

Bedford Hills, New York  
July 7, 2009

The first meeting for the month of July of the Town Board of the Town of Bedford was held on July 7, 2009 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	:Supervisor
	Peter Chryssos	:Councilman
	Francis Corcoran	:Councilman
	David Gabrielson	:Councilman
	Lisbeth Fumagalli	:Town Clerk
	Nancy Tagliafierro	:Town Attorney
	Jeffrey Osterman	:Director of Planning
	Edward J. Ritter	:Comptroller
	Amy Pectol	:Receiver of Taxes
	Christian Menzel	:Chief of Police
	Marcy Marchiano	:Asst. to Supervisor

<b>Absent:</b>	Chris Burdick	:Councilman
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And two (2) residents/observers.

#### **APPROVAL OF CLAIMS**

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

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

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

Paid Prior to Audit	\$56,520.93
General Fund	83,293.84
Highway Fund	46,268.25
Consolidated Water District	10,602.58
Cedar Downs Water District	27.50
Farms Water District	4,522.74
Old Post Road Water District	197.26
Trust & Agency	2,000.00
Special Districts:	
Bedford Village Memorial Park	2,092.90
Bedford Hills Memorial Park	3,762.28
Katonah Memorial Park	1,786.27
Katonah Lighting District	249.90
Bedford Paramedic District #1	76,421.00
Capital Projects	<u>436,436.61</u>
	\$ 724,182.06

#### **OLD BUSINESS**

1. Consider Second Lease Extension and Modification Agreement with Mark's Time.

Ms. Tagliafierro reviewed the lease extension, noting that she felt #3 should be omitted and that the extension should be for five (5) years, to be renewed in 2014.

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

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

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RESOLVED that the Town Board does hereby approve the Second Lease Extension and Modification Agreement” with Mark Reichbach d/b/a Mark’s Time, as amended with the omission of item #3 and the lease agreement to be for a period of five (5) years from May 6, 2009 to May 5, 2014.

**NEW BUSINESS**

1. Approval for Commissioner of Public Works to go out to bid for 10 Wheel Dump Truck for DPW.

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

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

RESOLVED that the Town Board does hereby grant approval for the Commissioner of Public Works to advertise for bids for a 14 cubic yard 10 wheel dump truck to replace a 1988 – 6 cubic yard dump truck, to be paid for with Capital funds previously approved by the Board for this purchase, as per the memorandum dated July 2, 2009 from Kevin Winn, Commissioner of Public Works.

2. Approval of DPW 2009 Road Paving Schedule.

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

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

RESOLVED that the Town Board does hereby approve the 2009 Road Paving Schedule dated July 2, 2009 as submitted by Kevin Winn, Commissioner of Public Works, at a total proposed cost of \$954,626.00, with \$750,000 of funds authorized by the Town Board for 2009 borrowing and \$204, 626.00 of carryover funds from 2008 borrowing to be used for this work.

3. Approval of an Hourly Fee for Property Searches performed by Historians Office. This matter has been adjourned at this time for the Town Attorney to research.

4. Approval for Chichester Burial Plots for applicants: Jacobsen and Chryssos.

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

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

RESOLVED that the Town Board does hereby approve the purchase of eight (8) burial lots in Chichester Cemetery by Alfred L. Jacobsen III and Lynn R. Jacobsen.

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

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

RESOLVED that the Town Board does hereby approve the purchase of eight (8) burial lots in Chichester Cemetery by Peter Chryssos.

5. Update on Police Radio Propagation Study and Request for Proposal for Radio Communications Consultant.

Chief Menzel reviewed the memorandum he had submitted dated July 2, 2009 concerning an update on the Police Radio Propagation Study and Request for Proposal for Radio Communications Consultant. He noted that the current police radio system will

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not provide sufficient police radio coverage for a significant portion of the Town of Bedford and referred to the recommendation that a Radio Communications Consultant be retained.

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

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

RESOLVED that the Town Board does hereby grant approval for a Request for Proposal for a Radio Communications Consultant to be compiled and sent out in order to ascertain the appropriate radio system and radio tower locations in the Town of Bedford for coverage for the Police Department and other Town of Bedford agencies, as per the memorandum dated July 2, 2009 from Christian Menzel, Chief of Police.

6. Consider Joan Arnold's request for New Homes Land Acquisition for Town to waive Right of First Refusal on purchase of property from Westchester County. Mrs. Roberts explained that this was a building at 37 Wildwood Road in Katonah that had seven (7) apartments in it that would become affordable housing. She added that the Blue Mountain Housing Corporation supported this proposal.

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

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

WHEREAS, the County of Westchester desires to purchase and then convey approximately 2.40 acres of real property located at 37 Wildwood Road, in the Town of Bedford for One (\$1.00) for the purpose of providing affordable housing for a period of not less than 50 years; and

WHEREAS, the Town of Bedford supports the development of affordable housing on said property, subject to any applicable subdivision requirements and waives any rights to purchase the property under the following terms and conditions:

1. For use in perpetuity for park and municipal recreation purposes for the sum of one dollar (\$1.00).
2. For other municipal purposes at the current appraisal value as determined by the Board of Legislators, or for no more than the same consideration for which it is proposed by the County, whichever is less.
3. Any opportunity to purchase this property shall not constitute a right to purchase and may be withdrawn by the County at any time.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bedford hereby declares its support for the aforesaid project, and be it further

RESOLVED, that the Bedford Town Board waives and relinquishes any rights that it may have under the aforesaid opportunity to purchase said property.

7. Approval to sign Reciprocal Use Agreement with Bedford Central School District.

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

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

RESOLVED that the Town Board does hereby grant approval for the Supervisor to sign the Reciprocal Use Agreement between the Town of Bedford and the Bedford

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Central School District allowing reciprocal use of facilities of each organization without charge of fees except for custodial overtime.

8. Consider Smart Electric Grid Resolution.

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

Ayes: Roberts, Chryssos, Corcoran, Gabrielson

Nays: None

Absent: Burdick

WHEREAS, the Town of Bedford is committed to the concept of environmental sustainability and recognizes the importance of being involved in efforts to sustainable energy solutions; and

WHEREAS, the Town of Bedford has demonstrated its commitment through its participation in the Northern Westchester Energy Action Collaborative; and

WHEREAS, one avenue of contributing toward the development of sustainable energy is through the development and implementation of the so called “Smart Grid” for the distribution of electric power; and

WHEREAS, Federal grant funding opportunities have become available as a result of the American Recovery and Reinvestment Act of 2009 provided that appropriate applications are submitted on or before August 6<sup>th</sup>, 2009; and

WHEREAS, in order for the Town to have an opportunity to participate in benefiting by grant funding from this source certain actions must be taken immediately to obtain information from the Town of Bedford Power Transmission and Distribution Owner; and

WHEREAS, obtaining the necessary information involved in this project does not obligate the Town of Bedford to any expenditure of funds or further commitment to participate in the project but merely makes such further participation possible,

NOW, THEREFORE, BE IT RESOLVED:

- 1) That the Supervisor is hereby authorized to act on behalf of the Town of Bedford and shall make formal request to Con Edison and to New York State Electric and Gas Company for the following information:
  - A) a line drawing or such other map as may currently be available detailing the power transmission and distribution system within the geographic borders of the municipality and,
  - B) a map of currently available load measurement devices together with a description of the current measurement capabilities of the existing equipment within the same geographic area and,
  - C) an estimated budget and methodology for an optimal plan to upgrade the current technology to power quality and use measurement devices that have the capability to measure and report on the quality and quantity of total electric consumption within the same geographic area in four second increments and
  - D) a proposal from Power Transmission and Distribution Owner to upgrade to the appropriate power quality and use measurement devices with a commitment to fund the process by its own internal means, obtaining grant funding or seeking to obtain compensation through the appropriate State Power Regulation Authority;
- 2) That the municipality immediately begin the process to apply to the New York State Independent System Operator for Point of Identification number (“PTID”) so that it will be able to gain status as a “demand-side generator of power” should it decide to proceed with involvement in the plan to reduce electric energy consumption which is expected to result from grant program discussed in these resolutions;

- 3) That the said Supervisor shall pursue obtaining the requested information as expeditiously as possible and communicate the urgency of the municipality's request to the Power Transmission and Distribution Owner together with the reasons for the request and regularly report his/her progress back to the municipality;
- 4) That the said Supervisor shall obtain appropriate contact information for the Power Transmission and Distribution Owner liaison to continue any necessary interactions between the municipality and the power supplier if further action is taken with respect to the municipality's involvement in the grant funding opportunity,
- 5) That obtaining the necessary information involved in this project does not obligate the Town of Bedford to any expenditure of funds and
- 6) That the Town Clerk of the Town Board shall forthwith provide the Supervisor and members of the Town Board with a certified copy of this resolution to evidence her authority to the Power Transmission and Distribution Owner.

9. Westchester County Smart Growth Grant Application discussion.

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

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

RESOLVED that the Town Board does hereby grant approval for the Town of Bedford, hamlet of Bedford Hills, to participate in the "New York State Smart Growth Grant" as part of a project as a partner with Westchester County, that shall be at no cost to the Town of Bedford, to provide to the municipality, developers and general public smart growth land tools to facilitate the making of well informed land use decisions and the development of other smart growth solutions while attempting to reduce the County's carbon footprint.

10. Approve Mark Thielking to six additional months as Bedford's Director of Energy Resources.

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

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

RESOLVED that the Town Board does hereby reappoint Mark F. Thielking as the volunteer Director of Energy Resources for the Town of Bedford Energy Advisory Panel for a six (6) month term, said term to expire December 31, 2009.

11. Approval to engage Lothrop Associates – professional services for Roof Project at 425 Cherry Street Building.

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

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

RESOLVED that the Town Board does hereby approve retaining architect George Rosamond, AIA of Lothrop Associates, 200 Summit Lake Drive, Valhalla, New York 10595, to provide a conceptual cost estimate and scope of construction for the replacement of the roof at the Town Office building located at 425 Cherry Street, including an asbestos survey, report and field test, at a cost of \$3,625.00, with funding to be provided through an existing Capital project as per the memorandum dated June 24, 2009 from Edward Ritter, Town Comptroller and Richard Megna, Building Inspector.



ORDERED, by the Town Board of the Town of Bedford, Westchester County, New York, as follows:

Section 1. A public hearing will be held at the Town House, in Bedford Hills, New York, in said Town, on July 21, 2009, at 7:50 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Consolidated Water District in the Town of Bedford, Westchester County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the *Bedford Pound Ridge Record Review*, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form and may be consolidated with similar such notices for publication purposes:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bedford, Westchester County, New York, will meet at the Town House, in Bedford Hills, New York, in said Town, on July 21, 2009, at 7:50 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of the Consolidated Water District in the Town of Bedford, Westchester County, New York, consisting of planning, design and architectural costs for a filtration plant and the replacement of water mains along portions of Lakeside Drive and Susan Place, including incidental expenses in connection therewith, at a maximum estimated cost of \$1,250,000, an increase of \$1,100,000 over the amount previously authorized for said purpose following a public hearing held on October 2, 2007.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Bedford Hills, New York  
July 7, 2008

BY ORDER OF THE TOWN BOARD OF THE TOWN OF  
BEDFORD, WESTCHESTER COUNTY, NEW YORK

By Lisbeth Fumagalli  
Town Clerk

Section 4. This order shall take effect immediately.

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

Lee V.A Roberts	VOTING	Aye
Peter Chryssos	VOTING	Aye
Francis Corcoran	VOTING	Aye
David Gabrielson	VOTING	Aye

The order was thereupon declared duly adopted.

13. Award of rock crushing bid.

Mr. Winn reviewed the memorandum that he had submitted regarding the results of the bid opening of June 16, 2009 for this project.

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

Ayes: Roberts, Chryssos, Corcoran, Gabrielson

Nays: None

Absent: Burdick

RESOLVED that the Town Board does hereby award the bid for rock crushing to Cavaliere Industries, Inc., 226 Selleck Street, Stamford, Connecticut 06902, in the amount of \$5.10 per ton for rock crushing and \$700 per dumpster, at an estimated total cost for the project of between \$76,000 o \$102,000, with the funding provided through the 2009 Highway operating budget, as per the memorandum dated July 7, 2009 from Kevin Winn, Commissioner of Public Works.

14. Pending Litigation.

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

Ayes: Roberts, Chryssos, Corcoran, Gabrielson

Nays: None

Absent: Burdick

RESOLVED that the Town Board shall discuss a matter of pending litigation in an executive session to be conducted at the conclusion of the regular meeting.

The Town Board adjourned to executive session at 9:25pm

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Lisbeth Fumagalli, Town Clerk