



Supervisor Chris Burdick's December Report

December 31, 2018



*I wish to extend my best wishes for 2019.
Have a happy, healthy and safe New Year*

Town offices will be closed on January 1, 2019 in observance of the New Year's Day Holiday and will re-open on January 2, 2019.

Note to readers: for highlights of the upcoming January 3, 2019 meeting, please refer to my [December 28 newsletter](#)

The newsletter also includes prior posts on the

- 2019 Town budget
- Amendments to the ten year Capital Plan
- The now-completed Police Station renovation project
- The Town's new local law on wireless facilities
- The possibility of a cell tower on Town property at or near the Town offices at 425 Cherry Street
- The schedule for 2019 shredder services
- The new Collective Bargaining Agreement with the PBA.

Open House for Police Station Renovation Project

With the Police Station renovation project now complete except for a handful of "punch list" items, we're planning to invite the community in to take a look.

We're scheduling an Open House for 10AM to noon on Saturday, February 9, 2019
(rain/snow date is February 23).

I hope you can join us.

\$1 Million NYS Grant for Sewer Project

We are very grateful for a grant award of \$1 million toward our sewer project.

Governor Cuomo announced the award on December 18 under the Department of Environmental Conservation's Water Quality Improvement Program.

The project is described in the award: "The Town of Bedford will construct a sewage collection system consisting of six miles of sewer main and three sewage pump stations. This project will reduce the amount of nutrients entering the Upper New Croton Reservoir, a drinking water supply for New York City."

Please see below for an update on the sewer project.

Update on Sewer Project – Looking Ahead to Phase II

The Town remains on course to begin construction in late summer/early fall of 2019 on the sewer project.

By way of background, this project has its origins going back as much as a century when Katonah Village Improvement Society first discussed the benefits of sewers for the hamlet. There had been several attempts to bring sewers to the more densely populated areas of Bedford Hills and Katonah septic systems are more likely to fail due to their age, small lot size (less area for septic fields) or poor soil conditions.

The sewer project addresses the most severe septic issues which are in the hamlet business districts of Bedford Hills and Katonah. It also provides for sewer service for Katonah Elementary School, Bedford Park Apartments in Bedford Hills and property of St. Mary's Church in Katonah – all as alternative to individual wastewater treatment facilities at each of these sites.

We are fortunate to have significant funding from third party sources providing over 95% of the estimated \$23 million project costs.

New York City's Department of Environmental Protection (NYCDEP) is the source of \$13.1 million of the funding; Westchester County's Water Quality Improvement Program fund is the source of up to \$6.5 million and we were just awarded a \$1 million water quality grant from the NYS Department of Environmental Conservation.

We also have an agreement with the New York State Department of Corrections and Community Supervision (DOCCS) providing for DOCCS conveyance to the Town of its wastewater treatment plant (WWTP) serving the two correctional facilities in Bedford Hills.

This conveyance is authorized under special "Home Rule" legislation adopted by the New York State legislature and the Governor signed into law earlier this year.

The Town Board recognizes that the project which will get underway in 2019 only addresses some of the wastewater problems facing our community.

We need to do more. For this reason in September the Town Board commissioned Woodard & Curran, design engineers for the sewer project, to consider a Phase II.

Woodard & Curran has completed its preliminary assessment and issued its [report](#) with regard to it. The report suggests that we consider an expansion of the capacity of the Bedford Hills WWTP.

They also suggested extending the sewer system to connect the rental and condominium units at Bedford Lake (adjacent to the Bedford Hills Memorial Park). This would be in collaboration with NYCDEP as an alternative to a new wastewater treatment facility at this site. In this regard, we have been made aware that NYCDEP is in a holding pattern with regard to its replacement project.

It may be mutually advantageous for NYCDEP, the Town and residents at Bedford Lake to consider the alternative approach, as the Town and NYCDEP are in the process of implementing under Phase I with respect to Bedford Park Apartments, Katonah Elementary School and property of St. Mary's Church in Katonah, as mentioned above.

The Town Board is reviewing the Woodard & Curran report and will meet with them in a work session on **January 3 at 5:30 PM** in the Courtroom. The public is welcome to attend.

Update on Cell Towers and Wireless Communications – Moving Ahead in 2019

As we move into 2019, the Town Board will be evaluating the wireless communication needs of the Police Department as well as those of the Fire Departments and the Katonah Bedford Hills Volunteer Ambulance Corps. We also wish to consider the public safety needs of the general public in light of deficiencies in wireless service in certain areas of town.

We will not do this in vacuum, but rather in concert with the public safety agencies as well as Westchester County which historically has been at the center of addressing wireless communication needs for the County and municipalities.

The County is recipient of federal funds which in part finance projects to address such needs. In particular the County is in the process of implementing a major upgrade to the County's communications system which will include public safety agencies throughout the County (including those in the Town of Bedford).

We also need to consider the overlay of federal law. We need to recognize that the Federal Communications Act and orders of the Federal Communications Commission largely pre-empt municipalities in decisions regarding the siting of cell towers as well as other wireless facilities. What this means is that municipalities are left with a sliver of authority. We need to consider how best to exercise it.

It is apparent that we have both a challenge and an opportunity. A challenge in light of the existing and anticipated applications of wireless carriers, such as AT&T, Sprint, T-Mobile and Verizon, and tower developers serving the carriers to site cell towers within the town to advance their quest for 5G service.

An opportunity to the extent that we can identify locations, such as existing tower sites and municipal property, that may have the least impact on residential communities. With the carriers and tower developers knocking on the door of our towns, it is apparent that we might at least attempt to accomplish the following:

1. Before the edicts of the Federal Communications Act and Federal Communications Commission's orders

overtake us, let's see whether we can find common ground (literally and figuratively) with the carriers/developers on sites which work for them and work for us or at least have less adverse impact than if they were to go about selecting such sites on their own. .

2. If we can find common ground with carriers/developers, it is possible that the cost of new facilities (towers/ antennae) will be borne by them in whole or in part while also providing revenue sources.
3. Partner with the County to combine all wireless telecommunications needs on existing and prospective towers:
 - a. Emergency services, as needed:
State, County police, fire, ambulance.
 - b. Cell service as proposed by carriers/developers – let's recognize that this is a public safety need for us and not simply revenue source for them
4. NYS, County and our towns potentially may benefit by averting protracted and expensive battles with carriers/ developers; providing needed cell service for our communities; having a modicum of control over the sites and perhaps avoiding siting forced upon us in residential neighborhoods; reducing expense to the County, municipalities and public safety agencies.

This will not be easy, but we believe it is preferable to be pro-active in addressing these issues than reactive. As to the former, we have a better chance of having at least a modicum of control as well as the possibility of funding sources to finance wireless equipment for our public safety agencies as well as providing improved wireless service for the community, which itself is a public safety matter and not simply a matter of convenience.

I expect the process will be frustrating, time-consuming and difficult. It also at least at times, will be politically difficult because inevitably there will be some unavoidable adverse impacts.

I do, however, strongly feel it is worth a try.

Comptroller's Report

Town Comptroller Abraham Zambrano reported on December 13 to the Town Board regarding the results of operations for November 2018.

EXPENDITURES

General and Highway Funds. The attached reports demonstrate that the overall year-to-date expenditure percentage for the General Fund is 80% or 11% lower than what it should be at the end the eleventh month of the year, while the Highway Fund's expenditures are at 82% as of November 30. Consequently, year to date activity in both funds are lower than average. However, funds for 2018 expenses are being encumbered to be able to record the expenses in the appropriate year. .

REVENUE AREAS OF NOTE

Mortgage Tax. The Westchester County Clerk's office reported \$160,797 in mortgage tax revenues for the month of October and \$48,554 for November. Although there were substantial increases in the last few months of the reporting periods, the total amount for 2018 is \$847,991 or an amount \$192k under the amount budgeted for 2018.

Sales Tax. As of the date of this report, the November 2018 Sales Tax report has not been released by the Westchester County department of Finance. Based on the payments received to date and projections through the end of December, we are projecting that sales tax revenues will exceed the amount budgeted by about \$300,000.

Parking. Parking revenues recorded through November 30th are still slightly under the projected amounts at the end of the 11th month of the fiscal year. As previously reported, we continue to make better use of the lots and gather permit use information, a considerable number of residents on the wait list for the main lots have already been contacted offering permits in the prime lots.

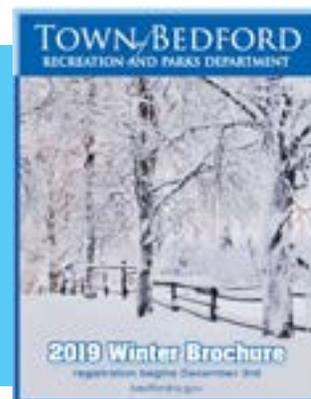
The current wait list indicates that the individuals at the top of the list for lot 1 and 4 are January 2017 and March 2016 respectively.

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 thus far this year total \$697,952 which reflect a 5.2% increase over last year. At this point, projections through the end of the year demonstrate that we will exceed the amount budgeted for 2018 by at least \$126,000.

Safety Inspections. Safety Inspections fees collected in November were lower than projected earlier this year. However, based on year-to-date activity, we are now projecting not only meeting the budgeted amount, but exceeding the projected revenues for the year.

Comptroller Zambrano preliminarily estimates modest increases to Fund Balances of approximately \$300,000 for the General Fund and \$150,000 for the Highway Fund. It should be noted that these are estimates only. The actual amounts are provided in the annual audit report to be issued in May 2019. I wish to thank Comptroller Zambrano for conservative budgeting of expenditures and revenue projections and our Department Heads for prudent fiscal management. Fund Balances, or reserves, are critical to the Town for "rainy days" such as a downturn in the economy (inevitably resulting in drops in revenues such as sales tax and mortgage recording tax), hard winters (with much snow removal) and major storms.

Winter Brochure - Sign up now!
For the full brochure please [click here](#)



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Prior Posts of Continued Relevance

Update on Septic System Repair and Replacement Program

This program, which the Town Board approved in my first term as Supervisor, established a \$3.5 million fund (provided by Westchester County under its Water Quality Improvement Program) to assist property owners in repair or replacement of failed septic systems.

The program allows Bedford property owners in the Croton Watershed (about 85% of the Town's land area) a 50% reimbursement of repair/replacement costs. Planning Director Jeff Osterman reports that approximately \$625,000 has been disbursed from the fund, which represents \$1,250,000 in repaired or replaced septic systems.

Please be reminded that NYS Department of Environmental Conservation mandated local law requires that septic systems be pumped out at least once every five years. We established the Town's Septic System Repair and Replacement program to coincide with the implementation of those state mandates so that if a homeowner has a failing septic system, the homeowner could get some help from the fund.

If you have a failing septic system, contact the Planning Department at 666-4434 for further information or visit our website.



The Supervisor's November Report
[Click here](#)



The Supervisor's October Report
[Click here](#)

Prior Posts of Continued Relevance

Plans for Bedford Village Municipal Parking

The Town and the property committee of the Bedford Presbyterian Church have agreed to a purchase price of \$200,000 for the Church's vacant land off of Court Road for the purposes of constructing a municipal parking lot to serve the hamlet center (the amount is roughly the average between two appraisals of the property, one performed by an appraiser which the Town engaged and the second by an appraiser which the Church engaged). Next steps: the Church is required to hold a congregational meeting in late September for the members of the congregation to approve the sale.

Once the Church has done so, the Church would obtain its Presbytery's approval (also required) and finally the Church needs to petition the NYS Supreme Court for court approval pursuant to the New York Religious Corporation Law. The contract of sale is subject to Town Board approval which will incorporate standard terms including it being subject to the Town's obtaining various approvals mentioned below.

Also as previously reported, we held a public meeting earlier this year at which comments we received showed positive support. I remain hopeful that we can enter into an agreement with the Church in the next couple of months which would be subject to the Town's receiving the needed approvals for constructing the lot, including the US Army Corps of Engineers, the NYS Department of Environmental Conservation (stormwater permit), the Bedford Village Historic District Review Commission, the Bedford Planning Board and the Bedford Wetlands Control Commission, among others.

The permitting process may take between 18 months and two years. The actual construction of the lot and the wetlands mitigation project less time.

Prior Posts of Continued Relevance

The Police Station Solar-Topped Carports

The plans for the Police Station had long included carports to extend the life of police vehicles and reduce police officer time in making them ready for operation in inclement weather. We initially reasonably believed the carports would be financed through third party solar developers.

Due to a change in tax and state incentive programs through the Public Service Commission, the financial viability for such projects in NYSEG service area disappeared.

As a result, the Town is moving ahead with the carports at a cost of \$302,436. The carports will have solar panels as roofs. If the Town had elected to proceed with carports without solar panels, the cost would have been approximately \$250,000 or about \$52,000 less.

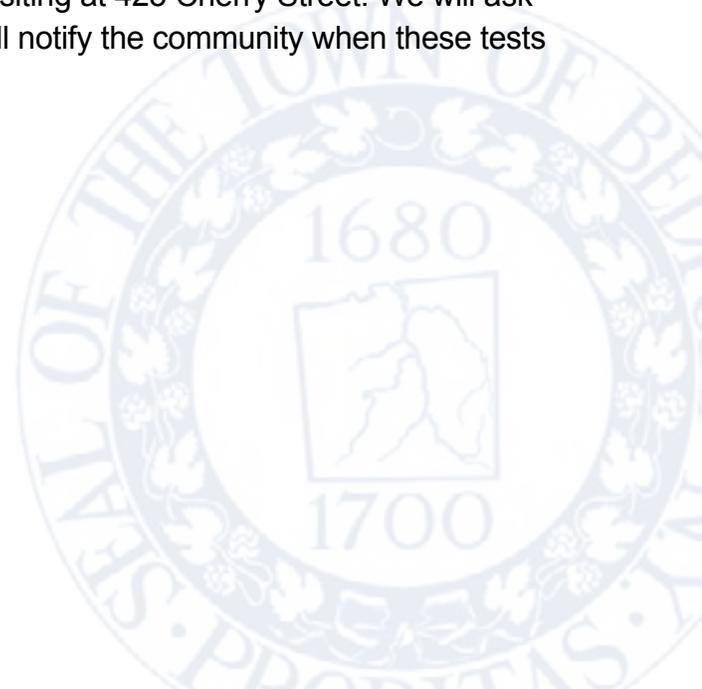
It should be noted, however, that the Town will receive a credit estimated at \$18,067.50 from NYSEDA reducing the difference to about \$34,400. It is estimated that the solar panels will generate over 60% of the electricity needs of the station.

Possible Cell Tower at Town Property at 425 Cherry Street

As I mentioned previously, Homeland Towers, a company which builds towers for wireless providers, including Verizon, has indicated an interest in placing a tower at the Town's property at 425 Cherry Street to enhance wireless communications in the area.

We have discussed with Homeland the possibility of providing police communication and other emergency communication equipment on top of the tower to replace aging equipment located on the Police Department's antenna atop the police station would be a significant benefit to the Town and the community.

Another potential site to erect a cell tower is on property owned by Petre Glass & Mirror on Haines Road (past Dunkin Donuts). However, only one of these locations will be necessary to address the providers' concerns. The Planning Board will review the application for the Petre Glass site and the Town Board will review the alternate siting at 425 Cherry Street. We will ask Homeland to provide balloon tests for both sites. We will notify the community when these tests are going to be performed.



Prior Posts of Continued Relevance **Heat Smart Westchester Opportunity**

Thanks to the continued work of Bedford 2020, the Town of Bedford together with its neighbors, Lewisboro and Pound Ridge, have an exciting opportunity to further our climate action goal to reduce Greenhouse Gas Emissions by 20% by 2020, and at the same time help residents learn about affordable home heating/cooling and energy efficiency opportunities that will result in reduced energy costs.

New York State Energy Research and Development Authority (NYSERDA) has awarded a grant to Sustainable Westchester and partners to launch a community program called Heat Smart Westchester.

The goal of this program is to run a community based outreach and education campaign that will encourage adoption of clean heating and cooling technologies (including geothermal and heat source air pump) as well as energy efficiency.

This adoption will reduce greenhouse gas emissions in our community, and provide residents with cost saving home energy solutions. Along with Sustainable Westchester, other partners in the HeatSmart grant include Energize NY and Abundant Efficiency, the group headed by Nina Orville that ran all the Solarize Westchester Campaigns.

Heat Smart campaigns have already been successfully conducted in Massachusetts and Tompkins County, NY. The Heat Smart Westchester team has issued a Request for Information inviting Westchester municipalities to express interest in being selected for the pilot. Bedford 2020 has asked the Town Board to authorize it to submit an application on behalf of the Town of Bedford to be selected for the pilot - and to run a campaign in partnership with the

Towns of Lewisboro and Pound Ridge (both of which have already agreed to participate).

If selected for the pilot, Bedford 2020 would be running a 20-week campaign, starting in late fall, to educate and engage community members in this opportunity.

Bedford 2020 would take the lead in running the campaign. We would be working with fully vetted contractors and Bedford 2020/ Bedford representatives would be part of the vetting process.

Supervisor Chris Barlick's September Report
October 2, 2018

2018 Town Budget

The September 18th Town Board meeting is now behind us. The 2018 operating budget for the town... (text continues)

Department	2018 Budget	2017 Budget
Administration	1,200,000	1,150,000
Public Works	2,500,000	2,400,000
Police	1,800,000	1,750,000
Fire	3,500,000	3,400,000
Library	500,000	500,000
Senior Center	300,000	300,000
Community Development	200,000	200,000
Planning	100,000	100,000
Public Safety	1,000,000	1,000,000
Other	500,000	500,000
Total	11,300,000	11,000,000

The Supervisor's September Report
[Click here](#)

Prior Posts of Continued Relevance Tree Inventory of Town Trees

Thanks to the work of the Conservation Board, with the endorsement of the Tree Advisory Board, the Town earlier this year was awarded a grant from the NYS Department of Environmental Conservation Urban Forestry Grant for performing an inventory of trees and management plan in the Town three parks, other Town properties and its right of way along the streets.

Trees are an important component of parks in the Town. They offer shade for people walking/hiking or even watching a sporting event. They create habitat for local wildlife and are an important component of the wildlife corridors that the Town encourages as part of its comprehensive plan. Developing an inventory, assessing tree health and developing a management plan will provide the Town with the information it needs to improve the quality and diversity of its forest resources.

Trees beautify the streetscape, increase property values and also serve as an environmental resource by filtering storm water, purifying the air and sequestering carbon, reducing the heat index, and serving as a windbreak.

The Town needs an understanding of the location and types of trees and the health of those trees along its cul-de-sacs. A management plan that includes the Town's street trees will allow the Town to budget for their care, as well as for future plantings.

This inventory will provide a baseline of the number, location, health, and type of trees on public property and in the Town's rights-of-way. This inventory will then be the basis for a community forest plan that will guide the Town, the Conservation Board, the Tree Advisory Board and its volunteers in the management of the community forest over a seven year period. The inventory is expected to take through to the end of October and a final tally of the trees will be presented to the Town board once the inventory is complete.

The Town awarded the contract for carrying out the tree inventory to the low bidder Davey Resource Group.

The Supervisor's August Report

[Click here](#)



Supervisor Chris Burdick's August Report
September 1, 2018



**Cell Towers and Cell Law
Town Board Consideration of a New Cell Law**

You likely have heard that with the advent of 5G, wireless carriers are in the process of submitting cell tower and "small cell" applications to municipalities throughout the country. Bedford is no exception. As I've mentioned in this space, the Town Board is considering a replacement of our 19 year old cell tower law. We have scheduled a work session for the second Town Board meeting on September 26 (a new date due to scheduling conflicts) to start reviewing this topic.

The Town is seeking to adopt a local law which responds to the developments in federal law, court decisions interpreting the law and the explosion in wireless technology over the past two decades. However, the Federal Telecommunication Act regulates a municipality's role in the consideration of cell tower applications.

The Act provides that if an applicant has proven certain facts regarding the application, then the municipality's options are limited.

In this light, we are attempting to provide more tools to the Planning Board with regard to its evaluation of cell tower applications. A new law also may establish a ranking of categories of location, requiring an applicant to demonstrate that, for example, it first has looked at potential municipal, industrial, commercial or other non-residential sites before zoning in on a residential property. I would like to reiterate what I mentioned in my previous newsletter that any new law may not be retroactively applied to an existing cell tower application which the Planning Board is acting upon.

We have been advised that there are gaps in coverage in town. Apart from business motivations on the part of wireless providers to fill these gaps, there are other considerations that support the installation of new cell towers and other technologies.

More and more residents and even businesses have no land line. As a result, cellular service is not simply a matter of convenience to our residents and businesses, but there are also safety considerations for our community to be able to reach emergency services and for emergency responders to have improved ability to communicate with one another.

We need to act in a pro-active manner. We also need to strike a balance.

Photo credit: <http://bedfordtownship.com/news/149> / <http://bedfordtownship.com/news/149> / Photo: Public Domain

The Supervisor's July Report

[Click here](#)



Supervisor Chris Burdick's July Report



**UPDATE ON SENATOR PROJECT
NYS ENACTS KEY LAW FOR BEDFORD**

We are delighted that Governor Cuomo has signed legislation that will allow us to take control of our own destiny by allowing us to regulate wireless towers and antennas. The Department of Environmental Conservation and the Department of Transportation and Community Development are working to revise the regulations in the Town of Bedford.

The goal of the bill is to give us the ability to regulate wireless towers and antennas in our own way. We are grateful that the Governor and the Legislature have taken the steps to give us the ability to regulate wireless towers and antennas in our own way.

The bill also includes provisions that will allow us to regulate wireless towers and antennas in our own way. We are grateful that the Governor and the Legislature have taken the steps to give us the ability to regulate wireless towers and antennas in our own way.

**AND DON'T FORGET - BEING GREEN
STARTS A REPLACEMENT PROGRAM**

We are pleased to announce that the Town Board has approved a plan to start a tree replacement program. The program will allow us to replace trees that have died or are in poor health. We are grateful that the Governor and the Legislature have taken the steps to give us the ability to regulate wireless towers and antennas in our own way.

If you have a tree that you would like to have replaced, please contact the Planning Department at 609-440-1100 for further information or visit our website.

Prior Posts of Continued Relevance

I-684

It's been a long haul trying to persuade New York State to pave the concrete portion of I-684 that runs through Bedford (the same original surface from the late 1960s). You may remember that in early 2014 shortly after coming into office, I started working with Assembly David Buchwald and then State Senator George Latimer to urge the re-paving of the portion of I-684 which runs through Bedford. We also worked with Congressman Sean Patrick Maloney, a member of the Transportation and Infrastructure Committee, to press for funds from Washington, since 80% to 90% of the funds to repair our State's highways comes from the federal government.

Thanks principally to the efforts of Assemblyman Buchwald a portion of the Bedford section was paved (the southerly portion up to Harris Road). But the portion from Harris Road through a bit north of Exit 6 is in terrible condition. One of our residents who is an engineer and works on major road projects described it in an e-mail earlier this week: "Spring has arrived!! Please take the time to drive northbound and southbound on I-684, including the exit ramps.

The pavement deterioration has become very severe in some areas due to the harsh winters. You may see large chunks of concrete in the shoulders that have broken free from the mainline pavement. Perhaps the board can urge the NYSDOT Highway Department to have maintenance crews fill the pot holes in the Katonah corridor as a priority."

Your voice matters, so please contact our elected representatives to urge action to fix the unsafe road:

Governor Cuomo: <https://www.governor.ny.gov/contact>; also try 1-518-474-8390

DOT Albany office: 518-457-6195

DOT Region 8 Acting Regional Director Lance MacMillan: 845-431-5750

If you send an e-mail, please consider copying me and our legislators:

State Assemblyman David Buchwald: buchwaldd@assembly.state.ny.us, 914-244-4450

State Senator Shelley Mayer: smayer@nysenate.gov, 518-455-2031

*I welcome suggestions and comments to my monthly reports,
my weekly newsletter and my news to the community.*

Best regards,



Chris