

Bedford Hills, New York
February 16, 2010

The second meeting for the month of February of the Town Board of the Town of Bedford was held on February 16, 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 T. Corcoran : Councilman
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk
Nancy Tagliafierro : Town Attorney
Amy Pectol : Receiver of Taxes
Ed Collins : Chief of Police
Kevin Winn : Commissioner of Public Works
Ed Ritter : Town Comptroller
Jeffrey Osterman : Director of Planning
Marcy Marchiano : Asst. to Supervisor

Absent: Chris Burdick : Councilman

and approximately six (6) residents/observers.

HEARING – FOIL appeal from Kerry Lutz. Esq.

Mr. Lutz was not present for this hearing. An E-mail was received at 7:15PM where Mr. Lutz He noted that road conditions were bad in the area where he lived as his reason for not appearing at the meeting.

Mrs. Roberts reviewed the history of this matter advising that this hearing was originally scheduled for January 19 at which time Mr. Lutz had not appeared and the hearing was rescheduled to February 2 and that hearing was then postponed at the request of Mr. Lutz. Ms. Tagliafierro suggested that at this time the Town Board go ahead with the hearing.

Mrs. Roberts stated that on December 8, 2009 Mr. Lutz had requested a list of email addresses for those who receive alerts from the Town of Bedford and he had stated that the email addresses would not be used for commercial or solicitation purposes. She pointed out that Ms. Tagliafierro had responded in writing to the request, denying disclosure of the information pursuant to Section 87 (2)(b) of Public Officers Law based on the fact that do disclose the email addresses would violate personal privacy and because under the Freedom of Information Law, a municipality is not required to create a document, such as a list of addresses. She added that Mr. Lutz had appealed the denial in writing to the Town Clerk on December 14, 2009 and that the Town Clerk, had referred the appeal to the Town Board pursuant to the Code of the Town of Bedford.

Mrs. Roberts asked Ms. Tagliafierro for the Town Attorney's position on this matter. Ms. Tagliafierro responded that the request for the list of email addresses had been properly denied pursuant to the cited section of the FOIL law as to do so would violate personal privacy. She added that the Town's website specifically states that the email addresses will not be shared with third parties and that in the opinion of the Town Attorney, disclosing the email addresses would violate personal privacy and accordingly should be withheld.

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

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

RESOLVED that the Town Board does hereby deny the request from Kerry Lutz, Esq. for the email addresses of all those on the Town of Bedford email alert list as the release of this information this would constitute an unwarranted invasion of personal privacy.

MONTHLY REPORTS –

Building	Parking
Code Enforcement	Police Consolidated Report
Dog Control	Receiver of Taxes
Department of Public Works	Recreation and Parks
Finance	Town Clerk
Justice Court	Water

Mrs. Roberts advised that the reports were available for review during business hours in the Offices of the Supervisor and the Town Clerk.

APPROVAL OF CLAIMS

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

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

RESOLVED, that the following claims for 2009 be allowed for payment from their respective funds,

	2009
General Fund	\$ 51,850.67
Highway Fund	9,341.49
Consolidated Water District	2,611.64
Cedar Downs Water District	30.00
Old Post Road Water District	90.00
Special Districts:	
Bedford Village Memorial Park	1,698.74
Bedford Hills Memorial Park	1,449.75
Katonah Memorial Park	721.86
Capital Projects	<u>206,672.35</u>
	\$ 274,466.50

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

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

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

	2010
General Fund	\$ 90,400.76
Highway Fund	99,694.09
Consolidated Water District	8,935.84
Farms Water District	213.94
Old Post Road Water District	196.06
Special Districts:	
Bedford Village Memorial Park	3,062.46
Bedford Hills Memorial Park	2,825.10
Katonah Memorial Park	3,696.74
Bedford Hills Lighting District	1,061.25
Capital Projects	<u>4,958.99</u>
	\$ 215,045.23

OLD BUSINESS

1. Croton Plan – Discussion.

Mr. Osterman reviewed the summary of the plan, pointing out that the plan states that all ten (10) municipalities belong to the group and meet monthly.

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

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

WHEREAS, the New York City Watershed Memorandum of Agreement dated January 21, 1997, and the New York City Rules and Regulations for the Protection of the New York City Water Supply from Contamination, Degradation and Pollution and Its Sources, Subchapter H, Section 18-82 provide for a process to create a Comprehensive Croton System Water Quality Protection Plan (“Croton Plan”); and

WHEREAS, in January 1998, the ten Croton Watershed towns and Westchester County agreed by resolution to participate in the development of the Croton Plan, and

WHEREAS, the Croton Plan was prepared with the participation of Westchester County and the participating northern Westchester watershed communities in the Croton Watershed, as well as in partnership with the New York City Department of Environmental Protection (NYC DEP) and the New York State Department of Health (NYS DOH); and

WHEREAS, the Croton Plan provides for, among other things; (i) the identification of water quality problems and community character need; (ii) identification of investments to correct existing water quality problems in relation to developed priorities; and (iii) strategies for prevention of future water quality problems and the consideration of future community character needs; and

WHEREAS, the agreeing to the Croton Plan does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts; now therefore be it

RESOLVED, the Town Board of the Town of Bedford agrees to the statement of strategies, principles and recommendations detailed in *The Croton Plan for Westchester, the Comprehensive Croton Watershed Water Quality Protection Plan, dated September 2009.*

2. Authorize Receiver of Taxes to include unpaid water accounts on the 2010 tax levy.

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

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

WHEREAS, certain customer accounts of the various Water Districts currently have unpaid water consumption charges and penalty amounts due totaling \$95,985.13, and

WHEREAS, it is legally permissible to include unpaid water accounts and penalties in the annual tax levy, and

WHEREAS, a notice will be sent to each customer with an unpaid balance, that unless the balance due is paid by March 3, 2010, it shall be added to the tax bill due April 30, 2010,

NOW THEREFORE BE IT

RESOLVED, that the Town Board does hereby authorize the Receiver of Taxes to include the remaining unpaid water consumption charges and penalties on the 2010 tax levy.

3. Request to modify award for snow removal services.

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

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

RESOLVED that the Town Board does hereby revise the award for snow plow services, originally approved on November 19, 2009 as follows:

	Westwood		Mayfield		Lawton Adams		J&B Paving		Fancher	
	Rate	#	Rate	#	Rate	#	Rate	#	Rate	#
Pickup trucks, ¾ ton min. rating with snow plow 8' wide or greater			175	3	95	2	92	1		
Dump Trucks, 1 ton min. rating (2 cy min. dump capacity) with snow plow 9' wide or greater					100	1	96	3		
Dump Trucks, Six wheel dump trucks (6 cy min dump capacity) with snow plow 11' wide or greater							100	1		
Front End loaders, 4-5 cy bucket capacity					180	2			130	1
Ten wheel dump trucks with 14 CY minimum dump capacity for hauling snow							95	<u>No quantity specified</u>		
Triaxle dump trucks with 16 CY minimum dump capacity for hauling snow	110	2			130	3	95	3		
Skid Steer loaders							95	1		
Front End Loader 3-4 bucket capacity	150	1								
Backhoe Loader							95	1		

NEW BUSINESS

1. Approval of Playground Maintenance Corp to perform annual playground inspections. On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby approve retaining the services of Playground Maintenance Corp. d/b/a Playground Medic of Hawthorne, New York to perform the annual playground equipment inspections at each of the three (3) park playgrounds, at a total cost of \$2,100.00 as per the memorandum dated February 7, 2010 from Bill Heidepriem, Superintendent of Recreation & Parks.

2. Appointment of Financial Advisors. On a motion by Mr. Gabrielson, seconded by Mr. Chryssos, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby approve retaining NYMAC as the financial advisors for the Town of Bedford, with fees of \$25,550 to include the Official Statement required for the Town's financial activities, for a one (1) year period, as per the memorandum dated February 11, 2010 from Ed Ritter, Comptroller.

3. Appoint Noreen Regan to the Sr. Account Clerk position in Finance Department.

February 16, 2010 – Regular meeting - continued

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

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

RESOLVED that the Town Board does hereby approve the appointment of Noreen Regan to the position of Senior Account Clerk in the Finance Department, effective February 17, 2010, from Civil Service Eligible List #61-234 at a salary of \$50,913.00 as per the memorandum dated February 12, 2010 from Joan Gallagher, Director of Personnel.

4. Renewal of lease for Bedford Hills Historical Museum.

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

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

WHEREAS, on April 1st, 2004, the Town of Bedford entered into a lease agreement with the Bedford Hills Historical Museum to lease a portion of the basement area of the Town House to the Bedford Hills Historical Museum; and

WHEREAS, by Resolution 2005/117, dated March 15, 2005, the original lease agreement was modified from renewal periods of one (1) year to renewal periods of five (5) years; and

WHEREAS, by letter dated December 10, 2009, Thomas J. Dietz, Vice President of the Bedford Hills Historical Society noted that the current lease expires on March 31, 2010 and requested that the lease be renewed for another five (5) year period, at the current terms of the lease, with a pre-paid rent of \$10 per year for the five (5) year period of April 1, 2010 to March 31, 2015,

NOW, THEREFORE, BE IT RESOLVED

THAT the Town Board does hereby renew the lease with the Bedford Hills Historical Society for use of the basement level of the Town House for the Bedford Hills Historical Museum, for a five (5) year period, April 1, 2010 to March 31, 2015, subject to all conditions of the current lease, with a pre-paid rent of \$50 for the lease period.

5. Special Use Permit – Blue Dolphin.

Thomas Antonecchia, attorney for the applicant was not in attendance.

Mrs. Roberts read a letter dated November 19, 2009 from Mr. Antonecchia to the Planning Board requesting an extension of the Waiver of Site Plan Approval as well as an extension of the Town Board's Special Permit for an additional year.

The Town Board discussed the request and Mr. Corcoran expressed concern about the steps going out to the sidewalk and whether the concerns expressed by the Town Board and the Planning Board had been satisfied. The Board asked Mrs. Tagliafierro to contact the applicant, requesting that he appear at the next Town Board meeting.

This matter has been adjourned to the March 2, 2010 Town Board agenda.

There being no further discussion the meeting was adjourned at 9:01 PM.

Lisbeth Fumagalli, Town Clerk