



## *Supervisor Chris Burdick's Report – May 31, 2017*



### **RECAP OF TOWN BOARD ACTIONS IN MAY**

#### **“BEST VALUE PROCUREMENT” LOCAL LAW AND PROCUREMENT POLICY**

##### **Board Adopts “Best Value” Local Law and Revised Procurement Policy**

On May 2 following a public hearing, the Town Board held adopted a local law allowing "Best Value Procurement". As explained previously in this column, New York General Municipal Law allows towns to authorize, by local law, the award of certain purchase contracts, including contracts for services, subject to competitive bidding on the basis of "best value" as defined in New York Finance Law. As a companion measure, the Board also adopted a revised Procurement Policy to conform to the Best Value local law. This approach provides flexibility in obtaining good and services at favorable prices and will reduce the time to procure such goods and services. Our Town Attorneys also advised that the policy tends to reduce the likelihood of litigation. The newly adopted Procurement Policy also clarifies and streamline the internal process for purchasing and will put us in good position for the implementation of the Town's new financial software.

#### **LANDLORD REGISTRY LAW**

The Town Board held a public hearing on proposed amendment on the law. The law, which has been in place for over a decade, requires owners of two-family and multi-family residential rental buildings to register with the Town Building Department, pay a fee for each unit that is covered and arrange for each unit to be inspected by the Building Department once every two years. The amendments principally would provide as follows:

- Mixed Used Buildings Added Buildings which contain both commercial occupancy and at least one residential unit would be covered by the law; approximately 30 buildings. It also clarifies that unoccupied rental units are subject to registration, fees and inspection requirements.

- Inspections Every Three Years Rather Than Two To coincide with the frequency required for fire inspections and to reduce the burden on property owners, the amendments would provide inspections once every three years rather than once every two years. Corresponding to the change, the registry fee would be paid at the time of the initial registration and every three years thereafter. In the current law, the registration / recertification fee must be paid every two years.
- Owner Occupied Units Exempt from Fee The amendments would exempt from payment of registration fees units that are owner-occupied or that are occupied by an owner's immediate family (parents or children).
- Staggering of Scheduled Filings The Building Department would be authorized to stagger the scheduled recertification filings and inspections during the first two years the revised law is in effect. This will allow the inspections to be spread out over a three year period, rather than having to conduct all inspections in the same year.
- Owner Responsibility for Arranging Inspections Under the amendments, if an owner does not contact the Building Department to schedule inspections within the appropriate time, then they could be subject to penalties. Previously, it was unclear whether the Owner or the Building Department had the burden of scheduling inspections. The Building Department will continue to check to make sure that inspections are scheduled and conducted as required. The revised Local Law clarifies that the burden of scheduling inspections is on the Owners, rather than the Building Department.

## **UPDATE ON SEWER PROJECT**

As I've mentioned throughout our conversation with the community on sewers, we want to provide sewers or other long-term septic solutions throughout the Town. The sewer project, as you may know, is a dramatically scaled back version of a far more ambitious plan to sewer the more densely populated areas of Bedford Hills and Katonah. So we consider the present project Phase 1, as it is limited to providing sewers to the properties described below. But we can't get to Phase 2 or subsequent phases until we handle Phase I. The Town is moving forward expeditiously with the implementation of the sewer project. We have received proposals from highly qualified engineering firms to develop the design of the sewer system. The Town Board will be selecting the firm at its June 6 meeting.

Before we get to Phase 2, we are planning what we might call Phase 1½. What do I mean by that? We have called a special Town Board meeting for Wednesday, June 21 at 7:30 PM in the main meeting room of the Bedford Hills Community House, 74 Main Street, Bedford Hills. The purpose of the meeting is to discuss with property owners along the sewer lines but not in the sewer district recommendations from staff regarding the unallocated capacity of the sewer system. As you may know, the Town will be taking over the wastewater treatment plant (WWTP) from the NYS Department of Corrections and Community Supervision, which presently serves only the Bedford Hills Correctional Facilities. The reason for doing so is that the WWTP has excess capacity. After creation of the sewer system, the WWTP will serve the central business districts of Bedford Hills and Katonah, the correctional facilities, Katonah Elementary School, property of St. Mary's Church in Katonah and Bedford Park Apartments in Bedford Hills (together with a few other public buildings). There will remain capacity of approximately 64,000 gallons per day (GPD). As a point of reference, the average household would utilize approximately 400 GPD. The Town Board will adopt a sewer law governing everything from permissible waste to capacity allocation. As part of the capacity allocation component, the Town Board is considering staff recommendations that the unallocated capacity be distributed as follows:

### **1. Sewer District Properties**

Properties within the proposed sewer district will be permitted to use up to 15,000 gallons per day of uncommitted capacity on a first come/first served basis.

### **2. Out of District Properties**

Residential or commercial properties outside the sewer district with cesspools or with failing septic systems and along a newly installed sewer main will be permitted to connect to the sewer main at the property owner's cost on a first come/first served basis. These properties will be able to use up to 15,000 gallons of uncommitted capacity. Properties in this situation may utilize the Town's Septic Reimbursement Program to pay for 50% of the cost to either connect to the sewer system or to repair a failed system.

### **3. Sewer Law Review**

The newly enacted Sewer Law will include regulations governing the future connections to the sewer system. In this case, the law would specify the 15,000 gallon limits in items 1 and 2 above. The law will also determine estimates of sewer flow from newly connected uses, calculations for uncommitted capacity, application procedures and requirements, and costs and fees for future connections.

Review of the Sewer Law by the Town Board will be required at the following points, whichever first occurs:

- A. Five years from the adoption of the original Sewer Law.
- B. Sewer District properties using uncommitted capacity over 15,000 gallons per day.
- C. Out-of-District properties using uncommitted capacity over 15,000 gallons per day.

In its review, the Town Board will be permitted to modify any of the initial capacity allocation requirements or any other provision of the law. Of course, the Board could conclude that no revisions would be required.

So please come to the meeting or if you cannot attend, please let us know your thoughts.

And remember, we have the Septic System Repair and Replacement Program and for lower income households are partnering with ACE.

## **SEPTIC SYSTEM REPAIR AND REPLACEMENT PROGRAM**

***NOW THAT THE WARM WEATHER IS HERE....*** Spring checklist: septic pump out - if you haven't done it within the last five years, the law requires you to. And, if you have a problem with your system, please check out the Town's Septic System Repair and Replacement program to deal with failing septic systems. The program allows Bedford property owners in the Croton Watershed (about 85% of the Town's land area) for a 50% reimbursement of repair/replacement costs. If you have a failing septic system, contact the Planning Department at 666-4434 for further information or visit our [website](#).

**ALLIED COMMUNITY ENTERPRISES (ACE)**, a local affordable housing organization, has received funding for a Septic Repair/Replacement Program. ACE is led by Joan Arnold and has as its board members Katonah residents Don Scott and Betsy Weir. This Grant is administered by ACE and funded by New York State Affordable Housing Corporation (AHC) to provide eligible homeowners with funding for septic repair/replacement. Grants are for systems that are in failure or failing, not for expansion.

[Click here](#) for Supervisor Chris Burdick's letter explaining the program

[Click here](#) for the link to the repair/replacement program

## **TRAFFIC SAFETY IMPROVEMENTS**

### **1. Update from DPW:**

a. Bedford Village Traffic Calming Measures Along Village Green - Kevin Winn gave an update. The design for the traffic calming measures has been approved. The existing crosswalk will be changed to a raised concrete block crosswalk that looks like brick. A speed hump is also set to be added near the church on the Route 172 side. Hahn Engineering drafted the design and presented it to the Bedford Village Historic District Review Commission. After some minor modifications, the plan was presented again to the commission and was approved. These measures are set to be implemented in summer 2017 and coincide with the paving in the Village Green area.

b. Haines Road/Bedford Road Crosswalk - Kevin Winn gave an update. NYS DOT has given its permission to place a rapid-flash beacon at the crosswalk. The beacon goes below the sign indicating the crosswalk. They are currently trying to secure funding.

c. Parkway/Katonah Avenue - Kevin Winn gave an update. The island on the east side of Parkway is slated to be extended out to create a "refuge island" in summer 2017. The northeast corner of the intersection has been changed to a parking spot. The parking spot idea has seemed to work better than the previous idea of placing flower baskets in the area. Don Scott reports that the spot is used frequently during the late morning and afternoon hours.

### **2. Update from Police Department:**

a. Vehicle Weight Scales - Mel Padilla gave an update. A second set of scales has been acquired. There was a delay in the state certifying the scales; however, both sets are now ready to be deployed. One commercial vehicle detail has been scheduled each month between May and September. The officers will be checking for gross vehicle weight, in addition to other items such as uncovered loads and missing placards. The goal of these inspections is to reduce truck traffic in the hamlets and throughout the town. Don Scott brought up the local delivery only signs which are placed in certain locations in the town. Chief Padilla stated that the law, as written, is too ambiguous to enforce properly. Chris Burdick and Jeff Osterman will look at the previous research done on the signs and law and see if there are any improvements that can be made.

b. Speed Limit Enforcement on Route 172 - Mel Padilla gave an update. The last speed study was done in October 2016. This study found that the 85% of drivers were doing an average speed of 47 MPH on this stretch of road. Chief Padilla brought up that officers have mentioned that one side of the roadway is 35 MPH and the other side is 30 MPH. The same situation exists on Route 35. Kevin Winn said he would look into the signage and bring any inconsistencies to the attention of NYS DOT. A traffic study is currently being conducted now to see if there has been any abatement in speed in this area. Once the study is completed next week, the speed board will be deployed to this area as a short-term fix. A lengthy discussion followed regarding the feasibility of installing speed camera signs or actual speed cameras to deter speeding in the area. There were questions regarding the legality of doing so and Chris Burdick stated he would be able to gather more information on the topic. Don Scott mentioned that other municipalities such as Yonkers and New York City have successfully implemented cameras. He also mentioned that he would be including a question on the speed cameras on a survey he is planning to send to Katonah residents and would share the results.

## COMPTROLLER'S MONTHLY UPDATE

Comptroller Abraham Zambrano presented his April financial recap to the Town Board on May 9 as follows:

### EXPENDITURES

**General and Highway Funds.** As of April 30, 2017, the General Fund's overall expenditures are at 31% while the Highway Fund has only spent 28% of the budget. Based on the current year to date totals, we are not anticipating that either fund will run deficits for the year.

### REVENUE AREAS OF NOTE

**Mortgage Tax.** Unfortunately, at the time this report was submitted, Westchester County had not made the April Mortgage Tax figures available. However, the amounts from October to March were finalized. Based on the newly updated data, we are anticipating that the first of the two payments in 2017 will be approximately \$509,700. Although that amount is slightly lower than the first installment in 2016, we are still projecting that the amount budgeted in 2017 will be exceeded by about \$100,000.

**Sales Tax.** The first quarter's sales tax payment in the amount of \$630,067 was received on May 5<sup>th</sup>. Projections for the rest of the year based on economic indicators and past history continue to demonstrate that the \$2,480,000 budgeted for 2017 will be exceeded by over \$100,000.

**Parking.** Revenues for the month of April are drastically lower than what was recorded in April of 2016. The decrease is due to the fact that renewal application forms were sent out later this year due to the necessary programming changes that were required as the result of the Town Board's approval the new rate structure. Based on the number of responses already received during the first week of May, the projected revenues for the year will exceed the amount budgeted for the year by over \$100,000. Better projections will be available next month.

**Fines and Forfeited Bail.** The collection of fines imposed by the Justice Court are recorded a month in arrears due to the timing of the processing by the NYS Office of Court Administration. Fines collected from January through March are slightly higher than the same period in 2016. Projection for the rest of the year indicate that we will exceed budget by over \$75,000.

**Safety Inspections.** The trend in collections of Safety Inspection fees reported through March have continued into April. Total collections to date are over \$100,000 below the amount recorded in the same period last year. We will continue to monitor these revenues and make recommendations.

## BEDFORD HILLS TRAIN STATION – OPEN FOR COMMUNITY USE

We are delighted with the enthusiastic community response to the renovations to the Bedford Hills train station restoring it to its former glory from the early 20<sup>th</sup> century. As you may know, we had a wonderful and well-attended Grand Opening of the restored station. We thank the MTA (which is providing the Town a new long term lease of the station for a \$1 a year) and the New York State Historic Preservation Office for their lightning speed approval of the work a few months ago. The Bedford Hills Lions Club, Bedford Hills LIVE, Bedford Republican Committee, Bedford Democratic Committee, Bedford Hills Historical Museum and many others already have scheduled use of the station for meetings and events. This is precisely how we want the station used. We want it as a community resource and to help enliven and invigorate Bedford Hills. You might even consider it for a birthday celebration, graduation party or Bar Mitzvah. Hats off to our Superintendent of Recreation and Parks, Bill Heidepriem, for making all this come to pass. Bill has posted to the Town's website facility use forms and fee schedule should you be interested, [click here](#).

## **2016 AUDIT REPORT**

In last month's report, I mentioned that the Town's auditing firm, PKF O'Connor Davies, had issued the results of the Town's financial operations for the year ended December 31, 2016. The 2016 Audit Report among other things shows a \$1,117,000 increase in unappropriated General Fund balances and an increase of \$452,000 in unappropriated Highway Fund balances. The full report now is available on the Town's website by [clicking here](#)

## **PHONE SCAMS**

Just a reminder that technology has been able to synthesize voices in calls that sound like real human beings. Don't be fooled. If it sounds too good to be true, there's a very real possibility that it's another scam. What to do? If you wish to report a scammer, please follow the advice from the Federal Trade Commission: <https://www.consumer.ftc.gov/articles/0076-phone-scams>

## **LEAF BLOWERS AND OTHER EQUIPMENT – PLEASE BE CONSIDERATE**

As I mentioned in last week's newsletter, several residents have expressed concern about the noise, dust and other impacts created by leaf blowers. We also hear complaints about early morning and after dark use of noisy equipment. We recognize that you may have long hours at work that compress the time available to you to take care of tasks around your home. Please do be considerate of your neighbors. Our Town Code does not permit high noise activities, such as these, before 8 AM or after sunset.

## **POTHOLE REPAIRS – WE'RE GETTING TO THEM, BUT LET US KNOW**

Our thanks to the residents who have called in potholes. With 97 miles of paved roads and 33 miles of dirt roads, it's hard for our crews to find them all, so please call our Pothole Hotline at 666-7669 or feel free to contact me at 666-6530 or Supervisor@bedfordny.gov. For potholes on state roads in our Town, such as Routes 22, 117, 121, 137 and 172 we would suggest that you call NYS's pothole line at 1-800-POTHOLE.

## **PAVING**

Public Works Commissioner Kevin Winn will be providing the Board for action at our June 6 meeting his Department's recommendations for 2017 paving. The Town Board previously approved a paving contract with Clove Excavating and that paving expenditure of \$1,150,000 be drawn from the following areas: approved Capital Budget \$500,000 and expense budget lines (010.5110.0422) \$650,000. My thanks to my colleagues on the Town Board for approving increases in the paving budget over the last few years from approximately \$800,000 to the \$1,150,000 level now. The paving list is based on a Highway Department assessment this Spring of the condition of the 97 miles of Town roads ranked on a scale of 1 to 5 with 1 being in the best condition and 5 being in the worst. The good news is that over the last few years, thanks to the additional Town Board appropriations and judicious Highway Department use of such, the worst roads (ranked 4 and 5) have been paved. Of course, we recognize residents of some roads may feel that their road should be paved. We can assure you that we will continue to administer a fair and equitable policy and will assess road conditions again in the Spring of 2018.

## **LOOKING FOR AFFORDABLE APARTMENTS AND CARING LANDLORDS**

"A safe and peaceful home is the dream of every domestic violence victim. Hope's Door has a wonderful opportunity to make their dream come true. We received a 3-year grant award to provide rental subsidies for victims fleeing abuse. During their subsidy period, we will work with victims to become economically self-sufficient. We have all the victims we need and all the funding we need. What we do need are reasonably-priced apartments with landlords who want to make a difference in the lives of victims and their

children. Please help us. If you know any landlords that would be interested in partnering with us, please have them contact: Debbie Lauro Conn  
Director of Community Services [DLauroConn@HopesDoorNY.org](mailto:DLauroConn@HopesDoorNY.org)  
(914) 747-0828 x 1017."

### **FAIR & AFFORDABLE HOME OWNERSHIP OPPORTUNITIES IN THE TOWN**

In a market where the median sale price of homes in Westchester County are at \$600,000 - and even higher in Bedford -- there are affordable homeownership opportunities in Bedford. The Housing Action Council, a nonprofit organization, is accepting applications for single family properties and condos throughout Westchester including six in Bedford. These include one bedroom condos at Bedford Terrace, a one and two bedroom condo at Bedford Mews, a two bedroom single family property on Ridge St. and a 3 bedroom single family home on Church St.

The affordable sale prices were made possible with financial help from Westchester County. Maximum household incomes, minimum occupancy, primary residency and resale requirements apply. For more information, applications and requirements, go to [www.housingactioncouncil.org](http://www.housingactioncouncil.org) or email [hac@affordablehomes.org](mailto:hac@affordablehomes.org) or call (914) 332-4144.

### **MORTGAGE ASSISTANCE PROGRAM (MAP)**

A new program offered by the NY AG's Office. The program will provide up to \$40k to homeowners facing foreclosure due to delinquent mortgage payments, property taxes or maintenance fees. If they qualify, they do not need to pay it back monthly. It is paid back if the homeowner refinances or sells the house over the life of the loan. Westchester Residential Opportunities Inc. (WRO) is designated to process the application from their office. Homeowners can call Veronica Raphael, Director of Foreclosure Prevention to see if they qualify for this program. 914-428-4507 x334 or [vraphael@wroinc.org](mailto:vraphael@wroinc.org).

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

  
Chris Burdick  
Town Supervisor