

Bedford Hills, New York
June 2, 2009

The first meeting for the month of June of the Town Board of the Town of Bedford was held on June 2, 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.

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
	Jeffrey Osterman	:Director of Planning
	Edward J. Ritter	:Comptroller
	Amy Pectol	:Receiver of Taxes
	James J. Hahn	:Town Consulting Engineer
	Christian Menzel	:Chief of Police
	Marcy Marchiano	:Asst. to Supervisor

And nine (9) residents/observers.

PRESENTATION OF AUDIT REPORT

Representatives from the Town's auditors, O'Connor Davies Munns & Dobbins, LLP addressed the Town Board and reviewed the audit for the fiscal year ending December 31, 2008. It was noted that the mortgage tax revenues had decreased by \$206,000.00 from 2007 – 2008 but that overall, the Town was in an excellent financial position.

APPROVAL OF CLAIMS

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

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

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

General Fund	\$53,391.26
Highway Fund	6,177.87
Consolidated Water District	2,362.93
Cedar Downs Water District	825.00
Farms Water District	8,985.00
Old Post Road Water District	247.50
Special Districts:	
Bedford Village Memorial Park	4,569.39
Bedford Hills Memorial Park	3,933.26
Katonah Memorial Park	3,828.92
Bedford Hills Lighting District	992.92
Capital Projects	<u>108,721.87</u>
	\$ 194,035.92

CORRESPONDENCE

1. Request to hold the 5th Annual Turkey Trot & Children's Races in Bedford Village, Saturday, November 28th, 8:00 am.

Jen Schwartz from the Turkey Trot Committee addressed the Board and noted that the Turkey Trot Road Race would be run the same as it had in previous years.

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

June 2, 2009 – Regular meeting - continued

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

RESOLVED that permission be granted to the Turkey Trot Committee for a Turkey Trot road race on Saturday, November 28, 2009, in Bedford Village. The event will begin at the Bedford Village Elementary School and end in the Bedford Memorial Park. All roads involved will be closed and Insurance will be through the Town as the Recreation Department is a co-sponsor. The Turkey Trot Committee shall coordinate with the Department of Public Works - Highway Division for road barricades as well as the Police Department for coverage with eleven (10) officers and one (1) supervisor, to protect the health, safety and welfare of the participants and attendees of the event, and shall reimburse the Town of Bedford for all costs associated with this coverage.

2. Proposal to audit Cable Television Franchise fees.

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

RESOLVED that the Town Board does hereby accept and authorize the Supervisor to sign, the proposal form Ashpaugh & Sculco, CPAs, PLC for the analysis of franchise fees paid by Cablevision to the Town of Bedford and other participating New York local franchise entities for a five (5) year period. The cost of which shall not exceed \$12,000.00 but will be determined by the number of surrounding Towns participating.

OLD BUSINESS

1. Changes to the Special Use Permit Application to Film.

Demian Resnick, representing Paramount Pictures for the “Morning Glory” filming explained the proposed changes to the filming schedule.

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 following changes to the Special Use Permit for Filming, granted by Resolution on May 19, 2009:

1. Dates of filming

From: Tuesday, June 16 and Wednesday, June 17

To: Wednesday, June 17 and Thursday, June 18

2. At the end of the filming on Thursday, June 18th – the camera will be put in a van and shall travel with the flow of traffic starting on Route 121, and there shall be no road closure.

3. All conditions in the previously granted Special Use Permit shall apply.

Mr. Resnick advised that he had spoken to Chief of Police Christian Menzel and Superintendent of Recreation and Parks William Heidepriem who had advised that they had no concerns with the date change. It was noted that the neighbors would be advised of the change in the date for the filming.

3. Change Order #1 with regard to Middle Patent Road Retaining Wall Project – Acocella.

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 Change Order #1 to the Middle Patent Road Retaining Wall Project – Acocella Contracting, 68 Gaylor Road, Scarsdale, New York in the amount of \$7,500.00, which is included in the original funding of this project, for Asphaltic curb from #102 Middle Patent Road to Hopp Ground Lane (500 linear feet) as per Change Order No. 1 dated April 30, 2009, revised June 1, 2009 from Hahn Engineering and the memorandum dated May 22, 2009 from James J. Hahn, Town Consulting Engineer.

4. Request to approve additional contract scope for professional services related to water filtration plant design.

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, by Resolution dated May 19, 2009, the Town Board granted approval for Kevin Winn, Commissioner of Public Works to continue to negotiate with the firm of O'Brien and Gere for professional services for the design of the water filtration plant for the Town of Bedford Consolidated Water District;

RESOLVED that the Town Board does hereby authorize the Supervisor to amend the scope of the contract with O'Brien & Gere for the design work services on the proposed water filtration plant, for an amount not to exceed \$470,000.00 as per the memorandum dated May 29, 2009 from James J. Hahn, Town Consulting Engineer.

5. Recommendation for designing and soliciting bids for pre-stressed concrete tank for Bedford Village water storage tank.

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 James J. Hahn, Town Consulting Engineer to solicit bids for a pre-stressed concrete water storage tank to be located in Bedford Village, as per Mr. Hahn's memorandum dated May 20, 2009.

NEW BUSINESS

1. Request to purchase bicycle for parking enforcement.

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 purchase of a refurbished bicycle, including a safety helmet, from Van's Katonah Service Center, in the amount of \$278.40 for use by Parking Enforcement Officer Ray Teetsel, as per the memorandum dated May 28, 2009 from Christian Menzel, Chief of Police.

2. Ratification of the Memorandum of Agreement – Local 456 I.B.T. – White Collar Unit and the Town of Bedford.

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

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Bedford and the Bargaining Team for Local 456, of the International

Brotherhood of Teamsters (White Collar Unit) for a successor to the 2006 through 2008 agreement between the parties; and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated 5/20/09 which has been ratified by the membership of the Unit; and

WHEREAS, the Town Board of the Town of Bedford has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town of Bedford;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bedford hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

3. Authorize financing for preparation of map and planning reports to expand recreation and paramedic districts.

Town Attorney Nancy Tagliafierro reviewed the report that she had submitted to the Town Board.

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 area within the Town of Bedford known as “Bedford Fire Protection District #1” which embraces territory in the Town adjacent to the Village of Mount Kisco, the Town of New Castle and the Town of North Castle, is currently not part of any park district within the Town of Bedford; and

WHEREAS, it is the Town Board’s belief that all of the residents of Bedford Fire Protection District No. 1 as well as the existing residents within the Bedford Hills Memorial Park District would be benefited by such extension,

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Planner is hereby directed to prepare a map, plan and report delineating the boundaries of the proposed extension of the Bedford Hills Memorial Park District describing the fees and costs associated with such extension in accordance with Town Law § 209-b, this resolution is determined to be subject to permissive referendum as provided by General Municipal Law § 6-c and Town Law §§ 90 through 94 and shall take effect thirty (30) days from the date hereof pursuant to Town Law § 91 and that no expenditure shall be made prior to the expiration of said thirty (30) day period, and that no expenditure shall take place after such period as Petition has been duly filed pursuant to Town Law § 91 with further action of this Board.

RESOLVED that, pursuant to Town Law § 209-b, a sum not to exceed \$30,000 is appropriated to pay the cost of preparing a general map, plan and report for extending the Park District.

4. Reappoint Rosemary Lee to the Conservation Board.

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 does hereby reappoint Rosemary T. Lee to the Town of Bedford Conservation Board for a two (2) year term, said term to expire January 20, 2011.

5. Set Public Hearing for amendments to Zoning Code for CB and NB Districts. Mr. Osterman explained the content of the proposed zoning amendments and the process for the review and approval of these proposed changes to the Zoning Code and map.

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 set a public hearing on proposed amendments to the Zoning Code for the Central Business (CB) and Neighborhood Business (NB) Districts for June 16, 2009 at 6:45 P.M. at the Town House, 321 Bedford Road, Bedford Hills, New York.

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 refers to the Planning Board for their review and comment proposed amendments to the Zoning Code for Central Business (CB) and Neighborhood Business (NB) Districts.

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 that the Town Board does hereby declare itself the Lead Agency on the SEQRA review of the proposed amendments to the Zoning Code for the Central Business (CB) and Neighborhood Business (NB) Districts.

6. Set Executive session - Personnel

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 shall discuss a Police personnel matter in an executive session to be conducted at the conclusion of the regular meeting.

PUBLIC COMMENT

A resident of Lakeside Drive in Katonah expressed his concern with the road maintenance in front of his house. He commented that for several weeks he's had a request in to the highway department for a curb to be replaced in front of his home and to date it had not been repaired.

Mrs. Roberts responded that she would look into this and refer it to the Commissioner of Public Works.

There being no further discussion the Town Board adjourned to executive session at 9:10 pm.