

Bedford Hills, New York
November 1, 2011

The first meeting for the month of November of the Town Board of the Town of Bedford was held on November 1, 2011 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:40 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Francis Corcoran : Councilman
Chris Burdick : Councilman
David Gabrielson : Councilman* (arrived 8:45 pm)

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Town Planner
Kevin Winn : Commissioner of Public Works
Thomas Polzella : Sole Assessor
Steve Fraietta : Building Inspector
Amy Pectol : Receiver of Taxes
William Hayes : Chief of Police
Edward Ritter : Comptroller
Joan Gallagher : Director of Personnel

and approximately twelve (12) residents/observers.

Commissioner of Public Works Kevin Winn presented an update on the clean up from the October 29 snow storm. He noted that his department had worked Saturday night and Sunday on the Town roads clearing as many as possible, but that many wires were still down. He added that many residents were still without electricity. Mr. Winn commented that it is unclear at this time if the Town of Bedford will be reimbursed by the state or federal government for expenses related to the storm clean up.

APPROVAL OF CLAIMS

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

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

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

	2011
General Fund	\$ 49,086.34
Highway Fund	37,182.33
Consolidated Water District	12,645.17
Cedar Downs Water District	476.00
Farms Water District	562.50
Energy	65,781.63
Special Districts:	
Bedford Village Memorial Park	1,503.51
Bedford Hills Memorial Park	1,299.69
Katonah Memorial Park	1,372.77
Bedford Lighting District	642.00
Capital Projects	<u>1,790,060.83</u>
	\$ 1,960,612.77

DEPARTMENTS

1. Approval of the NYS 2013-2014 Municipal Snow & Ice Agreements.

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 Town Board does hereby authorize the Supervisor to sign the New York State 2013-2014 Municipal Snow and Ice Agreement Extensions, commencing July 1, 2013 and expiring June 30, 2014, thus extending agreement no. D014717 dated December 17, 2003, in the amount of \$2,505.19 per lane mile for 13.98 miles for a total of \$35,022.61 for the 2011/12 season and for the remainder of the term of the agreement commencing July 1, 2011.

2. Request to extend Snow Removal Services Contracts.

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 extend the agreement for snow removal services for the period from December 2011 to November 2012 to the following vendors, and Alfredo Site Development with two (2) loaders at \$130/hour and three (3) triaxles, at \$90/hour, with the work to be awarded to the contractors with the most beneficial rates first, subject to the receipt of the necessary insurance documentation, as per the memorandum dated October 27, 2011 from Kevin Winn, Commissioner of Public Works.

Year 2011 to 2012	J&B Paving		Amaxx		Valvano		Mayfield		Fancher		Westwood		Halpin	
	Rate/hr	#	Rate/hr	#	Rate/hr	#	Rate/hr	#	Rate/hr	#	Rate/hr	#	Rate/hr	#
Pickup Truck ¾ ton min. with 8' plow min.	92	2	75	2	95	3	90	3						
Dump Truck 1 ton min 2cy dump with 9' plow min.	95	4	85	1	105	4								
Dump Truck 6cy dump with 11' min plow	95	1												
Front End Loader 4-5 cy capacity bucket									130	1	200 (7yd)	1		
Front End Loader 3-4 cy capacity bucket														
Triaxle dump truck 16 cy min capacity for hauling snow	90	4	110	3					110	1			90	1
10 Wheel dump truck 14 cy min capacity for hauling snow	90	1												
Skid Steer Loader	90	1	70	1	105	1								
Backhoe Loader	90	1	85	1	115	2								

3. Request to Transfer Funds from Highway Fund Balance.

On a motion by Mr. Chryssos, 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 approve the following transfer of funds, as per the memorandum dated October 27, 2011 from Kevin Winn, Commissioner of Public Works.

Transfer:

From:	To:	Amount
Highway Fund 010.5110	Overtime 010.5110.0101	\$50,000.00
Highway Fund 010.5110	Drainage Supplies 010.5110.0425	\$10,000.00

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Highway Fund 010.5110	Services 010.5110.0428	\$100,000.00
Highway Fund 010.5110	Stone and Gravel 010.5110.0429	\$40,000.00

CORRESPONDENCE

1. Bedford Hills Neighborhood Association request for support of their 5K Run for the Hills on Saturday, April 14, 2012.

On a motion by Mr. Corcoran, 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 approval for and support the request from the Bedford Hills Neighborhood Association (BHNA) for their 5K “Run for the Hills” scheduled for Saturday, April 14, 2012, in conjunction with the Town of Bedford Recreation and Parks Department, with any expenses related to assistance from the Police and Department of Public Works to be covered by the BHNA, as per the letter dated October 24, 2011 from Janet Jacobsen.

On a motion by Mr. Corcoran, 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 approval for the Bedford Hills Neighborhood Association (BHNA) to hold the annual tree lighting in Bedford Hills on Saturday, December 3, 2011.

2. Consider Agreement to allow Westchester EMS to purchase gasoline from Bedford’s municipal tanks for fly-car paramedic services.

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 Town Board does hereby authorize the Supervisor to sign the agreement between Starnet Emergency Services d/b/a Westchester EMS, with a location at 45 Kensico Drive, Mount Kisco, New York and the Town of Bedford for the purchase of gasoline for the paramedic fly-cars from the Town of Bedford municipal tanks utilizing the cost to Bedford of obtaining the gasoline pursuant to the New York State bidding process plus a 15 cents per gallon charge for the Town’s administrative costs.

PERSONNEL

1. Retirement Notification – Tom Polzella.

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

WHEREAS, by Resolution 92/451 dated December 15, 1992, Thomas Polzella was appointed to the position of Town Assessor in the Town of Bedford, effective January 11, 1993; and

WHEREAS, Mr. Polzella has served the Town of Bedford in this position for three (3) consecutive six (6) year terms under three (3) Town Supervisors, during this time maintaining a fair and equitable assessment of 6300 parcels; and

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WHEREAS, by memorandum dated October 25, 2011, Mr. Polzella informed the Town Board of his intent to retire effective December 31, 2011;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby accept the retirement of Thomas Polzella, IAO, effective December 31, 2011, with thanks for his dedicated service to the Town of Bedford.

NEW BUSINESS

1. Proclamation for Barry Fenstermacher, Headmaster, to commemorate his 25 years of service to the Harvey School.

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 issue the following proclamation:

WHEREAS Barry W. Fenstermacher is celebrating his 25th year as Headmaster at the Harvey School, having begun his tenure in July 1986, and

WHEREAS during his tenure Mr. Fenstermacher has seen enrollment increase and the campus expand, with the addition of the middle school, an arts center and a new athletic center, and

WHEREAS he has made campus facilities available to groups in the local community, including the athletic fields, skating rink and gym and the staging ground for the fireworks display for Katonah's Centennial celebration, and

WHEREAS Mr. Fenstermacher has held numerous extracurricular positions as well as volunteering for 11 years at the Bedford Hills Correctional Facility, and

WHEREAS Mr. Fenstermacher has contributed a great deal of his talent and time in many capacities to the New York State Association of Independent Schools, and

WHEREAS Mr. Fenstermacher and his wife, Rowena, a teacher of classics at the Hackley School, reside in Katonah, and

THEREFORE the Town Board of the Town of Bedford wishes to congratulate Barry W. Fenstermacher on attaining his 25 years as Headmaster at the Harvey School and thank him for all his contributions to the education of our youth and his service to his community and the Town of Bedford; and

NOW, THEREFORE BE IT RESOLVED

THAT Friday, November 18, 2011, is proclaimed Barry W. Fenstermacher Day in all the land.

2. Consider extending the 2% penalty period on 1st half of school tax to November 15, 2011.

On a motion by Mr. Corcoran, 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 extension of the 2% penalty period for the first half school taxes, to November 15, 2011, due to the recent October snow storm and the Governor of the State of New York Andrew Cuomo declaring a state of emergency, as per the memorandum dated November 1, 2011 from Amy Pectol, Receiver of Taxes.

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3. Set Legislative Work Sessions.

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 set a legislative work session for Thursday, November 17, 2011 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

4. Executive Session – Litigation/real property issues.

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 shall conduct an executive session concerning pending litigation relative to real property issues at the conclusion of the regular meeting.

PUBLIC COMMENT

A Town resident expressed concerns about the safety and welfare of Town of Bedford residents relative to the damage from the recent October snowstorm including that major roadways were not getting reopened in a timely manner. She commented that with the traffic lights out along Route 35 and at the intersection of Route 35 with Route 22, that there should be flagmen posted there to direct traffic.

There being no further discussion the Town Board adjourned to executive session at 9:38 PM.

Lisbeth Fumagalli, Town Clerk

Minutes - Town Board of the Town of Bedford - Executive Session
November 1, 2011

The Town Board met in Executive Session on November 1, 2011 at approximately 9:50 p.m. in order to discuss litigation and possible purchase of property. Attending the Executive Session were Supervisor Roberts, Town Board Members Chryssos, Corcoran, Burdick and Gabrielson. Also attending was Town Attorney Sachs and Town Assessor Tom Polzella.

At the outset of the meeting, Joel Sachs was designated as Acting Deputy Town Clerk for the purpose of taking minutes of the Executive Session.

Tom Polzella discussed with the Town Board the proposed settlement of tax certiorari proceedings brought by New York State Electric and Gas Company against the Town. The terms of the settlement were set forth in an October 12, 2011 letter from Judson Siebert, Esq. of the law firm of Keane & Beane, P.C. Thereafter, Assessor Polzella discussed the possible settlement of tax certiorari proceedings brought by 333 Adams Street Realty against the Town. The terms of the settlement were set forth in a letter from Judson Siebert, Esq. of Keane & Beane, P.C. dated October 7, 2011. A motion was made by Deputy Supervisor Chryssos and seconded by Town Board Member Corcoran to accept the certiorari settlements as recommended by both Assessor Polzella and Judson Siebert of Keane & Beane, P.C. All Board Members voted to approve the settlements.

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

November 1, 2011 – Regular meeting - continued

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

RESOLVED, that the Town Board does hereby approve the settlement with New York State Electric and Gas on four (4) tax parcels as per the letter dated October 12, 2011 from attorney Judson K. Siebert as follows:

Town of Bedford Parcel ID: 60.14-3-11

Assessment Year	Original Assessed Value	Settlement Assessed Value	Reduction in Assessed Value
2004	\$134,892	\$134,892	\$0
2005	\$134,892	\$134,892	\$0
2006	\$134,892	\$134,892	\$0
2007	\$134,892	\$134,892	\$0
2008	\$134,892	\$134,892	\$0
2009	\$134,892	\$134,892	\$0
2010	\$134,892	\$127,517	\$7,375
2011	\$134,892	\$127,517	\$7,375

Town of Bedford Parcel ID: 73.19-1-30

Assessment Year	Original Assessed Value	Settlement Assessed Value	Reduction in Assessed Value
2004	\$105,800	\$105,800	\$0
2005	\$105,800	\$105,800	\$0
2006	\$105,800	\$105,800	\$0
2007	\$105,800	\$105,800	\$0
2008	\$105,800	\$105,800	\$0
2009	\$105,800	\$105,800	\$0
2010	\$105,800	\$105,700	\$100
2011	\$105,800	\$105,700	\$100

Town of Bedford Parcel ID: 222.-006

Assessment Year	Original Assessed Value	Settlement Assessed Value	Reduction in Assessed Value
2004	\$336,832	\$336,832	\$0
2005	\$336,832	\$336,832	\$0
2006	\$336,832	\$336,832	\$0
2007	\$336,832	\$336,832	\$0
2008	\$336,832	\$336,832	\$0
2009	\$336,832	\$336,832	\$0
2010	\$336,832	\$268,493	\$68,339
2011	\$336,832	\$268,493	\$68,339

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<u>Town of Bedford Parcel ID: 222.-007</u>			
<u>Assessment Year</u>	<u>Original Assessed Value</u>	<u>Settlement Assessed Value</u>	<u>Reduction in Assessed Value</u>
2004	\$756,084	\$756,084	\$0
2005	\$756,084	\$756,084	\$0
2006	\$756,084	\$756,084	\$0
2007	\$756,084	\$756,084	\$0
2008	\$756,084	\$756,084	\$0
2009	\$756,084	\$756,084	\$0
2010	\$756,084	\$602,682	\$153,402
2011	\$756,084	\$602,682	\$153,402

AND IT IS FURTHER,

RESOLVED that the Town Board does hereby approve the settlement of the Town of Bedford with 333 Adams Street as per the letter dated October 17, 2011 from attorney Judson K. Siebert as follows:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>	<u>Percentage Reduction</u>
2004	\$230,000	\$206,000	\$24,000	10.4%
2005	\$230,000	\$194,000	\$36,000	15.7%
2006	\$230,000	\$181,000	\$49,000	21.3%
2007	\$230,000	\$182,000	\$48,000	20.9%
2008	\$230,000	\$192,000	\$38,000	16.5%
2009	\$230,000	\$186,000	\$44,000	19.1%
2010	\$230,000	\$210,000	\$20,000	8.7%

Thereafter, Town Planner Jeff Osterman and Town Controller Edward Ritter entered the session. There followed a discussion as to the possible purchase of the historic Bedford Hills Train Station by the Town. Supervisor Roberts stated that the MTA indicated that it would sell the train station building property to the Town for \$665,000. If the Town chose not to purchase the building, the MTA would sell the property to the highest bidder pursuant to a procedure to be formulated by the MTA. The Town Board discussed this matter with Messrs. Osterman, Ritter and Sachs and indicated that they would investigate the matter further and report back to the Town Board.

The Executive Session of the Town Board was adjourned at 10:20 p.m.
Bedford Hills, New York
November 2, 2011

Respectfully submitted,

Joel H. Sachs
Acting Deputy Town Clerk