

RESOLUTION # 90-12

OFFERED BY: Jordan

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 \$ 83,731.61
Highway \$ 79,618.22
Phoenicia Water \$ 4,737.69
Pine Hill Water \$ 7,263.67
Phoenicia Lights \$ 972.83
Chichester Lights \$ 137.97
Pine Hill Lights \$ 554.91

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL: **4 Ayes, 1 Absent (Stanley)**

RESOLUTION #91-12

OFFERED BY BERNSTEIN

ON A HIGLEY/BARTLETT MOTION -TOWN BOARD VOTED TO TABLE RESOLUTION

**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

d. 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: Tabled 3Ayes, 1 Nay (Jordan)

RESOLUTION #92-12

OFFERED BY

ON A HIGLEY/BARTLETT MOTION – TOWN BOARD VOTED TO TABLE RESOLUTION

**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 May 22, 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 May 22, 2012 Public Hearing to consider scheduling a public referendum to decide the formation of the sewer district.

AND MOVES ITS ADOPTION

Seconded by: Tabled 3Ayes, 1 Nay (Jordan)

RESOLUTION #93 - 12

OFFERED BY HIGLEY

**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;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approve the following applicants as qualified applicants: _____

BE IT FURTHER RESOLVED that the contract will be awarded at a Special Town Board meeting to be scheduled for Tuesday, May 15, 2012 at 1 pm with no other Town business to be voted on.

AND MOVES ITS ADOPTION

Seconded by:

ON A HIGLEY/BERNSTEIN MOTION THE TOWN BOARD DECIDED TO TABLE RESOLUTION UNTIL THE SPECIAL MEETING MAY 15TH, 2012 – 1PM TOWN HALL. THE SEALED BIDS WILL BE OPENED THEN AND AN APPLICANT WILL BE APPROVED AT THAT TIME.

THE TOWN BOARD ACKNOWLEDGED RECEIPT FROM THE FOLLOWING BIDDERS:

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

RESOLUTION #94 - 12

OFFERED BY BARTLETT

RESOLUTION APPROVING SKID STEER PURCHASE

WHEREAS, the Town of Shandaken Highway Department advertised for bids for a new Skid Steer Loader (Resolution # 82-12); 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 Skid Steer Loader from A.MONTANO, INC. located at 571 rt. 212, Saugerties, NY 12477 for the price of \$33,865.00.

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN

ROLL CALL: **4 Ayes, 1 Absent (Stanley)**

RESOLUTION #95-12

OFFERED BY JORDAN

ADVERTISE FOR SUMMER CAMP COUNSELORS

WHEREAS, the Town of Shandaken annually operates a summer day camp, and

WHEREAS, the Town “Summer Recreation Program” is in need of qualified Counselors and Junior Counselors to operate the program,

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken advertise for Counselors and Junior Counselors for their “Summer Recreation Program” and that said applications can be found in the Town Clerk’s Office, and must be returned to the Supervisor’s Office no later than Monday, June 4, 2012 at 3 pm.

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN

Roll Call: 4 Ayes, 1 Absent (Stanley)

RESOLUTION #96-12

OFFERED BY BERNSTEIN

ASSESSMENT BOARD OF REVIEW APPOINTMENT

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

THEREFORE BE IT RESOLVED, that **Erich Griesser** be and hereby is reappointed to the Assessment Board of Review, and serve as such without compensation until the end of his term ending December 31, 2015.

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL: 4 Ayes, 1 Absent (Stanley)

RESOLUTION #97-12

OFFERED BY HIGLEY

AUTHORIZING SUPERVISOR TO ENTER CONTRACTS CONCERNING FLOOD MITIGATION WORK

WHEREAS, the Town of Shandaken was devastated by flooding following Tropical Storms Irene and Lee, and

WHEREAS, the Town, through its SAFARI group, has been coordinating with these entities to identify and apply for funding to assist in the repair of mutually identified high hazard areas, and

WHEREAS, the Town needs to enter contracts for the desired work with the Natural Resources Conservation Service (NRCS), Ulster County Soil and Water Conservation District (UCS&WD) and the Ashokan Watershed Stream Management Program (AWSMP) in order to acquire the necessary funding for the following projects:

Stony Clove Stabilization (Chichester Sites 1, 2, 3 & 9)
Silver Hollow Rd. (Stony Clove to Warner Creek confluence)
Warner Creek Stabilization (Warner Creek 5)
Fox Hollow Rd. Stabilization (below Muller Rd.)
Phoenicia High St. Pump House Stabilization (Esopus Creek)

THEREFORE BE IT RESOLVED that the Town Board of Shandaken authorize the Supervisor to enter into the necessary contracts in order to complete these projects in a timely manner.

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN

Roll Call: 4 Ayes, 1 Absent (Stanley)

RESOLUTION #98-12

OFFERED BY BARTLETT

RESOLUTION SUPPORTING HUNTER MOUNTAIN SPRING CLASSIC

WHEREAS, the Town of Shandaken has been approached concerning a new inaugural event for the Catskills being sponsored by Anthem Sports of Cambridge, NY, AND

WHEREAS, the new event is a bicycle race to be held on Saturday, May 12, 2012, and

WHEREAS, said race will consist of a course originating at Hunter Mountain, through Lexington into Shandaken from Rte. 42 to Rte. 214, Phoenicia and concluding at Hunter Mountain in Hunter, NY, and

WHEREAS, the Town of Shandaken fully supports recreational tourism ventures throughout the Town and the region as beneficial economic activities,

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken supports this new event known as the “Hunter Mountain Spring Classic,” and extends any courtesy as may be necessary to provide for the health, safety and welfare of the participants, visitors and residents alike

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

Roll Call: 4 Ayes, 1 Absent (Stanley)

RESOLUTION #99 - 12

OFFERED BY JORDAN

**RESOLUTION AUTHORIZING WAIVER OF 30 DAY NOTIFICATION REQUIRED
BY THE NEW YORK STATE LIQUOR AUTHORITY**

WHEREAS, Tavern 214, LLC., 76 Rt. 214, Phoenicia NY, 12464 has applied for a liquor license, and

WHEREAS, Tavern 214, LLC. has requested that the Town waive the 30 day notification required by the New York State Liquor Authority in an effort to expedite the granting of a liquor license to Tavern 214 LLC., and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Shandaken does hereby grant the request of the Tavern 214, LLC. and does hereby waive the thirty (30) day Liquor License notice requirement to Tavern 214, 76 Rte. 214, Phoenicia NY 12464

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN

Roll Call: 4 Ayes, 1 Absent (Stanley)