

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, NOVEMBER 28, 2017**

This meeting was opened at 7:30 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll. Present were:

Councilman Denis Troy  
Councilman Thomas Diviny  
Councilman Paul Valentine  
Councilman Gerald Bottari  
Supervisor Andrew Stewart

Also present: Charlotte Madigan, Town Clerk  
John Edwards, Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Jane Slavin, Director of OBZPAE  
Joseph Moran, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America: Esta Baitler

Certificates of Recognition were presented to the Pearl River High School Lady Pirates Varsity Soccer Team and their coaches, for their accomplishment as the NY State 2017 Champions.

|  |                    |                      |
|--|--------------------|----------------------|
| Katherine Carstensen   | Matteson Donnelly  | Allison Ritchie      |
| Deirdre Cowie  | Kerry Tyer         | Alexis Meredith      |
| Sarah Donovan  | Kate McNally       | Julia Pozzuto        |
| Alyssa Portington  | Emily Andriello    | Tara Guilfoyle       |
| Maeve Woods  | Kayleigh Miedreich | Sarah Lindquist      |
| Caitlin Finucane   | Kylie Grochowski   | Meagan Woods         |
| Kelly Buchan   | Kailey Ritchie     | Catherine Feerick    |
| Alyssa Smith   | Ella Sirakovsky    | Katherine Del Grosso |
| Kylie McNally  | Ashley Rilley      | Alyssa Smith         |
| Katherine Capone   | Erin O'Sullivan    |                      |
| Coaches: Timothy Peabody; Lyn Istorico and Shannon Misiaszek |                    |                      |

Summary of Public Comments (RTBM):

Esta Baitler, Sparkill – Tonight, I am here to address you Supervisor Stewart. You had no right to talk to Charlotte Madigan in a rude tone of voice. Your action toward Charlotte Madigan was very inappropriate. You should sincerely apologize to her. Charlotte Madigan does a great job as your clerk in the Town of Orangetown. She deserves a raise in salary. Violations should be issued to Aluf Plastic for their toxic noxious odors.

Steve Delsalvio, Orangeburg, lives near an LIO zone and he is upset with the Land Use Boards approving variances and uses that are not in the Town Code.

Liz Dudley, Orangeburg, read a statement from Clean Air For Orangetown (Exhibit 11-C-17) relating to air quality and toxic noxious odors.

Heather Hurley, Pearl River – TRC Solutions state that the levels of certain chemical concentrations (acrolein, benzene, carbon tetrachloride, hexachlorobutadiene) exceed the NYS DEC guidelines. The Town Board has ignore suggestions made by residents and has not hired an independent engineering firm to conduct site inspections of Aluf.

Allyson Sullivan, Blauvelt, is frustrated and disappointed that equipment upgrades at Aluf did not solve the odor problem. The Town needs to figure out where odors are coming from and do something to eliminate them.

Chris Smith, Blauvelt, is encouraged by the DEC and Town efforts but disappointed that these efforts are a long process. Testing should be done throughout the Town and correlated with odor events. Please do not stop the pressure.

Mike Mandel, Pearl River, complained that the agendas are not available on the website until right before the meeting. When the Town Clerk was in charge of the agenda, it was available the Friday before the meeting. He is glad to see the removal of the skating rink (Cherry Brook Park) and the authorization for bus shelters along Route 340.

Public Comments (RTBM) - Continued

Neil Meltzer, Tappan, still concerned that the odors from Aluf Plastic are a health hazard. The process of stopping these odors is taking too long. Property values are lower because Orangetown is a toxic town.

Cheryl McNeil, Blauvelt – unable to enjoy the rail trail or sitting in her backyard. She expects the elected officials to solve the emission of odors and chemicals.

Mike Shanahan, Palisades, agrees with the proposed Filming amendments to the Code. He has a community relationship with the film industry and he said the permit process is cumbersome.

Tracey Hancock, Pearl River, asked if the Town has addressed issues with Muddy Creek flooding, especially clear-cutting and water run-off from the Hillside Project. She spoke about disrespectful treatment by the Planning Board chairman. We are losing Orangetown, one neighborhood at a time.

Ivanya Albert MD, Assistant Professor in the Academic Research Center and a Piermont resident, is extremely concerned about the findings of TRC testing. The average level of acrolein, one of the pollutants found to exceed safe levels established by the NYS DEC, over the three days measurements were taken, “are through the roof”. The Town needs to look at the short-term and long-term effects and more testing needs to be done.

Dimitri Laddis, Piermont, read a letter (Exhibit 11-D-17) from several health professionals regarding their concerns of emission toxins in Orangetown.

James Ross, Air Pollution Engineer and a resident of Nyack, disagrees that these emissions are safe. Further testing below the concertation levels needs to be done.

Alex Gadd, Blauvelt, what is the Town Board able to do now and what is the next step in controlling the emissions of odors and toxins. What is the coordination between the Town Board and the Land Use Boards?

Bill Coleman, Orangeburg, Aluf smells; when it looks like a duck it is a duck. Measures that the Town put into place did not make a difference. He implored the Town Board to do more.

Dr. Kathleen Kelly, Pearl River, whatever went wrong; we need to acknowledge it and then fix it. Aluf exceeded the guidelines. The Town needs to look at the data again and not make the same mistakes.

**RESOLUTION NO. 580**

**CLOSE PUBLIC COMMENTS**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the public portion is hereby closed.

Ayes: Supervisor Stewart  
Councilpersons Troy, Diviny, Valentine, Bottari  
Noes: None

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The Town Board took a 20 minute recess.

**RESOLUTION NO. 581**

**OPEN PH/PROPOSED ZONING CODE  
CHANGE/PLANNING BOARD  
REVIEW/ANTENNAS ON EXISTING  
STRUCTURES**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED that the public hearing on a proposed Local Law amending Chapter 43, § 18.5, to require Planning Board review of applications relating to antennas on existing structures in nonresidentially zoned areas is hereby opened.

Ayes: Supervisor Stewart  
Councilpersons Diviny, Troy, Valentine, Bottari  
Noes: None

Charlotte Madigan presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 11-E-17 and made a part of these minutes.

Summary of Public Comments:

Chris Duggan, Pearl River, is in favor of these amendments. The aesthetics of these must be regulated and he recommended stilt screening, which should be presented to the Boards.

**RESOLUTION NO. 582**

**CLOSE PH/CHAPTER 43 §8.15.D  
PLANNING BOARD REVIEW  
ANTENNAS ON EXISTING  
STRUCTURES**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, the public hearing on a proposed Zoning Code change, requiring Planning Board review of applications relating to antennas on existing structures is hereby closed.

Ayes: Supervisor Stewart  
Councilpersons Diviny, Troy, Valentine, Bottari  
Noes: None

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**RESOLUTION NO. 583**

**LEAD AGENCY/SEQRA  
DECLARATION/ CHAPTER 43 §8.15.D  
PLANNING BOARD REVIEW  
ANTENNAS ON EXISTING  
STRUCTURES**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that for the proposed amendment to Chapter 43, § 8.15.D, to require Planning Board review of applications relating to antennas on existing structures in nonresidentially zoned areas, a SEQRA Declaration (Exhibit 11-F-17) of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted.

Ayes: Supervisor Stewart  
Councilpersons Diviny, Troy, Valentine, Bottari  
Noes: None

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**RESOLUTION NO. 584**

**AMENDMENT/ CHAPTER 43 §8.15.D  
PLANNING BOARD REVIEW  
ANTENNAS ON EXISTING  
STRUCTURES**

Councilman Valentine offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, the Town Board amends this proposed local law by adding/changing the following:

- (b) A visual depiction and narrative description of the proposed facilities, which ensures, to the extent possible, that the facilities blend into, or are otherwise screened, by surrounding or adjacent structures.
- (b)(c) A commitment to collocate or allow collocation wherever possible on all existing and proposed facilities

Ayes: Councilpersons Valentine, Bottari, Troy, Diviny  
Supervisor Stewart  
Noes: None

**RESOLUTION NO. 585**

**ADOPT LOCAL LAW NO. 11, 2017  
PLANNING BOARD REVIEW  
ANTENNAS ON EXISTING  
STRUCTURES**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

WHEREAS, the proposed local law has been circulated to the Rockland County Department of Planning for the purpose of review pursuant to General Municipal Law §§ 239-1 & m, and the Rockland County Department of Planning has no comments and does not object to the passing of the local law;

WHEREAS, pursuant to Town Code Chapter 43, § 10.5, the proposed local law has been circulated to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days, and no response having been received;

BE IT ENACTED by the Town Board of the Town of Orangetown as follows:

**LOCAL LAW NO. 11, 2017  
AMENDING CHAPTER 43, § 8.15  
OF THE ZONING LAW OF THE TOWN OF ORANGETOWN  
TO REQUIRE PLANNING BOARD REVIEW  
OF APPLICATIONS RELATING TO ANTENNAS ON EXISTING STRUCTURES  
NONRESIDENTIALLY ZONED AREAS**

*Section 1:* Chapter 43 (Zoning) § 8.15.D of the Town Code of the Town of Orangetown, relating to telecommunication facilities, shall be amended to remove the distinction in the application and approval procedure between proposed structures to be located in residential and non-residential zoning areas. As amended, § 8.15.D shall read:

NORMAL = EXISTING LANGUAGE THAT WILL REMAIN  
**BOLD AND UNDERLINED TYPE** = PROPOSED ADDITIONS  
STRIKEOUTS = PROPOSED DELETIONS

Chapter 43. Zoning. Article VIII. Conditional Use Standards

§ 8.15. Wireless communication facilities.

D. Procedure; fee.

(1) All proposals to erect or operate wireless communication facilities shall be accompanied by a facility service plan which shall include information necessary to allow the Planning Board to understand the existing, proposed and long-range plans of the applicant. The facility service plan shall include at least the following information:

(a) The location, height and operations characteristics of all existing facilities of the applicant in and immediately adjacent to the Town.

(b) A visual depiction and narrative description of the proposed facilities, which ensures, to the extent possible, that the facilities blend into, or are otherwise screened, by surrounding or adjacent structures.

(b)(c) A commitment to collocate or allow collocation wherever possible on all existing and proposed facilities.

~~(2) In nonresidentially zoned areas, the location of antennas on existing water tanks, power lines, roof tops or any other existing structure may be approved by the Building Inspector upon compliance with all applicable sections of this section and the following:~~

~~(a) The existing antenna facility complies with the provisions of this article;~~

**Local Law No. 11, 2017 - Continued**

~~(b) To the extent antennas are being collocated, the consolidated, shared or co-located antenna facility complies with the conditions set forth in this article;~~

~~(c) The planned equipment would not exceed the structural capacity of the existing antenna mounting structure; and~~

~~(d) The planned equipment will not cause interference with existing equipment.~~

~~(3)~~**(2)** In residentially zoned areas, ~~a~~**All** proposed antennas and all proposed antenna towers are subject to the issuance of a special permit by the Planning Board after review and approval by the Architecture and Community Appearance Board of Review.

~~(4) In nonresidentially zoned areas, all proposed antenna towers are subject to the issuance of a special permit by the Planning Board after review and approval by the Architecture and Community Appearance Board of Review.~~

~~(5)~~**(3)** The applicant shall provide funds to an escrow account to allow the Building Inspector or the Planning Board to retain such technical experts involving radio frequency as may be necessary to review the proposal, provided that no funds shall be deposited until a scope of work is agreed upon among the applicant, the expert and the Board.

~~(6)~~**(4)** The Planning Board is hereby authorized to issue a special permit under the provisions of this article subject to all of the special requirements and conditions herein and any requirements which may be made a part hereof.

~~(7)~~**(5)** Application to the Planning Board for a special permit under this article shall be accompanied by a fee of \$250.

~~(8)~~**(6)** Prior to or concurrent with the filing of a formal application to the Planning Board to obtain a special permit under this article, the applicant shall submit information needed to meet the requirements of the New York State Environmental Quality Review Act (SEQRA) to the Planning Board, which Board shall determine whether the requirements of SEQRA have been met. The Planning Board may hold a public hearing under the provisions of SEQRA and this article whenever practicable. In the event that a final SEQRA determination has not been made, no application for a special permit under this article shall be granted.

~~(9)~~**(7)** The Planning Board shall hold a public hearing on due notice within 62 days after submission of a formal completed application, including such technical information from the applicant as may be required by the Planning Board for a special permit under the provisions of this article.

*Section 2:* This local law shall become effective immediately upon filing with the Secretary of State.

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari  
Supervisor Stewart

Noes: None

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**RESOLUTION NO. 586**

**AMEND RESOLUTION NO. 143-2017  
STREET NAMING/PRIVATE RD  
BOBBY SANDS WAY/ORANGEBURG**

Councilman Troy offered the following resolution, which was seconded by Supervisor Stewart and was unanimously adopted:

WHEREAS, the Town Board wishes to amend Resolution 143/2017, adopted March 7, 2017 as follows:

**RESOLUTION NO. 586 – Continued**

WHEREAS, the Rockland ~~Gaelic Athletic Association~~ **Ancient Order of Hibernians** was established in 1882; and

WHEREAS, the Rockland ~~Gaelic Athletic Association~~ maintains a recreational sports complex offering programs for local athletes of all ages. Specifically offering Gaelic football, hurling, and camogie sports programs for boys, girls, men and women, in addition to hosting competitions, summer camps and more; **Ancient Order of Hibernians has Divisions in Pearl River and Blauvelt**; and

WHEREAS, the members of the Rockland County ~~Gaelic Athletic Association~~ **Ancient Order of Hibernians** desire to designate the road leading to the Gaelic Athletic Association's Orangeburg sports complex as a private road in honor of a historic Irish figure, and to assist first responders during their response to an emergency on the fields; and

WHEREAS, Rockland County 9-1-1 Emergency Services have worked with the Rockland ~~Gaelic Athletic Association's~~ **Ancient Order of Hibernian's** officers to identify primary ingress and egress that if named would assist first responders when they are dispatched by the Orangetown Police Department to an emergency at the GAA Orangeburg sports complex; and

WHEREAS, the Rockland ~~Gaelic Athletic Association~~ **Ancient Order of Hibernian** members have requested that said private road, as identified on the attached site map, be named Bobby Sands Way; and

WHEREAS, Bobby Sands was born in 1954 in Rathcoole, Ireland, a suburban village, near Belfast, Ireland; and

WHEREAS, in October 1972, Bobby Sands was arrested and spent three years in the cages of Long Kesh Prison as a political prisoner; and

WHEREAS, upon his release in 1976 Bobby Sands returned to his family in Twinbrook, Ireland, set himself to work tackling the social issues which affected the Twinbrook area, and become a respected community activist; and

WHEREAS, within six months Bobby Sands was arrested again, taken to Castlereagh and subjected to brutal interrogations for six days; returned to jail, spending the first twenty-two days of his sentence in solitary confinement; and then following the breakdown of talks between the British direct ruler and the Irish Catholic primate, Bobby Sands, along with seven other prisoners began a hunger strike in protest of Great Britain's treatment of political prisoners, and its occupation of Ireland; and

WHEREAS, in 1981, while in prison, Bobby Sands was elected as a Member of Parliament; and

WHEREAS, Bobby Sands and his nine comrades died on Hunger Strike in the H-Blocks of Long Kesh Prison so that Ireland's 800 years of struggle for Irish freedom and unity would not be criminalized by an oppressive English government; and

WHEREAS, the deaths of Bobby Sands and the other Hunger Strikers was the precursor to the Good Friday Agreement; and

WHEREAS, the Rockland ~~Gaelic Athletic Association~~ **Ancient Order of Hibernian** members are desirous of recognizing Bobby Sands ultimate sacrifice by designating a private road so that future generations will remember his sacrifice; and

WHEREAS, the ~~Gaelic Athletic Association~~ **Ancient Order of Hibernians** expressly acknowledge that the private road shall not be owned or maintained by the Town of Orangetown; and

WHEREAS, the ~~Gaelic Athletic Association~~ **Ancient Order of Hibernians** acknowledge that the Town of Orangetown has standardized requirements for street signs, and

**RESOLUTION NO. 586 – Continued**

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby **amends Resolution 143/2017** authorizing and directing that the private road consisting of Orangetown Tax Lot Section 73.12 Block 1 Lot 1 shall be forever named and known as “Bobby Sands Way”, and all future maps depicting said area shall indicate the naming of this private road as “Bobby Sands Way”; and authorizes and directs that any such street sign posted shall follow the Town of Orangetown Highway Department “Requirements for Street Sign Specifications”.

Ayes: Councilperson Troy, Supervisor Stewart  
Councilpersons Diviny, Valentine, Bottari  
Noes: None

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**RESOLUTION NO. 587**

**SUBSTANCE ABUSE COMMITTEE  
APPOINT RON GARCIA TO SERVE  
THE REMAINDER OF JIM  
ANDREWS’ TERM**

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, that the Town Board hereby appoints Ron Garcia, the new director at the CANDLE Center, to serve as a member of the Substance Abuse Committee for the remainder of the term of Jim Andrews, who resigned in June 2017, and whose term expires December 31, 2017.

Ayes: Councilpersons Diviny, Bottari, Troy, Valentine  
Supervisor Stewart  
Noes: None

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**RESOLUTION NO. 588**

**ORANGETOWN HOUSING  
AUTHORITY BOARD / APPOINT  
JOSEPH JUKIC TO SERVE THE  
REMAINDER OF ROBERT  
TOMPKINS’ TERMS**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the Town Board hereby appoints Joseph Jukic to serve as a member of the Orangetown Housing Authority Board for the remainder of the term of Robert Tompkins, who resigned in September 2017, and whose term expires December 31, 2020.

Ayes: Supervisor Stewart  
Councilpersons Troy, Diviny, Valentine, Bottari  
Noes: None

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**RESOLUTION NO. 589**

**PERFORMANCE BOND RELEASE  
THE POINTE AT LAKE TAPPAN (THE  
CLUB AT PEARL RIVER) S.B.L  
73.10/1/4-6/BLUE HILL ROAD SOUTH  
AND VETERANS MEMORIAL  
DRIVE/PB# 2012-50, 2013-05, 2013-20,  
2015-19 AND 2017-56/TOWN BOARD  
RESOLUTION #2015-216**

Councilman Bottari offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, Upon the recommendation of the Planning Board (PB#2017-56), the Town Highway Department, DEME, and the Town Attorney’s Office, the Board hereby authorizes the release of The Club at Pearl River, LLC Performance Bond (Pointe at Lake Tappan) issued by

**RESOLUTION NO. 589 - Continued**

International Fidelity Insurance Company as Surety, and The Club at Pearl River, LLC as principal, related to the 'Pointe at Lake Tappan Site Plan', at Blue Hill Road South and Veteran's Memorial Drive, Pearl River, NY Tax Lots 73.10, Block 1 Lots 4-6, which bond was posted by The Club at Pearl River, LLC and accepted by the Town of Orangetown pursuant to Town Board Resolution #2015-216.

Ayes: Councilpersons Bottari, Troy, Diviny, Valentine  
Supervisor Stewart  
Noes: None

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**RESOLUTION NO. 590**

**RESIGNATION/KENNETH M. TOMEIO  
SUPERVISOR, PARKING AUTHORITY**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation of Kenneth M. Tomeo, Supervisor, Parking Enforcement (PT) from the Orangetown Police Department, effective November 2, 2017.

Ayes: Supervisor Stewart  
Councilpersons Diviny, Troy, Valentine, Bottari  
Noes: None

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**RESOLUTION NO. 591**

**SURPLUS ITEMS/PARKS & RECREATION**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation, and Buildings approve the following items for surplus:

1. 2002 Chevrolet Blazer 53,000 miles
2. 1999 Chevrolet 3500 Van 101,000 miles
3. Jacobsen Handsgreen Mower (4 units)
4. John Deere 3215A Fairway Mower
5. Jacobsen HR 5111 Mower
6. Toro Pro-Line 36" Mower
7. Leaf Loader for pick up truck
8. Ex-Mark Walk behind 32" mower
9. Ford Gas Tractor Model D1123L
10. Jacobsen Tri-King 1800G Reel Mower
11. Toro Grounds Pro 2000 Reel Mower
12. Alamo Flail Grass King Mower
13. Toro Sidewinder Reel Master 3100
14. Jacobsen T422 Diesel Mower
15. John Deere 3ft walk behind plow
16. Sweepster Tractor Mounted Sweeper
17. Smithco SprayStar 1600P
18. Jacobsen LF 3400 fairway mower
19. Jacobsen LF 100 fairway mover

Ayes: Supervisor Stewart  
Councilpersons Valentine, Troy, Diviny, Bottari  
Noes: None

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**RESOLUTION NO. 592**

**AWARD BID/ SNOW PLOWING  
CORTWOOD VILLAGE SENIOR  
HOUSING COMPLEX/HELMKE  
INDUSTRIES**

Councilman Troy offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

WHEREAS, the Superintendent of Parks, Recreation & Building Maint. duly advertised for sealed bids for snow removal at Cortwood Village Senior Housing Complex, which were received and publicly opened on November 27, 2017; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 11-G-17, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, this bid is hereby awarded to Helmke Industries of Orangeburg, NY, the only qualified bidder.

Ayes: Councilpersons Troy, Bottari, Diviny, Valentine  
Supervisor Stewart  
Noes: None

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**RESOLUTION NO. 593**

**INSTALLATION OF TWO BUS  
SHELTERS/ 250 ROUTE 340  
SPARKILL (IN FRONT OF VENTURE)**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, that the Town of Orangetown Town Board hereby authorizes the County Department of Public Transportation to install (2) new bus shelters at 250 Route 340, Sparkill, in front of Venture.

BE IT FURTHER RESOLVED, that the Town of Orangetown will provide normal maintenance of these new bus shelters (snow removal, garbage pick-up & cleaning). The Town of Orangetown will continue to maintain all the County Bus Shelters throughout the Town (snow removal, garbage pick-up & cleaning).

Ayes: Supervisor Stewart  
Councilpersons Valentine, Troy, Diviny, Bottari  
Noes: None

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**RESOLUTION NO. 594**

**ACCEPT RESIGNATION/JESSICA  
GARRECHT/JUSTICE COURT**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, the Town Board accepts, with regret, the resignation of Jessica Garrecht, Senior Clerk Typist, Orangetown Justice Court, effective 11/10/2017.

Ayes: Supervisor Stewart  
Councilpersons Bottari, Troy, Diviny, Valentine  
Noes: None

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**RESOLUTION NO. 595**

**LEGAL CONSULTANT & INSTRUCTOR  
ORANGETOWN POLICE/YOUTH  
COURT/ MR. JOHN MCGOWAN, ESQ.**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

**RESOLUTION NO. 595 - Continued**

RESOLVED, John W. McGowan Esq., of Pearl River, NY, is hereby appointed to serve as a legal consultant and instructor for the Orangetown Police Department’s sponsored “Youth Court” program, effective November 15, 2017.

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari  
Supervisor Stewart

Noes: None

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**RESOLUTION NO. 596**

**SET PUBLIC HEARING DATE  
DECLARE TOWN BOARD’S INTENT  
TO SERVE AS LEAD AGENCY  
UNCOORDINATED REVIEW  
CHAPTER 14C – FILMING**

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED that the Town Board will hold a public hearing on December 19, 2017, at 8:10 p.m., on a proposed Local Law, as follows, amending Chapter 14C - Filming and declares its intent to serve as Lead Agency for an Uncoordinated Review.

Ayes: Supervisor Stewart  
Councilpersons Valentine, Troy, Diviny, Bottari

Noes: None

**PROPOSED LOCAL LAW  
AMENDING CHAPTER 14C – FILMING  
OF THE ORANGETOWN TOWN CODE**

Text to be added is underlined

Text to be deleted is ~~struck~~

**CHAPTER 14C OF THE ORANGETOWN TOWN CODE - FILMING**

Legislative intent.

A. The Town Board of the Town of Orangetown recognizes that the Town's natural beauty, geographical location and historical sites are attractive to individuals, organizations, corporations, groups and other entities involved in the businesses of still photography, motion pictures and television.

B. It is hereby found by the Town Board of the Town of Orangetown that because such filming activities may create a threat to public safety, health or welfare due to the time, location or duration of the filming, or may unduly interfere with vehicular and/or pedestrian traffic, it is necessary to provide for the regulation of the taking of still or motion pictures within the Town through the issuance of permits and that said regulation is a matter affecting the public interest and therefore should be subject to supervision and administrative control for the purpose of safeguarding the public against the impact of such activities

**§ 14C-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated: **FILMING** — The taking of still or motion pictures, either on film, videotape or similar recording medium, for commercial purposes intended for viewing on television or in theaters or for institutional use.

**PUBLIC LANDS** — Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction of the Town.

## Proposed Local Law: Amending Chapter 14C - Filming

### § 14C-2. Permits.

A. No person shall film or permit filming within the unincorporated section of Town of Orangetown on public lands or utilize public lands for filming on private property without first obtaining a permit therefor, which permit shall set forth the location of such filming, the date or dates when filming shall take place, the name, address and telephone number of the applicant, a brief description of the activities, the number of cameras on the shoot, identify if a feature commercial or industrial shoot, the name of the producer, the type of equipment and props to be used, the number of persons to be employed, specific locations where the work will be done and vehicles which are to be used, including the description thereof and their license numbers. Any incidental use of public lands that obstructs any public lands or interferes with the use of any public lands requires a permit; provided, however, that nothing contained in this section shall prevent persons from temporarily loading or unloading filming equipment on any public right-of-way, provided that such loading or unloading is done without unnecessary delay, and provided that such filming equipment is not allowed or permitted to remain on such public right-of-way for a period longer than 15 minutes.

B. Permits must be obtained from the ~~Town Clerk~~ Police Chief of the Town of Orangetown, or his designee, during normal business hours. Applications shall be in such form approved by the Town Board and accompanied by a permit fee in the amount established by the Town Board. Applications for filming at public parks are subject to an additional permit to be completed and approved by the Office of Parks and Recreation.

C. In addition, all applicants for said permits:

(1) Must submit their permit applications to the ~~Town Clerk~~ Police Chief at least seven days in advance of any anticipated filming; application(s) received less than seven days in advance of any anticipated filming will be accepted at the discretion of the Police Chief and, if approved, subject to an additional fee.

(2) Must submit with their application a parking plan map for all vehicles to be parked on all impacted roadways, as well as a traffic detour plan/map: and

(3) Are to provide a form notification letter to be distributed by the applicant to all property owners who may be impacted by any filming.

D. One permit shall be required for each location.

E. If a permit is issued and due to inclement weather or other good cause, not within the control of the applicant, filming does not in fact take place on the date or dates specified, the Town Clerk may, at the request of the applicant, issue an amended permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be required for an amended permit under this section.

### F. Exemptions.

Notwithstanding the requirements of this chapter, the filming activities designated below do not require a permit to be obtained pursuant to this chapter, if such activity does not obstruct or interfere with the use of any public lands. For purposes of this section, the term "obstruct or interfere with the use of any public lands" shall mean any filming activity which impedes or which involves the blockage, interruption or closure, in whole or in part, of any public lands.

(1) Filming and coverage by news media.

(2) Filming by and intended for the exclusive use of the owner and his/her immediate family.

(3) Filming occurring on public lands or on private property resulting in an incidental use of public lands, and involving the use of a handheld device, as defined herein.

## **Proposed Local Law: Amending Chapter 14C - Filming**

### **§ 14C-3. Rules and regulations.**

A. No permit shall be issued for filming on public lands or for using public lands for filming on private property unless the applicant for such permit provides proof of insurance coverage for bodily injury for any person in the amount of \$1,000,000 and for any aggregate occurrence in the amount of \$2,000,000 and agrees, in writing, to indemnify and save harmless the Town of Orangetown from any and all liability or damages resulting from the use of such public lands.

B. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic and shall provide traffic control personnel and approved traffic control devices as per the New York State Manual of Uniform Traffic Control Devices. The holder of the permit shall also comply with all lawful directives of the Orangetown Police Department.

C. The holder of the permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities.

D. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit.

E. Unless otherwise permitted pursuant to this chapter, filming in residential zones shall generally be permitted only Monday through Friday between the hours of 8:00 a.m. and 7:00 p.m. or sundown, whichever is earlier. ~~, in residential zones.~~

F. ~~The Town Clerk-Police Chief~~ may refuse to issue a permit whenever she determines, on the basis of objective facts and after review of the application and a report from the Orangetown Police Department, Highway Superintendent, Superintendent of Parks and Recreation and/or any other Town Department head, that filming at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public's use of the public lands.

G. The Police Chief may revoke a permit that has been issued due to permittee failure to comply with permit terms, but any permit fees paid or unpaid remain due.

### **§ 14C-4. Violations and penalties.**

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$5,000 and/or to imprisonment for a term not to exceed 90 days, or both.

### **§ 14C-5. Fees.**

A. The applicant shall pay to the ~~Town Clerk-Police Chief~~ all fees set forth by Town Board resolution (see footnote 1). In addition, filming in any public park is subject to fees as per town board resolution described in §14-1, payable to the Office of Parks and Recreation at the time the park permit is approved.

B. If the applicant intends to change his or her activities in any respect, further written application must be made to the ~~Town Clerk-Police Chief~~.

C. If, in the discretion of the Chief of the Police, Superintendent of Highways, Superintendent of Parks and Recreation, ~~or any other Town department head~~, Town personnel are needed or requested at the site, the applicant shall pay to the Town a sum for the use of Town personnel pursuant to the applicable Town Department's fee schedule or schedules for such use of personnel, but in no event shall said sum be less than \$85 per hour for each Town employee required at the site.

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D. If, in the discretion of the Chief of the Police, Superintendent of Highways, Superintendent of Parks and Recreation, ~~or any other Town department head~~, vehicles (which list includes but is not limited to police vehicles, Highway Department vehicles, or Parks and Recreation Department vehicles) are needed or requested at the site, the applicant shall pay to the Town a sum for the use of said vehicles pursuant to the applicable Town department's fee schedule or schedules for such vehicle use, but in no event shall said sum be less than \$15 per hour for any Town vehicle required at the site.

E. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity (which term is defined in this paragraph and henceforth in this section to include the arrival of personnel or equipment, preparation for filming, or any activity associated with the activity set forth in the permit) prior to 8:00 a.m., the applicant shall pay to the Town a sum of not less than \$500 ~~additional fees of \$500~~ per hour for such early-morning filming or filming activity (with a minimum assessed fee of \$500).

F. In addition to any other fees set forth in this section or in § 14-1, if the applicant does not end filming or filming activity (meaning the complete removal from the site of all participants, vehicles and equipment associated with the activity set forth in the permit) by 7:00 p.m. or sundown, whichever is earlier, the applicant shall pay to the Town a sum of not less than \$500 ~~additional fees of \$500~~ per hour for such post- 7:00 p.m. or post-sundown filming or filming activity (with a minimum assessed fee of \$500).

G. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity on a Saturday or Sunday or a national holiday, the applicant shall pay to the Town a sum of not less than \$500 ~~additional fees of \$500~~ per hour for such weekend or holiday filming or filming activity (with a minimum assessed fee of \$500).

H. In addition to any other fees set forth in this section or in § 14-1, if the applicant permit approves use for any period of time of curbside parking spaces in a commercial area the applicant shall pay to the Town a sum of not less than \$100 per day for each parking space permitted to be used.

**RESOLUTION NO. 597**

**TOWN BOARD PUBLIC MEETING  
CALENDAR/2018**

Under new business, Councilman Valentine offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the Town Board hereby adopts the following schedule of meetings for 2018:

|                       |                                   |
|-----------------------|-----------------------------------|
| <b>01/03/18 (Wed)</b> | <b>Reorg/RTBM/Audit</b>           |
| <b>01/09/18</b>       | <b>Police Commission/Workshop</b> |
| <b>01/16/18</b>       | <b>RTBM/Audit</b>                 |
| <b>02/06/18</b>       | <b>Police Commission/Workshop</b> |
| <b>02/13/18</b>       | <b>RTBM/Audit</b>                 |
| <b>03/06/18</b>       | <b>Police Commission/Workshop</b> |
| <b>03/13/18</b>       | <b>RTBM/Audit</b>                 |
| <b>03/20/18</b>       | <b>Workshop</b>                   |
| <b>04/10/18</b>       | <b>RTBM/Audit</b>                 |
| <b>04/17/18</b>       | <b>Police Commission/Workshop</b> |
| <b>04/24/18</b>       | <b>RTBM/Audit</b>                 |
| <b>05/08/18</b>       | <b>Police Commission/Workshop</b> |
| <b>05/15/18</b>       | <b>RTBM/Audit</b>                 |
| <b>06/05/18</b>       | <b>Police Commission/Workshop</b> |
| <b>06/26/18</b>       | <b>RTBM/Audit</b>                 |
| <b>07/17/18</b>       | <b>Police Commission/Workshop</b> |
| <b>07/24/18</b>       | <b>RTBM/Audit</b>                 |
| <b>08/07/18</b>       | <b>Police Commission/Workshop</b> |
| <b>08/14/18</b>       | <b>RTBM/Audit</b>                 |

**RESOLUTION NO. 597 - Continued**

|                 |                                   |
|-----------------|-----------------------------------|
| <b>09/04/18</b> | <b>Police Commission/Workshop</b> |
| <b>09/25/18</b> | <b>RTBM/Audit</b>                 |
| <b>10/16/18</b> | <b>Police Commission/Workshop</b> |
| <b>10/23/18</b> | <b>RTBM/Audit</b>                 |
| <b>11/13/18</b> | <b>Police Commission/Workshop</b> |
| <b>11/27/18</b> | <b>RTBM/Audit</b>                 |
| <b>12/04/18</b> | <b>Police Commission/Workshop</b> |
| <b>12/11/18</b> | <b>RTBM/Audit</b>                 |

Police Commission Meetings start at 7 pm; Town Board Workshop Meetings start at 8:00 pm; and Regular Town Board/Audit Meetings begin at 7:30 pm. All meetings are on Tuesdays, except where indicated.

Ayes: Councilpersons Valentine, Troy, Diviny, Bottari  
Supervisor Stewart  
Noes: None

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**RESOLUTION NO. 598**

**REJECT AND REBID/CURB AND  
SIDEWALK CONSTRUCTION,  
REPLACEMENT AND REPAIR**

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, upon the recommendation of the Superintendent of Highways, the Town Board hereby rejects the bid for Curb and Sidewalk Construction, Replacement and Repair and further directs that the contract be re-bid.

Ayes: Supervisor Stewart  
Councilpersons Valentine, Troy, Diviny, Bottari  
Noes: None

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**RESOLUTION NO. 599**

**PAY VOUCHERS**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, upon the recommendation of the Finance Director, the Finance Office is hereby authorized to pay vouchers for three (3) warrants for a total amount of \$2,316,885.38.

Ayes: Supervisor Stewart  
Councilpersons Diviny, Troy, Valentine, Bottari  
Noes: None

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**RESOLUTION NO. 600**

**ENTER EXECUTIVE SESSION  
HIGHWAY PERSONNEL MATTERS**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine and Bottari, John Edwards, and Jim Dean.

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy was unanimously adopted:

RESOLVED, at 10:08 p.m. the Town Board entered Executive Session to discuss personnel matters in the Highway Department.

Ayes: Supervisor Stewart  
Councilpersons Troy, Diviny, Valentine, Bottari  
Noes: None

**RESOLUTION NO. 601**

**RE-ENTERED RTBM/ADJOURNED**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, at 10:28 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Irene Morrison, sister of employee Denise Sullivan; and David D. Stuart, former employee.

Ayes: Supervisor Stewart  
Councilpersons Diviny, Troy, Valentine, Bottari  
Noes: None

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**Charlotte Madigan, Town Clerk**