorney that Associated Valuation Services agrees to change the venue of arbitrations, as well as governing law from California to New York.

3. Request to go to bid for 2009 Highway Materials. On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby approve the request from Kevin Winn, Commissioner of Public Works in his memorandum dated February 20, 2009, to go to bid for Highway Materials for 2009.

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4. Request to go to bid for removal of refuse from 2009 Cleanup Days in May.
On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby grant approval for the Commissioner of Public Works to advertise for Bids for the removal of refuse generated from the 2009 Cleanup Days, Friday, May 1, 2009 to Monday, May 4, 2009 at the Crusher Road Highway Facility, as per the memorandum dated February 19, 2009 from Kevin Winn, Commissioner of Public Works.

5. Request to apply for NYS Environmental Facilities Corp. Funds to purchase a vacuum truck.
On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby authorize the Supervisor to apply to the New York State Environmental Facilities Corporation for funds, up to \$300,000.00 for the purchase of a vacuum truck through the Clean Water State Revolving Fund, as per the memorandum dated February 19, 2009 from Kevin Winn, Commissioner of Public Works.

6. SEQRA determination on Valley Road sidewalks project.
On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby designate itself as the lead agency for the SEQRA determination on the Valley Road sidewalks project, and

BE IT FURTHER

RESOLVED that the Town Board does hereby issue a Negative Declaration relative to this project, as it is an unlisted action and will not result in a significant environmental impact to the area, as per the Short Environmental Assessment Form prepared by Kevin Winn, Commissioner of Public Works.

7. Reappointments to Boards/Commissions.
a. Sheila McSpedon to Blue Mountain Housing Development Corp.
On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby appoint Sheila McSpedon to the Blue Mountain Housing Development Corporation/Bedford Town Housing Committee said term to expire February 1, 2012.

b. Dick Lemon to the Board of Ethics.
On a motion by Mr. Burdick, seconded by Mr. Gabrielson, the following resolution was ADOPTED

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

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RESOLVED that the Town Board does hereby reappoint Richard Lemon to the Town of Bedford Board of Ethics for a five (5) year term, said term to expire September 1, 2013.

8. Request from the Katonah Fire Department for Police and DPW assistance during their annual parade on June 3rd at 7:00 pm.

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

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

RESOLVED that the Town Board does hereby authorize one hundred nineteen (119) hours of overtime for the Police department in order to cover the annual Katonah Fire Department Parade & Carnival, June 3 – June 6, 2009, as per the memorandum dated February 23, 2009 from Chief of Police Christian Menzel. The approval is granted subject to the receipt of a Certificate of Insurance naming the Town as additional insured.

9. Set Records Management Day.

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

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

RESOLVED that the Town Board does hereby approve the closure of the Town offices on Friday, March 27, 2009 for the purpose of a records management day as per the memorandum dated February 5, 2009 from Lisbeth L. Fumagalli, Town Clerk.

10. Discuss policy for use of Town-owned cemeteries.

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

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

RESOLVED that the Supervisor, Town Clerk, and Superintendent of Recreation and Parks shall comprise a committee to draft rules and regulations for the use of Town – owned cemeteries for discussion at a subsequent meeting of the Town Board.

11. Request to revise Town Alarm fees.

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

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

RESOLVED that the Town Board does hereby adopt the revisions to the Town's Alarm fees as per the memorandum dated February 19, 2009 from Christian Menzel, Chief of Police:

- Fire false alarm fees shall be calculated on a per year basis.
- Police alarm fees shall be revised to reflect the same rates as the Fire fees.
- Permits and alarms shall be billed as follows:
 - \$25.00 Annual Fee.
 - \$50.00 Renewal Fee: if renewed 60+ days after expiration.
 - \$0 Police or Fire – 1st False Alarm per year.
 - \$100.00 Police or Fire – 2nd False Alarm per year.
 - \$200.00 Police or Fire – 3rd and additional False Alarm per year.
 - \$250 and/or 15 days imprisonment for Failure to Pay Fees.

12. Request for authorization of extended use of Police patrol car.

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

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

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Nays: None
Absent: None

RESOLVED that the Town Board does hereby authorize the extended use of a Police patrol car for the off-duty officers that will be hired by the Northern Westchester Hospital Center for weekday mornings (Monday through Friday 6:30am to 8:30am) to direct traffic during the arrival of the employees in the morning as a condition of Zoning Board Appeals Resolution #11-08 Five granted on December 4, 2008 for a Special Use Permit, to ensure the health, safety and welfare of the employees of the hospital that will be utilizing the temporary parking at the Unitarian Universalist Fellowship of Northern Westchester, 236 South Bedford Road, Mount Kisco, during the hospitals construction, for the duration of this assignment, as per the memorandum dated February 19, 2009 from Christian Menzel, Chief of Police.

13. ACH debits for tax payments.

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

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

RESOLVED that the Town Board does hereby grant approval for the Receiver of Taxes to offer the ACH payment option to taxpayers, effective with the April tax collection, enabling residents to electronically schedule tax payments from their bank to be directly deposited into the Town's Tax account, and a \$5.00 convenience fee to offset the Town's cost for this service, as per the memorandum dated February 20, 2009 from Amy Pectol, Receiver of Taxes.

14. Authorize the Supervisor to sign contract with NYC DEP and Westchester Land Trust regarding the O'Donnell property.

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

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

WHEREAS, the City of New York ("City") operates a water-supply system within portions of Ulster, Greene, Delaware, Schoharie, Sullivan, Westchester, Putnam, and Dutchess Counties ("NYC Watershed"), that is the source of drinking water for approximately nine million residents of New York State residing within and outside the City of New York; and

WHEREAS, the New York City Department of Environmental Protection ("DEP") operates the City's water-supply system for the City and in connection therewith has implemented a long-range water-quality and watershed-protection program; and

WHEREAS, the acquisition of certain real property within the NYC Watershed is an integral part of the City's water-quality and watershed-protection program; and

WHEREAS, the 1997 New York City Watershed Memorandum of Agreement ("MOA") sets forth a process through which the City can acquire real property within the NYC Watershed requires that in all but a few specific cases the City must pay fair market value for its land acquisitions within the NYC watershed; and

WHEREAS, the United States Environmental Protection Agency issued a Filtration Avoidance Determination to the City in 2007 that requires NYCDEP to develop partnerships with municipalities and land trusts such as the Westchester Land Trust to augment the acquisition of land under the NYCDEP Land Acquisition Program; and

WHEREAS, in furtherance of this goal the Town of Bedford and the Westchester Land Trust can facilitate the acquisition of certain real properties within the NYC Watershed that are being sold by landowners by partially funding the purchase of such properties being conveyed to the City;

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WHEREAS, the Town of Bedford as part of its Open Space Land Acquisition plan, the Westchester Land Trust and the City of New York have identified a parcel of real property owned by the Estate of Gwynne O'Donnell located at 41 Ridge Road, Katonah, New York consisting of some 13 acres and shown on the Town of Bedford Tax Map as Section 49.13, Block 2, Lot 29 as an appropriate parcel for acquisition both for open space and for water supply purposes; and

WHEREAS, the City of New York has negotiated a purchase price for the parcel of \$660,000.00; and

WHEREAS, the City of New York has requested that the Town of Bedford share of the purchase price shall be \$340,000.00 and the Westchester Land Trust share of the purchase price shall be \$153,000.00, with the City of New York paying the balance of the purchase price, namely \$167,000.00 plus additional fees related to title insurance, phase one and phase two environmental reports as well as other closing expenses; and

WHEREFORE, the Town Board of Bedford has reviewed the proposed contract of sale, a copy of which is annexed hereto and has found that the acquisition of such property would be in the interests of the Town of Bedford,

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bedford hereby authorizes the entering into of a contract between the Estate of Gwynne O'Donnell, Seller and the Town of Bedford, the Westchester Land Trust and the City of New York in regard to purchase the parcel located at 41 Ridge Road, Katonah, New York; and it is further

RESOLVED, that the Town Supervisor on behalf of the Town Board is authorized to execute such Contract of Sale and take such other actions as are necessary in regard to the acquisition of said parcel.

15. Consider recommendation of low bid for replacement windows at 425 Cherry Street.

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

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

RESOLVED that the Town Board does hereby award the contract for the replacement of windows and a doorway for the Town House annex building at 425 Cherry Street, Bedford Hills to the lowest, most responsible bidder, Vinyl King from Mahopac New York in the amount of \$15,500.00 as per the memorandum dated February 20, 2009 from Edward Ritter, Town Comptroller and Richard Megna Building Inspector.

16. Consider request to convert water arrears to liens.

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

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

WHEREAS, certain customer accounts of the various Water Districts currently have unpaid water and penalty amounts due, and

WHEREAS, it is legally permissible to include unpaid water accounts and penalties in the annual tax levy,

NOW THEREFORE BE IT

RESOLVED, that the Town Board does hereby authorize the Receiver of Taxes to include the following unpaid water and penalties on the 2009 tax levy for the total amount of \$72,891.23, and

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BE IT FURTHER RESOLVED that a notice shall be sent to each customer with an unpaid balance, that unless the balance due is paid by March 10, 2009, it shall be added to the tax bill due April 30, 2009.

17. Consider rescheduling 1st Regular Town Board Meeting (April 7th) and set Work Sessions.

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

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

RESOLVED that the Town Board does hereby reschedule the Town Board meeting for Tuesday, April 7th to Thursday, April 16th at 8:00 pm.

18. Set date for Consolidated Water District Public Information Session.

A public information session on the Consolidated Water District will be held on Thursday, April 23, 2009 at 7:30 pm at the Bedford Hills Community House, 74 Main Street, Bedford Hills.

19. Set date for discussion on Union Negotiations.

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

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

RESOLVED that the Town Board does hereby schedule an executive session on union negotiations for Wednesday, March 11, 2009 at 7:00 pm at the Town House, 321 Bedford Road, Bedford Hills.

There being no further discussion, the meeting was adjourned at 11:17pm.

Lisbeth Fumagalli, Town Clerk