

Bedford Hills, New York
July 20, 2010

The second meeting for the month of July of the Town Board of the Town of Bedford was held on July 20, 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
Francis T. Corcoran : Councilman
Chris Burdick : Councilman
David Gabrielson : Councilman

Nina Kellogg : Deputy Town Clerk
Joel H. Sachs : Town Attorney
Ed Ritter : Comptroller
William J. Hayes : Chief of Police
Kevin Winn : Commissioner of Public Works
Jeffrey Osterman : Director of Planning
Marcy Marchiano : Asst. to Supervisor

Absent: Peter Chryssos : Councilman
Lisbeth Fumagalli : Town Clerk

and approximately seventeen (17) residents/observers.

APPROVAL OF CLAIMS

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

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

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

General Fund	\$	76,862.03
Highway Fund		31,510.76
Consolidated Water District		14,073.37
Cedar Downs Water District		351.50
Farms Water District		28.50
Old Post Road Water District		57.00
Drug Abuse		1995.00
Special Districts:		
Bedford Village Memorial Park		4,014.98
Bedford Hills Memorial Park		4,367.00
Katonah Memorial Park		2,953.42
Capital Projects		<u>37,796.76</u>
	\$	174,010.32

PRESENTATION – MS4 Annual Report

Jeff Osterman, Town Planner and Kevin Winn, Commissioner of Public Works advised that the MS4 report is a state requirement. Mr. Osterman asked the Town Board for their comments on the draft report that had been submitted to them then requested that it be posted on the Town's website for the public to comment.

Mr. Osterman explained the various regulations and requirements that are part of the Phase II of the Federal Clean Water Act amendments for the management of stormwater, erosion and pollution of surface water. He described the water supply in the Town of Bedford and the legislation that has been enacted over the last several years by the Town Board. He reviewed the education program sponsored by Westchester County to help keep the drinking water supply clean.

Mr. Winn described the maintenance that is performed on the stormwater system, the storage of road salt, and the maintenance of the roads and bridges that effect the management of the stormwater. He noted that his personnel receive training for maintaining the catch basins and enter the data on the cleaning of the catch basins on a laptop computer while the cleaning is being performed.

Mr. Osterman pointed out that the Town of Bedford had recently been audited by the New York State Department of Environmental Conservation (NYSDEC). He pointed out that the next challenge for the Town Board will be the septic pumping management ordinance that will require homeowners to have their septic tank pumped every five (5) years and how this will be enforced. He added that the legislation already in place for stormwater management and illicit discharge would need to be updated as New York State keeps changing the laws and the Town has to keep up with the changes.

Mrs. Roberts thanked Mr. Osterman and Mr. Winn for their time and efforts on this report.

MONTHLY REPORTS

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

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

CORRESPONDENCE

1. Susan Davidson: Valley Road Speed/Traffic Control

Mrs. Davidson was present and explained her concerns about speeding on the lower portion of Valley Road in Katonah. She commented that she lived at 72 Valley Road and that there were twelve (12) children living on that section of the road then noted her concerns for their safety. She suggested that stop signs be installed at the intersection with Cottage Place as well as the intersection with Edgemont Road. She asked for a “Children at Play sign” and a “15 mph” sign to be installed in the area of 104-114 Valley Road.

Kevin Winn, Commissioner of Public Works advised the Town Board that New York State law states that stop signs should not be used for speed control or traffic calming. He added that he would investigate placement for the other two signs she’d requested. Bill Hayes, Chief of Police described the enforcement efforts by the Police and analyzed the accident data, noting that there had been no accidents this year but there had been 6 in 2009, none were speed related. He added that the enforcement efforts would continue.

2. Read Open Letter to Townships Bedford, New Castle & North Castle Regarding Traffic Safety on and around Sarles Street.

Mr. Corcoran read the letter dated March 2010 from the Sarles Street Area Concerned Citizens citing concerns with traffic safety on and around Sarles Street in the Towns of Bedford, New Castle and North Castle.

Mrs. Roberts pointed out that the issues in this letter were the same on all roads in and around the Town of Bedford and that it was incumbent on everyone to be aware of how fast we’re going. She advised that the individuals who submitted the letter would be meeting with officials from each of the three (3) towns to discuss the concerns.

OLD BUSINESS

1. Consider EPA Climate Smart Communities Grant

Present representing the Energy Advisory Panel were chair, Mary Beth Kass and member Maria Fields. Ms. Kass explained that there were new Environmental Protection Agency (EPA) grant opportunities, one that with an application due on July 26 and the other with the application due on September 2, that were geared toward reducing the greenhouse gas inventory in the Town of Bedford, focusing on the commercial sector. She read a statement that described the projects being proposed to be funded by the grants. She asked for the support of the Town Board to pursue obtaining the grants that would be for before \$100,000.00 to \$500,000.00 over a three (3) year period.

July 20, 2010 – Regular meeting - continued

Mr. Burdick commended Ms. Kass and her committee for their efforts on behalf of the Town of Bedford.

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

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

RESOLVED that the Town Board does hereby support and authorize the Bedford Energy Advisory Panel to apply for a Climate Smart Communities Grant from the Environmental Protection Agency by July 26, 2010 to fund two (2) pilot projects in the Town of Bedford.

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

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

RESOLVED that the Town Board does hereby support and authorize the Bedford Energy Advisory Panel to apply for a Climate Smart Communities Grant from the Environmental Protection Agency by September 2, 2010 to fund two (2) pilot projects in the Town of Bedford.

2. Discussion on Bedford Park South Rezoning

Mrs. Roberts explained that the deadline for written comments to be submitted to the Town Board was July 8, 2010 and acknowledged the receipt of the following correspondence from:

1. William Smith
2. Karen Pascoe
3. The Village of Mount Kisco
4. Lise Susi

She asked for Town Attorney Joel Sachs to explain the options concerning this matter to the Town Board.

Mr. Sachs responded that the applicant had presented a zoning request to the Town Board to amend the text of Chapter 125 of the Code of the Town of Bedford and the zoning map. He added that this matter had been reviewed by the Planning Board, discussed publically by that Board and a report submitted to the Town Board. He noted that the Town Board had then held a public hearing on the matter and written comments had been received.

Mr. Sachs advised that the Town Board had two (2) options:

1. The Town Board can vote to deny the rezoning request with or without setting forth reasons.
2. The Town Board can vote to continue the review of the rezoning request and move forward with the proposed amendment to the text of Chapter 125 of the Code of the Town of Bedford and the zoning map, that would require further analysis under the State Environmental Quality Review (SEQR), including a supplemental Draft Environmental Impact Statement (DEIS) as well as further review by the Planning Board.

He commented that at the June 8 public hearing on this matter, objections had been raised by property owners who own 20% or more of the property adjacent to the site under discussion and who had submitted a petition to the Town Board. As a result, any vote to approve a rezoning would require a “super-majority”, 4 of the 5 Board members.

Mr. Sachs pointed out that a zoning change is a legislative determination by the Town Board but the Town Board is not required to set forth reasons, should they decide to terminate the consideration of the application.

Mrs. Roberts expressed her concerns about the application, noting she had tried to keep an open mind, but had deep reservations about the project. She felt that this location not being near the hamlet center, transportation services and not being walkable was not compatible with the Town’s Master Plan. She commented that while the affordable housing aspect of the project was

attractive, there were other less attractive issues with the project that outweighed that aspect. In addition Supervisor Roberts stated that the affordable housing units should be integrated into the entire project and not separated out.

Mr. Burdick shares Mrs. Robert's concerns adding that he saw positive aspects to the project however the negative aspects outweighed them. He noted that the Town Board had a commitment to affordable housing but that this was the wrong project and the wrong location for it, citing concerns with impacts to traffic in the area and to the water system. He questioned whether the site would be able to support the necessary septic system for a development of this size. He felt that to continue the review of this application would be a disservice to the applicant and that the consideration of the application should be terminated.

Mr. Gabrielson commented that this had been a long process and that the objections expressed by constituents in both the Town of Bedford and the Village of Mount Kisco had been heard. He cited the concerns about traffic in the area and impacts on the water system and that the Town Board had weighed the merits of the application.

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

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

WHEREAS, the Town Board received a petition dated December 20, 2007, from Northern Westchester Professional Park Associates II, L.P. for an amendment to the Zoning Map and Zoning Ordinance concerning property located at the corner of South Bedford Road, (Route 172) and McLain Street in the Town of Bedford, shown and designated on Town tax maps as Section 82.12 Block 1 Lots 3 & 4, for the rezoning of the property from Residence Two (2) Acre District to a Multi-family District ("MF District"), and

WHEREAS, by letter dated December 7, 2009, the applicant amended its 2007 petition to create a new zoning district titled, "EL-CSP (Conceptual Site Plan) Housing for the Elderly Planned Residential Development" which amendment included a schematic architectural site plan titled, "Bedford Park South, South Bedford Road, Bedford, New York", page SP-01 dated April 14, 2009 prepared by The Sullivan Architectural Group; and

WHEREAS, a public hearing was held on June 8, 2010 at the Town House, 321 Bedford Road, Bedford Hills to consider the amended petition by Northern Westchester Professional Park Associates II, L.P. to amend the Zoning Code and the Zoning Map of the Town of Bedford, to amend Chapter 125-4 to create a new zoning district entitled "Housing for the Elderly Residential Planned Development District" and to amend the Zoning Map to change the 12.6 acre parcel from the Residence Two (2) Acre District to the proposed EL-CSP (Conceptual Site Plan) Housing for the Elderly Residential Planned Residential Development District, at which time all interested parties were given the opportunity to present their views; and

WHEREAS, the Town Board accepted written comments to be submitted until July 8, 2010,

NOW, THEREFORE BE IT RESOLVED

THAT the Town Board does hereby terminate the consideration of the application from Northern Westchester Professional Park Associates II, L.P. to amend the Zoning Code and the Zoning Map of the Town of Bedford, to amend Chapter 125-4 to create a new zoning district entitled "Housing for the Elderly Residential Planned Development District" and to amend the Zoning Map to change the 12.6 acre parcel from the Residence Two (2) Acre District to the proposed EL-CSP (Conceptual Site Plan) Housing Elderly Residential Planned Development District.

3. Set Public Hearing to extend Open Space Ordinance

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

July 20, 2010 – Regular meeting - continued

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

RESOLVED that the Town Board does hereby set a public hearing to consider Local Law #3-2010 – to amend Chapter 85 of the Code of the Town of Bedford regarding Open Spaces and Areas, Park and Water Protection Funds Program, to extend the special levy for an additional five (5) years, for Tuesday, August 3, 2010 at 7:30 P.M. to be held at the Town House, 321 Bedford Road, Bedford Hills.

NEW BUSINESS

1. DPW Budget Transfer and Adjustment Request

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

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

RESOLVED that the Town Board does hereby approve the following adjustments for the Department of Public Works, as per the memorandum dated July 12, 2010 from Kevin Winn, Commissioner of Public Works:

Budget Adjustment		Increase	
Increase State Aid		Highway	
10.10.3501	CHIPS Revenue \$72,214.00	001.1110.400.171	General Repairs \$72,214.00

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

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

RESOLVED that the Town Board does hereby approve the following transfers for the Department of Public Works, as per the memorandum dated July 12, 2010 from Kevin Winn, Commissioner of Public Works:

Budget Transfer	From	To		
	010-0910	010.5130.0429	\$50,000.00	More equipment
	Highway Fund Balance	Services – Machinery		breakdowns than planned
	010-0910	010.05130.0423	\$50,000.00	More equipment
	Highway Fund Balance	Parts – Machinery		breakdowns than planned

2. DPW Road Paving Schedule for 2010

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

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

RESOLVED that the Town Board does hereby approve the road paving schedule for 2010 as submitted by Kevin Winn, Commissioner of Public Works, at a cost of \$929,632.00, with \$202,734.00 to be funded through the General Repairs operating budget and the remaining \$726,898.00 to be funded from the \$750,000.00 of funds authorized by the Town Board for 2010 capital paving, as per the memorandum from Mr. Winn dated July 13, 2010.

3. DPW Bid Award: Ford F550 Dump Truck

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

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

July 20, 2010 – Regular meeting - continued

RESOLVED that the Town Board does hereby approve the purchase of three (3) Ford F550 dump trucks from the lowest most responsible bidder, Morande Ford of Berlin, Connecticut in the amount of \$182,700.00 as per the memorandum dated July 13, 2010 from Kevin Winn, Commissioner of Public Works.

Street Sweeper

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

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

RESOLVED that the Town Board does hereby approve the purchase of an Allianz 4000 Sweeper from the lowest, most responsible bidder, Gannon Municipal Equipment of New York, New York, at a cost of \$216,400.00 to be paid for from the \$112,200 previously authorized to be borrowed by the Town Board and the Westchester County grant obtained for the sweeper, to pay 50% of the cost - \$108,200, as per the memorandum dated July 15, 2010 from Kevin Winn, Commissioner of Public Works.

Vacuum Truck

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

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

RESOLVED that the Town Board does hereby approve the purchase of a 2112-J6 Vactor on a Mack chassis vacuum truck from the lowest most responsible bidder Gabrielli Truck Sales of Milford, Connecticut in the amount of \$394,821.00, 50% of said purchase, \$197,410.50, to be funded from the grant obtained through Westchester County, as the Town of Bedford is mandated to perform catch basin and stormwater system cleaning by the New York State Department of Environmental Conservation (NYSDEC) MS4 Stormwater Permit in order to reduce discharge of sediment and phosphorus in to water bodies, and

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to borrow up to \$200,000.00 from the New York State Environmental Facilities Corporation (NYSEFC) for the purpose of purchasing this equipment, as per the memorandum dated July 13, 2010 from Kevin Winn, Commissioner of Public Works.

4. DPW Request to proceed on Water Filtration Plant and Water Main

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

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

RESOLVED that the Town Board does hereby authorize the Town Engineer, James J. Hahn to issue a Notice to Proceed on the five (5) contracts for the Water Filtration Plant and the Water Main, according to the following conditions, as per the memorandum dated July 14, 2010 from Kevin Winn, Commissioner of Public Works:

Water Main Contract – Issue Notice to Proceed by July 31, 2010 with the stipulation that said construction cannot begin until the Department of Environmental Protection (DEP) Revocable Permit and Wetlands Permits are received.

Four Water Plant Contracts – Issue Notice to Proceed once the Department of Environmental Protection (DEP) Revocable Permit is received. The (DEP) Revocable Permit is anticipated to be issued in early August. The Notice to Proceed shall stipulate that construction cannot begin until the required Wetlands Permits are received

5. Approval to sign IMA for Police Firing Range

July 20, 2010 – Regular meeting - continued

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the Intermunicipal Agreement with The Westchester County Department of Safety for the Police Firing Range, at a cost of \$630.00 per eight (8) hour tour and additional \$70.68 per hour if a firearms instructor is requested, with the term of said agreement to commence upon execution and shall continue in effect for five (5) years.

6. Approval to accept American Express for Payment of Charges

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

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

RESOLVED that the Town Board does hereby approve the request from Edward Ritter, Town of Bedford Comptroller to accept American Express (AMEX) as a form of payment in Town of Bedford offices, with the user to absorb the transaction fee, as per Mr. Ritter's memorandum dated July 15, 2010.

7. Appointment approval of Detective Sergeant

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

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

RESOLVED that the Town Board does hereby approve the appointment of Thomas Diebold to the vacant position of Detective Sergeant in the Town of Bedford Police Department, effective July 21, 2010 at an annual salary of \$105,364.00, as per the memoranda dated July 15, 2010 from William J. Hayes, Chief of Police and Joan Gallagher, Director of Personnel.

8. Work Session – Ordinances

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

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

RESOLVED that the Town Board does hereby set a work session on the Town of Bedford 2011 budget, and to review the alcohol permitting process for Town owned properties, as well as the affordable housing ordinance for Tuesday, August 24, 2010 at 7:00 P.M. at the Town House, 321 Bedford Road, Bedford Hills, New York.

9. Discuss August meetings

Mrs. Roberts commented that she would not be in attendance for the second Town Board meeting of the month of August on the 17th, and had considered rescheduling the meeting, however, after speaking with Deputy Supervisor Chryssos and the other Town Board members; she had decided to not make this request.

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

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

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

July 20, 2010 – Regular meeting - continued

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

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

RESOLVED that Joel Sachs, Town Attorney, shall act at Deputy Town Clerk at the executive session for the purpose of taking the minutes of the meeting.

The Town Board adjourned to executive session at 10:00 P.M.

Nina Kellogg, Deputy Town Clerk


TOWN OF BEDFORD
www.BedfordNY.info
TOWN BOARD
EXECUTIVE SESSION MINUTES
July 20, 2010

The Town Board met in Executive Session at approximately 10:00 p.m. to discuss litigation. Present at the Executive Session were Supervisor Roberts, and Town Board members Burdick, Gabrielson and Corcoran. Also present was Joel H. Sachs who had been designated as Deputy Town Clerk.

At the Executive Session, the members of the Town Board discussed a proposed settlement of the Corsi adverse possession litigation. It was agreed unanimously.

When the executive session ended at approximately 10:30 p.m., the Town Board reconvened in public session and unanimously agreed that it would accept payment of \$40,000.00 from Mr. and Mrs. Joseph Corsi to resolve the outstanding Town Court prosecution as well as to allow Mr. and Mrs. Corsi to keep the land to the rear and side of his house, known as the "Disputed Area." The Disputed Area had been awarded to the Town in a previous litigation by the Westchester County Supreme Court (Donovan J.) and the Supreme Court's judgment was affirmed by the Appellate Division, Second Department. The parties will also exchange general releases.

The meeting adjourned at 10:40 p.m.


Joel Sachs