

Supervisor Chris Burdick's Report – October 3, 2014

2015 Budget Preparations - In my August 22 report, I mentioned the simple objectives for our Town finances: maintain or improve existing service levels; stay within the property tax cap; maintain healthy fund balances; and keep our triple AAA bond rating. As the 2015 budget preparations continue apace, I remain confident that we will achieve these goals, despite having to work with a tax cap of just 1.67% this year. We're nearing conclusion of Town Board budget work sessions. At the October 7 meeting, we'll be meeting with the Town Justices, representatives of the hamlet libraries (did you know that the Town provides substantial funds to our libraries?) and department heads. The tentative budget report will be filed with the NYS Comptroller's Office by October 31. After the Town Board adopts the final 2015 budget in early December, Ed Ritter, the Town Comptroller, will update our five year financial projections and we'll distribute them together with the adopted budget to the community. Stay tuned.

2014 Budget Update - We continue to be tracking well on both 2014 budgeted revenues and expenses. Revenues, were set in 2014 for property taxes but projected (conservatively) for other town revenues, such as mortgage recording tax, sales tax, fines and penalties and fees. We should come in somewhat better than expected on these other revenues. On the expense side we will either come in nearly as anticipated or somewhat lower. In his most recent report to the Town Board, Ed Ritter noted as follows:

REVENUE AREAS OF NOTE - Mortgage Tax has actual data from October through August 2014. The actual percentage over 2013 is a 11.99% decrease. This amount has been used as a basis for projecting the remainder of the year (through September). Mortgage tax is projected to be \$1,000,741, which is \$50,741 over budget. (Analysis attached).

Sales Tax has actual data from January through July 2014. County sales tax shows a 4.24% increase over 2013. This revenue is projected to be \$2,542,001 which is \$142,001 over our budget of \$2,400,000. (Analysis attached).

Parking has actual data from January through August 2014. The actual percentage over 2013 is a 1.67 increase. Revenue to date is \$780,474 which is an increase of \$12,817 from last year at this time. The revenue for the year is projected to be \$911,891 which is \$18,109 under budget.

Fines and forfeited bail has actual data for January through July 2014. Revenue is \$400,209 which is \$8,914 under last year's revenue at this time. This revenue is projected to be \$615,047 which is \$65,047 over budget. (Analysis attached).

Safety Inspection Fees has actual data for January through August 2014. Revenue is \$470,130 which is \$91,038 over last year's revenue at this time. This revenue is projected to be \$935,890 which is \$395,890 over budget. (Analysis attached).

POLICE DEPARTMENT OVERTIME – 001.3120.0101 is not overspent but is at 93.16% compared to 82.18% at this time last year.

Traffic Safety Working Group (TSWG) - Several developments:

- As I mentioned in a previous weekly e-mail, the NYS Department of Transportation at the Town's request, has reduced speed limits on portions of Route 22 and Route 172. These steps should improve safety for motorists, pedestrians and cyclists. The details are posted on the page devoted to the TSWG on the Town's website (bedfordny.gov and on the home page, simply click on "Traffic Study Working Group" appearing in the right side of the page). The DOT made the announcement the day after the TSWG meeting on September 17 at Bedford Historic Hall. We are grateful to DOT for their willingness to make these important changes to improve safety.
- The Town Board at its October 7 meeting will appoint four members of the community to the TSWG – presently comprised of Police Chief Bill Hayes, DPW Commissioner Kevin Winn, Planning Director Jeff Osterman, Town Board member Mary Beth Kass and me. We had a tremendous group of some 17 well qualified residents who offered to serve on the TSWG. We are very pleased with the expression of interest and willingness to contribute to the community by helping to tackle these important issues. We expect to convene the full TSWG shortly.
- We're also expecting very shortly the traffic study report for Cherry Street. The TSWG will meet to review the report and make recommendations to the Town Board on changes on Cherry Street to calm traffic and improve safety. You should also notice that our Police Department has increased enforcement of speed limits throughout the Town.
- We have scheduled a TSWG meeting for Wednesday, October 15 at 7:30 PM at Bedford Hills Community House, 44 Main Street. We urge you to attend and participate.

Town Efforts to Fix State Roads and 684 - Today Kevin Winn and I met with DOT Regional Director Bill Gorton and members of his staff, State Senator George Latimer and State Assemblyman David Buchwald to discuss the Town's requests to DOT. It was a very productive meeting, and we are hopeful that it will lead to needed maintenance and improvements on the state roads through Bedford as well as the needed blacktopping of 684 (the original 1960s concrete road surface). Senator Latimer and Assemblyman Buchwald had arranged the meeting at my request, and I am grateful to them for helping the Town in this way.

Town Board Decision to Approve Proposed Group Home at 4 Old Mill Lane, Katonah - On August 4 Cardinal McCloskey Community Services (CMCS) served the Town with a notice of its intent to establish a residential group home for four developmentally disabled young men at 4 Old Mill Lane in Katonah. CMCS, a non-profit service organization based in Westchester County ([website link](#)) will provide 24/7 supervision (by as many as three staffers) to four young men with what are defined as developmental disabilities (such as Downs Syndrome, autism, cerebral palsy). New York State's Mental Hygiene law (the "Padavan" law), passed in the 1970's to facilitate removing people with developmental disabilities from institutions and housing them in home settings within communities (and in most cases closer to their families), governs

the procedures for establishing group homes. The home would operate pursuant to a certificate

The Padavan law gives towns 40 days to respond in one of three ways: (1) approve the proposal; (2) object to the proposal based on an assertion that there would be an “overconcentration” of group homes in the neighborhood and that the proposed home would substantially alter the character of the neighborhood, or (3) identify an alternative site (which would then be deemed approved by the town).

After receiving notice from CMCS, the Town Board received many letters, calls, and emails expressing concerns about the proposed home, but many expressing support as well, including some from neighbors of other residential group homes currently operating within Bedford. People wondered how the home might affect their property values, whether cars to and from the property by staff and from visitors (the residents will not drive) would create traffic problems, whether a higher volume of fire or other types of first responder calls would hinder access to the neighborhood in the event of another simultaneous emergency, whether the young men would themselves be safe. Many expressed concern that either CMCS or the state might “repurpose” the home at some future date and use it to house criminals or sexual predators.

Notwithstanding the limited options that Bedford’s Town Board is allowed to consider under the Padavan law, we took a number of steps in reviewing this proposal. The Planning Board held a meeting on September 9 to consider the proposal and provided recommendations to the Town Board for conditions for any approval (or non-objection) to the proposal. We negotiated two extensions to the 40 day response window. CMCS and the Town commissioned studies to review traffic related issues. The Town Board held a special public meeting on September 11 to hear concerns of the neighborhood and replies from CMCS and OPWDD. We also held a special public meeting on September 29.

The Town Board did not hear from anyone opposed to the concept of group homes, in general. All of the expressed concerns were related to this particular home, in this specific location. The Town Board was advised by our Town Attorney that, even if it were inclined to oppose the home on the grounds of overconcentration, that objection would not likely be upheld in a legal proceeding (no such overconcentration claim has been upheld in New York since passage of the Padavan Law).

We took a number of steps to address the most serious expressed concerns. Most notably, I worked directly with CMCS to obtain the following binding assurances: (1) CMCS will not house residents from populations it does not currently serve – and in particular, sex offenders, criminals or individuals in alcohol rehabilitation; (2) if CMCS decides in the future to sell the house, it will give a right of first offer to Blue Mountain Housing Development Corporation, the Town’s affordable housing affiliate; (3) CMCS confirms its intention only to have four developmentally disabled individuals at the home; and (4) CMCS will establish an Advisory Council, as provided in the OPWDD regulations, which would include at least one community representative. The letter agreement also incorporated previous written assurances regarding CMCS’s intended

use and operation of the home. All written communications, the traffic studies, and transcripts and/video recordings of Planning and Town Board meetings are available to the public.

The Town Board voted unanimously not to object to the proposal and to authorize me to enter into the letter agreement. We believe that no other municipality has ever obtained a binding agreement of this nature with CMCS. We are confident that CMCS will act in good faith and that the home will be a good neighbor.

Relocation of the Recycling Center Making Good Progress - As I mentioned previously, New York State Department of Transportation has provided at no charge to the Town a permit to use DOT property on Railroad Avenue in Bedford Hills to which the Town will relocate its recycling center. The work has gotten underway and is making good progress. If you drive on Railroad Avenue toward Harris Road, you'll see the work on the right. It is possible that we'll complete the work this Fall depending upon weather conditions and other factors. Next Spring we'll begin work on expanding the overcrowded Highway Facilities on Adams Street into the adjacent lot which the recycling center now occupies. As I mentioned, we won't close the existing center until the new center is up and running. Many thanks to DPW Commissioner Kevin Winn and his devoted crew for their work on the new center.

Bedford Hills Post Office Lease - We are working with CBRE, the leasing agent for the U.S. Postal Service, on the renewal of the USPS lease from the Town which expires in 2015. We are making progress, and I expect to have a report soon on a tentative agreement which will achieve two major objectives: (1) keeping the post office in Bedford Hills; and (2) increasing lease revenues.

Department of Public Works Report - DPW Commissioner Kevin Winn reported in his September monthly report to the Board as follows:

Consolidated Water District Microfiltration Plant - Operations continue to go well, and we have received positive feedback from customers on the taste and softer quality of the new supply. It will be blended with the existing groundwater supply until WCDOH approval to operate the plant in unattended mode is received. This is anticipated in late 2014. The WCDOH automation demonstration test period began on May 21. Testing is going well to date.

The DEP has finalized the water supply agreement to incorporate remaining Town comments. The Town has provided documentation of the existing system and district population for the agreement appendices for DEP review. The easement description is being finalized between Hahn Engineering, the water plant contractor's surveyors, and NYC DEP.

Recycling - The facility is functioning well. Monthly revenue to the Town from the recycling contract is averaging approximately \$900 per month.

2014 Legislative Agenda and Other Initiatives

- Amendments to the Wetlands Law The Town Board will hold a public hearing on October 7 on amendments to the Town's wetlands law which the Wetlands Control Commission unanimously recommended to the Town Board. The amendments would modify and expand administrative permits to provide more flexibility to applicants, while also ensuring that such permits will not be issued if there would be adverse impacts to the wetlands. The amendments also clarify certain definitions, practices and procedures. As mentioned previously, the overall impact will be to make the law more user friendly, easier to administer and easier to achieve the law's objectives of protecting these environmentally critical resources.

- Emergency Preparedness

1. Quicker Damage Assessment and Recovery I have been working with NYSEG to allow the Town to participate in NYSEG's storm damage assessment pilot program (only three other municipalities in NYS presently are participating – Bedford would be the fourth). The concept of the Pilot Program is to create a shared on-line mapping website where people in the field with "boots on the ground" – such as highway, police, firefighters - can directly view, report or call into central dispatch, areas of power outages, roads blocked, downed lines or poles and so forth. With this data entered and reported into the shared website, we will get near real time information, avoid duplication and ensure all participants have the same, most accurate and latest data available. Most important, the response time to identify and to resolve the damage will be significantly improved, resulting in better public safety and service. The estimated recovery period from a storm like Hurricane Sandy may be reduced as much as two days. The Town Board will consider at its October 7 a request to approve \$2500 in ArcGIS annual licensing fees – a small price for the significant benefits to the community. I am grateful to NYSEG for allowing Bedford to join in this cutting edge program. I should mention that I understand that Con Ed, which serves quite a few households in the southern portion of the Town, is considering a similar program.

2. Updating the Town's Hazard Mitigation Plan Bedford is actively participating in the FEMA funded and County led effort to update each municipality's hazard mitigation plan - or emergency plan. This is key not only to continued eligibility to receive FEMA funds in the event of a disaster declaration, but also to be sure that we are employing best practices in our emergency plan. We are working with the County's consultant in developing the plan and hope to have a draft of the update this Fall.

3. Generator for Town Offices at 425 Cherry Street As mentioned above, the first step in recovery is damage assessment and making conditions safe. During Hurricane Sandy, the power was out for the Town's offices at 425 Cherry Street. That meant that even if our staff working in those offices could get into work, they'd have no power and couldn't work. That meant that we had fewer Town employees available to help the community. The Town Board approved in its Capital Plan the purchase of a

generator for the building (we already have back up generation for 321 Bedford Road, the Police Station and the Highway Department facilities on Adams Street). We should have the generator installed by the end of October or early November.

Addressing Wastewater Issues - I mentioned in my previous report that the Town is working with our County Legislator, Pete Harckham, as well as with NYC Department of Environmental Protection (DEP) to obtain funds to deal with septic failures and repairs. The County is repository of some \$10 million in DEP funds earmarked for the Town of Bedford, which would be the source of the funds. Town Planner Jeff Osterman and DPW Commissioner Kevin Winn have developed two proposals to be made to the Northern Westchester Watershed Committee and Westchester County for accessing some of those funds: (1) a proposal to fund a Septic Failure Repair Fund of as much as \$3.5 million; and (2) a proposal for a Feasibility Study for Enhanced Treatment Units which would cost approximately \$50,000. The Town Board supports the proposals and Messrs Osterman, Winn and I met last month with Pete Harckham, DEP Deputy Commissioner David Warne and members of his staff. They responded quite positively to the proposals, and I am cautiously optimistic that we'll be able to move forward on them. I'll keep you posted.

I ask you to please send me an e-mail at supervisor@bedfordny.gov should you have any questions or comments on this report or any of our work on the Town Board.