

Bedford Hills, New York  
September 7, 2010

Minutes of the Town Board of the Town of Bedford  
Executive Session – September 7, 2010

At 7:30 p.m. on September 7, 2010, Supervisor Roberts, Councilpersons Burdick and Gabrielson voted to have the Town Board go into Executive Session.

At 7:35 p.m., the Executive Session began. Attending the Executive Session were Supervisor Roberts, Councilpersons Burdick and Gabrielson. Also attending were Police Chief William Hayes, Personnel Director Joan Gallagher and Ronald Longo and Joel Sachs of Keane and Beane, P.C., attorneys for the Town of Bedford.

The Board unanimously voted to appoint Joel Sachs as Deputy Town Clerk for the purpose of the Executive Session.

The Town Board members discussed a personnel matter with the other attendees present. The Town Board members discussed the draft agreement between the Town of Bedford PBA and determined to vote on the agreement at the public meeting later that evening.

The Executive Session adjourned at 8:05 p.m. and the Supervisor and the Town Board members thereafter returned to the public meeting room.



The first meeting for the month of September of the Town Board of the Town of Bedford was held on September 7, 2010 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:06 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	: Supervisor
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Joel H. Sachs	: Town Attorney
	Amy Pectol	: Receiver of Taxes
	William Hayes	: Chief of Police
	Jeffrey Osterman	: Town Planner
	Kevin Winn	: Commissioner of Public Works
	Tom Bregman	: Retrofit Program Director
	Marcy Marchiano	: Asst. to Supervisor
<b>Absent:</b>	Peter Chryssos	: Councilman
	Francis T. Corcoran	: Councilman

and approximately two (2) resident/observers.

**APPROVAL OF CLAIMS**

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

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

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

	<b>2010</b>
Paid Prior to Audit	\$ 65,071.70
General Fund	97,900.39
Highway Fund	72,822.80
Consolidated Water District	8,647.05
Cedar Downs Water District	513.31
Farms Water District	928.18
Old Post Road Water District	126.47
Drug Abuse	2,189.82
Special Districts:	
Bedford Village Memorial Park	6,464.56
Bedford Hills Memorial Park	3,668.91
Katonah Memorial Park	4,333.52
Bedford Hills Lighting District	360.00
Capital Projects	<u>425,668.90</u>
	\$ 688,695.61

### **CORRESPONDENCE**

1. Email from Ben Branch requesting reappointment to the Historic Building Preservation Commission.

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

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

RESOLVED that the Town Board does hereby reappoint Benjamin Branch to the Historic Building Preservation Commission for a three (3) year term, said term to expire August 10, 2013.

2. Letter of resignation from Bill O'Neill – Katonah Historic District Advisory Commission and Historic Building Preservation Commission.

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

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

RESOLVED that the Town Board does hereby accept the resignation of William O'Neill from the Katonah Historic District Advisory Commission and the Historic Building Preservation Commission effective immediately.

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

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

RESOLVED that the Town Board does hereby appoint John Stockbridge as the chair of the Historic Building Preservation Commission.

### **OLD BUSINESS**

1. Set Public Hearing – Code Revisions, Food Use Regulations.

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

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

RESOLVED that the Town Board does hereby schedule a public hearing on Code revisions concerning food use regulations for Tuesday, October 5, 2010 at 7:30 P.M. at the Town House, 321 Bedford Road, Bedford Hills, New York.

2. Authorize Supervisor to sign 9/1/10 agreement with Bunney Associates for land survey. On a motion by Mr. Gabrielson, seconded by Mr. Burdick, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the agreement dated September 1, 2010 with Bunney Associates Land Surveyors, 301 Fields Lane, Brewster, New York 10509 for land surveying services at 30 Dwight Lane in Bedford Hills in the amount of \$2,600.00 as per the proposal from Anthony DeRosa of Bunney Associates.

#### NEW BUSINESS

1. Discussion of Agreement with Smart Power.

Mr. Bregman explained for the Board, the process his team had used to research and interview firms for the Energy Retrofit program as well as why it was felt that a marketing firm was needed. He went on to discuss the reasons it was felt that Smart Power was the best firm to fill the needs for the Town of Bedford and NWEAC.

This matter has been tabled in order for the Town Board to review the agreement with Smart Power.

2. Authorize Chief Hayes to sign Police Department Voice Recorder Maintenance Agreement.

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

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

RESOLVED that the Town Board does hereby authorize William Hayes, Chief of Police to sign the contract renewal with Business Electronics, Inc. (BEI) for the one year period beginning October 1, 2010 to September 30, 2011 for the maintenance of the voice recorder located in the Chief's office at a cost of \$2300.00 as per the memorandum dated August 31, 2010 from Chief Hayes.

3. Authorize Supervisor to sign contract with Stephen B. Church Company re Farms Well 2.

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the contract with The Stephen B. Church Company in the amount of \$10,580.00 for the redevelopment of the Farms Well 2, subject to the receipt of the required insurance documentation with adequate funding available in the water district budget for this project, as per the memorandum dated September 2, 2010 from Kevin Winn, Commissioner of Public Works.

4. Authorize Amended scope change to O'Brien and Gere Design Contract.

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

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

RESOLVED that the Town Board does hereby authorize the amended scope change to the O'Brien and Gere Design Contract to include printing and shipping contract documents as well as addressing agency questions during the permit phase, in the amount of \$27,743.00 as per the memorandum dated September 1, 2010 from Kevin Winn, Commissioner of Public Works.

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5. Recommendation to award purchase of two (2) six-yard dump trucks.

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

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

RESOLVED that the Town Board does hereby award the purchase of two (2) six (6) yard dump trucks to Gabrielli Truck Sales using Zwack Inc. as a subcontractor in the amount of \$397,926.00 as per the memorandum dated September 2, 2010 from Kevin Winn, Commissioner of Public Works.

6. Town Clerk requests Records Management ½ Day.

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

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

RESOLVED that the Town Board does hereby approve Records Management ½ day for Friday, October 15, 2010 for all departments, as per the memorandum dated September 2, 2010 from Lisbeth Fumagalli, Town Clerk.

7. Extension of Lease Agreement with Community Center of Northern Westchester

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

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

WHEREAS, the Town of Bedford heretofore has entered into a lease agreement with the Community Center of Northern Westchester in regard to the leasing of a building located at 84 Bedford Road, Katonah, New York; and

WHEREAS, such lease dated August 2, 2004 has expired; and

WHEREAS, the parties are desirous of extending said lease agreement for an additional term of ten (10) years, therefore be it

RESOLVED, that the Town of Bedford hereby approves an amendment of an existing lease between the Town of Bedford and the Community Center of Northern Westchester, which amendment would extend the existing lease for a period of ten (10) years, commencing on September 1, 2010 and terminating on August 31, 2020 and it is further

RESOLVED, that such lease amendment shall embody the terms and conditions set forth in the August 2, 2004 Lease Agreement heretofore entered into between the parties.

8. Ratification of terms of PBA Memorandum of Agreement.

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

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

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Bedford and the Bargaining Team for the Police Benevolent Association of the Town of Bedford (hereafter the "PBA") for a successor to the 2005-2008 Agreement between the parties, and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated August 23, 2010, which has been ratified by the membership of the PBA; and

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WHEREAS, the Town Board of the Town of Bedford has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interests of the Town of Bedford;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bedford hereby approves and ratifies the terms of the aforesaid Memorandum of Agreement and hereby authorizes the Town Supervisor to execute a Collective Bargaining Agreement consistent with the terms thereof.

The meeting adjourned to executive session at 8:55 P.M.

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Lisbeth Fumagalli, Town Clerk