

Bedford Hills, New York  
May 3, 2011

The first meeting for the month of May of the Town Board of the Town of Bedford was held on May 3, 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  
David Gabrielson : Councilman

Nina Kellogg : Deputy Town Clerk  
Eric Gordon : Town Attorney  
Joan Gallagher : Director of Personnel  
Edward J. Ritter : Comptroller  
Jeffrey Osterman : Director of Planning  
Amy Pectol : Receiver of Taxes  
William Hayes : Chief of Police  
Kevin Winn : Commissioner of Public Works

**Absent:** Peter Chryssos : Councilman  
Lisbeth Fumagalli : Town Clerk

and approximately ten (10) residents/observers.

#### **APPROVAL OF CLAIMS**

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

	<b>2011</b>
General Fund	\$ 66,006.63
Highway Fund	21,736.04
Consolidated Water District	551.11
Drug Abuse	910.00
Energy	4,125.00
Special Districts:	
Bedford Village Memorial Park	4,143.19
Bedford Hills Memorial Park	4,163.58
Katonah Memorial Park	4,615.10
Bedford Hills Lighting District	355.00
Capital Projects	<u>149,287.76</u>
	\$ 255,893.41

#### **DEPARTMENTS**

1. Request to approve Structural Steel Inspection Firm.

Mr. Winn reviewed the memorandum submitted by Paul Volpicelli of Hahn Engineering, the Town's Consulting Engineer. He noted that this was part of the project for the new water main for the Bedford Consolidated Water District. He added that since lane closures were involved on Interstate 684 that they would be working with the New York State Department of Transportation and move across the traffic pattern during the work that was anticipated to take 4-6 weeks to complete.

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 approve the contract with Test Con, 16 Franklin Street, Danbury, Connecticut for the independent testing and inspection of structural steel and casing pip for the Bedford 12 inch water transmission main project, at a cost not to exceed \$6,000.00, as per the memorandum dated April 15, 2011 and revised April 27, 2011 from Paul Volpicelli, Senior project Inspector, Hahn Engineering, Town Consulting Engineers.

2. Request to award Highway Material Bid.

Mr. Winn advised that this item was to award the bid for highway materials, services and equipment rental as per his memorandum dated April 28, 2011. He noted that items 2 – 9c (stone) allowed for the next lowest bidder to deliver the materials if the lowest bidder cannot deliver the material within one working day. He requested that the precast concrete structures be rebid as only one bid was received and the pricing was higher than expected. He pointed out that items 15-17 for traffic markings and line striping should be awarded to both bidders with the understanding that the Department of Public Works would award work to the lowest cost vendor based upon the scope of the work to be performed.

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 award the bids for selected equipment rental, services and highway materials to be used during the period May 1, 2011 to April 30, 2012 as per the memorandum dated April 28, 2011 from Kevin Winn, Commissioner of Public Works.

3. Request establishment of Standard Hours for part-time and seasonal titles.

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 approve the establishment of Standard Daily Hours for the following part-time and seasonal titles in the Town of Bedford, as per the memorandum dated April 28, 2011 from Joan Gallagher, Director of Personnel:

<u>Title</u>	<u>Standard Hours</u>
Assistant Building Inspector	7
Building Inspector	7
Intermediate Clerk	7
Intermediate Account Clerk	7
Laborer	8
Lifeguard	8
Lifeguard Captain	8
Parks Groundskeeper	8
Parking Enforcement Officer	7
Police Dispatcher	7
Program Coordinate Drug Abuse Prevention Council	7
Recreation Attendant*	6
Recreation Assistant*	6
Senior Clerk	7
School Crossing Guard	6

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\* These titles are civil service titles that are used for individuals who assist with the various programs/activities in a recreation department, for example, camp counselor.

## **CORRESPONDENCE**

1. Katonah Fire Department 2011 Games of Chance application.

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

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

WHEREAS, the Katonah Fire Department, located at 65 Bedford Road, Katonah, New York has made application for a Games of Chance License as authorized by Section 186 of Article 9A of the General Municipal Law, and

WHEREAS, said organization has been licensed in the past to conduct Games of Chance, and no violations of the rules and regulations were brought to the attention of the Board, and

WHEREAS, the applicant is an appropriate licensee, has paid the proper licensing fee and upon investigation of local records by the Police Department is found to be in compliance, NOW, THEREFORE, BE IT RESOLVED

THAT a license to conduct Games of Chance License No. 2810-11 by the Katonah Fire Department, 65 Bedford Road, Katonah, New York on the occasion of their annual carnival, June 8<sup>th</sup> to 11<sup>th</sup>, 2011 is hereby granted.

2. Katonah Chamber of Commerce request to change parking from one to two hours in part of downtown Katonah.

Appearing before the Board on behalf of the Katonah Chamber of Commerce Co-President Jennifer Cook, who read her letter dated April 14, 2011:

“Dear Supervisor Roberts and Members of the Town Board,

The Katonah Chamber request that the parking in some parts of downtown Katonah be changed from 1 hour to 2 hour. We have attached maps indicating the current parking rules (top map) and our suggested changes (second map). We have spoken about this with Jeff Osterman and William Hayes.

We strongly believe that this change will create an environment more conducive to doing business in town. The Chamber is always encouraging people to come to Katonah – shop, eat and stroll the Avenue. What we don’t tell them is they’ll have to move their car 2 or 3 times during the afternoon to avoid a ticket. One hour parking makes it impossible to eat a leisurely lunch or get a hair or spa treatment. Even shoppers who merely want to visit all the stores are forced to move their cars at least once.

We believe that the Katonah Experience needs to be as hassle-free as possible – to make a trip to Katonah a viable alternative to shopping at Kohls, Target and the Malls. Changing the parking to 2 hours, in designated areas, moves us in the right direction.

Thank you for your consideration.

Sincerely,  
Jennifer Cook  
Co-President, Katonah Chamber of Commerce  
Michael Schechter  
Co-President, Katonah Chamber of Commerce”

Ms. Cook reviewed the maps that had been submitted with her letter, noting that all members of the Chamber had been sent an email requesting feedback on this proposal. She noted that most of the membership was in favor of the change from 1 hour to 2 hour parking.

A discussion followed and members of the Chamber that were present expressed their support for the longer parking time that would allow people to browse, have lunch or run errands. Mrs. Roberts suggested that the Town Board hold a public hearing to get input from the public and the businesses in downtown Katonah. The Board expressed concerns about parking enforcement and

the revenue it generates, while pointing out that they wanted to support the local business community. The Board reviewed the possibility of enacting the longer parking for a trial period to gather information and see how it works. Mr. Gordon advised that the Town Board would have to enact a local law to amend the Code of the Town of Bedford and that a public hearing would be necessary.

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 certain amendments to Chapter 117 of the Code of the Town of Bedford, extending the parking time in certain areas of downtown Katonah from one (1) hour to two (2) hour for Tuesday, June 7, 2011 at 7:00 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

3. Tri-State Trek request to travel through the Town of Bedford July 24<sup>th</sup>.

Mrs. Roberts announced that this matter was on the agenda for informational purposes only and that this race would be traveling through the Town of Bedford on July 24, 2011 to benefit the ALS (Amyotrophic Lateral Sclerosis) Therapy Development Institute, a nonprofit biotechnology company based in Cambridge, Massachusetts. She pointed out that a Certificate of Insurance had been submitted with the letter dated March 15, 2011.

4. Request to close part of Lakeside Road for an annual block party June 4<sup>th</sup>.

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 grant approval for the closure of Lakeside Road for a block party to be held on June 4, 2011, at no cost to the Town of Bedford or the residents of Lakeside Road, with the Department of Public Works to provide barricades for the event.

**PERSONNEL**

1. Town Boards and Committees: Simon Skolnik request to appoint Ann McDuffie as Associate Member and Daniel Farkas to full membership on the Conservation 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 Daniel Farkas to full membership on the Conservation Board, for a term that shall expire January 20, 2013 and does hereby appoint Ann McDuffie as an Associate Member, as per the letter dated May 3, 2011 from Simon Skolnik, Chairman, Town of Bedford Conservation Board.

**OLD BUSINESS**

1. Authorize Supervisor to sign 2<sup>nd</sup> Amendment to Bedford Lake Sewage Treatment Plant Management Agreement.

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

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

WHEREAS, in May, 1990, a Management Agreement was entered into among the Town of Bedford, the Bedford Lake Development Corporation, the Bedford Lake Sewage Works Corporation and Norman Hoberman and John Gallagher as Guarantors in regard to the

management of a certain sewage treatment plant constructed in order to serve the residences to be constructed at Bedford Lakes; and

WHEREAS, on or about February 20, 1997, said Management Agreement in regard to said sewage treatment plant was amended and agreed to by the Town of Bedford, Ginsburg Development, LLC, Bedford Lake Condominium, Garden Homes Bedford Lake Limited Partnership, Norman Hoberman and John Gallagher as guarantors; and

WHEREAS, said Amended Management Agreement expired in May, 2010; and

WHEREAS, the Town of Bedford had explored with Westchester County the possibility of transferring ownership of the sewage treatment plant and the land upon which the plant was erected to Lakeside at Bedford Condominium and Garden Homes Bedford Lake Limited Partnership; and

WHEREAS, Westchester County has advised the Town that since it had received grant monies for the construction of the plant, that the County will not permit ownership of the plant to be turned over to a private entity; and

WHEREAS, based upon the above, the parties believe that it would be in their mutual interest to enter into a further amendment to the Management Agreement, a copy of which is annexed hereto; and

WHEREAS, it is the opinion of the Town Board that it is in the best interest of the Town to enter into a further amendment to the Management Agreement, therefore be it

RESOLVED, that the Town Board of the Town of Bedford hereby agrees to enter into a Second Amendment to the Management Agreement for the Bedford Lake Sewage Treatment Plant, with the parties to such amended Management Agreement being Lakeside at Bedford Condominium, Garden Homes Bedford Lake Limited Partnership and the Town of Bedford, and it is further

RESOLVED, that the Town Supervisor is authorized to sign such second amendment to the Management Agreement and take such further actions as may be appropriate in order to effectuate said amendment.

2. Authorize Supervisor to sign Agreement with Bedford Central School District for Radio Antenna Site.

Chief Hayes explained that there was an existing Intermunicipal Agreement (IMA) for the Town of Bedford to occupy space with Westchester County and that this agreement was with the Bedford Central School District to allow the Town of Bedford to operate on their property. He added that there would be another IMA forthcoming for the purchase of the radio equipment.

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

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

WHEREAS, the Town of Bedford (hereinafter referred to as the "TOWN") desires to utilize designated space located at a site owned by Board of Education, Bedford Central School District, (hereinafter referred to as the "School District") for the installation and maintenance of an antenna and for the installation of appurtenant equipment in connection with such use; and

WHEREAS, the Town has determined that it is in the interests of the Town to enter into a Radio Antenna Site License Agreement (the "Agreement") with respect to the utilization of the site owned by the School District; and

WHEREAS, a License Agreement has been prepared and reviewed by representatives of the Town and the School District; therefore it is

RESOLVED, that the entering into of the License Agreement and installation of a radio antenna constitutes an “unlisted action” under the State Environmental Quality Review Act (“SEQRA”) and will not have any significant adverse effect upon the environment; and it is further

RESOLVED, accordingly the Town Board of the Town of Bedford hereby issues a “negative declaration” pursuant to the requirements of SEQRA in regard to entering into the License Agreement and installation of the radio antenna; and it is further

RESOLVED, that the Town Board hereby approves the entering into of a License Agreement between the Town and the School District for the purpose of installing a radio antenna on the terms and conditions set forth in the attached License Agreement, and it is further

RESOLVED, that the Supervisor on behalf of the Town of Bedford is authorized to sign such License Agreement with the School District.

#### **NEW BUSINESS**

1. Authorize Chief of Police to sign TraCS agreement with New York State and Westchester County.

Chief Hayes explained that the Bedford Police Department had been awarded a grant under New York State’s Traffic and Criminal Software program that would allow the Bedford Police as a participating agency to electronically submit ticket and accident data to the Department of Motor Vehicles and local court. He added that the grant would provide funding for mobile data terminals that will support this software. He noted that the Department would be receiving approximately \$11,000.00 in computer hardware and might receive more before the end of the year if they are successful during the pilot period.

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 authorize the Supervisor and Chief of Police to sign the New York State Traffic and Criminal Software (TraCS) program Use and Dissemination agreement and attachments, with the New York State Police and Westchester County Department of Public Safety, as per the memorandum dated April 26, 2011 from William Hayes, Chief of Police.

2. Executive Session – Land Acquisition.

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 discuss land acquisition and personnel in an executive session to be conducted at the conclusion of the regular meeting.

There being no further discussion the Town Board adjourned to executive session at 9:00 P.M.

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Nina Kellogg, Deputy Town Clerk