

Bedford Hills, New York  
September 16, 2009

The second meeting for the month of September of the Town Board of the Town of Bedford was held on September 16, 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.

<b>Present:</b>	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: 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
	Christian Menzel	: Chief of Police
	Edward Collins	: Lieutenant, Police
	Marcy Marchiano	: Asst. to Supervisor
<b>Absent:</b>	Francis Corcoran	: Councilman

And three (3) residents/observers.

#### **PRESENTATION**

1. Police Department Accreditation Award.

Chief Menzel explained that the accreditation process is done once every 5 years. The Town was first accredited in 1999 again in 2004 and has just completed the process for 2009. He was proud to announce that the Bedford Police department has again been awarded accreditation. He explained that the General Orders (Policies) of the Town of Bedford Police contained 130 standards and that all of these are reviewed. The reviewers commended the department on their policies and procedures and professionalism. In addition Lieutenant Ed Collins received an award for his efforts on this project.

Mrs. Roberts offered her congratulations on behalf of the Town Board to the staff of the Police Department.

2. Westchester County Call to Service Award – Mary Beth Kass.

Supervisor Roberts announced that Mary Beth Kass had been awarded one of five “Call to Service” awards from County executive Andrew Spano. The presentation took place on September 11 at the ceremony held at the Kensico Dam in recognition of the events that took place in 2001 and as part of President Obama’s initiative that it be a national day of service. Mrs. Roberts listed the activities Mrs. Kass was involved in, noting that she was Chair of the Town’s Energy Advisory Panel, was drafting a Climate Action Plan for the Town as part of the plan to reduce green house gases 20% by the year 2020 and was helping other communities start programs. She added that Mrs. Kass had been a co-chair of the Environmental Summit that had been held in January that had received nationwide recognition.

Mrs. Roberts commended Mrs. Kass for her efforts and expressed the thanks of the Town Board.

#### **APPROVAL OF CLAIMS**

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

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

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

General Fund	\$ 40,684.06
Highway Fund	39,961.55
Consolidated Water District	4,199.75
Cedar Downs Water District	30.00
Farms Water District	883.93
Old Post Road Water District	842.57
Special Districts:	
Bedford Village Memorial Park	2,544.00
Bedford Hills Memorial Park	2,031.98
Katonah Memorial Park	2,724.45
Capital Projects	<u>78,299.07</u>
	\$ 172,201.36

**MONTHLY REPORTS**

Building	Justice Court	Receiver of Taxes
Code Enforcement	Parking	Town Clerk
Dog Control	Police Consolidated	Water
Department of Public Works		

Mrs. Roberts advised that all reports were available for review in the offices of the Supervisor and the Town Clerk.

**CORRESPONDENCE**

1. Westchester County – guide rail replacement on Long Ridge Road, September 11<sup>th</sup>- 18<sup>th</sup>.

Mr. Chryssos read release dated September 10, 2009 from the Westchester County Department of Public Works informing travelers that there would be alternating lane closures on Long Ridge Road between Route 172 and Fox Hill Road beginning on Friday, September 11<sup>th</sup> and continuing through September 18<sup>th</sup> between the hours of 9:30 am and 3:30 pm.

2. Bedford Post filing for a class change in liquor license – “On Premises” to “Hotel”.

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

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

RESOLVED that the Town Board does hereby grant a waiver of the thirty (30) day waiting period to Old Post & Pony LLC dba Bedford Post, located at 954 Old Post Road, Bedford New York for a class change in liquor license from an On Premises Liquor to Hotel Liquor.

3. Bedford Magazine request to hold fund-raising race Sunday, October 18<sup>th</sup>, at John Jay Homestead.

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

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

RESOLVED that the Town Board does hereby grant approval for Bedford Magazine to hold a road race as a fund raiser for the John Jay Homestead and other organizations on Sunday, October 18, 2009, beginning at 8:30 am, with Bedford Magazine hiring two (2) off duty police officers to assist with traffic at this event, and

IT IS FURTHER RESOLVED that the Town Board grants approval for the police officers to utilize two (2) Town of Bedford police cars to increase visibility for the protection of the health, safety and welfare of those attending the event.

4. Request to hold a block party on Oak Road, Saturday, October 3<sup>rd</sup>.

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

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

RESOLVED that the Town Board does hereby grant permission for a block party to be held and for the closure of Oak Road at Lily Pond Lane in Katonah on Saturday, October 3, 2009 from 3 to 7 pm, with the Department of Public Works to provide barricades for this event.

**OLD BUSINESS**

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

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

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

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: all their historical construction records; and records relating to repair, maintenance, and pump outs organized by parcel and identifiable and searchable by both street address and section/block/lot (“SBL”) number (the “Database”); and

WHEREAS, the Database will be shared with all local Westchester County municipalities as well as with the New York City Department of Environmental Protection (“NYCDEP”) to assist each of these governments in monitoring septic health, particularly in the critical New York City Water Supply Watershed regions, and in implementing their respective statutory and/or 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 New York City Water Supply Watershed, namely: 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 NYSDEC on April 15, 2008; and

WHEREAS, the Database project will include the scanning of up to 49,545 paper records relating to the construction of septic systems within the 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 (“Scanning Component”); and

WHEREAS, the cost of the Scanning Component of the Database 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 and/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 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 this 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 costs 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 of post-database development expense attributable to utilizing the database and meeting their 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

2. Recommendation to award contract for Harris Road Well redevelopment.

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

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

RESOLVED that the Town Board does hereby accept the proposal from the Stephen B. Church Company in the amount of \$16,840.00 for the redevelopment of the Harris Road Well subject to the receipt of the required insurance documentation, as per the memorandum dated September 10, 2009 from Kevin Winn, Commissioner of Public Works.

3. Consider applications to purchase plots at Chichester Cemetery:

a. Dr. James De Bitetto (2)

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

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

September 16, 2009 – Regular meeting - continued

RESOLVED that the Town Board does hereby approve the application of Dr. James De Bitetto for the of purchase two (2) plots in the Chichester Cemetery.

b. David and Maria Rockwood (4)

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

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

RESOLVED that the Town Board does hereby approve the application of David and Maria Rockwood for the purchase of four (4) plots in the Chichester Cemetery.

c. Richard and Dasa Redmond (4)

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

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

RESOLVED that the Town Board does hereby approve the application of Richard and Dasa Redmond for the purchase of four (4) plots in the Chichester Cemetery.

#### **NEW BUSINESS**

1. Request to go to bid for 2010-2011 refuse removal contract for Town facilities.

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

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

RESOLVED that the Town Board does hereby grant approval for Kevin Winn, the Commissioner of Public Works to go to bid for the contract for the removal of refuse from Town facilities for a two (2) year period, 2010-2011, as per the memorandum from Mr. Winn dated September 8, 2009.

2. Request to approve annual contract with RMSCO for NYS GML 207c Law Administration.

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

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

RESOLVED that the Town Board does hereby approve the renewal of the annual contract with RMSCO for NYS GML 207c claim administration for the period October 1, 2009 to September 30, 2010, in the amount of \$18,000.00, which is the same rate as in the current 2008-2009 contract, as per the memorandum dated September 10, 2009 from Christian Menzel, Chief of Police.

3. Receive T-Mobile proposal for wireless communication facility at Route 172 and consider retaining wireless communication facility consultant.

Cara Bonomolo of Snyder and Snyder made a presentation to the Board regarding the application this firm submitted for a proposed telecommunications site on Route 172, noting that this firm had submitted the documentation required based upon the requirements in the Code of the Town of Bedford. Mr. Osterman read the letter dated September 16, 2009 from Town Attorney Joel H. Sachs advising that the Town Board must declare itself Lead Agency.

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

Ayes: Roberts, Chryssos, Gabrielson Burdick

September 16, 2009 – Regular meeting - continued

Nays: None  
Absent: Corcoran

RESOLVED that the Town Board does hereby declare itself the Lead Agency for the review of the application submitted by T-Mobile Northeast LLC for a proposed wireless communication facility at 103-105 South Bedford Road, Mount Kisco, New York.

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

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

RESOLVED that the Town Board does hereby refer the application received from T-Mobile Northeast LLC for a proposed wireless communication facility at 103-105 South Bedford Road to the Town of Bedford Planning Board for their review and report back to the Town Board.

Mr. Osterman added that the Town was considering hiring a consultant to assist in the review of this application and that would be further discussed at the next Town Board meeting.

4. Consider hiring consultant for appraisal of Town-owned property.

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

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

RESOLVED that the Town Board does hereby approve the proposal from Hudson Property Advisors, 10 South Moger Avenue, Mount Kisco, New York in the amount of \$2500 for appraisal of property adjoining 30 Dwight Lane, Bedford Hills.

Mrs. Roberts noted that more information was needed on this matter.

5. Receive and discuss Resolution for Comprehensive Croton Watershed Water Quality Protection Plan.

Mr. Osterman asked the Town Board to review this proposal and the Town Board felt that this proposal should be reviewed by the Planning Board for a report back by the November meetings.

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

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

RESOLVED that the Town Board does hereby refer the Resolution for the Comprehensive Croton Watershed Water Quality Protection Plan to the Town of Bedford Planning Board for their review and report back by the first November Town Board meeting.

6. Receive draft Energy Advisory Panel Climate Action Plan and set Work Session to discuss same – Tuesday, September 29<sup>th</sup>.

The Town Board acknowledged the receipt of the draft Energy Advisory Panel Climate Action Plan and set a work session for Tuesday, September 29, 2009 at 6:30 pm to discuss this. A copy of the draft plan will be distributed to the various department heads for their budget planning for 2010.

7. Appointments to boards, commissions, etc. and personnel issues:

- a. Tom Polzella reappointment – Emergency Sick Leave Board.

September 16, 2009 – Regular meeting - continued

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

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

RESOLVED that the Town Board does hereby reappoint Tom Polzella to the Emergency Sick Leave Board representing the administration, for a three (3) year term, said term to expire September 20, 2012.

b. Bill O'Neill reappointment – Historic Building Preservation Commission.

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

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

RESOLVED that the Town Board does hereby reappoint William F. O'Neill to the Historic Building Preservation Commission as the Katonah architect and chair, for a three (3) year term, said term to run from August 10, 2009 to August 10, 2012.

c. George Almasi reappointment – Ethics Board

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

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

RESOLVED that the Town Board does hereby reappoint George Almasi to the Board of Ethics for a five (5) year term, said term to run from September 1, 2009 to September 1, 2014.

d. Patrick Hart appointment – Ethics Board.

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

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

RESOLVED that the Town Board does hereby appoint Patrick Hart to the Board of Ethics, to replace Mary F. Hart on this Board, for a five (5) year term, said term to run from September 1, 2009 to September 1, 2014.

8. Set Executive Session – Personnel, Tuesday, September 22<sup>nd</sup>, 8:30 pm.

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

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

RESOLVED that the Town Board does hereby set an executive session to discuss matters of personnel for Tuesday, September 22<sup>nd</sup> at 8:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

There being no further discussion, on a motion duly made and seconded, the meeting was adjourned at 9:25 PM.

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Lisbeth Fumagalli, Town Clerk