

Bedford Hills, New York
November 17, 2009

The second meeting for the month of November of the Town Board of the Town of Bedford was held on November 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
	Francis Corcoran	: Councilman
	David Gabrielson	: Councilman
	Chris Burdick	: Councilman
	Lisbeth Fumagalli	: 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
	Edward Collins	: Chief of Police
	William Heidepriem	: Supt. of Recreation and Parks
	Marcy Marchiano	: Asst. to Supervisor
Absent:	Peter Chryssos	: Councilman

And four (4) residents/observers.

APPROVAL OF CLAIMS

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

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

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

General Fund	\$391,308.90
Highway Fund	36,203.77
Consolidated Water District	20,306.40
Cedar Downs Water District	27.00
Farms Water District	27.00
Old Post Road Water District	810.00
Drug Abuse	1,203.41
Special Districts:	
Bedford Village Memorial Park	10,846.67
Bedford Hills Memorial Park	1,544.99
Katonah Memorial Park	969.70
Katonah Lighting District	587.64
Capital Projects	<u>69,810.49</u>
	\$ 533,645.97

MONTHLY REPORTS

Building	Code Enforcement	
Dog Control	Justice Court	
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.

CORRESPONDENCE

1. Bedford Hills Chamber of Commerce Tree Lighting on Saturday, December 5th at 6pm.

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

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

RESOLVED that the Town Board does hereby approve the Bedford Hills Chamber of Commerce request to hold their annual tree lighting on Saturday, December 5, 2009 at 6:00 pm at Depot Plaza, Bedford Hills, as per the letter dated November 15, 2009 from Dr. Gregory J. Riley.

OLD BUSINESS

1. Recommendation of company for refuse removal from Town facilities.

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

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

RESOLVED that the Town Board does hereby award the contract for the removal of refuse from Town facilities for the period from January 1, 2010 to December 31, 2011 to Rogan Brothers Sanitation in the total bid price of \$178,772.60 subject to the receipt of:

1. Documentation of 2009 Westchester County Refuse License.
2. An insurance certificate meeting the requirements of the bid document.
3. A performance bond in the amount of \$178,772.60.
4. Financial statements indicating ability to carry out the requirements of the contract.

2. Request to award snow plow removal services.

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

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

RESOLVED that the Town Board does hereby approve the award of snow plow removal services for the period of December 1, 2009 to November 30, 2010 as follows, as per the memorandum dated November 12, 2009 from Kevin Winn, Commissioner of Public Works.

	Westwood		Mayfield		Lawton Adams		J&B Paving		Fancher	
	Rate	#	Rate	#	Rate	#	Rate	#	Rate	#
Pickup trucks, ¾ ton min. rating with snow plow 8' wide or greater			175	3	100	2	92	2		
Dump Trucks, 1 ton min. rating (2 cy min. dump capacity) with snow plow 9' wide or greater			100	3	100	1	96	3		
Dump Trucks, Six wheel dump trucks (6 cy min dump capacity) with snow plow 11' wide or greater							100	1		
Front End loaders, 4-5 cy bucket capacity					180	2			130	1
Ten wheel dump trucks with 14 CY minimum dump capacity for hauling snow							95	1		
Triaxle dump trucks with 16 CY minimum dump capacity for hauling snow	110	2			130	3	95	3		
Skid Steer loaders							95	1		

Front End Loader 3-4 bucket capacity	150	1							
Backhoe Loader						95	1		

3. Consider bid award for new backstop and spectator safety fencing for Bedford Village Memorial Park softball field.

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

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

RESOLVED that the Town Board does hereby award the contract for the new backstop and spectator safety fencing for Bedford Village Memorial Park softball field to the lowest, most responsible bidder, Quality Fence, 1223 Lincoln Terrace, Peekskill, New York in the amount of \$24,800.00 as per the memorandum dated November 16, 2009 from William Heidepriem, Superintendent of Recreation and Parks.

4. Approval of Cemetery Regulations.

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

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

RESOLVED that the Town Board does hereby adopt the Town of Bedford Cemetery Regulations pursuant to Section 291 of the Town Law of the State of New York to provide for the proper care of all Town of Bedford cemeteries and burial grounds, which it is the responsibility of the Town Board to maintain under the laws and regulations of the State of New York and the sale of burial plots as permitted under Section 290 of the Town Law.

NEW BUSINESS

1. Receive Climate Action Plan and refer to Planning Board.

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

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

RESOLVED that the Town Board does hereby acknowledge receipt of the Climate Action Plan, dated September 2009 from Bedford Twenty by 2020 and it is further

RESOLVED that the Town Board does hereby refer the Climate Action Plan to the Town of Bedford Planning Board for their review and report back to the Town Board.

2. Set Public Hearing to establish the Town as benefited area for Energy Efficiency Improvements Project.

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

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

A regular meeting of the Town Board of the Town of Bedford, in the County of Westchester, New York, held at the Town Hall, on the 17th day of November, 2009.

PRESENT:

Lee V.A. Roberts, Supervisor
 Francis Corcoran, Councilor
 David Gabrielson, Councilor

Chris Burdick, Councilor

In the Matter
of the
Costs of Necessary Improvements for Energy Efficiency Improvements Related to Benefitted
Parcels of Real Property Fronting or Abutting Streets and Highways in the Town of Bedford,
County of Westchester, New York.

ORDER CALLING PUBLIC HEARING
TO BE HELD ON DECEMBER 8, 2009

WHEREAS, the Town Board of the Town of Bedford (herein called “Town Board” and “Town”, respectively), in the County of Westchester, New York, has requested the Energy Advisory Panel of the Town (herein called “Engineer”) to prepare definite plans and specifications, including a map of the area in the Town to be served, and to make a careful estimate of the expense of the construction, acquisition and equipping of energy efficiency improvements for benefitted parcels of real property fronting or abutting streets and highways in the Town, such improvements to be provided by funds lent by a not-for-profit corporation established by the Town and such lending paid for through assessments on benefitted real property in the Town assigned to such not-for-profit corporation (the “Energy Efficiency Improvements Project”) including all necessary materials, equipment, machinery and apparatus, land and rights-in-land required in connection therewith, and pursuant to the direction of the Town Board, the Engineer has been instructed to complete and file such plans, specifications and map and cost estimate with the Town Board by December 8, 2009, the date ordered for a public hearing on the matter; and

WHEREAS, Chapter 336 of the Laws of 2009 (the “EEIP Act”) authorizes the Town to provide energy efficiency improvements to owners of benefitted real property situate in the Town through loans organized by the Town and originated by its not-for-profit corporation, if and when established, being a constituted authority of the Town (the “EEIP Corporation”), which loans are to be repaid through assessments on such benefitted parcels of real property; and

WHEREAS, the assessment area for the improvements derived from the Energy Efficiency Improvements Project shall be the corporate and physical boundaries of the Town; and

WHEREAS, the cost of the construction, acquisition and equipping of the Energy Efficiency Improvements Project in and for the Town in the approximate amount to be estimated by the Engineer is anticipated to be financed on a long-term basis by the EEIP Corporation at no cost to the Town and no cost to the owners of taxable real property in the Town, except for preliminary costs in connection with the establishment of the Energy Efficiency Improvements Project and the EEIP Corporation; and

WHEREAS, any debt of the EEIP Corporation in furtherance of the Energy Efficiency Improvements Project shall never constitute a indebtedness, liability or obligation of the Town; and

WHEREAS, the cost of construction, acquisition and equipping of the Energy Efficiency Improvements Project in and for the Town will be paid solely from assessments on benefitted real property in the Town and grants from New York State (the “State”), or an agency or public benefit corporation of the State or from the United States of America, or a federal agency or department; and

WHEREAS, assessments levied on benefitted real property in the Energy Efficiency Improvements Project shall be paid to the Town and assigned by the Town to the EEIP Corporation on an annual appropriation basis such that such assignment shall never constitute a debt, liability or obligation of the Town; and

WHEREAS, through one or more programs of sharing services to reduce costs and increase efficiency and competitiveness in municipal service delivery on local, regional and global levels, the Town through EEIP Corporation will seek to expand and enhance the Energy Efficiency Improvements Project through joint and/or cooperative arrangements with local governments in the region in which the Town is located, and the Town anticipates taking a significant leadership role in such service sharing and cost reducing efforts; and

WHEREAS, any moneys paid, assigned, or given, and any funds held by the EEIP Corporation in carrying out the Energy Efficiency Improvements Project shall not be or be deemed to be public funds, and in the hands of EEIP, shall not be or be deemed to be moneys subject to the investment and collateral requirements of §§10 and 11 of the General Municipal Law; and

WHEREAS, pursuant to §200 of the Town Law, permission of the Office of the State Comptroller for the Town to undertake the construction, acquisition and equipping of the Energy Efficiency Improvements Project is not be required; and

WHEREAS, the Town Board has determined to be the “lead agency” in accordance with 6 NYCRR Part 617 for the purposes, among others, of assessing the effect of the construction, acquisition and equipping of the Energy Efficiency Improvements Project on the environment and determining whether said effect is sufficiently significant to require the preparation of a draft environmental impact statement, and the environmental compliance file in this matter will be maintained and on file and available for public inspection at regular business hours at the Town Hall offices; and

WHEREAS, the Town Board wishes to obtain the view of citizens, property owners principally residing in and outside the Town, governmental officials, public agencies and other interested persons in the subject thereof:

NOW, THEREFORE, IT IS ORDERED, that a meeting of the Town Board of the Town be held at the Town House, Bedford, New York, on the 8th day of December, 2009 at 7:30 o’clock P.M. (Prevailing Time) to consider the construction, acquisition and equipping of the Energy Efficiency Improvements Project at no cost in and for the Town and the establishment of the EEIP Corporation, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the *Record Review* and the *Journal News*, newspaper published in Westchester County, New York, and designated as official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and be it

FURTHER ORDERED, that the Town Clerk mail a copy of this Order, by United States Certified Mail Return Receipt Requested to the Office of the State Comptroller, in the City of Albany, New York, such mailing to be not less than ten (10) nor more than (20) days before the date of such public hearing; and be it

FURTHER ORDERED, that further information about the Energy Efficiency Improvements Project and EEIP Corporation and the aforementioned plans and specifications and map of the assessment area prepared by the Engineer are available for public inspection during regular business hours of the Town at the Town Hall, 321 Bedford Road, Bedford Hills, NY 10507; and be it

FURTHER ORDERED, that the purpose in the EEIP Act constitutes a necessary improvement referred to in §200(1) of the Town Law such that the levy of assessments on benefitted real property required in the EEIP Act is best undertaken through proceedings prescribed in §200 of the Town Law; and it is

FURTHER ORDERED, that any lending activity of EEIP Corporation or assignment to EEIP Corporation of assessments collected by the Town in carrying out the Energy Efficiency Improvements Project shall never be an indebtedness, liability or obligation of the Town for any purpose at any time; and be it

FURTHER ORDERED, that the Energy Advisory Board of the Town is authorized to investigate and procure EEIP financial institution commercial lending and investment banking partners to enhance the efficient use of grant funds received for the Energy Efficiency Improvements Project and enable the growth and development of the Energy Efficiency Improvements Project in the context of service sharing and cost reduction in joint/cooperative arrangements with local governments in the region in which the Town is located; and be it

FURTHER ORDERED, that neither this order or the public hearing called shall be or be deemed an “action” as that term is defined in 6 NYCRR Part 617; and be it

FURTHER ORDERED, that the Town Board has determined to be the “lead agency” in accordance with 6 NYCRR Part 617 for the purposes, among others, of assessing the effect of said construction, acquisition and equipping of the Energy Efficiency Improvements Project within the Town on the environment and determining whether said effect is sufficiently significant to require the preparation of a draft environmental impact statement.

3. Resolution to establish not-for-profit corporation to implement Bedford’s Energy Efficiency Improvements Project.

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

Ayes: Roberts, Corcoran, Gabrielson, Burdick

Nays: None

Absent: Chryssos

WHEREAS, the Town Board wishes to implement the energy efficiency improvement program authorized in Chapter 336 of the Laws of 2009, including *inter alia*, providing borrowed and granted funds to homeowners to reduce the cost of energy, securing funds to lend from various government grants and financial institution lending and investment sources to carry out the energy efficiency improvement program, and secure repayment of lent funds through assessments levied on benefitted real property authorized under appropriate Town Law proceedings

NOW, THEREFORE, be it resolved by the Town Board of the Town of Bedford as follows:

1. The Town hereby authorizes the establishment of a not-for-profit corporation under §§402 and 1411 of the Not-for-Profit Corporation Law to implement the Town’s energy efficiency improvement program authorized under Chapter 336 of the Laws of 2009.
2. The Town Board hereby appoints Mark Thielking as incorporator of said not-for-profit corporation.
3. This resolution shall take effect immediately.

4. Approval of O’Connor, Davies, Munns & Dobbins, LLP as Town Auditors for 2010, 2011 & 2012.

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

Ayes: Roberts, Corcoran, Gabrielson, Burdick

Nays: None

Absent: Chryssos

RESOLVED that the Town Board does hereby award the contract for the audits of fiscal years 2009-2011 to O’Connor Davies Munns & Dobbins the Bennett Kielson Storch Desantis Division, One Barker Avenue, 5th Floor, White Plains, New York in the amount of \$49,000 for the audit of each fiscal year.

5. Set Work Session – 2010 Budget.

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

Ayes: Roberts, Corcoran, Gabrielson, Burdick

Nays: None

Absent: Chryssos

RESOLVED that the Town Board does hereby set a work session on the 2010 Town of Bedford Budget for Tuesday, November 24, 2009 at 8:30 PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

6. Discuss authorizing sale of additional permit parking.

November 17, 2009 – Regular meeting - continued

The Town Board discussed the possibility of authorizing the sale of an additional 100 parking permits in the manner of a “Dutch auction” or other methods of selling the permits and will discuss this further at a subsequent Town Board meeting.

7. Consider Bedford Village Business Association request for free parking on Saturdays between Thanksgiving and Christmas.

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

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

RESOLVED that the Town Board does hereby approve a two (2) hour on street parking limit in Bedford Village for the four (4) Saturdays between Thanksgiving and Christmas (November 28, December 5, December 12, December 19), as per the request from the Bedford Village Business Association dated November 17, 2009.

8. Set Executive Session – Personnel Matter.

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

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

RESOLVED that the Town Board shall discuss a personnel matter in an executive session to be held immediately following the regular meeting.

The Town Board adjourned to executive session at 9:00 PM and reconvened the regular meeting at 9:15 PM.

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

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

RESOLVED that the Town Board does hereby appoint Nancy Tagliafierro to act as the clerk to take the minutes of the meeting.

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

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

RESOLVED that the Town Board does hereby grant approval for a Family Medical Leave Act - leave of absence to Employee ID No. 718.

There being no further discussion and on motion duly made and seconded the meeting was adjourned at 9:20 PM.

Lisbeth Fumagalli, Town Clerk