

Bedford Hills, New York  
March 1, 2011

The first meeting for the month of March of the Town Board of the Town of Bedford was held on March 1, 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  
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  
Jeffrey Osterman : Director of Planning  
Amy Pectol : Receiver of Taxes  
Joan Gallagher : Director of Personnel  
James Genovese : Building Inspector  
William Hayes : Chief of Police  
Kevin Winn : Commissioner of Public Works

and approximately twenty-four (24) residents/observers.

**PUBLIC INFORMATION SESSION – Septic Pumping and Inspection Ordinance with Legislator Peter Harckham**

Mr. Osterman opened the discussion and reviewed the memorandum he had submitted to the Town Board with a draft of the proposed local law. He introduced Westchester County Legislator Peter Harckham, who explained the County ordinance that will go into effect on May 1, 2011 that would require septic haulers to turn in a report to the County after a septic system had been pumped out. He advised that the County would then enter this into a database that the Town of Bedford would have access to. He noted that if a system was malfunctioning, then the County would be responsible for enforcement of the regulations and that a requirement of the ordinance is that a septic system is to be pumped out/inspected every five (5) years.

Mrs. Roberts thanks Mr. Harckham, noting that educating the residents will be an important part of this process.

Mr. Osterman asked how this would be implemented and when. He advised that a public hearing would be needed for Bedford's local law on this matter.

Two (2) options were discussed for the Town:

1. Allow the ordinance to go for five (5) years and monitor results.
2. Take 20% (1/5<sup>th</sup>) of the Town per year to monitor, sending out two (2) letters, the first advising the entire Town of the enactment of the legislation, then the second to the targeted 20% for that year.

A resident asked if they would be given a copy of the report that the hauler submits to Westchester County and was informed that they would be given a copy of the report. He then asked if information would be available on line and the response was that the information would be available to the Town of Bedford.

Another resident asked if the haulers received any training and the answer was that training is received during the licensing process. It was noted that the haulers feel that they are being put in the position of being the "septic police" with this ordinance. Carol Kiley of Vogler Brothers Septic Service commented that mortgage companies require that a septic system be inspected.

It was pointed out that the Westchester County sewer dump has laid off staff and reduced the hours of operation, which could prove to be problematic with the new legislation going into effect.

**APPROVAL OF CLAIMS**

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

	<b>2010</b>
Paid Prior to Audit	\$ 176,351.85
General Fund	2,625.08
Highway Fund	3,791.15
Consolidated Water District	2,637.57
Cedar Downs Water District	2750
Farms Water District	51.61
Old Post Road Water District	81.73
Special Districts:	
Bedford Village Memorial Park	735.45
Bedford Hills Memorial Park	251.34
Katonah Memorial Park	151.65
Bedford Hills Lighting District	174.00
Capital Projects	<u>129,882.83</u>
	\$ 316,761.76

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 2011 be allowed for payment from their respective funds,

	<b>2011</b>
Paid Prior to Audit	\$ 235,157.41
General Fund	42,924.47
Highway Fund	236,124.70
Consolidated Water District	4,667.48
Cedar Downs Water District	46.72
Farms Water District	301.72
Old Post Road Water District	20.00
Energy	1,155.58
Special Districts:	
Bedford Village Memorial Park	717.37
Bedford Hills Memorial Park	717.38
Katonah Memorial Park	717.48
Bedford Lighting District	225.25
Bedford Hills Lighting District	174.00
Katonah Lighting District	601.10
Capital Projects	<u>235,101.52</u>
	\$ 758,652.18

**OLD BUSINESS –**

1. Refer Dark Skies Ordinance amendment to the Planning Board.

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

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

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RESOLVED that the Town Board does hereby refer the amendment of the proposed Dark Skies Ordinance to the Town of Bedford Planning Board and the Westchester County Department of Planning for their review and their report back to the Town Board.

**DEPARTMENTS –**

1. Police Traffic Safety Initiative – Informational Memo.

Chief Hayes reviewed with the Town Board a memorandum he had submitted detailing activities the Police Department would be undertaking for improving traffic safety in the Town of Bedford.

2. Approval of Westwood Organic licensing agreement.

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 approve the licensing agreement with Westwood Organic Recycling, LLC, 1160 Mamaroneck Avenue, White Plains, New York 10601 for a six (6) year term, said term to expire July 1, 2017.

3. Authorize Supervisor to sign NYMIR agreement for 2011.

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

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the agreement with the New York Municipal Insurance Reciprocal (NYMIR) for calendar year 2011 to provide liability insurance to the Town of Bedford, as per the memorandum dated February 24, 2011 from Edward Ritter, Comptroller.

**PERSONNEL –**

1. Andrew Chintz request to be reappointed to the Katonah Historic District Advisory Commission.

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

RESOLVED that the Town Board does hereby reappoint Andrew Chintz to the Katonah Historic District Advisory Commission for a five (5) year term, said term to expire January 20, 2016.

2. Consider appointing commission to study term limits.

The Board weighed the pros and cons of term limits and two (2) Board members, Mr. Corcoran and Mr. Gabrielson volunteered to out if other communities have term limits for members of the various boards/commissions, and will report back to the entire Board.

**NEW BUSINESS –**

1. Authorize Supervisor to sign the Tri Town Agreement to fund the Drug Abuse Prevention Council.

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

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

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

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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, 2011 to December 31, 2011, 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.

2. Set Public Hearing for Septic Pumping and Inspection 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 the proposed Septic Pumping and Inspection Ordinance for Tuesday, April 5, 2011 at 7:30 pm to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

3. Set 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 in an executive session to be conducted at the conclusion of the regular meeting.

There being no further discussion, the meeting was adjourned to executive session at 9:00 pm.

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Lisbeth Fumagalli, Town Clerk

On March 1, 2011, at approximately 9:30 p.m. the members of the Town Board voted to go into Executive Session. Attending the Executive Session were Supervisor Roberts, Councilpersons Burdick, Chryssos, Gabrielson and Corcoran.

Also attending was Ed Ritter, Town Comptroller and Joan Gallagher, Director of Personnel as well as Joel Sachs, Town Attorney.

At the outset of the Executive Session, Mr. Sachs was appointed Deputy Town Clerk for purposes of the Executive Session.

Ed Ritter gave a brief report about an audit that had been conducted by the New York State Comptroller's Office in regard to certain aspects of the Town's operations and then was excused from the session.

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Thereafter, there was a personnel discussion concerning an employee of the Building Department.

The Executive Session ended at 10:00 p.m.

The Town Board then returned to a public session in the meeting room. At the public session, Supervisor Roberts, Councilpersons Burdick, Chryssos and Corcoran were present, Councilperson Gabrielson having left the building.

At the public session, Councilman Burdick moved that the probationary appointment of James Genovese as Town of Bedford Building Inspector be terminated as of March 11, 2011. The motion was seconded by Councilman Corcoran. All members of the Town Board present voted in favor of the resolution, a copy of which is attached.

There being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Joel H. Sachs, Deputy Town Clerk