

Bedford Hills, New York
April 20, 2011

The second meeting for the month of April of the Town Board of the Town of Bedford was held on Wednesday, April 20, 2011 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
Francis T. Corcoran : Councilman
Chris Burdick : Councilman
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Amy Pectol : Receiver of Taxes
Edward J. Ritter : Comptroller
Jeffrey Osterman : Director of Planning
William Hayes : Chief of Police
Kevin Winn : Commissioner of Public Works
Andy Rosaforte : Road Foreman
Joan Gallagher : Director of Personnel

Absent: Peter Chryssos : Councilman

and approximately eighteen (18) 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 2011 be allowed for payment from their respective funds,

	2011
General Fund	\$ 4,502,336.09
Highway Fund	98,973.45
Consolidated Water District	10,422.03
Cedar Downs Water District	66.72
Farms Water District	500.70
Old Post Road Water District	393.59
Special Districts:	
Bedford Village Memorial Park	1,369.01
Bedford Hills Memorial Park	1,560.17
Katonah Memorial Park	1,141.86
Capital Projects	<u>253,156.99</u>
	\$ 4,870,312.84

MONTHLY REPORTS

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

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

DEPARTMENTS

1. Request to award the bid for Clean Up Days refuse removal to Rogan Brothers Sanitation Inc.

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

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

RESOLVED that the Town Board does hereby award the bid for the annual Town of Bedford Clean-Up Days refuse removal to the lowest, most responsible bidder, Rogan Brothers Sanitation Inc., Yonkers, New York, at a cost of \$500 per 30 yard container for the removal of general debris and no cost to the Town for the removal of 30 yard containers of metal, subject to the receipt of a \$5,000 certified check and a certificate of insurance naming the Town of Bedford as an additional insured, as per the memorandum dated April 11, 2011 from Kevin Winn, Commissioner of Public Works.

2. Discussion of agreement with Chowder and Marching Club for Town Clean Up Days. Mr. Corcoran read the letter dated April 14, 2011 from Jamie Dittrich, President, Bedford Village Chowder and Marching Club concerning a proposal for the reduced fees to the Crusher Road Facility during Clean Up Days.

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 grant approval for the trucks transporting items for the Bedford Village Chowder and Marching Club to pay a reduced entrance fee rate of 60% of the rates approved by the Town Board of the Town of Bedford for the Town of Bedford Clean Up days to be held at the Crusher Road Facility on April 28-30, 2011, as per the request dated April 14, 2011 from Jamie Dittrich, President, Bedford Village Chowder and Marching Club.

3. Accept recommended 2011 material bid awards for Water Department.

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

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

WHEREAS, the Water Department annually solicits bids for the purchase of materials to be used in the Consolidated, Cedar Downs and the Farms Water Districts, such as fire hydrants, cold water meters, ductile iron pipe and gate valves, and

WHEREAS, by memorandum dated April 13, 2011, William Nickson, Foreman of the Water Department advised that bids were received and opened on April 8, 2011 as follows:

	<u>Vellano Bros.</u>		<u>Vellano Bros</u>		<u>Vellano Bros.</u>
Fire Hydrants	4'0" \$1,780.00	Iron Pipe	4" \$16.00	Gate Valves	4" \$380.00
	4'6" \$1,811.00		6" \$17.10		6" \$483.00
	5'0" \$1,852.00		8" \$23.07		8" \$769.00
	5'6" \$1,892.00		10" \$29.94		10" \$1,200.00
	6'0" \$1,934.00		12" \$37.60		12" \$1,520.00

Rio Supply d/b/a SLC Meter East

Cold Water	5/8" x 5/8"	\$103.00
Meters	5/8 x 3/4"	\$103.00
	3/4 x 3/4"	\$142.00
	1"	\$191.00
	1 1/2"	\$425.00
	2"	\$525.00

Radio Wall Transmitter	\$96.00
Pit Transmitter	\$136.00
Brackets	\$11.00
R900i in	\$165.00
R900i pit	\$179.00
Data Coll	\$5400.00
Cradle	\$600.00

WHEREAS, Mr. Nickson, Foreman, Water Department recommends the Town Board accept Vellano Bros. Inc., as the low bidder for Fire Hydrants, Iron Pipe and Gate Valves, Rio Supply d/b/a SLC Meter East for Cold Water Meters and Radios,

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board does hereby award the bids to the lowest most responsible bidders for Fire Hydrants, Iron Pipe and Gate Valves to Vellano Brothers, Wappingers Falls, New York, and the bid for Cold Water Meters and Radios to Rio Supply d/b/a S.L.C. Meter East, Inc., Sicklerville, New Jersey.

4. Request to set fee of \$50 for gas inspections.

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 approve the implementation of a fee of \$50.00 by the Town of Bedford Building Department, for gas inspections to be done attesting to the fact that the work complies with code, as per the memorandum dated April 19, 2011 from Joseph A. Bregante, Acting Building Inspector.

5. Authorize Supervisor to sign the STOP-DWI Reimbursement Contract renewal amendment.

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 the STOP-DWI Reimbursement Contract with Westchester County, providing for up to \$8,400.00 per year for overtime reimbursement for efforts to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) in Westchester County, as per the memorandum dated April 13, 2011 from William Hayes, Chief of Police.

6. Approval of stipend for parking meter repair.

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 grant approval for payment of a stipend to Ray Teetsel, Town of Bedford Dog Control Officer and Parking Enforcement Officer, for the repairs made to Town parking meters, of \$100.00 per pay period, with a lump sum payment of \$1,200.00 for his past work, November 2010 to the present, as per the memorandum dated April 14, 2011 from Joan Gallagher, Director of Personnel.

7. Approval of Extension of Stipulation of Agreement for Town Court Intermediate Account Clerk.

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

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

April 20, 2011 – Regular meeting - continued

Absent: Chryssos

RESOLVED that the Town Board does hereby approve the Extension of Stipulation of Agreement for Town Court Intermediate Account Clerk with the Teamster's Local 456 concerning the half-time leave of Jay Hoffman from his position as Intermediate Account Clerk in the Town Court, said extension to commence from April 16, 2011 to September 15, 2011, as per the memorandum dated April 14, 2011 from Joan Gallagher, Director of Personnel.

CORRESPONDENCE

1. Request from Bedford Fire Department to hold a barbeque on the Village Green, Saturday, September 10th.

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 grant approval for the Bedford Fire Department to hold a barbeque on the Village Green in Bedford Village and for the road to be closed directly in front of the Fire House (from the "Y" of the intersection in front of Consider the Cook through the area before the "Y" in front of the Presbyterian Church) on Saturday, September 10, 2011 from 3:00 PM to 8:00 PM; and

IT IS FURTHER

RESOLVED that the Bedford Fire Department shall cover all costs related to coverage by the Town of Bedford Police Department and that the Town of Bedford will cover the costs of the two (2) employees from the Department of Public Works for this event.

2. Request to close Huntville Road for a block party on Sunday, May 29th from 2-8 pm.

On a motion by Mrs. Roberts, 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 grant permission for a block party to be held on Huntville Road between Glen Ridge Road and Cherry Street on Sunday, May 29, 2011, between the hours of 2:00 P.M. and 8:00 P.M., with no costs involved for the applicant or the Town of Bedford, subject to the following conditions:

1. Katonah Elementary School shall be contacted by the party organizers to ensure that there will not be a conflicting event being held at the school during this time.
2. The residents of Huntville Road are to be advised of the closure of the road between Glen Ridge Road and Cherry Street.
3. The Highway Division of the Department of Public Works shall provide barricades for the event.

The road shall not be blocked to the point that Fire, Police or Ambulance cannot access in the event of an emergency.

3. Request to close the Farms Road between #55 and #64 for a block party, Saturday, June 11th, 3-7 pm.

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 grant permission for a block party to be held on The Farms Road between #55 and #64 on Saturday, June 11, 2011, between the hours of 3:00 P.M. and 7:00 P.M.

PERSONNEL

1. Town Boards and Committees:

- a. Richard Lemon request to be reappointed to the Blue Mountain Housing Development Corp. and Bedford Town Housing Committee.

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 reappoint Richard Lemon to the Blue Mountain Housing Development Corp. and Bedford Town Housing Committee for a three (3) year term, said term to expire February 1, 2014.

- b. Rosemary Lee request to be reappointed to the Conservation Board.

On a motion by Mrs. Roberts, 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 reappoint Rosemary T. Lee to the Conservation Board for a two (2) year term, said term to expire January 20, 2013.

NEW BUSINESS

1. Special Use Permit Application for Stepping Stones. Notice of intent to be lead agency. Present on behalf of the Stepping Stones Foundation was attorney Whitney Singleton.

Mrs. Roberts read a statement –

“We have received an application by Stepping Stones Foundation located at 62 Oak Road, Katonah New York for a special use permit pursuant to §125-82 of the Town’s Zoning Code. We understand that in addition to the special use permit, Stepping Stones will also be applying for a variance to the Zoning Board of Appeals as well as for a site plan approval from the Planning Board.

Everyone present should understand that the various applications of the Stepping Stones Foundation to the Town are required to comply with the SEQRA process. Since the Town Board, Planning Board and the Zoning Board of Appeals have jurisdiction to review various applications being submitted by Stepping Stones, the first step in the SEQRA process is to have a Lead Agency designated pursuant to SEQRA in regard to the review of the various Stepping Stones applications.

Since we believe, and as confirmed by our Town Attorney, Joel Sachs, that the most significant approval authority for the Stepping Stones Foundation, namely an application for a special use permit rests with the Town Board, I would propose that the Town Board transmit to the Zoning Board of Appeals, the Planning Board as well as to any other involved governmental agencies a Notice of Intent to serve as Lead Agency. Under the law, once the Town Board has sent such Notice to the other involved agencies it is required to wait at least thirty days until the other agencies have advised the Town Board whether they will consent to have the Town Board serve as Lead Agency.

Accordingly, I would move that the Town Board preliminarily designate itself to serve as Lead Agency for these applications and that a Notice of Intent to serve as Lead Agency be transmitted by the Town Board to the other involved agencies.”

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 designate itself to serve as Lead Agency in the review of the application for a Special Use Permit by Stepping Stones Foundation, Inc., 62

April 20, 2011 – Regular meeting - continued

Oak Road, Katonah, New York, shown and designated on Town of Bedford Tax Maps as Section 60.06 Block 3 Lots 63, 65 and 66, and Section 60.09 Block 2 Lots 23 and 24, for the creation of a small parking area for a pre-existing “Philanthropic or Eleemosynary” use, under §125-82 of the Code of the Town of Bedford.

“Tonight, the Town Board will hear briefly from Stepping Stones and from any neighbors in regard to the application. However, please be advised that this is not a public hearing. Rather, at some future date the Town Board, as well as the Zoning Board of Appeals and the Planning Board will be holding public hearings on the various Stepping Stones applications. So therefore, I would ask that any remarks to be made are kept brief.

Thank you for your interest in this application.”

Mrs. Roberts opened the floor to public comment.

All the neighbors present noted that Stepping Stones had for the most part, been a good neighbor but that in recent years the level of activities on the site had grown, causing increased inconvenience on the surrounding side streets with visitors to the site parking on them. They expressed the concern for future growth and increased traffic. One neighbor pointed out that at a Planning Board meeting last year the Director of Stepping Stones had stated that there were thirty (30) parking spaces on site and that no more parking was necessary on site. She asked for the application process to be stopped at this time for the Town to investigate possible violations on the site. Mr. Singleton responded that if the Town of Bedford issues as Special Use Permit, that the Town would have more control on activities on the site.

Mrs. Roberts noted that this was the beginning of the application process and that parties on both sides would have the opportunity to express their opinions.

2. Willy Nick’s Restaurant request to renew agreement for outdoor dining.

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 a public hearing to consider the request from Willy Nick’s Restaurant, 17 Katonah Avenue, Katonah, New York to renew the agreement for outdoor dining with the Town of Bedford for Tuesday, May 3, 2011 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

3. Authorize the Supervisor to sign the Atlantic Westchester service and maintenance contract for 425 Cherry Street.

On a motion by Mrs. Roberts, 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 authorize the Supervisor to sign the service and maintenance contract for HVAC for the Town of Bedford office building at 425 Cherry Street with Atlantic Westchester, Inc., 264 Adams Street, Bedford Hills, New York in the amount of \$1,950.00 per year for the two (2) year period, May 1, 2011 to April 30, 2013.

4. Set Executive Session – Wednesday, April 27th at 7:00 pm.

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

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

April 20, 2011 – Regular meeting - continued

RESOLVED that the Town Board does hereby set an executive session to discuss personnel for Wednesday, April 27, 2011 at 7:00 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

PRESENTATION - Bennett Kielson Storch & DeSantis presentation of 2010 Audit.

Review and acceptance of Court Audit 2010.

Alan Kassay, CPA from Bennett Kielson Storch & DeSantis gave an overview of the findings of the 2010 fiscal year audit, noting that the Town of Bedford is in better shape financially that is has been in previous years with an increase in revenues and fund balances at appropriate levels.

Mr. Gabrielson expressed his thanks to the Town's Department Heads and all Town of Bedford employees for the give backs that have helped in putting the Town in better shape financially.

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 acknowledge the receipt of and accept the Audit of the Town of Bedford Court, Statement of Cash Receipts, Cash Disbursements and Cash Balances for the 2010 fiscal year as presented by the auditing firm of Bennett Kielson Storch & DeSantis.

There being no further discussion and on a motion duly made and seconded the meeting was adjourned at 9:45 pm.

Lisbeth Fumagalli, Town Clerk