

Bedford Hills, New York
December 8, 2009

A public hearing was held by the Town Board of the Town of Bedford to consider the creation of Refuse and Garbage Improvement District No. 1 on December 8, 2009 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The hearing was called to order at 7:30 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Francis Corcoran	: Councilman
	David Gabrielson	: Councilman
	Chris Burdick	: Councilman
	Nina Kellogg	: Deputy Town Clerk
	Amanda Kandel	: Town Attorney
	Edward J. Ritter	: Town Comptroller
	Amy Pectol	: Receiver of Taxes
	Marcy Marchiano	: Asst. to Supervisor
Absent:	Peter Chryssos	: Councilman

And six (6) residents/observers.

Proof of publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on November 20, 2009.

Mrs. Roberts introduced Mark Thielking of the Bedford Energy Advisory Panel to discuss this district formation. He presented an outline of what will be accomplished by creating this district and advised that the next step in the process was to establish the energy retrofit program. He noted that homeowners would be able to apply for loans with a 15 to 20 year repayment period for energy upgrades/improvements that would be paid back as a special assessment on the tax bill. If the property is sold, the loan can be transferred to the next owner. He pointed out that there was a matching cost of the energy improvements with the energy savings. He commented that it was hoped it would produce a 30% energy savings for homeowners and that the Town was creating a benefit area to allow the program to be offered to the residents. He added that the program would allow all Town of Bedford residents to participate if they chose to, with no effect on those that did not.

Mrs. Roberts restated that participation in the program was voluntary and was an “opt in” program. She added that those that opt to participate should see a greater savings on their energy costs than the investment that they had made on the improvements. She pointed out that this was not a taxing district.

Mr. Thielking commented that the Energy Advisory Panel was working with NYSERDA to maximize the potential benefits of the program.

Mrs. Roberts opened the floor to public comment and there was none.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes:	Roberts, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	Chryssos

RESOLVED that the public hearing to consider the creation of Refuse and Garbage Improvement District No. 1 be closed.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes:	Roberts, Corcoran, Gabrielson, Burdick
Nays:	None

Absent: Chryssos

**IN THE MATTER OF THE ESTABLISHMENT OF THE TOWN OF
BEDFORD REFUSE AND GARBAGE IMPROVEMENT DISTRICT
NO. 1 IN THE TOWN OF BEDFORD, WESTCHESTER COUNTY,
NEW YORK.**

WHEREAS, the Energy Advisory Board (the “EAB”) of the Town of Bedford (the “Town”), has prepared a map, plan and report for the establishment of a special refuse and garbage improvement district of the Town known as the Town of Bedford Refuse and Garbage Improvement District No. 1 (the “District”), including all necessary materials, equipment, machinery and apparatus required in connection therewith, and pursuant to the direction of the Town Board, the EAB completed and filed with the Town Board such map, plan and report and a detailed explanation of how the estimated cost to the District is zero (\$-0-) on a temporary basis and zero \$-0- on a permanent basis as to direct capital costs financed or to be financed by the Town under the local Finance Law; provided, the benefited lands in the District shall bear an annual cost for debt service on loans from state and federal grant funds and financial institution commercial lending and investment banking partners to homeowners for energy efficiency improvements (the “Energy Efficiency Improvement Project”) made by a not-for-profit corporation (“EEIP Corporation”) to be established by the Town through assessments on such benefited lands which assessments shall be assigned to EEIP Corporation as a constituted authority of the Town; and further provided, through one or more programs of sharing services to reduce costs and increase efficiency and competitiveness in municipal service delivery the Town, through the Energy Efficiency Improvement Program, will seek to expand and the enhance the Energy Efficiency Improvement Program through joint and/or cooperative arrangements with other local governments in the region in which the Town is located; and further provided, any indebtedness of EEIP Corporation shall never be an indebtedness, liability or obligation of the Town, whereupon on November 17, 2009 the Town Board of said Town adopted an order calling a public hearing and caused a notice of such hearing to be published and posted, and further caused a correction to such notice, to be published and posted substantially as specified in the Town Law, and stating December 8, 2009 at 7:30 o’clock P.M. as the time when and the Town House, in Bedford, New York, in the Town of Bedford, as the place where the Town Board would meet to hear all persons interested in the subject matter thereof; and

WHEREAS, a public hearing was held at the time and place as aforesaid in the manner described at which all persons interested in the subject matter were given an opportunity to be heard; and

WHEREAS, at said public hearing all persons were provided with a description of the boundaries of the District including the real estate metes and bounds thereof and given an opportunity to study and comment upon same; and

WHEREAS, at said public hearing all persons were provided with a description of (i) the use of a not-for-profit corporation to be established by the Town to make loans to homeowners in the District for energy efficiency improvements, (ii) the assignment of assessments for the District to EEIP Corporation as a constituted authority of the Town to pay debt service on such loans, (iii) the efficiency and competitiveness of sharing services of the Energy Efficiency Improvement Program with other local governments in the region the Town is reduce costs, and (iv) the loans to be made by EEIP Corporation or any debt of EEIP Corporation as never being an indebtedness, liability or obligation of the Town

NOW, THEREFORE, upon the evidence given at the public hearing described herein, it is determined by the Town Board of the Town of Bedford, New York, as follows:

1. The notice of the public hearing and the correction to such notice were posted and published as required by law, and the notice of public hearing and delivered by United State Certified Mail to owners of potentially benefited lands within the District with a mailing address outside the Town; and
2. All property and property owners in the District who may take out loans from EEIP Corporation and receiving funds for the purchase and installation of energy efficiency improvements are benefited thereby and, all property and property owners benefited are included within the limits of the proposed District, and the creation of the District is in the public interest; and
3. The temporary cost and the permanent cost of the District to benefited properties in the District are zero (\$-0-); provided, the benefited lands in the District shall bear an

annual cost for debt service on loans from state and federal grant funds and financial institution commercial lending and investment banking partners to homeowners for energy efficiency made by EEIP Corporation to be established by the Town through assessments on such benefited lands which assessments shall be assigned to EEIP Corporation as a constituted authority of the Town; and

4. The environmental compliance proceedings required under Article 8 of the New York Environmental Conservation Law and the applicable regulations promulgated thereunder from time to time by the Department of Environmental Conservation are adequate and complete for undertaking the improvements within the District, and it is hereby confirmed that the acquisition, construction and financing of said improvements will not have a significant adverse impact on the environment; and

5. The improvements in the District are and are deemed to be assessable improvements pursuant to sections 198(9)(d) and 209-i of the Town Law, and the assignment of assessments as collected for the District by the Town are hereby assigned to the EEIP Corporation, if, as and when established by the Town Board of the Town; and

6. It is in the public interest to grant in whole the purpose sought as set forth hereinabove, and accordingly, the District is hereby established pursuant to Chapter 336 of the Laws of 2009, section 209-i of the Town Law, and Chapter 497 of the Laws of 2009, as may be applicable; provided, Chapter 336 of the Laws of 2009 is deemed to be in lieu of a local law; and

7. The Town Board of the Town is hereby authorized to establish a not-for-profit corporation to be known as EEIP Corporation to provide loans for the Energy Efficiency Improvement Program; and

8. This resolution is subject to a permissive referendum in the manner provided in Article 7 of the Town Law. Within the (10) days of the adoption in this resolution by the Town Board, the Town Clerk shall publish in the official newspaper of the Town and post on the signboard maintained by the Town Clerk, a notice of permissive referendum. Such notice shall be sufficient if a true copy of this resolution is so posted and published. If within thirty (30) days of the adoption of this resolution, assuming due notice by posting and publication as aforesaid, no petition protesting the creation of the District is filed with the Town Clerk, this resolution shall be and be deemed to be final and the Town Board shall confirm same by adopting a final order creating the District referred to in Section 209-g of the Town Law.

9. This resolution shall become effective immediately upon its due adoption by the Town Board of the Town subject to confirmation thirty (30) days hence without the adoption by the Town Board of a final order if a sufficient petition protesting the creation of the District is not filed with the Town Clerk as aforesaid.

The hearing was adjourned at 7:40 PM.

Nina Kellogg, Deputy Town Clerk