



Town Board Meeting of April 11, 2017 East Hampton, New York

I. Call to Order

10:00 AM Meeting called to order on April 11, 2017 at Montauk Firehouse, 12 Flamingo Avenue, Montauk, NY.

Attendee Name	Organization	Title	Status	Arrived
Kathee Burke-Gonzalez	Town of East Hampton	Councilwoman	Present	
Peter Van Scoyoc	Town of East Hampton	Councilman	Present	
Sylvia Overby	Town of East Hampton	Councilwoman	Present	
Fred Overton	Town of East Hampton	Councilman	Present	
Larry Cantwell	Town of East Hampton	Supervisor	Present	
Carole A. Brennan	Town of East Hampton	Town Clerk	Present	
Michael Sendlenski	Town of East Hampton	Town Attorney	Present	

II. Public Portion

Jenny Landey thanked the board for the film permit legislation.

Darrell Glennon questioned agriculture. He is trying to find out for his agricultural reserve. He is trying to make the most out of his property to make it a productive and valuable. He is just trying to put up a few greenhouses without having to spend thousands of dollars. He meets the code and doesn't understand why he is being made to jump through so many hoops. He spoke about the Agriculture and Markets Law. He also spoke about definitions within the town code, especially within the zoning code. We have the right to farm. He is bothered by the definition of farm stand.

Ed spoke on the preliminary estimates and infrastructure of Montauk for the future of the business community.

III. Topics

A. *Filming Permit Legislation - NancyLynn Thiele*

B. *Montauk Shuttle Bus for 2017*

Montauk Shuttle Bus for 2017 - Peter VanScoyoc explained the proposal of a shuttle bus route in Montauk for this summer. An engineering firm will look into the manner matters that will have to be done prior to going out for an RFP. The anticipated time frame is to have the system in place prior to the high peak season. He also spoke about the LIRR's intent to increase services to this area in 2018.

C. *Ditch Plains Parking*

Ditch Plains Parking regulations were discussed. A note was previously sent to the Ditch Plains homeowners association for comments. They recommended no parking for Caswell due to emergency egress. Other roads were discussed within the comments of the association's response. A representative of the association spoke. He explained the emergency egress issue. He spoke about Hoyt and DeVall roads.

D. *Downtown Montauk Beach Scraping/Permit Proposal*

Downtown Montauk Beach Scraping. Supervisor Cantwell spoke about the need for beach scraping in downtown Montauk. This type of tool moves the sand from one point on the beach to another. It would require a permit from the DEC.

IV. Liaison Reports

Kathee Burke-Gonzalez spoke about an upcoming meeting at the Senior Center to do with senior scamming.

Peter VanScoyoc gave an update on Second House construction. He also spoke about a sign explaining the restoration will be placed in front of the location. They are close to finalizing an agreement with someone to manage Brook's Park.

Sylvia Overby spoke about the Energy Sustainability meeting happenings. Housing matters were discussed. A vendor has contacted the town about seasonal work force housing. They have units that are brought in for the peak season then removed. She suggests this being discussed within the hamlet studies.

Fred Overton commented on the local law that was defeated last Thursday and will be reintroduced today. He says it is unfortunate that sometimes the small fish get caught up within the big.

V. Resolutions

1. Resolution 2017-440

Category: Appointments
Sponsors: Councilman Fred Overton
Department: Human Resources

Appoint Brigitte M. Lenihan Part Time Clerk in the Town Clerk's Office

RESOLVED, Brigitte M. Lenihan be and is hereby appointed part time clerk in the Town Clerk's Office at an hourly salary of \$17.148 to be paid bi-weekly from Budget Account A1410-51200 upon proper submission of time records; said appointment is in effect on April 13, 2017.

✓ Vote Record - Resolution RES-2017-440						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Kathee Burke-Gonzalez	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Resolution 2017-441

Category: Local Law
Sponsors: Councilwoman Kathee Burke-Gonzalez
Department: Town Clerk

Adopt Local Law: Amend Chapter 138 to Include Private Property in Permit Process

WHEREAS, the Town Board held a public hearing on April 6, 2017, regarding a "LOCAL LAW amending Chapter 138 (Filming) to include commercial filming on private property in the permit process"; and

WHEREAS, after considering the matter and the comments of the public at the time of hearing, the Town Board believes that the enactment of this local law is in the best interests of the Town of East Hampton; and

WHEREAS, the proposed local law is a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.5 and Chapter 128 of the Town Code requiring no further environmental review; and now, therefore be it

RESOLVED, said Local Law is hereby adopted to read as follows:

LOCAL LAW NO. 11 of 2017
Intro. # 5 of 2017

LOCAL LAW amending Chapter 138 (Filming) to include commercial filming on private property in the film permit process, to eliminate the exception to filming crews of five or less, and to provide for suspension in emergency circumstances.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

This legislation is intended to expand the provisions of the current filming permit process to include commercial filming on private property. The law's original intent to protect public safety, health or welfare of the public when filming activities unduly interfere with vehicular and/or pedestrian traffic applies equally when such activity occurs on certain private properties as it does on public lands. Additional changes to those exempted as well as the ability to suspend a permit in emergency circumstances are also considered to address enforcement issues as well as public safety.

SECTION 2. Amendment.

Chapter 138 (Filming) Section 2 (Permit Required) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-2. ~~Permit required~~Definitions.

- A. Whenever used in this chapter, words used in the singular include the plural, and vice versa, and pronouns used in the masculine gender also include the feminine, and vice versa.~~General. A permit issued pursuant to this chapter is required prior to any person, organization, corporation, group or other entity engaging in the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation upon the streets, sidewalks or any other property owned by the Town of East Hampton, exclusive of the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the Town's boundaries. The application process for obtaining a permit is set forth in § 138-3.~~
- B. For the purposes of this chapter, the following terms shall have the meanings indicated:~~Exemption. A permit pursuant to this chapter shall not be required if five or fewer individuals constitute the entire cast and crew engaged in one of the activities described in Subsection A above.~~

EQUIPMENT

Shall include, but is not limited to, television, photographic, film, digital or video cameras or transmitting television equipment, including radio remotes, props, sets, lights, backdrops, electric and grip equipment, dolly tracks, screens or microphone devices, and any and all production-related materials. Equipment shall not include a handheld device, as defined herein, and vehicles, as defined in the Vehicle and Traffic Law § 159, that are used solely to transport a person

or persons while engaged in the activity of filming from within such vehicle, operated in compliance with relevant traffic laws and rules.

FILMING

The taking of still or motion pictures on any type of analog or digital recording medium, for commercial, educational or institutional purposes, intended for viewing on any device, including, but not limited to, television, projector screen, computer, smartphone, tablet, or other electronic device, or for viewing over the Internet or in any place of public assembly, or for educational or institutional use. Filming includes all rehearsals, preparations, assembly and dismantling of all equipment and structures, including, but not limited to, scaffolding, lights, backdrops, tools and food, and the loading and unloading of vehicles containing the equipment, structures and food.

HANDHELD DEVICE

(1) A film, still or television camera, video or digital camera, smartphone, tablet or other equipment held in the photographer's or filmmaker's hand, carried with the photographer or filmmaker during the course of filming, and not requiring the use of cables or any other item or equipment not carried by the photographer or filmmaker at all times during the course of photography, filming or transmission; or

(2) A tripod used to support film, still, television, video or digital cameras.

INCIDENTAL USE OF PUBLIC LANDS

Public lands used in conjunction with filming that occurs on private property.

PERSON

Any individual, partnership, corporation, organization, association, limited-liability company, partnership society or any other legal entity.

PRIVATE PROPERTY

Any property other than public lands, including both residential and commercial property.

PUBLIC LANDS

Any and every public street, highway, sidewalk or square, public park or playground, public waters, waterfront property or other public place within the Town which is within the jurisdiction and control of the Town or involving the use of any Town-owned or -maintained facilities or equipment.

SECTION 3. Amendment.

Chapter 138 (Filming) Section 3 (Application for a permit) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-3. ~~Application for a permit~~ Permit Required.

A. No person shall film or allow filming on public lands within the Town of East Hampton without first applying for and obtaining a permit therefor from the Town Clerk in accordance with this chapter, except as provided for in § 138-4 hereof. ~~Application~~

- form. An applicant may obtain an application form from the Town Chief of Police or the Town Clerk. The information requested on the application form shall include, without limitation, the following:
- (1) The name and address of the applicant.
 - (2) The proposed location(s) of the filming or still photography.
 - (3) The date(s) and time(s) the permit is intended to cover.
 - (4) The number in the cast and crew.
 - (5) The number of vehicles.
 - (6) The person in charge on site.
- B. No person shall film or allow filming on private property within the Town of East Hampton without first obtaining a permit from the Town Clerk in accordance with this chapter, except as provided for in § 138-4 hereof. Any incidental use of public lands that obstructs any public lands or interferes with the use of any public lands shall be fully disclosed, described and included in any application for 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. ~~Submission to Town Clerk. The following materials shall be submitted by the applicant to the Town Clerk at least sevenfourteen days before the proposed date to start the filming or still photography:~~
- (1) ~~A completed application form.~~
 - (2) ~~A one hundred dollar nonrefundable application fee. The Town Board, by resolution duly adopted, from time to time may establish or amend such fee amount.~~
 - (3) ~~A certificate of insurance and indemnification agreement pursuant to § 138-11.~~
- C. Applications for permits shall be filed and completed in accordance with § 138-5. Review by Chief of Police. The Town Clerk shall forward the application to the Chief of Police for approval or disapproval. Said approval or disapproval shall be based on the Chief of Police, or his designee, making a determination on whether the proposed filming or still photography will constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic. Approval of the application by the Chief of Police, or his designee, may be conditioned on the payment of the traffic control fee set forth in § 138-4. The Chief of Police shall send the approved or disapproved application back to the Town Clerk.
- D. A permit shall authorize filming at certain location(s) only, whether such filming shall occur indoors or outdoors, provided that the dates on which filming is to take place shall be specified in the permit. The application for the filming permit may list several potential locations, but the applicants' intent must be finalized before the permit is issued. ~~Review by Town Attorney. The Town Clerk shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall send such approved or disapproved documents back to the Town Clerk.~~
- 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. An administrative fee shall be required for an amended permit under this section, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount.~~Permit fee. The Town Clerk shall calculate the permit fee required to be paid by an approved applicant as follows:~~

- (1) ~~Film fee. The Town Board may, by resolution duly adopted, from time to time establish, amend or suspend film fees for each day covered by the permit.~~
- (2) ~~Cleanup deposit. A separate certified check in the amount of \$250 for each day covered by the permit shall be paid pursuant to § ~~138-5~~.~~
- (3) ~~Traffic control fee. One thousand dollars shall be paid for each day covered by the permit if the Chief of Police, or his designee, requires payment of the traffic control fee pursuant to § ~~138-4~~.~~
- (4) ~~Beach parking fee. If the permit includes one or more Town beaches as location sites, a ten dollar per vehicle parking fee for each day covered by the permit shall be paid the permit covers any day falling between May 1 through September 30.~~

- F. If an additional date or dates of filming become required to complete any filming authorized pursuant to a permit issued under this chapter, the Town Clerk may, at the request of the applicant, issue an extension permit, subject to full compliance with all other provisions of this chapter. The conditions, requirements and fees for any extension permit shall be the same as those required for the existing permit(s), provided there have not been any changes in the circumstances regarding the filming. If there are any changes in circumstances proposed for the filming under the extension permit, the Town Clerk may, in the Clerk's discretion, modify any of the conditions, requirements or fees and deposits required for the extension permit. In addition, an administrative fee of shall be required for an extension permit under this section, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount.~~Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the permit fee calculated pursuant to Subsection from the applicant. Payment of the permit fee shall be in the form specified in § ~~138-6~~. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant and the location(s), date(s) and time(s) of the filming or still photography.~~

SECTION 4. Amendment.

Chapter 138 (Filming) Section 4 (Traffic control fee) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-4. ~~Traffic control fee~~Exemptions.

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

- A. Filming and coverage by news media.~~In the event that the Chief of Police or his~~

~~designee determines that police officers or traffic control officers will be necessary for the protection of the citizens or for the control of traffic during the filming or still photography, the applicant shall submit to the Town Clerk a fee of \$1,000 for each day covered by the permit pursuant to Subsection F of § 138-3.~~

- B. Noncommercial filming by and intended for the exclusive use of the owner of private property and his/her immediate family.~~If the Chief of Police determines that the one-thousand dollar per day traffic control fee will be fully expended prior to the termination of the permit period, the Chief of Police shall notify the Town Clerk. The Town Clerk shall contact the applicant in writing and require payment of an additional sum of money, said specific amount to be determined by the Chief of Police based on the salaries and the number of hours to be worked by the Town police and traffic control personnel. Said additional traffic control fee shall be paid within seven days of said notice. The applicant's failure to pay such additional fee within said seven-day period shall result in the Town Clerk's providing the applicant with written notice that the permit has been suspended and the date of such suspension. The applicant's receipt of the Town Clerk's suspension notice shall not be construed as altering the date of suspension set forth in said written notice, the effective date of the suspension being the day immediately following the completion of the seven-day notice period.~~
- C. Filming occurring on public lands or on private property resulting in an incidental use of public lands, and limited to the use of a handheld device, as defined herein.~~The procedure set forth in Subsection B may be repeated as necessary to ensure that the applicant pays for all costs incurred by the Town in providing traffic control services.~~
- D. Filming occurring on public lands for which the Town contracts with an applicant, or has otherwise established by local law, resolution, or by the rules and regulations adopted pursuant to this chapter a fee schedule and/or policy governing such activity. In such instances, said contract, fee schedule and/or policy shall apply.~~After termination of the filming, the Chief of Police shall provide the applicant with a statement regarding the actual cost to the Town of providing said police officers or traffic control officers. If the actual cost is less than the moneys that the Town has collected pursuant to Subsection A, B or C, the Town shall remit the balance to the applicant. If the actual cost is more than the moneys that the Town has collected pursuant to Subsections A, B or C, the applicant shall be responsible for providing the balance to the Town within 30 days of the termination of the filming or still photography.~~
- E. ~~The Chief of Police shall forward a copy of the statement of actual cost to the Town Clerk who will file said statement with the original application form.~~

SECTION 5. Amendment.

Chapter 138 (Filming) Section 5 (Cleanup deposit) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-5. ~~Cleanup Deposit~~Application for a permit.

- A. Application form. An applicant may obtain an application form from the Town Chief of Police or the Town Clerk. The information requested on the application form shall include, without limitation, the following:

- (1) The name and address of the applicant.
- (2) The proposed location(s) of the filming or still photography.
- (3) The date(s) and time(s) the permit is intended to cover.
- (4) The number in the cast and crew.
- (5) The number of vehicles.
- (6) The person in charge on site.

~~Each applicant whose application has been approved shall give the Town Clerk a certified check in the amount of \$250 for each day covered by the permit, which check shall be held and not deposited by the Town during the duration of the permit period.~~

- B. Submission to Town Clerk. The following materials shall be submitted by the applicant to the Town Clerk, if still photography at least seven days before and if video photography at least fourteen days before, the proposed date to start the filming or still photography:

- (1) A completed application form.
- (2) A nonrefundable application fee. The Town Board, by resolution duly adopted, from time to time may establish or amend such fee amount.
- (3) A certificate of insurance and indemnification agreement pursuant to § **138-15**. ~~At the termination of the permit period, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by Town personnel.~~

For each application, the Town Clerk has the discretion to waive the submission deadline.

- C. Review.

- (1) For applications for filming involving only still photography on private property, the application shall be reviewed and a determination shall be made by the Town Clerk to approve or disapprove based upon a determination whether the whether the proposed filming or still photography will constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic.
- (2) For all other applications, the Town Clerk shall forward the application to the Chief of Police for approval or disapproval. Said approval or disapproval shall be based on the Chief of Police, or his designee, making a determination on whether the proposed filming or still photography will constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic. The Chief of Police, or his designee, must refer all permits for comment to the Fire Marshall, Trustees, Highway Department and/or any other Town department or agency, should the application indicate that such entity may be effected by the approval of such application. Approval of the application by the Chief of Police, or his designee, may be conditioned on the payment of the traffic control fee set forth in § **138-6**. The Chief of Police shall send the approved or disapproved application back to the Town Clerk. ~~If cleanup is required, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, will coordinate that effort. Said Superintendent will provide the Town Clerk with a statement setting forth the actual cost to the Town of providing said cleanup services. If the actual cost is less than the deposit collected pursuant to Subsection A, the Town shall remit the balance to the applicant. If the actual cost is more than the deposit collected pursuant~~

~~to Subsection A, the applicant shall be responsible for providing the balance to the Town within 30 days of the termination of the filming or still photography.~~

- D. Review by Town Attorney. The Town Clerk shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall send such approved or disapproved documents back to the Town Clerk.
- E. Permit fee. The Town Clerk shall calculate the permit fee required to be paid by an approved applicant as follows:
- (1) Film fee. The Town Board may, by resolution duly adopted, from time to time establish, amend or suspend film fees for each day covered by the permit.
 - (2) Cleanup deposit. A fee for each location covered by the permit shall be paid pursuant to § 138-7, and the Town Board, by resolution duly adopted, from time to time may establish or amend such fee amount.
 - (3) Traffic control fee. A fee for each day covered by the permit shall be paid if the Chief or Police, or his designee, requires payment of the traffic control fee pursuant to § 138-6.
 - (4) Town property parking fee. If the applicant requests parking to facilitate the filming pursuant to the permit, and town property is suitable and available for such parking, a parking fee shall be paid, and the Town Board, by resolution duly adopted, from time to time may establish or amend such fee amount. If no cleanup is required, the Town Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the certified check to the applicant.
- F. Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the permit fee calculated pursuant to Subsection E from the applicant. Payment of the permit fee shall be in the form specified in § 138-8. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant and the location(s), date(s) and time(s) of the filming or still photography.
- G. The Chief of Police, or his designee, may deny an application for a permit under this chapter after a review of the application, whenever a determination is made that the proposed filming would violate any law or ordinance or would unreasonably interfere with the public's use of public lands; unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the flow of vehicular or pedestrian traffic; be detrimental to the community because of anticipated excessive noise, illumination or other effect caused by the proposed filming, including, but not limited to, a potentially dangerous activity or creation of a dangerous condition, such as the use of explosives, the use of stunts, helicopters, firearms or simulated firearms; or otherwise endanger the public's health, safety or welfare. Such denial shall be in writing and shall specify the reasons for the denial.
- H. The Town reserves the right to impose additional and further requirements up to and through the date or dates of the filming activity, as deemed by the Town to be necessary to assure compliance with the requirements and purposes of this chapter.
- I. The Town reserves the right to immediately revoke any permit issued due to noncompliance with the requirements of the permit.

SECTION 6. Amendment.

Chapter 138 (Filming) Section 6 (Payment of fees) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-6. ~~Payment of fees~~Traffic control fee.

~~Any fee collected under this chapter shall be paid either in cash or by certified check make payable to the Town of East Hampton and shall be delivered to the Town Clerk.~~

- A. In the event that the Chief of Police or his designee determines that police officers or traffic control officers will be necessary for the protection of the citizens or for the control of traffic during the filming or still photography, the applicant shall submit to the Town Clerk a fee of for each day covered by the permit pursuant to Subsection **E** of § **138-5**, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount.
- B. If the Chief of Police, or his designee, determines that a traffic control fee will be fully expended prior to the termination of the permit period, the Chief of Police, or his designee shall notify the Town Clerk. The Town Clerk shall contact the applicant in writing and require payment of an additional sum of money, said specific amount to be determined by the Chief of Police, or his designee based on the salaries and the number of hours to be worked by the Town police and traffic control personnel. Said additional traffic control fee shall be paid within seven days of said notice. The applicant's failure to pay such additional fee within said seven-day period shall result in the Town Clerk's providing the applicant with written notice that the permit has been suspended and the date of such suspension. The applicant's receipt of the Town Clerk's suspension notice shall not be construed as altering the date of suspension set forth in said written notice, the effective date of the suspension being the day immediately following the completion of the seven-day notice period.
- C. The procedure set forth in Subsection **B** may be repeated as necessary to ensure that the applicant pays for all costs incurred by the Town in providing traffic control services.
- D. After termination of the filming, the Chief of Police, or his designee shall provide the applicant with a statement regarding the actual cost to the Town of providing said police officers or traffic control officers. If the actual cost is less than the moneys that the Town has collected pursuant to Subsection **A**, **B** or **C**, the Town shall remit the balance to the applicant. If the actual cost is more than the moneys that the Town has collected pursuant to Subsections **A**, **B** or **C**, the applicant shall be responsible for providing the balance to the Town within 30 days of the permit period.
- E. The Chief of Police, or his designee shall forward a copy of the statement of actual cost to the Town Clerk who will file said statement with the original application form.

SECTION 7. Amendment.

Chapter 138 (Filming) Section 7 (No donations accepted) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-7. ~~No donations accepted~~Cleanup deposit.

~~Other than the required fees, the Town shall not accept any donations from the applicant in connection with the granting of the permit. In addition, no Town official or employee shall make a recommendation to the applicant regarding a donation to a third party.~~

- A. Each applicant whose application has been approved shall give the Town Clerk a check for a cleanup fee deposit for each location covered by the permit, which check shall be held and not deposited by the Town during the duration of the permit period. The Town Board, by resolution duly adopted, from time to time shall establish or amend such deposit fee amount.
- B. At the termination of the permit period, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by Town personnel.
- C. If cleanup is required, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, will coordinate that effort. Said Superintendent will provide the Town Clerk with a statement setting forth the actual cost to the Town of providing said cleanup services. If the actual cost is less than the fee deposit collected pursuant to Subsection A, the Town shall remit the balance to the applicant. If the actual cost is more than the fee deposit collected pursuant to Subsection A, the applicant shall be responsible for providing the balance to the Town within 30 days of the termination of the permit period.
- D. If no cleanup is required, the Town Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the check to the applicant.

SECTION 8. Amendment.

Chapter 138 (Filming) Section 8 (Notice) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-8. ~~Notice~~Payment of fees.

Any fee collected under this chapter shall be paid either in cash or by check made payable to the Town of East Hampton and shall be delivered to the Town Clerk. The Town Clerk shall give notice to the Chief of Police, the Chief Building Inspector, the head of the Ordinance Enforcement Department and the Chief Fire Marshal, the Superintendent of Highways and the Superintendent of Parks and Recreation of each permit issued pursuant to this chapter.

SECTION 9. Amendment.

Chapter 138 (Filming) Section 9 (No alterations to Town Property) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-9. ~~No alterations to Town Property~~No donations accepted.

Other than the required fees, the Town shall not accept any donations from the applicant in connection with the granting of the permit. In addition, no Town official or employee shall make a recommendation to the applicant regarding a donation to a third party. A permit holder shall be responsible for any damage to Town property or facilities that may result from the permit holder's activities. No alterations are to be made at filming or photography sites, including, without limitation, cutting trees, digging holes and trimming bushes, without the express authorization of the Town Board.

SECTION 10. Amendment.

Chapter 138 (Filming) Section 10 (Compliance with other laws) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-10. ~~Compliance with other laws~~Waiver.

The Town Board, upon consent of a majority of its members, after due consultation, may authorize a waiver of the requirements and/or limitations of this chapter whenever it determines that strict compliance with such limitations or requirements will pose an unreasonable burden upon the applicant and that such permit may be issued without endangering the public's health, safety or welfare. In such instances, the Town Board may attach additional conditions and safeguards to ensure the orderly conduct of the activity and to minimize the impact of such use. Issuance of a permit pursuant to this chapter does not relieve the permit holder of its duty to comply with all other Town local laws, ordinances and regulations during the duration of the filming or photography.

SECTION 11. Amendment.

Chapter 138 (Filming) Section 11 (Insurance requirements) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-11. ~~Insurance requirements~~Permit suspension in emergency circumstances.

During the course of filming, any authorized Town Code enforcement official, peace officer or a police officer may suspend any permit where public health or safety risks are found or where exigent circumstances warrant such action. Every application for a permit pursuant to this chapter shall include a certificate of insurance that evidences a public liability insurance policy covering the Town as an additional insured in the minimum amount of the \$1,000,000 per occurrence for the duration of the filming or still photography. The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the Town harmless of and free from any and all damages that occur to persons or property by reason of said filming or still photography.

SECTION 12. Amendment.

Chapter 138 (Filming) Section 12 (Permit available at film site) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-12. ~~Permit available at film site~~Notice.

The Town Clerk shall give notice to the Chief of Police, the Chief Building Inspector, the head of the Ordinance Enforcement Department and the Chief Fire Marshal, the Superintendent of Highways and the Superintendent of Parks and Recreation of each permit issued pursuant to this chapter.~~The permit holder shall be required to have the permit available for inspection by the Town Police Department, or its designees, at the site of the filming or still photography for the duration of the permit period.~~

SECTION 13. Amendment.

Chapter 138 (Filming) Section 13 (Extension of permit period) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-13. ~~Extension of permit period~~No alterations to Town property.

A permit holder shall be responsible for any damage to Town property or facilities that may result from the permit holder's activities. No alterations are to be made at filming or photography sites, including, without limitation, cutting trees, digging holes and trimming bushes, without the express authorization of the Town Board.~~An applicant which has been granted a permit may submit to the Town Clerk a request to extend the duration of the permit. The Chief of Police, or his designee, will make the decision whether or not to grant such request. If permission is granted, the Town Clerk shall collect from the applicant an additional \$100 for each additional day added to the permit period. The Town Clerk shall then modify the applicant's permit to indicate the granted extension period.~~

SECTION 14. Amendment.

Chapter 138 (Filming) Section 14 (Penalties for offenses) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-14. ~~Penalties for offenses~~Compliance with other laws.

Issuance of a permit pursuant to this chapter does not relieve the permit holder of its duty to comply with all other Town local laws, ordinances and regulations during the duration of the filming or photography.

A. ~~Any action by any person, organization, corporation, group or other entity which violates or does not comply with any provision of this chapter shall be punishable by a fine of not less than \$100 and not more than \$1,000, and, in addition, anyone convicted hereunder of not complying with the requirements of § 138-4 and/or § 138-5 may be subject to a fine of not less than the amount of the actual costs incurred and owed to the Town, and not more than an amount equal to twice said actual costs.~~

- ~~B. Each continuing day of violation of this chapter shall constitute a separate offense.~~
~~C. In addition to the above provided penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.~~

SECTION 15. Amendment.

Chapter 138 (Filming) Section 15 (Severability) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-15. ~~Severability~~Insurance requirements.

Every application for a permit pursuant to this chapter shall include a certificate of insurance that evidences a public liability insurance policy covering the Town as an additional insured in the minimum amount of the \$1,000,000 per occurrence for the duration of the filming or still photography. The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the Town harmless of and free from any and all damages that occur to persons or property by reason of said filming or still photography.~~The provisions of this local law are severable. If any provision of this local law or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this local law which can be given effect without the invalid provision or application of the local law.~~

SECTION 16. Amendment.

Chapter 138 (Filming) Section 16 (When effective) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-16. ~~When effective~~Permit available at film site.

The permit holder shall be required to have the permit available for inspection by the Town Police Department, or its designees, at the site of the filming or still photography for the duration of the permit period.~~This local law shall take effect immediately upon filing with the Secretary of State as provided by law.~~

SECTION 17. Amendment.

Chapter 138 (Filming) of the East Hampton Town Code is hereby amended add a new Section 17 by adding the underlined words as follows:

§ 138-17. Penalties for offenses.

- A. Any action by any person, organization, corporation, group or other entity which violates or does not comply with any provision of this chapter shall be punishable by a fine of not less than \$100 and not more than \$1,000, and, in addition, anyone convicted hereunder of not complying with the requirements of § 138-6 and/or § 138-7 may be subject to a fine of not less than the amount of the actual costs incurred and owed to the Town, and not more than an amount equal to twice said

actual costs.

B. Each continuing day of violation of this chapter shall constitute a separate offense.

C. In addition to the above provided penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

SECTION 18. - Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 19. - Severability.

If any section of subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 20. - Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

COMMENTS - Current Meeting:

Resolution # 436 that was defeated on Thursday April 6th was recalled to the floor by Councilwoman Burke-Gonzalez, seconded by Councilman VanScoyoc, with all members in favor.

✓ Vote Record - Resolution RES-2017-441						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Kathee Burke-Gonzalez	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Peter Van Scoyoc	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. Executive Session

Motion was made by Councilman VanScoyoc, seconded by Councilwoman Overby to go into executive session at 1:00 PM back at Town Hall in East Hampton.



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2017-440

Meeting: 04/11/17 10:00 AM
Department: Human Resources
Category: Appointments
Prepared By: Kathleen Rood
Initiator: Kathleen Rood
Sponsors: Councilman Fred Overton
DOC ID: 18261 A

Appoint Brigitte M. Lenihan Part Time Clerk in the Town Clerk's Office

RESOLVED, Brigitte M. Lenihan be and is hereby appointed part time clerk in the Town Clerk's Office at an hourly salary of \$17.148 to be paid bi-weekly from Budget Account A1410-51200 upon proper submission of time records; said appointment is in effect on April 13, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Fred Overton, Councilman
SECONDER:	Kathee Burke-Gonzalez, Councilwoman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2017-441

Meeting: 04/11/17 10:00 AM
Department: Town Clerk
Category: Local Law
Prepared By: Carole A. Brennan
Initiator: Carole A. Brennan
Sponsors: Councilwoman Kathee Burke-Gonzalez
DOC ID: 18266 B

Adopt Local Law: Amend Chapter 138 to Include Private Property in Permit Process

WHEREAS, the Town Board held a public hearing on April 6, 2017, regarding a "LOCAL LAW amending Chapter 138 (Filming) to include commercial filming on private property in the permit process"; and

WHEREAS, after considering the matter and the comments of the public at the time of hearing, the Town Board believes that the enactment of this local law is in the best interests of the Town of East Hampton; and

WHEREAS, the proposed local law is a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.5 and Chapter 128 of the Town Code requiring no further environmental review; and now, therefore be it

RESOLVED, said Local Law is hereby adopted to read as follows:

LOCAL LAW NO. 11 of 2017
Intro. # 5 of 2017

LOCAL LAW amending Chapter 138 (Filming) to include commercial filming on private property in the film permit process, to eliminate the exception to filming crews of five or less, and to provide for suspension in emergency circumstances.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

This legislation is intended to expand the provisions of the current filming permit process to include commercial filming on private property. The law's original intent to protect public safety, health or welfare of the public when filming activities unduly interfere with vehicular and/or pedestrian traffic applies equally when such activity occurs on certain private properties as it does on public lands. Additional changes to those exempted as well as the ability to suspend a permit in emergency circumstances are also considered to address enforcement issues as well as public safety.

SECTION 2. Amendment.

Chapter 138 (Filming) Section 2 (Permit Required) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-2. ~~Permit required~~Definitions.

A. Whenever used in this chapter, words used in the singular include the plural, and

~~vice versa, and pronouns used in the masculine gender also include the feminine, and vice versa. General. A permit issued pursuant to this chapter is required prior to any person, organization, corporation, group or other entity engaging in the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation upon the streets, sidewalks or any other property owned by the Town of East Hampton, exclusive of the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the Town's boundaries. The application process for obtaining a permit is set forth in § 138-3.~~

- B. ~~For the purposes of this chapter, the following terms shall have the meanings indicated: Exemption. A permit pursuant to this chapter shall not be required if five or fewer individuals constitute the entire cast and crew engaged in one of the activities described in Subsection A above.~~

EQUIPMENT

Shall include, but is not limited to, television, photographic, film, digital or video cameras or transmitting television equipment, including radio remotes, props, sets, lights, backdrops, electric and grip equipment, dolly tracks, screens or microphone devices, and any and all production-related materials. Equipment shall not include a handheld device, as defined herein, and vehicles, as defined in the Vehicle and Traffic Law § 159, that are used solely to transport a person or persons while engaged in the activity of filming from within such vehicle, operated in compliance with relevant traffic laws and rules.

FILMING

The taking of still or motion pictures on any type of analog or digital recording medium, for commercial, educational or institutional purposes, intended for viewing on any device, including, but not limited to, television, projector screen, computer, smartphone, tablet, or other electronic device, or for viewing over the Internet or in any place of public assembly, or for educational or institutional use. Filming includes all rehearsals, preparations, assembly and dismantling of all equipment and structures, including, but not limited to, scaffolding, lights, backdrops, tools and food, and the loading and unloading of vehicles containing the equipment, structures and food.

HANDHELD DEVICE

(1) A film, still or television camera, video or digital camera, smartphone, tablet or other equipment held in the photographer's or filmmaker's hand, carried with the photographer or filmmaker during the course of filming, and not requiring the use of cables or any other item or equipment not carried by the photographer or filmmaker at all times during the course of photography, filming or transmission; or

(2) A tripod used to support film, still, television, video or digital cameras.

INCIDENTAL USE OF PUBLIC LANDS

Public lands used in conjunction with filming that occurs on private property.

PERSON

Any individual, partnership, corporation, organization, association, limited-liability company, partnership society or any other legal entity.

PRIVATE PROPERTY

Any property other than public lands, including both residential and commercial property.

PUBLIC LANDS

Any and every public street, highway, sidewalk or square, public park or playground, public waters, waterfront property or other public place within the Town which is within the jurisdiction and control of the Town or involving the use of any Town-owned or -maintained facilities or equipment.

SECTION 3. Amendment.

Chapter 138 (Filming) Section 3 (Application for a permit) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-3. ~~Application for a permit~~ Permit Required.

- A. ~~No person shall film or allow filming on public lands within the Town of East Hampton without first applying for and obtaining a permit therefor from the Town Clerk in accordance with this chapter, except as provided for in § 138-4 hereof.~~ Application form. An applicant may obtain an application form from the Town Chief of Police or the Town Clerk. The information requested on the application form shall include, without limitation, the following:
- ~~(1) — The name and address of the applicant.~~
 - ~~(2) — The proposed location(s) of the filming or still photography.~~
 - ~~(3) — The date(s) and time(s) the permit is intended to cover.~~
 - ~~(4) — The number in the cast and crew.~~
 - ~~(5) — The number of vehicles.~~
 - ~~(6) — The person in charge on site.~~
- B. ~~No person shall film or allow filming on private property within the Town of East Hampton without first obtaining a permit from the Town Clerk in accordance with this chapter, except as provided for in § 138-4 hereof. Any incidental use of public lands that obstructs any public lands or interferes with the use of any public lands shall be fully disclosed, described and included in any application for 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.~~ Submission to Town Clerk. The following materials shall be submitted by the applicant to the Town Clerk at least sevenfourteen days before the proposed date to start the filming or still photography:

- (1) ~~A completed application form.~~
- (2) ~~A one hundred dollar nonrefundable application fee. The Town Board, by resolution duly adopted, from time to time may establish or amend such fee amount.~~
- (3) ~~A certificate of insurance and indemnification agreement pursuant to § ~~138-11~~.~~
- C. ~~Applications for permits shall be filed and completed in accordance with § ~~138-5~~. Review by Chief of Police. The Town Clerk shall forward the application to the Chief of Police for approval or disapproval. Said approval or disapproval shall be based on the Chief of Police, or his designee, making a determination on whether the proposed filming or still photography will constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic. Approval of the application by the Chief of Police, or his designee, may be conditioned on the payment of the traffic control fee set forth in § ~~138-4~~. The Chief of Police shall send the approved or disapproved application back to the Town Clerk.~~
- D. ~~A permit shall authorize filming at certain location(s) only, whether such filming shall occur indoors or outdoors, provided that the dates on which filming is to take place shall be specified in the permit. The application for the filming permit may list several potential locations, but the applicants' intent must be finalized before the permit is issued. Review by Town Attorney. The Town Clerk shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall send such approved or disapproved documents back to the Town Clerk.~~
- 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. An administrative fee shall be required for an amended permit under this section, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount. Permit fee. The Town Clerk shall calculate the permit fee required to be paid by an approved applicant as follows:~~
- (1) ~~Film fee. The Town Board may, by resolution duly adopted, from time to time establish, amend or suspend film fees for each day covered by the permit.~~
- (2) ~~Cleanup deposit. A separate certified check in the amount of \$250 for each day covered by the permit shall be paid pursuant to § ~~138-5~~.~~
- (3) ~~Traffic control fee. One thousand dollars shall be paid for each day covered by the permit if the Chief of Police, or his designee, requires payment of the traffic control fee pursuant to § ~~138-4~~.~~
- (4) ~~Beach parking fee. If the permit includes one or more Town beaches as location sites, a ten dollar per vehicle parking fee for each day covered by the permit shall be paid the permit covers any day falling between May 1 through September 30.~~
- F. ~~If an additional date or dates of filming become required to complete any filming authorized pursuant to a permit issued under this chapter, the Town Clerk may, at the request of the applicant, issue an extension permit, subject to full compliance with all other provisions of this chapter. The conditions, requirements and fees for~~

any extension permit shall be the same as those required for the existing permit(s), provided there have not been any changes in the circumstances regarding the filming. If there are any changes in circumstances proposed for the filming under the extension permit, the Town Clerk may, in the Clerk's discretion, modify any of the conditions, requirements or fees and deposits required for the extension permit. In addition, an administrative fee of shall be required for an extension permit under this section, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount. Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the permit fee calculated pursuant to Subsection from the applicant. Payment of the permit fee shall be in the form specified in ~~§ 138-6~~. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant and the location(s), date(s) and time(s) of the filming or still photography.

SECTION 4. Amendment.

Chapter 138 (Filming) Section 4 (Traffic control fee) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-4. ~~Traffic control fee~~Exemptions.

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

- A. ~~Filming and coverage by news media.~~In the event that the Chief of Police or his designee determines that police officers or traffic control officers will be necessary for the protection of the citizens or for the control of traffic during the filming or still photography, the applicant shall submit to the Town Clerk a fee of \$1,000 for each day covered by the permit pursuant to Subsection F of § 138-3.
- B. ~~Noncommercial filming by and intended for the exclusive use of the owner of private property and his/her immediate family.~~If the Chief of Police determines that the one-thousand-dollar-per-day traffic control fee will be fully expended prior to the termination of the permit period, the Chief of Police shall notify the Town Clerk. The Town Clerk shall contact the applicant in writing and require payment of an additional sum of money, said specific amount to be determined by the Chief of Police based on the salaries and the number of hours to be worked by the Town police and traffic control personnel. Said additional traffic control fee shall be paid within seven days of said notice. The applicant's failure to pay such additional fee within said seven-day period shall result in the Town Clerk's providing the applicant with written notice that the permit has been suspended and the date of such suspension. The applicant's receipt of the Town Clerk's suspension notice shall not be construed as altering the date of suspension set forth in said written notice, the effective date of the suspension being the day immediately following the completion

- ~~of the seven-day notice period.~~
- C. Filming occurring on public lands or on private property resulting in an incidental use of public lands, and limited to the use of a handheld device, as defined herein. The procedure set forth in Subsection B may be repeated as necessary to ensure that the applicant pays for all costs incurred by the Town in providing traffic control services.
- D. Filming occurring on public lands for which the Town contracts with an applicant, or has otherwise established by local law, resolution, or by the rules and regulations adopted pursuant to this chapter a fee schedule and/or policy governing such activity. In such instances, said contract, fee schedule and/or policy shall apply. After termination of the filming, the Chief of Police shall provide the applicant with a statement regarding the actual cost to the Town of providing said police officers or traffic control officers. If the actual cost is less than the moneys that the Town has collected pursuant to Subsection A, B or C, the Town shall remit the balance to the applicant. If the actual cost is more than the moneys that the Town has collected pursuant to Subsections A, B or C, the applicant shall be responsible for providing the balance to the Town within 30 days of the termination of the filming or still photography.
- E. ~~The Chief of Police shall forward a copy of the statement of actual cost to the Town Clerk who will file said statement with the original application form.~~

SECTION 5. Amendment.

Chapter 138 (Filming) Section 5 (Cleanup deposit) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-5. ~~Cleanup Deposit~~Application for a permit.

- A. Application form. An applicant may obtain an application form from the Town Chief of Police or the Town Clerk. The information requested on the application form shall include, without limitation, the following:
- (1) The name and address of the applicant.
 - (2) The proposed location(s) of the filming or still photography.
 - (3) The date(s) and time(s) the permit is intended to cover.
 - (4) The number in the cast and crew.
 - (5) The number of vehicles.
 - (6) The person in charge on site.
- ~~Each applicant whose application has been approved shall give the Town Clerk a certified check in the amount of \$250 for each day covered by the permit, which check shall be held and not deposited by the Town during the duration of the permit period.~~
- B. Submission to Town Clerk. The following materials shall be submitted by the applicant to the Town Clerk, if still photography at least seven days before and if video photography at least fourteen days before, the proposed date to start the filming or still photography:
- (1) A completed application form.
 - (2) A nonrefundable application fee. The Town Board, by resolution duly adopted,

from time to time may establish or amend such fee amount.

- (3) A certificate of insurance and indemnification agreement pursuant to § 138-15. At the termination of the permit period, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by Town personnel.

For each application, the Town Clerk has the discretion to waive the submission deadline.

C. Review.

- (1) For applications for filming involving only still photography on private property, the application shall be reviewed and a determination shall be made by the Town Clerk to approve or disapprove based upon a determination whether the whether the proposed filming or still photography will constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic.

- (2) For all other applications, the Town Clerk shall forward the application to the Chief of Police for approval or disapproval. Said approval or disapproval shall be based on the Chief of Police, or his designee, making a determination on whether the proposed filming or still photography will constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic. The Chief of Police, or his designee, must refer all permits for comment to the Fire Marshall, Trustees, Highway Department and/or any other Town department or agency, should the application indicate that such entity may be effected by the approval of such application. Approval of the application by the Chief of Police, or his designee, may be conditioned on the payment of the traffic control fee set forth in § 138-6. The Chief of Police shall send the approved or disapproved application back to the Town Clerk. If cleanup is required, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, will coordinate that effort. Said Superintendent will provide the Town Clerk with a statement setting forth the actual cost to the Town of providing said cleanup services. If the actual cost is less than the deposit collected pursuant to Subsection A, the Town shall remit the balance to the applicant. If the actual cost is more than the deposit collected pursuant to Subsection A, the applicant shall be responsible for providing the balance to the Town within 30 days of the termination of the filming or still photography.

- D. Review by Town Attorney. The Town Clerk shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall send such approved or disapproved documents back to the Town Clerk.

- E. Permit fee. The Town Clerk shall calculate the permit fee required to be paid by an approved applicant as follows:

- (1) Film fee. The Town Board may, by resolution duly adopted, from time to time establish, amend or suspend film fees for each day covered by the permit.

- (2) Cleanup deposit. A fee for each location covered by the permit shall be paid pursuant to § 138-7, and the Town Board, by resolution duly adopted, from time to time may establish or amend such fee amount.
- (3) Traffic control fee. A fee for each day covered by the permit shall be paid if the Chief or Police, or his designee, requires payment of the traffic control fee pursuant to § 138-6.
- (4) Town property parking fee. If the applicant requests parking to facilitate the filming pursuant to the permit, and town property is suitable and available for such parking, a parking fee shall be paid, and the Town Board, by resolution duly adopted, from time to time may establish or amend such fee amount.~~If no cleanup is required, the Town Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the certified check to the applicant.~~
- F. Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the permit fee calculated pursuant to Subsection E from the applicant. Payment of the permit fee shall be in the form specified in § 138-8. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant and the location(s), date(s) and time(s) of the filming or still photography.
- G. The Chief of Police, or his designee, may deny an application for a permit under this chapter after a review of the application, whenever a determination is made that the proposed filming would violate any law or ordinance or would unreasonably interfere with the public's use of public lands; unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the flow of vehicular or pedestrian traffic; be detrimental to the community because of anticipated excessive noise, illumination or other effect caused by the proposed filming, including, but not limited to, a potentially dangerous activity or creation of a dangerous condition, such as the use of explosives, the use of stunts, helicopters, firearms or simulated firearms; or otherwise endanger the public's health, safety or welfare. Such denial shall be in writing and shall specify the reasons for the denial.
- H. The Town reserves the right to impose additional and further requirements up to and through the date or dates of the filming activity, as deemed by the Town to be necessary to assure compliance with the requirements and purposes of this chapter.
- I. The Town reserves the right to immediately revoke any permit issued due to noncompliance with the requirements of the permit.

SECTION 6. Amendment.

Chapter 138 (Filming) Section 6 (Payment of fees) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-6. ~~Payment of fees~~Traffic control fee.

~~Any fee collected under this chapter shall be paid either in cash or by certified check make payable to the Town of East Hampton and shall be delivered to the Town Clerk.~~

- A. In the event that the Chief of Police or his designee determines that police officers or traffic control officers will be necessary for the protection of the citizens or for the control of traffic during the filming or still photography, the applicant shall submit to the Town Clerk a fee of for each day covered by the permit pursuant to Subsection **E** of § **138-5**, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount.
- B. If the Chief of Police, or his designee, determines that a traffic control fee will be fully expended prior to the termination of the permit period, the Chief of Police, or his designee shall notify the Town Clerk. The Town Clerk shall contact the applicant in writing and require payment of an additional sum of money, said specific amount to be determined by the Chief of Police, or his designee based on the salaries and the number of hours to be worked by the Town police and traffic control personnel. Said additional traffic control fee shall be paid within seven days of said notice. The applicant's failure to pay such additional fee within said seven-day period shall result in the Town Clerk's providing the applicant with written notice that the permit has been suspended and the date of such suspension. The applicant's receipt of the Town Clerk's suspension notice shall not be construed as altering the date of suspension set forth in said written notice, the effective date of the suspension being the day immediately following the completion of the seven-day notice period.
- C. The procedure set forth in Subsection **B** may be repeated as necessary to ensure that the applicant pays for all costs incurred by the Town in providing traffic control services.
- D. After termination of the filming, the Chief of Police, or his designee shall provide the applicant with a statement regarding the actual cost to the Town of providing said police officers or traffic control officers. If the actual cost is less than the moneys that the Town has collected pursuant to Subsection **A**, **B** or **C**, the Town shall remit the balance to the applicant. If the actual cost is more than the moneys that the Town has collected pursuant to Subsections **A**, **B** or **C**, the applicant shall be responsible for providing the balance to the Town within 30 days of the permit period.
- E. The Chief of Police, or his designee shall forward a copy of the statement of actual cost to the Town Clerk who will file said statement with the original application form.

SECTION 7. Amendment.

Chapter 138 (Filming) Section 7 (No donations accepted) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-7. ~~No donations accepted~~Cleanup deposit.

~~Other than the required fees, the Town shall not accept any donations from the applicant in~~

~~connection with the granting of the permit. In addition, no Town official or employee shall make a recommendation to the applicant regarding a donation to a third party.~~

- A. Each applicant whose application has been approved shall give the Town Clerk a check for a cleanup fee deposit for each location covered by the permit, which check shall be held and not deposited by the Town during the duration of the permit period. The Town Board, by resolution duly adopted, from time to time shall establish or amend such deposit fee amount.
- B. At the termination of the permit period, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by Town personnel.
- C. If cleanup is required, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, will coordinate that effort. Said Superintendent will provide the Town Clerk with a statement setting forth the actual cost to the Town of providing said cleanup services. If the actual cost is less than the fee deposit collected pursuant to Subsection A, the Town shall remit the balance to the applicant. If the actual cost is more than the fee deposit collected pursuant to Subsection A, the applicant shall be responsible for providing the balance to the Town within 30 days of the termination of the permit period.
- D. If no cleanup is required, the Town Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the check to the applicant.

SECTION 8. Amendment.

Chapter 138 (Filming) Section 8 (Notice) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-8. NoticePayment of fees.

Any fee collected under this chapter shall be paid either in cash or by check made payable to the Town of East Hampton and shall be delivered to the Town Clerk.~~The Town Clerk shall give notice to the Chief of Police, the Chief Building Inspector, the head of the Ordinance Enforcement Department and the Chief Fire Marshal, the Superintendent of Highways and the Superintendent of Parks and Recreation of each permit issued pursuant to this chapter.~~

SECTION 9. Amendment.

Chapter 138 (Filming) Section 9 (No alterations to Town Property) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-9. ~~No alterations to Town Property~~No donations accepted.

Other than the required fees, the Town shall not accept any donations from the applicant in

connection with the granting of the permit. In addition, no Town official or employee shall make a recommendation to the applicant regarding a donation to a third party. A permit holder shall be responsible for any damage to Town property or facilities that may result from the permit holder's activities. No alterations are to be made at filming or photography sites, including, without limitation, cutting trees, digging holes and trimming bushes, without the express authorization of the Town Board.

SECTION 10. Amendment.

Chapter 138 (Filming) Section 10 (Compliance with other laws) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-10. ~~Compliance with other laws~~Waiver.

The Town Board, upon consent of a majority of its members, after due consultation, may authorize a waiver of the requirements and/or limitations of this chapter whenever it determines that strict compliance with such limitations or requirements will pose an unreasonable burden upon the applicant and that such permit may be issued without endangering the public's health, safety or welfare. In such instances, the Town Board may attach additional conditions and safeguards to ensure the orderly conduct of the activity and to minimize the impact of such use.~~Issuance of a permit pursuant to this chapter does not relieve the permit holder of its duty to comply with all other Town local laws, ordinances and regulations during the duration of the filming or photography.~~

SECTION 11. Amendment.

Chapter 138 (Filming) Section 11 (Insurance requirements) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-11. ~~Insurance requirements~~Permit suspension in emergency circumstances.

During the course of filming, any authorized Town Code enforcement official, peace officer or a police officer may suspend any permit where public health or safety risks are found or where exigent circumstances warrant such action.~~Every application for a permit pursuant to this chapter shall include a certificate of insurance that evidences a public liability insurance policy covering the Town as an additional insured in the minimum amount of the \$1,000,000 per occurrence for the duration of the filming or still photography. The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the Town harmless of and free from any and all damages that occur to persons or property by reason of said filming or still photography.~~

SECTION 12. Amendment.

Chapter 138 (Filming) Section 12 (Permit available at film site) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined

words as follows:

§ 138-12. ~~Permit available at film site~~Notice.

The Town Clerk shall give notice to the Chief of Police, the Chief Building Inspector, the head of the Ordinance Enforcement Department and the Chief Fire Marshal, the Superintendent of Highways and the Superintendent of Parks and Recreation of each permit issued pursuant to this chapter.~~The permit holder shall be required to have the permit available for inspection by the Town Police Department, or its designees, at the site of the filming or still photography for the duration of the permit period.~~

SECTION 13. Amendment.

Chapter 138 (Filming) Section 13 (Extension of permit period) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-13. ~~Extension of permit period~~No alterations to Town property.

A permit holder shall be responsible for any damage to Town property or facilities that may result from the permit holder's activities. No alterations are to be made at filming or photography sites, including, without limitation, cutting trees, digging holes and trimming bushes, without the express authorization of the Town Board.~~An applicant which has been granted a permit may submit to the Town Clerk a request to extend the duration of the permit. The Chief of Police, or his designee, will make the decision whether or not to grant such request. If permission is granted, the Town Clerk shall collect from the applicant an additional \$100 for each additional day added to the permit period. The Town Clerk shall then modify the applicant's permit to indicate the granted extension period.~~

SECTION 14. Amendment.

Chapter 138 (Filming) Section 14 (Penalties for offenses) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-14. ~~Penalties for offenses~~Compliance with other laws.

Issuance of a permit pursuant to this chapter does not relieve the permit holder of its duty to comply with all other Town local laws, ordinances and regulations during the duration of the filming or photography.

A. ~~Any action by any person, organization, corporation, group or other entity which violates or does not comply with any provision of this chapter shall be punishable by a fine of not less than \$100 and not more than \$1,000, and, in addition, anyone convicted hereunder of not complying with the requirements of § 138-4 and/or § 138-5 may be subject to a fine of not less than the amount of the actual costs incurred and owed to the Town, and not more than an amount equal to twice said actual costs.~~

B. ~~Each continuing day of violation of this chapter shall constitute a separate offense.~~

C. ~~In addition to the above provided penalties, the Town may also maintain an action or~~

~~proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.~~

SECTION 15. Amendment.

Chapter 138 (Filming) Section 15 (Severability) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-15. ~~Severability~~Insurance requirements.

Every application for a permit pursuant to this chapter shall include a certificate of insurance that evidences a public liability insurance policy covering the Town as an additional insured in the minimum amount of the \$1,000,000 per occurrence for the duration of the filming or still photography. The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the Town harmless of and free from any and all damages that occur to persons or property by reason of said filming or still photography.~~The provisions of this local law are severable. If any provision of this local law or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this local law which can be given effect without the invalid provision or application of the local law.~~

SECTION 16. Amendment.

Chapter 138 (Filming) Section 16 (When effective) of the East Hampton Town Code is hereby amended to remove all provisions crossed out and by adding the underlined words as follows:

§ 138-16. ~~When effective~~Permit available at film site.

The permit holder shall be required to have the permit available for inspection by the Town Police Department, or its designees, at the site of the filming or still photography for the duration of the permit period.~~This local law shall take effect immediately upon filing with the Secretary of State as provided by law.~~

SECTION 17. Amendment.

Chapter 138 (Filming) of the East Hampton Town Code is hereby amended add a new Section 17 by adding the underlined words as follows:

§ 138-17. Penalties for offenses.

- A. Any action by any person, organization, corporation, group or other entity which violates or does not comply with any provision of this chapter shall be punishable by a fine of not less than \$100 and not more than \$1,000, and, in addition, anyone convicted hereunder of not complying with the requirements of § 138-6 and/or § 138-7 may be subject to a fine of not less than the amount of the actual costs incurred and owed to the Town, and not more than an amount equal to twice said

actual costs.

B. Each continuing day of violation of this chapter shall constitute a separate offense.

C. In addition to the above provided penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

SECTION 18. - Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 19. - Severability.

If any section of subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 20. - Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

COMMENTS - Current Meeting:

Resolution # 436 that was defeated on Thursday April 6th was recalled to the floor by Councilwoman Burke-Gonzalez, seconded by Councilman VanScoyoc, with all members in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell