

RESOLUTION

REGARDING USE OF TOWN PROPERTY FOR HOLIDAY DISPLAYS AND AS A PUBLIC FORUM

WHEREAS, the Town of Bedford (the “Town”) has long sponsored or permitted holiday displays on the Town Hall Grounds (as defined herein) as well as on Town owned property (as defined herein) in the hamlets of Katonah, Bedford Hills and Bedford Village in or about the month of December each year, for the purposes of encouraging peace and goodwill among the residents of the Town and to support and encourage commerce in the Town; and

WHEREAS, the use of the Town Hall Grounds and Town owned property for holiday displays has not been reduced to writing as official policies 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 the Town owned property a clear understanding of the standards and guidelines for such use:

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

1. The term “Town Hall Grounds” as used herein is hereby defined as the Town Hall, buildings and the lawns and paved areas, including parking lots, surrounding the Town Hall located at 321 Bedford Road, 307 Bedford Road and 425 Cherry Street, Bedford Hills, New York.
2. The term “Town owned property” as used herein is hereby defined as follows:
 - i) In the Hamlet of Katonah, the Katonah Greens located at Katonah, Bedford, New York;

- ii) In the Hamlet of Bedford Hills, the lawn area within the circle located across from the east entrance of the Bedford Hills Train Station at Depot Plaza;
- iii) In the Hamlet of Bedford Village, the Bedford Village Green located at Route 22 and Route 172.
- iv) And any other Town owned properties other than the Town Hall grounds.

3. The term “Permitted Holiday Display” as used herein is hereby defined as a secular 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. The term “Religious Holiday Display” as used herein is hereby defined as a display of religious symbols and any other holiday display on public property held to be unconstitutional under Court Decisions.

6. The term “Holiday Displays” as used herein is hereby defined as Permitted Holiday Displays and Religious Holiday Displays, collectively.

7. No Holiday Displays shall be permitted on Town Hall Grounds.

8. Permitted Holiday Displays may be located on Town owned property 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.

9. The Town will not sponsor or expend monies for any 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 item constitutes a Permitted Holiday Display conforming to Court Decisions and applicable law, policy and ordinance.

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

11. The conduct of official public business by the Town and its agencies, shall take precedence over any other requested use of the Town owned property.

12. Liability and Indemnification.

Organizations and persons temporarily using Town owned property for events shall be responsible for returning the areas used in conducting their events to their condition prior to the event and shall be responsible for the cost and repair for any vandalism, damage, breakage, loss, or other destruction caused by their activities. The cost of any repair will include the costs for the services of specialists in relevant historical restoration skills as determined by the Town.

Organizations and persons temporarily using the Town owned property must provide appropriate insurance coverage and must sign an agreement to be prepared by the Town Clerk and approved by the attorney for the Town:

(i) Acknowledging that they have read, understood, and are willing to abide by this policy;

(ii) Acknowledging their responsibility for property damage caused by their activities during an event; and

(iii) Releasing the Town, its officers, agents, and employees against any and all damages, claims, or other liabilities due to personal injury or death, or damage to or loss of property to others, arising out of the temporary use of the Town owned property, except to the extent of the sole negligence of the Town.

13. Procedures for Reserving Temporary Use of Town owned property.

A. Requests for reserving temporary use of Town owned property for Permitted Holiday Display must be made in writing to the Town. 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 planned event
5. date(s)/time and duration of planned event
6. area requested for use
7. number of anticipated attendees (if applicable)
8. signature/printed name of individual submitting request as authorized representative of such organization

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

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 and participant estimates reasonably will allow such designation. Where space is insufficient, the Town Board in its discretion may limit the number of participants 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 completed prior holiday events at such location. Priority otherwise shall be on a first-come, first-served basis, taking into consideration ongoing governmental activities, and other previously scheduled events.

14. 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

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accommodate increase or decrease in demand or access or to protect public property and its occupants during periods of heightened security or special circumstance.

This Policy has been adopted on _____ at a meeting of the Town Board of the Town Board held on _____.

Dated: _____, 2008
Bedford, New York

Lisbeth Fumagalli, Town Clerk