

Bedford Hills, New York
February 15, 2011

The second meeting for the month of February of the Town Board of the Town of Bedford was held on February 15, 2011 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
Eric Gordon : Town Attorney
Amy Pectol : Receiver of Taxes
Edward J. Ritter : Comptroller
Jeffrey Osterman : Director of Planning
William Hayes : Chief of Police

and approximately six (6) resident/observers.

APPROVAL OF CLAIMS

On a motion by Mr. Chryssos, seconded by Mr. Gabrielson, 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,

| | 2010 |
|-------------------------------|-----------------|
| Paid Prior to Audit | \$ 63,193.36 |
| General Fund | 33,736.40 |
| Highway Fund | 30,622.44 |
| Consolidated Water District | 13,393.39 |
| Special Districts: | |
| Bedford Village Memorial Park | 139.92 |
| Bedford Hills Memorial Park | 139.92 |
| Katonah Memorial Park | 139.96 |
| Capital Projects | <u>2,375.00</u> |
| | \$ 143,740.39 |

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 following claims for 2011 be allowed for payment from their respective funds,

| | 2011 |
|-------------------------------|------------------|
| Paid Prior to Audit | \$ 19,011.87 |
| General Fund | 18,549.20 |
| Highway Fund | 81,118.61 |
| Consolidated Water District | 4,086.01 |
| Energy | 2,670.37 |
| Special Districts: | |
| Bedford Village Memorial Park | 3,134.91 |
| Bedford Hills Memorial Park | 4,172.03 |
| Katonah Memorial Park | 3,321.51 |
| Capital Projects | <u>96,614.98</u> |
| | \$ 232,679.49 |

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MONTHLY REPORTS

| | | |
|--------------------------------|---------------------|-------------------|
| Building (Dec. & Jan.) | Finance | Receiver of Taxes |
| Code Enforcement (Dec. & Jan.) | Justice Court | Town Clerk |
| Dog Control | Parking | Water |
| Department of Public Works | Police Consolidated | |

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

OLD BUSINESS

1. Decision on use of Bedford Hills Train Station lot, 5/13 and 5/14 – Ragnar Relay Race. The Board members had a lively discussion on their concerns as well as those of the Town's insurance broker regarding the liability facing the Town and potential inconvenience to Town of Bedford residents during the event.

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

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

RESOLVED that the Town Board does hereby deny the request dated February 10, 2011 as submitted by Glen Goldstein representing the Ragnar Running Relay Race for the use of the Bedford Hills Train Station lot on May 13, 2011 and May 14, 2011.

PERSONNEL

1. Shelley Smith request for appointment to Katonah Historic District Advisory Commission.

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 appoint architect Shelley Smith to the Katonah Historic District Advisory Commission, to fill the unexpired term of William O'Neill, said term to expire January 20, 2013.

2. Approval of promotion to Police Sergeant to fill current vacancy.

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 promotion of David E. Novick, to the rank of Sergeant in the Town of Bedford Police Department, to fill the current vacancy, effective February 16, 2011, as he is on the Civil Service Eligible List #70-657, at an annual salary of \$102,723.00 as per the memorandum dated February 10, 2011 from Joan Gallagher, Director of Personnel.

3. Barbara Murray retirement notification from Office Assistant, Town Court Offices, effective March 31, 2011.

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 accept the retirement notification of Barbara M. Murray, Office Assistant in the Town Court Offices, effective March 31, 2011, after ten (10) years of service with the Town of Bedford in the Planning/Wetlands Department, Police Department and Town Court, as per the memorandum dated February 3, 2011 from Joan Gallagher, Director of Personnel.

NEW BUSINESS

1. Resident request to waive fee for late payment of 2nd half School Tax.

The next matter addressed under new business was the February 10, 2011 letter from Barbara Sherman of 28 Stone Paddock Place, Bedford, New York 10506, asking the Town Board to rescind the penalty and interest charged for the failure to pay the second half of the school taxes for the year 2010/2011. The total amount of the penalties and interest is \$11,000.00, plus change. The Board members each acknowledged reviewing the February 10, 2011 letter and held a discussion with respect to whether the circumstances merited the waiver of the penalty.

Town Attorney, Eric Gordon, advised that it was uncertain whether the Town Board had the authority to waive the penalty based on the circumstances presented since there was no proof that payment of the taxes had actually been mailed. The Town Attorney also noted that authorizing a waiver of the penalties in this case was a slippery slope that could result in the Town Board having to waive other penalties in other circumstances when there was no proof that payments had actually been timely mailed.

Each of the Board members stated that this was an unfortunate confluence of circumstances. Several Board members commented that because it was incumbent upon the taxpayers to make sure that the payment was timely received, under the circumstances, it was not appropriate to grant a waiver of the penalties. This was especially true since the taxpayers had sufficient time to determine whether payment had been received after discovering that the mailbox where they had deposited the payment had been knocked down.

Following for the discussion, a motion was made by Mr. Chryssos, seconded by Mr. Burdick. The following resolution was adopted.

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

RESOLVED that the Town Board denies the request made by Barbara Sherman of 28 Stone Paddock Place, Bedford, New York 10506 seeking a waiver or rescission of the penalty and interest with respect to the payment of school taxes for the second half of the 2010-2011 tax year.

2. Approve fees for Dog Park.

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 following fees for 2011 for the Canine Commons Dog Park at Beaver Dam Park in the Town of Bedford as per the memorandum dated February 10, 2011 from Boo Fumagalli, Town Clerk:

| | |
|------------|---------|
| First Dog | \$40.00 |
| Second Dog | \$20.00 |
| Third Dog | \$15.00 |
| Guest/day | \$10.00 |

3. Adopt Formal Record of Action for Health Reimbursement Arrangement with the Choice Card.

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 Town Board of the Town of Bedford (the “Company”) does hereby adopt the Town of Bedford Health Reimbursement Arrangement (the “Plan”) in the form attached hereto, which Plan is hereby adopted and approved; and it is

RESOLVED FURTHER that the appropriate officers of the Company be, and they hereby are, authorized and directed to execute the Plan on behalf of the Company; and it is

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RESOLVED FURTHER that the officers of the Company be, and they hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports, documents or other information as may be required under applicable law.

4. Reschedule Legislative Work Session for Tuesday, March 8th, at 7:30 pm – Joint meeting with EAP.

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 reschedule the legislative work session from Tuesday, February 22, 2011 at 7:30 pm to Tuesday, March 8, 2011 at 7:30 pm to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

There being no further discussion the meeting was adjourned at 8:50 pm.

Lisbeth Fumagalli, Town Clerk