

Bedford Hills, New York
September 1, 2009

The first meeting for the month of September of the Town Board of the Town of Bedford was held on September 1, 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
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk
Nancy Tagliaferro : Town Attorney
Kevin Winn : Commissioner of Public Works
Jeffrey Osterman : Director of Planning
Edward J. Ritter : Comptroller
Amy Pectol : Receiver of Taxes
Edward Collins : Lieutenant, Police
Marcy Marchiano : Asst. to Supervisor

Absent: Francis Corcoran : Councilman
David Gabrielson : Councilman

And seven (7) residents/observers.

APPROVAL OF CLAIMS

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

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

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

Paid Prior to Audit	\$ 76,808.00
General Fund	119,151.99
Highway Fund	18,898.36
Consolidated Water District	2,383.80
Farms Water District	54.48
Special Districts:	
Bedford Village Memorial Park	2,676.67
Bedford Hills Memorial Park	4,031.27
Katonah Memorial Park	2,120.05
Capital Projects	<u>128,794.21</u>
	\$ 354,922.83

PRESENTATION/UPDATE

1. Donation of Bedford Village Mural from HSBC Bank, USA, NA – Town Historian.

Town Historian John Stockbridge and Ferd Vetare from Mount Kisco were present. Mr. Vetare explained the history of the mural at the HSBC Bank (formerly the Manhattan Savings Bank) while Don Scott and Town Planner Jeff Osterman held it up for display. Mr. Stockbridge advised that the Town was looking for an appropriate place to hang the mural for residents to enjoy, including the Court Room, the conference room at 425 Cherry Street or Bedford Village Elementary School.

2. Report on County-Wide Food Drive.

Mrs. Roberts advised that the Town of Bedford had collected 369 pounds of non-perishable food that was donated to the food pantry at the Community Center of Northern Westchester as part of Westchester County's "What Happens in August" food drive to build up the food pantries around the county. The County informed the Town that over

10,000 pounds of food was collected in 53 locations by a dozen (12) municipalities and libraries and eleven (11) county departments.

CORRESPONDENCE

1. Request for a STOP sign on Millers Mill Road where it intersects with Middle Patent Road.

Mr. Burdick read a communication from Katie Hall requesting the installation of a stop sign at Millers Mill and Middle Patent Roads. Mrs. Roberts then read a communication from Police Chief Christian Menzel and recommended that Ms. Hall check with her neighbors to see if they support this request before the Town Board proceeds with it.

2. Consider Pace University Land Use Law Center, A.L.O.F.T. Agreement to identify ways to mitigate climate change and achieve sustainability interests of the Town.

Mr. Chryssos read the letter dated August 21, 2009 from John Nolon, of the Pace University School of Law – Land Use Law Center.

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the Pace University Land Use Law Center, A.L.O.F.T. Agreement – Memorandum of Understanding to identify ways to mitigate climate change and achieve sustainability interests of the Town of Bedford, with no financial obligation to the Town, as submitted by John Nolon, Counsel, Pace University School of Law, Land Use Center.

3. Mimi Lines letter of resignation from the Tree Advisory Board.

Mrs. Roberts expressed her regrets at having received the letter of resignation from Mrs. Lines, noting that she was a valuable member of the Tree Advisory Board and would be missed. She offered her thanks for Mrs. Lines's service to the Town residents.

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

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

RESOLVED that the Town Board does hereby accept the resignation of Mimi Lines from the Tree Advisory Board, effective immediately.

OLD BUSINESS

1. Consider bid award for asphalt curb installation.

Mr. Winn explained this proposal, noting that there was adequate funding for this project in the Department of Public Works capital and operating budgets.

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

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

RESOLVED that the Town Board does hereby award the contract for the installation of asphalt curb on Captain Theale Road and Train Band Road to the lowest, most responsible bidder, Acocella Contracting, 68 Gaylor Road, Scarsdale, New York in the amount of \$16.00 per lineal foot and \$150.00 per ton for additional paving work as per the memorandum dated August 28, 2009 from Kevin Winn, Commissioner of Public Works.

2. Consider appropriation for preparation of maps, plans and reports for proposed extension to Bedford Consolidated Water District No. 1 to include Correctional Facility property.

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

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

WHEREAS, the Bedford Consolidated Water District No. 1 (the “Water District”) is in need of a water filtration system, which filtration system is expected to cost in excess of Twenty Million Dollars; and

WHEREAS, the New York State Department of Corrections (the “DOC”) has expressed an interest in purchasing water from the Water District for use at its Bedford Hills facility, and has indicated a willingness to contribute to the cost of the construction of the water filtration system in return for the ability to purchase water from the Water District; and

WHEREAS, in order for the DOC to be permitted to purchase water from the Water District, the Water District must be extended to include the DOC into the Water District; and

WHEREAS, because the contribution from DOC will help to defray the costs to the residents of the Water District for the construction of the water filtration plant, it is the Town Board’s belief that all of the residents of the Bedford Consolidated Water District No. 1 would be benefitted by such extension.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT, the Town Engineer is hereby directed to prepare a map, plan and report delineating the boundaries of the proposed extension of Bedford Consolidated Water District No. 1 describing the fees and costs associated with such extension in accordance with Town Law § 209-b, this Resolution is determined to be subject to a permissive referendum as provided by General Municipal Law § 6-c and Town Law §§ 90 through 94 and shall not take effect until thirty (30) days from the date hereof pursuant to Town Law § 91 and that no expenditure shall be made prior to the expiration of said thirty (30) day period, and that no expenditure shall take place after such period if a Petition has been duly filed pursuant to Town Law § 91 with further action of this Board.

RESOLVED that, pursuant to Town Law § 209-b, a sum not to exceed \$7,000.00 is appropriated to pay the cost of preparing a general map, plan and report for extending the Water District.

3. Consider bids for gas conversion at Bedford Hills Community House.

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

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

RESOLVED that the Town Board does hereby award the contract for the conversion of the steam boiler at the Bedford Hills Community House from oil to natural gas, to the lowest, most responsible bidder, Bryn Mawr Plumbing, Inc., 500 Executive Boulevard, Elmsford, New York 10523, in the amount of \$3,889.00 as per the memorandum dated August 26, 2009 from Edward Ritter, Town Comptroller.

4. Set Public Hearing to consider extension of Bedford Hills Park District and Ambulance District.

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

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

RESOLVED that the Town Board does hereby set a public hearing to consider extension of the Bedford Hills Park District and Ambulance District, for Tuesday, October 6, 2009 at 7:45 pm at the Town House, 321 Bedford Road, Bedford Hills, New York

5. Authorize Supervisor to sign agreement with MBIA bank.

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the agreement with MBIA, an official depository of the Town of Bedford, as per the memorandum dated August 26, 2009 from Edward Ritter, Town Comptroller.

6. Consider applications to purchase cemetery plots at Chichester:

a. Wieting (2)

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

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

RESOLVED that the Town Board does hereby approve the application of Mr. and Mrs. Stephen Wieting for the purchase of two (2) plots in the Chichester Cemetery.

b. Jacobsen, Janet & Erik (2)

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

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

RESOLVED that the Town Board does hereby approve the application of Janet and Erik Jacobsen for the purchase of two (2) plots in the Chichester Cemetery.

c. Model (6)

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

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

RESOLVED that the Town Board does hereby approve the application of Renate and Wolf Model for the purchase of six (6) plots in the Chichester Cemetery.

d. Corcoran (8)

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

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

RESOLVED that the Town Board does hereby approve the application of Francis and Susan Corcoran for the purchase of eight (8) plots in the Chichester Cemetery.

ADD ITEM TO AGENDA

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

Ayes: Roberts, Chryssos, Burdick

September 1, 2009 – Regular Meeting - continued

Nays: None
Absent: Corcoran, Gabrielson

RESOLVED that the Town Board shall add an item to the agenda, New Business #6 – Discussion of extending \$50 discount on parking permits for hybrid cars to Somers residents holding Town of Bedford permits.

NEW BUSINESS

1. Dates of 2010 Budget Work Sessions:

September 8th, September 22nd, October 13th, October 27th

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

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

RESOLVED that the Town Board does hereby set the following dates to hold work sessions on the 2010 Budget – Tuesday, September 8, 2009; Tuesday, September 22, 2009; Tuesday, October 13, 2009 and Tuesday, October 27, 2009, at 6:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

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

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

RESOLVED that the Town Board does hereby approve the 2010 Budget Timeline as submitted in a memorandum dated August 6, 2009 by Edward Ritter, Town Comptroller.

2. Receipt and review of Court Audit 2008.

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

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

RESOLVED that the Town Board does hereby acknowledge the receipt of the “Town Justice Court Statement of Cash Receipts, Cash Disbursements and Cash Balances Year Ended December 31, 2008 with Independent Auditors Report” as prepared by Bennett Kielson Storch DeSantis the Government Division of O’Connor Davies Munns & Dobbins, LLP, dated January 22, 2009 and as per the memorandum dated August 20, 2009 from Edward Ritter, Town Comptroller.

3. Authorize Supervisor to sign Local Efficiency Grant Application for Septic System Database.

Mr. Chryssos expressed his concerns with the cost of the proposed project to the Town of Bedford, which could be a substantial expense.

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

Ayes: Roberts, Burdick
Nays: Chryssos
Absent: Corcoran, Gabrielson

Whereas, Westchester County, in cooperation with local Westchester County municipalities, is developing a county-wide septic system “database” which will be GIS-driven, web-based and include records relating to all septic systems in the county including historical construction records and records relating to repair, maintenance and

pump outs organized by parcel and identifiable and searchable by both street address and property record section/block/lot number; and

Whereas, the “database” will be shared with all Westchester County municipalities as well as with the New York City Department of Environmental Protection (“NYC DEP”) to assist each of these governments in monitoring septic health, particularly in the critical watershed regions of the New York City Water Supply, and in implementing their respective statutory and regulatory obligations in the area of environmental health management and watershed protection; and

Whereas, the “database” will specifically assist those local governments located within the Westchester County portion of the watersheds of the New York City Water Supply: Town of Bedford, Town of Cortlandt, Town of Harrison, Town of Lewisboro, Town of Mount Pleasant, Town of New Castle, Town of North Castle, Town of North Salem, Town of Pound Ridge, Town of Somers, Town of Yorktown, Village/Town of Mount Kisco (the “East of Hudson Municipalities”), in establishing a Septic System Inspection Program, as required by the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) issued by the NYS DEC on April 15, 2008; and

Whereas, the “database” project will include the “scanning component” of scanning of up to 49,545 paper records relating to the construction of septic systems within Westchester County, including as-built drawings and certificate of occupancy records, which are critical to development of this comprehensive “database,” for the purposes of monitoring the condition of existing septic systems as well as guiding builders and septic system contractors which perform work on properties with a septic system; and

Whereas, the cost of the Scanning Component of the “database” development is expected not to exceed \$400,000; and

Whereas, the Town of Bedford is a member of the Northern Westchester Watershed Committee (NWWC) which is currently seeking the development of a regional consortium, inter-municipal agreement, management district or other shared service to address stormwater management; and

Whereas, Westchester County and certain East of Hudson Municipalities desire to apply as co-applicants to the New York State Department of State Local Government Efficiency Grant Program for funding of the Scanning Component of the “database;” and

Whereas, it is in the mutual interest of Westchester County and the co-applicants to apply for such funding in order to assist in the development of the “database” as a shared tool for the protection of the environment and public health, as well as to increase efficiencies in the management and monitoring of septic systems within Westchester County; and

Whereas, the County of Westchester agrees to assume the role of lead applicant for the purposes of contracting with the State and claiming and receiving payment on behalf of all applicants and will also assume responsibility for the 10% local match for any grant funding granted under this application; now, therefore, be it

Resolved, that Westchester County be and hereby is authorized to apply as lead applicant to the New York State Department of State Local Government Efficiency Grant Program for the Scanning Component of the “database,” for grant funding in an amount not to exceed \$400,000; and be it further

Resolved, that Westchester County will commit to pay the costs of the local match equal to the amount of ten percent (10%) of the total cost of the Scanning Component of the Database, as required by the New York State Department of State Local Government Efficiency Grant Program; and be it further

Resolved, that the acceptance of grant funding from the New York State Department of State Local Government Efficiency Grant Program as aforesaid be further conditioned on

the understanding that the “database” will be made available to the twelve East of Hudson municipalities to assist those municipalities in meeting the regulatory requirements for development of a septic inspection program under their SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4). Notwithstanding the above, each municipality will be responsible for any post-database development expense attributable to utilizing the “database” locally and meeting local permit requirements.

Resolved, that the Supervisor of the Town of Bedford is authorized to be a co-applicant in applying for a New York State Department of State Local Government Efficiency Grant

This resolution was **not** adopted as it only received two (2) affirmative votes and three (3) are required.

4. Police Personnel – Executive Session.

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

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

RESOLVED that the Town Board shall discuss a matter of Police Personnel in an executive session to be conducted at the conclusion of the regular meeting.

5. Set Work Session – Wednesday, September 16th.

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

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

RESOLVED that the Town Board does hereby set a work session for Wednesday, September 16, 2009 at 6:30 pm with the Communications Committee to discuss the negotiations with Verizon.

6. Discussion of extending \$50 discount on parking permits for hybrid cars to Somers residents holding Town of Bedford permits.

The Town Board discussed extending the discount for commuter parking permits for owners of hybrid cars to the 100 residents of Somers that hold parking permits in Commuter Lot 3 in Katonah. It was suggested that Mr. Ritter research this and have further information for the next Town Board meeting.

PUBLIC COMMENT

Peter Michaelis of the Communications Committee was present and advised that this meeting was the first one to be webcast by the Town of Bedford.

Matt Robinson, President of the Meadow Park Association asked if the Town Board was going to continue to pave road and if the Board was going to support the ten (10) year plan. He also expressed a concern with budget cuts for the coming year. Mrs. Roberts responded that she was committed to maintaining the roads and other infrastructure in the Town of Bedford.

The Board adjourned to executive session at 9:15 pm and reconvened the regular meeting at 9:25 pm.

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

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

September 1, 2009 – Regular Meeting - continued

RESOLVED that the Town Board does hereby promote Patrolman Melvin Padilla Jr. to the rank of Sergeant in the Town of Bedford Police Department, effective September 2, 2009.

There being no further discussion and on a motion duly made and seconded the meeting was adjourned at 9:27 pm.

Lisbeth Fumagalli, Town Clerk