

TOWN OF MOUNT PLEASANT

MINUTES OF THE REGULAR
MEETING OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N.Y.
HELD AUGUST 13, 2024

PRESENT	SUPERVISOR	- CARL FULGENZI
	COUNCILPERSONS	- LAURIE SMALLEY
		- THOMAS SIALIANO
		- DANIELLE ZAINO
		- MARK SARACINO
	TOWN CLERK	- EMILY COSTANZA
	TOWN ATTORNEY	- CHRISTOPHER FELDMAN

The Supervisor opened the meeting at 7:00 PM with a Salute to the Flag.

I. Public Hearings

Continued Public Hearing to Amend Town Code RESOLUTION 313-24
Chapter 104, Article IV Explosives, Ammunition and
Blasting Agents

The Supervisor opened the continued public hearing. The Town Clerk read the public notice aloud. There were no speakers from the floor.

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the public hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Public Hearing to Amend Chapter 60 Filming RESOLUTION 314-24

The Supervisor opened the public hearing. The Town Clerk read the public notice aloud. There were no speakers from the floor.

Upon motion of Councilwoman Zaino, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the public hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Public Hearing to Amend Chapter 153 Peddling and Soliciting

RESOLUTION 315-24

The Supervisor opened the public hearing. The Town Clerk read the public notice aloud. There were no speakers from the floor.

Upon motion of Councilman Sialiano, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That the public hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

II. Supervisor's Report

Authorization to Amend Town Code Chapter 104,
Article IV Explosives, Ammunition and Blasting Agents

RESOLUTION 316-24

LOCAL LAW NO. 4-2024

A LOCAL LAW TO AMEND TOWN CODE CHAPTER 104, ARTICLE IV EXPLOSIVES, AMMUNITION AND BLASTING AGENTS

WHEREAS, Town of Mount Pleasant Town Code §§ 104-20 through 104-24 regulates the storage, sale, and transportation of explosives and blasting agents;

WHEREAS, the increase in local commercial construction requires further regulation;

WHEREAS, the Town Board wishes to amend Town Code Chapter 104 to enhance, health, safety and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Mount Pleasant hereby amends Town Code Chapter 104, Article IV, Sections 104-20 through 104-24 as follows with strikethrough language being removed and underlined language being added:

Chapter 104. Fire Prevention

Article IV. Explosives, Ammunition and Blasting Agents

§ 104-20. Applicability.

~~This article shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents.~~

§ 104-21. General provisions.

~~A. Compliance required. All explosives must be stored, used and transported in compliance with the requirements of this article.~~

~~B. Exceptions. Nothing in this article shall be held to mean or include any small-arms ammunition, signal rockets, fireworks or devices or compositions used to obtain visible or audible pyrotechnic effects or to apply to the use of blasting explosives for agricultural purposes in quantities not exceeding 200 pounds at any one time and by the owner of the property where the blasting is done.~~

~~C. Definitions. As used in this article, the following terms shall have the meanings~~

indicated:

~~EXPLOSIVE Includes any chemical compound or any mechanical mixture containing any oxidizing and combustible units or any other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion percussion or detonator of any part of the compound or mixture may cause sudden generation of highly heated gases such that the resultant gaseous pressures are capable of producing destructive effects upon life, limb or contiguous objects, but does not mean gasoline, kerosene, naphtha, turpentine, benzine, colloided nitrocellulose in sheets or rods or grains not under 1/8 of an inch in diameter, wet nitrocellulose and wet nitrostarch containing moisture of 20% or more or wet picric acid containing or being in moisture of 10% or more.~~

~~D. Manufacture prohibited. It is prohibited for any person to manufacture any explosive in the Town of Mount Pleasant outside incorporated villages, except that any explosives may be manufactured in the laboratories in colleges and similar institutions for the purpose of investigation and instruction.~~

~~E. Certain explosives prohibited. It is prohibited for any persons to have, keep, store, sell offer for sale, give away, use, transport or manufacture any of the following explosives in any quantity: liquid nitroglycerine; high explosives containing over 60% of nitroglycerine (except gelatin dynamite); high explosives having an unsatisfactory absorbent or ones that permits leakage of nitroglycerine under any conditions liable to exist during transportation or storage; nitrocellulose in a dry condition in a quantity greater than 10 pounds in one exterior package; fulminate of mercury in bulk in a dry condition and fulminate of all other metals in any condition, except as a component of manufactured articles not hereinafter forbidden; or explosives containing an ammonium salt and a chlorate.~~

~~F. Encasement. Except while blasting, no person shall possess or store explosives unless such explosives are completely enclosed or encased in tight metal, wooden or fiber containers or are contained in a licensed magazine. A person having an explosive in his possession or control shall under no circumstances permit any grains or particles of it to remain on the outside of or about its container. Every container shall be plainly marked with the name of the explosive contained therein.~~

~~G. Records of sales or gifts.~~

~~(1) Every person selling or giving away an explosive shall keep at his principal office or place of business a journal or book of record setting forth in legible writing a complete history of the transaction, including the name and quantity of the explosives, the name, residence and business address of the purchaser and the name and address of the person taking the explosive away or, if delivered, the address of the place of delivery and the name of the person receiving same. Such journal or book of record shall be open to inspection by the Building Inspector. No explosives shall be sold, given away or otherwise disposed of or delivered to any person under 18 years of age, whether said person is acting for himself or for another person.~~

~~(2) A record of each delivery in the Town of Mount Pleasant or of each delivery to a person of explosives for use in the Town of Mount Pleasant shall be mailed to the Building Inspector of the Town of Mount Pleasant by first-class mail within 24 hours of said delivery.~~

~~A. License required. It shall be unlawful to transport any explosives except in a vehicle for which a license has been issued the Building Inspector. Application for such license shall be accompanied by an inspection fee as set forth in Chapter A224, Fees. Each license or renewal thereof shall expire on December 31 next following its issuance and may be renewed upon payment of an inspection fee as set forth in Chapter A224, Fees. No such license or renewal shall be issued until the applicant has furnished a surety bond in the sum of \$50,000, such bond to meet the approval of the Town Board and, after such approval, to be filed with the Town Clerk.~~

~~B. Prohibited in public conveyances. It shall be unlawful to transport or carry any explosive in or upon any public conveyance which is carrying passengers for hire.~~

~~C. Hours of transportation. It shall be unlawful to transport or deliver any explosives~~

between sunset and sunrise, except with the special approval of the Building Inspector.

~~D. Condition, contents and operation of vehicle.~~

~~(1) Every vehicle used for the transportation of explosives shall be kept clean and in good repair at all times and, when containing explosives, shall be operated as required herein. No person shall place or carry, or cause to be placed or carried, in or upon a vehicle containing an explosive any metal tool, piece of metal, fire or any match, exploder, detonator, blasting cap or other device for producing spark, flame or heat, except tools for the operation and repair of such vehicle.~~

~~(2) Whenever the vehicle is parked or becomes disabled and remains on the street between sunset and sunrise, it shall be protected by lights, reflectors or other approved warnings visible for at least 200 feet. Before a disabled vehicle is towed, all explosives shall be removed to another licensed vehicle. All fuel tank inlets shall be equipped with a device to relieve excessive internal pressure. Exhaust pipes shall be protected by a properly constructed flame baffle to prevent backfire flames from igniting the contents of motor vehicles.~~

~~(3) The floors of all vehicles must be tight. Any exposed metal on the inside of the body liable to come into contact with any package of explosive must be covered or protected with wood or other nonmetallic material.~~

~~(4) Every vehicle must be equipped with not less than two fire extinguishers of a make and type approved by the Underwriters for such purpose, of at least a one-quart capacity each, filled and ready for such immediate use and placed at convenient points on each vehicle, and such vehicle shall be inspected daily by the owner or operator or his representatives to determine that:~~

~~(a) Fire extinguishers are filled and in working order.~~

~~(b) Electric wiring is completely insulated and firmly secured and all lights are in proper working order. The battery and wiring must be so installed that they will not come in contact with any package of explosives.~~

~~(c) The chassis, engine, pan and bottom of the body are clean and free from surplus oil and grease.~~

~~(d) Brakes and steering apparatus are in good condition.~~

~~(e) The fuel tank and feed line from the fuel tank have no leaks.~~

~~(f) In general, the vehicle is in proper condition for the safe transportation of explosives.~~

~~(5) No vehicle shall pass fires of any kind burning on or near the public highway unless, after proper investigation, this is found to be safe.~~

~~(6) All congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts and dangerous crossings should be avoided as much as possible.~~

~~(7) Explosives must not be transported in any form of trailer, nor shall any trailer be attached to a motortruck or vehicle hauling explosives.~~

~~(8) The driver must always have the motortruck or vehicle under complete control.~~

~~(9) Each vehicle must come to a full stop before crossing any main public highway and must then proceed with caution.~~

~~(10) Motor vehicles must not coast or freewheel at any time.~~

~~(11) No driver of any vehicle shall leave the driver's seat until the motor of the vehicle is stopped and the brakes are set. The driver of any vehicle other than a motor vehicle containing any explosive, when necessary to leave the driver's seat, shall securely set the brakes.~~

~~(12) Vehicles while containing explosives shall never be taken into a garage or repair shop for repairs or storage. This rule will not apply to open, sunshade garages where no open-flame light or burner is in use.~~

~~(13) No fuel shall be run into the fuel tank of any vehicle while carrying explosives except to replenish the fuel supply en route when the fuel tank is of insufficient capacity to permit the destination to be reached with one filling, and then only when the engine of the vehicle is stopped.~~

~~(14) No vehicle shall be parked on any public street adjacent to or in close proximity to~~

~~any dwelling or building or place where persons work, congregate or assemble. This does not apply to persons assisting in the loading or unloading of any vehicle.~~

~~(15) Packages must not be placed where they are likely to fall off vehicles, tailboards must be closely and securely fastened during transportation, and the sides and ends of open-bodied vehicles must also be high enough to prevent any such package from falling off the vehicle.~~

~~(16) Bale hooks or metal tools must not be used for loading, unloading or other handling of explosives.~~

~~(17) Any vehicle equipped with an open body must have packages of explosives loaded therein completely covered with tarpaulin to protect them from the weather and from sparks.~~

~~(18) Before any explosive is loaded into or unloaded from any motor vehicle, the engine of the vehicle shall be stopped and the brakes set. For horse-drawn vehicles, the horses must have been securely tied and the brakes set.~~

~~E. Marking of vehicles. Every vehicle carrying an explosive shall display upon an erect pole upon its front end, at such height as to be visible from all directions, a red flag with the word "danger" printed, stamped or sewn in white letters thereon. The flag shall be at least 18 inches wide by 30 inches long, and the letters at least 12 inches high. In addition to such flag, the vehicle shall carry on its front, sides and back signs with the word "explosives" and the permit number in easily legible letters at least three inches high.~~

~~F. Load limit. It shall be unlawful to transport or carry in or upon any such vehicle any explosive in excess of 3,000 pounds, except with the special permission of the Building Inspector.~~

~~G. Drivers. Every vehicle carrying explosives shall be in continuous charge of a competent person having experience as a handler of explosives, and no other person shall be allowed in or upon said vehicle. No person shall approach, ride upon, drive, load or unload a vehicle carrying explosives carelessly, recklessly or while smoking or while under the influence of intoxicating liquor or narcotics.~~

~~H. Delivery. It shall be unlawful to deliver any explosive except in original and unbroken packages or at any place other than a duly licensed magazine and to the person in charge thereof, provided, however, that the Building Inspector may permit the delivery to a licensed blaster of a smaller amount to be loaded into holes for immediate blasting.~~

~~I. No interference. It shall be unlawful for any person to interfere with or molest a vehicle containing explosives, or the person in charge thereof.~~

~~§ 104-23. Storage.~~

~~Except while being transported or blasted or while in the custody of a common carrier awaiting shipment or delivery to a consignee during the time permitted by federal law, all explosives shall be stored in magazines in accordance with §§ 453 to 458, inclusive, of Article 16 of the Labor Law of the State of New York. Each such magazine shall be at all times in charge of a competent person at least 21 years of age who has satisfied the Building Inspector as to his fitness. It shall be unlawful for any other person to have access to the magazine or place, handle or remove any explosive therein.~~

~~§ 104-24. Blasting.~~

~~A. Permit required.~~

~~(1) It shall be unlawful for any person to blast or carry on any blasting operations unless he is the holder of a blaster's license in the Town of Mount Pleasant and unless he obtains a permit for the proposed work from the Building Inspector.~~

~~(2) Applications for blasters' licenses shall be made to the Building Inspector on forms prescribed by them. Applicants shall be at least 21 years of age and of good character and habits and shall satisfy the Building Inspector as to their experience in handling explosives and the ability to use the same without undue risk.~~

~~(3) Each application shall be accompanied by an examination fee as set forth in~~

~~Chapter A224, Fees. Licenses shall expire on December 31 next following the date of their issuance and may be renewed by the Building Inspector for the time of one year on the payment of a registration fee as set forth in Chapter A224, Fees, for each such renewal. Licenses may be revoked if, in the opinion of the Building Inspector, the holder has proved himself incompetent or careless. If so revoked, no new license shall be issued to the same person for a period of three months, and then only upon satisfying the Building Inspector of his fitness for such license.~~

~~(4) Permits for blasting shall only be issued to persons holding a blaster's license or to contractors who have in their employ persons holding such a license.~~

~~(5) The permit shall state the location for which it is approved including the tax lot number, the date issued, the name of the person authorized to do the blasting, the number of blasts to be set and such other information as the Building Inspector may deem necessary. The permit shall be good only for the one lot designated therein, shall not be transferable and shall expire not later than one year from date thereof. The permit shall not be issued until the applicant shall furnish a bond by a solvent fidelity or surety company authorized by the laws of the State of New York to transact such business, in such amount as shall be fixed by the Building Inspector, which amount shall be on file in the office of the Town Clerk, which said bond must meet with the approval of the Town Board as to form correctness and sufficiency of surety, and, after such approval, said bond shall be filed with the Town Clerk. The applicant shall also satisfy the Building Inspector that any magazine to be used for the storage of explosives on the work for which the blasting permit is desired has been duly licensed by the State Industrial Commissioner under § 458 of Article 16 of the State Labor Law. Application for such permit shall be accompanied by an inspection fee as set forth in Ch. A224, Fees. Any amount paid in excess of the total fee due based upon the actual number of blasts shall be refunded. Any additional blasts shall require the permit to be amended and the applicable additional inspection fee to be paid. The maximum fee per day shall be as set forth in Ch. A224, Fees.~~

~~B. Hours of blasting. It shall be unlawful to blast or carry on any blasting operations after 7:00 p.m. or before 8:00 a.m., nor shall any blasting be done on Sunday, except with the approval of the Building Inspector.~~

~~C. Quantity of explosive per hole. No person shall use in a blasting operation a quantity of explosive greater than necessary properly to start the rock. In all cases of blasting rock, unless special permission is obtained from the Building Inspector, the explosive to be used shall not exceed the equivalent of one pound in weight of forty-percent explosive for each four-foot depth of the hole if not 10 feet below the surface and one pound in weight of sixty-percent explosive for each four-foot depth of a hole that is more than 10 feet below the surface. The Building Inspector may give permission to use larger quantities of explosives if the blasting operation is below ground far enough where it will not interfere with the peace of the community.~~

~~D. Covering blasts. Before firing any blast, except where the same is in a tunnel, the material to be blasted shall be covered on the top and sides with timber, held securely together by strong chains or ropes of iron or steel and covered with sheets of tin or heavy woven matting of rope or wire.~~

~~E. Firing. It shall be unlawful to explode a blasting charge by means of time fuse, slow-burning or safety fuse or by any means other than some form of electrical apparatus. At least three minutes before firing a blast, the blaster shall give warning thereof by causing a competent man carrying a red flag to be stationed at a reasonable distance from the blast at each avenue of approach or point of danger.~~

~~F. Shoring. The blasting of rock contiguous to any structure shall be so conducted as not to cause damage thereto. To this end, weak walls or other supports shall be shored up, and rotten or decomposed rock shall be removed only by the use of gads, picks or crowbars. When blasting in the vicinity of a weak structure is unavoidable, only light face blasts with short lines~~

of resistance and small charges shall be used.

G. ~~Tamping.~~ Blasting charges shall be tamped only by means of wooden tamping rods, and explosives shall be pressed or set into place by steady, even pressure only. All strokes or blows with the tamping rods are forbidden, and no tamping rod shall be used which is frayed or split at the end.

H. ~~Unexploded charge.~~ Immediately after firing a blast, the blaster shall cause all debris to be removed and shall thoroughly examine the rock and the drill holes to ascertain whether there remains any unexploded charge, and, until this is done, no drills shall be set up. In case a charge shall fail to explode, it must be exploded by drilling one hole at least 12 inches away, which shall be loaded and fired in the usual manner, but in no case shall the charge and tamping be removed from the hole without the special permission of the Building Inspector. In case a blast shall fail to carry away the entire drill hole and leaves the lower part intact, no further drilling shall be done in that hole.

I. ~~Blasters' helpers.~~ No person shall load holes in blasting operations except the blaster authorized in the permit; provided, however, that while holes are being actually loaded, drillers and drill helpers may act as blasters' helpers under the direct supervision and responsibility of the blaster.

J. ~~Capping cartridges.~~ Cartridges, while being capped, shall be removed from any magazine to a distance of not less than 50 feet and, after being capped, shall not be returned to a magazine. Cartridges shall be capped only as required for the work and for immediate use.

Article IV Explosives and Blasting Agents

§ 104-20.1 Purpose.

The purpose of this chapter is to establish minimum safeguards to protect human health, safety and welfare, as well as property, by establishing reasonable regulations governing the possession, storage and use of explosive materials. To ensure that the possession and use of explosive materials does not result in physical injury or property damage, the Town Board hereby asserts its right to designate acceptable hours for blasting operations, set levels for the ignition and discharge of explosive materials and establish acceptable standards governing consequential vibrations resulting from all blasting conducted within the Town.

§ 104-20.2. Applicability; technical standards.

A. This chapter shall apply to each and every person, corporation and business engaged in the manufacture, sale, transportation, storage, handling or use of explosives in the Town. This chapter sets forth procedures for the issuance of permits, payment of fees, recordkeeping, reporting and monitoring compliance. In addition, this chapter establishes penalties for the failure to comply with these requirements.

B. Manufacturing prohibited. It is prohibited for any person to manufacture any explosive in the Town of Mount Pleasant outside incorporated villages.

C. The technical standards set forth in this chapter are based upon generally recognized criteria and accepted industry standards. See New York State Labor Law, Article 16; 12 NYCRR Part 39; NFPA No. 495-1973; 27 CFR 55; 49 CFR 171 through 178; and 49 CFR 390 through 397 for other additional standards that may be applicable.

§ 104-20.3. Exceptions; application for exemption; notification.

A. The provisions of this chapter shall not apply to the following:

- (1) The military forces of the United States or its allies, the duly authorized militia of any state or any police force or Fire Department, provided that the same is acting in its

official capacity and in the performance of its public duties.

(2) The transportation of explosives in interstate or intrastate commerce regulated by the United States Department of Transportation or the New York State Department of Labor.

(3) Model rocketry.

(4) Employee safety regulated under the Occupational Safety and Health Act, 29 U.S.C. § 651 et seq.

(5) Fireworks subject to regulation under any applicable local, state or federal rule, regulation or law.

(6) Small arms ammunition and their re-loading components.

(7) An explosive in a form prescribed by the official United States Pharmacopeia.

B. Where an individual makes a written application to the Building Inspector for an exemption, the Building Inspector may grant an exemption where it is evident that compliance would cause an undue hardship and that public safety would not be compromised by granting relief. Any exemption granted under this section must be as limited in scope and duration as possible, balancing the hardship caused by compliance versus the potential danger and threat to public safety of granting relief. If the Building Inspector grants an exemption under this section, s/he shall immediately notify the Chief of Police of her/his decision and within five business days notify the Town Board stating the facts, the nature of the exemption and the underlying rationale.

§ 104-20.4. Word usage and definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

AIR BLAST The airborne shock wave or acoustic transient generated by an explosion.

APPEALS BOARD The Police Chief, Town Engineer and the Town Supervisor convened under § 140-20.7 [C] to hear appeals regarding the revocation of any permit issued under this chapter.

APPROVED Acceptable to the Building Inspector or Appeals Board.

BLACK POWDER A deflagrating or low explosive compound composed of an intimate mixture of sulfur, charcoal and an earth nitrate, usually potassium nitrate or sodium nitrate.

BLASTER A person who holds a valid permit to perform blasting operations.

BLASTING The fracture of any heavy mass by detonation of explosive materials.

BLASTING AGENT Any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap

when unconfined.

BLASTING CAP A detonator.

BLASTING MACHINE An electrical or electromechanical device capable of providing electrical energy for the purpose of energizing electric blasting caps.

BLASTING MAT A mat of woven steel wire, tires or other suitable material or construction to cover blast holes for the purpose of preventing fly rock missiles.

BLAST ZONE The area surrounding a blast site subject to the influence of flying debris generated by the detonation of an explosive charge.

BUILDING Includes, but is not limited to, any structure or assembly used for occupancy or storage and subject to the jurisdiction of the Building Department.

BURDEN That dimension of a medium to be blasted measured from the borehole to the face at right angles to the spacing. It means also the total amount of material to be blasted by a given hole, usually measured in cubic yards or in tons.

CERTIFICATE OF COMPETENCY Any authorization to keep, store, transport, or use explosives issued under New York State Labor Law, Article 16.

CFR The Code of Federal Regulations in effect on the date this chapter was last amended.

CLASS A EXPLOSIVE An explosive possessing detonating or maximum hazard and means an explosive which is described in 49 CFR 173.53.

CLASS B EXPLOSIVE An explosive possessing flammable hazard such as propellant explosives and photographic flash powders and means an explosive described in 49 CFR 173.88.

CLASS C EXPLOSIVE Certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities, and certain types of fireworks and means an explosive described in 49 CFR 173.100.

COMMERCIAL EXPLOSIVE Any explosive except a propellant and nitrocarbonitrate, including but not limited to dynamite, black blasting powder, pellet powder, initiating explosive, blasting cap, electric blasting cap, safety fuse, fuse igniter, fuse lighter, squib, cordeau detonant fuse, instantaneous fuse, igniter cord and igniter.

COMPETENT PERSON A person with the requisite experience, training and education necessary to perform the duty assigned or assumed.

DELAY INTERVAL The time interval in milliseconds between successive detonations of the delay devices used.

DETONATOR Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating-cord delay connectors and

nonelectric instantaneous or delay blasting caps.

ELECTRIC BLASTING CAP A blasting cap designed for, and capable of, initiation by means of an electric current.

EXPLOSIVE

A. Any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of producing destructive effects on contiguous objects.

B. The term “explosive” includes, but is not limited to:

(1) A commercial explosive, propellant or nitrocarbonitrate.

(2) A high explosive or a low explosive.

(3) An explosive material, blasting agent, water gel or detonator.

C. The term “explosive,” except as specifically stated herein, does not include:

(1) Small arms ammunition and their re-loading components.

(2) An explosive in a form prescribed by the United States Pharmacopeia.

(3) Fireworks subject to regulation under any applicable local, state or federal rule, regulation or law.

FIREWORKS Any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

FLY ROCK Rock propelled from the blast area by the forces of an explosion.

FUEL A substance that may react with the oxygen in the air or with the oxygen or other oxidizing material yielded by an oxidizer to produce combustion.

HERTZ Cycles per second.

HIGH EXPLOSIVE Any explosive material which can be caused to detonate by means of a blasting cap when unconfined, as, for example, dynamite.

HIGHWAY Any public street, road, highway, alley or part of a navigable stream which is used as a highway of commerce.

INHABITED BUILDING A building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure occupied in connection with the transportation, storage or use of explosives.

INITIATING PRIMER An explosive cartridge with a detonator or initiating agent inserted therein.

LOW EXPLOSIVE An explosive material which can be caused to deflagrate when confined, as for example, black powder.

MAGAZINE Any building, structure or other enclosure or container, used for the storage of explosives.

MISFIRE An explosive material charge that fails to detonate after an attempt at initiation.

MOTOR VEHICLE Any self-propelled vehicle, truck, tractor, semitrailer or truck full trailer used for the transportation of explosives.

NFPA National Fire Protection Association.

NITROCARBONITRATE An explosive classified as a blasting agent.

NO. 8 TEST BLASTING CAP A cap containing two grams of a mixture of 80% mercury fulminate and 20% potassium chlorate or a cap of equivalent strength.

OVERBURDEN All soil and ancillary material above the bedrock horizon in a given area.

OXIDIZER A substance such as a nitrate that yields oxygen or other oxidizing substance readily to stimulate the combustion of organic matter or other fuel.

OXIDIZING MATERIAL An oxidizer.

PEAK PARTICLE VELOCITY The peak particle velocity recorded on any one of the three mutually perpendicular components of blasting vibrations in the vertical and horizontal directions.

PERMIT - Written authorization issued by the Town or other appropriate governmental agency to sell, possess, store or use explosives.

PERSON Any natural person, partnership, firm, association or corporation.

PROPELLANT Any solid chemical or solid chemical mixture which functions by rapid combustion of successive layers and includes, but is not limited to, smokeless powder for small arms, smokeless powder for cannons, smokeless powder or solid propellant for rockets, jet thrust units or other devices.

ROCK CHIPPING The mechanized hammering or cutting of bedrock or other similar hardened natural materials for a constant duration for the purposes of removal or reuse on a site.

SEISMOGRAPH An instrument which records ground vibration by measuring and recording particle velocity, displacement or acceleration in three mutually perpendicular directions.

SEMICONDUCTIVE HOSE A hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric

charges to ground such as those of not more than two megohms resistance over its entire length and not less than 5,000 ohms per foot.

SENSITIVITY A physical characteristic of an explosive classifying its ability to detonate upon receiving an external impulse such as impact, shock, flame or other influence which can cause explosive decomposition.

SINGLE DELAY A delay in time of nine milliseconds or more.

SMALL ARMS AMMUNITION A cartridge and/or blank rounds for a shotgun, rifle, pistol or revolver and a cartridge for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges or any incendiary, tracer, spotting or pyrotechnic projectile is excluded from this definition.

SMOKELESS PROPELLANT A solid propellant, commonly called “smokeless powder” in the trade, used in small arms ammunition, cannon, rockets or propellant-actuated power devices.

STEMMING An inert material placed in a bore hole after the explosive for the purpose of confining explosive materials or to separate charges of explosive material in the same bore hole.

STRAY CURRENT A flow of electricity outside the conductor which normally carries it.

U.S.C. United States Code.

USDOT United States Department of Transportation.

VIBRATION The energy from a blast that manifests itself in earthborne vibrations which are transmitted through the earth away from the immediate blast area.

WATER GEL Any of a wide variety of materials used for blasting that contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be classified as Class A explosives, Class B explosives or blasting agents.

§ 104-20.5. Permit requirements.

A. No person shall possess, store, use or detonate explosives within the Town unless a permit has been issued by the Building Inspector.

B. Permit to possess or store. An application for a permit to possess or store explosives shall require the following information, as well as any other information the Building Inspector deems necessary to ensure public health and safety:

(1) The applicant's full name, address and telephone number. If the applicant is a corporation, partnership or other business entity, the name of each officer shall be separately stated. If the applicant is an out-of-state corporation, partnership or other business entity, the applicant must submit proof of filing with the New York State Secretary of State to do business in New York. No permit may be issued unless the

applicant is authorized to do business in New York.

(2) The location where applicant proposes to possess or store explosives.

(3) A statement as to the purpose and need to possess or store explosives.

(4) Where the possession or storage of explosives is subject to state or federal regulation and licensing, a copy of any state or federal license or permit shall be provided, together with the application for a local permit, unless the use is specifically exempted by § 140-20.3 [A], above.

(5) The quantity of explosives to be possessed or stored.

C. The application for a permit shall be signed by the applicant. In addition, the applicant shall sign an acknowledgment, under the penalties of perjury, stating that all information provided in the application or in support of the application is true and accurate.

D. Permit to use or detonate. An application for a permit to use or detonate explosives shall require the following information, as well as any other information the Building Inspector deems necessary to insure public health and safety:

(1) The applicant's full name and address. If the applicant is a corporation, partnership or other business entity, the name of each officer shall be separately stated. If the applicant is an out-of-state corporation, partnership or other business entity, the applicant must submit proof of filing with the New York State Secretary of State to do business in New York. No permit may be issued unless the applicant is authorized to do business in New York.

(2) A designated, on-site representative who will be present at the location during all blasting and authorized to act on behalf of the applicant for all administrative purposes.

(3) The name, address and telephone number of the person who will be conducting the blasting, and a copy of the blaster's license to purchase, own, possess, transport and use explosives and a certificate of competence.

(4) An estimate of how much blasting is anticipated and the type and amount of material to be ignited or discharged. Where more than one blast is anticipated, the applicant shall estimate how many separate blasts are expected and the approximate duration blasting activity will continue.

(5) The time, date and location blasting is scheduled to begin.

(6) A list of all landowners, including name and address, within a five-hundred-foot radius of the proposed blast site.

(7) A preblast survey of the site, where one inch equals 30 feet in scale, showing all structures within a 500-foot radius of the proposed blast site, together with a description of each structure within such radius. Any property owner subject to a preblast property description shall be furnished a copy of the description of the property upon request. The Building Inspector may, in her/his sole discretion, require that the preblast survey be accompanied with a videotape showing each building and structure and any

particular features as s/he may direct. The Building Inspector may, in her/his sole discretion, waive all or any portion of the preblast survey depending on the particular characteristics of the site, the surrounding area and the type of blasting proposed. The applicant shall, upon request, make a copy of the preblast survey available to the Building Inspector. Where a preblast survey indicates electric transmission lines within 500 feet of a proposed blast site, the Building Inspector or her/his representative may require testing to determine the presence and level of errant electrical current in the area. If testing indicates the presence of errant electrical current in the vicinity where explosives are to be detonated at a level sufficient to pose a potential threat to public safety, the Building Inspector may require that any blasting be conducted solely by use of nonelectrical detonation.

E. Based on the application and the preblast survey, if any, the Building Inspector shall estimate the cost of monitoring compliance with this chapter and furnish such estimate, together with a basis for her/his calculation, to the applicant. Before any permit is issued, the estimated cost of inspection services shall be deposited with the Town, held in escrow, and applied to reimburse the Town for costs and expenses actually incurred in connection with administering compliance with this chapter. Where the estimated amount deposited is insufficient to cover the Town's costs, the property owner shall be responsible for any balance due. Where the estimated amount deposited with the Town exceeds the costs incurred, the balance shall be refunded.

F. The application for a permit to use explosives shall be signed by both the applicant and the blaster. In addition, the applicant shall sign an acknowledgment stating, under the penalties of perjury, that all information provided in the application or in support of the application is true and accurate. The blaster shall also sign an acknowledgment stating that s/he has read the entire application, that in her/his opinion blasting at the particular location can be conducted safely, without unreasonable risk, and that, under the penalties of perjury, the blaster's state license is valid, that s/he is fully authorized to conduct the type of activity set forth in the application and that s/he agrees to abide by all state and federal safety standards.

G. A permit to conduct blasting shall be effective for a specific project and specific period of time, not to exceed one year. The Building Inspector shall have sole discretion to set the term of any permit issued under this section.

H. Expiration, revocation or cancellation of the blaster's state license shall automatically void any permit issued under this chapter.

I. No blast shall be initiated at any location within the Town unless a written permit to conduct blasting has first been obtained and signed by the Town Engineer and Building Inspector authorizing blasting at the specific location.

J. The Building Inspector may add to any permit issued under this chapter whatever terms and conditions deemed necessary to protect public health, safety and welfare.

K. No permit holder shall transfer or assign a permit issued under this chapter.

L. The failure of an applicant to provide any information requested by the Building Inspector in support of an application for a permit shall be grounds to deny an application or revoke a permit.

M. Each applicant must furnish proof of insurance as set forth in § 140-20.6 herein.

N. Fees. Notwithstanding any of the provisions of the Fire Code of New York State and the Building Code of New York State, the fee for permits issued under this chapter shall be set by the Building Inspector, subject to approval by Town Board resolution. All fees shall be paid at the time of filing an application and prior to any permit or certificate being issued.

O. The Building Inspector or her/his representative may also request the applicant to supply any other, additional information that may be deemed necessary to protect the health and safety of the public or to prevent damage to property.

§ 104-20.6. Insurance; statement of indemnification; issuance.

A. Before any permit is issued pursuant to this chapter, the applicant shall submit proof of insurance by supplying a certificate of insurance, issued by an insurance company authorized to do business in the State of New York, stating that the applicant has insurance coverage in effect for workers' compensation, liability and property damage occurring onsite or to nearby properties, and a specific endorsement stating that coverage includes liability arising from handling or using explosive materials and conducting blasting activity. Insurance coverage shall be not less than \$3,000,000 for general liability, including bodily injury to any one person and, subject to the same limit for each person, not less than \$10,000,000 for any occurrence, plus insurance for property damage occurring onsite or to nearby properties of not less than \$2,000,000. The insurance certificate shall name the Town and any of its Agents, Designees and/or Representatives as an additional insured. In addition, the certificate shall contain a statement that the policy or policies covering the insured will not be canceled, terminated or modified by the insurance company unless 30 calendar days' notice is given to the Town and such change or modification is mutually agreed to.

B. The applicant shall also furnish a notarized statement agreeing to indemnify and hold the Town and any of its Agents, Designees and/or Representatives harmless from any and all claims, actions and proceedings brought by any person, firm or corporation for any injury to any persons or property resulting, directly or indirectly, from the applicant using, storing, handling, or transporting explosive material or conducting blasting activity and, moreover, stating the applicant will defend and indemnify the Town against any action brought by any third parties as a result of operating under a Town permit issued under this chapter.

C. No permit shall be issued unless and until the applicant has complied with these insurance requirements and provided an agreement indemnifying and holding the Town harmless for any and all damage and injury.

§ 104-20.7. Inspection, revocation and appeal.

A. Permit revocation. The Building Inspector may, on her/his own initiative or at the request of any other official, revoke or modify a permit issued pursuant to this chapter where it appears the permit holder has violated any local, state or federal rule or regulation, including but not limited to a false statement or representation on the application for a blasting permit or violation of any applicable safety standard or where the Building Inspector determines that public safety has been compromised. The Building Inspector may modify or revoke a permit by notifying the permit holder or her/his representative, orally or in writing, that the permit has been modified or revoked. Where a permit has been revoked, the Building Inspector shall send a written notice of revocation to the permit holder by first class mail without unnecessary delay, but not later than five business days after revocation, setting forth the reasons the permit was revoked. The notice of revocation shall include a statement informing the permit holder of her/his right to appeal such revocation by filing a notice of appeal with the Town Clerk within 20 business days. Where a permit is modified, the Building Inspector shall give the permit holder written

notice of the modifications.

B. Appeals. A permit holder who has had her/his permit revoked or modified by the Building Inspector may appeal and seek relief from the modifications or reinstatement of the permit. An appeal pursuant to this section shall be heard by the Chief of Police, the Town Engineer and the Town Supervisor, or any of their deputies, sitting as the Appeals Board. The Building Inspector shall appear and state her/his findings and the reasons for revoking or modifying the permit. The permit holder and/or the blaster shall be offered the opportunity to appear and present evidence why the permit should not be modified or revoked. The Appeals Board may sustain the Building Inspector's decision to revoke a permit, reinstate any permit or amend any modifications imposed by the Building Inspector. Where the board reinstates a permit, the board may amend the permit by adding whatever terms and conditions it deems necessary to protect public health, safety and welfare. The decision of the appeal panel shall be final.

§ 104-20.8. Blasting operations.

A. No blast shall be initiated at any location within the Town limits unless a written permit has first been obtained from Building Inspector authorizing blasting at the specific location.

B. Blasting conducted within the Town must comply with the terms of the permit and, in addition, all applicable state and federal health and safety standards.

C. At least five business days prior to the scheduled start of blasting, the permit holder shall request a preblast meeting with the Building Inspector to review and finalize the proposed blasting plan. No blasting shall be conducted unless a preblast meeting has been held with the Building Inspector and the Building Inspector is satisfied that the proposed blasting plan is reasonable.

D. Each blasting permit holder shall establish and delineate a blast zone prior to detonating a blast. The blast zone must be clearly marked and adequate precautions implemented to prevent unauthorized entry into the area.

E. Prior to each blast, the blaster or her/his designee shall be responsible for notifying all persons in the general area that blasting operations are scheduled to begin within a specified period of time. In addition, the blaster shall sound a recognized whistle, siren or horn loud enough to be heard throughout the designated blast zone approximately three minutes prior to blasting and again 30 seconds prior to blasting, warning all persons that blasting is imminent.

F. The Building Inspector or her/his representative shall be permitted access to observe all aspects of the blasting operation, including but not limited to observation of all preblast preparatory site work, the explosion/detonation and access to the postblast site. The property owner shall reimburse the Town for the cost of all inspection services, including the cost of retaining an on-site inspector to monitor all aspects of blasting, where the Building Inspector deems such services necessary, by depositing the estimated cost of inspection services in a designated account to be held in escrow by the Town and applied to reimburse the Town for costs incurred in administering compliance with this chapter. The permit holder and the blaster shall, upon request, make available to the Building Inspector a copy of all seismic reading and any and all other documentation and data collected regarding any blast.

G. The blasting permit holder shall notify the Building Inspector or her/his designated representative and the Police Department of an impending blast at least two (2) hours, but not more than 12 hours, prior to the time each blast is scheduled.

H. The applicant shall be responsible for any costs incurred by the Town in providing police, emergency services or any other personnel deemed necessary to ensure public safety.

I. Notwithstanding any other regulations, no blasting shall be performed in such manner or under such circumstances as to eject debris into the air so as to constitute a hazard or danger or do harm or damage to persons or property. Before firing a blast which could cause injury to persons or damage property from fly rock, the material to be blasted shall be properly covered or screened by a buffer of sufficient mass and strength to prevent, with a margin of safety, the ejection of any material capable of causing any injury or damage.

J. No person shall use a quantity of explosives greater than necessary to break or move the target material or use an amount of explosives that poses a risk of injury to persons or property.

K. Unless otherwise permitted by the Building Inspector, all holes drilled or otherwise excavated for holding an explosive charge shall be at least six feet deep. If, however, the permit holder/blaster can demonstrate a need to use a hole less than six feet deep and that such a cavity will not endanger public safety, the Building Inspector or her/his designated representative may, in her/his discretion, authorize the use of blast holes less than six feet deep.

L. The blaster shall plan each blast and take every precaution in loading, delaying, initiation, confinement and stemming to control the throw of rock fragments and debris and limit ground vibrations and the effect of air concussions to the greatest extent possible. When blasting is to be conducted within 50 feet or less of a property line and the adjacent property owner is not a party to the blasting operation, the blaster shall take all precautions practicable, utilizing any combination of recognized methods, to control blasting effects to the greatest degree possible.

M. A record of each blast shall be kept by the blaster on a form approved by the Building Inspector. All such records shall be retained by the permit holder and blaster as prescribed by state law and made available for inspection as a matter of public record.

(1) The permit holder shall record the following information for each blast and provide the Building Inspector with a duplicate copy at the end of each day:

- (a) The name and license number of the blaster.
- (b) The location of the blast.
- (c) The date and time of each blast.
- (d) The number of blasts.
- (e) The number, diameter and depth of each hole and distance between holes.
- (f) The burden depth.
- (g) The stemming length.
- (h) The make and type of explosives.

- (i) The delay make, number and period.
- (j) The weather conditions, including temperature, wind direction and speed.

(2) In addition, the following seismograph information must be recorded for each blast with a duplicate copy provided to the Building Inspector:

- (a) The seismograph serial number.
- (b) The range/gain setting.
- (c) The date of last shake table calibration and microphone calibration.
- (d) The air channel low frequency limit.
- (e) The exact seismograph location and location in relation to the blast.
- (f) The peak over pressure readout.
- (g) The peak particle velocity readout.
- (h) The name of the operator.

N. Where an accident involves personal injury, the permit holder shall immediately notify the Building Inspector that an accident has occurred, and no further blasting shall be conducted until the Building Inspector has had an opportunity to review the accident report and the permit. Any injury, accident or misfire involving explosives shall be recorded, and a full written report shall be attached to the blast report filed with the Building Inspector, including the names of all participants and witnesses and remedial actions taken. The Building Inspector may require such additional, specific information from the blaster as s/he deems necessary and appropriate to assure the public health and safety. Following an accident involving personal injury, the Building Inspector may amend the permit by adding whatever additional restrictions are deemed necessary to assure public health and safety is maintained and another similar accident does not reoccur.

O. At no time shall a single blast greater than 2,500 pounds of total explosives ever be detonated within the Town of Mount Pleasant.

§ 104-20.9. Vibration and concussion standards.

A. The maximum allowable concussion or air blast resulting from blast operations shall not exceed 130 decibels peak, measured at a flat frequency response (PMS two decibels) over the range of at least six to 200 hertz.

B. When blasting is of a continuing nature, 124 to 130 decibels shall be the acceptable range.

C. The permit holder shall report each blast exceeding acceptable parameters to the Building Inspector within 24 hours. Following a blast exceeding acceptable parameters, the Building Inspector shall have the authority to order blasting operations to be suspended, altered or stopped.

D. The US Bureau of Mines Safe Vibration Criteria, with an upper allowable limit of 1.25PPV will be the governing standard. Charts plotting both the Peak Particle Velocity (in/s) and Peak Frequency (Hz) must be provided after each and every blast.

§ 104-20.10. Hours blasting is allowed.

Blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 3:00 p.m. Blasting is prohibited Saturdays, Sundays and legal holidays, unless modified by an approving Board.

§ 104-20.11. Notice of intent to blast; posting.

A. Not more than 20 calendar days and not less than three (3) business days prior to a scheduled blast, the permit holder shall serve a notice of intent to blast, stating when and where blasting activity is scheduled to occur, on each occupant or user of each structure, commercial or residential, within 500 feet of the proposed blast site and upon the owner or owners of any parcel of property immediately adjoining or abutting the parcel of property on which the blasting is to take place, regardless of the distance an adjoining owner is from the blast site. The notice shall include the blasting permit number, the permit holder's name, emergency telephone numbers for police, fire and ambulance service and the time and location of each scheduled blast. A copy of the notice of intent to blast must be submitted to the Building Inspector for her/his review and approval prior to distribution.

B. The notice of intent to blast may be served by either personal service or certified mail. In the event that neither personal service nor certified mail can be effected, the applicant may request authorization from the Building Inspector to serve the notice of intent to blast by posting a copy of such notice in each building or dwelling in a conspicuous place where it is reasonable to believe that persons entering or leaving the premises will see such notification.

C. In the case of multi-occupancy structures, residential and commercial, located within 500 feet of the blast site, the notice of intent to blast shall be conspicuously and continuously posted at all commonly used entrances to the structure not more than 20 calendar days and not less than three (3) business days prior to blasting. It shall be the blaster's responsibility to ensure that notice is unobstructed and remains posted at the structure.

§ 104-20.12. Rock chipping; blasting of rock.

A. If the applicant (or successor in interest) intends to remove rock by means other than blasting, a High Resolution Seismic Refraction Survey must be performed. A licensed, certified, geotechnical engineer shall interpret the results of the survey and will determine whether or not all of the rock can be removed by means other than blasting. The geotechnical engineer will submit a written report on the site to the Building Department.

B. If the report reveals that all of the rock cannot be removed by means other than blasting, then no removal of overburden shall take place with the exception of tree stumps, top soil or materials rendered inconsequential by the blaster.

C. If the report reveals that all of the rock can be safely chipped, a temporary, solid barrier no less than eight feet, zero inches high shall be installed for the duration of the rock chipping activities, to the satisfaction of, and if required by, the Building Inspector.

D. The applicant (or successor in interest) shall be limited to the hours of 8:30 a.m. to 3:00 p.m., Monday through Friday, for all rock chipping. Rock chipping is prohibited on Saturdays, Sundays and all legal holidays, unless modified by an approving Board.

E. The applicant (or successor in interest) shall conduct a precondition/preconstruction survey of all adjacent structures located within 50 feet of the limits of disturbance on the subject property or any other structure that the Building Inspector deems necessary in order to ensure public safety or prevent property damage. The survey shall be submitted to the Building Inspector or her/his designee for review.

F. The applicant (or successor in interest) shall install seismic graphs, set in histogram mode, on the property, outside the area of rock removal, that are to be monitored once an hour to ensure the vibrations from the site do not cause damage to adjacent structures of the property. The number of seismic graphs shall be determined by the geotechnical engineer and agreed to by the Building Inspector, or her/his designee. A daily report of the seismic graph readings must be submitted to the Building Inspector. The report shall use the USBM Vibration limit curve developed from RI8507. Should a seismic reading exceed the Town of Mount Pleasant's limitations, the work must cease immediately, and written notification must be provided to the Building Inspector.

G. Prior to any rock chipping activities, appropriate dust control measures must be installed to the satisfaction of the Building Inspector.

H. The maximum decibel level for rock chipping activities must not exceed 110db(A), as measured from any property line.

I. All rock chipping must be completed within 30 business days of commencement of such activities. Thereafter, the applicant (or successor in interest) must cease such activities and seek additional approval from the Town Board or Planning Board to resume rock chipping activities.

§ 104-20.13. Applicant responsible for costs.

Any person applying to use explosives to demolish any structure must agree to assume the cost of any engineering analysis, public safety survey, environmental review or other technical study deemed necessary by the Building Inspector to determine if and how blasting or rock chipping can be conducted safely.

§ 104-20.14. Rules and regulations.

The Police Chief, Town Engineer and Building Inspector, sitting as a Board of Standards, may supplement this chapter by promulgating whatever additional rules and regulations are deemed necessary or desirable to protect the public health, safety and welfare. A copy of all supplemental rules and regulations promulgated under this section are to be provided with each application for a permit and posted on the Town's Web site.

§ 104-20.15. Penalties for offenses; enforcement.

A. Any person, including any owner or agent or corporation, who shall violate any of the provisions of this chapter or fail to comply with any provision shall, following conviction, be guilty of a misdemeanor.

B. The first violation shall be punishable by a fine not to exceed \$5,000 and subject to a period of incarceration not to exceed 20 days.

C. A second and each subsequent offense shall be punishable by a fine not to exceed \$10,000 and subject to a period of incarceration not to exceed 40 days.

D. Any person, including any owner or agent or corporation, who supplies false information to

the Building Inspector in support of a blasting permit shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$5,000 and subject to a period of incarceration not to exceed 20 days.

E. Each days violation of the Town Code constitutes a separate and distinct violation.

F. The provisions of this chapter may be enforced by either the Building Inspector or the Town Police Department.

§ 104-21 [Reserved]

§ 104-22 [Reserved]

§ 104-23 [Reserved]

§ 104-24 [Reserved]

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

The question of the adoption of the foregoing Local Law was duly put to a vote, which resulted as follows:

Motion By: Councilwoman Zaino

Seconded By: Councilman Sialiano

Vote:

Supervisor Fulgenzi	<u>Y</u>	N	A	Absent
Councilwoman Smalley	<u>Y</u>	N	A	Absent
Councilman Saracino	<u>Y</u>	N	A	Absent
Councilman Sialiano	<u>Y</u>	N	A	Absent
Councilwoman Zaino	<u>Y</u>	N	A	Absent

Authorization to Amend Chapter 60 Filming

RESOLUTION 317-24

LOCAL LAW NO. 5-2024

**A LOCAL LAW TO AMEND TOWN CODE CHAPTER 60
FILMING**

WHEREAS, Town of Mount Pleasant Town Code § 60 regulates the filming, videotaping, and recording on private and public property within the Town;

WHEREAS, the increase in commercial filming, videotaping, and recording requires further regulation to protect the public safety and welfare;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Mount Pleasant hereby amends Town Code Chapter 60 as follows with strikethrough language being removed and underlined language being added;

Chapter 60. Filming.

§ 60-2 License required.

...
B. Not-for-profit community organizations filming for a public purpose or student groups, filming for educational purposes shall submit an application as detailed below but shall be exempt from the fee requirements of this section.

C. The application, permit and fee requirements in this chapter shall not apply to:

(1) Filming by casual photographers, tourists or residents for personal use, ~~by not for profit community organizations for a public purpose, by students for educational purposes, or by credentialed members of the news media; or~~

§ 60-3 License applications.

A. Applications ~~may~~ shall be submitted to the Town Clerk and ~~must~~ shall contain at least the following information:

...
C. The applicant shall notify contiguous ~~or adjacent~~ property owners to the property being utilized for filming activities and demonstrate proof of same to the Town Clerk.

§ 60-5 Limitations of activities.

...
B. Unless the Town Clerk provides otherwise, no applicant shall permit any filming for which a license has been issued to be conducted prior to 8:00 a.m. or after 7:00 p.m. Special applications for filming before 8:00 a.m. or after 7:00 p.m. may be considered by the Town Clerk, taking into consideration the following factors, amongst others: remoteness of the filming location to residential structures, the proposed duration of such filming, the number of persons involved in such filming, the type of equipment used and the nature of the filming activities.

C. Unless the Town Clerk provides otherwise, no applicant shall permit equipment used in connection with such filming, including but not limited to lights and generators, etc., to be operated at the location described in § 60-3A(2) prior to 8:00 a.m. or after 7:00 p.m., and unless the Town Clerk permits otherwise, no applicant shall permit equipment to be used in connection with the filming or similar activities, nor accessory trailers, kitchens and facilities, to be set up outdoors at the location prior to 8:00 a.m., and all such equipment shall be removed from outdoors by 7:00 p.m. that evening. There shall be no filming on Sundays or any national holiday ~~and no filming shall occur~~

~~before 8:00 a.m. or after 7:00 p.m.~~

...

§ 60-8 Fee Schedule.

A. Fees are as follows:

Fee	Type	Property
\$1,000	Agency advertising Advertising	Private
\$2,500	Agency advertising Advertising	Public
\$5,000 2,500	Agency Advertising/Feature Film/TV-Television/Video	Public or private

* - Agency Advertising shall include filming for advertisements, commercials, marketing materials and the like.

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

The question of the adoption of the foregoing Local Law was duly put to a vote, which resulted as follows:

Motion By: Councilwoman Smalley

Seconded By: Councilwoman Zaino

Vote:

Supervisor Fulgenzi	<u>Y</u>	N	A	Absent
Councilwoman Smalley	<u>Y</u>	N	A	Absent
Councilman Saracino	<u>Y</u>	N	A	Absent
Councilman Sialiano	<u>Y</u>	N	A	Absent
Councilwoman Zaino	<u>Y</u>	N	A	Absent

Authorization to Amend Chapter 153 Peddling and Soliciting

RESOLUTION 318-24

PROPOSED LOCAL LAW NO. 6-2024

**A LOCAL LAW AMENDING TOWN CODE CHAPTER 153,
PEDDLING AND SOLICITING**

WHEREAS, Town of Mount Pleasant Town Code § 153 regulates Peddling and Soliciting within the Town of Mount Pleasant;

WHEREAS, the Peddling and Soliciting law has not been updated since 1999;

WHEREAS, the Town Board wishes to amend Town Code Chapter 153 to enhance and update Peddling and Soliciting regulations within the Town;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Mount Pleasant hereby amends Town Code Chapter §153 as follows with strikethrough language being removed and underlined language being added:

CHAPTER 153. PEDDLING AND SOLICITING.

...

§ 153-3 Information required on license application.

A. Any person desiring a license as herein provided shall file with the Town Clerk a written application, duly verified by the applicant upon forms prescribed by the Town Clerk. Such application shall include but not be limited to the following information:

(1) The name, address, date of birth and ~~motorist identification number~~ of such person and the name of the corporation, firm, association, club, partnership or any other organization represented by such person.

...

B. Such application shall be accompanied by ~~three~~ one photograph of the applicant, two inches by two inches in size, taken with 30 days prior to the date of filing of the application, full face on a white background. The applicant must furnish conclusive proof of possession of a State of New York sales and use tax permit if applicable.

§ 153-4 Investigation of applicant; issuance of license; records.

...

C. Upon return of such application and approval by the Town Clerk and the payment of the prescribed license fee by the applicant, the Town Clerk shall prepare and deliver to the applicant his license ~~and tag~~. Such license shall contain the signature of the issuing officer and shall show the name, ~~address~~ and photograph of the licensee, the class of license issued, the kind of goods to be peddled or solicited thereunder, the amount of fee paid, the license number, the date of the issuance and the date of expiration of such license, ~~as well as the state license number or other identifying description of vehicles, if for a vehicular lease.~~

§ 153-5 Fees.

...

C. Applications for such a license will not be considered unless accompanied by a

nonrefundable application fee of \$50.

...

§ 153-12 Persons holding veterans' licenses.

Any honorably discharged veteran of the Armed Services of the United States who has obtained a veteran's license from the Westchester County Clerk to hawk, peddle, vend or solicit trade, in pursuance of law, on the streets and highways of the Town of Mount Pleasant shall be exempt from the provisions of § 153-5 of this chapter. In lieu of a license as prescribed in § 153-6A of this chapter, the Town Clerk, upon approval of the veteran's application, will issue a badge and permit to said veteran to ply his trade in the Town of Mount Pleasant, subject to all other provisions of this chapter. ~~Said permit will be stamped in ink on the face of the county license.~~

...

§ 153-14 Persons engaged in interstate commerce.

Any person or company who solicits orders for goods, wares, merchandise or provisions for future interstate delivery to any place in the Town of Mount Pleasant shall be exempt from the payment of any fees as set forth in § 153-5 of this chapter upon presentation of proper proof to the Town Clerk that said person or company is actually engaged in interstate commerce. ~~If the Town Clerk shall determine that such person or company is actually engaged in interstate commerce and all other provisions of this chapter have been complied with, the Town Clerk shall issue a registry certificate in lieu of a license and a badge indicating that such person or company is properly registered hereunder.~~ All other provisions of this chapter shall apply to all such persons and companies registered pursuant to this section.

...

§ 153-18 Penalties for offenses.

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding ~~\$350~~ \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

CHAPTER A224 FEES

Chapter 153, Peddling and Soliciting	§ 153-5	Peddler's License	
		Annual	\$250 <u>\$200</u>
		After July 1 in any year	\$100

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

The question of the adoption of the foregoing Local Law was duly put to a vote, which resulted as follows:

Motion By: Councilman Saracino

Seconded By: Councilman Sialiano

Vote:

Supervisor Fulgenzi	<u>Y</u>	N	A	Absent
Councilwoman Smalley	<u>Y</u>	N	A	Absent
Councilman Saracino	<u>Y</u>	N	A	Absent
Councilman Sialiano	<u>Y</u>	N	A	Absent
Councilwoman Zaino	<u>Y</u>	N	A	Absent

Call for a Public Hearing for a 6-month Moratorium for the Development of Battery Storage Facilities in the Town of Mt. Pleasant RESOLUTION 319-24

Upon motion of Councilman Saracino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That the Town Clerk is authorized to advertise Notice of Public Hearing to consider a six-month moratorium for the development of battery storage facilities in the Town of Mount Pleasant on September 10, 2024 at 7:00 PM at Town Hall, 1 Town Hall Plaza, Valhalla, NY 10595.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Call for a Public Hearing to Amend Town Code Chapter 162 Property Maintenance RESOLUTION 320-24

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Town Clerk is authorized to advertise Notice of Public Hearing to consider amending Town Code Chapter 162 Property Maintenance on September 10, 2024 at 7:00 PM at Town Hall, 1 Town Hall Plaza, Valhalla, NY 10595.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 162-24-17: Plan Review for Rockefeller Estate's New Guard House

RESOLUTION 321-24

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 162-24-17 is granted to JHW Plan Review, PO Box 40, Pleasant Grove, AL 35217 for a plan review for the Rockefeller New Guard House project located at 200 Lake Road at a total cost of \$2,450. The total project cost is \$6,048,525 and the Building permit fee is \$90,817.88.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 830-24-12: Renewal of Operational Consultant Services by DeBlock Environmental Service, LLC	RESOLUTION 322-24
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Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 830-24-12 is granted to DeBlock Environmental Services, LLC, PO Box 675, Woodland Park, NJ 07424 for a contract extension through 2025 at a cost of \$26,500 per month through 2024 and \$27,500 per month through 2025 for the Water & Sewer Department.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 135-24-05: Programming to Correct Two (2) Parcels' Owners and Tax History, 660 Bedford Road and 3 Lake Drive	RESOLUTION 323-24
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Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 135-24-05 is granted to Catalis, 3025 Windward Pl., Suite 200, Alpharetta, GA 30005 for programming necessary to correct two (2) parcels' data which had been switched at a cost of \$250.00 per hour for up to five (5) hours, totaling \$1,200.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization for Street Closing Permits for (i.) Marietta Avenue from Pearl Street to Lexington Avenue, (ii.) Jefferson Avenue from Albany Avenue to Edgewood Avenue, (iii.) Armand Place at Bradhurst Avenue and (iv.) Greenwood Lane from 28 Greenwood Lane to 30	RESOLUTION 324-24
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Greenwood Lane

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That Street Closing Permits are granted to the following applicants:

Holly Bruni - Marietta Ave., Hawthorne

Closing: Marietta Ave. from Pearl St. to Lexington Ave. on Saturday, August 17, 2024 from 11:00 AM to 10:00 PM for a block party (rain date: Sunday, August 18, 2024 at the same time).

Jessica Smith - Jefferson Ave., Thornwood

Closing: Jefferson Ave. from Albany Ave. to Edgewood Ave. on Sunday, September 1, 2024 from 2:00 PM to 10:00 PM for a block party (rain date: Monday, September 2, 2024 at the same time).

Rachel Mezo Power - Armand Pl., Valhalla

Closing: Armand Pl. at Bradhurst Ave. on Saturday, August 3, 2024 from 1:00 PM to 11:00 PM for a block party (rain date: Sunday, August 14, 2024 at the same time).

Jonathan Battista - Greenwood Ln., Valhalla

Closing: Greenwood Ln. from 28 Greenwood Ln. to 30 Greenwood Ln. on Saturday, August 31, 2024 from 3:00 PM to 11:00 PM for a block party (rain date: Sunday, September 1, 2024 at the same time).

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Grant an Extension of up to Five (5) Business Days for the Payment of Taxes by Senior Citizens who Receive an Enhanced STAR Exemption Under Real Property Tax Law S. 925-b RESOLUTION 325-24

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Town Board hereby authorizes the Receiver of Taxes to grant an extension of up to five (5) business days for the payment of taxes by senior citizens who receive Enhanced STAR Exemption under Real Property Tax Law § 925-b.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Correct 2024 Town/County Tax Bill for RESOLUTION 326-24

8 Wartburg Place, 113.5-2-45

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and carried, it was,

WHEREAS, the assessment of parcel 113.5-2-45 (8 Wartburg Pl.) was adjusted twice due to a clerical error; and

WHEREAS, the Westchester County Tax Commissioner has approved the correction; be it

RESOLVED: That the Receiver of Taxes is authorized to correct the 2024 Town/County tax bill and issue a refund in the amount of \$905.83 to the homeowner.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley - ABSTAIN - Councilman Saracino

Authorization to Renew School Resource Officer (SRO) RESOLUTION 327-24
Agreement with Mount Pleasant Central School District
for 2024-2025 School Year

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the renewal of the School Resource Officer (SRO) Agreement with Mount Pleasant Central School District for the 2024-2025 School Year is hereby authorized.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization for the Justice Court to Apply for the RESOLUTION 328-24
Justice Court Assistance Program (JCAP) Grant

Upon motion of Councilwoman Zaino, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the Mount Pleasant Town Court is authorized to apply for a Justice Court Assistance Program (JCAP) Grant in the 2024-2025 grant cycle up to \$30,000.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Promote Steve Lisi and Alex Bove- RESOLUTION 329-24
Fulgenzi to the Title of Water and Sewer Maintenance
Worker Grade 2 Effective August 14, 2024

Upon motion of Councilman Saracino, seconded by Councilman Sialiano and carried, it was,

RESOLVED: That authorization is granted to promote Steve Lisi and Alexander Bove-Fulgenzi from Laborer to the title of Water and Sewer Maintenance Worker Grade II, effective August 14, 2024 at a salary per the CSEA Blue Collar Agreement.

VOTE - AYES - Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino - ABSTAIN - Supervisor Fulgenzi

Authorization to Appoint Dennis Corelli to the Conservation Advisory Council Effective August 14, 2024	RESOLUTION 330-24
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Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That the Town Board hereby appoints Dennis Corelli to the Conservation Advisory Council for a two-year term beginning August 14, 2024 and expiring on August 14, 2026.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Investment Report	RESOLUTION
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THE SUPERVISOR REPORTED THAT THE CURRENT RATE OF INTEREST IS 4.85%

Receiver of Taxes Report	RESOLUTION
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[RECEIVER OF TAXES REPORT - JULY 2024](#)
[RECEIVER OF TAXES REPORT - AUGUST 2024](#)

III. Business from the Floor

The Supervisor opened the meeting to business from the floor.

Carlo Valente of Hawthorne stated he had additional research (follow-up from July 9, 2024 Town Board Meeting) on battery storage facility fires nationally and globally, which he handed to the Town Attorney. Mr. Valente suggested that ConEd or other utility companies build storage systems on their own property to help their grid.

There were no additional speakers from the floor.

IV. Town Clerk

Town Clerk's Report

RESOLUTION

[TOWN CLERK'S REPORT](#)

V. Council Reports

Councilman Sialiano

Purchase Order 30-24-23: Mobile Computers with Printers

RESOLUTION 331-24

Upon motion of Councilman Sialiano, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-23 is granted to Patrol PC, 344 John Dietsch Blvd., Unit 2, North Attleboro, MA 02763 for 14 mobile computers with printers for a total cost of \$16,929.55 with funding from the 2024 Division of Criminal Justice Services (DCJS) Grant.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 30-24-24: Traffic Cameras

RESOLUTION 332-24

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-24 is granted to GSS, 14325 Willard Road, Unit K, Chantilly, VA 20151 for 28 traffic cameras at a total cost of \$49,020.48 with funding from the 2024 Division of Criminal Justice Services (DCJS) Grant.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 30-24-25: Portable Routers

RESOLUTION 333-24

Upon motion of Councilman Sialiano, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-25 is granted to DSS, 485 Cayuga Rd., Buffalo, NY 14225 for 7 portable routers at a total cost of \$16,099.16, price per State Contract #PT68787, with funding from the 2024 Division of Criminal Justice Services (DCJS) Grant.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 30-24-26: PD Logging Recorder

RESOLUTION 334-24

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-26 is granted to Goosetown Communications, 58 North Harrison Ave., Congers, NY 10920 for the semi-annual invoice for the rental of one (1) Eventide Logging Recorder at a cost of \$4,050.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 30-24-27: Sotoxa Mobile Test System RESOLUTION 335-24

Upon motion of Councilman Sialiano, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-27 is granted to Intoximeters Inc., 2081 Craig Road, St. Louis, MO 63146 for one (1) Sotoxa mobile test system as follows:

Sotoxa Oral Fluid Mobile Analyzer System	\$4,900.00
Test Cartridge/Collect Kit	\$685.00
Freight Charge	\$88.00
TOTAL:	\$5,673.00

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 30-24-28: Police Department Supervisory Training RESOLUTION 336-24

Upon motion of Councilman Sialiano, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-28 is granted to Force Science, 8500 Normandale Lake Blvd., Suite 350, Bloomington, MN 55437 for tuition for two (2) Police Lieutenants and the Police Chief for the Force Science Certification Course scheduled for November 11-14, 2024 in Cyress, TX as follows:

<u>Item</u>	<u>Quantity</u>	<u>Rate</u>	<u>Amount</u>
Tuition	3	\$1,650.00	\$4,950.00
			<i>Subtotal: \$4,950.00</i>
			<i>Discount (15.00%): (-)\$742.50</i>
			TOTAL: \$4,207.50

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Adjust Hourly Rate for Part-Time
Records Clerk Effective August 14, 2024

RESOLUTION 337-24

Upon motion of Councilman Sialiano, seconded by Councilman Saracino and
unanimously carried, it was,

RESOLVED: That authorization is granted to increase Police Department part-
time Records Clerk Kristin Pierce's hourly rate of pay from \$19.30 to \$21.30
per hour, effective August 14, 2024.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman
Sialiano, Councilwoman Smalley, Councilman Saracino

Councilwoman Zaino

Authorization to Amend Purchase Order 50-24-10,
Pleasant Manor Drive Concrete Curbing Installation
Project

RESOLUTION 338-24

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and
unanimously carried, it was,

WHEREAS, the Town Board granted Purchase Order No. 50-24-10
(Resolution 220-24) to Peter J. Landi Inc., 13 Bradhurst Ave., Hawthorne, NY
10532 for the Pleasant Manor Concrete Curbing Installation Project in the
amount of \$46,000.00; and

WHEREAS, unforeseeable circumstances that occurred during the course of
the project required additional work to be completed, resulting in additional
costs totaling \$64,856.76; be it

RESOLVED that authorization is granted to amend Purchase Order No. 50-24-
10 approving the final invoice of \$87,795.00 and the updated cost breakdown
as follows:

Original PO:	\$46,000.00
Paid to Date:	\$23,070.76
Original PO Fund Balance:	\$22,929.24
Final Invoice:	\$87,795.00
Amount over PO:	\$64,865.76

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman
Sialiano, Councilwoman Smalley, Councilman Saracino

Councilman Saracino

Comptroller's Memo

RESOLUTION 339-24

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization is granted to the Comptroller for payment of the following claims:

[SEE ATTACHED MEMO](#)

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Approve Invoices for Baker Hostetler through May 31, 2024 RESOLUTION 340-24

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the Town Board authorizes the Comptroller for payment of invoices to Baker Hostetler from April and May 2024 in the amount of \$424,242.33.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization for Final Lump Sum Payout for Office of Elder Americans Employee RESOLUTION 341-24

Upon motion of Councilman Saracino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization is granted for the final lump sum payout to Office of Elder Americans employee, Kimberly Williams, as follows:

<u>Pay Type</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Amount</u>
Vacation	36.25	\$36.2437	\$1,313.83
			\$1,313.83

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization for Final Lump Sum Payout for Police Department Employee RESOLUTION 342-24

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization is granted for the final lump sum payout to Police Officer Ronald Gagnon as follows:

<u>Pay Type</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Amount</u>
Vacation	176.0	\$61.7245	\$10,863.51
Holiday	56.0	\$61.7245	\$3,456.57
Unused Sick	120.0	\$61.7245	\$7,406.94
Unused Sick	160.0	\$61.7245	\$9,875.92
Unused Sick	11.0	\$61.7245	\$678.97
			\$32,281.91

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Councilwoman Smalley

Purchase Order 70-24-48: Teenscape Camp Trip RESOLUTION 343-24
Kayaking

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 70-24-48 is granted to William Garrison (Mountain Valley Guides), 13 Lakeside Road, Unit 1305, Newburgh, NY 12550 for a Teenscape Camp kayaking trip as follows:

<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
Admission	103	\$30.00	\$3,090.00
			TOTAL: \$3,090.00

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 70-24-49: Battery and Electric- RESOLUTION 344-24
Powered Lawn Equipment (NYSERDA Grant)

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 70-24-49 is granted to Argento & Son, Inc., 1 Prospect Ave., White Plains, NY 10607 for numerous battery-powered landscaping tools to be used at the Community Center Pool Complex at a cost of \$13,505.58 to be reimbursed once the Town has met specifications per the NYSERDA Grant Agreement.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman

Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 70-24-51: Four Corners Clock Repair RESOLUTION 345-24

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 70-24-51 is granted to the sole provider, The Verdin Company, PO Box 23129, Cincinnati, OH 45223-0129 for repair of the Four Corners Clock including the replacement of clock lights with new LED kit and clear laxon clock facial sheets for a total cost of \$3,456.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Hire John Lomurno to the Position of RESOLUTION 346-24
Messenger for the Office of Elder Americans

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the Town Board authorizes the Office of Elder Americans to hire John Lomurno to the part-time position of Messenger at a rate of \$15.00 per hour, retroactive to July 25, 2024.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

VI. Town Attorney

Authorization to Approve Tax Certiorari Settlements RESOLUTION 347-24

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED that the Town Attorney is hereby authorized for settlement of Tax Certiorari for Mid-Westchester Realty Assoc., 2-4 Skyline Drive, Mount Pleasant (116.8-1-1) for the years 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 in the amount of \$50,000.00. The School District does not oppose the settlement; and be it further

RESOLVED that the Town Attorney is hereby authorized for settlement of Tax Certiorari for SABB Realty, LLC, 64 Washington Avenue, Pleasantville (106.6-1-48) for the years 2020, 2021, 2022, 2023 in the amount of \$500.00. The School District does not oppose the settlement; and be it further

RESOLVED that the Town Attorney is hereby authorized for settlement of Tax

Certiorari for 144-152 Bedford Road, LLC, 150 Bedford Terrace, Pleasantville (99.19-2-68) for the years 2020, 2021, 2022, 2023 in the amount of \$1,500.00. The School District does not oppose the settlement.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

VII. Schedule of Meetings

Work Session: Tuesday, September 3, 2024, at 7:00 PM RESOLUTION

Business Session: Tuesday, September 10, 2024, at 7:00 PM RESOLUTION

VIII. Adjourn

Upon motion of Councilman Sialiano, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the meeting is adjourned at 7:52 PM.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Respectfully Submitted,



EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

