

Bedford Hills, New York
November 3, 2010

The first meeting for the month of November of the Town Board of the Town of Bedford was held on November 3, 2010 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 9:35 P.M. by Supervisor Roberts.

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

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Amy Pectol : Receiver of Taxes
Ed Collins : Lieutenant
Joan Gallagher : Director of Personnel
Jeffrey Osterman : Town Planner
Marcy Marchiano : Asst. to Supervisor

Absent: Peter Chryssos : Councilman

and approximately five (5) resident/observers.

APPROVAL OF CLAIMS

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

	2010
General Fund	\$ 46,154.14
Highway Fund	24,107.08
Consolidated Water District	1,460.92
Energy	2,484.68
Special Districts:	
Bedford Village Memorial Park	1,585.16
Bedford Hills Memorial Park	1,134.96
Katonah Memorial Park	1,398.30
Bedford Paramedic District #1	73,971.00
Capital Projects	<u>84,816.54</u>
	\$ 237,112.78

DEPARTMENT BUSINESS

1. Approval of Old Post Road Water District out of district water rates.

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

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

RESOLVED that the Town Board does hereby approve out of district water rates for the Old Post Road Water District, as per the memorandum dated October 26, 2010 from Kevin Winn, Commissioner of Public Works, as follows:

\$ 71.71	0-10,000 Gallons
7.32	per 1000 gallons – next 10,000 gallons
8.49	per 1000 gallons – next 10,000 gallons

9.65 per 1000 gallons – above 30,000 gallons

2. Sunnyfield Farms Inc. and the Old Post Road Water District credit recommendation.

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 authorize the removal of a parcel of property, shown and designated on Town Tax Maps as Section 84.9 Block 1 Lot 5, from the Old Post Road Water District tax role as it was erroneously included in the Old Post Road Water District in 2003 and the issuance of a credit to the property owner, Sunnyfield Farms Inc. in the amount of \$37,019.92 to be used towards future charges resulting from Sunnyfield Farm connecting in to the Town’s Old Post Road Water District at its expense, as per the memorandum dated November 2, 2010 from Joel H. Sachs, Town Attorney.

3. Authorize Supervisor to sign an agreement with Bedford Central School and Bedford Fire District for a dry hydrant on the Fox Lane Campus.

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 authorize the Supervisor to sign an agreement with the Bedford Central School District and Bedford Fire District to allow for the installation, use and maintenance by the Town of Bedford of a dry hydrant in the pond on the Fox Lane Campus to be used for fire protection in Bedford Village, as per the memorandum dated October 28, 2010 from Kevin Winn, Commissioner of Public Works.

4. Proposed Change Order with Water Filtration Plant general contractor.

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

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

RESOLVED that the Town Board shall discuss a legal matter concerning a proposed change order with the Water Filtration Plant general contractor in an executive session to be conducted at the conclusion of the regular meeting.

5. Approve new fees for Dog Licenses and Dog Park.

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

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

RESOLVED that the Town Board does hereby approve the following dog license fees for 2011 in the Town of Bedford:

	Neutered	Unneutered
Current – 2010	\$12.50	\$20.50
Proposed for 2011	\$20.00	\$25.00

As per the memorandum dated October 20, 2010 from Lisbeth Fumagalli, Town Clerk.

The Board agreed in theory with the increase in the dog park fees to \$40 for the first dog, \$20 for the second dog, \$15.00 for the third dog and \$10.00 for a guest, as well as non-resident permits,

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50 at a cost of \$100 each. The Board suggested that this be reviewed with the neighbors, the Recreation and Parks Advisory Committee and Bedford Dog Owners Group (BDOG).

6. Authorize Supervisor to sign the 2010 Certification for the Justice Court Assistance Program (JCAP) Grant.

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 authorize the Supervisor to sign the 2010 Certification for the Justice Court Assistance Program (JCAP) Grant, with a request up to the maximum amount available, as per the memorandum dated October 29, 2010 from Diane Georgio, Court Clerk.

CORRESPONDENCE

1. Bedford Hills Neighborhood Association request for support of their 5K “Run for the Hills” Saturday, April 2, 2011.

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 grant approval for and support the request from the Bedford Hills Neighborhood Association (BHNA) for their 5K “Run for the Hills” scheduled for Saturday, April 2, 2011, in conjunction with the Town of Bedford Recreation and Parks Department, with any expenses related to assistance from the Police and Department of Public Works to be covered by the BHNA, as per the letter dated October 20, 2010 from Janet Jacobsen.

2. Letter from Kevin Quaranta asking for refund of his contribution to healthcare.

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

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

WHEREAS, Town Judge Kevin Quaranta has requested that the Town Board rescind its monthly 10% pre-tax health insurance, payroll deduction which has been in effect for him since January 2010; and

WHEREAS, the Town Board after receiving such request from Judge Quaranta and after reviewing applicable case law, acknowledged that it cannot reduce the benefits of a sitting Town Judge during his term of office without his consent; and

WHEREAS, even though Judge Quaranta previously agreed to the payroll deduction, he has a right to rescind his consent to the payroll deduction; and

WHEREAS, the Town Attorney has indicated that Judge Quaranta’s request for reimbursement is in the nature of a claim against that has a four month statute of limitations and therefore Judge Quaranta would only be entitled to reimbursement of his last four months health insurance payments, therefore be it

RESOLVED, that the Town Board hereby determines that effective November 2010, Town Judge Kevin Quaranta will no longer have a monthly 10% pre-tax health insurance payroll deduction; and it is further

RESOLVED, that Judge Quaranta shall be entitled to a reimbursement of his monthly 10% pre-tax health insurance payroll deduction for the months of July, 2010 through October, 2010 and it is further

RESOLVED, that this resolution shall only remain in full force and effect until December, 2011 at which time Judge Quaranta's present term in office shall expire.

NEW BUSINESS

1. Authorize Supervisor to sign Amendment No. 1 to Contract No. C303536 for Road Drainage Improvement Projects.

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 authorize the Supervisor to sign Amendment No. 1 to Contract No. C303536 for Road Drainage Improvement Projects between the New York State Department of Environmental Conservation and the Town of Bedford, effective upon approval and filing by the State Comptroller in accordance with Section 112 of the State Finance Law.

2. Authorize Supervisor to join other communities in Putnam and Northern Westchester in challenging DEP Water Supply Agreement.

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 join other communities in Putnam County and Northern Westchester County in challenging the New York City Department of Environmental Protection (NYCDEP) Water Supply Agreement, at a cost not to exceed \$3,000.00.

3. Set Special Meeting Tuesday November 9th following Work Session.

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 an executive session to discuss matters of personnel to be held immediately following the work session on Tuesday, November 9, 2010 at the Town House, 321 Bedford Road, Bedford Hills, New York.

4. Set Public Hearing for 2011 Budget – December 7th.

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

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

RESOLVED that the Town Board does hereby set a public hearing on the Town of Bedford 2011 budget for Tuesday, December 7, 2010 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Set Work Sessions for November.

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

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

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RESOLVED that the Town Board does hereby set a work session to be held at the Town House, 321 Bedford Road, Bedford Hills, New York, before the regularly scheduled Town Board meeting on November 16, 2010 at 7:15 pm to review three (3) ordinances:

1. Willful neglect
2. Signs
3. Dogs

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 schedule a work session for Tuesday, November 23, 2010 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York to discuss the proposed Septic System regulations and the Landlord Registry.

The Town Board adjourned to executive session at 10:23 pm. Minutes of this session are to follow.

Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session of the Town Board of the Town of Bedford held on November 3, 2010

On November 3, 2010, at approximately 10:30 pm, the Town Board called an Executive Session in regard to the sale of Town property. At the Executive Session, all Town Board members were present with the exception of Deputy Supervisor Chryssos. Jeff Osterman was also present. Joel Sachs was appointed Deputy Town Clerk for the purposes of the Executive Session.

At the Executive Session, Town Attorney Sachs presented the Town Board with a term sheet wherein Mr. and Mrs. Joseph Corsi would purchase approximately ¼ acre of land adjacent to their property located at 30 Dwight Lane, Bedford Hills, New York. This proposed purchase is an outgrowth of certain litigation between the Town and the Corsis wherein the Corsis claimed ownership of a certain portion of Town owned property due to adverse possession.

After further discussion, the Town Board agreed to sell approximately ¼ acre of land to Mr. and Mrs. Corsi for the sum of \$40,000.00 with certain restrictions to be placed upon the parcel in regard to no residential structures ever being built on the land being conveyed, that any accessory structures to be erected in the future shall not require any variances and that for all zoning calculation purposes, including setbacks and coverages, the building envelope to be utilized by the Corsis or their successor in interest shall be the area of the original property owned by the Corsis.

At approximately 10:45 p.m., the Town Board returned to a public meeting and voted on a motion by Mr. Corcoran, seconded by Mr. Burdick and carried unanimously to approve the sale of the Town owned land to Mr. and Mrs. Joseph Corsi upon the terms and conditions set forth herein.

The meeting adjourned at 10:55 p.m.

Joel H. Sachs, Deputy Town Clerk