

Bedford Hills, New York  
July 17, 2012

Two (2) public hearings were held by the Town Board Town of Bedford on July 17, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider an amendment to Chapter 85 of the Code of the Town of Bedford concerning the proposed Open Space Ordinance. The hearing was called to order at 7:35 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis Corcoran	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	Town Clerk
	Joel H. Sachs	: Town Attorney
	Jeffrey Osterman	: Town Planner
	William Hayes	: Chief of Police
	Amy Pectol	: Receiver of Taxes
	Edward J. Ritter	: Town Comptroller
	Kevin Winn	: Commissioner of Public Works

And eighteen (18) residents/observers.

Mrs. Roberts called the meeting to order. Proof of Publication for both hearings was presented by the Town Clerk and ordered filed. The public notices were published in the Bedford Pound Ridge Record Review on July 6, 2012.

Mrs. Roberts explained that the proposal before the Board was to repeal the current local law#4-2010, which called for an Open Space tax levy of 3% and to pass a separate law with a 1% tax levy for Open Space, which would then be voted upon by the residents of Bedford on the November ballot.

Mrs. Roberts opened the floor for public comment

Several Town of Bedford residents spoke in favor of keeping the Open Space fund at 1% in order to maintain the rural character of the Town with the purchase of various parcels, They included:

1. Simon Skolnik of the Town of Bedford Conservation Board.
2. Glenn Ticehurst of the Open Space Committee.
3. Rod Christie of the Mianus River Gorge Preserve.
4. Marion Rose of the Croton Watershed Committee.
5. John Stockbridge – Town Historian and member of the Wetlands Control Commission.
6. Diane Lewis
7. Candace Schaeffer of the Westchester Land Trust.
8. Don Scott, member of the Wetlands Control Commission.

It was noted that there was approximately 1.2 million dollars in the fund.

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 public comment period to consider Local Law #10-2012, the repeal of Chapter 85 of the Code of the Town of Bedford be closed.

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

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

July 17, 2012 – Public Hearing - continued

Nays: None  
Absent: None

RESOLVED that the Town Board does hereby enact the following legislation:

LOCAL LAW NO. 10-2012 TO REPEAL  
CHAPTER 85 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Amends Chapter 85 of the Code of the Town of Bedford regarding OPEN SPACES AND AREAS, as follows:

**BE IT ENACTED** by the Town Board of the Town of Bedford as follows:

Section 1. Chapter 85, Article I of the Code of the Town of Bedford entitled “**OPEN SPACES AND AREA.**” is hereby repealed in its entirety.

Section 2. This local law shall take effect immediately upon filing with the Office of the Secretary of State.

Following the repeal of the current legislation the Town Board continued the discussion, leading into the second public hearing concerning the new legislation then took the following actions. The hearing was called to order at 7:40 P.M. by Supervisor Roberts - to consider an amendment to Chapter 85 of the Code of the Town of Bedford concerning the proposed Open Space Ordinance.

<b>Present:</b>	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis Corcoran	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	Town Clerk
	Joel H. Sachs	: Town Attorney
	Jeffrey Osterman	: Town Planner
	William Hayes	: Chief of Police
	Amy Pectol	: Receiver of Taxes
	Edward J. Ritter	: Town Comptroller
	Kevin Winn	: Commissioner of Public Works

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 public hearing to consider the adoption Local Law #11-2012 - Chapter 85 of the Code of the Town of Bedford be closed.

On a motion by Mr. Gabrielson, 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 issue a negative declaration with regard to Local Law #11-2012 – Adoption of Chapter 85 of the Code of the Town of Bedford regarding OPEN SPACES AND AREAS as the enactment of this legislation shall have no adverse physical or environmental effects on the Town of Bedford.

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 enact the following legislation:

LOCAL LAW NO. 11-2012 TO ADOPT  
CHAPTER 85 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Hereby Adopts Chapter 85 of the Code of the Town of Bedford regarding OPEN SPACES AND AREAS, as follows:

Section 1. Chapter 85, Article I of the Code of the Town of Bedford entitled "OPEN SPACES AND AREAS." is hereby adopted as follows:

**Article I. Open Spaces and Areas, Park and Water Protection Fund**

**§ 85-1. Purpose.**

The Town Board of the Town of Bedford hereby provides for the raising of moneys and establishes a debt service reserve fund for the purpose of acquiring real property, and interests or rights in real property, and for the purpose of improving and maintaining the same for the preservation of open spaces and areas, as defined by § 247, Subdivision 1 of the General Municipal Law, for active and passive park and recreational uses and for surface and ground water protection.

**§ 85-2. Legislative intent.**

Within the Town there is a compelling need to acquire, preserve, protect, improve and maintain real property, and interests or rights in real property, for the preservation of open spaces and areas, for active and passive park and recreational uses and for surface and ground water protection in order to enhance the general quality of life and the environment of the Town. In order to achieve these goals, the Town requires a cogent mechanism creating the capacity to acquire real property, or interests or rights in real property, and to improve and maintain the same for such purposes expeditiously and efficiently as the need arises and opportunities are identified. Appropriate fiscal planning is an essential component of fulfilling this goal.

**§ 85-3. Legislative findings.**

The Town Board hereby finds that, in order to more effectively implement the powers and authorities granted to towns by New York State General Municipal Law § 247, which recognizes the value of open spaces and areas and the need to preserve such real property, and empowers municipalities with authority to acquire real property, and interests or rights therein, to preserve as open spaces and areas, and to more effectively implement the powers and authorities granted to towns by various sections of New York State Town Law, which recognizes the value of active and passive and recreational uses and of surface and ground water protection, including the acquisition of real property, and interests or rights in real property, and the improvement and maintenance thereof for such purposes, the establishment and the management of a program to fund open spaces and areas, park and recreational uses and surface and ground water protection is necessary.

**§ 85-4. Fund established; special levy.**

- A. Fund. The Town Comptroller shall establish and maintain a separate reserve fund, pursuant to New York State General Municipal Law § 6-h, to be known as the "Open Spaces and Areas, Park and Water Protection Debt Reserve Fund."
- B. Revenue sources. Annually, commencing with the fiscal year of the Town beginning January 1, 2013, a tax shall be levied, and deposited in a separate fund, by an amount equal to one percent (1%) of the general fund and highway fund tax levies (the "special levy") for the purpose of raising moneys for the payment of bonded indebtedness of the Town issued or to be issued to acquire real property, and interests or rights in real property, and to improve and maintain the same for the preservation of open spaces and areas, for active and passive park and recreational uses and for surface and ground water

protection. All moneys received from the special levy shall be deposited in the Open Spaces and Areas, Park and Water Protection Debt Reserve Fund. The Town Board may further deposit into the Open Spaces and Areas, Park and Water Protection Debt Reserve Fund moneys from any other source, including, but not limited to, gifts, grants and donations as the Town Board, in its sole discretion, may, from time to time, determine.

C. Scope of fund. The Open Spaces and Areas, Park and Water Protection Debt Reserve Fund shall be used, pursuant to New York State General Municipal Law § 6-h, for the payment of any bonded indebtedness issued, from time to time, by the Town for the purposes specified in this article.

D. Deposits. The Open Spaces and Areas, Park and Water Protection Debt Reserve Fund shall be the repository for moneys collected by the Town through the special levy and from such other sources, as the Town Board may determine, in its sole discretion, where permitted by the laws of the State of New York.

**§ 85-5. Management of fund.**

A. Town Board. No expenditures shall be made from the Open Spaces and Areas, Park and Water Protection Debt Reserve Fund except upon the specific authorization of the Town Board pursuant to and for the purposes specified in this article. Moneys in the Open Spaces and Areas, Park and Water Protection Debt Reserve Fund shall not be used for any purpose other than for the payment of bonded indebtedness issued for the purposes specified in this article.

B. Town Comptroller. The Town Comptroller shall have the power to invest, from time to time, the moneys in the Open Spaces and Areas, Park and Water Protection Debt Reserve Fund, in accordance with General Municipal Law, Article 2, General Municipal Finances, and any other appropriate statutes of the laws of the State of New York.

**§ 85-6. Term of special levy.**

The term of the special levy set forth in Section 85-4(B) shall cease after five years, unless the special levy is extended by local law of the Town Board in increments of five years.

Section 2. This local law shall take effect immediately upon the passage of a proposition thereon on November 6, 2012 pursuant to Town Law §64(2), §91, § 94, and §220, and Municipal Home Rule Law §23 and all other applicable Laws of the State of New York and the filing of both this local law and the certified results of the referendum filing with the Office of the Secretary of State of the State of New York and the New York State Comptroller.

[-----] - deleted material

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There being no further discussion the public hearing was adjourned at 8:28pm.

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Lisbeth Fumagalli, Town Clerk