

Bedford Hills, New York
March 16, 2010

The second meeting for the month of March of the Town Board of the Town of Bedford was held on March 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
Chris Burdick : Councilman
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk
Nancy Tagliafierro : Town Attorney
Amy Pectol : Receiver of Taxes
Joan Gallagher : Director of Personnel
Ed Collins : Chief of Police
Kevin Winn : Commissioner of Public Works
Marcy Marchiano : Asst. to Supervisor

and approximately eight (8) residents/observers.

APPROVAL OF CLAIMS

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 following claims be allowed for payment from their respective funds,

	2010
General Fund	\$ 164,892.31
Highway Fund	240,935.25
Consolidated Water District	20,783.12
Cedar Downs Water District	142.99
Farms Water District	158.04
Old Post Road Water District	135.47
Trust and Agency	170.00
Special Districts:	
Bedford Village Memorial Park	5,089.18
Bedford Hills Memorial Park	5,330.84
Katonah Memorial Park	1,169.00
Fire District #1	56,635.45
Capital Projects	<u>112,077.29</u>
	\$ 612,464.13

MONTHLY REPORTS

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

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

ADD AN ITEM TO AGENDA

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 add an item to the agenda, New Business #6 – Construction Management and Design Services contract for the Water Filtration Plant.

CORRESPONDENCE

1. NYS Unified Court System award of grant under Justice Court Assistance program.

The Town Board acknowledged receipt of a letter dated March 1, 2010 addressed to Court Clerk Diane Georgio from the State of New York Unified Court System advising that the Town of Bedford court had been awarded a grant in the amount of \$9404.80 as part of the Justice Court Assistance Program, that will be used for the purchase of new signage, equipment, a Judge's chair and the new copier for this department.

2. Katonah Fire Department request that funds be appropriated for Police overtime for parade Wednesday, June 9th at 7:00 pm.

The Town Board acknowledged the receipt of a letter dated March 2, 2010 from Paul Bauer, Chief of the Katonah Fire Department requesting that funds be appropriated for the Town of Bedford Police Department to cover any overtime incurred while they assist the Katonah Fire Department with their annual parade on Wednesday, June 9, 2010.

Ed Collins, Chief of Police advised the Board that the cost for the Police would be approximately \$5700 for the night of the parade for Katonah and \$4700 for the Police for the Bedford Fire Department parade in July. Kevin Winn, Commissioner of Public Works noted that the expense for his department was \$800 for the Katonah parade and there would be no cost incurred for his department for the Bedford parade.

The Town Board discussed the expense to the Town and Mrs. Roberts suggested that the matter be held over to the next meeting in order to review this with all the fire departments.

3. US Census Bureau request to remind residents to complete and return census forms.

Mr. Gabrielson read a letter from the U. S. Census Bureau reminding residents to fill out and return their census forms between March 15, 2010 and April 15, 2010.

4. Letter for support for John Jay Homestead.

Mrs. Roberts explained that the State of New York was considering budget cuts to the State Office of Parks, Recreation and Historic Preservation, to include the closing of several historic sites, including the John Jay Homestead in Katonah. Mrs. Roberts noted that a rally had been held there last week to support the restoration of the funding to the budget in order to keep the John Jay Homestead and other State historic sites open to the public. A letter of support is available for residents to send to their State representatives asking for the funding to be restored.

OLD BUSINESS

1. Shared Services Grant program to cover "Pangoo Cloud Platform."

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, the Town Board of the Town of Bedford recognizes that there are inherent benefits in cooperating with other municipal jurisdictions to study and implement the sharing of municipal computer and software support services; and

WHEREAS, the decision to use certain computer software in various government departments is made primarily for the purpose of meeting a particular department's individual need; and

WHEREAS, the integration of that software with other operating software systems may not be the primary factor in reaching a determination; and

WHEREAS, each software application or a combination of several software applications must reside on a series of computer servers that each municipality must purchase, support and upgrade as software requirements become more complicated; and

WHEREAS, the cost of purchasing, supporting and maintaining redundant equipment over time becomes an increasing financial burden to local governments; and

WHEREAS, the use of technology in the public sector should, among other things, benefit our residents by providing them internet access to Town Hall to transact business, purchase permits and enroll in various programs; and

WHEREAS, to develop the specific security and privacy policies for integrated software applications on a public "Smarter Cloud Platform" will necessitate additional planning and system development on the part of the cooperating municipalities, software vendors and cloud host,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Bedford hereby supports the grant application being prepared by the Town of New Castle, serving as the lead agency for a consortium of participating communities seeking to receive \$50,000 in funding from the New York State Department of State under the Local Government Efficiency Grant Program.

2. Northern Westchester Energy Action Consortium IMA.

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 authorize the Supervisor to sign the Northern Westchester Energy Action Consortium Intermunicipal Agreement between the Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Castle, North Salem, Ossining, Pound Ridge, Somers and Yorktown and the Villages of Croton-on-Hudson, Mount Kisco and Ossining, and the City of Peekskill, to share in the goal of increasing energy efficiency throughout their communities and reducing energy costs for municipal, educational, not-for-profit, commercial and residential entities, said membership to carry an annual fee of \$1,000.00 for each calendar year.

3. Request for extension of up to five business days for payment of taxes by senior citizens.

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

WHEREAS, New York State Real Property Tax Law Section 925-b permits municipalities, at their discretion, to grant an extension of time for the payment of real property taxes for certain persons over the age of sixty-five (65) who have received an exemption from a portion of real property taxes pursuant to Real Property Tax Law Section 467; and

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WHEREAS the Town wishes to grant those eligible senior residents an extension of time to pay their real property taxes in accordance with Real Property Tax Law Section 925-b;

NOW THEREFORE BE IT RESOLVED THAT in accordance with Real Property Tax Law Section 925-b Town of Bedford residents who have received an exemption from a portion of their taxes pursuant to Real Property Tax Law Section 467 are granted a five (5) day extension to May 7, 2010 to pay their real property taxes to the Town; and it is

FURTHER RESOLVED, any taxes not paid by May 7, 2010 shall be subject to the same interest and penalties that would have applied if no extension had been granted.

NEW BUSINESS

1. Arbor Day Celebration – Monday, April 19th, 10:00 am at the Bedford Oak.

Mrs. Roberts announced that there would be an Arbor Day Celebration held on Monday, April 19, 2010 at 10:00 AM at the Bedford Oak on Route 22 in the Town of Bedford.

2. Request to appropriate fund balances for purchase of Highway and Water Equipment.

On a motion by Mr. Burdick, 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 appropriation of fund balances for the purchase of equipment in the Department of Public Works as follows:

1. Highway Fund - \$581,400.00 for the purchase of two trucks at a cost of \$66,300.00 and two trucks at a cost of \$224,400.00.
2. Water Fund: Consolidated \$59,749.56
Cedar Downs 1,120.47
The Farms 2,101.71
Old Post Road 3,328.26
\$66,300.00 for the purchase of one truck.

3. Resolution of Support of CKWIC Regional Stormwater Implementation Grant.

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

WHEREAS, the Town of Bedford is a member of the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) which consists of the Towns of Bedford, Cortlandt, Harrison, Lewisboro, Mount Pleasant, New Castle, North Castle, North Salem, Pound Ridge, Somers, Yorktown and the Village of Mount Kisco in Westchester County, whose land area is located wholly or partially within the Croton and/or Kensico Watersheds; and

WHEREAS, on May 27, 2008 the Town of Somers was designated to be the lead municipality to accept and administer funds, such as the Water Quality Planning & Implementation Grant, the East-of-Hudson Water Quality Investment Program Funds or the 2007 Filtration Avoidance Determination East-of-Hudson Non-Point Source Pollution Control Program Funds, on behalf of the participating municipalities; and

WHEREAS, on February 24, 2010 the Town of Somers, on behalf of CKWIC, applied for a 2010 NYS Department of State Local Government Efficiency in Implementation Grant for Regional Implementation of Individual MS4 Phosphorus Reduction Requirements (Stormwater Retrofits) which would require establishment of a

Public Benefit Corporation (PBC) and the related work program for implementation of CKWICs draft Regional Stormwater Implementation Plan; and

WHEREAS, the receipt of the 2010 NYS Department of Local Government Efficiency in Implementation Grant would require that CKWIC municipalities would regionally implement the required stormwater retrofits pursuant to the MS4 permit requirements rather than implement them on an individual basis; and

WHEREAS the grant request was made for \$500,000.00 and in accordance with the grant requirements \$50,000.00 or 10% of this grant request must come from local sources of funding/services.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bedford fully supports the 2010 NYS Department of State Local Government Efficiency Implementation Grant application made on behalf of the CKWIC; and

FURTHER, BE IT RESOLVED, that the Town of Somers shall continue to be designated the lead municipality to execute all financial and/or administrative processes on behalf of the participating municipalities, regarding the acquisition of grants or other funds for CKWIC, including the 2010 NYS Department of State Local Government Efficiency Implementation Grant until such time as the PBC is formed and operational; and

IN WITNESS WHEREOF, the Chief Elected Official of the Town of Bedford or their designated representative is hereby authorized to affix their signature by authority vested in them on this resolution.

4. Set Work Session on Budget and Legislative Issues.

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 set a work session on Budget and Legislative Issues for Thursday, March 25, 2010 at 7:30 P.M. at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Set Executive 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 shall conduct an executive session at the conclusion of the regular meeting to discuss a possible acquisition of land.

6. Construction Management and Design Services contract for the Water Filtration Plant.

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 professional services contract for Construction Management and Design Services for the Water Filtration Plant in the Town of Bedford with Hahn Engineering/O'Brien & Gere Engineers Inc., Joint Venture, 1689 Route 22, Brewster, New York at a total cost not to exceed \$1,234,700 - as follows for - design services during construction (\$333,500), Construction

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Administration (\$738,700), Independent Testing (\$60,500) and Water treatment system commissioning (\$102,000) ; and

BE IT FURTHER RESOLVED

THAT the liability clause in the agreement (#15) shall be removed and all documents relative to this agreement, including the performance bonds, shall be subject to the review and approval by the Town Attorney.

APPOINTMENTS/REAPPOINTMENTS –

1. Appointment of James Genovese as Building Inspector.

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 appoint James Genovese to the position of Building Inspector, effective March 17, 2010 from Open Competitive List # 67-087 at an annual salary of \$93,500, as per the memorandum dated March 11, 2010 from Joan Gallagher, Director of Personnel.

2. Appointment of Leigh Valvano to the position of Sr. Office Assistant, Water Division, DPW.

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 appoint Leigh Valvano to the position of Senior Office Assistant, Office Manager, in the Water Division of the Department of Public Works, effective April 1, 2010, which is a change in title/ position only, from Open Competitive List #60-879 at an annual salary of \$50,691 per Teamster Local 456 White Collar contract as per the memorandum dated March 11, 2010 from Joan Gallagher, Director of Personnel.

3. Appointment of James Fiori to the position of Police Officer.

On a motion by Mrs. Roberts, 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 appoint James Fiori, to the position of Police Officer 4th Grade in the Town of Bedford Police Department, effective April 1, 2010 at an annual salary as per the PBA contract of \$56,854.00 subject to a psychological/emotional fitness evaluation, as per the memorandum dated March 12, 2010 from Joan Gallagher, Director of Personnel.

4. Appointment of Kim Kowalski to the Emergency Sick Leave 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 appoint Kim Kowalski to the Emergency Sick Leave Board to fill the vacancy for the representative for the White Collar Unit for a term to expire September 20, 2012.

5. Appointment of David Gabrielson to the Emergency Sick Leave Board.

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

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

RESOLVED that the Town Board does hereby reappoint David Gabrielson to the Emergency Sick Leave Board representing the Town Board for a term to expire September 20, 2012.

6. Appointment Luke Vander Linden to the Communications Committee.

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 appoint Luke Vander Linden to the Communications Committee to fill the unexpired term of Chuck Windsor, said term to expire July 1, 2010.

7. Appointment of Daniel Farkas as an associate member of the Conservation 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 appoint Daniel Farkas as an associate member of the Conservation Board, as per the request of Simon Skolnik, Chairman, Conservation Board.

8. Reappoint Tom Cohn to the Bedford Open Space Acquisition Committee.

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 reappoint Thomas Cohn to the Open Space Acquisition Committee for a four (4) year term said term to expire December 31, 2012.

9. Reappoint Eugene Rosaforte to the Anti-Discrimination and Harassment Committee.

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 reappoint Gene Rosaforte to the Anti-Discrimination and Harassment Committee for a five (5) year term, said term to expire March 19, 2015.

10. Appointment of Karen DeMartino to the position of Police Officer.

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

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RESOLVED that the Town Board does hereby appoint Karen DeMartino, to the position of Police Officer 4th Grade in the Town of Bedford Police Department, effective April 1, 2010 at an annual salary as per the PBA contract of \$56,854.00 subject to a psychological/emotional fitness evaluation and approval by the Commissioner of Human Resources for Westchester County, as per the memorandum dated March 16, 2010 from Joan Gallagher, Director of Personnel.

There being no further discussion and on a motion duly made and seconded the Town Board adjourned to executive session at 9:20 P.M.

Lisbeth Fumagalli, Town Clerk