

Bedford Hills, New York
December 7, 2010

The first meeting for the month of December of the Town Board of the Town of Bedford was held on December 7, 2010 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:20 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Francis Corcoran : Councilman
Chris Burdick : Councilman
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Amy Pectol : Receiver of Taxes
William Hayes : Chief of Police
Joan Gallagher : Director of Personnel
Jeffrey Osterman : Town Planner
William Heidepriem : Superintendent of Recreation & Parks
Ed Ritter : Comptroller
Marcy Marchiano : Asst. to Supervisor

and approximately nine (9) resident/observers.

APPROVAL OF CLAIMS

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 following claims for 2010 be allowed for payment from their respective funds,

	2010
Paid Prior to Audit	\$ 47,601.74
General Fund	64,485.33
Highway Fund	23,990.61
Consolidated Water District	5,334.66
Cedar Downs Water District	1,008.97
Farms Water District	59.50
Old Post Road Water District	606.81
Special Districts:	
Bedford Village Memorial Park	2,823.66
Bedford Hills Memorial Park	1,831.68
Katonah Memorial Park	2,394.71
Capital Projects	<u>66,152.08</u>
	\$ 216,289.75

DEPARTMENTS

1. DPW

- a. Authorize Supervisor to sign Westchester County Snow & Ice Agreement 2010-2015.

On a motion by Mr. Corcoran, 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 authorize the Supervisor to sign the Westchester County Snow and Ice agreement whereby the Town of Bedford shall plow County Roads 3 (Stamford Road) and 12 (Greenwich Road) in the Town of Bedford for a five (5) year term from October 1, 2010 to September 15, 2015.

- b. Request to approve total amended contract value for 2010 road paving, ELQ.

Mr. Winn reviewed his memorandum and explained that at this time, the paving costs were estimated at \$200,000.00 less than anticipated.

On a motion by Mr. Burdick, 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 approve the amended contract value with ELQ Industries, Inc. for 2010 Paving in the Town of Bedford at a cost not to exceed \$730,000.00 with the unit price for installing asphalt curbing to be \$8.00 per foot, as per the memorandum dated December 2, 2010 from Kevin Winn, Commissioner of Public Works.

c. Request to award snow removal services December 2010 through November 2011.

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 award the snow removal services for December 2010 to November 2011 to the following vendors, with the work to be awarded to the contractors with the most beneficial rates first, subject to the receipt of the necessary insurance documentation, as per the memorandum dated December 1, 2010 from Kevin Winn, Commissioner of Public Works.

Year 2010 to 2011	J&B Paving		Amaxx		Valvano		Mayfield		Fancher		Westwood		Halpin	
	Rate/hr	#	Rate/hr	#	Rate /hr	#	Rate /hr	#	Rate/ hr	#	Rate/ hr	#	Rate /hr	#
Pickup Truck ¾ ton min. with 8' plow min.	92	2	75	2	95	3	90	3						
Dump Truck 1 ton min 2cy dump with 9' plow min.	95	4	85	1	105	4								
Dump Truck 6cy dump with 11' min plow	95	1												
Front End Loader 4-5 cy capacity bucket									130	1	200 (7 yd)	1		
Front End Loader 3-4 cy capacity bucket														
Triaxle dump truck 16 cy min capacity for hauling snow	90	4	110	3					110	1			90	1
10 Wheel dump truck 14 cy min capacity for hauling snow	90	1												
Skid Steer Loader	90	1	70	1	105	1								
Backhoe Loader	90	1	85	1	115	2								

d. Approve amendment to Insurance section of Water Filtration Plant Contract for a credit.

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

WHEREAS, in the four contracts entered into between the Town and DJ Heating & Air Conditioning, Joe Lombardo Plumbing & Heating, RLJ Electric Corporation, Sisca Northeast, Inc., in regard to the construction of the Water Filtration Plant, the contract specifications relating to insurance coverages to be provided by the contractors as set forth in GP-12.01(f) provide that each contractor shall obtain and maintain Builders Risk Insurance as one of the required coverages; and

WHEREAS, after reviewing this matter further with the Town's insurance agent, it has been recommended by Public Works Commissioner Winn and by the Town's insurance agent that rather than requiring the four contractors to obtain and maintain Builder's Risk Insurance that such Builder's Risk Insurance be purchased and maintained by the Town itself and in this regard, the Town would receive a credit from each of the above contractors who will no longer have to pay for and provide Builder's Risk Insurance, therefore be it

RESOLVED, that Section 12.01 of the Contract Specifications for the Water Filtration Plant and specifically Section 12.01(f) entitled “Insurance” is amended as follows:

- (f) The Owner shall obtain and maintain Builders Risk/Installation Floater insurance in a form acceptable to the Owner upon the entire Project for the full cost of replacement at the time of any loss. This insurance shall include as named insureds the Owner, Contractor, Engineer, and Subcontractor of any tier. This insurance shall insure against loss from the perils of fire and extended coverage, and shall include “all risk” insurance for physical loss or damage including without duplication of coverage at least: theft, vandalism, malicious mischief, transit, collapse, false work, temporary buildings, debris removal, flood, earthquake, testing and damage resulting from defective design, workmanship or material. This insurance shall not be restricted, canceled or lapsed for reasons of occupancy. (underlining = new wording)

and it is further

RESOLVED, that a copy of such amendment to the specifications shall be forwarded to the four contractors set forth above along with a request that said contractors give the Town a credit since they will no longer have to purchase their own Builder’s Risk Insurance in conjunction with the Water Filtration Plant project; and it is further

RESOLVED that the Town of Bedford is hereby authorized to obtain quotes for and thereafter purchase Builder’s Risk Insurance in conjunction with the proposed water filtration plant project, at a cost not to exceed \$25,000.00.

2. Personnel – Request approval of appointment of Matthew Whalen to the position of Part-time Parking Enforcement Officer, effective December 8, 2010.

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

RESOLVED that the Town Board does hereby approve the appointment of Matthew C. Whalen, to the position of Part-time Parking Enforcement Officer in the Town of Bedford Police Department, effective December 8, 2010 at an hourly rate of \$15 per hour, as per the memorandum dated December 1, 2010 from Joan Gallagher, Director of Personnel.

3. Town Clerk – Request approval of courses for continuing education for John Sullivan.

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 approve courses for continuing education for John Sullivan, as submitted by Mr. Sullivan, to fulfill his requirement of taking four (4) hours of continuing education credits, relevant to his position as a member of the Town of Bedford Planning Board, as per the memorandum dated December 1, 2010 from Boo Fumagalli, Town Clerk.

4. Recreation and Parks – request to go out to bid for fencing at the three Town parks.

On a motion by Mr. Corcoran, 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 request to go to bid for the installation of replacement fencing, gates and accessories at the pool facilities in the Town’s three (3) hamlet parks, Katonah, Bedford Hills and Bedford Village as per the memorandum dated December 6, 2010 from Bill Heidepriem, Superintendent of Recreation and Parks.

CORRESPONDENCE

December 7, 2010 – Regular meeting - continued

1. Rotary Club of Bedford – Armonk request to hold a two-day dog/puppy adoption event in front of the Houlihan Lawrence Bedford Village office Saturday, December 11th and 18th.

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 grant permission for the Rotary Club of Bedford – Armonk to hold a two-day dog/puppy adoption event in front of the Houlihan Lawrence Real Estate office on the Village Green in Bedford Village, Saturday December 11, 2010 and Saturday December 18, 2010 between the hours of 10am and 3pm, subject to the receipt of an updated Certificate of Insurance listing the Town of Bedford as an additional insured and a signed Hold Harmless agreement.

2. Press release – NYSEG and RG&E expand energy assistance to low income customers.

Mr. Corcoran read a press release dated December 2, 2010 from New York State Electric and Gas and Rochester Gas and Electric offering energy assistance to low income customers and detailing the benefits of the program.

This item was on the agenda for informational purposes only.

3. Westchester County and United Way are offering a countywide Financial Helpline. Call 2-1-1 Tuesday, December 14th, or Wednesday, December 15th, between the hours of 4-8 pm.

Mr. Burdick read a news release from Westchester County and the United Way offering a countywide Financial Helpline on December 14 and 15, 2010 from 4pm to 8pm.

4. Add an item to the agenda.

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 add New Business #3 – Select a new Insurance Company to the agenda.

NEW BUSINESS

1. Requests for reappointment to committees/boards:

- a. Recreation & Parks Advisory Committee.

- 1) Brian McCabe.

On a motion by Mr. Gabrielson, 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 reappoint Brian McCabe to the Recreation and Parks Advisory Committee, representing Katonah, for a three (3) year term, said term to expire December 21, 2013.

- 2) Cristina Magidson.

On a motion by Mr. Corcoran, 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 Cristina Magidson to the Recreation and Parks Advisory Committee, representing Bedford Village, for a three (3) year term, said term to expire December 21, 2013.

- 3) Aldo Sammarco.

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

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

December 7, 2010 – Regular meeting - continued

RESOLVED that the Town Board does hereby reappoint Aldo Sammarco to the Recreation and Parks Advisory Committee, representing Bedford Hills, for a three (3) year term, said term to expire December 21, 2013.

b. Tree Advisory Board.

1) Bea Rhodes.

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 Bea Rhodes to the Tree Advisory Board for a five (5) year term, said term to expire December 16, 2015.

2) Peter Michaelis.

On a motion by Mr. Corcoran, 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 Peter Michaelis to the Tree Advisory Board for a five (5) year term, said term to expire December 16, 2015.

3) Robert Mazurak.

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 reappoint Robert Mazurak to the Tree Advisory Board for a five (5) year term, said term to expire December 16, 2015.

2. Set Work Session.

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 work session on Westwood Organic for Tuesday, December 21, 2010 at 7:15pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

3. Select New Insurance Company.

On a motion by Mr. Corcoran, 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 award the 2011 contract for the Town of Bedford insurance to the Spain Agency, 4 Miller Road, Mahopac, New York 10541, said contract to include membership in the New York Municipal Insurance Reciprocal (NYMIR).

PUBLIC COMMENT

Bea Rhodes of the Tree Advisory Board informed the Town Board that 100 Seedlings and 38 small trees had been planted at the Canine Commons Dog Park with the help of the Boy Scouts. She added that Tree Board member Bob Mazurak had suggested this project.

There being no further discussion the meeting was adjourned at 9:18 pm.

December 7, 2010 – Regular meeting - continued

Lisbeth Fumagalli, Town Clerk