

Bedford Hills, New York
October 6, 2009

The first meeting for the month of October of the Town Board of the Town of Bedford was held on October 6, 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
David Gabrielson	: Councilman
Chris Burdick	: Councilman
Lisbeth Fumagalli	: Town Clerk
Nancy Tagliafierro	: Town Attorney
Kevin Winn	: Commissioner of Public Works
Jeffrey Osterman	: Director of Planning
Edward J. Ritter	: Comptroller
Amy Pectol	: Receiver of Taxes
Edward Collins	: Chief of Police
Marcy Marchiano	: Asst. to Supervisor

And seven (7) residents/observers.

APPROVAL OF CLAIMS

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 following claims be allowed for payment from their respective funds,

General Fund	\$ 69,469.41
Highway Fund	28,717.96
Consolidated Water District	2,878.67
Cedar Downs Water District	230.84
Farms Water District	1,527.46
Old Post Road Water District	1,399.82
Drug Abuse	2,522.50
Special Districts:	
Bedford Village Memorial Park	2,845.99
Bedford Hills Memorial Park	2,174.30
Katonah Memorial Park	2,163.58
Capital Projects	<u>280,309.83</u>
	\$ 354,922.83

PRESENTATION/UPDATE

1. Peter Harckham – Westchester County Affordable Housing Settlement. Westchester County Legislator Peter Harckham addressed the Town Board and discussed the Westchester County Affordable Housing Settlement. He noted that this was a complex matter that required a lot of discussion. He commented that Bedford had done a good job creating affordable housing units. He reviewed the financial implications of the settlement and the decision making process for the County Board of Legislators. He advised the Town Board that he would keep them informed as this moves forward.

CORRESPONDENCE

1. KES request to hold annual Halloween Fair on Saturday, October 24th.
On a motion by Mr. Corcoran, 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 overtime for one (1) Police Officer for five (5) hours to support the Katonah Elementary School Halloween Fair on Saturday October 24, 2009, from 11:00 AM to 3:30 PM in order to manage traffic flow and pedestrian safety as per the memorandum dated October 1, 2009 from Chief of Police Edward Collins.

2. Traffic concerns on Cherry Street.

The Town Board acknowledged the receipt and Mr. Corcoran read email correspondence from two residents along Cherry Street citing their concerns with the rate of speed of cars traveling along this road. This matter has been referred to the Police, Department of Public Works, and Planning Department for their reports back to the Town Board.

3. Westchester County's Financial Helpline.

Mr. Burdick read a letter dated September 21, 2009 from Janis Viola of Westchester County informing residents of the availability of a 2-1-1 service Financial Hotline to assist them with budgeting, debt management, mortgages, foreclosures, credit, retirement planning, consumer scams and paying for college, that will be available on October 6 & 7 from 4 to 8 pm.

4. Katonah Chamber request to hold annual Halloween Parade on Sunday, October 25th.

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

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

RESOLVED that the Town Board does hereby approve police assistance as follows for the Halloween Parade – Sunday, October 25th: event to be sponsored by the Katonah Chamber of Commerce and the Katonah Village Improvement Society for one (1) on duty officer and one (1) off duty officer, at the overtime rate, for three (3) hours each with the Chamber sharing the cost of hiring the off duty officer on over time with the Town, and with the Police arranging for barricades from the Town of Bedford Department of Public Works – Highway Division.

OLD BUSINESS

1. Authorize Supervisor to sign Multi-Modal Program Capital Project Agreement.

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

WHEREAS, a Project for the North Street and School Street construction of sidewalks and drainage improvements, Town of Bedford, Westchester County, P.I.N. 8MS260.30A (“the Project”) is eligible for funding [under Title 23 U.S. Code, as amended, and] New York State’s Multi-Modal Program administered by the NYS Department of Transportation (“NYSDOT”); and

WHEREAS, the Town of Bedford desires to advance the Project by making a commitment of advance funding of he non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the Bedford Town Board, duly convened does hereby

RESOLVE, that the Bedford Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Bedford Town Board hereby authorizes the Town of Bedford to pay in the first instance 100% of the cost of construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$150,000.00 is hereby appropriated from fund balance and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the costs of the project exceeds the amount appropriated above, the Bedford Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Bedford be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the Town of Bedford with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs, and it is further

RESOLVED, that a Certified Copy of the Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the Town of Bedford and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.

2. Authorize Supervisor to sign Lease Agreement Bedford Presbyterian Church for continued use of 20 parking spaces in the Bedford Presbyterian Church parking lot.

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 renew the lease with the Bedford Presbyterian Church, Village Green, Bedford, New York for twenty (20) parking spaces for the term of July 1, 2009 to June 30, 2011 at a total cost of \$8,400.00.

3. Bedford Village Water Tank project summary.

Mr. Winn explained that letters had been sent to residents in the Bedford Village water districts concerning the construction of a new water tank on the Town-owned David Lapsley Road property adjacent to Sunnyfield Farm that would hold \$250,000 gallons. He noted that there are two other tanks in Bedford Village and that this one would be primarily for fire protection and maintenance of system pressure. He noted that the tank would be twenty (20) feet tall, below the tree line and not visible from neighboring properties. He added that the estimated cost for the construction of the tank was 1.3 million dollars.

Mr. Gabrielson spoke about the division of the funding for this project:

Farms Water District	5.29%
Old Post Road Water District	9.71%
Entire Town of Bedford	85.00%

He felt that the Town was spending considerable money on the Water Filtration Plant in Katonah and that all residents/taxpayers would be paying for this and that this should be considered in the future.

A discussion followed on the type of tank to construct on this site and the merits of steel vs. concrete. It was noted that concrete is more costly and that the Town Engineer had

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spoken to the Department of Health and was told the Town that one or the other must be chosen.

A resident asked if the Town had obtained cost comparisons for the concrete and steel water tanks. Mrs. Roberts explained that this was done and presented at an earlier meeting.

4. Bedford Village Water Tank project SEQRA determination.

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 determine that the Bedford Village Water Tank will not have any significant adverse environmental impacts, is an Unlisted Action under SEQRA and therefore issues a Negative Declaration relative to this project, as per the Short Environmental Assessment Form dated October 6, 2009 prepared by Jeffrey Osterman, Director of Planning.

5. Set Public Hearing for Bedford Village Water Tank bond authorization – 7:45pm on October 20th.

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

NOTICE OF ADOPTION OF ORDER CALLING A PUBLIC HEARING
ON PROPOSED WATER IMPROVEMENT AREA NO. 2 IN THE TOWN OF
BEDFORD

PLEASE TAKE NOTICE that the Town Board of the Town of Bedford, Westchester County, New York, on October 6th, 2009, duly adopted the Order published herewith calling a Public hearing.

At a regular meeting of the Town Board of the Town of Bedford, Westchester County, New York, held at the Town Hall, 321 Bedford Road, in Bedford Hills, New York, in said Town, on October 6, 2009, at 8 o'clock P.M., Prevailing Time.

PRESENT:

Lee V.A. Roberts - Supervisor

Peter Chryssos - Councilman

Francis Corcoran - Councilman

David Gabrielson - Councilman

Christopher Burdick -
Councilman

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	:	
In the Matter	:	
of	:	
a Proposed Water Improvement Area No. 2	:	ORDER CALLING
in the Town of Bedford, Westchester County,	:	PUBLIC HEARING
New York, Pursuant to Article 12-C of	:	

the Town Law, to be known as Water :
Improvement Area No. 2 :
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WHEREAS, The Town, in 2006, extended the Old Post Road Water District to include a portion of a 9.64 acre parcel at the end of David Lapsley Road, identified as Tax Lots 84.10-1-15.1, 84.10-1-15.2, 84.10-1-14 and 84.10-1-16 and (ii) and in 2006 made certain water system improvements (the “2006 Water System Improvements”) and established a new Water Improvement Area No. 1 in the Town, to include all of the parcels in the existing Old Post Road Water District and the Farms Water District, as extended, and four additional parcels on David Lapsley Road, identified as Tax Lots 84.10-1-15.1, 84.10-1-15.2, 84.10-1-14 and 84.10-1-16, as described in Appendix A hereto;

WHEREAS, the 2006 Water System Improvements included the construction of a water main in David Lapsley Road that now serves certain adjacent parcels and also furnishes a potential connection to a water storage tank then expected to be constructed in the future;

WHEREAS, it is now desired to make certain water improvements including a new water storage tank (the “2009 Water System Improvements”) and to establish a new Water Improvement Area No. 2, to include all of the parcels in Water Improvement Area No. 1, as described in Appendix A hereto;

WHEREAS, said improvements are as described in a map, plan and report, including an estimate of cost, duly prepared by Hahn Engineering, P.C., competent engineers duly licensed by the State of New York, which has been prepared in such detail and in such a manner as are acceptable to the Town Board;

WHEREAS, the Town intends to proceed under Section 209-q of the Town Law and charge a portion of the capital cost of the improvement against Water Improvement Area No. 2, which will contain the property determined to be especially benefited by the 2009 Water System Improvements, with the rest charged against the Town as a whole;

WHEREAS, of the entire \$1,300,000 estimated maximum cost of the 2009 Water System Improvements, the Town will specially assess 15%, or \$195,000, against the properties in the proposed Water Improvement Area No. 2, in just proportion to the amount of benefit which the 2009 Water System Improvements shall confer upon such lots or parcels, and the remaining \$1,105,000 against the Town as a whole as a general Town charge;

WHEREAS, that general Town charge will be collected from real property taxation on all taxable properties in the Town, including those in Water Improvement Area No. 2, in the same manner and at the same time as other Town charges;

WHEREAS, the 2009 Water System Improvements will be the property of the Town and will be managed, maintained, operated and repaired at the expense of the entire Town;

WHEREAS, said \$1,300,000 estimated maximum cost shall be authorized to be financed by the issuance by the Town of Bedford of its bonds with a maximum maturity not in excess of the forty year period prescribed by the Local Finance Law; and

WHEREAS, said maximum estimated cost is less than one-tenth of one per centum of the full valuation of taxable real property in the area of the Town of Bedford outside of any villages and therefore the establishment of said Water Improvement Area No. 2 will not require the approval of the Office of the State Comptroller; and

WHEREAS, it is proposed that \$195,000 of the cost of the aforesaid improvements shall be borne by the real property in said Water Improvement Area No. 2 by assessing, levying upon and collecting from the several lots and parcels of land within such Water Improvement Area No. 2 which the Town Board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay the principal and interest on such amount of bonds and bond anticipation notes issued in anticipation of the issuance of bonds, as the same become due and payable; and

WHEREAS, it is now desired to call a public hearing for the purpose of considering said map, plan and report, including estimate of cost, and to hear all persons interested in the subject thereof concerning the same, all in accordance with the provisions of Section 209-q of the Town Law; NOW, THEREFORE, BE IT

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

Section 1. A public hearing of the Town Board of the Town of Bedford, Westchester County, New York, shall be held at the Town Hall, 321 Bedford Road, in Bedford Hills, New York, in said Town, on October 20, 2009, at 7:45 o'clock P.M., Prevailing Time, to consider the aforesaid map, plan and report, including estimate of cost, and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this Order to be published once in the Bedford/Pound Ridge Record Review, and also to post a copy thereof on the town signboard maintained by the Town Clerk, not less than ten (10) nor more than twenty (20) days before the day designated for the hearing as aforesaid, all in accordance with the provisions of Section 209-q of the Town Law.

Section 3. This Order shall take effect immediately.

6. Consider proposal for professional services of wireless communications facility consultant.

Mr. Osterman explained that this was a request to hire a consultant to review coverage areas for a proposed T-Mobile wireless communications facility and that this consultant would submit a report to the Town 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 the Town Board does hereby approve the contract with Ronald E. Graiff, P.E., Radio Frequency Consulting Engineer, 52 Bogus Hill Road, New Fairfield, Connecticut, for the review of the technical portions of the application of T-Mobile Northeast, LLC for the construction of a monopine personal wireless facility in the Town of Bedford, at a cost of \$220.00 per hour, including travel portal to portal and mileage reimbursed at the Federal rate.

7. Amy Parsons request for reappointment to Historic Building Preservation Commission.

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 reappoint Amy Parsons to the Historic Building Preservation Commission for a three (3) year term, said term to expire August 10, 2013.

8. Consider application to purchase Chichester Cemetery plots – DelSindaco.

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 approve the application of Joseph and Denise Del Sindaco for the purchase of two (2) plots in the Chichester Cemetery.

NEW BUSINESS

1. Declare emergency due to loss of boiler at the Bedford Hills Community House and 21 Park Avenue. Award contract.

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

BE IT RESOLVED, that in accordance with the provisions of General Municipal Law §103(4) the Town Board of the Town of Bedford hereby finds and determines that a public emergency exists with respect to the failure of the boiler in the Bedford Hills Community House (the “Boiler”) and 21 Park Avenue which emergency has arisen out of an unforeseen occurrence or condition and replacement of the boiler is immediately necessary in order to provide heat to the Bedford Hills Community House and the building at 21 Park Avenue and therefore cannot await competitive bidding; and

BE IT FURTHER RESOLVED that the Supervisor is hereby authorize to enter into a contract for replacement of the Boiler; and

BE IT FURTHER RESOLVED that any and all actions heretofore taken by any Town officials in furtherance of this resolution are ratified and confirmed.

2. Proposed addition to Fee Schedule – Building Code.

Mrs. Roberts read the memorandum dated September 30, 2009 from Richard Megna, Building Inspector, concerning the requirement for residents to complete a Residential Re-Roofing Affidavit, as per NYS Code, that would carry a fee of \$100.00.

Mr. Burdick commented that he thought that fee was too high for this.

Mrs. Roberts suggested that other communities be surveyed to find out what fee they are charging and that this matter be carried over to another meeting.

3. Authorize Chief Collins to sign the voice recorder maintenance agreement with Business Electronics, Inc.

The Town Board reviewed the memorandum dated October 1, 2009 from Chief of Police Edward Collins concerning the renewal of the contract from Business Electronics, Inc. for the maintenance of the voice recorders in the Chief’s office. The cost for the two (2) year agreement was \$4695, an increase of \$3.00 over the previous agreement. Mr. Chryssos and Mr. Burdick asked the Chief to see if the vendor would consider giving the Town a discounted rate on the agreement.

Chief Collins responded that he would discuss this with the vendor and report back to the Town Board.

4. Authorize Commissioner Winn to bid snow removal services.

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 authorize Kevin Winn, Commissioner of Public Works to go to bid for snow removal services for the winter season 2009-2010 as per Mr. Winn’s memorandum dated October 2, 2009.

5. Authorize Supervisor to sign Service Agreement with EBS-RMSCO for Town’s 2010 Flexible Spending Account Plan.

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 authorize Supervisor Roberts to sign the 2010 agreement between EBS Benefit Solutions and the Town of Bedford for the Town of Bedford’s Flexible Spending Plan, at a cost for the monthly administrative fee per participant of \$3.35 as per the memorandum dated September 25, 2009 from Joan Gallagher, Director of Personnel.

6. Award Bedford Hills Train Station Roof Sealing and Painting.

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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 award the contract for sealing and painting the cedar roof at the Bedford Hills Train Station to the lowest, most responsible bidder, Wayne Fazzinga, 39 Babbitt Road, Bedford Hills, New York in the amount of \$7,300.00, as per the memorandum dated September 29, 2009 from Richard Megna, Building Inspector.

7. Consider signing the NYSDEC Climate Smart Communities Pledge.
Mr. Burdick expressed the concern that this item would require the Town Board to adopt legislation and that this is a pledge. He requested that this be distributed to the Department heads for their review and report back to the Town Board.

8. Reset Public Hearing – Park District – Tentative November 17th.
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 reset the public hearing on the expansion of the Bedford Hills Park District for Tuesday, November 17, 2009 at 7:45 PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

9. Set Public Hearing on Verizon Franchise Agreement – October 22nd.
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 on the Verizon Franchise Agreement for Thursday, October 22, 2009 at 7:30 PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

10. Set Executive Session on Potential Open Space Acquisition – 6:30pm on October 20th.
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 set an executive session to discuss a potential open space acquisition for Tuesday, October 20, 2009 at 6:30PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

11. Contract Negotiations – Executive Session.
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 an executive session to discuss contract negotiations for Tuesday, October 27, 2009 at 6:30 PM at the Town House, 321 Bedford Road, Bedford Hills.

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12. Consider authorization to bid the Consolidated Water District Filtration Plant construction.

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 grant approval for the Town Engineer to advertise for bids for the construction of the Consolidated Water Filtration Plant and associated Water Main, as per the memorandum dated October 5, 2009 from Kevin Winn, Commissioner of Public Works.

PUBLIC COMMENT

Residents posed questions to the Town Board on the proposed Water Filtration Plant and a tree of concern on Church Street in Bedford Hills.

There being no further discussion and on a motion duly made and seconded the meeting was adjourned at 9:55 PM.

Lisbeth Fumagalli, Town Clerk