

May 15, 2012 Special Meeting & Public Hearing

On a Stanley/Jordan motion, the Board unanimously voted to pull Resolution 91&92-12 to be considered at a later date.

RESOLUTION #91-12

OFFERED BY:

RESOLUTION SCHEDULING A PUBLIC HEARING FOR SCHEDULING A PUBLIC REFERENDUM FOR FORMATION AND ESTABLISHMENT OF A SEWER DISTRICT IN PHOENICIA

WHEREAS, the Town entered into New Sewage Treatment Infrastructure Facility Agreement (“IFA”) with the New York State Environmental Facilities Corporation in 1998 for the study and planning of a new sewage collection system in the Hamlet of Phoenicia in the Town of Shandaken (the “Project”); and

WHEREAS, as part of the Study Period of the Project, the Town and its Project Engineer established, with the New York City Department of Environmental Protection, a designated service area for the collection system; and

WHEREAS, the Town executed an Amended and Restated New Infrastructure Facility Agreement (“Amended IFA”) with the New York Environmental Facilities Corporation (“NYSEFC”), dated March 21, 2005, for the design and construction of the Project; and

WHEREAS, pursuant to Section 2.03(A)(1) of the Amended IFA, the Town is required to form a sewer district with boundaries coincident with the designated service area prior to commencement of construction; and

WHEREAS, the Town will not incur any cost from the formation of the Sewer District, which cost is being fully subsidized by the City of New York under the terms of the Watershed MOA, the IFA and the Amended IFA; and

WHEREAS, the Project Engineer has prepared materials needed for the formation of that Sewer District and has filed those materials with the Town Board for its review and consideration.

NOW BE IT RESOLVED:

1. The Board accepts and adopts the following materials prepared by Project Engineer with regard to the formation of a sewer district to serve the Hamlet of Phoenicia, and directs that same be appended the minutes of this meeting:

- a. Sewer District Formation Summary Report prepared by Lamont Engineers. The Report contains a summary of the sewage treatment system including the design of the sewage collection system and sewage treatment plant.
- b. An explanation of the hook-up fees and costs for residential and non-residential users in the sewer district. The Town does not anticipate that the property owner whose property is not connected to the sewer collection system will bear any cost for such system.

- c. Engineer's Report and Plan, consisting of the "Final Task 2 Engineering Report of the New Sewage Treatment Infrastructure Program Study" prepared for the Town of Shandaken by Laberge Engineering and Consulting Group, LTD, detailing the wastewater needs of the Hamlet of Phoenicia and delineating the service area for the wastewater collection system. (Only the table of contents will be appended to the meeting minutes).
- d. Service Area Map identifying the boundaries of the proposed sewer district

e. Narrative description of the proposed sewer district boundaries.

f. Engineering Report and Plan prepared for the Town of Shandaken by Lamont Engineers reevaluating the wastewater needs of the Hamlet of Phoenicia including the boundaries of the service area.

2. The costs of forming the district and designing, permitting and constructing the infrastructure are funded pursuant to an Amended and Restated New Infrastructure Facility Agreement between the Town and the NYSEFC, which was executed under the Memorandum of Agreement with the City of New York. The final cost of the sewer system (including all costs incurred to date) is estimated to be in excess of \$20,000,000. The Town currently has a Block Grant of approximately Seventeen Million Two Hundred and Eleven Thousand Dollars (\$17,211,000). The Town is currently seeking additional sources of funding including an increase in the Block Grant and/or State and Federal grants. Those requests are pending. The Town will not incur any expense in the formation of the proposed district and the construction of the public improvements to be constructed within the district. If the Block Grant is insufficient to fund the entire project as designed, the Town Board may have to reduce the size of the sewer collection system or make such other modification to the design as necessary to bring the project within the Block Grant amount and/or obtaining additional funding from the City of New York, the State and or Federal government. During the process to form the Sewer District, the Town Board reserves the right to modify the boundaries of the proposed district to address the concerns raised during the public comment period and to serve the best interest of the Town.

3. A copy of the Engineer's Report and Plan, Service Area Map, Narrative Description and a detailed explanation of the costs to each residential and non-residential landowner shall be placed in the Town Clerk's office and made available for public inspection.

4. That the Town Board shall meet at the Town Hall, Shandaken, New York, on the 22nd day of May, 2012 at 6:00 P.M., for the purpose of conducting a public hearing on the proposal to establish said sewer district with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further resolved

5. That immediately after the Public Hearing is held, the Town board will convene for a Special Meeting to consider issues related to the establishment of a public referendum for the formation of the Sewer District, and it is further resolved

6. That the Town Clerk is hereby authorized and directed to publish a copy of this order in Kingston Daily Freeman, the official Town newspaper and post a copy of the same on the signboard of the Town, in the time and manner required by law.

AND MOVES ITS ADOPTION

Seconded by:

ROLL CALL
AYES NAYS

BOARD MEMBER BARTLETT	_____	_____
BOARD MEMBER BERNSTEIN	_____	_____
BOARD MEMBER HIGLEY	_____	_____
BOARD MEMBER JORDAN	_____	_____
SUPERVISOR STANLEY	_____	_____

RESOLUTION #92-12

OFFERED BY

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN TO CONVENE A
SPECIAL MEETING
TO CONSIDER THE FORMATION OF A SEWER DISTRICT
AND TO SCHEDULE A PUBLIC REFERENDUM**

WHEREAS, the Town Board is scheduling a public hearing to schedule a public referendum concerning a proposal to establish a sewer district on _____, 2012 at 6:00 P.M.; and

WHEREAS, immediately following the public hearing, the Town Board desires to convene a Special Meeting in order to evaluate proceeding with scheduling a public referendum to decide the formation of the sewer district.

NOW BE IT RESOLVED that the Town Board of the Town of Shandaken will hold a Special Meeting immediately following the _____, 2012 Public Hearing to consider scheduling a public referendum to decide the formation of the sewer district.

AND MOVES ITS ADOPTION

Seconded by:

ROLL CALL

	AYES	NAYS
BOARD MEMBER BARTLETT	_____	_____
BOARD MEMBER BERNSTEIN	_____	_____
BOARD MEMBER HIGLEY	_____	_____
BOARD MEMBER JORDAN	_____	_____
SUPERVISOR STANLEY	_____	_____

RESOLUTION #93 - 12

OFFERED BY Stanley

**RESOLUTION APPROVING QUALIFIED APPLICANTS
FOR ENIGNEERING SERVICES FOR HIGHWAY FEMA WORK**

WHEREAS, the Town of Shandaken Highway Department advertised for proposals from qualified engineers to assist the Town of Shandaken Highway Department (Resolution # 81-12); and

WHEREAS, the Town is in receipt of said proposals; FROM THE FOLLOWING BIDDERS: on May 7, 2012

**Anthony Erdman 530 Enterprise Drive, Kingston NY 12401
Brinnier & Larios 67 Maiden Lane, Kingston NY 12401**

**Greenman – Pederson 80 Wolf Road Albany, NY
Tectonic Engineering PO Box 37 Mountainville, NY**

THEREFORE, BE IT RESOLVED that the contract will be awarded to: **Brinnier & Larios**
AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL 5 Ayes