

Bedford Hills, New York  
April 17, 2012

The second meeting for the month of April of the Town Board of the Town of Bedford was held on April 17, 2012 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 T. Corcoran : Councilman  
Chris Burdick : Councilman  
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk  
Joel H. Sachs : Town Attorney  
William Hayes : Chief of Police  
Harold J. Girdlestone : Sole Assessor  
Kevin Winn : Commissioner of Public Works  
Amy Pectol : Receiver of Taxes  
Edward Ritter : Town Comptroller

And thirteen (13) residents/observers.

**2011 AUDITORS' REPORT** and Acceptance of Court Audit

A representative from the Town's outside Auditor O'Connor Davies Munns & Dobbins LLP reviewed the report of the Town's finances for the 2011 Fiscal Year.

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 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 2011 fiscal year as presented by the auditing firm of O'Connor Davies Munns & Dobbins LLP.

**APPROVAL OF CLAIMS**

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 following claims for 2012 be allowed for payment from their respective funds,

	<b>2012</b>
Highway Fund	\$ 35,776.42
Consolidated Water District	14,056.99
Cedar Downs Water District	134.35
Farms Water District	1,179.68
Old Post Road Water District	1,223.03
Special Districts:	
Bedford Village Memorial Park	1,922.62
Bedford Hills Memorial Park	1,933.03
Katonah Memorial Park	3,239.28
Bedford Lighting District	540.80
Bedford Paramedic District #1	72,454.00
Capital Projects	<u>743,463.85</u>
	\$ 875,924.05

April 17, 2012 – Regular meeting - continued

## **MONTHLY REPORTS**

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

## **DEPARTMENTS**

1. Recommendation for award of contract for Clean-Up Days refuse removal.

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

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, R & S Waste Services LLC., Harrison, New York, at a cost of \$800 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 10, 2012 from Kevin Winn, Commissioner of Public Works.

2. Recommendation for Bond Counsel.

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 reappoint the firm of Squire, Sanders & Dempsey, L.L.P., 30 Rockefeller Plaza, New York, New York to serve as bond counsel for the Town of Bedford, as per the memorandum dated April 11, 2012 from Edward Ritter, Town Comptroller.

3. Approve credit card fee adjustment.

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 use of a 2.5% fee for all departments for the use of credit cards, as per the memorandum dated April 16, 2012 from Lisbeth Fumagalli, Town Clerk.

## **CORRESPONDENCE**

1. Lions Club of Bedford Hills request to use Commuter Lot 3 for their annual Car Show Sunday, October 14<sup>th</sup>.

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 request of the Lions Club of Bedford Hills to hold their annual Car Show on Sunday, October 14, 2012 in Commuter Lot 3 in Katonah, with the Lions Club to remove any trash that is generated by the event and shall provide cones for the use of the parking lot during the event, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured.

2. Bedford Historical Society request for approval of two (2) events on the Bedford Village Green: Treasure Hunt, Saturday, September 8<sup>th</sup> and Antiques & Design Show, Saturday and Sunday, October 13<sup>th</sup> and 14<sup>th</sup>.

April 17, 2012 – Regular meeting - continued

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 approve the request of the Bedford Historical Society to hold two (2) events on the Bedford Village Green, Treasure Hunt, Saturday, September 8<sup>th</sup> and Antiques & Design Show, Saturday and Sunday, October 13<sup>th</sup> and 14<sup>th</sup>, with the Historical Society to obtain an alcohol permit for the event in October, and shall plan with the Police Department to hire off-duty officers, for the staffing of road crossings to ensure the safety of those attending the events and shall submit a Certificate of Insurance naming the Town of Bedford as an additional insured for these events.

3. Katonah Chamber of Commerce request to hold an event in Katonah Sunday June 3<sup>rd</sup>.  
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 request of the Katonah Chamber of Commerce to hold an event on Sunday, June 3, 2012 in Commuter Lot 2 in Katonah starting at 1:00 pm, with the Chamber to remove any trash that is generated by the event and shall provide cones for the containment of the event to the parking lot, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured.

## **PERSONNEL**

1. Notification of retirement of Police Officer John Dunn, effective April 17, 2012.  
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 accept the retirement of Police Officer John Dunn after over thirty (30) years of service to the Town of Bedford Police Department, effective April 17, 2012, as per the memorandum dated April 11, 2012 from Joan Gallagher, Director of Personnel.

2. Request approval of the appointment of Dominick Bueti, Police Dispatcher, as the White Collar Union representative to the Anti-Discrimination & Harassment Committee.  
On a motion by Mr. Gabrielson, 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 appoint Police Dispatcher Dominick Bueti to the Anti-Discrimination & Harassment Committee representing the White Collar Unit of Teamsters Union Local 456, for a five (5) year term, said term to expire March 19, 2017 as per the memorandum dated April 11, 2012 from Joan Gallagher, Director of Personnel.

## **NEW BUSINESS**

1. Acknowledge receipt of Notice of Appeal – 44 Holly Branch Road. Schedule Hearing of Appeal.

Mr. Sachs explained that this hearing of appeal would not be a public hearing, but would be a review by the Town Board of the transcripts of the proceedings of the Historic Building Preservation Commission and all information submitted by the applicant. He added that the Board may set a time to visit the site.

April 17, 2012 – Regular meeting - continued

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 acknowledge the receipt of the Notice of Appeal dated April 11, 2012 from attorney Alfred DelBello of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP concerning property at 44 Holly Branch Road shown and designated on Town Tax Maps as Section 50.12 Block 1 Lot 1 in the Residential Four Acre District; and

IT IS FURTHER

RESOLVED that the Town Board does hereby schedule a site visit for the Town Board for May 1, 2012 at 6:30 pm and the Hearing of Appeal for Tuesday, May 15, 2012 at 7:00 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

2. Set Public Hearing on Refuse and Recycling Ordinance.

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 set a public hearing to consider an amendment to Chapter 67 of the Code of the Town of Bedford concerning Refuse and Recycling for Tuesday, May 1, 2012 at 7:55 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

3. Executive Session – Litigation – Crusher Road DEC Remediation.

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 wishes to discuss a matter of litigation, the Crusher Road DEC Remediation 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 9:22 pm.

---

Lisbeth Fumagalli, Town Clerk

Minutes of Execution Session - Town Board of the Town of Bedford  
April 17, 2012

On April 17, 2012 at approximately 9:30 p.m., the Town Board voted to go into Executive Session to discuss certain pending and threatened litigation. Attending the Executive Session were Supervisor Roberts and Councilpersons Chryssos, Corcoran, Burdick and Gabrielson. Also attending were Town Attorney Joel Sachs and the Town Public Works Commissioner Kevin Winn.

At the outset of the meeting, Councilman Burdick moved and Councilman Chryssos seconded that Joel Sachs be appointed Acting Deputy Town Clerk for the purpose of the meeting.

There then followed a discussion among the Town Board members, Attorney Sachs and Commissioner Winn in regard to the Old Post Holdings litigation in regard to the Crusher Road Highway Garage site. Mr. Sachs gave an update in regard to the Record of

April 17, 2012 – Regular meeting - continued

Decision issued by NYSDEC as well as a letter written to NYSDEC on behalf of Old Post Holdings. No actions were taken and no decisions were made by the Board.

Then followed a discussion concerning threatened litigation in regard to certain owners of property within the Consolidated Water District No. 1 who pay water taxes to the District, but are not receiving water from the District. Attorney Sachs was directed to have his office look further into this matter. No decisions were made and no votes were taken.

There followed a discussion about the Bedford Playhouse property in Bedford Village wherein a question had been raised by the property owner concerning the present zoning on the property and a threat of litigation by the present property owner. No decisions were made and no votes were taken.

There followed a discussion concerning the Town Board hearing the appeal of Mr. and Mrs. Daniel Benaim in regard to The Belfry property located at 44 Holly Branch Road. Attorney Sachs outlined the legal posture of the appeal and indicated that the applicant's attorney had been discussing the possibility of litigation, both in written correspondence and in telephone calls. The Board had previously scheduled the applicant's appeal to be heard at the May 15, 2012 Town Board meeting. No decisions were made and no votes were taken on this issue.

The Executive Session adjourned at approximately 10:30 p.m.

Respectfully submitted,

Joel H. Sachs  
Acting Deputy Town Clerk