

**TOWN OF ORANGETOWN REGULAR TOWN MEETING
Tuesday, December 19, 2017**

This Town Board Meeting was opened at _____ p.m.

Councilman Denis Troy_____

Councilman Thomas Diviny_____

Councilman Paul Valentine_____

Councilman Jerry Bottari_____

Supervisor Andrew Stewart_____

Pledge of Allegiance to the Flag

ANNOUNCEMENTS :

PRESENTATIONS:

PUBLIC COMMENT:

AGENDA ITEMS:

TOWN BOARD

**OPEN PUBLIC HEARING/8:05 PM/REGULATION
OF DEVICES IN PUBLIC RIGHT OF WAY AND
EASEMENTS**

- 1. RESOLVED, that the public hearing on regulation of devices in public right of way and easements is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

Summary of Public Comments:

**CLOSE/ADJOURN PUBLIC HEARING/REGULATION
OF DEVICES IN PUBLIC RIGHTS OF WAY AND
EASEMENTS**

- 2. RESOLVED, that the public hearing on regulation of devices in public right of way and easements is hereby closed/adjourned to_____.

**DECLARE SEQR/LEAD AGENCY/REGULATION OF
DEVICES IN PUBLIC RIGHT OF WAY AND
EASEMENTS**

- 3.

OPEN PUBLIC HEARING/8:15 PM, DECEMBER 19, 2017/AMEND CHAPTER 14C - FILMING/DECLARE TOWN BOARD'S INTENT TO SERVE AS LEAD AGENCY/UNCOORDINATED REVIEW

- 4. 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.

CLOSE/ADJOURN PUBLIC HEARING/AMENDING CHAPTER 14C OF THE ORANGETOWN TOWN CODE - FILMING

- 5. RESOLVED, the public hearing on the proposed amendments to Chapter 14C of the Orangetown Town Code - Filming is hereby closed/adjourned to _____.

ADOPT/LOCAL LAW NO. __ OF 2017, AMENDING CHAPTER 14C OF THE ORANGETOWN TOWN CODE - FILMING

- 6. Text to be added is underlined
Text to be deleted is ~~struck~~

LOCAL LAW NO. __ OF 2017, AMENDING CHAPTER 14C OF THE ORANGETOWN TOWN CODE - FILMING

Chapter 14C - 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.

§ 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 Police Chief 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.

§ 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 footnote1). 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.

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.

DECLARE SEQR/LEAD AGENCY/AMENDING CHAPTER 14C OF THE ORANGETOWN TOWN CODE - FILMING

7.

HIRE OUTSIDE COUNSEL/REGULATION AND LITIGATION OF COMPLIANCE WITH ENVIRONMENTAL AND INDUSTRIAL STANDARDS/CARTER, LEDYARD AND MILLBURN

8.

RESOLVED, that the Town Board hereby authorizes the hiring of outside counsel to represent the town regarding regulation and litigation of compliance with environmental and industrial standards as per attached proposal from Carter, Ledyard and Millburn, with fees not to exceed \$35,000.

DEFEASANCE OF OUTSTANDING BOND/ PURCHASE OF ROCKLAND PSYCHIATRIC CENTER (2008) AND REFINANCED (2015)/~\$3.6 MILLION

9. WHEREAS, the Town of Orangetown has \$3,535,000 of bonds outstanding (the “Bonds”) relating to the acquisition of the former Rockland Psychiatric Center; and

WHEREAS, a portion of such real property (the “Land”) has been sold and it is now the intent to use a portion of the proceeds from such sale to defease the Bonds; NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Orangetown, Rockland County, New York as follows:

Section 1. Proceeds from the sale of the Land are hereby directed to be used to defease the outstanding Bonds.

Section 2. The amount of such proceeds to be used shall be sufficient to make the January 1, 2018 debt service payment on the Bonds as well as an amount which, after investment thereof, will be sufficient to satisfy the debt service requirements on the Bonds though and including the call date of the Bonds on January 1, 2026.

Section 3. The Director of Finance is authorized to engage the services of an escrow agent and verification agent in connection with the defeasance of the Bonds.

Section 4. This resolution takes effect immediately.

TOWN CLERK

ACCEPT/RECEIVE/FILE/TOWN CLERK’S OFFICE

10. RESOLVED, that the following documents are accepted, received and filed in the Town Clerk’s Office:
1. Aluf’s Air Quality Monitoring Report (Oct. 2017) prepared by TRC Environmental Corporation.
 2. Town Board minutes: 9/26/17 and 10/17/17 Workshops; 10/3/17 and 10/24/17 Regular Town Board Meetings; and 10/17/17 Police Commission.
 3. Agreement: Traffic Signal Installation Design & Construction Inspection Services at the Intersection of Convent Road and Third Ave, Blauvelt with Adler Consulting (11/2017).
 4. Kolb Subaru/Kirchner Site Plan: Road Widening Deed (RC Inst No. 2017-037233), and Storm Water Maintenance Agreement (RC Inst No. 2017-032483).

TOWN ATTORNEY

APPOINT HEARING OFFICER

11. BE IT RESOLVED that the Town Board hereby appoints William Sherwood to act as a Hearing Officer pursuant to §75 of the Civil Service Law of the State of New York with respect to certain disciplinary charges, dated September 13, 2017, preferred against Employee # 1321. The Hearing Officer is directed to conduct a hearing, making findings of fact and issue a recommendation of guilt or innocence, along with a recommended

penalty, if appropriate, to the Town Board.

BE IT FURTHER RESOLVED that the Town Board approves of the compensation of Hearing Officer Sherwood, at a rate of \$225.00 per hour for services rendered.

APPROVE CONTRACT/SYMPROCITY SOFTWARE SOLUTIONS, INC. JANUARY 1, 2018 – DECEMBER 31, 2018

12. RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract for 2018, on behalf of the Town, as proposed and written, with SYMPROCITY SOFTWARE SOLUTIONS, INC. for the inspection and record keeping software program and database customized for the Bureau of Fire Prevention, for a sum of FIVE AND 00/100 (\$5.00) DOLLARS per Inspection performed; and for the lease to the Town of a “Field Inspection Tablet Computer”, specifically, the latest version of a Microsoft Surface tablet(s) (or comparable substitute) with Internet Access for FOUR AND 00/100 (\$4.00) DOLLARS per inspection.

AYES:
NOES:

APPROVE CARETAKER AGREEMENT/NIKE PARK/2% INCREASE

13. RESOLVED, that the caretaker agreement for the property located at 1 Nike Lane, Orangeburg, New York (Nike Park), with a TWO (2%) PERCENT increase, for a term from January 1, 2018 through December 31, 2018, between the Town and THOMAS IACOBELLIS is hereby approved and the Supervisor is hereby authorized to sign same.

Ayes:
Noes:

APPROVE CARETAKER AGREEMENTS/HENRY V. BORST PARK/ 2% INCREASE

14. RESOLVED, that the caretaker agreement for the property located at 212 North Main Street, Pearl River, New York (Henry V. Borst Park), with a TWO (2%) PERCENT increase, for a term from January 1, 2018 through December 31, 2018, between the Town and ANTHONY LIMANDRI is hereby approved and the Supervisor is hereby authorized to sign same.

Ayes:
Noes:

APPROVE/MEMORANDUM OF UNDERSTANDING/NY SHARKS 2017-2018/ AQUATIC/POOL USE

- 15. RESOLVED, that the Memorandum of Understanding between the Town of Orangetown and New York Sharks Aquatics of Clarkstown for the year 2017 to 2018 in the amount of SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-EIGHT AND 61/100 (\$17,886.61) DOLLARS, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

APPROVE 2018 AGREEMENT/HI-TOR ANIMAL CARE CENTER, INC.

- 16. RESOLVED, that the Town Board authorizes and approves a contract with Hi-Tor Animal Care Center, Inc. in the amount of FORTY NINE THOUSAND SIXTY AND 00/100 (\$49,060.00) DOLLARS by quarterly payments for fiscal year 2018 for the statutory shelter/pound services required to be provided by the Town, in accordance with the terms of said contract, a copy of which is expressly incorporated herein by reference, and the Supervisor is hereby authorized to sign same.

Ayes:
Noes:

POLICE

ACCEPT BID/DRY CLEANING, LAUNDERING, MINOR SEWING AND REPAIRS/POLICE DEPARTMENT UNIFORMS 2018-2019/THE WASHING BOARD

- 17. RESOLVED, that upon the recommendation of the Chief of Police, accept the bid from The Washing Board, Pearl River, for dry cleaning, laundering, minor sewing and repairs for Police Department uniforms, 2018-2019.

ACCEPT BID/ FURNISHING OF POLICE DEPARTMENT UNIFORMS/D&E UNIFORM

- 18. RESOLVED, that upon the recommendation of the Chief of Police, accept a bid by D & E Uniform, the lowest responsible bidder, for the furnishing of Police Department Uniforms.

HIGHWAY

CREATE POSITION/ASSISTANT AUTOMOTIVE MECHANIC

- 19. RESOLVED, based on the recommendation of the Rockland County Personnel Department, the creation of the above noted position in the Highway Department, is hereby approved.

TRAFFIC ADVISORY BOARD

INSTALL STOP SIGN/OLD MOUNTAIN ROAD (COUNTY ROAD 28)/SOUTH BOULEVARD/UPPER GRANDVIEW.

- 20. RESOLVED, that upon the recommendation of the Orangetown Traffic Advisory Board, direct the Highway Department to install a “STOP SIGN” on Old Mountain Road (County Road 28) at South Boulevard in Upper Grandview, requiring motorists to STOP Before entering South Boulevard.

NEW BUSINESS

NEW TOWN HALL/SCHEME CHOICE

- 21. RESOLVED, that the Town Board selects Scheme ___ as the basis for additional space schematics, to be provided by the Musial Group and further directs the Director of the Office of Building, Planning, Zoning, Administration and Enforcement to coordinate this effort.

APPROVE AND AUTHORIZE/TAX CERTIORARI/ MC CORP OF STONY POINT/S-B-L 68.20-5-1.1, 130 SOUTH PEARL STREET, PEARL RIVER/2014 THROUGH 2017

- 22. RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding MC Corp of Stony Point v. Town of Orangetown, et al., Tax Map designation 68.20-5-1.1 (130 South Pearl Street, Pearl River) for the tax assessment years 2014 through 2017 for a total refund by the County of \$1,006, a total refund by the Town of \$2,848 and a total refund by the School District of \$12,662. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town (and Rockland County Finance Dept.).

**ACCEPT WITH GRATITUDE/DONATION FROM THE
OF JOHN M. PERRY POST OF A MONUMENT/
PLAQUE/SPARKILL MEMORIAL PARK**

23. RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, accept with gratitude the donation from the of John M. Perry Post of a monument/plaque to be installed in Sparkill Memorial Park. The new monument will be installed to the north the flagpole and existing monuments and will honor the men and women who served in the Iraq and Afghanistan Wars.

**APPOINT/RIFFAT MANSOOR/INFORMATION
SERVICES AND RECORDS MANAGEMENT
SPECIALIST/POLICE DEPARTMENT**

24. RESOLVED, that upon the recommendation of the Chief of Police, appoint Riffat Mansoor, effective January 8, 2018, provisionally, with permanent appointment contingent on successful completion of all phases of the NYS Civil Service and Rockland County Department of Personnel testing/hiring process, to the position of "Information Services and Records Management Specialist (Police Department) at a salary/benefits consistent with the terms of Grade 15 of the labor agreement between the Town of Orangetown and CSEA.

**APPOINT/BRIAN CONNOLLY/SUPERVISOR OF
PARKING ENFORCEMENT/PART TIME**

25. RESOLVED, that upon the recommendation of the Chief of Police, effective January 8, 2018, appoint Brian Connolly, provisionally, to the position of "Supervisor of Parking Enforcement," in a part-time capacity, at the rate of pay of \$27.85 per hour, pending successful completion of a NYS Civil Service test and being certified for a permanent appointment by the Rockland County Department of Personnel.

**POLICE/NOMINATE/PAUL VALENTINE/POLICE
OFFICER/RESIDENT**

26. RESOLVED, that upon the recommendation of the Chief of Police, nominate Paul Valentine, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

**POLICE/NOMINATE/MARK MEYERS /POLICE
OFFICER/RESIDENT**

27. RESOLVED, that upon the recommendation of the Chief of Police, nominate Mark Meyers, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

POLICE/NOMINATE/LUKE GRANEY/POLICE OFFICER/RESIDENT

28. RESOLVED, that upon the recommendation of the Chief of Police, nominate Luke Graney, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

POLICE/NOMINATE/JAMES SCACCIA/POLICE OFFICER/RESIDENT

29. RESOLVED, that upon the recommendation of the Chief of Police, nominate James Scaccia, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

AUDIT

PAY VOUCHERS

30. RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants for a total of \$1,145,558.67

CLOSING REMARKS - SUPERVISOR STEWART:

ADJOURNMENTS:

- Former Orangetown Police Department Administrative Lieutenant William E. Schnakenberg, 1961-1999, a US Navy veteran and a graduate of The FBI National Academy and Nyack High School.