

Bedford Hills, New York  
May 15, 2012

A hearing was held by the Town Board of the Town of Bedford on May 15, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider the establishment of a refuse and garbage improvement district. The meeting was called to order at 8:10P.M. by Supervisor Roberts.

<b>Present:</b>	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
	Harry Girdlestone	: Sole Assessor
	Amy Pectol	: Receiver of Taxes
	William Hayes	: Chief of Police
	Edward Ritter	: Town Comptroller

And fifteen (15) residents/observers.

Proof of publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on May 4, 2012.

Mark Thielking of the Town of Bedford Energy Advisory Panel and Bedford 2020 explained this proposal for the establishment of a refuse and garbage improvement district.

Mrs. Roberts opened the floor to public comment and there was none.

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 issue a negative declaration relative to the establishment of a refuse and garbage improvement district in the Town of Bedford as the formation of this district shall not have any adverse physical or environmental impacts to the Town of Bedford.

On a motion by Mr. Gabrielson, 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 adopt the following:

IN THE MATTER OF THE ESTABLISHMENT OF THE TOWN OF BEDFORD  
REFUSE AND GARBAGE IMPROVEMENT DISTRICT NO. 1

WHEREAS, pursuant to Section 209 of the Town Law of the State of New York (the "Town Law"), the Town Board proposes the establishment of a Refuse and Garbage Improvement district to be known as The Town of Bedford Refuse and Garbage Improvement District No. 1 (the "District") for the prevention and reduction of waste matter consisting of carbon components of energy waste from residential properties within the Town of Bedford and to aid in the performance of energy audits and the purchase and installation of energy efficiency improvements that reduce energy consumption on such residential properties, including but not limited to caulking, weatherstripping, air sealing, insulation, heating and cooling systems

upgrades, solar thermal systems and conservation measures (“Energy Efficiency Improvements”); and

WHEREAS, on December 8, 2009, the Town Board of the Town of Bedford adopted a Resolution establishing Bedford Refuse and Garbage Improvement District No. 1, and since that date, no improvements have been undertaken by said District; and

WHEREAS, due to certain errors and procedural issues, the Town board of the Town of Bedford has undertaken the process to create such District again, and this process and Resolution shall be deemed to supersede and replace any action taken in 2009; and

WHEREAS, establishment of the District is based upon a map, plan and report which the Town Board caused to be duly filed in the office of the Town Clerk on April 26, 2012; and

WHEREAS, subsequent to the filing of the map, plan and report in the office of the Town Clerk, the Town Board adopted an order dated May 1, 2012 (the “Order”) and entered same into its minutes which described: (i) the boundaries of the proposed District as being coterminous with the boundaries of the Town of Bedford, (ii) the proposed Energy Efficiency Improvements, (iii) the maximum amount to be expended by the Town for the Energy Efficiency Improvements which shall amount to zero (\$0) dollars; (iv) the proposed method of financing the Energy Efficiency Improvements through financings issued by the Energy Improvement Corporation (“EIC”), a local development corporation established by the Town of Bedford pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, and (v) the cost of the District to typical properties within the District which shall amount to zero (\$0) dollars, provided that each property which accepts a financing issued by EIC to finance the Energy Efficiency Improvements shall bear the cost of debt service on such financing through charges levied on the real property, which monies shall be collected in the same manner as Town taxes; and provided notice to the public that the aforementioned map, plan and report were on file in the office of the Town Clerk for public inspection and that a public hearing on the District would be held on May 15, 2012 at 8:00 o’clock P.M. in the Court Room at the Town House at 321 Bedford Road in Bedford Hills; and

WHEREAS, the Town Board prepared a detailed explanation of how the estimated cost of the District to typical properties within the District was computed and filed same in the office of the Town Clerk for public inspection on May 10, 2012; and

WHEREAS, a copy of the Order was published in the official Town newspaper on May 4, 2012, and a copy of the Order was posted on the signboard of the Town on May 2, 2012; and

WHEREAS, a certified copy of the Order was filed with the Comptroller of the State of New York on May 4, 2012; and

WHEREAS, a public hearing on the District took place at the time and place specified in the Order, and all persons interested in the subject matter were given an opportunity to be heard.

NOW, THEREFORE, upon the evidence given at the public hearing described herein, it is determined by the Town Board of the Town of Bedford, New York, as follows:

1. The notice of the public hearing was published in the official Town newspaper and posted on the signboard of the Town as required by law, and is otherwise sufficient.

2. All the property and property owners within the proposed District will be benefited by the overall prevention and reduction of waste matter consisting of carbon components of energy waste within the Town of Bedford.

3. All the property and property owners benefited are included within the limits of the proposed District which are coterminous with the boundaries of the Town of Bedford.

4. It is in the public interest to establish the District to prevent and reduce waste matter consisting of carbon components of energy waste and to improve energy efficiency and reduce energy consumption within the Town.

5. An Environmental Assessment Form was completed on May 15, 2012, to examine the potential environmental impacts created by the establishment of the District, and the Town Board has determined, after consideration of the Environmental Assessment Form, the criteria set forth in Part 617.7(c) of the regulations promulgated by the Department of Environmental Conservation pursuant to Article 8 of the New York State Environmental Conservation Law and such other factors as it has deemed to be relevant, that there will be no adverse environmental impacts associated with the establishment of the District and a Draft Environmental Impact Statement will not be prepared.

6. The Town Board hereby approves the establishment of the District with boundaries that shall be coterminous with the boundaries of the Town of Bedford and wherein properties may elect to have energy audits performed and the Energy Efficiency Improvements purchased and installed thereon.

7. The Town of Bedford hereby authorizes EIC to act on its behalf in carrying out the purposes of Section 209-i of the Town Law and Chapter 336 of the Laws of New York, 2009, including through the issuance of financing to property owners within the Town for the performance of energy audits and the purchase and installation of the Energy Efficiency Improvements.

8. The Town of Bedford hereby assigns to EIC the monies collected from charges levied by the District on the properties which accept financing from EIC to pay the cost of debt service for such financing.

9. This Resolution shall replace and supersede the Resolution adopted by the Town Board on December 8, 2009.

10. This resolution is subject to a permissive referendum in the manner provided in Article 7 of the Town Law. Within ten (10) days after its adoption, the Town Clerk shall publish a notice in the official Town newspaper and shall post same on the signboard of the Town which shall state the purpose and effect of this resolution, the date on which it was adopted and that such resolution was adopted subject to a permissive referendum. If within thirty (30) days of the adoption of this resolution no petition requesting a permissive referendum is filed with the Town Clerk, the Town Board shall adopt a final order establishing the District.

There being no further discussion, the hearing was adjourned at 8:15 pm.

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Lisbeth Fumagalli, Town Clerk