

Bedford Hills, New York
May 5, 2009

The first meeting for the month of May of the Town Board of the Town of Bedford was held on May 5, 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
	Nina Kellogg	:Deputy Town Clerk
	Nancy Tagliafierro	:Town Attorney
	Jeffrey Osterman	:Director of Planning
	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 six (6) residents/observers.

MOMENT OF SILENCE FOR GARY HAYES

Mrs. Roberts offered a moment of silence in memory of former Superintendent Gary L. Hayes who had served the Town of Bedford for 38 years and passed away last week.

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,

Paid Prior to Audit	\$ 67,465.28
General Fund	49,486.10
Highway Fund	12,379.77
Consolidated Water District	11,943.51
Cedar Downs Water District	383.00
Farms Water District	2,180.95
Old Post Road Water District	565.20
Special Districts:	
Bedford Village Memorial Park	6,045.09
Bedford Hills Memorial Park	6,945.99
Katonah Memorial Park	4,919.90
Bedford Lighting District	607.85
Capital Projects	<u>81,817.21</u>
	\$ 244,739.85

CORRESPONDENCE

1. Request from the Katonah Restaurant to amend permit for outdoor tables. Mrs. Roberts advised that a letter had been received from Michael Simos of the Katonah Restaurant requesting an amendment to their current agreement with the Town of Bedford to permit serving alcohol at the outdoor dining tables.

She noted that in order to proceed with this request that the owners would need to submit an application for a Special Use Permit with the appropriate fee along with a map of the proposed seating, hours of operation and alcohol service, lighting, documentation

showing that their New York State Liquor License allowed for the outdoor serving of alcohol, an insurance certificate and a signed hold harmless agreement. She added that the Town would be reviewing permits of other restaurants with outdoor seating with each one having to provide the same documentation to complete the Town's file.

2. Resolution to create a loan program to assist homeowners in energy efficiency improvements.

Mark Thielking of the Bedford Energy Advisory Panel made a presentation to the Board concerning proposed legislation that would give the Town of Bedford the ability to create a local loan program to assist homeowners with making their homes more energy efficient. He described the methods by which the Town could do this and discussed programs initiated by other municipalities. He noted that a home rule request was the most feasible way for the Town to proceed at this time. He advised that there were Energy Efficiency Block Grants available to communities with a population of 35,000 or less and that the deadline to submit the application was July 30.

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 submission of a Home Rule Request to the New York State Legislature to create a Sustainable Energy Loan Program as follows:

AN ACT PURSUANT TO SECTION 40 OF THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK IN RELATION TO THE CREATION OF THE TOWN OF BEDFORD, NEW YORK SUSTAINABLE ENERGY LOAN PROGRAM TO ASSIST HOMEOWNERS IN THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS.

The People of the State of New York do enact as follows:

1. **Section 1.** Pursuant to Section 40 of the Municipal Home Rule Law of the State of New York, a new law is added as follows:

Title: Town of Bedford Sustainable Energy Loan Program

2. **Section 2:** Legislative Intent.
 - a. It is the intent of the Town of Bedford to promote energy efficiency among residents and businesses within the Town, including the promotion of energy efficiency improvements and the utilization of renewable energy sources in existing buildings within the Town.
 - b. In order to address the issue of global climate change and greenhouse gas emissions in the Town of Bedford, the Town has embarked upon an effort to reduce energy demand from existing buildings so as to have the Town of Bedford meet Statewide energy efficient goals. In order to assist residents and businesses in the Town of Bedford make energy efficiency improvements more affordable and to promote the installation and utilization of such improvements, it is necessary to set forth a mechanism to finance the cost of such energy efficiency improvements.
 - c. Pursuant thereto, this legislation will help lower energy costs, reduce greenhouse gas emissions and make energy efficiency and renewable energy improvements more affordable by offering a sustainable energy loan program to assist homeowners and businesses within the Town of Bedford in the installation of distributed generation renewable energy sources or energy efficiency improvements. Such loans to be offered by the Town shall be repaid over a period of time through an annual assessment on the property of the borrower.

3. Section 3: Definitions.

- a. “Distributed Generation” shall mean the generation of energy close to the point of use.
- b. “Renewable Energy Source” shall mean the production of energy through hydro, solar thermal, solar photo-voltaic, geothermal, biomass or other renewable energy resources.
- c. “Energy Efficiency Improvement” shall mean an installation or modification that is designed to reduce energy consumption in residential or commercial properties.

4. Section 4: Sustainable Energy Loan Program.

- a. The Town of Bedford, New York at its discretion shall offer a Sustainable Energy Loan to homeowners and businesses for the financing of the installation of distributed generation renewable energy sources and/or energy efficiency improvements that will be permanently affixed to the property of the borrower.
- b. Such loans shall only be available to owners of improved residential and commercial properties that are undergoing capital improvements or upgrades.
- c. The loans issued by the Town pursuant to this program, shall be repaid by the borrower through an assessment levied by the Town on the real property where the Sustainable Energy Loan was applied. Such assessment shall be included annually within the Town real property tax bill which is transmitted to the borrower until repaid in full.
- d. The aggregate amount of each Sustainable Energy Loan provided by the Town of Bedford shall not exceed the actual cost of the equipment and materials necessary for the installation of distributed generation renewable energy sources or energy efficiency improvements, including the installation costs of such equipment.
- e. Assessments levied pursuant to this section, including any interest and penalties, shall constitute a lien upon the parcel of real property for which the loan is made.

5. Section 5: Necessity.

- a. The Town Board of Bedford, New York located in Westchester County declares that this legislation is necessary for the immediate protection of the public interest and for the implementation of the energy efficiency and green house gas reduction plans of the Town of Bedford and the State of New York.

6. Section 6: Effective Date.

This law shall take effect immediately.

3. Letter and resolution from Greenburgh Supervisor requesting County Legislators to consider allowing Tax Receivers to collect partial payment for County, Town and District Taxes.

Mr. Burdick read a letter dated April 28, 2009 from Greenburgh Supervisor Paul J. Feiner requesting that the Town of Bedford support an amendment to the county tax law to provide for partial payments on the town/county taxes.

Mrs. Roberts asked Receiver of Taxes Amy Pectol for her comments on this. Ms. Pectol advised that before the Town Board offered support for this she would like to research it to determine what the costs would be for the Town to have an additional tax collection as well as what impacts it would have on the Town’s revenue stream. She noted that Putnam County has two periods for collecting the town/county taxes and she would speak to other tax receivers to get their opinions.

PRESENTATIONS/UPDATES

1. Budget update – Ed Ritter, Comptroller

Mr. Ritter informed that Board that the mortgage tax revenues and interest were down substantially but were within the levels projected at the time the 2009 budget was being discussed. He added that the Town’s fund balance was strong but cautioned the Town Board that any against any unbudgeted expenditures that would require appropriation of fund balance.

OLD BUSINESS

1. Recommendation of low bidders for Material Bids for Water 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

WHEREAS, by Resolution the Town Board authorized William Nickson, Foreman of the Water Department to solicit bids for the purchase of materials to be used in the Consolidated, Cedar Downs and the Farms Water Districts, such as fire hydrants, cold water meters, ductile iron pipe and gate valves, and

WHEREAS, by memorandum dated April 23, 2009, William Nickson, Foreman of the Water Department advised that bids were received an opened on April 23, 2009 as follows:

	<u>Vellano Bros.</u>		<u>Vellano Bros</u>		<u>Vellano Bros.</u>
Fire Hydrants	4'0" \$1,515.26	Iron Pipe	4" \$12.19	Gate Valves	4" \$355.40
	4'6" \$1,549.80		6" \$13.03		6" \$453.32
	5'0" \$1,583.00		8" \$17.63		8" \$722.00
	5'6" \$1,635.65		10" \$23.35		10" \$1,125.71
	6'0" \$1,670.55		12" \$29.30		12" \$1,424.43

Rio Supply d/b/b SLC Meter East

Cold Water	5/8" x 5/8"	\$99.50
Meters	5/8 x 3/4"	\$99.50
	3/4 x 3/4"	\$138.00
	1"	\$183.00
	1 1/2"	\$410.00
	2"	\$510.00

WHEREAS, Mr. Nickson, Foreman, Water Department recommends the Town Board accept Vellano Bros. Inc., as the low bidder for Fire Hydrants, Iron Pipe and Gate Valves, Rio Supply, d/b/a SLC Meter East for Cold Water Meters,

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board does hereby award the bids for Fire Hydrants, Iron Pipe and Gate Valves to Vellano Brothers, Wappingers Falls, New York, and the bid for Cold Water Meters to RIO Supply d/b/a S.L.C. Meter East, Inc., West Berlin, New Jersey.

2. Agreement with Sunnyfield Farm for access route.

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 December 16, 2008 the Town Board approved entering into a license agreement with Sunnyfield Farm Inc., 749-801 South Bedford Road, Bedford Village, New York; and

WHEREAS, the Town has determined that to extend an existing road on the property will be a more cost effective method to accomplish gaining access to the site for

a 250,000 gallon water storage tank on David Lapsley Road to serve the Old Post Road Water District, said road extension to be constructed by the Highway Department,

NOW, THEREFORE BE IT RESOLVED

THAT the Town Board does hereby approve the amended license agreement with Sunnyfield Farm Inc., for access through their property to the site for a water storage tank for the Town of Bedford.

3. Approve \$11,500 Permissive Referendum for removal of oil storage tanks. 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

BOND RESOLUTION DATED MAY 5, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$11,500 BONDS OF THE TOWN OF BEDFORD, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE REMOVAL OF VARIOUS OIL TANKS AT TOWN FACILITIES, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

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

Section 1. For paying the cost of the removal of various oil tanks at Town facilities, in and for the Town of Bedford, Westchester County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$11,500 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$11,500, and that the plan for the financing thereof is by the issuance of the \$11,500 bonds of the Town of Bedford, Westchester County, New York, authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision eighty-eight of paragraph a of Section 11.00 of the Local Finance Law, but the maximum maturity of the bonds authorized is limited to five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Bedford, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Bedford, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of

these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary in the *Bedford Pound Ridge Record Review*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. The bond resolution adopted March 31, 2009 and titled:

A RESOLUTION AUTHORIZING THE ISSUANCE OF
\$11,500 BONDS OF THE TOWN OF BEDFORD,
WESTCHESTER COUNTY, NEW YORK, TO PAY THE
COST OF THE REMOVAL OF VARIOUS OIL TANKS
AT TOWN FACILITIES, IN AND FOR SAID TOWN.

is hereby superseded by this bond resolution.

NEW BUSINESS

1. Request for street closing for Memorial Day Block Party, Huntville Road from Cherry Street to Glen Ridge Road, Sunday, May 24th from 3:30 pm to 8:00 pm.

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 grant permission for a block party to be held on Huntville Road between Glen Ridge Road and Cherry Street on Sunday,

May 5, 2009 – Regular meeting - continued

May 24, 2009, between the hours of 3:30 P.M. and 8:00 P.M. subject to the following conditions:

1. Katonah Elementary School shall be contacted by the party organizers to ensure that there will not be a conflicting event being held at the school during this time.
2. The residents of Huntville Road are to be advised of the closure of the road between Glen Ridge Road and Cherry Street.
3. The Highway Division of the Department of Public Works shall provide barricades for the event.

The road shall not be blocked to the point that Fire, Police or Ambulance cannot access in the event of an emergency.

2. Resolution honoring Jaap Ketting.

Mr. Corcoran read the following proclamation honoring Jaap Ketting:

WHEREAS, Jaap Ketting was born on April 25, 1916 in Rotterdam, The Netherlands; and

WHEREAS, upon completion of his studies, Jaap moved to the Netherlands Indies, where he was employed in the pharmaceuticals industry; and

WHEREAS, Jaap Ketting joined the Royal Dutch Air Force in 1941, flying numerous bombing missions against the Japanese fleet and bases over the remaining years of World War II, narrowly escaping the Japanese occupation of Java, surviving his plane being shot down on three separate occasions, and recovering from a bullet wound inflicted by an attacking fighter pilot; and

WHEREAS, Mr. Ketting moved to the United States following the war and settled in Bedford, New York in 1946, working to supply much needed medical supplies to war-ravaged Indonesia; and

WHEREAS, Jaap and his wife Conny are among the original residents of Roosevelt Drive in Bedford Hills where they raised a family and have now resided for nearly 60 years; and

WHEREAS, having developed a keen interest in the history of his adopted community, he researched the history of the Bedford Hills community, collected related artifacts, documents and photographs and published two books in 1998: *A Brief History of Roosevelt Drive, a Distinctive Neighborhood in Bedford Hills* and *A Brief History of Bedford Hills*; and

WHEREAS, the Town Board of the Town of Bedford wishes to express gratitude to Jaap Ketting for his tireless work to document and preserve the unique history of Bedford Hills and for his humility, industrious nature, good humor and charitable spirit in service to his community and the Town of Bedford; and

NOW, THEREFORE BE IT RESOLVED THAT WEDNESDAY, JUNE 3RD, 2009 IS PROCLAIMED JAAP KETTING DAY IN ALL THE LAND.

3. Consider maintenance agreement renewal with Atlantic-Westchester, Inc. 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 maintenance agreement with Atlantic-Westchester, Inc., 264 Adams Street, Bedford Hills, New York 10507 for service and maintenance of the HVAC system and equipment at the Town Offices at 425 Cherry Street, Bedford Hills, New York for a two (2) year period from May 1, 2009 to April 30, 2011 in the amount of \$1900.00 per year.

4. Set work sessions on budget and green legislation.

May 5, 2009 – Regular meeting - continued

The Town Board set work sessions to be conducted on the following dates:

- Tuesday, May 19th at 6:30 pm to discuss the telephone system and ridgeline protection legislation.
- Thursday, May 28th at 6:30 pm to discuss the budget and other financial matters.
- Tuesday, June 2nd at 6:30 pm to discuss a franchise agreement with the Communications Committee or green legislation.

All work sessions will be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Appoint Supervisor Marriage Officer for her term of office, January 1, 2008 to December 31, 2009.

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 Supervisor Lee V. A. Roberts as a Marriage Officer in the Town of Bedford, retroactive to the beginning of her term, from January 1, 2008 to December 31, 2009.

There being no further discussion the meeting was adjourned at 9:10 pm.

Nina Kellogg, Deputy Town Clerk