

Bedford Hills, New York  
May 19, 2009

The second meeting for the month of May of the Town Board of the Town of Bedford was held on May 19, 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                |
|                 | Jeffrey Osterman   | :Director of Planning         |
|                 | James J. Hahn      | :Town Consulting Engineer     |
|                 | William Heidepriem | :Supt. Recreation and Parks   |
|                 | Edward J. Ritter   | :Comptroller                  |
|                 | Amy Pectol         | :Receiver of Taxes            |
|                 | Kevin Winn         | :Commissioner of Public Works |
|                 | Christian Menzel   | :Chief of Police              |
|                 | Marcy Marchiano    | :Asst. to Supervisor          |

And twenty (20) residents/observers.

#### **PRESENTATION OF POLICE RECOGNITION AWARDS – 2007 and 2008**

Chief Menzel made the following presentations of awards for the previous two years:

2007 – Police officer of the Year – Police Officer William Smith

2008 – Police officer of the Year – Police Officer Gregory Phillips

2007 – Traffic Safety Enforcement Award – Police Officer Andrew Klein

2008 – Traffic Safety Enforcement Award – Police Officer Andrew Klein

#### **APPROVAL OF CLAIMS**

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 following claims be allowed for payment from their respective funds,

|                               |                 |
|-------------------------------|-----------------|
| General Fund                  | \$74,426.31     |
| Highway Fund                  | 18,438.15       |
| Consolidated Water District   | 2,457.57        |
| Special Districts:            |                 |
| Bedford Village Memorial Park | 6,834.87        |
| Bedford Hills Memorial Park   | 6,778.71        |
| Katonah Memorial Park         | 3,566.44        |
| Capital Projects              | <u>6,097.70</u> |
|                               | \$ 120,148.75   |

#### **MONTHLY REPORTS**

|                            |                   |                    |
|----------------------------|-------------------|--------------------|
| Building                   | Justice Court     | Recreation & Parks |
| Code Enforcement           | 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.

**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 approve the addition to the agenda of “New Business #9 – Approval of Phone System.”

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 Town Board does hereby approve the addition to the agenda of “New Business #10 – Home Rule request”.

**PRESENTATION/UPDATE**

1. Town Stormwater Management Plan – Kevin Winn and Jeff Osterman

Mr. Osterman discussed with the Board the Town of Bedford’s Stormwater Management Plan and presented the MS4 Annual Report, which focused on the efforts over the last year of the Town of Bedford with Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site and Post-Construction Control and Post Construction Stormwater Management. He added that Dolph Rotfeld Engineering had assisted him with the preparation of the report.

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 approve the submission of the MS4 Annual Report for the period ending March 9, 2009 to the Westchester County Planning Department, as prepared by Town Planner Jeffrey Osterman.

2. Bedford Consolidated Water Filtration Plant Design Services Update.

Mr. Winn made a presentation to the Board concerning the design services for the water filtration plant for the Bedford Consolidated Water District. He commented that the design committee was pleased with the design and drawings. He advised the Board that at this time it does not appear that there will be first round stimulus money available to fund this project. Referring to the memorandum submitted to the Board, he noted that because there is no firm deadline for signing a construction contract the Board has the option to negotiate with O’Brien and Gere for their professional services on the design of the water filtration plant. The Board noted that they were generally pleased with the services received from O’Brien and Gere and that based on the information provided to them that Mr. Winn should be allowed to continue negotiating with this firm.

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 Town Board does hereby grant 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 as per the memorandum dated May 14, 2009.

**CORRESPONDENCE**

1. Application for Special Use Permit to Film.

On a motion by Mr. Corcoran, 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 a Special Use Permit to Film to Paramount Pictures, Inc., 5555 Melrose Avenue, Los Angeles, California 90038 for the filming of a motion picture at the Bianco residence located at 20 Black Brook Road, Bedford, New York 10506 on Tuesday, June 16 and Wednesday, June 17, 2009 subject to the receipt of a revised, signed, Hold Harmless agreement showing that applicant Demian Resnick is employed by Paramount Pictures and is permitted to act on their behalf; and

BE IT FURTHER RESOLVED that the Chief of Police shall work with Paramount Pictures on a rain date for the filming, if necessary, as well as coordinating the hours permitted for filming on these two days and that an invoice shall be provided to the studio for all charges resulting from the Town of Bedford permit fees and the Police Department for the hiring Police personnel to ensure safety during this event.

2. Presentation of Federated Conservationists of Westchester County Green Seal Awards to Bedford Garden Club and the Bedford Energy Advisory Panel, June 4<sup>th</sup>.

Mrs. Roberts announced that the Federated Conservationists of Westchester County would be presenting their Green Seal Awards to the Bedford Garden Club and The Bedford Energy Advisory Panel at a ceremony on June 4, 2009.

**OLD BUSINESS**

1. Request for rebid for mesh pool cover at Bedford Village Memorial Park.

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 request submitted by Superintendent of Recreation and Parks William Heidepriem to rebid the main pool mesh cover at the Bedford Village Memorial Park, as no bids were received for the previous bid, as per Mr. Heidepriem's memorandum dated May 13, 2009.

2. Confirm costs for cemetery plots.

On a motion by Mr. Corcoran, 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 following fee for the purchase of a plot in the Town owned cemeteries in the Town of Bedford: Plots - \$1000 each, with an additional charge for the maintenance at the cemetery.

3. Recommendation to sign one-year contract renewal with Rogan Brothers for Recycling Center management.

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 renewal of the contract for the Town of Bedford Recycling Center with Rogan Brothers Sanitation, Inc., 69 Lockwood Avenue, Yonkers, New York 10703, for a period of one (1) year, with the renewed contract to

expire June 30, 2010, as per the terms of the current contract and to include that the prevailing wage shall be paid to the recycling center employees, with renewal of the contract at the end of the period to be at the discretion of the Town Board.

**NEW BUSINESS**

1. Promotion of Anne Paglia to Senior Office Assistant (Automated Systems) in the Wetlands Commission.

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

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

RESOLVED that the Town Board does hereby approve the promotion of Anne Paglia from Office Assistant (Automated Systems) to Senior Office Assistant (Automated Systems) in the Wetlands Commission, as Mrs. Paglia has taken and passed the appropriate civil service test for this position and is on Eligible List #02-415, with an annual salary of \$50,691 effective May 20, 2009 as per the memorandum dated May 14, 2009 from Joan Gallagher, Director of Personnel.

2. Reappoint Dan Herman to the Blue Mountain Housing Development Corp.

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 Daniel Herman to the Blue Mountain Housing Development Corporation/Bedford Town Housing Agency, for a three (3) year term, said term to expire February 1, 2012.

3. Appoint Bicycle Advisory Committee: Terry Burke, Chair; George Bianco, Vice-Chair; Skip Beitzel; Jim Duffy and Donald Pachner.

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 create the Bicycle Advisory Committee and appoints the following residents to this committee:

Terry Burke - Chairman  
George Bianco – Vice-Chairman  
Skip Beitzel  
Jim Duffy  
Donald Pachner

4. Request to appoint Marion Rose and Betsy Weir to the Conservation 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

RESOLVED that the Town Board does hereby appoint Marian Rose to the Conservation Board for a two (2) year term, to fill the vacancy on this board, said term to expire January 20, 2011.

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 appoint Betsy Weir as an associate member of the Conservation Board, with no voting privileges and she shall fill the next vacancy on this Board.

5. Release of bond – Castlewood Subdivision.

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 release of the maintenance bond in the amount of \$30,000.00 submitted by Fred Wyman and that the \$20,000.00 held in escrow to ensure the operation and maintenance of the subsurface drainage system, remain in effect until at least August 4, 2011, as per the recommendation of James J. Hahn, Town Consulting Engineer in his memorandum dated March 20, 2009.

6. Consider Northern Westchester Energy Action Coalition Intermunicipal Agreement. Mark Thielking of the Energy Advisory Panel was present and discussed with the Board small communities joining together to align the interests of the Towns. He noted that while there are no specific projects at this time, it should be known that the Towns share a common interest in educating their residents about the energy matters that affect them. Mrs. Roberts agreed and felt that the Town of Bedford should take the lead on this.

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 Northern Westchester Energy Action Coalition Intermunicipal Agreement with the towns of Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Ossining, Pound Ridge, Somers and Yorktown and the Villages of Croton-on-Hudson, Mount Kisco, and Ossining to form the Northern Westchester Energy Action Coalition to advise and inform its residents on methods to accomplish the interests and objectives regarding energy usage, energy conservation, recycling and solid waste management and the benefits that accompany them.

7. Set public hearing on proposed Ridgeline ordinance.

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 to be held on Tuesday, June 16, 2009 at 7:00 pm to discuss the proposed Ridgeline ordinance, said hearing to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

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 declare itself the Lead Agency for the coordinated SEQRA review of the proposed Ridgeline ordinance.

8. Executive Session – Personnel.

May 19, 2009 – Regular meeting - continued

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 discuss matters of personnel in an executive session to be conducted at the conclusion of the regular meeting.

9. Approval of Phone System for Town of Bedford offices.

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 installation of a Mitel Phone System in the Town of Bedford offices to the lowest, most responsible bidder, CBS Technologies Corp., 2990 Express Drive South, Islandia, New York 11749 in the amount of \$109,166.00.

10. Home Rule Request.

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 reaffirm the Home Rule Request passed by Resolution dated May 5, 2009 and known as New York State Assembly Bill A-8387.

There being no further discussion the Town Board adjourned to Executive Session at 9:35 P.M.

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Lisbeth Fumagalli, Town Clerk