

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 23, 2013

The meeting was called to order at 5:15 p.m. on the duly adopted motion of Councilman D'Angelo and immediately adjourned into executive session. All Town Board members, the Town Attorney and the Town Administrator were present for the executive session which closed at 7:30 p.m. The Town Clerk joined the regular meeting which reconvened at 7:35 p.m.

Supervisor	Howard B. Arden
Councilmen:	Michael J. Schiliro Diane DiDonato Roth John J. Cronin Stephen D'Angelo

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the minutes of the January 9, 2013 meeting.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden.
Noes: None.

Following comments by the Town Board, Councilman DiDonato Roth moved, seconded by Councilman Schiliro, adoption of the Final Scope document for the Brynwood Golf & Country Club project.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, approval of a resolution to amend the Holiday Display Policy regarding use of Town properties to include other Town properties in addition to Wampus Brook Park. The resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Veneziano & Associates for the Town to return the recreation fees payment of \$20,000 from Jennie Clarkson, St. Christopher's, Inc. for a subdivision approval obtained on September 12, 2011, and subsequently abandoned.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman Schiliro moved, seconded by Councilman D'Angelo, approval of request from the National Alliance on Mental Illness (NAMI) to participate in the "Ribbon Campaign" whereby ribbons will be displayed on Town trees in Armonk, North White Plains and Banksville for the month of May, 2013 to increase awareness about mental illness. The Supervisor suggested that Stamatia Pappas, President, NAMI, contact Town Clerk Curran to review the tree locations where the ribbons will be displayed.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, receipt of memo from Best Best & Krieger to the Town as part of the Cablevision Franchise Fee Coalition regarding the proposed settlement of franchise fee underpayments and further moved acceptance of Option B of the proposed settlement which will result in a payment to the Town of approximately \$71,500.

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The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, not to renew annual membership in the NYS Association of Towns until a decision is reached in the legal matter regarding certain former and current town employees and elected officials vs. the Town concerning modifications to benefits.

Supervisor Arden asked Town Clerk Curran to read a letter he had drafted to the Association of Towns citing the reasons why the Town was withdrawing from membership until further notice. Three Town Board members felt that there is a conflict between the mission statement of the Association of Towns and Gerald Geist's position as Executive Director. Additionally, the Supervisor expressed concern that paying dues to an organization with Mr. Geist as Executive Director could be seen as a breach of the Town's fiduciary responsibilities.

The roll call vote was as follows:

Ayes: Councilmen DiDonato Roth, Cronin, Supervisor Arden

Noes: Councilmen Schiliro, D'Angelo

Councilman DiDonato Roth moved, seconded by Councilman Cronin, authorization for Fidelity Title, Ltd. to perform title search, deeds and maps for Fountain Park for a maximum fee of \$850.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, authorization for the Supervisor to sign agreement with The Bonadio Group for annual audit of Town financials and Justice Court for year 2012 for a total fee of \$42,500.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign Land Banked Parking Agreement for 7 Reservoir Road, North White Plains.

The roll call vote was as follows:

Ayes: Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign 2013 agreement with Artmonk Studios, Inc. for arts programs offered through the Recreation Department.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, authorization for the Supervisor to sign the agreement with Vita Vending, Inc. to provide snacks and beverage vending machines in specific locations within the Town of North Castle Parks & Recreation facilities.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, acceptance of letter of resignation from Grace LoBello, part-time Intermediate Account Clerk Typist, Tax Receiver's office, effective January 8, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointment of Jeff Marmol for hourly support regarding NYS Archives grant award, effective January 22, 2013.

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The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointment of Maureen Kilfoyle for hourly support regarding NYS Archives grant award, effective February 1, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval for Comptroller Berland and Town Administrator Goldberg to attend GFOA (Government Finance Officer's Assoc.) Spring Seminar in Albany on April 9 - April 12, 2013. Total expense, including an additional training session, is not expected to exceed \$1,200, funds of which are budgeted.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman Cronin moved, seconded by Councilman D'Angelo, the appointment of Councilman DiDonato Roth to serve as Liaison to Communications Committee, replacing Councilman Cronin.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointment of Rhonda Lubin to Communications Committee to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, the appointment of Nancy Maniscalco to the Open Space Committee to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointment of Judy Kitt to the Open Space Committee to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the appointment of Vito Errico to the Parks and Recreation Advisory Board for a term to expire on December 31, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, the consensus agenda as follows:

- Receipt of memo from Kellard Sessions Consulting regarding the assignment of new street addresses for The Market at Armonk Square as follows:
 - o 17 Maple Avenue (Food store and restaurant)
 - o 400 Main Street (Building A, Southern Building), 2nd Floor Apartments numbered A-F
 - o 402 Main Street (Building B, Northern Building), 2nd Floor Apartments numbered A-D
 - o 44 Bedford Road (office use)
- Approval of request of General Foreman Norris for release of bonds as follows:

- Verizon – Permits 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 1008, 1009, 1028, 1029 and 1030 for right of way work at various locations in the amount of \$18,777 to be reinstated to the \$100,000 bond.
- Con Edison – Permit 0692 for right of way/street opening work at 5 Oak Ridge Court in the amount of \$750 to be reinstated to the \$65,000 bond.
- Receipt of first half payment of NYS Archives Grant Award in the amount of \$5,737.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

The Town Board audited and approved payments totaling \$5,483,592.43 as indicated on Warrant #2.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:45 p.m. in memory of residents Elliot M. Ogden, IV, and Richard David Gizzi.

Anne Curran, Town Clerk

Dated: February 11, 2013

RESOLUTION

REGARDING USE OF TOWN PROPERTY FOR HOLIDAY DISPLAYS

Amended January 23, 2013

WHEREAS, the Town of North Castle (the "Town") has permitted holiday displays on Town Property in or about the month of December each year, for the purposes of encouraging harmony, peace and goodwill among the residents of the Town; and

WHEREAS, the use of Town Property for holiday displays has not heretofore been reduced to writing as an official policy of the Town; and

WHEREAS, the Town Board hereby declares it to be in the best interest of the Town and all its residents to adopt a written policy to provide potential users of Town Property for holiday displays a clear understanding of the standards and guidelines for such use:

NOW, THEREFORE, the Town Board hereby adopts the following policy, effective upon passage:

Town Property/Holiday Display Guidelines:

1. Wampus Park is located on Maple Avenue in the Hamlet of Armonk. The area available for permitted holiday display is on either side of the gazebo and areas adjacent thereto and other Town properties as to be determined by the Town Board.

2. An applicant, if an individual, must be a resident of the Town. If an applicant is an organization, it must have a location in the Town.

3. The term "Permitted Holiday Display" as used herein is hereby defined as a holiday display on public property held to be constitutional under court decisions.

4. The term "Court Decisions" as used herein is hereby defined as decisions of the United States Supreme Court and the United States Courts within the Second Circuit regarding the constitutionality of holiday displays on public property.

5. Permitted Holiday Displays may be located on Town properties upon written approval of the Town Board and subject to Federal Law, State Law, Town Code and the limitations of this and any other policy duly adopted by the Town Board.

6. The Town will not sponsor or expend monies for a Permitted Holiday Display. Private individuals and/or groups may offer to donate to the Town through the Town Board, items for Permitted Holiday Displays, but it shall be the sole and exclusive decision of the Town Board as to whether such items constitutes a Permitted Holiday Display conforming to Court Decisions and applicable law, policy and ordinance.

7. Nothing herein shall be deemed to offer the Town Property to anyone as a public forum for the purposes of displaying any exhibits, symbols, sculpture, signs, or artwork.

8. Vandalism/Loss. Organizations and persons temporarily using Town Property for Permitted Holiday Displays shall be responsible for the cost and repair for any vandalism, damage, breakage, loss, or other destruction caused to the display.

9. Procedures for Reserving Temporary Use of Town Property for Permitted Holiday Displays.

A. Requests for reserving temporary use of Town Property for a Permitted Holiday Display must be made in writing to the Town on an annual basis. Each request must contain the following information (incomplete requests will not be considered):

1. Name/address/telephone number/e-mail address(es) of contact person(s)
2. Name/address/telephone number/e-mail address(es) of backup contact person(s)
3. Name and address of organization
4. General description of Permitted Holiday Display
5. Date(s)/time and duration of Permitted Holiday Display
6. Area requested for use
7. Signature/printed name of individual submitting request or authorized representative of the organization submitting the request.

The Town Clerk will prepare a permit application form for such requests. Completed permit applications are to be submitted to the Town Clerk who will refer such applications to the Town Board for review and action.

B. Where more than one application is submitted requesting temporary use of the same space at the same time, the Town Board, in its discretion, may designate separate areas within such space, if space estimates reasonably will allow such designation. Where space is insufficient, the Town Board in its discretion may limit the number of Permitted Holiday Displays so as to accommodate the multiple requests for such space. Where such concurrent accommodations cannot be made, priority shall be given to

organizations within the Town which have previously been approved for Permitted Holiday Displays at such location. Priority otherwise shall be on a first-come, first-served basis, taking into consideration other previously scheduled events.

10. The Town reserves the right to suspend or modify these policies and adopt temporary emergency policies for specific periods, if necessary for public safety, to accommodate increase or decrease in demand or access or to protect public property and its occupants during periods of heightened security or special circumstance.