

Bedford Hills, New York
December 6, 2011

The first meeting for the month of December of the Town Board of the Town of Bedford was held on December 6, 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
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
Kevin Winn : Commissioner of Public Works
James J. Hahn : Town Consulting Engineer
Steve Fraietta : Building Inspector
Amy Pectol : Receiver of Taxes
William Hayes : Chief of Police
Joan Gallagher : Director of Personnel

and approximately twelve (12) residents/observers.

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 2011 be allowed for payment from their respective funds,

	2011
General Fund	\$ 58,545.59
Highway Fund	102,467.61
Consolidated Water District	22,607.24
Cedar Downs Water District	33.25
Farms Water District	72.25
Old Post Road Water District	127.50
Drug Abuse	2,289.48
Trust and Agency	5,227.50
Energy	12,465.78
Special Districts:	
Bedford Village Memorial Park	1,877.94
Bedford Hills Memorial Park	1,531.17
Katonah Memorial Park	1,610.30
Bedford Lighting District	1,007.82
Katonah Lighting District	335.90
Capital Projects	<u>810,174.18</u>
	\$ 1,020,373.51

DEPARTMENTS

1. Consider Change Order to Water Plant 12" Main Contract.

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, the Town of Bedford has received the work permits from the New York State Department of Transportation (NYSDOT) to install the water main from the water filtration plant to downtown Katonah, with several design changes to the project were required to obtain these permits; and

WHEREAS, the scope of the project has been increased,

NOW, THEREFORE, BE IT, RESOLVED that the Town Board does hereby rescind the previously approved Change order #2 on the 12” water main project in the amount of \$85,266.19 and approves its replacement with Change Order #3 in the amount of \$333,647.00, said funds to come from the project contingency for this expenditure, as per the memorandum dated December 2, 2011 from Kevin Winn, Commissioner of Public Works and James J. Hahn, Town Consulting Engineer.

2. Consider award of contract for refuse removal from Town facilities.

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 award the contract for the removal of refuse from Town facilities for the period 1/1/2012-12/31/2013 to R& S Waste Services, P.O. Box 736, Yonkers, New York 10710 in the amount of \$118,056.00. The bids are listed in the following table:

	Total Bid Price
R&S Waste Services LLC	\$118,056.00
Bria Carting Co.	\$173,357.40

AND BE IT FURTHER

RESOLVED that the Town Board does hereby authorize the Supervisor to sign a contract with the low bidder, R&S Waste Services LLC, subject to the receipt of the following items:

- Documentation of 2011 Westchester County Refuse License
- An insurance certificate meeting the requirements of the bid document
- A one year performance bond of \$59,028.00
- Financial statements indicating ability to carry out the requirements of the contract

3. Authorize Supervisor to sign Amendment #2 to NYS DEC Contract No. C303536 for road drainage.

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

ADOPTED

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

WHEREAS, THE Town of Bedford herein called the ‘Municipality’, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the ‘Project’ is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the Town of Bedford entered into Contract No. 303536 in 2006 with the New York State Department of Environmental Conservation for Road Drainage Improvements in the

Town of Bedford and said original contract authorized amendments to that document,

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Bedford does hereby approve Amendment No. 2 to Contract 303536 and extends the contract end date from December 31, 2011 to December 31, 2012.

4. Authorize Supervisor to sign Amendment #3 to State Assistance Contract No. 303413. 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

WHEREAS, by Resolution dated April 4, 2007 the Town Board authorized the Supervisor to sign State Assistance Contract No. 303413 for the Crusher Road site in the Town of Bedford and to execute any documents relative to this contract;

NOW, THEREFORE BE IT

RESOLVED that the Town Board does hereby authorize the Supervisor to sign Amendment No. 3 to State Assistance Contract No. 303413.

5. Consider Budget Adjustment Request for storage of voting machines. 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 approve the following budget adjustment request to pay for the storage of voting machines as per the memorandum dated December 1, 2011 from Lisbeth Fumagalli, Town Clerk:

From:	To:
001.0001.1256	001.1450.0422
\$360	\$360

6. Traffic Safety Initiative update and invitation to the Supervisor and Town Board. Chief Hayes presented an update on the Traffic Safety Initiative program and reviewed the highlights from his memorandum dated November 30, 2011 with the Town Board.

7. Request from Police Department to increase accident report fee. 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 increase in the accident report fee from 0.25 cents to \$10.00, of which \$6.00 would be retained by Docview LLC, an established firm providing law enforcement document services and \$4.00 would be received by the Town of Bedford, as per the memorandum dated November 30, 2011.

8. Authorize Supervisor to sign Contractor Agreement with Student Assistance Services Corporation.

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 authorize the Supervisor to sign the Student Assistance Services Corporation Agreement through the Westchester County Department of Health, with the Town of Bedford represented by the Bedford Drug Abuse Prevention Council, for the period January 1, 2011 to December 31, 2011, with the maximum amount payable to the Town of Bedford \$5,272.00, subject to the receipt of a signed mutual hold harmless agreement.

9. Request from Historian to transfer funds.

On a motion by Mrs. Roberts, 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 approve the request of Town Historian John Stockbridge, dated December 1, 2011, to transfer funds received by the Historian's Office in the amount of \$2,060.00 for property studies to appropriation coed 001.7510.0405 for 2011 archival restoration expenditures.

PERSONNEL

1. Approval of 2012 Holiday Schedule.

On a motion by Mr. Chryssos, 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 2012 Holiday Schedule as follows:

Monday, January 2 nd	New Year's Day Observed
Monday, January 16 th	Birthday of Dr. Martin Luther King, Jr.
Monday, February 20 th	President's Day
Friday, April 6 th	Good Friday (Easter Holiday)
Monday, May 28 th	Memorial Day
Wednesday, July 4 th	Independence Day
Monday, September 3 rd	Labor Day
Monday, October 8 th	Columbus Day
Tuesday, November 6 th	Election Day
Monday, November 12 th	Veteran's Day Observed
Thursday, November 22 nd	Thanksgiving Day
Friday, November 23 rd	Day after Thanksgiving
Monday, December 24 th	Christmas Eve (Floating Holiday Observed)
Tuesday, December 25 th	Christmas Day

2. Appointment of Harold J. Girdlestone to the position of Sole Assessor.

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

WHEREAS, by Resolution dated November 1, 2011 the Town Board accepted the retirement of Thomas Polzella from the position of Sole Assessor for the Town of Bedford, and

WHEREAS, the Town Board has conducted several interviews for the position,

NOW THEREFORE BE IT

RESOLVED that the Town Board does hereby appoint Harold J. Girdlestone to the position of Sole Assessor for the Town of Bedford to fill the unexpired term of Mr. Polzella,

effective December 19, 2011 and said term to expire September 30, 2013, at an annual salary of \$103,000.00.

3. Request from Anne Piedade to be reappointed to the Board of Assessment Review.

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 Town Board does hereby reappoint Anne Piedade to the Town of Bedford Board of Assessment Review for a five (5) year term, said term to expire September 30, 2016.

NEW BUSINESS

1. Announcement of Town of Bedford and B2020 Energize Recognition Event at Town Board meeting on Monday, December 19th.

Mrs. Roberts announced that the Town Board and B2020 would be recognizing eighteen (18) Town of Bedford residents for their leadership in reducing their home's energy waste.

2. Ratification of Memorandum of Agreement with Local 456 of the International Brotherhood of Teamsters (White Collar Unit).

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

WHEREAS, negotiations have been ongoing between the Bargaining Team for the Town of Bedford and the Bargaining Team for Local 456, of the International Brotherhood of Teamsters (White Collar Unit) for a successor to the 2011 Agreement between the parties; and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated December 5, 2011, which has been ratified by the membership of the Unit; and

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 interest 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.

3. Decision to change all the default addresses to .gov.

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 approve the change in the default internet addresses for the Town of Bedford from .info to .gov effective January 1, 2012.

4. Set Work Sessions – Legislation, Fair and Affirmative Housing and Refuse.

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

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

December 6, 2011 – Regular Meeting - continued

RESOLVED that the Town Board does hereby set a work session on Legislation, Fair and Affirmative Housing and Refuse for Thursday, January 12, 2012 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

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

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

RESOLVED that the Town Board does hereby set a work session on Legislation, Fair and Affirmative Housing and Refuse for Tuesday, January 31, 2012 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Executive Session – Litigation.

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 shall discuss litigation in an executive session to be conducted at the conclusion of the regular meeting.

There being no further discussion, the Town Board adjourned to executive session at 8:55 pm.

Lisbeth Fumagalli, Town Clerk

On December 6, 2011 at approximately 9:00 p.m. the Town Board unanimously voted to go into Executive Session. Attending the executive session were Supervisor Roberts and Councilpersons Chryssos, Burdick, Gabrielson, and Corcoran. Also attending the meeting were Joan Gallagher, Personnel Director and Joel Sachs, Town Attorney.

At the outset of the meeting, the Town Board unanimously appointed Joel H. Sachs as Deputy Town Clerk for the purpose of the meeting.

Joan Gallagher presented two draft resolutions to the Town Board in regard to the continued employment of Francis Zipp and Kevin Carroll. The resolution to terminate the employment of Mr. Zipp was moved by Mr. Burdick, seconded by Mr. Chryssos and voted upon 5/0.

Thereafter, the resolution to terminate the employment of Mr. Carroll was moved by Mr. Burdick and seconded by Mr. Chryssos and upon 5/0.

Both resolutions are attached.

Joan Gallagher then left the meeting room.

There followed a discussion among the Board members and Joel Sachs in regard to possible litigation involving Shady Brook Road. There was also discussion about the possible purchase of certain real property by the Town. The Executive Session ended at 9:30 p.m.

Respectfully submitted,

Joel H. Sachs, Deputy Town Clerk