

Bedford Hills, New York
May 15, 2012

The second meeting for the month of May of the Town Board of the Town of Bedford was held on May 15, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:15 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
William Heidepriem : Supt. Recreation and Parks
Kevin Winn : Commissioner of Public Works
Amy Pectol : Receiver of Taxes
William Hayes : Chief of Police
Edward Ritter : Town Comptroller

And ten (10) residents/observers.

PRESENTATION – Stormwater Management MS4 Annual Report – Jeff Osterman and Kevin Winn.

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 acknowledge the receipt of the MS4 Annual Report for Stormwater Management in the Town of Bedford dated March 9, 2012 as prepared by Town Planner Jeffrey Osterman, to include any additional comments from the public that may be submitted.

REPORT on KVIS Forum – Don Scott.

Don Scott, a resident that serves on several Town of Bedford boards, presented a report on the forum that had been held by the Katonah Village Improvement Society on May 5, 2012.

APPROVAL OF CLAIMS

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 following claims for 2012 be allowed for payment from their respective funds,

	2012
Paid Prior to Audit	\$ 3,413,110.51
General Fund	79,140.83
Highway Fund	101,134.78
Consolidated Water District	1,251.05
Cedar Downs Water District	35.00
Farms Water District	35.00
Old Post Road Water District	70.00
Drug Abuse	1,654.33
Energy	24.06
Special Districts:	
Bedford Village Memorial Park	4,357.43
Bedford Hills Memorial Park	3,357.23
Katonah Memorial Park	2,928.38
Capital Projects	<u>124,202.77</u>
	\$ 3,731,301.37

MONTHLY REPORTS

Mrs. Roberts advised that monthly departmental reports were available for review during normal business hours in the offices of the Supervisor and the Town Clerk.

DEPARTMENTS

1. Three-month calendar for elected officials for pension purposes.

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 of Bedford hereby accepts the following calendars of hours worked for elected and appointed officials and will report the following hours worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the Clerk of this body:

Elected Officials:

Supervisor Lee V. A. Roberts
Councilman Chris Burdick
Justice Kevin Quaranta
Councilman David Gabrielson

2. Highway Material Bid items 1A through 2.

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 award the bid for bituminous concrete, cold patch and crushed washed blue grey stone for the time period of May 1, 2012 to April 30, 2013 as per the memorandum dated May 7, 2012 from Kevin Winn, Commissioner of Public Works.

3. Extension of contract for tree removal and pruning.

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 existing contract for tree removal and pruning with All American Tree care for a one (1) year period from May 1, 2012 to April 30, 2013 as per the memorandum dated May 10, 2012 from Kevin Winn, Commissioner of Public Works.

4. Catch Basin Bid Award.

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 award the bid for catch basins for the period of May 1, 2012 to April 30, 2013 as per the memorandum dated May 10, 2012 from Kevin Winn, Commissioner of Public Works.

5. Police Department request for credit card.

On a motion by Mr. Corcoran, 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 request of Chief of Police William Hayes for a Town of Bedford credit card for authorized purchases by the Police and

other departments, said purchases to be made in compliance with the Town of Bedford credit card policy, as per the memorandum dated May 10, 2012 from Chief of Police William Hayes.

6. Authorize Sergeant Melvin Padilla to accept invitation to attend FBI National Academy. 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 approval for Town of Bedford Police Sergeant Melvin Padilla to accept the invitation to attend the FBI National Academy in Quantico, Virginia from July 15, 2012 to September 20, 2012, all costs for the program to be borne by the FBI, as per the memorandum dated May 10, 2012 from Chief of Police William Hayes.

7. Water Supply Agreement with DEP.

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 a negative declaration under the State Environmental Quality Review (SEQR) regarding the water supply agreement with the New York City Department of Environmental Protection (NYCDEP) as the agreement shall have no adverse physical or environmental effects upon the Town of Bedford.

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

WHEREAS, due to significant water quality issues at the wells constituting the present water supplies of Consolidated Water District No. 1, it was necessary for the Town of Bedford to construct a new water filtration plant in order to obtain new sources of potable, high quality water; and

WHEREAS, pursuant to discussions between the Town of Bedford and the New York City Water Board, the City of New York is allowing the Town of Bedford to make a new connection to Shaft 13 of the Delaware Aqueduct water supply system of the City of New York as well as a secondary new connection to the Cross River Reservoir; and

WHEREAS, pursuant thereto, an Agreement has been negotiated and drafted between the Town of Bedford on behalf of the Consolidated Water District No. 1 and the New York City Department of Environmental Conservation in regard to the utilization of and payment for the new water connections which will be utilized by Consolidated Water District No. 1, which Water District will now include the New York State Department of Correctional Services facilities located within the Town of Bedford; and

WHEREAS, the Town Board has reviewed the attached draft Water Supply Agreement and believes that entering into of such Water Supply Agreement is in the best interests of the residents and businesses of the Town of Bedford and that that Agreement should be approved by the Town of Bedford; and

WHEREAS, the Town Board has heretofore determined that the entering into of such Agreement constitutes an unlisted action pursuant to the New York State Environmental Quality Review Act ("SEQRA") and that such action will not have a significant adverse impact upon the environment; and

WHEREAS, the Town Board has heretofore issued a negative declaration pursuant to SEQRA in conjunction with the draft Water Supply Agreement, now

THEREFORE be it

RESOLVED, that the Town Board of the Town of Bedford hereby approves the entering into of a Water Supply Agreement between the Town of Bedford, the Town of Bedford Consolidated Water District No. 1 and the New York City Water Board, a draft of which is

attached hereto as an exhibit, with the understanding of the Town Board that there might be some minor non-substantive changes to the Agreement before it is executed; and it is further

RESOLVED, that the Supervisor on behalf of the Town of Bedford is authorized to execute such Water Supply Agreement on behalf of the Town of Bedford and on behalf of the Town of Bedford Consolidated Water District No. 1 and it is further

RESOLVED, that the Town of Bedford Public Works Commissioner is authorized to be the prime contact person on behalf of the Town of Bedford and the Town of Bedford Consolidated Water District No. 1 in regard to carrying out the terms of the Water Supply Agreement.

CORRESPONDENCE

1. Kelloggs and Lawrence request to close five parking spaces in front of their store during their 125th year celebration, Saturday, June 2nd, 8:00am to 3:00 pm.

Mrs. Roberts explained this request then noted that the Town Board would not be taking any action as the request had been withdrawn and the spaces will not be used.

NEW BUSINESS

1. IMA with County on Lightpath.

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 Intermunicipal Agreement renewal with Westchester County to provide access for the Town of Bedford to telecommunications services through the network provided by the County under an agreement with Cablevision for a five (5) year term, commencing on January 1, 2011.

2. Set Executive Session – Potential Litigation regarding Water Filtration Plant and Bedford Terrace Appraisal Appeal.

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 an executive session to discuss potential litigation regarding the Water Filtration Plant and Bedford Terrace Appraisal Appeal to be conducted at the conclusion of the regular Town Board meeting.

3. Set Work Sessions – Legislation.

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 set a work session to discuss legislation for customary home occupations, cabaret regulations, fire works, and historic building preservation for Wednesday, May 30th, 2012 at 7:30 pm at the Town House 321 Bedford Road, Bedford Hills, New York.

There being no further discussion the meeting was adjourned at 9:20 pm.

Lisbeth Fumagalli, Town Clerk

At approximately 9:30 p.m., the Town Board again voted to go into Executive Session to discuss tax certiorari litigation and threatened litigation concerning the water filtration plant. Attending the Executive Session were Supervisor Roberts, Councilpersons, Chryssos, Corcoran, Burdick and Gabrielson. Town Attorney Joel Sachs, Town Assessor Girdlestone and Town Public Works Commissioner Kevin Winn.

At the Executive Session, Assessor Girdlestone discussed a tax certiorari proceeding that had been brought against the Town by the Bedford Terrace Condominium located along Route 117 and Nottingham Avenue. Assessor Girdlestone indicated that he as well as prior Town Assessor Tom Polzella had reviewed this matter and had discussed the same with Judson Siebert, Esq., of Keane & Beane, P.C. who handles the Town's tax certiorari proceedings. A letter dated May 2, 2012 from Mr. Siebert to the Supervisor and Town Board was reviewed and discussed. No decisions were made and no actions were taken. Thereafter, Mr. Girdlestone left the Executive Session.

Kevin Winn then gave a presentation in regard to various claims which Sisca Northeast, the general contractor for the Water Filtration Plant had made against the Town for additional monies due to various issues that had arisen during the course of construction. After discussion among the Board members, Commissioner Winn indicated that the Town's engineer would be preparing a Change Order in the amount of \$106,500.00 reflecting an additional payment to Sisca Northeast and that Sisca Northeast would be required to absorb 50% of the cost of electric power being provided to the site at an approximate cost of between \$5,000.00 and \$10,000.00. There was also a discussion at the Executive Session about a possible reduction in retainage. No decisions were made and no votes were taken.

At approximately 10:10 p.m. the Town Board ended the Executive Session and resumed its public meeting.

Councilman Burdick moved and Councilman Chryssos seconded a resolution wherein the Town of Bedford would settle the tax certiorari proceedings brought against the Town by Bedford Terrace Condominium according to the following schedule encompassing tax years 2008, 2009, 2010 and 2011.

The settlement terms are as follows:

<u>Year</u>	<u>Cumulative Assessment</u>	<u>Revised Cumulative Assessment</u>	<u>Reduction</u>	<u>Percentage Reduction</u>
2008	\$1,015,200	\$862,920	\$152,280	15%
2009	\$1,015,200	\$862,920	\$152,280	15%
2010	\$1,015,200	\$1,015,200	\$0	0%
2011	\$1,015,200	\$1,015,200	\$0	0%

The Town Board unanimously voted to approve the settlement of the Bedford Terrace Condominium tax certiorari proceedings on the terms and conditions set forth herein.

The Town Board then had a discussion concerning additional claims that had been brought against the Town by Sisca Northeast in regard to the Water Filtration Plant. It was the Town Board's understanding that Commissioner Winn, O'Brien & Gere and James Hahn Engineers would have further discussions with Sisca Northeast which would hopefully culminate in a Change Order acceptable to the Town.

Thereafter, Councilman Corcoran moved and Councilman Gabrielson seconded a motion that the retainage which the Town is holding on the Sisca Northeast contract be reduced from \$505,685.00 to \$305,685.00. The Town Board then unanimously voted to reduce the retainer on the Sisca contract as set forth above.

There being no further business before the Town Board, the public meeting of the Town Board adjourned at approximately 10:10 p.m.

Respectfully submitted,

Joel H. Sachs
Acting Deputy Town Clerk