



Town of Shandaken

P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

"The Heart of the Park, .. Where the Eagle Soars"

Supervisor: (845) 688-7165

Police: (845) 688-9902

Town Clerk: (845) 688-5004

Justice Court: (845) 688-5005

Assessor: (845) 688-5003

ZBA/ZEO/Planning: (845) 688-5008

Highway: (845) 688-9901

Fax: (845) 688-2041

Upcoming Town Board Topics & Activity

Month OF 3/5/12

Flood Recovery: We have started receiving checks from FEMA to offset the costs of response and recovery efforts. The Town has in excess of \$3.5 million in claims, most of which is due to bridge and highway replacement. So far we have only received the federal portion for some jobs. We are hopeful that the remainder of the funds will be coming shortly as Eric and the Highway Department continue recovery efforts. To that end, tonight we have a resolution to authorize the purchase of an excavator. We had looked at renting the equipment, but looking at the length of time necessary to complete the work and overall cost it is more cost effective to purchase the equipment where it would be useful for other standard highway operations over the coming years to come.

As you may or may not be aware, the Town through its Shandaken Area Flood Assessment and Remediation Initiative (SAFARI) has hired an engineering and planning consultant to assist us in developing a long-term flood remediation plan. Included in this plan is an emergency response plan specific to the Shandaken area. We also hope to have a list of priority projects to address flooding issues in specific portions of the Town. Tonight Cynthia Bianco from Tetra Tech is here to discuss some of the actions they are taking to help us develop this plan, first of which, is a public survey that we will be sending out this month.

Phoenicia H2O: Prior to tonight's meeting the Town Board held a public hearing on a proposed amendment to the Phoenicia Water District Bylaws. Specifically, this amendment addresses grievance procedures. Under the proposal water district property owners may file a grievance if they feel they have been billed in error. The procedures lay out specific protocols whereby if the meter is tested and found to be in error, the district pays the amount over the average of three previous billings and replaces the meter at no charge to the customer. If the meter is found to be correct, the

property owner is responsible for the bill, as sent, plus the cost of removal and testing of the meter. We have a resolution tonight to accept this amendment.

Assessor: The Town is involved in an ongoing grievance suit with a Town resident. The attorney representing us has requested an independent appraisal consultant to assist in the defense of the Town. We will be hiring Barry Herbold of Kerhonkson, as recommended by the attorney, to assist in this case.

Planning: The Town Board, following a meeting in Pine Hill and several discussions with the Office of Historic Preservation the Town Board has a resolution supporting the designation of the Hamlet of Pine Hill as an Historic District. There are no regulations imposed by this action and the Town Hopes this will make grant funds available for the Hamlet as it continues to move forward with Restoration efforts throughout the Hamlet. Eric and I did meet with RETTEW, the firm working on the design plans. We are looking forward to another meeting this week to further those plans.

We also will be appointing Art Christie to the Planning Board following the vacancy recently created through resignation of a member of the board. Mr. Christie's term will end in 2016, as he replaces the seat being vacated.

Town Hall: We are asking for bids on the Town Hall Septic electric and plumbing jobs. We hope to have all the work completed before the beginning of the summer, which would alleviate the Town of the Pump and Haul system we have been operating since the septic failure occurred in 2010.

Marriage Officer: As the Chief Elected Official of the Town of Shandaken, the Town Board has the authority to appoint the Supervisor as a Marriage Officer. My secretary's daughter is looking to get married and has asked me to perform the ceremony. We have a resolution tonight to make that appointment.

Smart Growth: We are prepared to move forward with the contract to hire the artist for the Kiosk Panels. Again, this work is to be paid through the NYS DEC grant for Smart Growth.

Phoenicia: I was contacted by the County Executive's office on two notes. One is to announce that they anticipate the Oliveria Rd. Bridge to be opened over the next week or two. Concerning the Phoenicia Bridge St. Bridge, County is telling us that they have gone out to bid and successfully hired an engineering firm and they are awaiting the

report from the firm. Once they have it they will forward it to the town for discussion. Also, I'd like to applaud the Ontario Board of Education for keeping our beloved Phoenicia Elementary School open, but not so much for awarding the administrative raises reported in the Freeman this morning.

Cell Tower: We have started receiving rent monies from AT&T for the Glebrook Tower. It is not operational, yet, but it is scheduled. We also received an application for T-Mobile to place their equipment on the Highmount Tower. They are also in negotiation with Mariner's Towers who owns the Glenbrook Tower.

Computer Classes: As a reminder The Town along with the Phoenicia Rotary and Phoenicia School will be hosting FREE computer classes for adults. This class will teach you everything from startup to email usage and web surfing. Classes begin Wednesday, April 11th at 5:30pm and continue every Wednesday at 5:30 (except May 3rd) until June 20th. The classes will be held at the Phoenicia Elementary School. In order to sign up please call the Town Clerk's Office at 688-5004.

Our next regular meeting is scheduled for

Monday, April 2, 2012 at 7pm.

TOWN OF SHANDAKEN AMBULANCE SERVICE



PO BOX 91 PHOENICIA, NY 12464
WWW.SHANDAKENAMBULANCE.ORG

FEBRUARY 2012 REPORT

Total calls received- 63

Total calls Belleayre- 32

Mutual aid given- 0

Mutual aid received- 3 (Secondary to multiple calls in the district)

February was a record breaking month for the Town Ambulance which handled sixty-three calls for service including three serious auto accidents, a cardiac arrest reversal, and yes, even delivered a baby in the field. Kudos to the crews out there who brought exemplary care to our citizens and visitors.

To date the Ambulance Service has been contacted by over 30 individuals and businesses granting use of their Verizon network extenders for emergency access during calls that require transmission of electrocardiographs. This service was already used in the field in the area of the Village of Phoenicia during a critical cardiac call. Much appreciation goes out to the citizens and business owners who stepped it up and are truly making a difference. Currently the Ambulance Department is researching alternative sources of funding through small grants for extenders in the more remote sections of the Town, and has contacted Verizon in regards to possible group or promotional pricing for Town residents and businesses interested in purchasing an extender. We will keep you posted once we hear back from Verizon.

Once again, the Town of Shandaken Ambulance Service would like to thank the citizens of the Town of Shandaken for their ongoing support in our mission to bring the highest level of prehospital care to our area. Please check for updates on the Verizon extenders, as well as other great information on the Ambulance's website at www.shandakenambulance.org.

Stay Safe out there!

Richard W. Muellerleile
Captain/ Administrator
Town of Shandaken Ambulance Service

Committed To Care In The Heart Of The Catskills

SHANDAKEN POLICE DEPARTMENT MONTHLY REPORT			
Month of February 2012			
CHIEF W.JAMES MCGRATH			
Abandoned Vehicle	0	Mental Health Law	4
Abandoned 911's	8	Motorist Assists	2
Aggravated Harassments	0	Neighbor Disputes	2
Animal Complaints	1	Noise Complaints	0
Assaults	0	Parking Complaints	0
Assist Other Police Agency's	2	Property Disputes	0
Assist Town Ambulance	13	Property Damage Accidents	8
Assist Fire Department	0	Involving DEER	0
Automatic Alarms	3	Involving BEAR	0
Bad Checks	1	Personal Injury Accidents	2
Burglaries	2	Plates Lost M.V.	0
Criminal Mischief's	1	Public Lewdness	1
Criminal Possession Weapons	2	Reckless Endangerments	0
Check the Welfare	2	Robbery	0
Civil Matters	2	Suspicious Persons	5
Drug Possessions	2	Suspicious Vehicles	3
Drug Overdoses	0	Security Checks	18
Disorderly Subjects	2	Shots Fired Complaints	0
Domestic Disputes	3	Suicides Attempted	0
Driving While Intoxicated	2	Suicides	0
Larcenies	6	Traffic Details	7
Fights in Progress	2	Trespassing Complaints	3
General Town Complaints	10	Theft of Service Complaints	0
Grand Larcenies	2	Unattended Deaths	0
Harassment Complaints	5	V&T Complaints	9
Lock-out Assists	2	Water Rescues	0
Land-lord/Tennant disputes	0	Missing Persons	0
Littering/Dumping Complaints	1	Marijuana Possessions	1
Juvenile Complaints	0	Identity Theft	1
Endangering Welfare Complaints	0	TOTAL CALLS HANDLED	140
Violations	3	Uniform Traffic Tickets	43
Misdemeanors	8	Parking Tickets	1
Felonies	1	Warrants	0
Appearance Tickets	11	TOTAL ARRESTS	12
*****POLICE VEHICLE REPORT*****			
83 Patrol Miles	1290	83 Odometer Reading	56010
84 Patrol Miles	3909	84 Odometer Reading	127359
85 Patrol Miles	180	85 Odometer Reading	58390
86 Patrol Miles	1829	86 Odometer Reading	81829
87 Patrol Miles	1427	87 Odometer Reading	137950
TOTAL MILES PATROLLED	8635		

RESOLUTION #70-12

OFFERED BY: Bernstein

RESOLUTION TO PAY ALL BILLS

WHEREAS, The Department of Audit and Control require Town Boards to sign and inspect all vouchers coming into the town for payment, to number and total amounts from each fund.

THEREFORE BE IT RESOLVED, that the Town Board authorize the following vouchers paid:

General \$57,784.24
Highway 212,082.95
Phoenicia Water 7,414.63
Pine Hill Water 88.98
Phoenicia Lights 1,109.96
Chichester Lights 149.57
Pine Hill Lights 616.19

AND MOVES ITS ADOPTION

Seconded by: Higley

ROLL CALL 4 Ayes, 1 Absent

Phoenicia Water District By-Laws Amendments - March 2012

TOWN OF SHANDAKEN

AMENDMENTS TO THE PHOENICIA WATER DISTRICT BY-LAWS

BE IT ENACTED by the Town Board of the Town of Shandaken as follows:

ARTICLE 18 . GRIEVANCE PROCEDURES

In the event a property owner disputes the accuracy of a water bill said property owner will have a period of sixty (60) calendar days from the mailing date of the bill to do the following:

A. File a written complaint with the Town Clerk/ Tax Collector requesting an inspection of the relevant parts of the property owner's premises being served by the meter in question. If the property's water system appears to be normal (no leaks, etc.) the investigation will progress to Article 18 Section B.

B. The meter will be removed, by a plumber assigned by the Water District Superintendent, replaced with a temporary meter and sent for testing. Should the meter test "fast," (recording more than designed guidelines/actual flow) the Water District will bear all of the costs incurred for the removal, shipping, testing, and inspection of the meter, and for the installation of a new meter and shall also credit to the property owner the charges incurred by said owner on the challenged bill to the extent that said charges exceed the average of the three billings immediately prior to the date of the water bill that was disputed. Should the meter run "slow" (recording less than designed guidelines/ actual flow) or accurate, the property owner will be responsible for all expenses (removal, shipping, testing, calibration, reinstallation, parts and labor) incurred by the Water District, in addition to the water bill being questioned and any late fees accrued. These charges, if not paid prior to the next bill being sent, will be added to the relevant property's next water bill.

C. In the event that a property owner fails to file a written complaint within sixty (60) days of the date the water bill was mailed, the bill shall be deemed valid and the property owner(s) shall have waived his/her/their right to challenge the bill.

RESOLUTION #71-12

OFFERED BY: Stanley

RESOLUTION APPROVING AMENDMENTS TO PHOENICIA WATER DISTRICT BYLAWS

WHEREAS, the Town of Shandaken Town Board oversees the Phoenicia Water District, and
WHEREAS, the Phoenicia Water District Committee has provided suggested amendments to the existing Phoenicia Water District Bylaws in order to simplify grievance procedures (Article 18), and
WHEREAS, the Town Board of Shandaken held a public hearing on said proposed by laws at 6:30pm on Monday, March 5, 2012 to hear all comments for and against said bylaw amendments;

THEREFORE, BE IT RESOLVED, that the **Town Board of the Town of Shandaken** hereby does approve the amendments to Article 18 of the Phoenicia Water District Bylaws.

AND MOVES ITS ADOPTION

Seconded by: Bernstein

ROLL CALL 4 Ayes, 1 Absent

RESOLUTION #72 -12

OFFERED BY: Higley

RESOLUTION APPROVING HIRING OF INDEPENDENT APPRAISAL CONSULTANT

WHEREAS, the Town of Shandaken is involved in litigation pursuant to a property tax grievance, and **WHEREAS**, the Attorneys representing the Town in this matter, Van DeWater and Van DeWater, LLP, are in need of the services of an independent appraisal consultant in order to defend the Town in the case, and **WHEREAS**, the Attorneys have made a recommendation for said appraisal consultant;

WHEREAS, the Attorneys have made a recommendation for said appraisal consultant;

THEREFORE, BE IT RESOLVED, that Barry M. Herbold, ASA, of Empire State Appraisal Consultants, Inc., Kinderhook, NY is appointed and retained as the Town of Shandaken's appraiser in the case of Jo-Mary Realty Corp. v. Town of Shandaken, Ulster County Index No. 11-3298

AND MOVES ITS ADOPTION

Seconded by: Stanley

ROLL CALL 4 Ayes, 1 Absent

RESOLUTION #73 -12

OFFERED BY: Bartlett

SUPPORTING HAMLET OF PINE HILL'S HISTORIC DISTRICT DESIGNATION

WHEREAS, the Hamlet of Pine Hill in the Town of Shandaken has a number of structures already recognized as Historic including several buildings and bridges, and

WHEREAS, the Hamlet of Pine Hill has been nominated to be designated as a "Historic District" in the National Registry of Historic Places through both the National Park Service and the State Historic Preservation Office,

THEREFORE, BE IT RESOLVED the Town of Shandaken Town Board supports the nomination of Pine Hill, New York as an Historic Community in order to help further the efforts of the Town, local businesses and residential owners to re-invigorate interest in the Hamlet and the Town of Shandaken.

AND MOVES ITS ADOPTION

Seconded by: Stanley

ROLL CALL 4 Ayes, 1 Absent

RESOLUTION # 74 -12

OFFERED BY Bernstein

RESOLUTION APPOINTING PLANNING BOARD MEMBER

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 **Art Christie** be appointed to the Shandaken Planning Board with his term to expire on December 31, 2016.

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL 4 Ayes, 1 Absent

RESOLUTION # 75 -12

OFFERED BY Stanley

**RESOLUTION ADVERTISING FOR ELECTRICAL AND PLUMBING BIDS
FOR TOWN HALL SEPTIC**

WHEREAS the Town of Shandaken septic was deemed to be in failure in 2010, and
WHEREAS the Town needs to complete work on the septic in order to be in compliance,
THEREFORE BE IT RESOLVED that the Town of Shandaken advertise for bids to be received for the electrical and plumbing portions of this work, and
BE IT FURTHER RESOLVED that the specifications for this work can be picked up from the Supervisor's Office and that all bids must have written in block letters on the outside of the envelope "Town Hall Septic Bid," must be received by the Town Clerk's Office (PO Box 67, Shandaken, NY 12480) no later than 3p.m. Monday, April 2, 2012 and that all bids will be opened and reviewed at the regularly scheduled Shandaken Town Board meeting at 7pm on Monday April 2, 2012. The Town Board reserves the right to reject any and all bids

AND MOVES ITS ADOPTION

Seconded by: Higley

ROLL CALL 4 Ayes, 1 Absent

RESOLUTION # 76 -12

OFFERED BY Higley

RESOLUTION APPOINTING SUPERVISOR AS MARRIAGE OFFICER

WHEREAS pursuant to Article 3 Section 11c of the New York State Domestic Relations Law, a Public Official may be appointed as a Marriage Officer, and
WHEREAS Supervisor Stanley has a special request to perform a marriage ceremony between Kristine Marie O'Donnell and Jennifer Sutherland
THEREFORE BE IT RESOLVED that the Town Board appoint Supervisor Robert A. Stanley as a temporary Marriage Officer, and that he may perform marriages within the jurisdictional bounds of the Town of Shandaken.

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL 3 Ayes, 1 Absent, 1 Abstain (Bernstein)

Bid Specifications
Crawler Hydraulic Excavator

The Town of Shandaken Highway Dept. will be accepting bid proposals for the purchase of One (1) Crawler Hydraulic Excavator in compliance with the minimum bid specifications as outlined below. Bids will be accepted until 3 p.m. on Monday, April 2, 2012. The bids will be opened and publicly read aloud at the regular Shandaken Town Board Meeting scheduled for 7 p.m. on Monday, April 2, 2012. The machine is to be new and completely equipped with all manufacturer's standard equipment.

Bidder is to furnish descriptive literature, complete specifications and all other necessary data on the equipment they propose to furnish. Should Bidder's machine not comply with minimum specification requirements, Bidder shall provide detailed exception and explanation as to variances. Failure to note exceptions to minimum bid specifications shall be cause for immediate rejection of bid.

CATEGORY	SPECIFICATION	YES	NO	EXPLANATION
1.	Operating Weight			
	Machine equipped with all attachments as outlined below must be minimum 39,240 lbs	X		
2.	Engine			
	Minimum of 4 cylinders, 259 cu in displacement, 120 Net HP (SAE) at 2000 rpm	X		
	Auto overheat prevention	X		
	Auto warm-up system	X		
	3-stage auto idle function for maximum fuel efficiency	X		
	Electronically controlled	X		
	Must comply with Tier III emissions requirements	X		
	Aluminum-type coolers – Radiator, Oil Cooler, A/C condenser	X		
3.	Hydraulic System			
	Two (2) variable displacement Piston pumps capable of 44.4 gpm each and a separate pilot pump and circuit	X		
	Minimum swing speed of 11.3 rpm	X		
	Auto Swing Brake	X		
	Two speed travel with max speed of 3.4 mph	X		

Minimum drawbar pull 34,600 lbs	X		
Must include Power Boost feature	X		
Minimum arm crowd force of 19,600 lbf (ISO) - boost engaged & 8' 6" Arm Installed	X		
Minimum bucket digging force of 30,160 lbf (ISO) - boost engaged	X		
Minimum hydraulic oil filtration of 10 microns (main return filter)	X		
Bi-Directional Plumbing	X		
Pattern Change Valve – convert joystick control patterns from ISO to SAE (standard equipped)	X		
Gas charged accumulator on pilot system	X		

5.	Computer System		
	2 work modes including general excavation, attachment	X	
	At least 3 power modes: (P) Power, (S) Standard, (E) Economy	X	
	Must offer programmable user modes (U) capable of memorizing user preferences	X	
	Must have self diagnostic capabilities with a minimum of 48 error codes	X	
	Monitoring system with warning indicators for: battery, engine coolant temp, engine oil pressure, fuel level indicator, hydraulic oil temp, hour meter, air filter restriction indicator	X	
	In case of computer failure, an emergency procedure for starting / operating machine must be available	X	
	Must be able to connect to external laptop for technician to download additional diagnostic information	X	
	One-touch idle function	X	
	Anti-restart system – prevents restarting when engine is running	X	

Must be equipped with remote management system (GPS / Satellite based) with online access to diagnostic data, machine working information, fault codes, alarms, geofencing capabilities, and text and email communication. Service is offered for 3 years free of charge.	X		
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6.	Undercarriage		
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Minimum 24" Triple grouser shoes	X		
Travel Motor Guards	X		
Swivel Guard (factory installed) – protective plate below rotating joint	X		
Minimum of 7 track rollers on each side frame	X		
Minimum of 2 upper rollers on each side frame	X		
Minimum of 1 track guards per side for proper track alignment and protection	X		

7.	Upper Structure		
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Remote-mounted engine oil filter – located in pump compartment for easy service	X		
Reinforced, sound-insulated house doors on pump and cooler compartments for reduced outside sound levels	X		
Battery cut-off switch with key for added security	X		
Minimum fuel tank capacity of 71.3 gallons	X		
Dual element air cleaner should be 9 micron and 25 micron inner / outer elements respectively	X		
Air cleaner clog sensor with visible warning and alarm on cluster display	X		
Lockable fuel cap	X		

Fuel tank must be equipped with service access hole and drain cock for tank maintenance	X		
Lights: minimum of 2 lights on boom, 1 in tool box , 1 in upper frame below cab	X		

8.	Attachment		
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Minimum boom length of 16' 9"	X		
Minimum arm length of 8' 6"	X		
36 in Bucket	X		
Ribbing reinforcement on back of arm for added wear protection	X		
Boom foot and arm tip boss area must be cast steel for additional strength and durability	X		
Max reach on ground of 29' 1" with standard arm length of 8' 6"	X		
Max digging depth of 19' 11" with standard arm length of 8' 6"	X		
Hydraulic Thumb	X		
Dozer Blade	X		

9.	Cab		
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Pressurized cab	X		
Cab front, side and rear windows to be made of safety glass for <u>max visibility</u> and operator safety	X		
Heated <u>Air-Ride</u> Operator's Seat (Standard Equipped)	X		
7" Color LCD display cluster for mode selection, settings and diagnostics	X		
Multifunction joystick controllers equipped with switches for open/close, rotate left/right, and trigger button for hammer activation	X		
Adjustable height left and right control consoles	X		

Maximum inside cab sound level of 71 dB	X		
Maximum outside cab sound level or 101 dB	X		
Window defroster	X		
Wiper must stow off of front window when not used – out of operator view	X		
Horn	X		
AM/FM Stereo with CD Player and MP3 Input	X		
Hands-free cell phone module equipped with cable for connection to cell phone	X		
Remote mounted controls for radio, CD, MP3 and hands-free cell phone	X		
Integrated color rear-view camera – viewable through machine cluster	X		
Roller-style sunshade on front window	X		
Transparent upper roof hatch with sunshade	X		
One-piece right side window for improved visibility	X		
3 position cab light: Off / Constant On / On when door open	X		
Coat Hook	X		
Minimum of 2 cup holders with removable ash tray insert	X		
Hot / Cold storage box	X		
1 left side and 2 right side rearview mirrors	X		
Adjustable arm rests	X		
12V socket for electrical accessory charge	X		
Minimum of 6 viscous cab mounts for smooth ride and reduced sound	X		

10.	Electrical System
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	Minimum 24 Volt system	X		
	Minimum 50 Amp alternator	X		
11.	Machine Dimensions			
	Maximum overall transport length 28' 5"	X		
	Maximum transport width of 8' 6" (with 24" shoes)	X		
	Maximum height of boom in transport position should not exceed 9' 10" (with 8' 2" arm)	X		
12.	Manuals			
	Operators Manual must be supplied with machine. Service and Parts Manuals must be supplied with machine.	X		
13.	Training			
	Bidder to supply, at no cost, training program for operator orientation training and periodic maintenance as required for proper machine operation	X		
14.	Warranty			
	3 year / 3,000 full machine warranty, 3 years free fluid analysis, 5 year / 10,000 hr structural guarantee	X		

**RESOLUTION APPROVING HIGHWAY DEPARTMENT
EQUIPMENT PURCHASE**

WHEREAS, the Town of Shandaken Highway Department is in need of an excavator in order to expedite flood recovery work and standard operating work, and

WHEREAS, the Highway Superintendent has selected an excavator for purchase by the Town,

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, advertise for the bids for a Crawler Hydraulic Excavator following the Specification Sheet provided with this resolution, and

BE IT FURTHER RESOLVED, all bids will be accepted until 3 p.m. on Monday, April 2, 2012. The bids will be opened and publicly read aloud at the regular Shandaken Town Board Meeting scheduled for 7 p.m. on Monday, April 2, 2012. The Town of Shandaken retains the right to reject any and all bids.

AND MOVES ITS ADOPTION

Seconded by: Stanley

ROLL CALL 4 Ayes, 1 Absent

**Town of Shandaken Smart Growth Agreement
- Information Kiosk Artist****PREAMBLE**

The Town of Shandaken has been awarded a grant from the NYS Department of Conservation for "Smart Growth" Initiatives. Included in this grant is the proposal for four (4) "X -Shaped Information Kiosks to be placed throughout the Town of Shandaken. It is the intent of this contract to hire the artist for the development, creation and installation of eight (8) information panels to be installed in each of these kiosks for a total of thirty-two (32) panels.

Project Description

Dave Channon of 247 Broadstreet Hollow Rd., Shandaken, NY 12480 (herein after referred to as the **ARTIST**) shall provide for the **Town of Shandaken, 7209 Rte. 28, PO Box 134, Shandaken, NY 12480** (herein after referred to as the **SHANDAKEN**), collectively referred to as the "PARTIES," a total of thirty-two (32) three foot high by two foot wide (3'h X 2'w) plastic-aluminum laminate information panels, painted with weatherproof exterior paint and provided with additional UV barrier protection containing the information as approved by the Town of Shandaken Kiosk Committee. Payments and Deliverables will be presented using the Schedule of Tasks and Schedule of Payments included and agreed to in this Agreement.

Price is all inclusive. The ARTIST will secure all materials and supplies and provide all labor for the contract price. There will be no additional compensation whatsoever without a written change order signed by the ARTIST and SHANDAKEN.

No laborer or material liens or mechanic liens whatsoever shall be allowed and if any are filed, the ARTIST will either discharge same or post a bond to indemnify SHANDAKEN within 15 days of the filing.

Project Duration

The required completion date of the Information Kiosk Plan is March 1, 2013. This will enable the ARTIST time to accrue all available information required, attend meetings of the Kiosk Committee, create the necessary panels and install them into the kiosks.

This Agreement shall be effective when a fully executed Agreement is in the hands of both PARTIES. This Agreement shall terminate on **March 1, 2013** unless an extension approved in writing by SHANDAKEN. This Agreement may be extended, renewed, or terminated at any time. Any extension, renewal or termination must be upon approval of the Town Board of Shandaken.

Non-Performance

In the event that the ARTIST does not complete the contract, the ARTIST shall surrender all materials collected and constructed available to date of default to SHANDAKEN. Furthermore, ARTIST shall not be entitled to any further payment under this contract.

Definitions

For the purposes of this contract the following terms shall apply:

Hamlet Regions: Four Kiosks are planned, each Kiosk is to represent a region within the Town of Shandaken. These are the regions and locations for the Kiosks:

Phoenicia, Chichester Woodland Valley: Main St., Phoenicia

Allaben, Bushnellsville, Shandaken: Intersection of State Rtes 28 & 42, Shandaken

Big Indian, Oliveria : Big Indian Park, Big Indian

Highmount, Pine Hill: Main St., Pine Hill

General Panels: All panels reflecting the general nature and assets and any other pertinent generalized overview information concerning the Catskill Forest Preserve, NYC Watershed or Ulster County, as deemed by the Shandaken Kiosk Committee. Town of Shandaken Kiosk Artist Contract

Town Panels: All panels reflecting the general nature and assets and any other pertinent overview information concerning the entire Town of Shandaken, as deemed by the Shandaken Kiosk Committee.

Hamlet Panels: All panels reflecting the general nature and assets and any other pertinent information specific to the **Hamlet Region** to which the kiosk is to be placed, as deemed by the Shandaken Kiosk Committee.

Schedule of Tasks (w/deliverables)

ARTIST Shall:

Task 1 –

Meet with the Shandaken Kiosk Committee

Designate one (1) contact person for each kiosk

Gather input on content from Kiosk Committee

Provide rough guideline of possible artistic layouts

Begin compiling information for panels

Task 2 –

Draft General Panels

Meet with Kiosk Committee

Make Possible Recommendations and Alternatives

Task 3 –

Draft Town Panels

Meet with Kiosk Committee

Meet with Town Board publicly to obtain input

Finalize & Construct General Panels

Task 4 –

Draft Hamlet Panels

Meet with Kiosk Committee

Meet with Town Board publicly to obtain input

Finalize & Construct Town Panels

Task 5 –

Meet with Kiosk Committee

Finalize Hamlet Panels

Meet with Town Board publicly to obtain approval

Construct Hamlet Panels

Install All Panels

Supply all waivers of liens from all materialmen and laborers certifying that no liens shall be filed

TOWN Shall:

Provide access to any maps, logos or information to be included in panels

Provide Town Historical, Recreational or Tourism related Materials

Ease Of Access, as best can be provided, to any other agencies or organizations information necessary for the kiosk panels

Have Town Supervisor review work completed for each task and report progress to Town Board

Make payments along Schedule of Payments for tasks completed

Review all work upon written request for Final Payment by the ARTIST and if all requisites are met to the Town Board's satisfaction, Final Payment will be forwarded to ARTIST, as specified in this contract.

Schedule of Payments

Payments shall be made on the completion of each task based on a total of payments of \$13,600, as follows:

- Task 1 – 20% of total contracted price
- Task 2 – 10% of total contracted price
- Task 3 – 15% of total contracted price
- Task 4 – 25% of total contracted price
- Task 5 – 30% of total contracted price

Authority and Possession

All drawings, drafts, models and materials are the sole and exclusive property of the Town and all must be delivered to the Town upon the completion of each task and upon default of the contract by the ARTIST and upon completion of this contract.

Additional Information

Questions regarding the project may be directed to Supervisor Robert A. Stanley at:

Town of Shandaken
P.O. Box 134,
Shandaken, New York 12480
(845) 688 – 7165
shandakensupervisor@yahoo.com

AGREEMENT

The undersigned do hereby approve and accept all the terms and conditions of this agreement signed and dated this 7th day of February, 2012

Supervisor, Robert A. Stanley Date

Artist, Dave Channon Date

RESOLUTION #78 - 12 (61 -12)

OFFERED BY: Bernstein

RESOLUTION HIRING ARTIST FOR SHANDAKEN KIOSK

WHEREAS, the Town of Shandaken is in receipt of a Smart Growth Grant through the New York State Department of Environmental Conservation (DEC), and

WHEREAS, a portion of this grant is for the placement of four (4) information kiosks throughout the Town, and

WHEREAS, Dave Channon of Esopus Creek Enterprises (Artist), has provided this service previously to the DEC using similar materials and content, and

WHEREAS, a contract exists for the completion and installation of thirty-two (32) information panels with eight (8) each to be placed in each community kiosk and for involvement and coordination with the kiosk committee;

THEREFORE, BE IT RESOLVED, that the **Town Board of the Town of Shandaken** approves the Supervisor entering into contract with the Artist for a total price of \$13,600 to be paid in installments as per the contract

AND MOVES ITS ADOPTION

Seconded by: Higley

ROLL CALL 4 Ayes, 1 Absent

All business pertinent having been discussed, the Town Board adjourned at 8:12 on a Stanley/Bernstein motion.

Signed this 6th day of March, 2012

Joyce Grant, Town Clerk