

Bedford Hills, New York  
August 6, 2013

The first meeting for the month of August of the Town Board of the Town of Bedford was held on August 6, 2013 at the Town House, 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\*  
David Gabrielson : Councilman  
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk  
Joel H. Sachs : Town Attorney  
Harry Girdlestone : Sole Assessor  
Kevin Winn : Commissioner of Public Works  
Jeff Osterman : Director of Planning  
Edward Ritter : Town Comptroller  
William Heidepriem : Superintendent of Recreation and Parks  
Joan Gallagher : Director of Personnel  
Ed Collins : Lieutenant, Town of Bedford Police  
Amy Pectol : Receiver of Taxes

\*arrived 8:05

And ten (10) residents/observers.

#### APPROVAL OF CLAIMS

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

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

RESOLVED, that the following claims for 2013 be allowed for payment from their respective funds,

	<b>2013</b>
Paid Prior to Audit	\$ 91,865.98
General Fund	117,894.00
Highway Fund	32,624.73
Consolidated Water District	24,803.41
Cedar Downs Water District	122.08
Farms Water District	30.00
Old Post Road Water District	790.00
Drug Abuse	850.00
Energy	44.00
Special Districts:	
Bedford Village Memorial Park	5,960.32
Bedford Hills Memorial Park	6,363.68
Katonah Memorial Park	6,223.96
Bedford Lighting District	930.55
Capital Projects	113,828.34
	<u>\$ 402,331.05</u>

#### DEPARTMENTS

1. Accept low bid for New Picnic Pavilion/Shelter Structure at Bedford Hills Memorial Park.

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 accept the lowest, most responsible bid in the amount of \$26,620.00 to furnish and deliver a new 30' x 60' picnic pavilion/shelter structure at the Bedford Hills Memorial Park from RCP Shelters of Stuart, Florida, as per the memorandum dated July 31, 2013 from William Heidepriem, Superintendent of Recreation and Parks.

2. Accept bid for Cottage Terrace Booster Station Generator.

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 accept the bid for the Cottage Terrace Booster Station 15 KW Diesel Generator in the amount of \$16,260.00 from Kinsley Power Systems, with the cost of installation by JC Beach Electric estimated at \$9,000.00, and the expenditure from the Consolidated District Fund Balance not to exceed \$28,000.00 which includes a 10% contingency, as per the memorandum dated July 29, 2013 from Kevin Winn, Commissioner of Public Works, and

BE IT FURTHER RESOLVED that the Town Board does hereby authorize Mr. Winn to execute the contract with Kinsley Power Systems in the amount of \$16,260.00.

3. Set Public Meeting on proposed rates for Consolidated Water District.

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 public meeting to consider proposed rates for the Bedford Consolidated Water District for September 3, 2013 at 7:30pm to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

4. Set Public Hearing on proposed parking regulation change – North Street, Katonah.

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 public hearing to consider a proposed parking regulation change for North Street in Katonah for September 3, 2013 at 7:45pm to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

5. Approve Town Clerk to sell E-Z Pass tags.

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 request of the Town Clerk, Lisbeth Fumagalli, to sell E-Z Pass tags in the Town Clerk's office, as per the memorandum dated August 6, 2013 from Town Clerk, Lisbeth Fumagalli.

PERSONNEL

1. Reappoint Harry Girdlestone as the Sole Assessor for the Town of Bedford.

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 reappoint Harold Girdlestone to the position of Sole Assessor for the Town of Bedford, for a six (6) year term, said term to expire September 30, 2019.

2. Accept letter of resignation from Noreen Regan.

On a motion by Mrs. 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 accept the resignation of Noreen Regan, Senior Account Clerk, from the Town of Bedford Finance Department, effective September 6, 2013.

3. Request to appoint Stephen Rivera to position of Community Service Worker in the Police Department.

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 approve the appointment of Stephen Rivera to the position of Community Service Worker in the Town of Bedford Police Department, pending the results a of a pre-employment drug test, effective August 7, 2013 at an annual salary of \$36,976.00 as per the memorandum dated August 5, 2013 from Joan Gallagher, Director of Personnel.

#### CORRESPONDENCE

1. Request from Bedford Historical Society to hold Profiles in Preservation fundraiser on the Village Green Saturday, October 19<sup>th</sup>.

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 approve the request from the Bedford Historical Society to hold a “Profiles in Preservation” fundraiser on the Bedford Village Green, on Saturday, October 19, 2013, starting at 6:30pm, subject to receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured, a signed Hold Harmless agreement, and coordination of police coverage with the Town of Bedford Police Department, as per the letter dated August 1, 2013 from Stacy Albanese, President, Board of Directors, Bedford Historical Society.

#### OLD BUSINESS

1. Amendment to Steward Preservation Service’s contract for historic resources survey.

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 approve the amendment toe the contract with Steward Preservation Services for a historic resources survey of properties in the Town of Bedford from a survey of 500 properties to a survey of 750 properties, with the cost increased to \$27,385.00 for the survey and \$1,950.00 for two (2) presentations, as per the letter dated April

19, 2013 from Joel Snodgrass, Principal, Steward Preservation Services, said funds for this project to be appropriated from fund balance.

2. Amendment to Radio Antenna Site Lease and Lease between the Town of Bedford and the New York State Department of Transportation.

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

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

WHEREAS, the Town of Bedford (the “Town”) has heretofore entered into a Radio Transmitter Site Lease with the New York State Department of Transportation (the “DOT”) dated as of December 14, 2006, which was extended on January 1, 2012 and is to expire on December 31, 2016 (hereinafter referred to as the “Site Lease”) for certain premises located on Guard Hill, Town of Bedford, Westchester County, New York (the “Premises”); and

WHEREAS, DOT has located an 80-foot tower (the “Tower”) and installed certain radio antennas, radio transmission lines and supporting equipment on the Premises; and

WHEREAS, the DOT is seeking to extend the term of the Site Lease an additional five years to December 31, 2021; and

WHEREAS, the Town is desirous of subleasing from DOT a portion of the Premises and Tower for the siting of radio antennas and supporting equipment to provide radio service for emergency service providers located in the County of Westchester; and

WHEREAS, the Town has determined that it is in the interests of the Town to enter into an amendment and sublease to the Site Lease (the “Amendment and Sublease”) with respect to the Town’s and other emergency service provider’s utilization of the Premises and the Tower; and

WHEREAS, the Sublease will be at no additional cost to either party; and

WHEREAS, the Amendment and Sublease has been prepared and reviewed by representatives of the Town and the DOT; therefore it is

RESOLVED, that the entering into of the Amendment and Sublease 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

FURTHER RESOLVED, accordingly the Town Board of the Town of Bedford (the “Town Board”) hereby issues a “negative declaration” pursuant to the requirements of SEQRA in regard to entering into the Amendment and Sublease; and it is further

FURTHER RESOLVED, that the Town Board hereby approves the entering into of an Amendment and Sublease between the Town and the DOT for the purposes of extending the term of the Site Lease and subleasing space for the installation of radio antennas and supporting equipment on the Premises and Tower, pursuant to the terms and conditions set forth in the attached Amendment and Sublease; and it is further

FURTHER RESOLVED, that the Supervisor, on behalf of the Town of Bedford is authorized to sign such Amendment and Sublease and take any other actions necessary to ensure performance of the terms of the Amendment and Sublease.

#### NEW BUSINESS

1. Proposal to provide public wireless access in 425 Cherry Street.

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 approve the proposal in the amount of \$2,817.98 from Sullivan Data Management to provide multi-mode public wireless access in the conference room at the Town House Annex building located at 425 Cherry Street, Bedford Hills, as per the correspondence dated July 29, 2013 from Glenn Sullivan of Sullivan Data Management, said funds for this project to be appropriated from fund balance.

2. Set Budget Work Sessions.

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 the 2014 Town of Bedford budget for budget for Saturday, September 28, 2013 at 9:00am to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

3. Set Executive Session – September 3<sup>rd</sup> at 7:00 PM regarding Union Negotiations.

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 set an executive session regarding union negotiations for September 3, 2013 at 7:00 PM at the Town House, 321 Bedford Road, Bedford Hills, New York.

4. Executive Session immediately following meeting – Personnel and Real Estate.

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 hold an executive session to discuss matters of personnel and real estate at the conclusion of the regular meeting.

There being no further discussion the Town Board adjourned to executive session at 9:46pm.

---

Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session  
Town Board of the Town of Bedford  
August 6, 2013

On August 6, 2013, at approximately 10:10 p.m. the Town Board voted to go into Executive Session in order to discuss a personnel issue as well as issues involving real property in the Town. Attending the meeting were Supervisor Roberts, Town Councilpersons Burdick, Gabrielson, Corcoran and Chryssos, Town Attorney Joel Sachs and Town Personnel Director Joan Gallagher.

At the outset of the meeting, Town Attorney Joel Sachs was appointed as Acting Deputy Town Clerk.

August 6, 2013 – Regular meeting - continued

There followed a discussion concerning an employee of the Town Building Department. No decisions were made and no votes were taken. Personnel Director Gallagher then left the meeting.

There then followed a discussion concerning the possible purchase by the Town of the Bedford Hills Train Station. Supervisor Roberts was requested to contact the heirs of Henry K. Griffin to discuss the matter further.

Finally, there was a discussion of a petition presented to the Town Board on behalf of Lakeside at Deer Ridge Homeowners Association Inc. requesting that the Town consent to the incorporation of the Deer Ridge Sewage Works Corporation pursuant to the Transportation Corporations Law of the State of New York. After discussions among the Town Board members, Town Attorney Sachs was directed to communicate with the attorney for the Lakeside Deer Ridge Homeowners Association Inc. in regard to these request.

There being no further business to transact, the Executive Session as adjourned at approximately 10:50 p.m.

Respectfully submitted,

Joel H. Sachs  
Acting Deputy Town Clerk