

Bedford Hills, New York  
October 20, 2009

The second meeting for the month of October of the Town Board of the Town of Bedford was held on October 20, 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  
                                 Marcy Marchiano         : Asst. to Supervisor

Absent:                    Peter Chryssos              : Councilman

And four (4) residents/observers.

Mrs. Roberts offered a moment of silence in memory of Peter C. Wolle, former resident of the Town of Bedford that had served on several of the Boards including Planning, Wetlands and Conservation as well as the Bedford Volunteer Fire Department and Bedford Historic District Review Commission. He was remembered for his dedication and commitment, as well as for the great amount of time given to the community.

#### **APPROVAL OF CLAIMS**

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 following claims be allowed for payment from their respective funds,

General Fund	\$52,028.65
Highway Fund	32,719.80
Consolidated Water District	3,004.29
Cedar Downs Water District	421.67
Farms Water District	186.36
Old Post Road Water District	563.50
Drug Abuse	1,248.00
Special Districts:	
Bedford Village Memorial Park	2,613.97
Bedford Hills Memorial Park	66.57
Katonah Memorial Park	34.56
Bedford Hills Lighting District	804.00
Katonah Lighting District	1,930.56
Bedford Paramedic District #1	76,421.00
Capital Projects	<u>656,741.75</u>
	\$ 829,341.06

#### **MONTHLY REPORTS**

Building	Code Enforcement	Finance
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. Police Department Voice Recorder Maintenance Agreement.

This matter had last been discussed at the Town Board meeting on October 6, 2009. Chief Collins explained that the present voice recorder was purchased in 2002, is already outdated and parts are no longer available for it. He reviewed that the proposal was for a two (2) year agreement at a cost of \$4695.00. He added that he had requested a better rate from the vendor and that they had reduced the pricing to \$4482.00. He pointed out that new equipment could be leased and that he anticipated a report back from the vendor soon. This matter will be discussed after receipt of the lease proposal.

2. Cornell University Cooperative Extension report on the Bedford Oak – Mike Serio.

Tree Advisory Board Chairman Michael Serio gave an informational presentation about a report from the Cornell University Cooperative Extension on the Bedford Oak, noting that a soil analysis had been performed and that Cornell had made recommendations for the care of the tree. He advised that the Tree Advisory Board would like to interpret the report and then return to the Town Board. Mr. Burdick asked if the care of the tree should be bid out. Mr. Serio responded that he would speak to tree care companies and obtain quotes.

**CORRESPONDENCE**

1. Bedford Hills Chamber of Commerce 3<sup>rd</sup> Annual Pumpkin Festival, Friday, October 30<sup>th</sup>.

On a motion by Mr. Burdick, 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 grant permission for the Bedford Hills Chamber of Commerce to host its 3<sup>rd</sup> annual Pumpkin Fest in the Champion Tile parking lot in the hamlet of Bedford Hills on Friday, October 30<sup>th</sup> from 4-8 PM, with no overtime required by either the Department of Public Works or the Police Department, as no road closures are involved.

2. Request to have Block Party at 39 Lakeside Road in Stanwood on Saturday, October 24<sup>th</sup>.

On a motion by Mr. Corcoran, 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 approve the request of Whitney Hill for the closure of Lakeside Road from #37 to #39 on Sunday, October 24, 2009 from 1:00 to 5:00 pm for the annual Halloween Party with barricades to be provided by the Town of Bedford Department of Public Works - Highway Division.

3. Bedford Hills Neighborhood Association Run for the Hills on Saturday, April 17, 2010.

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 that Town Board does hereby grant for the Bedford Hills Neighborhood Association to hold a 5K “Run for Bedford Hills” on Saturday, April 17,

2010, with assistance from the Department of Public Works, Police and Recreation, as per the proposal submitted by Paula Wallace, dated October 15, 2009.

4. Request to have a block party on Appleby Drive on Saturday, October 31<sup>st</sup>.

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 the request of Liz Hallock for the closure of Appleby Drive from #18 to #29 on Saturday, October 31, 2009 from 1:30 to 4:30 pm for the annual Halloween Party with barricades to be provided by the Town of Bedford Department of Public Works - Highway Division.

#### OLD BUSINESS

1. Authorize Supervisor to sign HVAC agreement for 321 Bedford Road with Atlantic Westchester.

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 authorize the Supervisor to sign the service and maintenance agreement with Atlantic-Westchester Inc., 264 Adams Street, Bedford Hills, New York 10507 for the heating, ventilation and air conditioning system at the Town House, 321 Bedford Road, Bedford Hills, New York 10507 in the amount of \$6, 600 per year, as per the memorandum dated October 19, 2009 from Richard Megna, Building Inspector.

2. Climate Smart Communities Pledge.

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

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

WHEREAS, the Town of Bedford (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Town of Bedford, in order to reduce greenhouse gas emissions and adapt to a changing climate, to the extent it has not already done so, will consider taking the following initiatives:

**1. Endeavor to Combat Climate Change by Becoming a Climate Smart Community**  
Set goals to reduce GHG emissions and adapt to predicted climatic changes. Establish a task force of local officials and community members to review the issues and propose a plan of action. Designate a point person who will oversee climate change initiatives and publicly report on progress. Work cooperatively with similar task forces in neighboring

communities to ensure that efforts complement and reinforce one another. As an official signal of commitment and for access to technical resources, sign on to a widespread climate campaign such as ICLEI Local Governments for Sustainability - Climate Protection campaign.

**2. Endeavor to Set Goals, Inventory Emissions, Move to Action**

Gather data, inventory GHG gas emissions, and establish baselines for local government operations and community sectors. Develop quantifiable interim GHG emission targets consistent with emission reduction goals and propose a schedule and financing strategy to meet them. Encourage stakeholder and public input and develop an action plan. Report emissions to The Climate Registry (TCR), which has developed a standardized method for reporting emissions inventories; use ICLEI and TCR's tools to track and evaluate progress.

**3. Endeavor to Decrease Energy Demand for Local Government Operations**

Adopt a goal of reducing electricity use by 15 percent from projected levels no later than 2015.

**Existing Public Facilities.** Inventory current building electricity usage and identify opportunities for conservation and efficiency retrofits. Obtain energy assessments from the New York State Energy Research and Development Authority (NYSERDA), the New York Power Authority, the Long Island Power Authority or other professionals. Consider actions such as purchasing energy efficient equipment and appliances, such as ENERGY STAR®; improving lighting, heating, and cooling efficiency; setting thermostats for maximum energy conservation; decreasing plug load from office equipment; and increasing pump efficiency in water and wastewater systems.

**New Public Buildings.** Achieve at least minimum U.S. Green Building Council Leadership in Energy and Environmental Design standards (LEED Silver) for all new local government buildings.

**Infrastructure.** Incorporate energy efficient technologies and operations and maintenance practices into municipal street lighting, traffic signals, and water and wastewater treatment facilities.

**Vehicle Fleet and Commuting.** Improve the average fuel efficiency of local government fleet vehicles. Discourage vehicle idling and encourage bicycling, car-pooling and public transit for employees. Consider reducing the number of vehicles; converting fleet vehicles to sustainable alternative fuels; and using electric vehicles where possible.

**4. Encourage Renewable Energy for Local Government Operations**

Supply as much of the local government's power, heat and hot water needs as possible from solar, wind, and small hydro through purchase or direct generation.

**5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices**

Expand the "reduce, reuse and recycle" approach to waste management in local government operations and in the whole community. Reduce the amount of solid waste generated -- promote backyard composting, and educate residents on how to prevent waste. Promote reuse by organizing community-wide yard sales, and providing a space for drop-off or trade of reusable goods. Provide recycling receptacles in local government buildings and outdoor spaces, require duplex printing in government offices, compost food scraps and green waste, and adopt a comprehensive green purchasing program.

**6. Promote Climate Protection through Community Land Use Planning**

Combat climate change by encouraging low-emissions development that is resilient to climatic changes. When updating land use policies, building codes or community plans, include provisions to combat climate change; reduce sprawl; preserve and protect open space, biodiversity, and water supplies; promote compact, transit-oriented, bikeable and walkable communities; promote infill development; minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways, to increase shading and to absorb carbon dioxide.

**7. Plan for Adaptation to Unavoidable Climate Change**

Evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation. Identify climate change impacts (such as flooding, drought, and extreme temperatures) that could affect the community. Identify areas such as water supply and sewer infrastructure that may be at risk due to sea-level rise and future changes in climate. Factor risks into long-term investments and decision-making. Execute climate change adaptation and preparedness measures through local government planning, development and operations, giving priority to the highest risk areas.

**8. Support a Green Innovation Economy**

Identify opportunities to incorporate climate protection, sustainability and environmental goods and service industries into economic development plans. Encourage workforce development training and school curricula that support the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate smart solid waste management practices. Procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids.

**9. Inform and Inspire the Public**

Lead by example. Highlight local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions. Demonstrate the benefits of energy savings, energy efficiency, and renewable energy projects by hosting open houses; distributing fliers; holding local meetings; working with school districts, colleges, and universities to develop climate change curricula and programs; engaging faith-based communities in climate protection; and regularly communicating community climate protection goals and progress to constituents.

**10. Commit to an Evolving Process**

Acknowledge that research and policy on climate protection are constantly improving and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less-effective actions and amplify positive results.

3. Consider application to purchase Chichester cemetery plots – Davey.

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 the application of Mr. and Mrs. Joseph Davey, 11 Nightingale Road, Katonah, New York, for the purchase of two (2) plots in the Chichester Cemetery in the Town of Bedford.

**NEW BUSINESS**

1. Traffic concerns – intersection of Routes 22, 35 and Deer Park Road.

Mr. Chryssos expressed concerns about the rush hour traffic at the intersection of Routes 22, 35 and Deer Park Road in Katonah and asked if this could be reviewed by the Police and Department of Public Works, to limit the access to Deer Park Road.

Mr. Winn advised that he had reviewed the situation with Chief Collins and Town Planner Jeff Osterman. He noted that he would speak to the New York State Department of Transportation and request that a sign be installed, paid for by the State.

2. Consider NYS 2011-2012 Snow & Ice Agreement Extensions.

On a motion by Mr. Gabrielson, 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 authorize the Supervisor to sign the New York State 2011-2012 Municipal Snow and Ice Agreement Extensions, commencing July 1, 2011 and expiring June 30, 2012, thus extending agreement no. D014717 dated December 17, 2003, in the amount of \$2,647.97 per lane mile for 13.98 miles for the 2009/10 season and for the remainder of the term of the agreement.

3. Consider Inter-Municipal Agreement with Westchester County for GIS shared services.

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 authorize the Supervisor to sign the inter-municipal agreement with Westchester County for GIS shared services for the period November 1, 2009 to October 31, 2014, with services to be rendered at the hourly rate of \$51.00 per hour.

4. Authorize Supervisor Roberts to sign Employer Agreement with New York Life Insurance.

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 authorize the Supervisor to sign the Employer Agreement with New York Life Insurance, to allow Town of Bedford employees to purchase whole life insurance through payroll deduction, as per the memorandum dated October 15, 2009 from Joan Gallagher, Director of Personnel.

5. Appoint Bond Counsel.

Mr. Ritter explained an RFP had been sent out to various firms for this service and that four (4) had been received back for review. He advised that two (2) firms had been interviewed by himself, Mr. Winn and Mr. Gabrielson and that the recommendation was to appoint the firm of Squire Sanders & Dempsey.

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 appoint the firm of Squire, Sanders & Dempsey, L.L.P., 30 Rockefeller Plaza, New York, New York to serve as bond counsel for the Town of Bedford, effective immediately, as per the proposal dated October 8, 2009.

6. Replace antenna at Guard Hill Tower to prevent radio interference.

Chief Collins explained that a complaint had been received from North Arlington, New Jersey that our transmissions were causing them substantial problems. Chief Collins pointed out that the Town had to remedy the situation or a complaint would be filed with the FCC. He noted the cost to fix the problem was approximately \$2200.

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 the expenditure of \$2,211.23 from the Town's Contingency Fund to repair the Guard Hill Tower to prevent radio interference, as per the proposal dated October 19, 2009 from Metrocom, 31 Plainfield Avenue, Bedford Hills, New York.

7. Reschedule Public Hearing on Verizon Franchise.

Mrs. Roberts advised that rescheduling the hearing could not be done at this time as per communications from Verizon. She added that there was an agreement in principal but that several estimates were needed and that when a draft is received, this will be put back on the agenda.

8. Set Work Session on Cemetery rules and regulations.

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

Ayes: Roberts, Corcoran, Gabrielson, Burdick

October 20, 2009 – Regular Meeting - continued

Nays:           None  
Absent:         Chryssos

RESOLVED that the Town Board does hereby set a work session for Wednesday, November 4, 2009 at 7:00 PM at the Town House, 321 Bedford Road, Bedford Hills, New York on Cemetery rules and regulations.

There being no further discussion and on motion duly made and seconded the meeting was adjourned at 8:45 P.M.

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Lisbeth Fumagalli, Town Clerk