

Bedford Hills, New York  
June 16, 2009

The second meeting for the month of June of the Town Board of the Town of Bedford was held on June 16, 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
	Chris Burdick	:Councilman
	David Gabrielson	:Councilman
	Lisbeth Fumagalli	:Town Clerk
	Nancy Tagliafierro	:Town Attorney
	William Heidepriem	:Supt. Recreation and Parks
	Edward J. Ritter	:Comptroller
	Amy Pectol	:Receiver of Taxes
	Kevin Winn	:Commissioner of Public Works
	Marcy Marchiano	:Asst. to Supervisor

And twelve (12) residents/observers.

#### **ADD AN ITEM TO AGENDA**

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 add to the agenda - New Business #6 – Executive Session - Personnel.

#### **APPROVAL OF CLAIMS**

On a motion by Mr. Gabrielson, seconded by Mr. Burdick, 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,

Paid Prior to Audit	\$41,365.58
General Fund	65,630.77
Highway Fund	15,985.45
Consolidated Water District	4,755.73
Cedar Downs Water District	506.70
Farms Water District	363.60
Old Post Road Water District	545.40
Special Districts:	
Bedford Village Memorial Park	6,516.86
Bedford Hills Memorial Park	8,367.78
Katonah Memorial Park	5,979.24
Capital Projects	<u>115,624.43</u>
	\$ 265,641.54

#### **MONTHLY REPORTS**

Dog Control	Justice Court	Recreation & Parks
Police Consolidated	Parking	Town Clerk
Department of Public Works	Receiver of Taxes	Water

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

**UPDATE**

1. Update on Indian Hill Road traffic concerns.

Mr. Winn advised the Board that he and Chief Menzel had been reviewing their recommendations for this road and addressing the concerns expressed by the residents about speed on the south section of the road. He noted that there had been an additional “Children at Play” sign installed as well as the replacement of the existing one which had faded. He added that two more speed limit signs had been installed as well as 15 mph advisory signs in both directions, vegetation had been trimmed to make existing signs more visible and a turn arrow, 15 mph advisory sign added by the sharp curve at the top of the hill in the southbound lane.

A resident of the road commented that he’d like to see efforts by the Town continued and requested that a traffic study, as had been done on McClain Street, be performed.

**CORRESPONDENCE**

1. Request to hold the Walk for PKD in Bedford Hills on Saturday, September 26<sup>th</sup>.

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 permission to the Hudson Valley Chapter of the Polycystic Kidney Disease Foundation to hold a “Walk for PKD” on Saturday, September 26, 2009, starting in the Bedford Hills Memorial Park, proceeding along sidewalks to Cherry Street, Nottingham Road, the bike path along Bedford Road, back to the Bedford Hills Memorial Park, following the recommendation by Chief of Police Christian Menzel for three (3) off duty police officers to be hired by the Foundation and that these officers are granted permission to use marked patrol cars to enhance safety.

2. Notification of fireworks display at Caramoor, Saturday, July 4<sup>th</sup>.

Mr. Burdick read the letter dated June 12, 2009 from Paul Rosenblum, for Caramoor Center for the Arts concerning a fireworks display to be held there on Saturday, July 4, 2009. It should be noted for the record that Chief Menzel issued a permit for this display.

**OLD BUSINESS**

1. Bid Award – Winter Pool Cover Bedford Village Main Pool.

Mr. Heidepriem reviewed his memorandum dated June 10, 2009 concerning the award of the bid for this pool cover.

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 award the bid for the winter pool cover for the Bedford Village Memorial Park – Main Pool to B & B Pool and Spa Center in the amount of \$11,038.00 as per the memorandum dated June 10, 2009 from Bill Heidepriem, Superintendent of Recreation and Parks.

2. Discuss modifications to Cemetery Policy.

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

WHEREAS, the Town Board of the Town of Bedford (the “Town Board”) has designated the Superintendent of the Department of Recreation and Parks (the “Superintendent”) to maintain certain all cemeteries within the Town of Bedford (the “Town”) of which it is the responsibility of the Town Board to maintain pursuant to Section 291 of the Town Law of the State of New York; and

WHEREAS, The Town Board has previously adopted a Resolution specifically relating to the sale and use of lots in Chichester Cemetery on March 17, 2009; and

WHEREAS, because the Town is responsible for numerous cemeteries the Town Board believes it to be appropriate to have a policy in place for all Town cemeteries; and

NOW, THEREFORE, be it resolved

Section 1 – Sale of Burial Lots

1. It is the policy of the Town Board that burial lots in the Cemetery may be sold on a first come first serve basis to any individual (or such individual’s representative for use by such individual) within the following categories:
  - a. Residents and former residents of the Town of Bedford.
  - b. Employees and former employees of the Town of Bedford.
  - c. A student who attended a school located in the Town of Bedford during the previous 12-month period.
  - d. A member of a religious or service organization, meeting regularly within the Town of Bedford.
  - e. Member of a fire department, ambulance corps or emergency medical service located within the Town of Bedford.
2. Individuals who are able to purchase burial lots in accordance with Section 1.1 herein may purchase lots for use by themselves and immediate family members “immediate family” is defined herein to include parents, siblings and children.
3. Each burial lots will measure 3’9” by 10’. A single depth burial lot will allow for the interment of the remains of one individual. A double-depth burial lot will allow for the interment of the remains of two individuals, with the casket for the first individual to be interred buried at the greater depth to allow for the second. The use of a burial lot as a double-depth burial lot is subject to soil conditions and no ledge being encountered at the time of the grave opening for the first interment. If the Superintendent determines at such time that a double-depth burial lot is not feasible and the double-depth burial lot fee was paid for such lot, then the price difference between the double-depth burial lot and single-depth burial lot will be refunded to the purchaser or his/her successor or personal representative. Chichester soil conditions permit only single burial lots.
4. The Town Clerk will prepare a form of burial lot purchase application. The applicant will submit with the complete application the burial lot purchase fee and administrative fee set forth in *Schedule A* pursuant to the Town Fee Schedule. The Town Clerk will review each application submitted for accuracy and completeness, confirm the payment of the required fee and provide the application to the Town Board for action.
5. If the Town Board approves the application, among other things, such approval will provide, in accordance with Section 290 of Town Law that a deed to such burial lot will be conveyed from the Town to the purchaser. The owner of such burial lot may subsequently convey, without consideration, his/her burial lot to any individual (or his/her representative) permitted under Section 1 on meeting the foregoing application procedures and payment of a fee of \$15.00. The form of deed will provide, among other things, that it is not, and is not to be construed as, the conveyance of real property but only is the grant of burial rights.

6. The Superintendent will prepare a map for the division of open space at cemeteries with available burial lots. As the Superintendent deems necessary, the Superintendent may engage the services of a surveyor licensed in New York State to delineate such lots. The Town Board reserves the right, from time to time, to take any of the following actions (to be effectuated through the Superintendent), provided that no burial lot owner shall be deprived of the use of his/her lot; (a) enlarge, reduce, re-plot and otherwise change the boundaries or grading of the Cemetery; (b) modify, regrade, re-locate, close, lay out or make any other change or alteration in or tow any avenues, roads, drives, ways, paths or walks within the Cemetery.

Section 2 - Town of Bedford Permit – Procedure for Interment

1. The Superintendent may set reasonable, uniform procedures for use of burial lots and interments, including, without limitation; the size, number and location of graves within each burial lot; limitations on adornments, plantings, markers, headstones, memorials, and the like; and such other matters which the Superintendent determines to be necessary for the orderly use of burial lots and the Cemetery.
2. The Town Clerk will prepare a form to be completed by the owner of a burial lot (or such individual's representative) authorizing the interment of such individual's remains in the burial lot. The form will provide the following, together with such other information as the Town Clerk or Superintendent believe is reasonably needed: (a) name of deceased, name of burial lot owner, lot number, grave number and name of funeral home. The Town Clerk will also obtain a copy of burial permit issued by the appropriate authority and (ii) proof of insurance coverage from the funeral home.
3. The Town Clerk will notify the Superintendent and provide a copy of the permit for interment. The Superintendent will coordinate with the funeral home to ensure necessary access to the site.
4. Grave digging services will be procured by the funeral home.
5. In the event additional Town Services are required, including by not limited to overtime for parks and recreation or police staff for holiday or weekend interments, the Superintendent will ensure that the funeral home is invoiced for additional Town Services.
6. Monument permits will be issued by the Town Clerk's office upon approval of the Superintendent. The Town Clerk upon receipt of a monument permit application, plans and the fee as set forth in Schedule A pursuant to the Town of Bedford Fee Schedule shall refer the application to the Superintendent for approval.

Section 3 – No Town Liability

The Town shall bear no liability for any injury to person or property sustained in the use or visitation of any burial lot or the Cemetery.

**NEW BUSINESS**

1. Recommendation to approve Sullivan Data to purchase IT equipment and software.

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 grant approval for Sullivan Data to purchase IT equipment and software at a cost of \$127,683.96, as the pricing from them is

below the New York State bid pricing, as per the memorandum dated June 12, 2009 from Edward Ritter, Town Comptroller.

2. Authorize Supervisor to sign contract for review of Department of Corrections (DOC) wastewater treatment facility.

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 authorize the Supervisor to sign the contract for review of Department of Corrections (DOC) wastewater treatment facility, entitled, "Feasibility Study of Forming a New Sewer District in the Hamlets of Bedford Hills and Katonah" in the amount of \$65,000.00 with the start to be upon the execution of the contract and the end to be two (2) years after the execution of the contract.

3. Resolution of guarantee to fund one-twelfth of Regional Stormwater grant if necessary.

Mr. Winn explained this matter and pointed out that the Town of Somers had taken the lead and gotten grant money, however, if the money does not come forth from the New York State Department of Environmental Conservation (NYSDEC) then the Town of Bedford must agree to pay its share.

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

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

WHEREAS, the Town of Bedford entered into an Intermunicipal Agreement (IMA) with others to promote and expedite a plan for regional stormwater improvements; and

WHEREAS, in furtherance thereof the Town of Somers has agreed to serve as primary agent to apply for and seek various initiatives including grant awards from various agencies; and

WHEREAS, NYSDEC has awarded a reimbursable grant in the amount of Two Hundred Thousand Dollars to Somers to be used to benefit the IMA participants and, in furtherance thereof, the IMA participants have selected O'Brien & Gere Engineers Inc., (O&G) to perform certain professional services and O & G has presented a contract to Somers for that purpose; and

WHEREAS, the Town of Somers has authorized said contract provided each of the 12 municipalities participating in the IMA agree to be responsible to the Town of Somers for one-twelfth share of the funds advanced by the Town of Somers pursuant to said contract for which Somers is for any reason not reimbursed by NYSDEC, however, as three (3) of the participating twelve (12) municipalities are outside of the Croton Watershed, the share for each of the remaining municipalities is one-ninth,

Now, Therefore, Be It

RESOLVED that the Town of Bedford hereby agrees to pay the Town of Somers a one-ninth share of the funds advanced by the Town of Somers, not to exceed \$22,222.23, pursuant to its contract with (O&G) upon notice by Somers that it has exhausted reasonable efforts to receive said NYSDEC grant funds or NYSDEC has otherwise notified Somers that funds will not be reimbursed to Somers irrespective of the grant award to it.

4. Set Date for Public Information Meeting with regard to Bedford Center Road paving and shoulder widening to accommodate bicycle traffic.

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 Information meeting with regard to the paving of Bedford Center Road and the widening of the shoulder on this road to accommodate bicycle traffic for Tuesday, June 30<sup>th</sup>, 2009 at 7:30 P.M. to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Set Work Session – Budget.

The date for the work session on the budget will be determined at a later time.

6. Executive Session – Personnel.

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 shall conduct an executive session to discuss matters of personnel at the conclusion of the regular meeting.

The Town Board adjourned to executive session at 9:35 P.M.

---

Lisbeth Fumagalli, Town Clerk