

Minutes of the Town Board Meeting held at Town Hall on December 1, 2016 at 7:30PM

Present: David Sutz, Supervisor
Michael Essig, Robert Hunter and Frank Palermo, Councilmen
Absent: Timothy Arone, Councilman
Also Present: Maria Hunter, Village Planning Board

I. Public Hearing:

a. Introductory Local Law 7 of 2016 - Film and Video Production:

A public hearing was held to entertain public comments on the adoption of Introductory Local Law 7 of 2016 which will create a new Chapter 149 of the Town Code entitled "Film and Video Production". The public notice was printed in the Times Herald Record on November 23, 2016. It was noted there is one change to the proposed law as presented: Section 149-6(a) the maximum fine was increased from \$250 to \$1000. No further comments were received.

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to close the public hearing.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

Motion was then offered by Councilman Palermo, seconded by Councilman Hunter, to adopt the following resolution adopting Local Law 7 of 2016 and taking the required SEQRA actions:

WHEREAS, the Town Board hereby designates itself the "Lead Agency" with respect to the review of the proposed local law (the "Project") in accord with the New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the Project; and

WHEREAS, the Town Board classifies this action as an unlisted action under SEQRA, and a public hearing was held by the Town Board in order to receive comments and suggestions regarding the adoption of Introductory Local Law #7 of 2016, and to consider the possible adverse environmental impacts of the proposed local law pursuant to SEQRA, on December 1, 2016 at 7:30PM at the Town Hall, located at 511 Route 32, Highland Mills, New York.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, by the Town Board of the Town of Woodbury, that Introductory Local Law #7 of 2016 has no potential adverse environmental impacts; issues a Negative Declaration with respect to the proposed local law and authorizes the Supervisor to execute the EAF prepared in connection with this action; and it is further

RESOLVED that the Town Board of the Town of Woodbury hereby adopts Local Law 7 of 2016, entitled "A LOCAL LAW CREATING A NEW CHAPTER 149 OF THE TOWN CODE OF THE TOWN OF WOODBURY ENTITLED "FILM AND VIDEO PRODUCTIONS", and hereby directs the Town Clerk to file this Local Law with the New York Secretary of State.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Sutz	YES
Councilman Arone	ABSENT
Councilman Essig	YES
Councilman Hunter	YES
Councilman Palermo	YES

A copy of the local law is printed at the end of these minutes.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to accept the minutes of the regular meeting held November 17, 2016.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

b. Approval of Budget Modification(s):

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to approve a modification to the budget of the Justice Court by decreasing A1110.411 (Office Supplies) by \$300 and increasing A1110.444 (Schools/Dues) by \$300.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Essig, seconded by Councilman Palermo, to approve a modification to the budget of the Animal Control by decreasing A3510.480 (Vaccinations) by \$500 and increasing A3510.453 (Gas/Oil/Repairs) by \$300, A3510.469 (Food) by \$200.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

c. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to approve Revised Abstract 22 by voiding Voucher 20162018 (check #16717) in the amount of \$600. This reduces the total of the abstract to be \$241,310.42.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Palermo, seconded by Councilman Hunter, to approve Abstract 23 containing vouchers 20162065 - 20162101 and totaling \$51,750.05.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

d. Update Resolution -Stand Workday and Reporting:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to adopt the following resolution updating the reportable time for Justice David Hasin to the NYS & Local Retirement System:

BE IT RESOLVED, that the Town of Woodbury hereby establishes the following as the standard work days for elected and appointed officials and will report the following days to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of the body:

Title	Name	Social Security Number (last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Average Days Reported (per month)
Elected Officials							
Town Justice	David Hasin	████	████████	8	1/1/2014 - 12/31/2017	No	9.08

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

e. Employee Request to be Paid - Unused Vacation Leave:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve the "selling back" of unused vacation leave time to the following UPSEU employees, as permitted in Article 16, Section 2, Paragraph E of their contract: Maxine Saracino, Supervisor Office - Ten days; Teresa Strong, Library - Five days.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

f. Appointment of Police Chief:

Supervisor Sutz stated the certified list from the Orange County Department of Human Resources has been received and at this time it would be appropriate to appoint an individual to the Position of Police Chief.

Voting as Police Commissioners - Motion was offered by Commissioner Essig , seconded by Commissioner Palermo, to appoint Kevin Watson to the position of Police Chief effective today at 11:01PM.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

Voting as Town Board Members - Motion was offered by Councilman Palermo, seconded by Councilman Essig, to appoint Kevin Watson to the position of Police Chief effective today at 11:01PM and to authorize the issuance of a "term sheet" with Chief Watson.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

Supervisor Sutz noted that an "Oath of Office" ceremony will be held on December 15, 2016.

g. Appointment of PT Animal Control:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to appoint Jayne O'Connor to the 20-hour Part-Time Animal Control Officer position effective December 8, 2016 at a UPSEU Schedule Grade I (\$16.04/hour).

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

h. Adoption of 2017 UPSEU Grade Schedule:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to adopt the 2017 UPSEU Grade Schedule.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

Councilman Palermo asked if the schedule has been given to UPSEU for their approval. Supervisor Sutz stated he does not believe that their approval is necessary as it does not affect existing employees. Councilman Palermo requested that a copy of the schedule be sent to UPSEU and Supervisor Sutz stated he will do so. *NOTE - Grade schedule is printed with the 2017 adopted budget with the 2017 minutes.*

III. Old Business: *There was no old business to discuss.*

IV. New Business: *There was no new business to discuss.*

V. Public Comment:

Dan Schiavo, representative from Beacon Place, introduced himself to the Board and community and explained the services his company offers. On November 29 the Woodbury Chamber of Commerce held a ribbon cutting ceremony and on December 7 the Orange County Chamber of Commerce will be holding a ribbon cutting ceremony.

Joe Zlato thanked Police Department for assisting with traffic control in his development recently.

VI. Board Member Comment:

Councilman Hunter thanked Chief Watson for accepting the position of Police Chief. He feels that he is very qualified and looks forward to working with him. He also wished Mrs. O'Connor luck in her new position as part-time ACO.

Councilman Palermo noted he is disturbed that the State imposes requirements onto municipalities with regards to the tax cap but they can take their time in providing the rates for the NYS Health Insurance Plan in late November, after the budget process has been completed. According to an article he read, the increase to the health insurance plan is 12.7% for family coverage. He will be speaking with Assemblyman Skoufis regarding this lack of timely communication. Supervisor Sutz stated when the budget was done an estimate of a 9% increase was budgeted so there is already a deficit. He will be speaking with Mrs. Sutherland to determine where the funds can be allocated to make up this shortfall.

Councilman Essig commended the Police Department on the work they did during the Thanksgiving holiday/shopping weekend. He understands that some residents experienced some extended traffic delays and stressed the Board is looking into the issue.

Supervisor Sutz stated Councilman Hunter and he attended a Police Civilian Deadly Force demonstration that was sponsored by Orange County Police Chiefs. It was very hands-on and well presented. Councilman Essig and he attended the ribbon cutting ceremony for Beacon Place earlier this week. It is a very nice facility and he welcomed them to Woodbury. He invited all to attend the Annual Parks Department Holiday Party on December 17, 4PM-7PM at the gymnasium at St. Patrick Church. With regards to the traffic concerns being experienced by the shopping centers, he has been in communication with the State Police about the issues, noting that all complaints must be signed as they do not accept anonymous complaints. The Senior Center is conducting a collection for stocking stuffers for our troops at West Point and Stewart Airport. The collection will continue until December 9. On December 14 at the OC Government Center an Emergency Preparedness training class will be held. He attended this last year and felt it was very informative.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Palermo, seconded by Councilman Essig, to adjourn the meeting at 8PM.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

Desiree Potvin, Town Clerk

LOCAL LAW 7 OF 2016

A LOCAL LAW CREATING A NEW CHAPTER 149 OF THE TOWN CODE OF THE TOWN OF WOODBURY ENTITLED "FILM AND VIDEO PRODUCTIONS".

BE IT ENACTED by the Town Board of the Town of Woodbury, Orange County, New York, as follows:

Section 1 Title.

This local law shall be referred to as "Film and Video Productions".

Section 2 Enactment

Chapter 149 of the Code of the Town of Woodbury is hereby created with the following text:

Chapter 149 - Film and Video Productions

§149-1	Legislative Intent
§149-2	Filming on Town Property
§149-3	Use of Town or Village Employees
§149-4	Previous Offenses
§149-5	Fees and Escrow Deposits
§149-6	Penalties for Offenses
§149-7	Exceptions

§149-1 Legislative Intent

The Town of Woodbury wishes to encourage and facilitate film and video production activities at locations in Woodbury because of the economic value such activities can bring to the businesses within the Town. The Board, however, recognizes that provisions must be made for the safety of the public and the welfare of the Town residents.

§149-2 Filming on Town Property

- A. No commercial, movie, television program, documentary or similar audiovisual production or any portion thereof shall be filmed, videotaped or recorded in any media format or otherwise made on any Town of Woodbury property without first obtaining a permit.
- B. Application for a permit shall be submitted on an application form to be provided by the Town Clerk.
- C. Permit applications must be submitted at least 30 days prior to the date any on-site activity in connection with filming is to commence.
- D. Operational limitations:
 - 1) Filming shall not be conducted at the same location for more than thirty (30) consecutive days within any twelve month period.
 - 2) No applicant shall allow any filming for which a permit has been issued to be conducted prior to 8:00 AM or after 10:00 PM.
 - 3) No applicant shall allow any equipment used in connection with such filming, including but not limited to lights, generators and related equipment, to be set up or operated at the location described in the permit application prior to 8:00 AM or after 10:00 PM.

- E. The Town Board shall have the authority to approve or disapprove an application for a permit and to establish such conditions for filming as deemed necessary to protect the health, safety and welfare of the residents of the Town of Woodbury. The Town Board may, under appropriate circumstances, waive strict compliance with the specific requirements of this chapter, and/or may impose any conditions or fees as may be required in approving an application for a permit.
- F. A certificate of insurance must be submitted with the application, naming the Town of Woodbury as an additional insured and in compliance with other conditions established by the Town Board in the following minimum amounts:
 - 1) Property damage: \$2,000,000 per individual; \$2,000,000 per occurrence.
 - 2) Personal injury: \$2,000,000 per individual; \$2,000,000 per occurrence.

§149-3 Use of Town or Village Employees

- A. Applicants shall be responsible for all costs incurred by the Town and or Village of Woodbury in assigning police or other employees to facilitate or monitor the filming process.
- B. The decision to assign Town employees shall be at the discretion of the Town Supervisor, in consultation with the town's Department Heads. The decision to assign Village employees shall be the discretion of the Village Mayor, in consultation with the village's Department Heads.
- C. Provisions for billing and collection of costs shall be determined at the time of the event.

§149-4 Previous Offenses

Notwithstanding any section of this chapter, no applicant who has been previously convicted of a violation of this chapter shall be granted a permit hereunder for a period of 18 months from the date of such conviction.

§149-5 Fees and Escrow Deposits

- A. Fees shall be adopted by resolution of the Town Board for:
 - 1) Filming by or for a not-for-profit organization or the filming of a documentary, for each day, on Town of Woodbury property.
 - 2) Filming by a production company for a commercial by or for a profit-making entity, for each day, on Town of Woodbury property.
- B. Where the use of Town employees is required as a consequence of issuing the permit, the applicant may be required to make an escrow payment to the Town to assure that the Town is reimbursed for the expenditure of all costs associated with the use of Town employees and equipment.
- C. The schedule of fees, once adopted by the Town Board, will be available for inspection in the office of the Town Clerk. The Town Board shall be permitted to increase any fee due under this chapter when the circumstances warrant.

§ 149-6 Penalties for offenses

- A. Any person who violates the provisions set forth in this chapter shall be subject to a fine of not more than \$1000 per day for each day that the violation continues and/or imprisonment not to exceed 15 days.
- B. The imposition of such penalty shall not be the Town's exclusive remedy in the event of a violation of this chapter. The Town may pursue any and all other legal remedies available in connection with any violation of this chapter.

§ 149-7 Exceptions

- A. An individual may perform filming on Town property, provided that it is not undertaken for a commercial or for-profit purpose.
- B. Television or internet-based news organizations may record news events without the need to obtain a permit from the Town.
- C. The recording of municipal public meetings, consistent with the provisions of the New York Open Meetings Law and policies, may be recorded without the need to obtain a permit from the Town.

Section 3 Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede any special law to the extent it is inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute. This Local Law shall supersede any inconsistent Town local law.

Section 4 Rules and Regulations

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

Section 5 Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6 Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 7 Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.