

Bedford Hills, New York
February 8, 2011

The first meeting for the month of February of the Town Board of the Town of Bedford was held on February 8, 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. This meeting was rescheduled from February 1, 2011 due to inclement weather.

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
Edward J. Ritter : Comptroller
Amy Pectol : Receiver of Taxes
Ray Teetsel : Dog Control Officer
William Hayes : Chief of Police

and approximately three (3) resident/observers.

APPROVAL OF CLAIMS

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 following claims for 2010 be allowed for payment from their respective funds,

	2010
General Fund	\$ 14,165.97
Highway Fund	1,015.21
Consolidated Water District	679.80
Cedar Downs Water District	28.50
Farms Water District	28.50
Old Post Road Water District	316.35
Drug Abuse	917.50
Special Districts:	
Bedford Village Memorial Park	139.84
Bedford Hills Memorial Park	162.09
Katonah Memorial Park	127.35
Capital Projects	<u>4,055.43</u>
	\$ 21,636.64

On a motion by Mr. Chryssos, 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 2011 be allowed for payment from their respective funds,

	2011
General Fund	\$ 39,095.52
Highway Fund	71,135.40
Consolidated Water District	6,011.50
Drug Abuse	44.00
Special Districts:	
Bedford Village Memorial Park	3,664.36
Bedford Hills Memorial Park	1,389.36
Katonah Memorial Park	2,089.60
Bedford Hills Lighting District	421.40
Katonah Lighting District	464.60
Bedford Paramedic District #1	72,609.00
Capital Projects	<u>548.50</u>
	\$ 197,473.20

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DISCUSSION

1. B2020 Bedford Environmental Action Day Recap.

Mrs. Roberts expressed her gratitude to Mary Beth Kass, Ellen Conrad and Olivia Farr for their efforts on this event that was attended by 700 people.

NEW BUSINESS

1. Adopt resolution on Property Tax Cap.

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

ADOPTED

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

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York's property taxes are among the highest in the nation because our State government chronically imposes unfunded mandates and provides little state aid; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs; bills from the State Retirement System to the Town of Bedford increased by \$291,429 or 35.32% for regular employees and \$69,595 or 8.2% for Police Retirement from 2010 to 2011 and are expected to increase approximately 40% in 2012; and

WHEREAS in the case of health care costs, such costs to the Town of Bedford increased \$430,423 or 15% from 2010 to 2011 and are expected to increase again substantially in 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS the State government imposes upon the Town of Bedford and other municipalities a wide range of unfunded or underfunded mandates and costs, which drastically increase the cost to property taxpayers, including the Department of Environmental Conservation requirements for septic system inspections, storm water management regulations; building inspections, to name a few; and

WHEREAS the State government also has recently imposed upon the Town of Bedford and other municipalities the MTA payroll tax at the rate of \$0.34 for every \$100 of payroll, which results in an additional \$42,000 each year borne by Bedford taxpayers; and

WHEREAS the State government apparently has embarked upon a program of transferring the responsibilities of the state government to county and municipal governments, including as a recent example, dog licensing; and

WHEREAS as a putative solution to New York's property tax crisis, the Governor of New York and the New York State Legislature is considering enactment of legislation imposing a cap on the annual growth in local property taxes; and

WHEREAS notwithstanding the continuous and unrelenting imposition of the State unfunded or underfunded mandates and costs, the Town of Bedford has managed modest property tax increases; and

WHEREAS the State of New York has a strong tradition of Home Rule and any proposed imposition of property tax caps violate the tradition of Home Rule; and

WHEREAS the State budget is woefully out of balance and the State first should look into putting its own fiscal house in order before considering any dictates and further controls of the Town of Bedford and other municipalities; and

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WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Bedford that the Governor of the State of New York and the Members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, State Majority and Minority Leaders, Senator Ball, Assemblyman Castelli, the New York State Conference of Mayors, the Association of Towns, Westchester Municipal Officials Association and the Spending and Government Efficiency Committee.

2. Approval of shelter for stray animals.

Mrs. Roberts explained the proposal submitted by Penny Berk of Northwind Kennel for sheltering stray animals picked up in the Town of Bedford. Ms. Berk and Town of Bedford Dog Control Officer Ray Teetsel were present.

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 approve and authorizes the Supervisor to sign the contract between the Town of Bedford and Northwind Kennel for the sheltering of stray dogs and cats picked up in the Town of Bedford at a cost of \$15.00 per day per animal, plus the cost of veterinary care if necessary for a one (1) year term, January 1, 2011 to December 31, 2011.

3. Approval for Ragnar Relay Race Series to use Bedford Hills train station lot from Midnight on 5/13 to 12:30 pm on 5/14.

This matter has been adjourned in order for the Board to research it further.

4. Bedford Fire Department requests:

- a) Approval for annual parade on Friday, 7/29 @ 7pm (rain date 7/30 @ 7pm)
- b) Approval for Memorial Day parade on Monday, 5/30 @ 11:30am
- c) Approval for Police and Highway Departments' services

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 grant permission for the Bedford Fire Department to hold the Memorial Day Parade on Monday, May 30, 2011 at 11:30 am and the annual Fireman's Parade on Friday, July 29, 2011 at 7:00 pm and does hereby approve services from the Police Department and Department of Public Works for both events.

5. Finance requests:

- a) Acceptance of revised purchase policy

On a motion by Mr. Corcoran, 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 accept and approve the implementation of the revised purchase policy dated January 27, 2011 as submitted by Edward J. Ritter, Town Comptroller.

- b) Approval of Bond Counsel 2011 Contract

This matter has been adjourned.

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c) Collection of Unpaid Water Accounts

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

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

WHEREAS, certain customer accounts of the various water districts in the Town of Bedford currently have unpaid water charges totaling \$95,893.82; and

WHEREAS, it is legally permissible to include unpaid water accounts and penalties in the annual tax levy; and

WHEREAS, a notice will be sent to each customer with an unpaid balance, that unless the balance due is paid in full by March 4, 2011, it shall be added to the tax bill due on April 30, 2011,

NOW, THEREFORE BE IT

RESOLVED, that the Receiver of Taxes is hereby authorized to include the remaining unpaid water charges in the 2011 tax levy.

6. Approval to use Complus Data Innovations in 2011 for Justice Court parking ticket management services.

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 contract with Complus Data Innovations, Inc. to provide parking ticket management services to the Town of Bedford, terms to be 10% of the in-state collections and 18% of the out of state collections for a three (3) year term, January 1, 2011 to December 31, 2013, as per the proposal dated November 8, 2010 from Jennifer Rentz, National Director of Business Operations, subject to the review and approval by the Town Attorney.

7. Approval of permanent appointment from provisional for Sophia Jimenez.

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 permanent appointment of Sophia Jimenez to Community Service Worker, effective February 1, 2011 from the Civil Service Certification of Eligibles List #68-189, at an annual salary of \$37,990, as per the memorandum dated January 28, 2011 from Joan Gallagher, Director of Personnel.

8. Reappoint Felix J. Cacciato to Planning Board

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 reappoint Felix J. Cacciato to the Town of Bedford Planning Board for a five (5) year term, said term to expire January 20, 2016; and

BE IT FURTHER RESOLVED that Mr. Cacciato is granted a ninety (90) day extension to accrue his 2010 training credits.

9. Set Public Hearing:

a) Neglect of Historic Property Ordinance

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

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

February 8, 2011 – Regular meeting - continued

Nays: None

Absent: None

RESOLVED that the Town Board does hereby set a public hearing on a proposed Neglect of Historic Property Ordinance, for Tuesday, March 1, 2011 at 7:30pm at the Town House, 321 Bedford Road, Bedford Hills.

b) Amendment to Landlord Registry Ordinance

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 set a public hearing on a proposed amendment to the Landlord Registry Ordinance, for Tuesday, March 1, 2011 at 7:45pm at the Town House, 321 Bedford Road, Bedford Hills.

10. Authorize Supervisor to sign contract to update Greenhouse Gas Inventory at no cost.

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 authorize the Supervisor to sign the contract with Ecology and Environment, Inc., to update the Greenhouse Gas Inventory for the Town of Bedford as part of the Northern Westchester Energy Action Consortium (NWEAC), to be funded by a grant awarded to NWEAC by the New York State Energy Research Development Authority (NYSERDA).

11. Request from Community Center to waive Building Department penalty fee of \$250.

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 waiver of a \$250 penalty fee issued by the Building Department, to the Community Center of Northern Westchester, as per the request dated February 7, 2011 from Sherry Wolf, Executive Director.

12. Executive Session – Personnel.

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 shall discuss matters of personnel, litigation and a license agreement in an executive session to be held at the conclusion of the regular meeting.

13. Set Public Information Session: Septic Pumping and Inspection Ordinance.

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 set a public information session on the Septic Pumping and Inspection Ordinance for Tuesday, March 1, 2011 at 8:00 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

14. Set Work Session for Dark Skies – 7:30 pm prior to February 15 Town Board Meeting.

February 8, 2011 – 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 set a work session on the proposed Dark Skies legislation for Tuesday, February 15, 2011 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills.

15. Set Work Sessions – Legislation.

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 set a work session on proposed legislation for Housing and Energy Star, for Tuesday, February 22, 2011 at 7:30pm to be held at the Town House, 321 Bedford Road, Bedford Hills.

There being no further discussion the Town Board adjourned to executive session at 9:15 pm.

Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session

At approximately 9:15 pm the Town Board went into Executive Session. All members of the Town Board were present. Joel Sachs was appointed Deputy Town Clerk for the purpose of the meeting.

Mr. Sachs discussed a possible lawsuit by Old Post Holdings LLC against the Town involving the Highway Garage site on Crusher Road. A Notice of Intent to sue had been transmitted to the United States Environmental Protection Agency, the New York State Department of Environmental Conservation and the Town of Bedford. Mr. Sachs explained the basis for a possible lawsuit by the entity which owns land adjacent to the Crusher Road Highway garage site.

There was then a discussion by members of the Board about a new license agreement between the Town and Westwood Organic in regard to the composting facility at Beaver Dam Park.

There was a discussion about a personnel issue in of the Town departments.

No votes were taken at the Executive Session and no decisions were made.

The Executive Session ended at approximately 10:00 pm.

Joel H. Sachs, Acting Deputy Town Clerk