

Bedford Hills, New York  
December 21, 2010

The second meeting for the month of December of the Town Board of the Town of Bedford was held on December 21, 2010 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  
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  
Marcy Marchiano : Asst. to Supervisor

and approximately six (6) resident/observers.

#### **APPROVAL OF CLAIMS**

On a motion by Mr. Chryssos, 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,

	<b>2010</b>
General Fund	\$ 58,190.81
Highway Fund	230,607.23
Consolidated Water District	6,354.57
Drug Abuse	8,130.66
Energy	500.00
Special Districts:	
Bedford Village Memorial Park	660.07
Bedford Hills Memorial Park	854.52
Katonah Memorial Park	599.78
Katonah Lighting District	1,215.49
Fire Protection District #1	57,611.38
Capital Projects	<u>556,618.42</u>
	\$ 921,342.93

#### **MONTHLY REPORTS**

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

#### **DEPARTMENTS**

1. Authorize Supervisor to sign change orders up to \$10,000 on the Water Filtration Plant.

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 authorize the Supervisor to execute change orders up to \$10,000.00 on the project with the understanding that the Town Board shall be notified for the reason and the cost of each change order, and this shall allow for expedited construction and reduce delays associated with change order processing, as per the memorandum dated December 16, 2010 from Kevin Winn, Commissioner of Public Works.

2. Driveway permit – 140 Maple Avenue.

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 require a deposit in the amount of \$16,000 from the property owner to cover the cost of potential mitigation measures for the driveway and stormwater systems at 140 Maple Avenue, Katonah, New York, shown and designated on Town of Bedford Tax Maps as Section 50.14 Block 1 Lot 2.2 in the Residence 4-Acre Zoning District, said deposit to be held for one (1) year by the Town of Bedford, as per the memorandum dated December 16, 2010 from Kevin Winn, Commissioner of Public Works.

3. Approval of the 2011 Office Holiday Schedule.

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

WHEREAS, that per the Personnel Manual, paid holidays during the year 2011 for Town House employees will be observed as follows:

New Year's Day	Saturday, January 1*
Birthday of Dr. Martin Luther King, Jr.	Monday, January 17
President's Day	Monday, February 21
Good Friday (Easter Holiday)	Friday, April 22
Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Labor Day	Monday, September 5
Columbus Day	Monday, October 10
Election Day	Tuesday, November 8
Veterans Day	Friday, November 11
Thanksgiving	Thursday, November 24
Friday after	Friday, November 25
Christmas Day	Monday, December 26

Floater Holiday\*\*

\*This is a 2011 holiday. However, since January 1, 2011 falls on a Saturday, it is observed on the preceding Friday, which is December 31, 2010.

\*\*The floater holiday (Lincoln's Birthday) will be used at the discretion of each employee within the Local 456 White Collar Unit and Town Administrators.

4. Abolishment of titles of two Intermediate Clerk positions.

Mrs. Roberts read the memorandum dated December 15, 2010 from Joan Gallagher, Director of Personnel, requesting the elimination of two (2) Intermediate Clerk positions in the Town of Bedford, both Recording Secretary positions to Town of Bedford boards, one for the Wetlands Control Commission and one for the Zoning Board of Appeals. She thanked the two clerks for their service to the Town of Bedford.

December 21, 2010 – Regular meeting - continued

On a motion by Mr. Chryssos, 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 eliminate two (2) Intermediate Clerk positions within the Town of Bedford effective December 31, 2010, and

BE IT FURTHER RESOLVED

THAT the following employees in those titles are hereby terminated effective December 31, 2010:

1. Amy Hunter – Recording Secretary to the Wetlands Control Commission.
2. Nina Kellogg – Recording Secretary to the Zoning Board of Appeals.

5. Resignation of Maria Van Sicklin as Sr. Office Assistant – Automated Systems from the Planning Board.

On a motion by Mr. Chryssos, 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 accept the resignation of Maria Van Sicklin from the position of Senior Office Assistant – Automated Systems to the Planning Board, effective January 1, 2011, as per the memorandum dated December 15, 2010 from Joan Gallagher, Director of Personnel.

#### **CORRESPONDENCE**

1. Ragnar Relay Series request to park buses in Bedford Hills train station lot for Charity Relay Race, Friday and Saturday, May 13<sup>th</sup> and 14<sup>th</sup>, 2011.

Mr. Chryssos read the email dated December 13, 2010 from Glen Goldstein of the Ragnar Relay Series regarding a running relay race proposed for May 13<sup>th</sup> and 14<sup>th</sup>, 2011, requesting the use of one of the Bedford Hills commuter parking lots for parking vans and as a baton transfer area for the runners.

Chief Hayes will contact Mr. Goldstein to review the details for this event, as there are concerns regarding noise and the services that are being requested.

#### **NEW BUSINESS**

1. American Legion Post #1575 application for 2011 Bell Jar License.

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, an application for a Bell Jar License with the appropriate fee was filed by the Katonah Post #1575, Department of New York, American Legion Inc., located at 132 Jay Street, Katonah, New York 10536, and

NOW, THEREFORE, BE IT RESOLVED

THAT the Town Board does hereby approve the issuance of Games of Chance License No. 2809-11 to be used for the operation of “Bell Jar” during the calendar year 2011, by the Katonah Post #1575, Department of New York, American Legion Inc., 132 Jay Street, Katonah, New York 10536.

2. Reappointment to committees/boards:
  - a. John Stockbridge to the Wetlands Control Commission.

December 21, 2010 – Regular meeting - continued

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 John Stockbridge to the Bedford Wetlands Control Commission for a three (3) year term, said term to expire January 20, 2014.

b. Janeen Sudaka-Karlsson to the Conservation Board.

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 Janeen Sudaka-Karlsson to the Town of Bedford Conservation Board for a two (2) year term, said term to expire January 20, 2013.

3. Executive Session – Union Negotiations and Personnel Matters.

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 shall discuss union negotiations and personnel matters in an executive session to be conducted at the conclusion of the regular meeting.

4. Set Work Sessions – Legislation, Meeting with Tree Advisory Board.

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 for legislation and to meet with the Tree Advisory Board for Tuesday, January 11, 2011 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Approval of Temporary Appointment of Building Inspector, Rick Megna.

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 temporary appointment of Richard Megna, to the position of Building Inspector, effective December 21, 2010, to fill in for the Town of Bedford current Building Inspector James Genovese, at an hourly rate of \$55.00, as per the memorandum dated December 20, 2010 from Joan Gallagher, Director of Personnel.

6. Approval of Part – Time on availability basis Assistant Building Inspector Joseph Bregante.

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

December 21, 2010 – Regular meeting - continued

RESOLVED that the Town Board does hereby approve the appointment of Joseph Bregante to the position of Assistant Building Inspector on a part-time availability basis, effective December 22, 2010 at an hourly rate of \$40.00, as per the memorandum dated December 21, 2010 from Joan Gallagher, Director of Personnel.

7. Acceptance of Retirement Notification of Sgt. James Murphy.

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 accept the retirement of Sergeant James Murphy from the Town of Bedford Police Department effective December 31, 2010 as per the memorandum dated December 20, 2010 from Joan Gallagher, Director of Personnel.

There being no further discussion the Town Board adjourned to executive session at 8:28 pm.

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Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session – December 21, 2010

The Town Board voted to go into Executive Session on December 21, 2010 at 7:15 p.m. All Town Board members were present along with Kevin Winn, Public Works Commissioner and Joel H. Sachs, Town Attorney.

At the outset of the Executive Session, Joel Sachs was appointed Deputy Town Clerk. Between 7:15 and 7:40 p.m., the Town Board held a discussion with Mr. Winn and Mr. Sachs concerning a proposed License Agreement with Westwood Organic Recycling. The Executive Session recessed at 7:40 p.m.

At 8:40 p.m., the Town Board returned to Executive Session to continue the discussion of the proposed License Agreement with Westwood Organic. At the conclusion of the discussion, Kevin Winn was directed to return to have further discussions with Westwood Organic in regard to a new License Agreement.

The Town Board then met with Bedford Police Chief William Hayes in regard to a certain Stipulation of Settlement between the Town and Town of Bedford Police Sergeant James Murphy.

The Town Board thereafter held a discussion with Town Attorney Joel Sachs and Town Planner Jeff Osterman in regard to a letter from Russell Ippolito dated December 9, 2010 in regard to selling certain Town property to Mr. and Mrs. Joseph Corsi.

At 9:50 p.m., the Town Board returned to public session. At the public session, Councilman Corcoran moved and Councilman Chryssos seconded a resolution approving a Stipulation of Settlement regarding James Murphy, a copy of which is attached along with the Stipulation of Settlement dated December 16, 2010. The resolution was unanimously approved. Thereafter, the Supervisor signed the aforementioned Stipulation.

The Town Board then held a further discussion concerning a letter from Russell Ippolito, Esq., dated December 9, 2010 in regard to property owned by the Town, adjacent property owned by Mr. and Mrs. Joseph Corsi on Dwight Lane. After reviewing the letter, the Councilman Chryssos moved and Councilman Burdick seconded the following resolution:

1. Item 1 of the December 9, 2010 Ippolito is acceptable.
2. Item 2 of the December 9, 2010 Ippolito letter is acceptable.
3. Item 3 of the December 9, 2010 Ippolito is not acceptable.

December 21, 2010 – Regular meeting - continued

The Board thereafter directed Town Attorney Sachs to advise Mr. Ippolito of the Town Board's vote and indicated that insofar as Item #3 that Mr. and Mrs. Corsi would have to abide by the conditions set forth in the November 4, 2010 letter from Mr. Sachs to Mr. Ippolito. Failing that, the Town would proceed to utilize the so-called disputed area as Town property.

The Town Board meeting adjourned at 10:10 p.m.

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Joel H. Sachs, Acting Deputy Town Clerk