

Bedford Hills, New York
October 7, 2008

The first meeting for the month of October of the Town Board of the Town of Bedford was held on October 7, 2008 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:13 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
Nancy Tagliafierro	:Town Attorney
Amy Pectol	: Receiver of Taxes
Kevin Winn	: Commissioner of Public Works
Christian Menzel	: Chief of Police
Jeffrey Osterman	: Town Planner
Edward J. Ritter	: Town Comptroller

And approximately fourteen (14) residents/observers.

APPROVAL OF CLAIMS:

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

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

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

Paid Prior to Audit	\$	88,839.47
General Fund		110,741.62
Highway Fund		42,107.96
Consolidated Water District		7,566.25
Cedar Downs Water District		365.49
Farms Water District		43.75
Drug Abuse		1,000.00
Special Districts:		
Bedford Village Memorial Park		1,818.24
Bedford Hills Memorial Park		2,493.96
Katonah Memorial Park		1,632.07
Capital Projects		91,965.01
	\$	<u>348,572.82</u>

REPORTS/UPDATES/DISCUSSIONS

1. David Warne, NYC DEP, New Croton Dam Rehabilitation Project
David Warne, the Assistant Commissioner, Bureau of Water Supply gave an overview of the New Croton Dam Rehabilitation and Pool restoration project. He was followed by Paul Costa, Executive Project Manager, Bureau of Engineering Design and Construction and then Mark Page, Director, Office of Water Supply Infrastructure and Watershed Assessment, Bureau of Environmental Planning and Analysis. They reviewed the project in its entirety and explained what effects it would have on Bedford specially. The project is not scheduled to start until the summer of 2011.

2. Town Clerk update on voter registration and polling location change.
Boo Fumagalli reviewed the important dates regarding the upcoming elections as well as reminding the Board that district 14 is being moved permanently from the Town offices at 425 Cherry Street, to the Town of Bedford Court room at 321 Bedford Road. In addition, she informed the Board that districts 6 and 15, currently at the Katonah Village

Library will have to be moved this year due to construction to the First Presbyterian Church in Katonah. The Board of Elections has notified residents and the Clerk is also sending reminder letters.

3. Update by Comptroller on Town's financial status.

Ed Ritter, the Town of Bedford Comptroller handed out a current report by account number with year to date spending and projections through the end of the year. Ed stated that he felt the cut backs that have already been made by department heads should hold us until the end of the year. That sales tax revenue seems to be on target and as we already knew, Mortgage transfer tax appears to be a shortfall. He further explained that he would be reviewing this report in more detail with the Board at the upcoming budget meetings with the department heads, himself and the Board.

4. Receipt of report on Dirt Roads from Town Historian.

John Stockbridge, Bedford's Town Historian presented to the Town Board a report on dirt roads entitled, "The Good, the Bad and the Dusty – A study of Dirt Roads in the Bedford, New York" by Max Yoeli, a Fox Lane High School student.

CORRESPONDENCE

1. Joan DuPont, NYS DOT, Speed Study on Rt. 22 – Vicinity of Harvey School. Councilman Corcoran read this letter which was actually sent to State Assemblyman Adam Bradley with a copy to the Town, informing us all that the requested traffic study on Route 22/Jay Street area of Katonah has been completed by the State DOT and as a result they are dropping the speed limit on Route 22 between Lyon Ridge Road and Route 35 to 40 MPH. All necessary signage has been installed.

OLD BUSINESS

1. Proposal to re-open Wildwood Road feedback.

Mr. Osterman reviewed the memorandum to the Town Board compiled by Kevin Winn, Commissioner of Public Works, Christian Menzel, Chief of Police, William Heidepriem, Superintendent of Recreation and Parks and himself. The conclusions drawn by this committee was that the driveway connection from Wildwood Road into the Katonah Park should not be opened and that a more effective response to the concerns expressed by residents of North Street, the other entrance to the park, should be considered, including the installation of traffic calming devices to slow vehicular traffic during peak park season.

The Town Board suggested that this committee come back to the Town Board with the residents of North Street to spearhead solutions.

2. Discussion of resident's request for speed bumps on Indian Hill Road.

The Town Board acknowledged the receipt of a letter dated September 2, 2008 from residents of Indian Hill Road requesting the installation of speed humps on the Route 172 side of the road. Mr. Winn noted that the current speed humps on the road are on a flat area and would research the matter further. Chief Menzel advised this was the first complaint received and that he would get more data. Adler Consulting would monitor the speed for one (1) week on the road for \$700 and \$600 for additional time.

NEW BUSINESS

1. Approve filming application for Northern Lights Production at Bedford Historic Court House on Friday, October 17th.

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

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

RESOLVED that the Town Board does hereby approve the application for a Special Use Permit for Filming from Northern Light Productions, 300 Weston Avenue, 2nd floor, Allston, MA 02134 for filming at the 1787 Court House in Bedford Village, on Friday, October 17, 2008 from 10:00 AM to 3:00 PM. This approval is based on the

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appropriate fee, insurance and proof of mailing notifications to adjoining property owners being submitted.

2. Set Town Board Executive Session – Negotiations, October 9th at 7PM.

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

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

RESOLVED that the Town Board does hereby set an executive session for negotiations to be held Thursday, October 9, 2008 at 7:00 PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

PLEASE NOTE: It was later discovered that October 9th was a religious holiday and the meeting was rescheduled to October 29th.

3. Set Work Session – Discussion of MS4 Requirements – Tentative 10/21 at 6:30PM.

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

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

RESOLVED that the Town Board does hereby set a work session for October 21, 2008 at 6:30 PM to be held at the Town House, 321 Bedford Road, Bedford Hills, New York to discuss MS4 Requirements.

4. Merchants on North Katonah Avenue and Edgemont – One Way Street Request

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

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

RESOLVED that the Town Board does hereby set a public hearing for Tuesday, October 21, 2008 at 7:30 PM at the Town House, 321 Bedford Road, Bedford Hills, New York to discuss proposed Local Law #9-2008, a request from the Merchants on North Katonah Avenue and Edgemont Road in Katonah to change the direction of the one way traffic on the street.

5. Chief of Police proposes reduction of speed limit on Babbitt Road for school zone.

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

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

RESOLVED that the Town Board does hereby approve the request of Chief of Police Christian Menzel to petition the New York State Department of Transportation requesting their evaluation of a proposal for an extended School Speed Zone on Babbitt Road in Bedford Hills, north and south of the entrance and exit of the Bedford Hills Elementary School to the maximum distance permitted (1320 feet).

6. Chief of Police requests approval to purchase one KHS K9 police bicycle.

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

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

RESOLVED that the Town Board does hereby approve the draft General Order 110-26 and the purchase of one (1) KHS K9 police bicycle from Van's Katonah Servicenter at a cost of \$854.00, funding provided by the three (3) hamlet business associations, and the uniform and safety equipment for the officer as specified in the General Order, as per the memorandum dated September 30, 2008 from Christian Menzel, Chief of Police.

7. Bedford Hills Chamber 2nd Annual Pumpkin Festival, 10/25 & Preschool, 10/31. On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby grant permission for the Bedford Hills Chamber of Commerce to use the parking lot next to Mark's Time in the hamlet of Bedford Hills on Saturday, October 25th for its second annual Pumpkin Festival from 4:00 pm to 8:30 pm.

8. KES PTO 29th Annual Halloween Fair on 10/25 from 11am to 3pm. On a motion by Mr. Gabrielson, seconded by Mr. Corcoran, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby authorize overtime for one (1) Police Officer for five (5) hours to support the Katonah Elementary School Halloween Fair on Saturday October 25, 2008, from 11:00 AM to 3:30 PM in order to manage traffic flow and pedestrian safety as per the memorandum dated October 2, 2008 from Chief of Police Christian Menzel.

9. Comptroller requests approval to issue RFP for an Energy Performance Contractor. On a motion by Mr. Gabrielson, seconded by Mr. Burdick, the following resolution was ADOPTED

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

RESOLVED that the Town Board does hereby grant approval for the issuance of a Request for Proposal (RFP) to obtain proposals for an Energy Service Company (ESCO) to perform a comprehensive review of the Town's facilities, prepare engineering documents, facilitate financing and manage the project to completion, as per the memorandum dated September 30, 2008 from Edward J. Ritter, Town Comptroller.

10. Comptroller: emergency declaration of fuel tank removal by Envirostar at Bedford Village Memorial Park. On a motion by Mr. Gabrielson, seconded by Mr. Burdick, the following resolution was ADOPTED

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

WHEREAS, it has come to the Town's attention that there is a fuel tank at Bedford Village Park that needs to be removed immediately, and there was no prior knowledge that this tank existed as it is underground, and

WHEREAS, the potential environmental impact is a serious situation and need to be handled on an **emergency** basis, and

WHEREAS, the Town Board was notified of this situation via email on September 29, 2008 and approval was sought and granted under General Municipal Law § 103(4) which allows for a statutory exemption from competitive bidding in the case of a public emergency arising out of an accident or other unforeseen occurrence or conditions of public buildings, public property or the life, health, safety of property of inhabitants of a political sub-division, require immediate action which cannot await competitive bidding,

THEREFORE BE IT

RESOLVED that the Town Board declares a public emergency with respect to the underground fuel tank and further

RESOLVED that under General Municipal Law § 103(4) because of the public emergency, immediate action is required and the completion of the project cannot await competitive bidding and further

RESOLVED to authorize the Town Supervisor to retain contractors to complete the project and ensure public safety and be it further

RESOLVED that any and all actions heretofore taken by any Town officials in furtherance of this resolution are ratified and confirmed.

11. DPW Commissioner seeks approval to purchase two snowplows.

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

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

RESOLVED that the Town Board does hereby grant approval for Kevin Winn, Commissioner of Public Works to purchase two snow plows, one (1) Everest 8 foot Trail Blazer Snow Plow at a cost of \$8,865.00 and one (1) Everest 9 foot Trail Blazer snow plow at a cost of \$8,990.00, prices include hitch, plow markers, steel deflectors and all other ancillary equipment necessary to ensure the proper operation of the plows) from Hudson River Truck and Trailer, 12 Commerce Street Extension, Poughkeepsie, New York 12603, as per the memorandum from Mr. Winn dated September 29, 2008.

12. DPW Commissioner requests approval to issue an RFP for Architectural Services for proposed Water Filtration Plant.

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

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

RESOLVED that the Town Board does hereby approve the request of Kevin Winn, Commissioner of Public Works to issue a Request for Proposal (RFP) for Architectural Services for the proposed Water Filtration Plant, as per Mr. Winn's memorandum received by the Supervisor's Office October 1, 2008.

13. DPW Commissioner requests approval to bid Fox Lane Campus/Route 172 intersection construction and issuance of an RFP for construction inspection.

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

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

RESOLVED that the Town Board does hereby authorize Kevin Winn, Commissioner of Public Works to go to bid for the Fox Lane Campus/Route 172 intersection construction and to issue a Request for Proposal (RFP) for construction

inspection with the funding for these projects to be reimbursed to the Town of Bedford by the New York State Department of Transportation, as per Mr. Winn's memorandum dated October 2, 2008.

14. DPW Commissioner requests approval to bid out snow removal services.

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

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

RESOLVED that the Town Board does hereby authorize Kevin Winn, Commissioner of Public Works to go to bid for snow removal services for the winter season 2008-2009 as per Mr. Winn's memorandum dated October 2, 2008.

15. Request approval for Supervisor to sign Atlantic-Westchester HVAC Service and Maintenance Agreement for Town House at 321 Bedford Road.

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the service and maintenance agreement with Atlantic-Westchester Inc., 264 Adams Street, Bedford Hills, New York 10507 for the heating, ventilation and air conditioning system at the Town House, 321 Bedford Road, Bedford Hills, New York 10507 in the amount of \$6,600 per year.

16. Governor Paterson proclamation request – School Board Recognition Week, October 20th.

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

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

RESOLVED that the Town Board does hereby issue the following proclamation:

WHEREAS, Governor Paterson has declared the Week of October 20th as School Board Recognition Week and

WHEREAS, all the citizens of Bedford acknowledge the enormous service that our volunteer school board members perform and

WHEREAS, our community is the beneficiary of the school board member's countless hours of devotion to the highest level of academic excellence and

WHEREAS, the residents of our local school districts, Katonah/Lewisboro and Bedford Central, appreciate the continued efforts of our respective board members on behalf of our children and

WHEREAS, the boards' vision and desire to constantly improve our school systems has made them among the most highly regarded school districts in the nation and

NOW THEREFORE, in recognition of all the school board members in our community we extend our gratitude and appreciation for your service.

17. Request approval for Supervisor to sign Multi-Modal #4 Agreement – Cherry Street Sidewalks.

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

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the Multi-Modal #4 Agreement between the Town of Bedford and the New York State Department of Transportation in the amount of \$150,000.00, for the installation of 3900 feet of sidewalk and drainage improvements in order to improve pedestrian access and safety on Cherry Street in Katonah and Bedford Hills.

18. Director of Human Resources request to appoint Ghaias Habal to School Crossing Guard.

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

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

RESOLVED that the Town Board does hereby approve the appointment of Ghaias Habal to the position of School Crossing Guard, contingent upon the receipt of a fingerprint submission report, effective October 8, 2008 at the rate of \$26.00 per day, as per the memorandum dated October 1, 2008 from Joan Gallagher, Director of Personnel.

PUBLIC COMMENT PERIOD

Mark Solomon, Chairman of the Tree Advisory Board addressed the Town Board with some concerns that he had concerning the proposed tree planting program.

There being no further discussion, the meeting was adjourned at 11:20 p.m.

Lisbeth Fumagalli, Town Clerk