

Bedford Hills, New York
September 21, 2010

The second meeting for the month of September of the Town Board of the Town of Bedford was held on September 21, 2010 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:10 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
Joel H. Sachs : Town Attorney
Ed Ritter : Comptroller
William Hayes : Chief of Police
Kevin Winn : Commissioner of Public Works
Jeffrey Osterman : Director of Planning
William Heidepriem : Superintendent of Recreation and Parks
Marcy Marchiano : Asst. to Supervisor

and approximately seven (7) residents/observers.

PRESENTATION – Police Explorer Program – Detective Joseph Communale

Chief of Police William Hayes introduced Detective Communal to the Town Board.

Detective Communale did a power point presentation for the Board about the new program being instituted through the Town of Bedford Police Department in conjunction with the Boy Scouts of America for boys 14-20 years of age. The program allows the boys to be exposed to all aspects of law enforcement and gain a basic knowledge of the function of the Police in the community.

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 for 2010 be allowed for payment from their respective funds,

General Fund	\$	157,721.26
Highway Fund		68,527.59
Consolidated Water District		26,268.47
Cedar Downs Water District		481.35
Farms Water District		152.10
Old Post Road Water District		54.00
Special Districts:		
Bedford Village Memorial Park		4,052.07
Bedford Hills Memorial Park		5,416.24
Katonah Memorial Park		3,666.45
Capital Projects		<u>28,919.05</u>
	\$	295,258.58

MONTHLY REPORTS

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

September 21, 2010 - Regular meeting - continued

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

Mr. Sachs advised that neighbors had expressed concerns about the Rogan Brothers Sanitation/ Finne Brothers site on Railroad Avenue in Bedford Hills. He noted that the Town Board would like to hold a public hearing to review the Special Use Permit and that in order for Rogan Brothers to keep the permit issued by the New York State Department of Environmental Conservation (NYSDEC) that the owner of the site must have a valid DEC permit with no violations. He pointed out that several months ago there were violations at the site and the DEC got an order of consent and that he had found out that all the violations had been satisfied.

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 public hearing to review the Special Use Permit on the Rogan Brothers Site at 215 Railroad Avenue, Bedford Hills, New York for Wednesday, November 3, 2010 at 7:00 P.M. at the Town House, 321 Bedford Road, Bedford Hills, New York.

Residents and neighbors present asked if they would be able to comment at the hearing and were informed that they would be.

Mr. Sachs outlined the process that would be used should the Town Board decide to revoke or modify the Special Use Permit if there are violations at the site. He noted that calls had been placed to the Police Department.

Two residents advised the Town Board of concerns that they had with the violations on the site and environmental issues. Mr. Sachs recommended that the residents contact the DEC and advised that Rogan Brothers must periodically hire a consultant to monitor conditions on the site.

CORRESPONDENCE

1. Bedford Hills Neighborhood Association and Bedford Hills Chamber of Commerce request for support from Police and Highway for three events: Halloween Parade – Friday, October 29th; Pumpkin Festival – Saturday, October 30th and Tree Lighting – Saturday, December 4th.

Mr. Corcoran read the letter dated September 10, 2010 from the Bedford Hills Neighborhood Association and the Bedford Hills Chamber of Commerce advising of upcoming events in the hamlet. It was noted in the discussions that no overtime from the Police and Department of Public Works was required as the events were on sidewalks or contained on private property.

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 approve the community events proposed by the Bedford Hills Neighborhood Association and the Bedford Hills Chamber of Commerce in the letter dated September 10, 2010 for the Halloween Parade on Friday, October 29; Pumpkin Festival on Saturday, October 30 and the Bedford Hills Tree Lighting on Saturday, December 4, 2010.

2. Request for support for a People's Convention to Reform New York
Supervisor Roberts introduced Luke Vander Linden of Katonah who had sent Mrs. Roberts an email dated September 8, 2010 with the request for support for a People's Convention to reform New York.

Mr. Vander Linden explained that this was a movement for People's Convention to go before the voters now to amend the State's constitution, rather than in 2017 when it would automatically go

before the voters. He added that this was not specific to a political party, but was bi-partisan, non-specific, to open negotiations.

Assemblyman Robert Castelli was present and advised that the Constitutional Convention appears every 20 years on the ballot, with the last one in 1967, and 45 years change has gone by. He reviewed Assembly bill 9157 to call for this now, noting there are 10 other bills in the assembly and 11 in the Senate. He explained the process and that he would vote for the bill or others that were mentioned.

David Menken, spoke against supporting this legislation.

Mrs. Roberts made a motion to support the People's Constitutional Convention. Mr. Chryssos seconded the motion.

During the discussion on this motion, Mr. Burdick asked for more time to study the issue, Mr. Gabrielson was also in favor of this idea, Mr. Corcoran and Mr. Chryssos were not, Mrs. Roberts agreed to table the vote until the next meeting, therefore:

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

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

RESOLVED that the discussion on the request for support for a People's Convention to Reform New York shall be adjourned until the next Town Board meeting on October 5, 2010.

OLD BUSINESS

1. Approve Smart Power Contract.

Mark Thielking, co-chair of the Energy Advisory Panel read the presentation done by Tom Bregmann, Retrofit Project Program Director that he had done last week. The Town Attorney will review the agreement and the Town Board shall sign the agreement for the Town of Bedford with Mrs. Roberts to sign on behalf of NWEAC.

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

WHEREAS, Smart Power Inc., a Connecticut Corporation with its principal place of business at 1120 Connecticut Avenue, Washington, D.C. 20036 ("Smart Power") has presented a proposed Marketing Agreement to the Town of Bedford in regard to Smart Power engaging in a broad based marketing program on behalf of the Town and the Northern Westchester Energy Action Consortium ("NWEAC"); and

WHEREAS, the Town has determined that it is in the interests of both the Town and NWEAC to engage Smart Power to design and execute an energy efficient marketing campaign focusing on targeted community marketing and outreach strategies; and

WHEREAS, a draft Marketing Agreement has been prepared by Smart Power and reviewed by representatives of the Town of Bedford; and

WHEREAS, such Marketing Agreement is based upon a compensation schedule wherein Smart Power only be paid for those services actually provided; and

WHEREAS, the maximum dollar amount to be paid to Smart Power Inc. over a two year period will be the sum of \$480,373.00; and

WHEREAS, all funding for the services to be performed by Smart Power will come solely from federal or state grant monies received by the Town of Bedford, therefore it is

RESOLVED, that the entering into of a Marketing Agreement between Smart Power and the Town of Bedford is an “unlisted action” pursuant to the State Environmental Quality Review Act and that the entering into of such agreement will not have a significant adverse impact upon the environment and accordingly a “negative declaration” is hereby issued by the Town in regard to such proposed Marketing Agreement, and it is further

RESOLVED, that the Town Board hereby approves the entering into of a Marketing Agreement between Smart Power and the Town of Bedford on the terms and conditions set forth in the attached Agreement, subject to its review and approval by the Town Attorney and it is further

RESOLVED, that the Supervisor on behalf of the Town of Bedford and as agent for NWEAC is authorized to sign such Marketing Agreement with Smart Power.

2. Recreation and Parks request to award bid for shared Park Districts Equipment – dump truck.

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 award the bid for Shared Park Districts Equipment for the purchase of one (1) 2011 Ford F550 diesel powered dump truck with the extended warranty option to Morande Ford, Berlin Connecticut in the amount of \$61,940.00, with funding for this in the Capital Budget of the Recreation and Parks Department, as per the memorandum dated September 15, 2010 from William Heidepriem, Superintendent of Recreation and Parks.

3. DPW request to award purchase of four snow plows.

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 approve the purchase of four (4) Frink Trail Blazer 9’ snow plows from Zwack Inc., Stephentown, New York, in the amount of \$35,980.00 plus \$3,000.00 for delivery (if necessary) with funding to come from fund balance funds previously approved for Department of Public Works equipment purchases, as per the memorandum dated September 16, 2010 from Kevin Winn, Commissioner of Public Works.

NEW BUSINESS

1. Recreation and Parks Advisory Committee request to solicit RFP for professional services.

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 approve the request from Brian McCabe, Chairman of the Recreation and Parks Advisory Committee to solicit proposals to perform a park study (Master Plan) at the Katonah Memorial Park and the adjacent Zema property, for possible recreational opportunities, both passive and active, as per Mr. McCabe’s letter dated September 16, 2010.

2. DPW request to bid installation of water separator at DPW Highway yard.

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

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

September 21, 2010 - Regular meeting - continued

Absent: None

RESOLVED that the Town Board does hereby grant approval for the Department of Public Works to advertise for bids for an oil water separator to replace the unit at the Town of Bedford Highway garage as per the memorandum dated September 16, 2010 from Kevin Winn, Commissioner of Public Works.

3. DPW request to bid dry hydrant installation at BCSD Fox Lane Campus.

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 grant approval for the Department of Public Works to advertise for bids for the installation of a dry hydrant in the Bedford Village Fire District in the pond at the Fox Lane Campus/ Bedford Central School District, as per the memorandum dated September 16, 2010 from Kevin Winn, Commissioner of Public Works.

4. Authorize Supervisor to sign IMA with Westchester County regarding sheltering the supply trailer for Emergency Services.

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

RESOLVED that the Town Board does hereby authorize the Supervisor to execute the Inter-Municipal Agreement (IMA) between the Town of Bedford and Westchester County for the pre-positioning of a trailer with supplies and equipment for the sheltering of residents during an emergency as per the memorandum dated September 10, 2010 from William J. Hayes, Chief of Police.

5. Set Work Sessions:

a. Budget 2011 – 6:30 pm Tuesday, September 28th.

b. Dark Skies – 7:00 pm Tuesday, October 5th.

c. Budget and Legislation – set dates for October.

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 work sessions as follows:

a. Budget 2011- 6:30 pm on Tuesday, September 28, 2010, with Court, Police, Recreation and Parks and Department of Public Works.

b. Dark Skies – 7:00 pm on Tuesday, October 5, 2010.

c. Budget and Legislation – 7:30 on Thursday, October 14, 2010.

All work sessions to be held at the Town House, 321, Bedford Road, Bedford Hills, New York.

There being no further discussion, and on a motion duly made and seconded, the meeting was adjourned at 10:50 pm.

Lisbeth Fumagalli, Town Clerk