

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 14, 2011

Supervisor Weaver called the meeting to order at 6:00 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

The meeting was immediately adjourned into an executive session, which was then closed at 7:30 p.m. The regular meeting was reconvened at 7:35 p.m.

Councilman Roth moved, seconded by Councilman Schiliro, approval of the minutes of the August 17, 2011 meeting.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

The minutes of the Public Hearing which commenced at 8:05 p.m. follow at the end of these minutes.

In consideration of the zoning petition previously filed to allow a supermarket at 99 Business Park Drive, Supervisor Weaver said that he was in favor of giving the Petition back to the developer since the supermarket proposal at Armonk Square is moving forward.

The applicant, Michael Fareri reviewed his interest in developing a supermarket at this location. Mr. Fareri accused the Town Board of fast tracking the Armonk Square project and making a hasty decision in allowing the food market at this location. Bob Greene, North Lake Road, and a developer of shopping centers, stated that the plan for locating a supermarket in Armonk Square will not work because the plan is under-parked and he recommended going forward with the Business Park Drive supermarket. Mr. Greene submitted, for the record, his written comments stating why a supermarket will not work at Armonk Square.

In response, Anthony Veneziano, Veneziano & Associates representing the Armonk Square project, said several potential tenants have expressed interest in the proposed food market at Armonk Square. Mr. Veneziano added that the Business Park Drive petition is for one site with one zoning lot, while a market at Armonk Square would unlock the entire development of Armonk Square and support all businesses in the hamlet. Ed Lashins, property owner and developer of Business Park Drive, said that Main Street property owners and merchants are in favor of an Armonk Square market, while many Business Park Drive owners are not in favor of a supermarket at the 99 Business Park Drive location. Mr. Lashins urged the Board to give the market at Armonk Square an opportunity to succeed because the project is worthy and fits with the Town's comprehensive plan.

Town Attorney Baroni suggested that the Board could put the decision to reschedule a public hearing for the 99 Business Park Drive petition off for several weeks. Mr. Fareri agreed and suggested that the decision be postponed until January, 2012.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Kellard Sessions Consulting, P.C. which included the tabulated results of bidders for the repair of Town

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roadways, and the recommendation to award the contract to the low bidder, Bilotta Construction Corp., conditioned upon the review of the bid by the Town Attorney.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes:

Councilman Kittredge moved, seconded by Councilman Schiliro, adoption of a bond resolution authorizing the issuance of up to \$2,500,000.00 aggregate principal amount serial bonds of the Town of North Castle to finance the cost of (I) the acquisition, construction, and reconstruction of improvements to Town roads and (II) the acquisition of machinery and apparatus for construction and maintenance, in and for the Town.

The roll call vote was as follows:

Councilman Kittredge Aye

Councilman Schiliro Aye

Councilman Roth Aye

Councilman Cronin Aye

Supervisor Weaver Aye

Noes: None

A copy of the Bond Resolution follows at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a special use permit application from St. Nersess Armenian Seminary, Inc. for a seminary at the property at 486 Bedford Road, and further moved that the matter be referred to the Planning Board for study and report, with the recommendation that the Planning Board act as Lead Agency.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Supervisor Weaver, receipt of petition from Mark Real Estate, LLC for an amendment to the Nursery Business Zoning District, and further moved that the matter be referred to the Planning Board for study and report.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Cronin, authorization for the Town Attorneys to execute the Consent Judgment in the matter of Eden Enterprises, LLC/Armonk Shopping Center vs. Town of North Castle -- Index No. 20322/07 et al.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment Notice and Application for Refund for Wachovia Corporation, 490 Main Street, I.D. 2-13-4, Councilman Kittredge moved, seconded by Councilman Roth, authorization to issue a refund in the amount of \$5,008.52.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Cronin, authorization to issue a refund of the building permit fee to MJ LaCav, LLC, in the amount of \$12,400.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

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Noes: None

A request from Gilda and John Salhuana to connect to Sewer District No. 2 was received on the duly adopted motion of Supervisor Weaver. The Supervisor asked Assistant Sewer & Water Superintendent Misiti to look into the request.

Councilman Roth moved, seconded by Councilman Kittredge, receipt of donations from the Byram Hills Preschool Association to the Recreation Department in the amount of \$1,000 and to the Library in the amount of \$750.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, approval of a request from the North White Plains Fire Co. #1 for the renewal of its Special Use Permit to sell Christmas trees for the 2011 Season.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, adoption of a resolution to authorize Jeffrey Storch, Esq. of Cahill Gambino LLP to serve as Bond Counsel.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, adoption of a resolution to authorize Richard Tortora of Capital Markets Advisors, LLC to serve as Fiscal Advisor.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of a mortgage tax update for July 2011 from Comptroller Gobeo. The projection for July is \$81,000. The total estimated mortgage tax for the ten month period of FY 2011 is \$633,000 versus the annual budgeted amount of \$600,000.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, that the Supervisor be authorized to make the budget transfers and amendments that follow as requested by Comptroller Gobeo.

To correct Health Insurance cost allocation

Budget Transfer:

From			To:		
<u>Appropriation No.</u>	<u>Description</u>	<u>Amount</u>	<u>Appropriation No.</u>	<u>Description</u>	<u>Amount</u>
A.1310.0840	Health Ins	5,500.00	A.1010.0840	Health Ins.	2,578.40
A.1410.0840	Health Ins.	4,500.00	A.1355.0840	Health Ins.	113.89
A.3120.0840	Health Ins.	12,013.63	A.1620.0840	Health Ins.	1,695.17
			A.3620.0840	Health Ins.	17,626.17

To record Recreation Department's Budget Transfer request

From:			To:		
A.7120.0214	Equipment	9,000.00	A.7110.0411	Supplies	9,000.00

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The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the East of Hudson (EOH) Intermunicipal Agreement between Westchester County and municipalities within the Croton and/or Kensico watersheds.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Receipt of a letter of resignation from Richard Fon, Superintendent of DPW was tabled.

The appointment of Jamie Norris to General Foreman, Highway was tabled.

Councilman Kittredge moved, seconded by Councilman Cronin, approval of terminal leave pay for Barbara Minnitte, Senior Office Assistant, Police Department.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Cronin, approval of terminal leave pay for Linda DiFiore, Senior Office Assistant, Building Department.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None

Councilman Roth moved, seconded by Councilman Cronin, to ratify approval for Police Officer Wesley Mojica to attend the NYS Police Juvenile Officers Association Training Conference in White Plains, August 29 – September 2, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of Workers Compensation Reports for a Highway Department employee.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Cronin, approval of the following appointments to Sustainable North Castle Committee: Eileen Joy and Brian Kaminer as Co-Chairs of the Committee, in place of Jon Mann who has resigned as Chair and continues as a member of the Committee, effective immediately.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a letter from Ernest and Jacqueline Gelman commending the Highway Department for their efforts during the recent storm.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

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Councilman Roth moved, seconded by Councilman Cronin, receipt of letter from Cablevision regarding the elimination of duplicate analog feeds of the programming channels in Broadcast Basic and Family tiers in Westchester County, resulting in a fully digital cable system in these areas.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, the following items on the consensus agenda:

- Receipt of Cablevision franchise fee payments for 2nd quarter 2011 in the amount of \$35,081 for the Cablevision system and \$9,234 for the Southern Westchester system.
- Receipt of Notice of Claim and referral to Town Attorney regarding Gregory Grice vs. Town of North Castle.
- Receipt of Town Clerk's monthly report for the month of August, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Roth moved, seconded by Councilman Cronin approval of the request for Disconnect, LLC to film at Saveway Cleaners, 615 North Broadway, North White Plains on September 26, 2011.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a letter from Reverend Joshua T. Condon, Rector, St. Stephen's Episcopal Church, requesting that the public hearing for the Armonk Square Special Use and Zoning Change Petitions be reopened to allow the congregation to offer comment. Supervisor Weaver said that he would ask the developers to meet with St. Stephen's to review the revised plans and answer any questions.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

The Town Board audited and approved payments totaling \$1,134,534.87 as indicated on Warrant #15.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:30 p.m. in memory of Ida Ross, resident and former North Castle employee, and the grandfather of Reverend Joshua T. Condon.

Anne Curran, Town Clerk

Dated: September 26, 2011

**BOND RESOLUTION, DATED SEPTEMBER 14, 2011, AUTHORIZING THE
ISSUANCE OF UP TO \$2,500,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE TOWN OF NORTH CASTLE, COUNTY OF
WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF (I) THE ACQUISITION,
CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO
TOWN ROADS AND (II) THE ACQUISITION OF MACHINERY AND
APPARATUS FOR CONSTRUCTION AND MAINTENANCE, IN AND FOR
THE TOWN.**

WHEREAS, the Town Board of the Town of North Castle (the “Town”), located in the County of Westchester, in the State of New York (the “State”), hereby determines that it is in the public interest of the Town to authorize the financing of the costs of (i) the acquisition, construction and reconstruction of improvements to Town roads (\$2,100,000) and (ii) the acquisition of machinery and apparatus for construction and maintenance (\$400,000), in and for the Town, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total cost not to exceed \$2,500,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of North Castle, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Town in the aggregate principal amount of up to \$2,500,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of such specific object or purpose, or class of object or purpose, the principal amount of serial bonds authorized herein for such specific object or purpose, or class of object or purpose, and the period of probable usefulness of such specific object or purpose, or class of object or purpose, thereof pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition, construction and reconstruction of improvements to Town roads in and for the Town, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$2,100,000, for which \$2,100,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c)

of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of machinery and apparatus for construction and maintenance for the Town, including any applicable equipment, machinery and apparatus necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$400,000, for which \$400,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Town Board has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$2,500,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Town Board plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or from the proceeds of bond anticipation notes issued in anticipation of such serial bonds; (d) the maturity of the obligations authorized herein may be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs of the Project for which proceeds of such obligations are to be applied to reimburse the Town, the Town Board took “official action” for federal income tax purposes to authorize capital financing of such item.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town. The Town Supervisor is hereby authorized to execute, on behalf of the Town, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds,

and the Town Clerk is hereby authorized to affix the seal of the Town (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Town Supervisor.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Town Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having a general circulation in the Town. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Town is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this bond resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of the obligations authorized herein, the Town Board shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Town Board will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby

determined by the Town Board that the Project constitutes a “Type II Action” under the regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act which, as such, will not have a significant effect on the environment.

Section 8. The Town hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The Town covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Town, and will not make any use of the Project which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Town to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Town to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Town made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Town.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Town agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Town’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Town Supervisor is authorized and directed to sign and deliver, in the name and on behalf of

the Town, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Town Clerk, which shall constitute the continuing disclosure agreement made by the Town for the benefit of holders and beneficial owners of the obligations authorized herein in accordance which the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Town and that are approved by the Town Supervisor on behalf of the Town, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Town’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Town would be required to incur to perform thereunder. The Town Supervisor is further authorized and directed to establish procedures in order to ensure compliance by the Town with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Town Supervisor shall consult with, as appropriate, the Town Attorney and bond counsel or other qualified independent special counsel to the Town and shall be entitled to rely upon any legal advice provided by the Town Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Town Board and the expiration of the period prescribed in the Town Law during which petitions for a permissive referendum may be submitted and filed with the Town Clerk.

PUBLIC HEARING

September 14, 2011

At 8:05 p.m. Supervisor Weaver stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on September 14, 2011, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, for the purpose of considering the special event permit request for a Harvest Party special event to be open to the public and to hold not more than 150 people on Sunday, September 25, 2011. The property is located at Restaurant North - 386 Main Street and known on the North Castle Tax Maps as Section 2, Block 14, Lot 10 and located within the CB Zoning District.

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Copies of the special event permit application are available in the Town Clerk's office during regular business hours. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: September 1, 2011
Armonk, New York

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

The following were marked Exhibit "D" for the record:

- The application documents, including Short Environmental Assessment Form, Part I, and a \$500 bond to guarantee cleanup after the special event.
- A letter from the property owner (John Poniros) dated September 12, 2011 permitting use of property for the special event.
- A letter from the property owner (Dominick Dioguardi) of 44 Bedford Road and 29 Maple Avenue dated September 12, 2011 permitting use of the properties for additional parking.
- An email from Lt. Peter Simonsen dated September 13, 2011 regarding Police Department recommendations for traffic control and parking.
- The green cards denoting receipt of certified mail by adjoining property owners, and letter signed by property owners within 250 feet of the site.
- The proposed resolution of approval.

Town Clerk Curran stated that Restaurant North's owners, Stephen Mancini and Eric Gabrynowicz, completed their Special Permit Application and they have supplied all required documents. She added that Building Inspector and Police and Fire Depts. have approved the plans for the event.

Stephen Mancini appeared before the Town Board as the applicant to request the Board's approval. Mr. Mancini described the purpose of the event as to create goodwill, support the Armonk Chamber of Commerce during the Armonk Art Show weekend and to raise funds for local farms in upstate New York that suffered heavy economic losses during the past few months due to weather and flooding. Mr. Mancini stated that guest count will be limited to no more 150 people.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Roth that the Public Hearing be closed at 8:10 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the approval of the Special Event Permit application of North Harvest Party subject to the conditions in the resolution.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

The resolution follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: September 22, 2011

RESOLUTION

Action: Special Event Permit
Application Name: Restaurant North Harvest Party
Owner: Olive Branch Plaza Corp
Applicant: Restaurant North
Designation: Section 2, Block 14, Lot 10
Zone: CB
Acreage: Approx. 0.69-acres
Location: 386 Main Street
Date of Approval: September 14, 2011
Term of Special Event Permit: September 25th, 2011 from Noon to 6 pm

WHEREAS, an application dated August 30, 2011 was submitted by Restaurant North to operate a special event Harvest Party at 386 Main Street pursuant to Chapter 83 of the Town Code; and

WHEREAS, Restaurant North is requesting permission to conduct a Harvest Party special event that is open to the public and will hold not more than 150 people at any one time; and

WHEREAS, the Harvest Party will include the serving of barbeque food and beer and include the performance of live music; and

WHEREAS, the operation of the special event would not require any permanent construction; and

WHEREAS, the Harvest Party is to occur within a portion of the parking lot of 386 Main Street; and

WHEREAS, overflow parking for the event will be provided on the former Beascakes property as well as the vacant Armonk Square property; and

WHEREAS, the site plan was forwarded to the Chief of Police, Building Department and Fire Department so that they may make any pertinent recommendations to the Town Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the 0.69-acre property is located in the CB Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 2, Block 14, Lot 10; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on September 14, 2011 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617 and the North Castle Environmental Quality Review Law, the Town Board hereby makes a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the special event permit is approved for September 25th, 2011 from Noon to 6 pm, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this permit shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use; and

Prior to the Issuance of the Special Event Permit:

(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

_____1. Pursuant to Section 83-4.D of the Town Code, the Applicant is required to submit plans showing the layout of the event area, including the location of all existing structures and improvements, the location and description of all event-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets to the satisfaction of the Building Department.

_____2. Pursuant to Section 83-4.F of the Town Code, a certificate of insurance from an insurance company licensed to do business in New York State with the following minimum coverages to the satisfaction of the Town Clerk:

- (1) Bodily injury: \$300,000, one person.
- (2) Bodily injury: \$1,000,000, one accident.
- (3) Property damage: \$100,000, one accident.

In addition, the Town shall be identified as additionally insured to the satisfaction of the Town Attorney.

_____3. Pursuant to Section 83-4.G of the Town Code, the Applicant shall submit all documentation demonstrating approval from the Westchester County Department of Health to the satisfaction of the Building Department.

_____4. Pursuant to Section 83-4.I of the Town Code, the Applicant shall post a cash bond of \$500 to guarantee cleanup by the exhibitor after the special event, except where the special event is conducted on premises owned by the person making the application.

_____5. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.

Other Conditions:

- 1. Pursuant to Section 83-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal, the cost of which shall be paid for by the applicant.
- 2. Pursuant to Section 83-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant.
- 3. This special event permit is not assignable.

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4. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 83-6 of the Town Code.
5. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Marshal, Police Department and Highway Department of the Town of North Castle.
6. The special event shall not be conducted prior to 12:00 p.m. or after 6:00 p.m.
7. All rubbish from the premises and from any parking area must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
8. The Applicant shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.
