

Bedford Hills, New York
March 17, 2009

The second meeting for the month of March of the Town Board of the Town of Bedford was held on March 17, 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 T. Corcoran	:Councilman
	Chris Burdick	:Councilman
	David Gabrielson	:Councilman
	Lisbeth Fumagalli	:Town Clerk
	Nancy Tagliafierro	:Town Attorney
	Amy Pectol	:Receiver of Taxes
	Kevin Winn	:Commissioner of Public Works
	William Heidepriem	:Superintendent of Recreation
	Edward J. Ritter	:Town Comptroller
	Marcy Marchiano	:Asst. to Supervisor

And fourteen (14) residents/observers.

APPROVAL OF CLAIMS

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 following claims be allowed for payment from their respective funds,

General Fund	\$25,463.57
Highway Fund	88,606.03
Consolidated Water District	4,067.58
Cedar Downs Water District	27.00
Farms Water District	27.00
Old Post Road Water District	54.00
Special Districts:	
Bedford Village Memorial Park	200.84
Bedford Hills Memorial Park	230.60
Katonah Memorial Park	<u>2,947.68</u>
	\$ 121,624.30

MONTHLY REPORTS

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

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

Town Comptroller Ed Ritter addressed the Board and updated them on the recent financial audit performed by Bennett, Kielson, Storch and DeSantis for the Town of Bedford. He advised that at the end of 2008 the General Fund had a balance of \$3.7 million and the Highway Fund, a balance of \$1.3 million. He added that the fund transfers to wrap up 2008 would be done at the next Town Board meeting. He pointed out that the final report would be submitted by the auditors in late April or early May, but that we should all be pleased that the Town of Bedford was in such good financial shape.

Mrs. Roberts thanked the staff of the Finance Department for their efforts during the audit.

REPORTS/UPDATES/DISCUSSION

1. Energy Advisory Panel

Mary Beth Kass, Simon Skolnik and Mark Thielking of the Town of Bedford Energy Advisory Panel addressed the Town Board and gave a brief update on the work of their committee.

Mrs. Kass advised the Town Board that the EAP had been joined ICLEI, Local Governments for Sustainability, an association of over 500 local US governments committed to mitigating climate change and that they had been working with ICLEI computer software to calculate the Town's green house gas emissions, establish a target to reduce those emissions (20% by 2020) and developing a climate action plan to meet that target. She discussed the data that had been reviewed and that they would be finalizing recommendations to present to the Town Board for the climate action plan in the near future. She added that they were also looking at the cost of implementing energy saving measures, the payback period and the potential for the reduction of green house gas emissions. She discussed the panel's community outreach efforts to encourage residents to conserve energy and natural resources, including the recently conducted environmental summit and some of the events that have happened as a direct result of the summit.

Mr. Skolnik discussed land use and buildings, noting that newer buildings are more energy efficient than older buildings. He reviewed the "Energy Star Standards" for new homes and major institutions.

Mr. Thielking addressed ways for the Town to reduce energy use and costs noting that 75% of the cost over the life of a building is for energy, electricity.

2. Overview of Attorney General's Office – Judith McCarthy, Assistant Attorney General in charge of the Westchester Regional Office.

Judith McCarthy, Assistant Attorney General in charge of the Westchester Regional Office, which is located in White Plains, addressed the Town Board and presented an overview of what her office, which is responsible for the Counties of Rockland, Westchester and Putnam does. She noted that the office has four (4) functions:

1. Defend the State of New York.
2. Affirmative cases against businesses that defraud their customers. She added that in 2007 there were 1600 complaints, which they acted on and that her office needs to hear from consumers when there's a problem.
3. Charity work – they review actions/transactions of property/homes of the not-for-profit groups.
4. Mediation – in matters such as credit card problems, rent deposit not being returned to a tenant – the office tries to help and looks for a pattern. She noted they do out reach to the community and try to address concerns about consumer fraud.

Ms. McCarthy emphasized that the Attorney General's office is there to serve the people of the State of New York and she looked forward to working with the residents of the Town of Bedford.

3. Presentation by MTA regarding power substations at Katonah and Bedford Hills. Supervisor Roberts asked Town Planner Jeffrey Osterman to explain this project. Mr. Osterman explained the background of the property noting that it is owned by New York City, leased to the Town of Bedford who in turn sub-leases it to the Community Center. The Metropolitan Transportation Authority needs to construct a substation to provide extra power for the trains on the Harlem line. In searching for a location in Katonah, the MTA found that the best location would be at the far end of the property located at 84 Bedford Road. He displayed a sketch of the proposed substation and stated that both the Town of Bedford and the Community Center had no concerns with the location and construction of the substation.

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 authorize the Supervisor to send a letter of support to the Metropolitan Transportation Authority (MTA) for the Metro-North Substation Project for the substations to be constructed on the Community Center property at 84 Bedford Road, Katonah, New York and at the Green Lane Railroad crossing on property owned by the Village of Mount Kisco in Bedford Hills.

OLD BUSINESS

1. Discussion of options for Clean-up Weekend.

The Town Board reviewed the memorandum dated March 12, 2009 from Kevin Winn, Commissioner of Public Works that gave a review of the income and expenses for the Town sponsored Clean Up Days for the last two (2) years and the estimated ones for this year. It was pointed out that if the Town did not hold the event on Sunday there would be a significant reduction in the expenses for labor and waste disposal. They noted that this was a reduction in services to the Town's residents and that the Chowder and Marching Club would prefer to have their tag sale on Sunday, however, this group understands the financial ramifications. They also discussed the fees for the event and whether or not to increase them. The consensus of the Board was that they should be increased and that Sunday's event should be cancelled. The Board would like to have the E-Waste truck from Westchester County on Sunday, May 3 but at another location.

The Town Board and the Chowder and Marching Club will work with various local charities on donations of some of the items collected to reduce the costs of disposal to the Town of Bedford.

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 approve the following changes for the 2009 Town of Bedford Clean-Up Days:

1. Increase in fees:	From:	To:
Car	\$10.00	\$20.00
Pickup	\$25.00	\$50.00
Small Dump Truck (< 6 yd)	\$50.00	\$100.00
Large Dump Truck (> 6 yd)	\$100.00	\$200.00

2. Sunday, May 3, 2009 shall be eliminated from Clean-Up Days 2009.
3. The Chowder and Marching Club Tag Sale shall on Friday, May 1, 2009 and Saturday, May 2, 2009.

2. Discussion of proposed Cemetery Policy.

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 Town Board has designated the Superintendent of the Department of Recreation and Parks (the "Superintendent") to maintain certain cemeteries within the Town of Bedford 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, Section 290 of the Town Law of the State of New York authorizes the Town Board to sell burial lots to the public provided therein; and

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WHEREAS, Chichester Cemetery (the “Cemetery”), located on Old Corner Road, Bedford Village, is one of the Town cemeteries which the Superintendent maintains; and

WHEREAS, there may be sufficient open land within the Cemetery for the creation of a small number of burial lots; and

WHEREAS, the Town Board wishes to adopt a fair and equitable procedure for the sale and use of burial lots within the Cemetery,

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. Each burial lots will measure 39” 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 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.
3. 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 set forth in *Schedule A*. 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.
4. 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 and recorded in the Office of the County Clerk of Westchester County. 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 plus Westchester County recording fees. 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.
5. The Superintendent will prepare a map for the division of open space at Chichester into 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 director; and (b) copy of burial permit issued by the Town Clerk. The Superintendent will issue a permit for interment upon review and approval of the application and receipt of the appropriate interment fee under *Schedule A*.

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.

IT IS FURTHER RESOLVED that the Town Board shall defer the decision on pricing and sizing of the lots to a later date and shall enlist the services of a professional surveyor in order to better determine the number of lots to be made available in this cemetery.

3. Approval of 2009 Capital Plan

On a motion by Mrs. 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 accept the 2009 Capital Plan as submitted by Edward J. Ritter, Town of Bedford Comptroller.

On a motion by Mrs. 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 set Tuesday, March 31, 2009 at 8:00 PM as the date for the next meeting of the Town Board of the Town of Bedford to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

4. Set Public Hearing for Bond Issues.

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 set a public hearing on bonding for 2009 for Tuesday, March 31, 2009 at 7:00 PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Approval of Town Parking Permits.

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 increase in rates for the Town of Bedford commuter lots as follows:

Lot 3 shall have one hundred (100) non-resident parking permits available ONLY for residents of the Town of Somers who shall pay the rates listed below, and more metered spaces will be installed in this commuter lot.

<u>Non - Resident Parking Season</u>	<u>Rate</u>
2009-2010	\$850
2010-2011	\$1000

Business Parking Permits in the Hamlet of Katonah

<u>Parking Lot</u>	<u>Rate</u>
Lot 1, Jay Street	\$350
Lot 2, Katonah Avenue	\$210
Lot 3, Wood Bridge Road	\$210

NEW BUSINESS

1. Request from Receiver of Taxes to grant extension for senior citizens of 5 days for payment of taxes.

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, New York State Real Property Tax Law Section 925-b permits municipalities, at their discretion, to grant an extension of time for the payment of real property taxes for certain persons over the age of sixty-five (65) who have received an exemption from a portion of real property taxes pursuant to Real Property Tax Law Section 467; and

WHEREAS the Town wishes to grant those eligible senior residents an extension of time to pay their real property taxes in accordance with Real Property Tax Law Section 925-b;

NOW THEREFORE BE IT RESOLVED THAT in accordance with Real Property Tax Law Section 925-b Town of Bedford residents who have received an exemption from a portion of their taxes pursuant to Real Property Tax Law Section 467 are granted a five (5) day extension to May 7, 2009 to pay their real property taxes to the Town; and it is

FURTHER RESOLVED, any taxes not paid by May 7, 2009 shall be subject to the same interest and penalties that would have applied if no extension had been granted.

2. Authorize Supervisor to sign agreement with Extech, LLC, to inspect and evaluate the interior coating of the Lily Pond Lane Tank.

Mr. Winn reviewed his memorandum and advised the Town Board that the interior paint on the tank was failing for the second time. This time there are bubbles in the coating indicating a pre-mature failure of the coating.

On a motion by Mr. Chryssos, 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 Supervisor to sign the agreement with Extech, LLC to inspect and evaluate the interior coating of the Lily Pond Lane Water Tank, for an expenditure not to exceed \$5,000.00 for professional services, with the funding to come from the budget for the Consolidated Water District, as per the memorandum dated March 11, 2009 from Kevin Winn, Commissioner of Public Works.

3. Request to go out to bid for vehicles.

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 grant approval for the Town Comptroller, Edward J. Ritter to advertise for bids for the purchase of (3) 2009 Ford Escape Hybrid XLS 4-door, 4-wheel drive vehicles for use by the Town of Bedford Department of Public Works, Recreation and Parks Department and Building Department.

4. Request to go to bid for purchase of materials to be used in Consolidated, Cedar Downs, Farms and Old Post Road Water Districts.

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 approve the request from William Nickson, Water Department Foreman in his memorandum dated March 13, 2009, to go to bid for Water Department Materials to be used in the Town's water districts for 2009.

5. Consider response to County inquiry regarding interest in a County-wide Revaluation.

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 agree to participate in the study regarding consolidated assessment data and standardizing assessing methodologies on a County-wide basis; provided, that such agreement is not to mean the Town of Bedford's agreement at this time to revaluation.

6. Request from Ann McDuffie to be reappointed to the Conservation Board.

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 reappoint, Ann McDuffie to the Town of Bedford Conservation Board for a two (2) year term, said term to expire January 20, 2011.

7. Ruth Windsor resignation from Cemetery Committee.

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

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

RESOLVED that the Town Board does hereby accept the resignation of Ruth Windsor from the Cemetery Committee effective immediately.

8. Michelle duRivage resignation from the Tree Advisory Board.

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 that Town Board does hereby accept the resignation of Michelle DuRivage from the Tree Advisory Board, effective immediately.

Bea Rhodes of the Tree Advisory Board addressed the Town Board and advised that Robert Mazurak was interested in filling the vacancy on this Board resulting from Ms. DuRivage's resignation and requested that the Town Board appoint him.

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 appoint Robert Mazurak to fill the unexpired term of Michelle DuRivage on the Tree Advisory Board, said term to expire December 16, 2010.

There being no further discussion and on a motion duly made and seconded the meeting was adjourned at 10:22 PM.

Lisbeth Fumagalli, Town Clerk