

Bedford Hills, New York
February 19, 2013

The second meeting for the month of February of the Town Board of the Town of Bedford was held on February 19, 2013 at the Town House, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:05 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
Judson Seibert : Town Attorney
Jeffrey Osterman : Director of Planning
Harold Girdlestone : Assessor
William Hayes : Chief of Police
Kevin Winn : Commissioner of Public Works
Edward Ritter : Town Comptroller

And seven (7) residents/observers.

New York State Assemblyman David Buchwald addressed the Town Board and the audience. He gave an overview of matters before the State Assembly and Senate.

APPROVAL OF CLAIMS

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, 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	\$ 58,811.80
General Fund	3,787.15
Highway Fund	220.10
	<u>62,819.05</u>
	\$ 62,819.05

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

	2013
Paid Prior to Audit	\$ 39,306.86
General Fund	52,253.74
Highway Fund	94,500.90
Consolidated Water District	37,298.22
Cedar Downs Water District	820.00
Drug Abuse	176.95
Energy	4,002.33
Special Districts:	
Bedford Village Memorial Park	1,144.27
Bedford Hills Memorial Park	1,742.83
Katonah Memorial Park	1,790.52
Bedford Hills Lighting District	540.56
Fire District #1	72,565.69
Capital Projects	160,399.43
	<u>427,235.44</u>
	\$ 427,235.44

February 19, 2013 – Regular meeting - continued

MONTHLY REPORTS – Mrs. Roberts advised that the departmental monthly reports were available for review during regular business hours in the Offices of the Town Clerk and the Supervisor as well as on the Town of Bedford website.

CORRESPONDENCE

1. Request from American Legion Post #1575 for 2013 Bell Jar License.

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

WHEREAS, an application for a Bell Jar License with the appropriate fee was filed by the Katonah Post #1575, Department of New York, American Legion Inc., located at 132 Jay Street, Katonah, New York 10536, and

NOW, THEREFORE, BE IT RESOLVED

THAT the Town Board does hereby approve the issuance of Games of Chance License No. 2813-13 to be used for the operation of “Bell Jar” during the calendar year 2013, by the Katonah Post #1575, Department of New York, American Legion Inc., 136 Jay Street, Katonah, New York 10536.

PERSONNEL

1. Appointment of Richard Hubert to Police Sergeant.

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 promotion of Police Officer Richard Hubert to the rank of Sergeant in the Town of Bedford Police Department, effective February 20, 2013, from civil service eligible list #79-617 at an annual salary per the PBA contract of \$106,447.00 to fill the vacancy created by the retirement of Sergeant John Purdy, as per the memorandum dated February 14, 2013 from Joan Gallagher, Director of Personnel.

OLD BUSINESS

1. Approve proposed deed conveying Town easement – 73 Haines Road, Joan Zafian.

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, Elizabeth Tracy by deed dated April 2, 1906 and recorded in the Westchester County Register’s Office on April 3, 2006 at Liber 1744, Page 299 granted to William Adams and Edward Haines a certain tract of land in the Town of Bedford as well a 20 foot wide easement or right of way across certain remaining lands of Elizabeth Tracy; and

WHEREAS, the present owner of the 20 foot wide easement or right of way originally granted to Adams and Haines is the Town of Bedford which acquired a parcel known as the Leatherman’s Ridge parcel from Bedford Hills LLC (formerly the Pecket Family Trust) on December 10, 2004, including the Adams/Haines easement to the Leatherman’s Ridge parcel; and

WHEREAS, the present owner of the parcel located at 73 Haines Road, Bedford Hills, New York, designated as Tax Parcel 60.13-1-27, namely Joan Zafian, has requested that the Town release and extinguish its easement or right of way over the premises she owns located at 73 Haines Road, Bedford Hills, New York; and

WHEREAS, the Town has determined that it has no need to keep or maintain such right of way or easement in that such right of way or easement is not needed by the Town for access to the Leatherman’s Ridge parcel or for any other Town purpose, THEREFORE, it is

RESOLVED, that the Town of Bedford hereby releases and extinguishes the right of way and easement that it presently has over the property owned by Joan Zafian at 73 Haines Road, and it is further

RESOLVED, that the Town Supervisor and Town Attorney are authorized to prepare and execute whatever documents are necessary in regard to the extinguishment of such easement and right of way.

2. Set Public Hearing on proposed amendments to Zoning Ordinance.

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 proposed amendments to the Code of the Town of Bedford, Chapter 125 - Zoning Ordinance for Tuesday, March 5, 2013 at 7:45 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

NEW BUSINESS

1. Set Executive Session – Pending Tax Certiorari.

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 wishes to discuss a pending tax certiorari and does hereby set an executive session to be conducted at the conclusion of the regular meeting.

2. Reschedule March 21st Charrette on Bedford Playhouse to 7:00 pm on March 12th.

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 reschedule the Charrette on the Bedford Playhouse to from Thursday, March 21, 2013 at 7:00 pm to Tuesday, March 12, 2013 at 7:00 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

3. Set Work Sessions.

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 set work session on recycling and contract carting for Tuesday, March 19, 2013 at 7:00 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

4. Consolidated Water District Extension to Roosevelt Drive discussion.

Commissioner of Public Works Kevin Winn reviewed the points made at the work session that had been held on February 5, 2013, with a breakdown of the number of potential new homes added to the system. He discussed with the Board the options for extending the Consolidated Water District to include Roosevelt, Delano and Franklin Drives as well as the costs associated with this for the Town and the homeowners. The Board requested further information to review and discuss at another meeting.

There being no further discussion the Town Board adjourned to executive session at 8:38 pm.

February 19, 2013 – Regular meeting - continued

Executive Session Minutes

Town of Bedford

February 19, 2013

On Tuesday, February 19, 2013, the Town Board of the Town of Bedford convened an Executive Session for the purpose of discussing pending tax certiorari litigation entitled *Glenarbor Golf Club v. Assessor of the Town of Bedford*. Those in attendance at the Executive Session included Town Supervisor Lee V.A. Roberts, Town Board Members Chris Burdick, Peter A. Chryssos, David Gabrielson and Francis T. Corcoran, Town Assessor Harold Girdlestone and Judson K. Siebert, Esq. of Keane & Beane, P.C.

The discussion at the Executive Session pertained to a voluntary disposition of the claims asserted in this tax certiorari litigation. At the conclusion of the Executive Session, upon motion of Town Board Member Peter A. Chryssos, seconded by Town Board Member Francis T. Corcoran, the Town Board resolved to settle the tax certiorari litigation on the following basis:

<u>Year</u>	<u>Current Town Assessment</u>	<u>Revised Town Assessment</u>	<u>Assessment Reduction</u>
2009	\$1,895,800	\$1,144,000	\$751,800
2010	\$1,895,800	\$1,287,500	\$608,300
2011	\$1,895,800	\$1,241,250	\$654,550
2012	\$1,895,800	\$1,200,480	\$695,320

WHEREAS, there are presently pending before the New York State Supreme Court, County of Westchester, a series of tax certiorari proceedings commenced by *Glenarbor Golf Club, LLC* entitled *Mtr. of Glenarbor Golf Club, LLC v. Assessor of the Town of Bedford, et al.* (Sup. Ct. West. Co. Index Nos. 23765/09, *et seq.*); and

WHEREAS, these proceedings contest the assessment of multiple tax parcels along Old Bedford Center Road in the Town of Bedford owned by *Glenarbor Golf Club, LLC*, which are designated as Section 72.12, Block 1, Lot 4, Section 72.12, Block 1, Lot 5 and Section 72.8, Block 1, Lot 1 on the Tax Map of the Town of Bedford; and

WHEREAS, the pending proceedings challenge the combined assessments of these parcels for Assessment Years 2009 through 2012; and

WHEREAS, proposed terms of settlement have been formulated between and among *Glenarbor Golf Club, LLC*, the Town of Bedford and the Assessor of the Town of Bedford; and

WHEREAS, the Board of Education has obtained the advice and assistance of its counsel, Keane & Beane, P.C., with respect to the proposed terms of settlement and duly considered same; and

WHEREAS, under the settlement terms, the contested assessments in years 2009 through 2012 are to be reduced, resulting in refunds to be paid in the amount of \$62,504.31 in Town taxes and \$26,549.53 in special district taxes; and

WHEREAS, the settlement will trigger a three-year filing moratorium, or “freeze,” running from the final year at issue (2012) and the revised assessments will be protected from challenge in 2013, 2014 and 2015;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bedford authorizes the settlement of these proceedings so as to adjust the combined assessed valuation for the tax parcels at issue in these proceedings for Assessment Years 2009 through 2012 as follows:

<u>Year</u>	<u>Current Town Assessment</u>	<u>Revised Town Assessment</u>	<u>Assessment Reduction</u>
2009	\$1,895,800	\$1,144,000	\$751,800
2010	\$1,895,800	\$1,287,500	\$608,300
2011	\$1,895,800	\$1,241,250	\$654,550
2012	\$1,895,800	\$1,200,480	\$695,320

BE IT FURTHER RESOLVED, that the attorneys for the Town of Bedford, Keane & Beane, P.C., are authorized to undertake such actions as are necessary to effectuate this settlement, including the execution and submission of a Consent Judgment to the Supreme Court, Westchester County.