

Town of Shandaken
County of Ulster
State of New York
Monday January 2, 2012

Minutes of the Monthly Regular Town Board Meeting held in Shandaken on Monday, Jan. 2, 2012 at 6:00 pm at the Town Meeting Hall, Rt. 28 Shandaken, NY.

Pledge of Allegiance

Roll Call

Members Present: Robert Stanley, Supervisor
 Doris Bartlett, Board Member
 Vincent Bernstein, Board Member
 Alfred Higley Jr., Board Member
 Jack Jordan, Board Member
Recording Secretary: Joyce Grant, Town Clerk

Upcoming Town Board Topics & Activity

Month OF 1/2/12

Flood Recovery: Last week my office was notified that there is emergency recovery funding being made available to businesses hid hard by the storms of late August and Early September. RUPCO is offering to file an application for relief funding for Ulster County businesses. In order to start the process they are requesting letters of interest from local businesses who still need assistance. At this time they are only requesting letters of interest. If you are a business owner or know one, please pass this information along as quickly as you can. The deadline is this Friday, January 6, 2012. Information on this can be found on the Town Homepage (Shandaken.us) or go directly to RUPCO's website (www.rupco.org).

Re-Organization: Tonight we have near 50 resolutions, mostly re-appointing Town Employees. We ask that if you do have comments, to keep them as brief as you can.

Cell Service: There has been a lot of activity up at the Cell Tower in Glenbrook Park. Verizon crews were working to finish the hard wire lines to the tower so AT&T can begin transmission. We do not have an exact date, but we are hoping the work will be completed before next month.

Memoriam: While each month we close our meeting recognizing residents who have passed away during the previous month, I would like to make a small request this month. Know that we cherish dearly all our neighbors and friends who have passed, know that I mean no slight to their memories and certainly hold them in the highest regard, but this past December we lost a young man who certainly had a bright future in the Town of Shandaken as well as throughout the area. Sadly, Officer Travis Nissen was lost to us in an automobile accident this past December. Officer Nissen is remembered as being an intelligent and caring individual who had just embarked on what seemed to be a bright future in law enforcement as a Police Officer, but he was much more than that to the friends and family that knew him and was a mentor and guide to all the children he worked with in the Miller Elementary School, where he worked as a resource officer. He will be missed by all of us that knew and will never be replaced, but we

Regular Town Board Meeting

January 2, 2012

certainly hope that his strength of character continues through all the lives he touched. I'll ask for a moment of silence, as we remember Officer Travis Nissen and our thoughts and prayers continue for him and his beloved family.

2012: Last year I made a statement regarding what I had hoped to see for the Town of Shandaken for upcoming year. Well, one was a reference to flooding, so this year maybe I'll wish for heavy rains and we can play a little reverse psychology on Mother Nature.

Of course, again, I hope for a Happy and Healthy new year for all our residents and businesses and I certainly hope that we get our FEMA checks. I hope we can continue the recovery efforts and find funding to help us mitigate future potential floods. I hope for the re-invigoration of Belleayre's funding, so we can have a positive effect on our local businesses and economy. And I certainly hope this board continues to work together, without animosity, and accrue accomplishments for the betterment of our whole community.

If there is another topic for us to consider at this meeting, please feel free to contact me or the office at any time. Best....Rob



Town of Shandaken Town Board Meeting Agenda
Regular Monthly Meeting
Monday, January 2, 2012

1. Pledge of Allegiance
2. Roll Call
3. Approval of previous T/B Meeting minutes
4. Supervisor's Financial Report
5. Communications
6. Committee Reports:
 - a. Ambulance
 - b. Museum
 - c. Police
 - d. Phoenicia Water
 - e. Pine Hill Water
 - f. Recreation
7. Public Comments on Resolutions
8. Motions:
9. Resolutions:
 - 1-49 -Beginning of year resolutions and appointments

10. Open Public Comment

11. Meeting Adjournment - IN MEMORY OF:

*Ethel Hoffman
Liberta Jaeger
Advensaria Lapinig
William Mugford
Travis Nissen
Elizabeth Ward
Lanny Wolfe*

SHANDAKEN POLICE DEPARTMENT YEAR END REPORT			
Year End 2011			
CHIEF W. JAMES MCGRATH			
Abandoned Vehicle	5	Mental Health Law	32
Abandoned 911's	83	Motorist Assists	54
Aggravated Harassments	15	Neighbor Disputes	17
Animal Complaints	97	Noise Complaints	11
Assaults	3	Parking Complaints	8
Assist Other Police Agency's	77	Property Disputes	6
Assist Town Ambulance	151	Property Damage Accidents	84
Assist Fire Department	33	Involving DEER	19
Automatic Alarms	60	Involving BEAR	3
Bad Checks	7	Personal Injury Accidents	18
Burglaries	45	Plates Lost M.V.	9
Criminal Mischief's	20	Public Lewdness	1
Criminal Possession Weapons	1	Reckless Endangerments	0
Check the Welfare	67	Robbery	1
Civil Matters	17	Suspicious Persons	26
Drug Possessions	5	Suspicious Vehicles	25
Drug Overdoses	1	Security Checks	229
Disorderly Subjects	29	Shots Fired Complaints	27
Domestic Disputes	79	Suicides Attempted	4
Driving While Intoxicated	14	Suicides	1
Larcenies	58	Traffic Details	72
Fights in Progress	6	Trespassing Complaints	23
General Town Complaints	115	Theft of Service Complaints	2
Grand Larcenies	11	Unattended Deaths	5
Harassment: Complaints	47	V&T Complaints	107
Lock-out Assists	73	Water Rescues	5
Land-lord/Tenant disputes	15	Missing Persons	15
Littering/Dumping Complaints	9	Marijuana Possessions	7
Juvenile Complaints	2	Identity Theft	8
Endangering Welfare Complaints	2	TOTAL CALLS HANDLED	1979
Violations	21	Uniform Traffic Tickets	499
Misdemeanors	86	Parking Tickets	14
Felonies	13	Warrants	13
Appearance Tickets	74	TOTAL ARRESTS	120
*****POLICE VEHICLE REPORT*****			
83 Patrol Miles	33937	83 Odometer Reading	51255
84 Patrol Miles	36462	84 Odometer Reading	119050
85 Patrol Miles	3661	85 Odometer Reading	58125
86 Patrol Miles	11146	86 Odometer Reading	78665
87 Patrol Miles	7468	87 Odometer Reading	136317
TOTAL MILES PATROLLED	92672		

Page
Regular Town Board Meeting
January 2, 2012

SHANDAKEN POLICE DEPARTMENT MONTHLY REPORT			
Month of December 2011			
CHIEF W.JAMES MCGRATH			
Abandoned Vehicle	0	Mental Health Law	4
Abandoned 911's	11	Motorist Assists	2
Aggravated Harassments	3	Neighbor Disputes	0
Animal Complaints	4	Noise Complaints	0
Assaults	0	Parking Complaints	0
Assist Other Police Agency's	4	Property Disputes	0
Assist Town Ambulance	11	Property Damage Accidents	6
Assist Fire Department	3	Involving DEER	2
Automatic Alarms	2	Involving BEAR	0
Bad Checks	1	Personal Injury Accidents	3
Burglaries	5	Plates Lost M.V.	0
Criminal Mischief's	2	Public Lewdness	0
Criminal Possession Weapons	0	Reckless Endangerments	0
Check the Welfare	4	Robbery	0
Civil Matters	1	Suspicious Persons	1
Drug Possessions	0	Suspicious Vehicles	2
Drug Overdoses	0	Security Checks	18
Disorderly Subjects	0	Shots Fired Complaints	1
Domestic Disputes	6	Suicides Attempted	1
Driving While Intoxicated	1	Suicides	1
Larcenies	5	Traffic Details	4
Fights in Progress	2	Trespassing Complaints	1
General Town Complaints	7	Theft of Service Complaints	0
Grand Larcenies	1	Unattended Deaths	0
Harassment Complaints	2	V&T Complaints	6
Lock-out Assists	8	Water Rescues	0
Land-lord/Tennant disputes	0	Missing Persons	0
Littering/Dumping Complaints	0	Marijuana Possessions	0
Juvenile Complaints	0	Identity Theft	1
Endangering Welfare Complaints	0	TOTAL CALLS HANDLED	136
Violations	2	Uniform Traffic Tickets	20
Misdemeanors	6	Parking Tickets	0
Felonies	0	Warrants	1
Appearance Tickets	6	TOTAL ARRESTS	8
*****POLICE VEHICLE REPORT*****			
83 Patrol Miles	2934	83 Odometer Reading	51255
84 Patrol Miles	3520	84 Odometer Reading	119050
85 Patrol Miles	43	85 Odometer Reading	57831
86 Patrol Miles	665	86 Odometer Reading	78865
87 Patrol Miles	742	87 Odometer Reading	136317
TOTAL MILES PATROLLED	7904		

Ambulance Bids: Sealed bids were opened for purchase of 2002 Ambulance Ford Wheel Coach Type 3 Mini-Mod 7.3 liter power stroke diesel.

Bids Received: Garfield Mt. \$1,651.01
 Roger DeCosgi 3,193.00
 Dave Smith 2,211.00

It was determined by the Town Board that the bids submitted were less than what the vehicle would be worth in trade-in.

Motion to reject bids by Councilperson Jordan, seconded by Councilperson Bartlett. Motion Carried.

Regular Town Board Meeting

January 2, 2012

RESOLUTION #1

OFFERED BY Supervisor Stanley

RULES OF PROCEDURE

WHEREAS, §63 of New York State Town law provides that the Town Board may determine the rules of its procedures:

THEREFORE BE IT RESOLVED, that the following "Rules of Procedure" for regular Town Board meetings be adopted.

The Town Supervisor, as Chairman of the Town Board, shall call meetings of the Town Board to order and shall be the Presiding Officer or Chair of the meeting, and as such shall officiate, maintain order and decorum, and permit public participation in an orderly manner and in accordance with the rules stated below.

1. **PLEDGE:** Call to order shall be followed by the pledge of allegiance to the flag of the United States of America.
2. **ROLL CALL:** The Chair shall request Roll Call of the Town Board members by the Town Clerk, and after determining that a quorum exists, the Town Supervisor shall declare the meeting open. The Town Supervisor shall read the agenda (if not already published and distributed) and proceed to the business of the Town Board at hand.
3. **MINUTES:** At each meeting following the new Town Board's January Special Organizational Meeting, the Chair shall provide opportunity for the Town Board to review the minutes of the previous meeting of the Town Board. Thereafter, the Chair shall entertain a motion to approve the minutes as presented or to amend.
4. **CORRESPONDENCE:** The Chair shall first call for acknowledgment and summary of any petitions or written communications received by the Town Board. Copies shall be given to the Town Clerk for recording into the minutes.
5. **COMMITTEE REPORTS:** The Chair shall recognize committee chairmen for their committees report.
6. **PUBLIC PARTICIPATION:** The Public will be invited to comment as requested on items appearing in the published agenda, expressing any views, opinions, requests, recommendations or questions to the Board to address and/or take under advisement in its deliberations. A maximum time limit of 30 minutes. The Public is requested to be brief with their comments.
7. **CONDUCT NEW BUSINESS**
 - a. **THE SUPERVISOR'S FISCAL REPORT** shall be the first order of new business. It shall set forth public monies received through the Town clerk's Office and other sources, and the disbursement of public monies. The Chair shall entertain motions to approve the Supervisor's Fiscal Report and to approve all necessary disbursements of public monies through authorized fund accounts. All actions of the Town Board concerning the Supervisor's Fiscal Report shall be by motion.
 - b. **RESOLUTIONS:** For its deliberations on new matters of Town Business, the Board will work from the written agenda distributed to Board members in advance, posted on the Town bulletin board and distributed at Board meetings to public. Formal actions of the Town Board must be authorized by motion or resolution of the Town Board. No motion or resolution shall be brought to a vote unless it has been presented to all members of the Town Board at least 48 hours prior to the opening of the meeting and on the Town website. In emergency circumstances, however, all of the above requirements may be waived by a vote of a majority of the Town Board present, provided there is a quorum.

Regular Town Board Meeting

January 2, 2012

c. Every motion or resolution must be seconded before discussion of the Town Board or the Supervisor calls for a vote. All motions and resolutions shall be recorded in their entirety in the minutes of the Town Board meeting. As a member of the town Board, the Supervisor may offer or second motions and resolutions.

d. Town Board members must recuse themselves from participation in discussion or voting on matters that involve a conflict of interest and must place in the minutes their reasons for recusal. Abstention from a vote shall only be permitted for reasons of conflict of interest, and not for political considerations.

8. **PUBLIC PARTICIPATION:** The Board recognizes the value of public participation but reminds the Public that it is a privilege. Please address the Board with respect and civility.

9. **ADJOURNMENT:** Following resolutions, and open agenda period, the Town Board meeting shall be adjourned by motion, in memory of residents deceased.

IF THE ABOVE RULES OF PROCEDURE SHOULD AT ANY TIME BE IN CONFLICT WITH STATUTORY LAW, THEN STATUTORY LAW PREVAILS.

AND MOVES ITS ADOPTION

Seconded By: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION # 2

OFFERED BY – Councilperson Bernstein

MEETING DATES

WHEREAS, under § 62 of the Town Law, the Town Board should adopt a resolution determining the time and place it shall hold its regular meeting; therefore be it

RESOLVED, that the regular meetings of the Town Board be held the first Monday of the Month (unless noted) in the Town Hall of Shandaken, New York on the following dates during the year 2011

January 2nd	6:00 PM
February 6th	7:00 PM
March 5th	7:00 PM
April 2nd	7:00 PM
May 7th	7:00 PM
June 4th	7:00 PM
July 2nd	7:00 PM
August 6th	7:00 PM
September 10th	7:00 PM (second Monday)
October 1st	7:00 PM
November 7th	7:00 PM
December 3rd	7:00 PM

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett

Roll Call – 5 Ayes

RESOLUTION #3

OFFERED BY Councilperson Jordan

TOWN DEPOSITORY

WHEREAS, under § 64, Subdivision 1 of the Town Law, the Town Board should adopt a resolution designating a bank or banks, or trust company in which all Town Officials shall deposit all monies coming into their hands by virtue of their offices; therefore be it

Regular Town Board Meeting

January 2, 2012

RESOLVED, that **KEY BANK of NEW YORK**, and **COMMUNITY BANK N.A.** be and hereby are designated as depositories for the Town of Shandaken.

AND MOVES IT ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

RESOLUTION #4

OFFERED BY: Supervisor Stanley

OFFICIAL NEWSPAPER

WHEREAS, under § 64, Subdivision 11 of the Town Law, the Town Board should adopt a resolution designating the Official Newspaper of the Town; therefore be it

RESOLVED, that the Daily Freeman be and hereby is the Official Newspaper for the Town of Shandaken, for the year 2011.

AND MOVES IT ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #5

OFFERED BY Councilperson Higley

TOWN POLICE DEPARTMENT

WHEREAS, The Town of Shandaken, is a Town of the second class; and

WHEREAS, there is a Town Police Department; therefore be it

RESOLVED, that, pursuant to the Town Law of the State of New York § 20 (1) (b), the Town Board hereby appoints the following individuals as Police Officers to receive compensation as indicated:

NAME	COMPENSATION	
1. Michael Ennist	\$51,536.67 plus longevity	\$24.77 per hour
2. Kris Frisenda	\$51,536.67 plus longevity	\$24.77 per hour
3. Fred Holland	\$50,411.67 plus longevity	\$24.23 per hour
4. George Neher	\$48, 006.67 plus longevity	\$23.08 per hour and
5. James McGrath, Chief	\$23,000.00	\$17.54 per hour

PART_TIME POLICE

6. Chad Storey	\$18.11 hr
7. John Wooton	\$18.11 hr
8. Stuart McKenzie	\$18.11 hr
9. Scott Buchinger	\$18.11 hr
10. Adam McGrath	\$18.11 hr
11. Glenn Buchinger	\$18.11 hr
12. Thomas Sharon	\$18.11 hr

And that said police officers shall have all powers conferred upon police officers by the general laws of the State of New York including but not limited to and such powers, not inconsistent with law, as are hereinafter set forth; and that said police officers shall have all powers designated in § 2.20 of the Criminal Procedure Law of the State of New York and shall have the following special duties:

1. To enforce all local laws, ordinances and regulations of the Town of Shandaken.

Regular Town Board Meeting

January 2, 2012

2. To enforce the Vehicle and Traffic Law of the State of New York to the extent that police officers may be so permitted by the general laws of the State of New York.

3. To enforce such Penal Statutes as police officers are permitted to enforce pursuant to the general laws of the State of New York, and in furtherance of said special duties police officers are hereby authorized the use, of a Town Vehicle to be known as a police officer's vehicle which may be equipped with emergency lights in accordance with applicable sections of the Vehicle and Traffic Law, and may use the State and County radio to the extent permitted by the general laws of the State of New York, and may carry fire arms while on duty in compliance with the general laws of the State of New York pertaining to Police Officers generally.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

RESOLUTION #6

OFFERED BY: Councilperson Bartlett

DEPUTY TOWN CLERKS & TAX COLLECTORS

WHEREAS, under §30, Subdivision 10 of the Town Law, the Town Clerk determines the designation of Deputies, the Town Board shall determine by resolution the powers and duties of such deputies, and whether or not, such deputies shall be compensated by the Town; therefore be it

RESOLVED, that the Town Board appoint, **Jacqueline Gugliemetti** as full time Deputy Town Clerk/Tax Collector and be paid \$13.39 per hour and to perform the duties of the Town Clerk/Tax Collector in her absence and be it further

RESOLVED, that **Amie Goodrich** be appointed as part time Deputy Town Clerk/Tax Collector and be paid \$10.30 per hour and to perform the duties of the Town Clerk /Tax Collector in her absence

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #7

OFFERED BY: Councilperson Bernstein

SECRETARY / BOOKKEEPER TO THE SUPERVISOR

WHEREAS, under §29, Subsection 15, of the Town Law the Town Board may authorize the Supervisor to make a designation for the position of Part time Secretary/Bookkeeper to the Supervisor; therefore be it

RESOLVED, that the Town Board approve the appointment of **Patricia Heinz** to serve at the pleasure of the Supervisor, and receive \$12.84 per hour when discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #8

OFFERED BY: Councilperson Bernstein

SECRETARY / BOOKKEEPER TO THE SUPERVISOR

Regular Town Board Meeting

January 2, 2012

WHEREAS, under § 29, Subsection 15, of the Town Law the Town Board may authorize the Supervisor to make a designation for the position of Full time Secretary/Bookkeeper to the Supervisor; therefore be it

RESOLVED, that the Town Board approve the appointment of **Diane O'Donnell** serve at the pleasure of the Supervisor, and receive \$10.51 per hour when discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett
Roll Call – 5 Ayes

RESOLUTION #9

OFFERED BY: Supervisor Stanley

SECRETARY TO HIGHWAY SUPERINTENDENT

WHEREAS, under § 20, Notes of Decision 9 of the Town Law, the Town Board shall appoint all employees of the Town; therefore be it

RESOLVED, that upon the recommendation of the Highway Superintendent, that **Florence Sullivan** be reappointed to serve as Secretary to the Highway Superintendent, and to serve at his pleasure, and to be paid \$12.18 per hour when performing the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #10

OFFERED BY: Councilperson Higley

WATER DISTRICTS BILLING CLERKS

WHEREAS, under § 20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Sue Christiana** be and hereby is appointed Billing Clerk for the Phoenicia Water District, and be paid at a rate of \$10.30 per hour, not to exceed \$1,236.00 and be it further

RESOLVED, that **Sue Christiana** be and hereby is appointed Billing Clerk for the Pine Hill Water District, and be paid at a rate of \$10.30 per hour, not to exceed \$1,236.00 and be it further

RESOLVED, that she serve at the pleasure of the Town Board, Water Commissioner and the Tax Collector.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett
Roll Call – 5 Ayes

RESOLUTION #11

OFFERED BY: Councilperson Bartlett

CHAIRMAN OF BOARD OF ASSESSORS

WHEREAS, under § 22b of the Town Law, the Town Board should designate the appointed officers and employees of the Town; therefore be it

Regular Town Board Meeting

January 2, 2012

RESOLVED, that **Heidi Clark** be appointed Chairman of the Board of Assessors for the Town of Shandaken and receive an annual salary of \$31,954.00.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #12

OFFERED BY: Councilperson Bernstein

SALARIES

WHEREAS, under § 27 of the Town Law, the Town Board shall fix the salaries and expenses of Elective Officials for the Town; therefore be it

RESOLVED, that the annual salaries of said officers be and hereby are fixed and determined for the year 2011 and shall be as follows:

	SALARY
Supervisor -Robert Stanley	30,000.00
Clerk/Collector – Joyce Grant	31,954.00
Highway Supt. - Eric Hofmeister	44,346.00
Assessor/Chairman - Heidi Clerk	31,954.00
Assessor - Peter DiModica	5,000.00
Carol Seitz	5,000.00
Justice - Tom Crucet	17,187.00
Michael Miranda	17,187.00
Councilman – Vincent Bernstein	9,000.00
Doris Bartlett	9,000.00
John “Jack” Jordan	9,000.00
Alfred Higley, Jr.	9,000.00

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett

Roll Call – 5 Ayes

RESOLUTION #13

OFFERED BY: Councilperson Jordan

AMBULANCE TECHNICIANS

WHEREAS, under § 20 of the Town Law, the Town Board shall designate all appointed officers and employees of the Town; therefore be it

RESOLVED, That the following be appointed to the Shandaken Town Ambulance:

Administrator at \$10,000 per year

Richard Muellerliele

Part Time Paramedics: \$189.11 per 12 hour shift, including trips

Richard Muellerliele

Ernest Quick

John Welch

Brendan Whalen

Jim Baker

Mark Bedell

Mike Williams

Duane Davis

Regular Town Board Meeting

January 2, 2012

Full Time EMT at \$30,840.00 per year
Ernest Longhi

Part Time EMT's: \$67.52 per 12 hour shift, & 30.39 per trip
Dennis Frano
Gary Carr Jr.
Tracy Stokes
Ernie Longhi Jr.
Chad Storey
Austin Wyant
Jack Spinneweber

Ambulance Drivers and Certified First Responders \$50.64 per shift, \$25.89 per trip
Kenneth Booth, Driver
Todd Carr, Driver
Tom Crucet, Driver
David Carr, Driver
Keith Johnson, Driver
John Rossitz, Jr., Driver
Gerald Neal, Driver
Brian Perez, Driver
Andrew McGarry, Driver
Robert Burns, Driver
Peter DiSclafani, Driver

Equipment Manager Dennis Frano at \$5,000 per year and

Training Official Brendon Whalen at \$5,000 per year

and that said employees serve at the discretion of the Town Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley
Roll Call – 5 Ayes

RESOLUTION #14

OFFERED BY: Supervisor Stanley

DOG CONTROL OFFICER AND DOG ENUMERATOR

WHEREAS, under § 20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Nancy Hudler** be hereby reappointed Dog Control Officer and Enumerator for the year 2011 and shall receive an annual wage of \$8,433.36 and **Thomas Sharon** be hereby reappointed Dog Control Officer and shall receive an annual wage of \$4,402.32 and contractual expenses of \$4,000 for expenses incurred pursuant to law, when discharging the duties of said office at the pleasure of the Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #15

OFFERED BY:

CLERK FOR THE JUSTICE COURT

Regular Town Board Meeting

January 2, 2012

WHEREAS, under § 20 of the Town Law, notes of Decision 9, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Wendy Helm** be reappointed as Clerk of the Justice Court, to assist in the Clerical Duties of the Town Justice Court, and be paid a salary of \$23,472.00 while discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #16

OFFERED BY: Councilperson Bartlett

SECRETARY/RECEPTIONIST TO ASSESSORS

WHEREAS, under § 20 of the Town Law, notes of Decision 9, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Sue Christiana** be and hereby is appointed Secretary/Receptionist to the Assessors, to assist in the Clerical duties of the Assessors, and to be paid an annual salary of \$21,485.00 (\$11.81 per hour),

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #17

OFFERED BY: Supervisor Stanley

DEPUTY SUPERVISOR

WHEREAS, under § 42 of the Town Law, the Town Board may create the post of Deputy Supervisor; therefore be it

RESOLVED, that the Town Board approve the appointment of **Vincent Bernstein** to act as Deputy Supervisor, in the absence of the supervisor, without compensation, for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett
Roll Call – 4 Ayes, 1 Recues (Bernstein)

RESOLUTION #18

OFFERED BY: Councilperson Jordan

SOCIAL SERVICES OFFICER

WHEREAS, under Municipal Affairs, the State Comptroller, § 71-1098 grants the Town Board the right to authorize someone to act as Town Social Services Officer; therefore be it

RESOLVED, that the Town Board approve **Eve Smith** to act as Social Services Officer, to be paid an annual salary up to \$5,852.00, and be allowed expense money in the amount of \$300 for expenses incurred pursuant to law, when discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley

Regular Town Board Meeting

January 2, 2012

Roll Call – 5 Ayes

RESOLUTION #19

OFFERED BY: Councilperson Jordan

ATTORNEY FOR THE TOWN

WHEREAS, the Town Board may, pursuant to Town Law, § 20 Subdivision 25, employ an attorney to give it such professional service and legal council; therefore be it

RESOLVED, that the Supervisor be empowered to utilize the services of **Paul Kellar** as General Counsel to the Town Board and other Counsel at his discretion.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley

Roll Call – 5 Ayes

RESOLUTION #20

OFFERED BY: Supervisor Stanley

MILEAGE ALLOWANCE

WHEREAS, under § 12, notes of Decision 32 of the Town Law, a Town Officer is entitled to be paid a mileage allowance fixed by the Town Board; therefore be it

RESOLVED, that all Town Officers and employees be paid the IRS mileage rate of \$.555 per mile, when discharging their duties as Town Officials.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #21

OFFERED BY: Councilperson Higley

ADVANCE PAYMENT OF UTILITY BILLS

WHEREAS, under § 118, notes of Decision 2 of the Town Law, the Town Board may authorize payment of public utility services, in advance of audit of claims; therefore be it

RESOLVED, that the Town Board authorize the Supervisor to pay said bills in advance of audit of claims.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein

Roll Call – 5 Ayes

RESOLUTION #22

OFFERED BY: Councilperson Bartlett

EXPENSES FOR THE ASSOCIATION OF TOWNS' ANNUAL MEETING

Regular Town Board Meeting

January 2, 2012

WHEREAS, under § 102, notes of Decision 10, of the Town Law, Towns may incur obligations for compensation of Town Officers; therefore be it

RESOLVED, that the Town Board hereby authorizes the payment of expenses incurred, to all Town Officers attending the Annual Meeting of the Association of Towns, in an amount not to exceed \$1,000 each, with \$200 in advance with all expenses to be supported by voucher and receipts and be it further

RESOLVED that in the case of the Zoning Board of Appeals and the Planning Board a maximum of three will be allowed to attend.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #23

OFFERED BY: Councilperson Bernstein

TOWN AUDITOR

WHEREAS, the Town Board appoints all employees and officers of the Town pursuant to § 20 of the Town Law; therefore be it

RESOLVED that the firm of **Sickler, Torchia Allen & Churchill** be and hereby is reappointed Town Auditors and Accountants at an allowance up to \$20,000 as allocated in the 2012 budget.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #24

OFFERED BY: Councilperson Bartlett

PARKING LOT LEASE

WHEREAS, the Town of Shandaken has entered into an agreement with Martin Millman to lease the parking lot adjacent to the Phoenicia Pharmacy in Phoenicia for the sum of \$1.00, for the fiscal year 2011 therefore be it

RESOLVED, that this agreement be extended for the fiscal year 2012 and all terms of said original contract be agreed upon.

AND MOVES ITS ADOPTION

Seconded by Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #25

OFFERED BY: Supervisor Stanley

**APPOINTMENT OF
ZONING ENFORCEMENT OFFICER/ FLOOD PLAIN ADMINSTRATOR**

WHEREAS, pursuant to Town Law §138 and pursuant to §'s 116_63, 116_64 and 77_11 of the Code of the Town of Shandaken, Zoning Officer in the Town is responsible for the enforcement of Zoning Ordinances and rules and regulations; therefore be it

Regular Town Board Meeting

January 2, 2012

RESOLVED, that **Richard Stokes** be appointed as Zoning Enforcement Officer & Flood Plain Administrator to be paid an hourly rate of \$12.80, not to exceed \$9,318.40 and mileage while on Town Business.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 4 Ayes, 1 Nay (Bernstein)

RESOLUTION #26

OFFERED BY: Councilperson Higley

APPOINTMENT OF BUILDING INSPECTOR

WHEREAS, under § 20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Richard Stokes** be appointed as Building Inspector for the Town of Shandaken to be paid an hourly rate of \$12.80, not to exceed \$9,318.40 and mileage while on Town Business.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 4 Ayes, 1 Nay (Bernstein)

RESOLUTION #27

OFFERED BY: Councilperson Bartlett

DIRECTOR OF CIVIL DEFENSE

WHEREAS, under § 20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Gary Carr, Jr.** be reappointed as director of Civil Defense for the Town of Shandaken with no compensation for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #28

OFFERED BY: Councilperson Bernstein

TOWN HISTORIAN

WHEREAS, under §20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town and the Town Board wishes to appoint a Town Historian; therefore be it

RESOLVED, that **Nancy Smith** be reappointed Historian, for the Town of Shandaken for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

Regular Town Board Meeting

January 2, 2012

RESOLUTION #29

OFFERED BY: Councilperson Jordan

POLICE COMMISSION

WHEREAS, pursuant to § 20 of the Town Law it is the duty of the Town Board to appoint all boards and commissions; therefore be it

RESOLVED, that **William Lundberg, Henry J. Strauss and Theodore R. Byron** be reappointed to the Police Commission for the year 2012

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley
Roll Call – 5 Ayes

RESOLUTION #30

OFFERED BY: Supervisor Stanley

RECYCLING ATTENDANT

WHEREAS, under § 20 of the Town law, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Joe Rotella, Sr** be reappointed as Recycling Attendant at an annual salary of \$8,015.00.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #31

OFFERED BY: Councilperson Higley

AMERICAN LEGION AND VETERANS OF FOREIGN WARS

WHEREAS, the annual budget approved by the Town Board provides monies for Patriotic Observances and Veteran's Organizations; and

WHEREAS, it has been the procedure to pay this money to the **American Legion and Veterans of Foreign Wars**, for said purposes; therefore be it

RESOLVED, that the sum of \$2,000.00 each be and hereby is appropriated for Rent of Rooms and Patriotic Observances for each of the organizations for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 4 Ayes, 1 Recues (Bernstein)

RESOLUTION #32

OFFERED BY: Councilperson Bartlett

PROGRAM FOR THE AGING

WHEREAS, the annual budget approved by the Town Board provides monies for the Program for the Aging, therefore be it

RESOLVED, that the sum of \$2,000.00 be and hereby is appropriated to the Program for the

Regular Town Board Meeting

January 2, 2012

Aging, and

BE IT FURTHER RESOLVED, that the sum of \$2,000 be and hereby is appropriated for the Senior Nutrition Program.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

RESOLUTION #33

OFFERED BY: Councilperson Bernstein

SUPERINTENDENT OF PINE HILL WATER DISTRICT

WHEREAS, under § 20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Donald Clark** be and hereby is reappointed Superintendent of the Pine Hill Water District, and hold office at the pleasure of the Town Board, and receive an annual salary of \$23,269.00 to be disbursed once each month and expenses as allotted in the 2012 budget as pursuant to law, while discharging the duties of his office;

and that the Town Board, upon the recommendation of the Water Superintendent, hire laborers as the Water Superintendent deems necessary within budget constraints.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett
Roll Call – 5 Ayes

RESOLUTION #34

OFFERED BY: Councilperson Jordan

SUPERINTENDENT OF PHOENICIA WATER DISTRICT

WHEREAS, under § 20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Richard Ricciardella** hereby is reappointed Superintendent of the Phoenicia Water District, and hold office at the pleasure of the Town Board, and receive an annual salary of \$19,694.00 to be disbursed once each month and expenses as allotted in the 2012 budget as pursuant to law, while discharging the duties of his office;

and that the Town Board, upon the recommendation of the Water Superintendent, hire laborers as the Water Superintendent deems necessary within budget constraints.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #35

OFFERED BY: Supervisor Stanley

ETHICS COMMITTEE

WHEREAS, Pursuant to Chapter 20 of the Code of the Town of Shandaken, Article III §20 -7 Establishment of a Board of Ethics, therefore be it

Regular Town Board Meeting

January 2, 2012

RESOLVED, that **Richard Loveless, Helen Morelli and Glen Buchinger** be reappointed as the Ethics Committee for the Town of Shandaken and to serve at the pleasure of the Town Board and follow Chapter 20 of the Code of the Town of Shandaken

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION # 36

OFFERED BY Councilperson Higley

PLANNING BOARD MEMBER

WHEREAS pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions

THEREFORE BE IT RESOLVED that **Faye Storms** be appointed to the Shandaken Planning Board with her term to expire in December 31, 2019.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

RESOLUTION # 37

OFFERED BY Supervisor Stanley

PLANNING BOARD MEMBER

WHEREAS pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions and

WHEREAS a vacancy has occurred due to a resignation,

THEREFORE BE IT RESOLVED that **John Horn** be appointed to the Shandaken Planning Board, and serve the remainder of the vacated term, with his term to expire in December 31, 2015.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 4 Ayes, 1 Nay (Bartlett)

RESOLUTION # 38

OFFERED BY Councilperson Bartlett

ZONING BOARD OF APPEALS MEMBER

WHEREAS pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions

THEREFORE BE IT RESOLVED, that **Tom Hickey** be reappointed to the Zoning Board of Appeals with his term to expire in December 2017.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

Regular Town Board Meeting

January 2, 2012

RESOLUTION # 39

OFFERED BY Councilperson Bernstein

RESOLUTION APPOINTING CHAIRMAN OF PLANNING BOARD

WHEREAS, pursuant to section 20 of the Town Law, it is the duty of the Town Board to appoint all Boards and Commissions,

THEREFORE BE IT RESOLVED, that **Joanne Kalb** be appointed as Chairman of the Planning Board for the year 2012

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION # 40

OFFERED BY Councilperson Jordan

RESOLUTION APPOINTING CHAIRMAN OF ZONING BOARD OF APPEALS

WHEREAS, pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions,

THEREFORE BE IT RESOLVED that **Rolf Reiss** be reappointed as Chairman of the Zoning Board of Appeals for the year 2012

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley

Roll Call – 4 Ayes, 1 Nay (Higley)

RESOLUTION #41

OFFERED BY: Supervisor Stanley

BUILDING DEPARTMENT SECRETARY

WHEREAS, under § 20 of the Town Law it is the duty of the Town Board to appoint all employees of the Town; therefore be it

RESOLVED, that **Patt Hughes**, be appointed as Building Department Secretary with an hourly rate of \$10.50, not to exceed \$19,110 and serve at the pleasure of the Planning Board, Zoning Board of Appeals, Zoning Enforcement Officer, Flood Plain Administrator and Building Inspector and be accountable to the Town Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley

Roll Call – 5 Ayes

RESOLUTION #42

OFFERED BY: Councilperson Higley

DEPUTY HIGHWAY SUPERINTENDENT

WHEREAS, the Superintendent of Highways has requested that the Town Board establish the office of Deputy Superintendent of Highways,

THEREFORE BE IT RESOLVED that **Neil Grant** be reappointed to this position, without

Regular Town Board Meeting

January 2, 2012

compensation for the Year 2012.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION # 43

OFFERED BY: Councilperson Bartlett

MUNICIPAL WORKER

WHEREAS, Pursuant to Section 20 of the Town Law it is the duty of the Town Board to appoint all employees of the Town

THEREFORE BE IT RESOLVED That **Robert Gasperini** be reappointed as the Municipal Worker for the Town of Shandaken for 2011, at \$9.00 per hour, 25 to 30 hours per week.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein

Roll Call – 5 Ayes

RESOLUTION # 44

OFFERED BY: Councilperson Jordan

PHOENICIA WATER COMMITTEE

WHEREAS, pursuant to Section 20 of the Town Law it is the duty to appoint all Boards and Commissions,

THEREFORE be it resolved that **Alfred Peavy, John Kilb, Don Bucher, Nick Formont and Paul Pettinato** be appointed to the Phoenicia Water Committee and

BE IT FURTHER resolved that **Alfred Peavy** chair this committee.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #45

OFFERED BY: Councilperson Jordan

PINE HILL WATER COMMITTEE

WHEREAS, pursuant to Section 20 of the Town Law it is the duty to appoint all Boards and Commissions,

THEREFORE be it resolved that **Peter DiModica, Lowell Smith, Richard Schaedle, Michelle Wooton and Marge Lloyd** be appointed to the Pine Hill Water Committee, and

BE IT FURTHER resolved that **Michelle Wooton** chair this committee.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Stanley

Roll Call – 5 Ayes

RESOLUTION # 46

OFFERED BY: Supervisor Stanley

TOWN HISTORICAL MUSEUM BOARD

WHEREAS, The Town Board recognizes the Town of Shandaken Museum Board of Directors.

Regular Town Board Meeting

January 2, 2012

THEREFORE be it resolved that **Richard Bennett, June LaMarca, Nancy Smith, Marie Stutman, MaryLou Stapleton, Catherine Greenburg and Flavia DeMola** be recognized for being on the Town of Shandaken Museum Board, and

BE IT FURTHER resolved that **Richard Bennett** is the Chairman of the Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #47

OFFERED BY: Councilperson Higley

RECORDS MANAGEMENT OFFICER

WHEREAS, pursuant to §20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town,

THEREFORE BE IT RESOLVED that **Joyce Grant** be and hereby is appointed Records Management Officer, and hold office at the pleasure of the Town Board, and receive no compensation for the discharge of her duties.

AND MOVES ITS ADOPTION

Seconded by Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #48

OFFERED BY: Councilperson Bartlett

PARISH FIELD LEASE

WHEREAS, the Town of Shandaken has entered into an agreement with St. Francis De Sales Parish to lease the park adjacent to the Parish Rectory in Phoenicia for the sum of \$1.00, for the fiscal year 2011, therefore be it

RESOLVED, that this agreement be extended for the fiscal year 2012 and all terms of said original contract be agreed upon.

AND MOVES ITS ADOPTION

Seconded by Councilperson Bernstein

Roll Call – 5 Ayes

RESOLUTION #49

OFFERED BY: Councilperson Bernstein

**RESOLUTION APPOINTING PARKS AND RECREATION BOARD
MEMBER AND CHAIR**

WHEREAS, pursuant to section 20 of the Town Law, it is the duty of the Town Board to appoint all Boards and Commissions,

THEREFORE BE IT RESOLVED, that **Heather Roberts** be reappointed as Chair of the Parks and Recreation Board with her term to end December 31, 2014 and that **Michael Formont** be appointed as Parish Field Park Manager with his term to end December 31, 2013 and that both shall serve without compensation,

Regular Town Board Meeting

January 2, 2012

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley

Roll Call – 5 Ayes

Public Comment

Kathleen Nolan regarding Historical Museum, asked that next meeting date be announced beforehand, so that more people have the opportunity to attend.

Mary Herrmann commented on Historical Museum work that needs to be done to preserve the integrity of the museum and contents.

Mary Herrmann addressed a FOIL issue.

Richard Ricciardella suggested that trees need to be removed from streams in case of more flooding issues.

Councilperson Jordan inquired to Mary Herrmann if the royalties from the sale of her book at the Historical Museum, was ever donated to the museum. Mary replied, that she kept the royalty money from her book.

Motion by Supervisor Stanley to adjourn the meeting in memory of Ethel Hoffman, Liberta Jaeger, Advensaria Lapinig, William Mugford, Elizabeth Ward, Travis Nissen, Lanny Wolfe, with a moment of silence, seconded by Councilperson Bernstein.

Signed this 3rd day of January, 2012

Joyce Grant, Town Clerk