

Bedford Hills, New York
August 2, 2011

The first meeting for the month of August of the Town Board of the Town of Bedford was held on August 2, 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
Francis T. Corcoran : Councilman
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Director of Planning
Steven Fraietta : Building Inspector
Joan Gallagher : Director of Personnel
William Hayes : Chief of Police
Kevin Winn : Commissioner of Public Works

Absent: Peter Chryssos : Councilman
David Gabrielson : Councilman

and approximately five (5) residents/observers.

2010 POLICE SERVICE AWARDS – Assemblyman Robert Castelli

Chief of Police William Hayes presented the following awards:

Police Officer of the Year Detective Joseph Comunale
Traffic Safety Enforcement Sergeant David Novick

New York State Assemblyman Robert Castelli presented the following awards:

Service for work with Explorers Team Detective Joseph Comunale
Service for work with Explorers Team Police Officer William Smith

SENATOR GREG BALL Legislative Update

State Senator Greg Ball presented the Town Board and the audience with updates on legislation in the State of New York, including the newly enacted 2% property tax cap, mandate relief, the New York State budget, the MTA payroll tax repeal, animal rights, women's rights and support services for veterans.

APPROVAL OF CLAIMS

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

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

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

	2011
General Fund	\$ 75,461.27
Highway Fund	28,169.85
Consolidated Water District	18,029.84
Energy	14,048.75
Special Districts:	
Bedford Village Memorial Park	3,774.01
Bedford Hills Memorial Park	3,362.42
Katonah Memorial Park	3,647.77
Capital Projects	<u>666,871.79</u>
	\$ 813,365.70

CORRESPONDENCE

1. Request to waive or reduce a Building Department Permit fee.

Mr. Corcoran read the letter dated July 18, 2011 from Timothy Eaton. Steven Fraietta, Building Inspector explained the situation that this was a two (2) family home that had a fire on the deck, at which time it was discovered that it was actually a three (3) family home. He recommended that the request to waive the fee be denied. Town Attorney Joel Sachs pointed out that the Town Board did not have the authority to waive the fee.

2. Request to replace Yield Sign with Stop Sign on Bedford Center Road at Bedford Cross. On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was

ADOPTED

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

RESOLVED that the Town Board does hereby set a public hearing to consider the installation of a stop sign at the intersection of Route 22 and Bedford Center Road at the Bedford Cross, for Tuesday, September 6, 2011 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

DEPARTMENTS

1. Set Public Hearing for changes to Water Code.

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

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

RESOLVED that the Town Board does hereby set a public hearing to consider amendments to the Water Code in the Code of the Town of Bedford for Tuesday, September 6, 2011 at 7:45 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

2. Award of rock crushing bid.

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

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

RESOLVED that the Town Board does hereby award the bid for rock crushing services to the Town of Bedford to the lowest, most responsible bidder, Liberty Bell Trucking Company, Inc., 1325 Route 52, Carmel, New York in the amount of \$5.50/ton crushing cost, \$1.50 ton for 1 ¼" stone cost, without the dumpsters, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured and a signed hold harmless agreement, as per the memorandum dated July 27, 2011 from Kevin Winn, Commissioner of Public Works.

3. Request to rebid a portion of the water transmission main from filtration plant.

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

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

RESOLVED that the Town Board does hereby grant approval to rebid a portion of the water main transmission main from the water filtration plant in the Town of Bedford, associated with the section of the project that runs within the New York State Department of Transportation Right-of-Way (NYSDOT ROW), which includes the water main installation along Routes 22 and 35 running east to the plant, as per the memorandum dated July 28, 2011 from James J. Hahn, P. E., Town Consulting Engineer.

OLD BUSINESS

1. Set Public Hearing for renewal of Special Permit Renewal for Crown Atlantic Company LLC cell tower on Peckham Property.

Jordan Fry representing Eastern Telecom/Verizon was present on behalf of the applicant.

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

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

RESOLVED that the Town Board does hereby set a public hearing to consider the renewal of the Special Permit for Crown Atlantic Company LLC for a cell tower located on the Peckham Property on Harris Road/Route 22, shown and designated on Town Tax Maps as Section 60.8 Block 1 Lot 3 in the Residential ½ Acre District, for Tuesday, August 16, 2011 at 7:45 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

NEW BUSINESS

1. Incorporation of LDC and funding for East of Hudson Watershed Corporation.

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

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

WHEREAS, the Town of Bedford is a member of the East of Hudson Coalition (“EOH Coalition”), an association of municipalities located in the New York City watershed east of the Hudson River (“EOH Watershed”); and

WHEREAS, the Town of Bedford and the other members of the EOH Coalition are individually subject to General Permit GP-0-10-002 for Municipal Separate Storm Sewer Systems (“MS4 Permit”), pursuant to which municipalities are required to implement stormwater retrofits and encouraged to participate in a regional stormwater retrofit plan; and

WHEREAS, the EOH Coalition was successful in negotiating on behalf of its members Special Condition 34 of the Water Supply Permit issued by the Department of Environmental Conservation (“NYSDEC”) on December 24, 2010 (“2010 WSP”), which requires New York City (the “City”) to provide \$15.5 million to the EOH communities to help fund implementation of their regional stormwater retrofit plans; and

WHEREAS, the EOH Coalition has negotiated an agreement with the City (the “Funding Agreement”) which will enable the City to transfer the \$15.5 million provided for in the 2010 WSP and the \$4.5 million provided for in the 2007 Filtration Avoidance Determination (“2007 FAD”) to the EOH communities; and

WHEREAS, the 2010 WSP encouraged the formation of a regional stormwater entity (“RSE”) to organize, administer and implement the stormwater retrofit projects, by providing that up to \$50,000 of the \$15.5 million could be used by the EOH communities for the formation of the RSE; and

WHEREAS, the EOH Coalition has drafted articles of incorporation and bylaws for an RSE, which have been favorably reviewed by NYSDEC and the City, to be known as the East of Hudson Watershed Corporation (“EOH Watershed Corporation”), the members of which would be the municipalities located in the EOH Watershed and the Board of Directors of which would be the chief elected officials of the members; and

WHEREAS, the execution of the Funding Agreement and the payment of the \$15.5 million by the City under the Funding Agreement cannot occur until the EOH Watershed Corporation is formed; and

WHEREAS, it is in the best interest of the [Town/Village/County] to authorize the formation of and become a member of the EOH Watershed Corporation for the purpose of jointly organizing, administering and implementing the regional stormwater plans under the MS4 Permit;

NOW THEREFORE BE IT RESOLVED, that the Town of Bedford authorizes the formation of and consents to be a member of the EOH Watershed Corporation, with articles of

incorporation and bylaws substantially in form and substance as annexed hereto; and

BE IT FURTHER RESOLVED, that Lee V. A. Roberts, the Supervisor of the Town of Bedford is hereby designated to serve as the initial member of the Board of Directors of the EOH Watershed Corporation as provided in said articles of incorporation and bylaws; and

BE IT FURTHER RESOLVED, that Lee V. A. Roberts, the Supervisor of the Town of Bedford is hereby authorized to approve the Funding Agreement in form and substance as annexed hereto.

2. Incorporation of LDC for Energy Improvement Corporation.

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

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

RESOLVED that the Town Board does hereby adopt and approve the following for the incorporation of LDC for the Energy Improvement Corporation:

1. By- Laws dated July 29, 2011.
2. Certificate of Incorporation dated July 7, 2011.
3. Board of Directors – Initial Board.

3. Set Work Session with BCT following tonight's Town Board meeting.

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

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

RESOLVED that the Town Board does hereby schedule a work session for Tuesday, August 2, 2011, with the Bedford Community Theater Group, to be held at the conclusion of this evening's regular meeting.

4. Set Work Sessions on 2012 Budget and Legislation.

The Town Board members that were present tentatively scheduled work sessions on the 2012 Budget and Legislation for Tuesday, August 23, 2011 at 7:30 pm and Thursday, September 22, 2011 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York, subject to confirmation of availability of the Mr. Chryssos and Mr. Gabrielson, the two (2) Town Board members not in attendance.

The Town Board adjourned to the work session with the Bedford Community Theater Group at 9:30 pm.

Lisbeth Fumagalli, Town Clerk