

Bedford Hills, New York
April 30, 2020

A work session concerning the update of the Bedford 2020 Climate Action Plan was held beginning at 7:00 pm prior to the commencement of the Town Board meeting with a presentation done by Executive Director Midge Iorio.

A Special meeting of the Town Board of the Town of Bedford was held on April 30, 2020. The meeting was called to order at 7:33 P.M. by Supervisor Burdick. The meeting was held via video conferencing.

Present:	Chris Burdick	: Supervisor
	MaryAnn Carr	: Councilwoman
	Kate Galligan	: Councilwoman
	Bobbi Bittker	: Councilwoman
	Ellen Calves	: Councilwoman
	Lisbeth Fumagalli	: Town Clerk
	Eric Gordon	: Town Attorney
	Jeffrey Osterman	: Director of Planning
	Kevin Winn	: Comm. of Public Works
	Abraham Zambrano	: Comptroller

Due to the current Coronavirus health emergency the meeting was conducted via video conferencing.

PUBLIC COMMENT

CONSENT AGENDA

On a motion by Mrs. Calves, seconded by Mrs. Bittker, the following resolution was ADOPTED by roll call vote:

Ayes: Burdick, Carr, Galligan, Bittker, Calves
Nays: None
Absent: None

1. Request from the Bedford Planning Board Chair Deirdre Courtney-Batson for a proposed change to the Town Comprehensive Plan Subcommittee Structure.

RESOLVED that due to changing circumstances which have altered the proposed mission of two (2) of the subcommittees, the Sustainability subcommittee and the Climate Adaptation Planning subcommittee, the Town Board does hereby approve the following change to the structure of the Town Comprehensive Plan Subcommittees as per the memorandum dated April 28, 2020 from Deirdre Courtney-Batson, Chair of the Town of Bedford Planning Board:

- Elimination of the Sustainability Subcommittee and those members joining the Climate Adaptation Planning subcommittee, chaired by Simon Skolnik.

2. Ratification of Approval of Lot 4 at the Bedford Hills Train Station for Drive-Through COVID-19 testing facility.

RESOLVED that the Town Board does hereby approve the Inter-Municipal Agreement between the Town of Bedford and the Village of Mount Kisco for the establishment a COVID-19 drive through test collection facility in the Town of Bedford Commuter Lot #4 with the facility will be operated by Murphy Medical Associates, LLC, and it is further

RESOLVED that the Town Board approves the HIPAA Business Associate Agreement for the protection of confidential health-related information that may be provided to Murphy Medical Associates during the operation of the facility, as per the memorandum dated April 30, 2020 from Eric Gordon and Drew Gamils, Town Attorneys.

OLD BUSINESS

Mr. Gordon explained the purpose of these two (2) resolutions and Ken Kohlbrenner of Woodard and Curran Engineering, reviewed the map and plan for the proposed Phase II of the Sewer program. Mr. Osterman noted that these were the first steps in this process to be followed by the State Environmental Quality Review (SEQR) work.

On a motion by Mr. Burdick, seconded by Mrs. Galligan, the following resolutions were ADOPTED by roll call vote:

Ayes: Burdick, Carr, Galligan, Bittker, Calves
Nays: None
Absent: None

1. Proposed Resolution regarding Phase II Sewer Project – authorization to Supervisor to proceed with negotiations with NYC Department of Environmental Protection.

RESOLUTION REGARDING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF NEW YORK AND THE TOWN OF BEDFORD AND THE COUNTY OF WESTCHESTER AND THE TOWN OF BEDFORD FOR PHASE II OF THE BEDFORD WASTEWATER PROJECT

WHEREAS, The Town of Bedford (the “Town”) currently relies on aging septic systems and cesspools for wastewater disposal, which contributes to water quality challenges in the nearby New York City Department of Environmental Protection (“NYCDEP”) watershed.

WHEREAS, the Town is currently proceeding with a sewer upgrade project to provide sanitary sewers to owners in the Bedford Hills-Katonah Business Sewer District. The design includes a system comprised of approximately 12,000 linear feet of force main and nearly 17,000 linear feet of gravity sewer, to be installed in the Bedford Hills and Katonah Commercial Districts. This project will also include four pump stations that will pump the sanitary flow to the Taconic - Bedford Hills Correctional Facility Wastewater Treatment Plant (Bedford Hills WWTP) which is currently owned and operated by the New York State Department of Corrections and Community Supervision (DOCCS)(the “Phase I Sewer Project”).

WHEREAS, on April 29, 2019, the Town and the City of New York (the “City”), by and through the NYCDEP, entered into an Intergovernmental Agreement between the Town and the City (the “City-Town-IGA”) with respect to the Phase I Sewer Project which includes, among other things, the Town’s assuming control of the operation of the Bedford Hills WWTP currently operated by DOCCS, the formation of a new Bedford Hills-Katonah Business Sewer District and the construction of a new Bedford sewer collection system to serve entities currently served by three nearby non-municipal waste water treatment plants (“WWTPs”), as well as entities that do not currently have sewer service; and

WHEREAS, with construction of the Phase I Sewer Project moving forward, the Town is now evaluating options for providing additional sanitary sewer extensions and pursuing buildout of sanitary sewers for the Hamlets of Katonah and Bedford Hills. These modifications are proposed to include Bedford Lake apartments and condominiums (off Haines Road in Bedford Hills), 89 residential properties in Katonah in an area adjacent to Phase I Sewer Project sewer lines which include cesspools and a history of septic issues, and 10 properties on Railroad Avenue in Bedford Hills (hereinafter the “Phase II Sewer Project”).

WHEREAS, the Phase II Sewer Project is described in greater detail in a report dated June 2019 and revised April 20, 2020, prepared by Woodard and Curran, and includes expanding the Bedford Hills wastewater treatment plant, installing new sewer mains and laterals, installing a new pump station, and decommissioning the existing Bedford Lake Wastewater Plant;

WHEREAS, the limiting factor the Town faces in moving forward with the Phase II Sewer Project is the existing treatment capacity of the Bedford Hills WWTP. With a permit limit of 500,000 gallons per day, there is no additional capacity of the Bedford Hills WWTP to support additional future sanitary sewer expansion beyond the Phase I Sewer Project. Given the

lack of additional capacity of the Bedford Hills WWTP, Woodard & Curran has been asked to consider the feasibility and cost of expansion of the Bedford Hills WWTP capacity. The Town has also been made aware that the New York City Department of Environmental Protection (“NYCDEP”) is in the design phase of replacing the Bedford Lake WWTP.

WHEREAS, it may be mutually advantageous for NYCDEP, the Town and the residents at Bedford Lake to consider an alternative upgrade for this site. The Town has had discussions with NYCDEP about extending the sewer collection system under the Phase II Sewer Project to Bedford Lake; however, this would necessitate an increase in the capacity of the Bedford Hills WWTP.

WHEREAS, the Town believes that, because of the site conditions as well as the age and condition of certain of the existing treatment systems serving properties without sewer service within the Town, at least some of these systems may be subject to failure while others may not be able to provide adequate treatment and, therefore, could allow the release or discharge of inadequately treated sewage into the City’s water supply; and

WHEREAS, the Town and the New York City will benefit from the Phase II Sewer Project by allowing these systems to be serviced by the Bedford Hills WWTP; and

WHEREAS, the actions contemplated by the Phase II Sewer Project will eliminate the need for a separate regulatory upgrade to the Bedford Lake WWTP and also eliminate other separate discharges in the New York City watershed, which will benefit the Town and the NYCDEP; and

WHEREAS, the Town is willing to manage the Phase II Sewer Project and the design and construction of the new collection system; and

WHEREAS, the Town and the NYCDEP will be required to re-negotiate the City-Town Agreement to set forth the terms and conditions by which the City will provide funding for the Phase II Sewer Project, which funding is needed in order to move forward with the Phase II Sewer Project; and

NOW THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to negotiate an amendment to the City-Town-IGA to incorporate modifications necessary to proceed with the Phase II Sewer Project; and

BE IT FURTHER RESOLVED that any final version of the amendments to the CityTown-IGA shall be subject to review by the Town Attorney and final approval by the Town Board.

2. Proposed Resolution regarding Phase II Sewer Project – request to Westchester County to amend Inter-municipal Agreement to re-allocate East of Hudson Water Quality Improvement Program funds.

RESOLUTION REGARDING AMENDMENT OF INTERMUNICIPAL AGREEMENT
WITH WESTCHESTER COUNTY WITH RESPECT TO FURTHER RE-
ALLOCATION OF EAST OF HUDSON WATER QUALITY INVESTMENT
PROGRAM FUNDS FOR NEW YORK CITY WATERSHED PROTECTION IN THE
TOWN OF BEDFORD FOR THE BEDFORD PHASE II SEWER PROJECT

WHEREAS, the Northern Westchester Watershed Committee (“NWWC”) adopted a resolution on November 14, 2006, which recommended to the Westchester County Executive and the County Board of Legislators the allocation of \$50 million from the East of Hudson Water Quality Improvement Program Funds (“EOH WQIP Funds”) in the amount of \$10 million to certain priority projects within the New York City watershed including a \$10,000,000 proposed allocation for a priority project for the Town of Bedford (“Bedford’s \$10,000,000 Proposed Allocation”); and

WHEREAS, at the request of the Town of Bedford, the NWWC on May 13, 2015 adopted a resolution supporting the allocation of \$3,500,000 of EOH WQIP Funds to the Town of Bedford to implement a septic repair program (the “Septic Repair Program”)

which resulted in an Intermunicipal Agreement between Westchester County and the Town of Bedford (the “Septic Repair Program IMA”); and

WHEREAS, the Town of Bedford developed plans to provide a sewer system for a proposed sewer district in portions of Bedford Hills and Katonah (the “Phase I Sewer Project”); and

WHEREAS, at the request of the Town of Bedford, the NWWC on July 7, 2016 adopted a resolution requesting a re-allocation of Bedford’s \$10,000,000 Proposed Allocation to provide for use of the EOH WQIP Funds for the Phase I Sewer Project; and

WHEREAS, on April 27, 2017, the Town of Bedford and the County of Westchester entered into an Intermunicipal Agreement with respect to the use of the EOH WQIP Funds for the purpose of funding a certain portion of the Phase I Sewer Project (the “County-Town IMA”); and

WHEREAS, on November 16, 2017, the Town Board and the County amended the Septic Repair Program IMA to re-allocate Bedford’s \$10,000,000 Proposed Allocation to provide not less than \$5,750,000 nor more than \$6,500,000 for the Phase I Sewer Project, with any funds in excess of \$5,750,000 to be available for the Septic Repair Program; and

WHEREAS, the Phase I Sewer Project is currently under construction and the Town Board is now considering moving forward with a second phase of the sewer improvements in the Town of Bedford, which project would include Bedford Lake apartments and condominiums (off Haines Road in Bedford Hills), 89 residential properties in Katonah in an area adjacent to Phase I Sewer Project sewer lines which include cesspools and a history of septic issues, and 10 properties on Railroad Avenue in Bedford Hills.

WHEREAS, the proposed project is described in greater detail in a report dated June 2019 and revised April 20, 2020, prepared by Woodard and Curran, and includes expanding the Bedford Hills wastewater treatment plant, installing new sewer mains and laterals, installing a new pump station, and decommissioning the existing Bedford Lake Wastewater Plant (the “Phase II Bedford Sewer Project”);

WHEREAS, the Septic Repair Program IMA has now expired and any remaining funds cannot be used for repairs of septic systems; and

WHEREAS, the Town Board now seeks to amend the County-Town IMA and further re-allocate the EOH WQIP Funds not previously used for the Phase I Sewer Project or for repairs of septic systems in the Town of Bedford, for the purpose of funding certain portions of the Phase II Sewer Project; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bedford authorizes the Supervisor to request a further re-allocation of Bedford’s \$10,000,000 Proposed Allocation of the EOH WQIP Funds and to negotiate an amendment to the County-Town IMA for the purpose of funding certain portions of the Phase II Sewer Project.

NEW BUSINESS

1. Request from the Prison Relations Advisory Committee for a Proposed Resolution for a letter to Governor Andrew Cuomo to consider the early release of older and vulnerable adults incarcerated in Department of Corrections and Community Supervision Facilities.

Mrs. Bittker reviewed the background on this matter.

On a motion by Mr. Burdick, seconded by Mrs. Bittker, the following resolution was ADOPTED by roll call vote:

Ayes: Burdick, Carr, Galligan, Bittker, Calves
Nays: None
Absent: None

April 30, 2020 – Special meeting - continued

RESOLVED that the Town Board does hereby support the recommendation of the Prison Relations Advisory Board for letter to be sent to New York State Governor Andrew Cuomo requesting his consideration for the early release of older and vulnerable adults incarcerated in the New York State Department of Corrections and Community Supervision facilities, as per the memorandum dated April 27, 2020 from Sharon Ballen, Chair of the Prison Relations Advisory Board.

There being no further discussion the meeting was adjourned at 8:05pm.

Lisbeth Fumagalli, Town Clerk