

April 2, 2012

RESOLUTION # 79-12

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	\$53,931.55
Highway	48,373.28
Phoenicia Water	5,342.18
Pine Hill Water	1,460.76
Phoenicia Lights	978.82
Chichester Lights	138.41
Pine Hill Lights	557.22

**AND MOVES ITS ADOPTION**

Seconded by: STANLEY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER BARTLETT	<u>  X  </u>	_____
BOARD MEMBER BERNSTEIN	<u>  X  </u>	_____
BOARD MEMBER HIGLEY	<u>  X  </u>	_____
BOARD MEMBER JORDAN	<u>  X  </u>	_____
SUPERVISOR STANLEY	<u>  X  </u>	_____

RESOLUTION #80 - 12

OFFERED BY: JORDAN

**RESOLUTION APPROVING AMBULANCE VEHICLE PURCHASE**

**WHEREAS**, the Town of Shandaken Ambulance Department is in need of a replacement emergency response vehicle ("Fly Car"); and

**WHEREAS**, the Timberlake Foundation has made a \$12,500 donation to the Ambulance Department specifically for the purchase of such vehicle; and

**WHEREAS**, the Ambulance Department has located a vehicle (2007 Dodge Durango VIN# **1D8HB48P07F558655**) that fits their criteria and is within the amount donated from the Timberlake Foundation.

**THEREFORE BE IT RESOLVED**, that the Town of Shandaken Town Board approve the purchase of the 2007 Dodge Durango SLT from **Lisa Siclari, Mahopac, NY 10541** for the amount of **\$12,000.00**;

**BE IT FURTHER RESOLVED**, that the Town of Shandaken Town Board send a letter of appreciation and thanks to the Timberlake Foundation for their much appreciated donations and assistance in the purchase and outfitting of this vehicle.

**AND MOVES ITS ADOPTION**

Seconded by: HIGLEY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER BARTLETT	<u>  X  </u>	_____
BOARD MEMBER BERNSTEIN	<u>  X  </u>	_____
BOARD MEMBER HIGLEY	<u>  X  </u>	_____
BOARD MEMBER JORDAN	<u>  X  </u>	_____
SUPERVISOR STANLEY	<u>  X  </u>	_____

RESOLUTION #81- 12

OFFERED BY: STANLEY

**RESOLUTION ADVERTISING FOR ENGINEERING CONSULTANT  
FOR TOWN HIGHWAY FLOOD RECOVERY WORK**

**WHEREAS**, the Town of Shandaken Highway Department is in need of an engineer in order to assist them in design work associated with repair of roads, bridges and streams following damages that occurred due to Tropic Storms Irene and Lee; and

**WHEREAS**, the amount needed to pay for such services are reimbursable to the Town from FEMA;

**THEREFORE BE IT RESOLVED**, that the Town of Shandaken advertise for an engineer to assist the Highway Superintendent in developing appropriate designs for these repairs and mitigation efforts; and

**BE IT FURTHER RESOLVED**, that any person(s) interested in applying for such work should supply the appropriate reference materials and other requested documentation in accordance with the supporting RFQ (Request For Qualifications). Copies of the RFQ can be found at the Town Clerk’s Office (7209 Rte. 28, PO Box 67, Shandaken, NY 12480) and on the Town website ([www.shandaken.us](http://www.shandaken.us)). All submissions must be received in the same office no later than 3pm on Monday, May 7, 2012. All bids will be opened at the regularly scheduled Town Board meeting on Monday, May 7, 2012 at 7pm. The Town of Shandaken reserves the right to reject any and all bids.

**AND MOVES ITS ADOPTION**

Seconded by: JORDAN

	ROLL CALL	
	AYES	NAYS

BOARD MEMBER BARTLETT	<u>  X  </u>	_____
BOARD MEMBER BERNSTEIN	<u>  X  </u>	_____
BOARD MEMBER HIGLEY	<u>  X  </u>	_____
BOARD MEMBER JORDAN	<u>  X  </u>	_____
SUPERVISOR STANLEY	<u>  X  </u>	_____

**RESOLUTION #82- 12**

**OFFERED BY: HIGLEY**

**RESOLUTION ADVERTISING FOR HIGHWAY DEPARTMENT  
EQUIPMENT PURCHASE**

**WHEREAS**, the Town of Shandaken Highway Department is in need of a Skid Steer Loader in order to expedite flood recovery work and standard operating work, and

**WHEREAS**, the Highway Superintendent has selected a Skid Steer Loader for purchase by the Town,

**THEREFORE BE IT RESOLVED**, that the Town of Shandaken Town Board, advertise for the bids for a Skid Steer Loader following the Specification Sheet provided with this resolution, and

**BE IT FURTHER RESOLVED**, all bids will be accepted until 3 p.m. on Monday, May 7, 2012. All bids must have written in block letters on the outside of envelope, "Skid Steer Loader Bid." The bids will be opened and publicly read aloud at the regular Shandaken Town Board Meeting scheduled for 7 p.m. on Monday, May 7, 2012. The Town of Shandaken retains the right to reject any and all bids.

**AND MOVES ITS ADOPTION**

Seconded by: BARTLETT

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER BARTLETT	<u>  X  </u>	_____
BOARD MEMBER BERNSTEIN	<u>  X  </u>	_____
BOARD MEMBER HIGLEY	<u>  X  </u>	_____
BOARD MEMBER JORDAN	<u>  X  </u>	_____
SUPERVISOR STANLEY	<u>  X  </u>	_____

**RESOLUTION #83- 12**

**OFFERED BY: BARTLETT**

**RESOLUTION APPROVING EXCAVATOR PURCHASE**

**WHEREAS**, the Town of Shandaken Highway Department advertised for bids for a new excavator (Resolution # 77-12); and

**WHEREAS**, the Town is in receipt of said bids;

**THEREFORE BE IT RESOLVED**, that the Town of Shandaken Town Board approve the purchase of a Crawler Hydraulic Excavator from  A. MONTANO  located at  571 Rt. 212 Saugerties, NY  for the price of \$99,839.00.

**AND MOVES ITS ADOPTION**

Seconded by: STANLEY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER BARTLETT	<u> X </u>	_____
BOARD MEMBER BERNSTEIN	<u> X </u>	_____
BOARD MEMBER HIGLEY	<u> X </u>	_____
BOARD MEMBER JORDAN	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

**RESOLUTION #84- 12**

**OFFERED BY BERNSTEIN**

**RESOLUTION APPROVING SEPTIC BIDS**

**WHEREAS**, the Town of Shandaken advertised for bids for electrical and plumbing work necessary for the Town Hall septic (Resolution # 75-12); and

**WHEREAS**, the Town is in receipt of said bids;

**THEREFORE BE IT RESOLVED**, that the Town of Shandaken Town Board award the electrical & Plumbing work to Network Contracting located at  24 Pine Lane, Mt. Tremper NY  for the price of \$8,436.00;

**AND MOVES ITS ADOPTION**

Seconded by: JORDAN

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER BARTLETT	<u> X </u>	_____
BOARD MEMBER BERNSTEIN	<u> RECUSE </u>	_____
BOARD MEMBER HIGLEY	<u> X </u>	_____
BOARD MEMBER JORDAN	<u> X </u>	_____



Seconded by: JORDAN

ROLL CALL

	AYES	NAYS
BOARD MEMBER BARTLETT	<u>  X  </u>	_____
BOARD MEMBER BERNSTEIN	<u>  X  </u>	_____
BOARD MEMBER HIGLEY	<u>  X  </u>	_____
BOARD MEMBER JORDAN	<u>  X  </u>	_____
SUPERVISOR STANLEY	<u>  X  </u>	_____

**RESOLUTION #87- 12**

**OFFERED BY HIGLEY**

**AGREEMENT BETWEEN TOWN OF SHANDAKEN AND  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)  
FOR FEMA PUBLIC ASSISTANCE WORK**

**WHEREAS**, NYSDOT is an agency of New York State government eligible for the receipt of public assistance (“Public Assistance”) as that is defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (“Stafford Act”), as set forth at 42 USC Sections 5121-5207 and its related regulations, and is able to provide assistance to the Town of Shandaken in undertaking its mitigation efforts related to Hurricane Irene and Tropical Storm Lee (“August/September 2011 Disasters”), in accordance with the terms and conditions set forth in the Agreement; and

**WHEREAS**, the State Office of Emergency Management (“OEM”), AS THE State’s authorized representative for the administration of Public Assistance made available by Federal Emergency Management Agency (“FEMA”) for the August/ September 2011 Disasters, and FEMA have approved of NYSDOT undertaking the mitigation efforts defined in the Agreement and have further authorized NYSDOT to be a direct recipient of FEMA funding for the work; and

**WHEREAS**, in accordance with Executive Order No. 19 issued by Governor Andrew M. Cuomo on August 25, 2011 through Executive Order No. 17 and on September 15, 2011 through Executive Order No. 21; Executive Law Section 29; Section 99-r of the General Municipal Law, and the Executive Orders set forth below, NYSDOT and the Town of Shandaken were authorized to undertake the Project and are authorized to enter into this Agreement; and

**WHEREAS**, in accordance with Executive Order No. 19 issued by Governor Andrew M. Cuomo on September 1, 2011, and the continuation of the terms of that Executive Order by Executive Order No. 25 issued by the Governor on September 29, 2011, provisions of State Laws were temporarily suspended to the extent such laws “would prevent, hinder or delay action necessary to cope with the...disaster”; and

**WHEREAS**, in accordance with such Executive Orders and State Law, NYSDOT HAS PROVIDED THE Town of Shandaken with the Project necessary to restore access in the Town of Shandaken in the wake of the August/September 2011 Disasters and the Agreement provides a written memorial of the work done pursuant to such orders; and

**THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Shandaken, by this resolution, approves the Project and entering into the Agreement with NYSDOT.

**AND MOVES ITS ADOPTION**

Seconded by: STANLEY

ROLL CALL

	AYES	NAYS
BOARD MEMBER BARTLETT	<u>  X  </u>	<u>      </u>
BOARD MEMBER BERNSTEIN	<u>  X  </u>	<u>      </u>
BOARD MEMBER HIGLEY	<u>  X  </u>	<u>      </u>
BOARD MEMBER JORDAN	<u>  X  </u>	<u>      </u>
SUPERVISOR STANLEY	<u>  X  </u>	<u>      </u>

**RESOLUTION #88- 12**

**OFFERED BY BARTLETT**

**PARKINSON’S AWARENESS MONTH PROCLAMATION**

**WHEREAS**, Parkinson’s Disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

**WHEREAS**, according to the Parkinson’s Action Network, the Parkinson’s Disease Foundation, the American Parkinson’s Disease Association and the National Institutes of Health, there are over one million American’s diagnosed with Parkinson’s disease; and

**WHEREAS**, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

**WHEREAS**, although new medicines and therapies may enhance life for some time for people with Parkinson’s, more work is needed for a cure; and

**WHEREAS**, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson’s disease; and

**WHEREAS**, a multidisciplinary approach to Parkinson’s disease care includes local wellness, support and caregiver groups; and

**WHEREAS**, April has been proclaimed as World Wide Parkinson’s Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson’s disease.

**THEREFORE BE IT RESOLVED**, that the Town of Shandaken Town Board does hereby proclaim April 2012 as Parkinson’s Awareness Month in the Town of Shandaken

**AND MOVES ITS ADOPTION**

Seconded by: HIGLEY

ROLL CALL

AYES	NAYS
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BOARD MEMBER BARTLETT	<u>  X  </u>	_____
BOARD MEMBER BERNSTEIN	<u>  X  </u>	_____
BOARD MEMBER HIGLEY	<u>  X  </u>	_____
BOARD MEMBER JORDAN	<u>  X  </u>	_____
SUPERVISOR STANLEY	<u>  X  </u>	_____

**RESOLUTION #89 - 12**

**OFFERED BY BERNSTEIN**

**AFFIRMING DEFENSE FOR TOWN IN LITIGATION**

**WHEREAS**, Hanover Farms, Inc. has commenced a lawsuit in the Supreme Court of the State of New York, County of Ulster against the Town of Shandaken and Richard Stokes who is the Code and Zoning Enforcement Officer of the Town of Shandaken, and

**WHEREAS**, said lawsuit seeks various forms of relief,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Shandaken, hereby retains the firm of Kellar, Kellar & Jaiven Esqs. Kingston, New York to file an answer to said lawsuit on behalf of the named defendants, and to assert any affirmative defenses, and counterclaims, and to seek denial of the relief sought by Hanover Farms, Inc. and to commence a separate legal action against any persons or entities as may be appropriate with respect to the violations of Hanover Farms, Inc. and the Higley property on which the Hanover Farms, Inc conducts business and to seek affirmative relief against Hanover Farms Inc and against any other individuals or entities. Said claims may include but are not limited to seeking injunctive relief, money damages, fines, costs, disbursements and other legal relief as may be appropriate, and to represent the Town of Shandaken in all legal proceedings associated with said actions.

**AND MOVES ITS ADOPTION**

Seconded by: JORDAN

**ROLL CALL**

	<b>AYES</b>	<b>NAYS</b>
BOARD MEMBER BARTLETT	<u>  X  </u>	_____
BOARD MEMBER BERNSTEIN	<u>  X  </u>	_____
BOARD MEMBER HIGLEY	<u>  RECUSE  </u>	_____
BOARD MEMBER JORDAN	<u>  X  </u>	_____
SUPERVISOR STANLEY	<u>  X  </u>	_____