

March 5, 2012

**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;  
**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)**

**RESOLUTION #77 - 12**

**OFFERED BY Bartlett**

**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**

**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**

**Signed this 6<sup>th</sup> day of March, 2012**

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**Joyce Grant, Town Clerk**