

Bedford Hills, New York
February 7, 2012

The first meeting for the month of February of the Town Board of the Town of Bedford was held on February 7, 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
Francis T. Corcoran : Councilman
Chris Burdick : Councilman
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
William Hayes : Chief of Police
Kevin Winn : Commissioner of Public Works
Amy Pectol : Receiver of Taxes
William Heidepriem : Superintendent of Recreation and Parks
Edward Ritter : Town Comptroller

Absent: Peter Chryssos : Councilman

And ten (10) residents/observers.

MOMENT OF SILENCE - Charles McDuffie

Mrs. Roberts offered a moment of silence in memory of long time member of the Blue Mountain Housing Corporation and Bedford Town Housing Agency Charles McDuffie, who had passed away in January.

**CONSERVATION BOARD PRESENTATION – 1. Small Lake and Pond Inventory.
2. Biodiversity Mapping of the Town.**

Conservation Board Chairman Simon Skolnik informed the Town Board about a small lake and pond inventory that was being performed by the Conservation Board as well as a biodiversity mapping project of the Town of Bedford. He distributed copies of the survey on the small lakes and ponds that will be sent out to property owners that have these bodies of water on their parcels. He added that these projects were based on the Master Plan that had been developed by the Town of Bedford.

Mrs. Roberts offered her thanks to the Conservation Board for all their hard work.

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 affirm the study conducted by the Conservation Board to inventory small lakes and ponds and biodiversity mapping in the Town of Bedford.

APPROVAL OF CLAIMS

On a motion by Mr. Burdick, seconded by Mr. Gabrielson, 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
Paid Prior to Audit	\$ 48,276.93
General Fund	51,549.85
Highway Fund	58,027.41
Consolidated Water District	1,217.40
Cedar Downs Water District	332.15
Farms Water District	139.50
Old Post Road Water District	387.00
Drug Abuse	5,463.29
Energy	17,346.00
Special Districts:	
Bedford Village Memorial Park	572.70
Bedford Hills Memorial Park	424.86
Katonah Memorial Park	1,667.61
Capital Projects	<u>963,414.60</u>
	\$ 1,148,819.30

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

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

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

	2012
Paid Prior to Audit	\$ 4,018.57
General Fund	74,900.87
Highway Fund	61,711.69
Consolidated Water District	4,133.93
Farms Water District	1,410.24
Old Post Road Water District	2,205.76
Drug Abuse	3,000.00
Special Districts:	
Bedford Village Memorial Park	1,777.44
Bedford Hills Memorial Park	1,457.57
Katonah Memorial Park	1,497.43
Bedford Lighting District	344.25
Bedford Hills Lighting District	784.78
Bedford Paramedic District #1	<u>72,454.00</u>
	\$ 230,687.96

DEPARTMENTS

1. STEP Grant Inter-Municipal Agreement.

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

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

WHEREAS, by memorandum dated January 31, 2012, William Hayes, Chief of Police recommended the Town Board consider executing the Intermunicipal Agreement (IMA) for 2012 Selective Traffic Enforcement Program (STEP), between the Town of Bedford and the County of Westchester, and

WHEREAS, the participation in the program will give the Town of Bedford Police Department the opportunity to reduce the rate of preventable traffic accidents and fatalities by increasing public awareness through traffic safety enforcement; and

WHEREAS, the Town Attorney has reviewed the agreement and advises that it is acceptable as to form,

NOW, THEREFORE, BE IT RESOLVED

THAT the Town Board does hereby authorize the Supervisor to execute the Inter-Municipal Agreement (IMA) entitled 2007 Selective Enforcement for Traffic Safety Grant, effective from October 1, 2011 to September 30, 2016 at an amount not to exceed \$2,680.00 for the period of October 1, 2011 to September 30, 2012, to be paid to the Town of Bedford by Westchester County.

2. Memorandum of Agreement with Westchester Intel Center.

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 approve the Memorandum of Agreement with the Westchester Intel Center (WIC) and authorizes William Hayes, Chief of Police to sign the agreement on behalf of the Town of Bedford Police Department.

3. Proposed Amendment 2 to Water Plant Construction Administration Contract.

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

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

RESOLVED that the Town Board does hereby approve Amendment 2 to Water Plant Construction Administration Contract with the Hahn Engineering/O'Brien & Gere Engineers Joint Venture in the amount of \$195,000.00 as per the memorandum dated February 1, 2012 from Kevin Winn, Commissioner of Public Works.

4. Change Order No. 4 for Sisca Northeast, Water Plant General Contractor.

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 approve Change Order No. 4 for Sisca Northeast, Water Plant General Contractor in the amount of \$33,731.30 as per the memorandum dated February 1, 2012 from Kevin Winn, Commissioner of Public Works.

5. Proposals for Phone and Information Technology System for the Water Filtration Plant.

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 approve the proposals from Sullivan Data Management for the Phone and Information Technology System for the Water Filtration Plant, in the total amount of \$27,709.24 as per the memorandum dated February 1, 2012 from Kevin Winn, Commissioner of Public Works.

6. Budget Adjustment Request for Paramedic District #1 (fly car) Budget for 2012.

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 approve the budget adjustment request for Paramedic District #1 from Town of Bedford Comptroller Edward J. Ritter dated February 1, 2012:

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Decrease	Decrease	Amount	To account for a
230.230.1001	001.8025.405	\$19,899	final number less
Paramedic District Tax	Paramedic District Expenditures		than adopted in the
			Budget.

7. Notice Public Bids for Parks Department equipment – 1 Dump Truck and 1 Turf mower. On a motion by Mr. Burdick, seconded by Mr. Gabrielson, 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 Department of Recreation and Parks to go out to bid for one (1) Dump Truck as per the memorandum dated January 28, 2012 from William Heidepriem, Superintendent of Recreation and Parks.

On a motion by Mr. Gabrielson, 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 the Department of Recreation and Parks to go out to bid for one (1) Turf Mower as per the memorandum dated January 27, 2012 from William Heidepriem, Superintendent of Recreation and Parks.

CORRESPONDENCE

1. Bedford Hills Historical Museum request to sponsor cost of installation of night lighting at the “War Memorial” in Bedford Hills.

This matter was referred to William Heidepriem, Superintendent of Recreation and Parks to review with a representative from the Bedford Hills Historical Museum and report back to the Town Board.

PERSONNEL

1. Boards and Commissions:

- a. William Colavito reappointment to Planning Board.

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 reappoint William Colavito to the Town of Bedford Planning Board for a five (5) year term, said term to expire January 20, 2017.

- b. George Henschel reappointment to the Bedford Village Historic District Review Commission.

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 reappoint George Henschel to the Bedford Village Historic District Review Commission for a three (3) year term, said term to expire January 20, 2015.

- c. Liz Bailey reappointment to the Conservation Board.

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

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

RESOLVED that the Town Board does hereby reappoint Elizabeth Bailey to the Town of Bedford Conservation Board for a two (2) year term, said term to expire January 20, 2014.

d. David Beckett reappointment to the Conservation Board.

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 reappoint David Beckett to the Town of Bedford Conservation Board for a two (2) year term, said term to expire January 20, 2014.

e. Marilyn Pellini appointment to the Tree Advisory Board.

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 appoint Marilyn Pellini to the vacancy on the Town of Bedford Tree Advisory Board, with the term of the appointment to expire December 16, 2013.

f. Ryan Becker appointment to the Ethics Board.

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 appoint Ryan Becker to the vacancy on the Town of Bedford Board of Ethics for a five (5) year term, said term to expire September 1, 2016.

NEW BUSINESS

1. Nomination of Woman of Distinction.

Mrs. Roberts announced that Mary Beth Kass was being honored as a Woman of Distinction from the 40th Senate District for New York State.

2. 2012 Arbor Patrol Program for the Bedford Oak.

This matter has been tabled at this time.

3. Horsley Witten Group standard rates for 2012.

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 renew the agreement as submitted by Mark E. Nelson, Principal of Horsley & Witten Inc. for consulting Services to the Town of Bedford for hydro geologic and engineering review services for the calendar year 2012 as follows:

Principal	\$175.00 per hour
Associate Principal/Sr. Engineer	\$135.00 per hour
Senior Project Manager	\$110.00 per hour
Project Manager I	\$ 90.00 per hour
Project Manager II	\$ 75.00 per hour
Staff Engineer	\$ 80.00 per hour

Staff Jr. Engineer	\$ 70.00 per hour
Staff Scientist	\$ 75.00 per hour
Sr. Surveyor	\$ 80.00 per hour
Senior Graphics	\$ 70.00 per hour
Graphics	\$ 55.00 per hour
Environmental Technician	\$ 55.00 per hour
Administrative Assistant	\$ 45.00 per hour

Mileage \$.51/mile

Subcontractor cost	Cost plus 15%
Plotter Prints	\$1.50/sq. ft.
Facsimile	\$1.00/page
Photocopying (8 x 10)	\$.20/page
Photocopying (11 x 17)	\$.50/page
Telephone	\$.50 minute
Color copies (8 x 10)	\$1.00/page
Color copies (11 x 17)	\$1.50/page

4. Drug Abuse Prevention Council Tri-Town agreement.

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

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

WHEREAS, the Town of Bedford has been involved with the Drug Abuse Prevention Council (DAPC) since 1971, and

WHEREAS, in 1993 the Town of Bedford assumed the responsibility of coordinating all payments and receipts for the three municipalities that comprise the local DAPC, namely the Towns of Bedford, Lewisboro and Pound Ridge,

NOW, THEREFORE, BE IT RESOLVED

THAT the Town Board does hereby authorize the Supervisor to execute the Drug Abuse Prevention Council agreement by and among the Towns of Bedford, Lewisboro and Pound Ridge from January 1, 2012 to December 31, 2012, wherein the municipalities agree to the lawful costs as follows:

Bedford	\$26,000
Lewisboro	\$ 6,500
Pound Ridge	\$13,000 and

BE IT FURTHER RESOLVED

THAT the Town of Bedford will continue to act as Agent for the municipalities and process payment of claims.

5. Discussion regarding proposed acquisition of Bedford Hills Train Station.

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 Metropolitan Transportation Authority (“MTA”), as agent for Penn Central Railroad, has offered the Town the right to purchase the Bedford Hills Train Station at a cost of \$655,000.00; and

WHEREAS, the Town of Bedford believes it is in the public interest to consider purchasing the train station property since it is a historic building, has parking available for Town residents and, in addition, the Town will continue to receive rental income from leasing a portion of the building to Mark’s Time and possibly leasing other portions of the building to other tenants; and

February 7, 2012 – Regular meeting - continued

WHEREAS, the Town has requested Hudson Appraisers of Mount Kisco, New York to review the appraisal for the train station building prepared on behalf of the MTA and found such appraisal to be reasonable; and

WHEREAS, the MTA has advised the Town that in the event the Town chooses not to purchase the building, said building will be sold to the highest bidder at auction,

THEREFORE it is

RESOLVED, that the Town Board shall continue its efforts to investigate the possible purchase of the Bedford Hills Train Station, which at this time would require that the Town of Bedford order a title report and metes and bounds survey for the property as well as commission a phase 1 and phase 2 environmental investigation of the property, and it is further

RESOLVED, that upon the completion of the foregoing, Town Planner Jeffrey Osterman and Town Attorney Joel Sachs, shall report back to the Town Board in regard to further steps in regard to the possible acquisition of said train station property.

6. 2012 Administrative Compensation Agreement.

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 approve the 2012 Administrative Compensation, Contributions and Waiver of Healthcare Insurance dated January 31, 2012 as submitted by Supervisor Lee Roberts.

7. Set Executive Session – Litigation.

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 shall conduct an executive session regarding litigation at the conclusion of the regular meeting.

8. Set Public Hearing for Affordable Affirmatively Furthering Fair Housing Units Ordinance, tentatively 7:30 pm, Tuesday, February 21st.

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 Affordable Affirmatively Furthering Fair Housing Units Ordinance for Tuesday, February 21, 2012 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

9. Set Public Hearing for the Reclassification to account for the Open Space Fund.

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 on the Reclassification to account for the Open Space Fund for Tuesday, February 21, 2012 at 7:55 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

10. Set Public Hearing for Energy Conservation Construction Code for Residential Dwellings.

February 7, 2012 – Regular meeting - continued

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 concerning an amendment to the Code of the Town on Energy Conservation Construction Code for Residential Dwellings for Tuesday, February 21, 2012 at 7:45 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

11. Set Work Sessions.

The Town Board set a work session on capital projects for Monday, March 5, 2012 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

PUBLIC COMMENT –

A member of the Tree Advisory Board asked several questions relative to the SavATree Arbor Patrol proposal.

There being no further discussion the Town Board adjourned to executive session at 9:25 pm.

Lisbeth Fumagalli, Town Clerk

Minutes of Execution Session - Town Board of the Town of Bedford
February 7, 2012

On February 7, 2012 at approximately 9:45 p.m., the Town Board voted to go into Executive Session in order to discuss pending litigation and a personnel matter. Attending the meeting were Supervisor Roberts, Town Board members Corcoran, Burdick and Gabrielson. Also attending the meeting were Town Controller Ed Ritter, Town Public Works Commissioner Kevin Winn, Town Attorney Joel Sachs and John Benvegna of Leggette Brashears & Graham (“LBG”).

At the outset of the meeting, a motion was made by Councilman Burdick and seconded by Councilman Corcoran to appoint Joel Sachs as Acting Deputy Town Clerk for the purpose of the Executive Session.

There then followed a discussion between the Town Board members and John Benvegna of LBG in regard to the remedial investigation being undertaken by LBG on behalf of the Town at the Crusher Road Highway Garage site. Mr. Benvegna discussed various possible remediation alternatives for the site and advised the Town Board that the NYSDEC wished to hold a public information meeting in regard to the possible remediation of the Crusher Road site, in the Town House, in March 2012. There was further discussion among the Board members and Mr. Benvegna, Commissioner Winn and Mr. Sachs concerning the LBG report. No decisions were made and no votes were taken. Commissioner Winn and Mr. Benvegna then left the meeting.

There followed a further discussion among the Board members with Town Controller Ritter and Town Attorney Sachs in regard to the status of the Bedford Community Theatre and its use of the Bedford Hills Community House. No decisions were made and no votes were taken. The Executive Session was adjourned at approximately 11:00 p.m.

Respectfully submitted,

Joel H. Sachs
Acting Deputy Town Clerk