

RULES OF PROCEDURE

WHEREAS, §63 of New York State Town law provides that the Town Board may determine the rules of its procedures:

THEREFORE BE IT RESOLVED, that the following "Rules of Procedure" for regular Town Board meetings be adopted.

The Town Supervisor, as Chairman of the Town Board, shall call meetings of the Town Board to order and shall be the Presiding Officer or Chair of the meeting, and as such shall officiate, maintain order and decorum, and permit public participation in an orderly manner and in accordance with the rules stated below.

1. **PLEDGE:** Call to order shall be followed by the pledge of allegiance to the flag of the United States of America.
2. **ROLL CALL:** The Chair shall request Roll Call of the Town Board members by the Town Clerk, and after determining that a quorum exists, the Town Supervisor shall declare the meeting open. The Town Supervisor shall read the agenda (if not already published and distributed) and proceed to the business of the Town Board at hand.
3. **MINUTES:** At each meeting following the new Town Board's January Special Organizational Meeting, the Chair shall provide opportunity for the Town Board to review the minutes of the previous meeting of the Town Board. Thereafter, the Chair shall entertain a motion to approve the minutes as presented or to amend.
4. **CORRESPONDENCE:** The Chair shall first call for acknowledgment and summary of any petitions or written communications received by the Town Board. Copies shall be given to the Town Clerk for recording into the minutes.
5. **COMMITTEE REPORTS:** The Chair shall recognize committee chairmen for their committees report.
6. **PUBLIC PARTICIPATION:** The Public will be invited to comment as requested on items appearing in the published agenda, expressing any views, opinions, requests, recommendations or questions to the Board to address and/or take under advisement in its deliberations. A maximum time limit of 30 minutes. The Public is requested to be brief with their comments.
7. **CONDUCT NEW BUSINESS**
 - a. **THE SUPERVISOR'S FISCAL REPORT** shall be the first order of new business. It shall set forth public monies received through the Town clerk's Office and other sources, and the disbursement of public monies. The Chair shall entertain motions to approve the Supervisor's Fiscal Report and to approve all necessary disbursements of public monies through authorized fund accounts. All actions of the Town Board concerning the Supervisor's Fiscal Report shall be by motion.
 - b. **RESOLUTIONS:** For its deliberations on new matters of Town Business, the Board will work from the written agenda distributed to Board members in advance, posted on the Town bulletin board and distributed at Board meetings to public. Formal actions of the Town Board must be authorized by motion or resolution of the Town Board. No motion or resolution shall be brought to a vote unless it has been presented to all members of the Town Board at least 48 hours prior to the opening of the meeting and on the Town website. In emergency circumstances, however, all of the above requirements may be waived by a vote of a majority of the Town Board present, provided there is a quorum.
 - c. Every motion or resolution must be seconded before discussion of the Town Board or the Supervisor calls for a vote. All motions and resolutions shall be recorded in their entirety in the minutes of the Town Board meeting. As a member of the town Board, the Supervisor may offer or second motions and resolutions.
 - d. Town Board members must recuse themselves from participation in discussion or voting on matters that involve a conflict of interest and must place in the minutes their reasons for recusal. Abstention from a vote shall only be permitted for reasons of conflict of interest, and not for political considerations.

8. **PUBLIC PARTICIPATION:** The Board recognizes the value of public participation but reminds the Public that it is a privilege. Please address the Board with respect and civility.

9. **ADJOURNMENT:** Following resolutions, and open agenda period, the Town Board meeting shall be adjourned by motion, in memory of residents deceased.

IF THE ABOVE RULES OF PROCEDURE SHOULD AT ANY TIME BE IN CONFLICT WITH STATUTORY LAW, THEN STATUTORY LAW PREVAILS.

AND MOVES ITS ADOPTION

Seconded By: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION # 2

OFFERED BY – Councilperson Bernstein

MEETING DATES

WHEREAS, under § 62 of the Town Law, the Town Board should adopt a resolution determining the time and place it shall hold its regular meeting; therefore be it

RESOLVED, that the regular meetings of the Town Board be held the first Monday of the Month (unless noted) in the Town Hall of Shandaken, New York on the following dates during the year 2011

January 2nd	6:00 PM
February 6th	7:00 PM
March 5th	7:00 PM
April 2nd	7:00 PM
May 7th	7:00 PM
June 4th	7:00 PM
July 2nd	7:00 PM
August 6th	7:00 PM
September 10th	7:00 PM (second Monday)
October 1st	7:00 PM
November 7th	7:00 PM
December 3rd	7:00 PM

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett

Roll Call – 5 Ayes

RESOLUTION #3

OFFERED BY Councilperson Jordan

TOWN DEPOSITORY

WHEREAS, under § 64, Subdivision 1 of the Town Law, the Town Board should adopt a resolution designating a bank or banks, or trust company in which all Town Officials shall deposit all monies coming into their hands by virtue of their offices; therefore be it

RESOLVED, that **KEY BANK of NEW YORK,** and **COMMUNITY BANK N.A.** be and hereby are designated as depositories for the Town of Shandaken.

AND MOVES IT ADOPTION

Seconded by: Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #4

OFFERED BY: Supervisor Stanley

OFFICIAL NEWSPAPER

WHEREAS, under § 64, Subdivision 11 of the Town Law, the Town Board should adopt a resolution designating the Official Newspaper of the Town; therefore be it

RESOLVED, that the Daily Freeman be and hereby is the Official Newspaper for the Town of Shandaken, for the year 2011.

AND MOVES IT ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #5

OFFERED BY Councilperson Higley

TOWN POLICE DEPARTMENT

WHEREAS, The Town of Shandaken, is a Town of the second class; and

WHEREAS, there is a Town Police Department; therefore be it

RESOLVED, that, pursuant to the Town Law of the State of New York § 20 (1) (b), the Town Board hereby appoints the following individuals as Police Officers to receive compensation as indicated:

NAME	COMPENSATION	
1. Michael Ennist	\$51,536.67 plus longevity	\$24.77 per hour
2. Kris Frisenda	\$51,536.67 plus longevity	\$24.77 per hour
3. Fred Holland	\$50,411.67 plus longevity	\$24.23 per hour
4. George Neher	\$48,006.67 plus longevity	\$23.08 per hour and
5. James McGrath, Chief	\$23,000.00	\$17.54 per hour

PART_TIME POLICE

6. Chad Storey	\$18.11 hr
7. John Wooton	\$18.11 hr
8. Stuart McKenzie	\$18.11 hr
9. Scott Buchinger	\$18.11 hr
10. Adam McGrath	\$18.11 hr
11. Glenn Buchinger	\$18.11 hr
12. Thomas Sharon	\$18.11 hr

And that said police officers shall have all powers conferred upon police officers by the general laws of the State of New York including but not limited to and such powers, not inconsistent with law, as are hereinafter set forth; and that said police officers shall have all powers designated in § 2.20 of the Criminal Procedure Law of the State of New York and shall have the following special duties:

1. To enforce all local laws, ordinances and regulations of the Town of Shandaken.
2. To enforce the Vehicle and Traffic Law of the State of New York to the extent that police officers may be so permitted by the general laws of the State of New York.
3. To enforce such Penal Statutes as police officers are permitted to enforce pursuant to the general laws of the State of New York, and in furtherance of said special duties police officers are hereby authorized the use, of a Town Vehicle to be known as a police officer's vehicle which may be equipped with emergency lights in accordance with applicable sections of the Vehicle and Traffic Law, and may use the State and County radio to the extent permitted by the general laws of the State of New York, and may carry fire arms while on duty in compliance with the general laws of the State of New York pertaining to Police Officers generally.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

RESOLUTION #6

OFFERED BY: Councilperson Bartlett

DEPUTY TOWN CLERKS & TAX COLLECTORS

WHEREAS, under §30, Subdivision 10 of the Town Law, the Town Clerk determines the designation of Deputies, the Town Board shall determine by resolution the powers and duties of such deputies, and whether or not, such deputies shall be compensated by the Town; therefore be it

RESOLVED, that the Town Board appoint, **Jacqueline Gugliemetti** as full time Deputy Town Clerk/Tax Collector and be paid \$13.39 per hour and to perform the duties of the Town Clerk/Tax Collector in her absence and be it further

RESOLVED, that **Amie Goodrich** be appointed as part time Deputy Town Clerk/Tax Collector and be paid \$10.30 per hour and to perform the duties of the Town Clerk /Tax Collector in her absence

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #7

OFFERED BY: Councilperson Bernstein

SECRETARY / BOOKKEEPER TO THE SUPERVISOR

WHEREAS, under §29, Subsection 15, of the Town Law the Town Board may authorize the Supervisor to make a designation for the position of Part time Secretary/Bookkeeper to the Supervisor; therefore be it

RESOLVED, that the Town Board approve the appointment of **Patricia Heinz** to serve at the pleasure of the Supervisor, and receive \$12.84 per hour when discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #8

OFFERED BY: Councilperson Bernstein

SECRETARY / BOOKKEEPER TO THE SUPERVISOR

WHEREAS, under § 29, Subsection 15, of the Town Law the Town Board may authorize the Supervisor to make a designation for the position of Full time Secretary/Bookkeeper to the Supervisor; therefore be it

RESOLVED, that the Town Board approve the appointment of **Diane O'Donnell** serve at the pleasure of the Supervisor, and receive \$10.51 per hour when discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett
Roll Call – 5 Ayes

RESOLUTION #9

OFFERED BY: Supervisor Stanley

SECRETARY TO HIGHWAY SUPERINTENDENT

WHEREAS, under § 20, Notes of Decision 9 of the Town Law, the Town Board shall appoint all employees of the Town; therefore be it

RESOLVED, that upon the recommendation of the Highway Superintendent, that **Florence Sullivan** be reappointed to serve as Secretary to the Highway Superintendent, and to serve at his pleasure, and to be paid \$12.18 per hour when performing the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #10

OFFERED BY: Councilperson Higley

WATER DISTRICTS BILLING CLERKS

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

RESOLVED, that **Sue Christiana** be and hereby is appointed Billing Clerk for the Phoenicia Water District, and be paid at a rate of \$10.30 per hour, not to exceed \$1,236.00 and be it further

RESOLVED, that **Sue Christiana** be and hereby is appointed Billing Clerk for the Pine Hill Water District, and be paid at a rate of \$10.30 per hour, not to exceed \$1,236.00 and be it further

RESOLVED, that she serve at the pleasure of the Town Board, Water Commissioner and the Tax Collector.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett
Roll Call – 5 Ayes

RESOLUTION #11

OFFERED BY: Councilperson Bartlett

CHAIRMAN OF BOARD OF ASSESSORS

WHEREAS, under § 22b of the Town Law, the Town Board should designate the appointed officers and employees of the Town; therefore be it

RESOLVED, that **Heidi Clark** be appointed Chairman of the Board of Assessors for the Town of Shandaken and receive an annual salary of \$31,954.00.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #12

OFFERED BY: Councilperson Bernstein

SALARIES

WHEREAS, under § 27 of the Town Law, the Town Board shall fix the salaries and expenses of Elective Officials for the Town; therefore be it

RESOLVED, that the annual salaries of said officers be and hereby are fixed and determined for the year 2011 and shall be as follows:

	SALARY
Supervisor -Robert Stanley	30,000.00
Clerk/Collector – Joyce Grant	31,954.00
Highway Supt. - Eric Hofmeister	44,346.00
Assessor/Chairman - Heidi Clerk	31,954.00
Assessor - Peter DiModica	5,000.00
Carol Seitz	5,000.00
Justice - Tom Crucet	17,187.00
Michael Miranda	17,187.00
Councilman – Vincent Bernstein	9,000.00
Doris Bartlett	9,000.00
John “Jack” Jordan	9,000.00
Alfred Higley, Jr.	9,000.00

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett

Roll Call – 5 Ayes

RESOLUTION #13

OFFERED BY: Councilperson Jordan

AMBULANCE TECHNICIANS

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

RESOLVED, That the following be appointed to the Shandaken Town Ambulance:

Administrator at \$10,000 per year

Richard Muellerliele

Part Time Paramedics: \$189.11 per 12 hour shift, including trips

Richard Muellerliele

Ernest Quick

John Welch

Brendan Whalen

Jim Baker

Mark Bedell

Mike Williams

Duane Davis

Full Time EMT at \$30,840.00 per year

Ernest Longhi

Part Time EMT's: \$67.52 per 12 hour shift, & 30.39 per trip

Dennis Frano

Gary Carr Jr.

Tracy Stokes

Ernie Longhi Jr.

Chad Storey

Austin Wyant

Jack Spinneweber

Ambulance Drivers and Certified First Responders \$50.64 per shift, \$25.89 per trip

Kenneth Booth, Driver

Todd Carr, Driver

Tom Crucet, Driver

David Carr, Driver

Keith Johnson, Driver

John Rossitz, Jr., Driver

Gerald Neal, Driver

Brian Perez, Driver

Andrew McGarry, Driver

Robert Burns, Driver

Peter DiSclafani, Driver

Equipment Manager Dennis Frano at \$5,000 per year and

Training Official Brendon Whalen at \$5,000 per year

and that said employees serve at the discretion of the Town Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley

Roll Call – 5 Ayes

RESOLUTION #14

OFFERED BY: Supervisor Stanley

DOG CONTROL OFFICER AND DOG ENUMERATOR

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

RESOLVED, that **Nancy Hudler** be hereby reappointed Dog Control Officer and Enumerator for the year 2011 and shall receive an annual wage of \$8,433.36 and **Thomas Sharon** be hereby reappointed Dog Control Officer and shall receive an annual wage of \$4,402.32 and contractual expenses of \$4,000 for expenses incurred pursuant to law, when discharging the duties of said office at the pleasure of the Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #15

OFFERED BY:

CLERK FOR THE JUSTICE COURT

WHEREAS, under § 20 of the Town Law, notes of Decision 9, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Wendy Helm** be reappointed as Clerk of the Justice Court, to assist in the Clerical Duties of the Town Justice Court, and be paid a salary of \$23,472.00 while discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #16

OFFERED BY: Councilperson Bartlett

SECRETARY/RECEPTIONIST TO ASSESSORS

WHEREAS, under § 20 of the Town Law, notes of Decision 9, the Town Board should designate all appointed officers and employees of the Town; therefore be it

RESOLVED, that **Sue Christiana** be and hereby is appointed Secretary/Receptionist to the Assessors, to assist in the Clerical duties of the Assessors, and to be paid an annual salary of \$21,485.00 (\$11.81 per hour),

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #17

OFFERED BY: Supervisor Stanley

DEPUTY SUPERVISOR

WHEREAS, under § 42 of the Town Law, the Town Board may create the post of Deputy Supervisor; therefore be it

RESOLVED, that the Town Board approve the appointment of **Vincent Bernstein** to act as Deputy Supervisor, in the absence of the supervisor, without compensation, for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett
Roll Call – 4 Ayes, 1 Recus (Bernstein)

RESOLUTION #18

OFFERED BY: Councilperson Jordan

SOCIAL SERVICES OFFICER

WHEREAS, under Municipal Affairs, the State Comptroller, § 71-1098 grants the Town Board the right to authorize someone to act as Town Social Services Officer; therefore be it

RESOLVED, that the Town Board approve **Eve Smith** to act as Social Services Officer, to be paid an annual salary up to \$5,852.00, and be allowed expense money in the amount of \$300 for expenses incurred pursuant to law, when discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley

Roll Call – 5 Ayes

RESOLUTION #19

OFFERED BY: Councilperson Jordan

ATTORNEY FOR THE TOWN

WHEREAS, the Town Board may, pursuant to Town Law, § 20 Subdivision 25, employ an attorney to give it such professional service and legal council; therefore be it

RESOLVED, that the Supervisor be empowered to utilize the services of **Paul Kellar** as General Counsel to the Town Board and other Counsel at his discretion.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley

Roll Call – 5 Ayes

RESOLUTION #20

OFFERED BY: Supervisor Stanley

MILEAGE ALLOWANCE

WHEREAS, under § 12, notes of Decision 32 of the Town Law, a Town Officer is entitled to be paid a mileage allowance fixed by the Town Board; therefore be it

RESOLVED, that all Town Officers and employees be paid the IRS mileage rate of \$.555 per mile, when discharging their duties as Town Officials.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #21

OFFERED BY: Councilperson Higley

ADVANCE PAYMENT OF UTILITY BILLS

WHEREAS, under § 118, notes of Decision 2 of the Town Law, the Town Board may authorize payment of public utility services, in advance of audit of claims; therefore be it

RESOLVED, that the Town Board authorize the Supervisor to pay said bills in advance of audit of claims.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #22

OFFERED BY: Councilperson Bartlett

EXPENSES FOR THE ASSOCIATION OF TOWNS' ANNUAL MEETING

WHEREAS, under § 102, notes of Decision 10, of the Town Law, Towns may incur obligations for compensation of Town Officers; therefore be it

RESOLVED, that the Town Board hereby authorizes the payment of expenses incurred, to all Town Officers attending the Annual Meeting of the Association of Towns, in an amount not to exceed \$1,000 each, with \$200 in advance with all expenses to be supported by voucher and receipts and be it further

RESOLVED that in the case of the Zoning Board of Appeals and the Planning Board a maximum of three will be allowed to attend.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #23

OFFERED BY: Councilperson Bernstein

TOWN AUDITOR

WHEREAS, the Town Board appoints all employees and officers of the Town pursuant to § 20 of the Town Law; therefore be it

RESOLVED that the firm of **Sickler, Torchia Allen & Churchill** be and hereby is reappointed Town Auditors and Accountants at an allowance up to \$20,000 as allocated in the 2012 budget.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #24

OFFERED BY: Councilperson Bartlett

PARKING LOT LEASE

WHEREAS, the Town of Shandaken has entered into an agreement with Martin Millman to lease the parking lot adjacent to the Phoenicia Pharmacy in Phoenicia for the sum of \$1.00, for the fiscal year 2011 therefore be it

RESOLVED, that this agreement be extended for the fiscal year 2012 and all terms of said original contract be agreed upon.

AND MOVES ITS ADOPTION

Seconded by Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #25

OFFERED BY: Supervisor Stanley

**APPOINTMENT OF
ZONING ENFORCEMENT OFFICER/ FLOOD PLAIN ADMINISTRATOR**

WHEREAS, pursuant to Town Law §138 and pursuant to §'s 116_63, 116_64 and 77_11 of the Code of the Town of Shandaken, Zoning Officer in the Town is responsible for the enforcement of Zoning Ordinances and rules and regulations; therefore be it

RESOLVED, that **Richard Stokes** be appointed as Zoning Enforcement Officer & Flood Plain Administrator to be paid an hourly rate of \$12.80, not to exceed \$9,318.40 and mileage while on Town Business.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 4 Ayes, 1 Nay (Bernstein)

RESOLUTION #26

OFFERED BY: Councilperson Higley

APPOINTMENT OF BUILDING INSPECTOR

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

RESOLVED, that **Richard Stokes** be appointed as Building Inspector for the Town of Shandaken to be paid an hourly rate of \$12.80, not to exceed \$9,318.40 and mileage while on Town Business.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 4 Ayes, 1 Nay (Bernstein)

RESOLUTION #27

OFFERED BY: Councilperson Bartlett

DIRECTOR OF CIVIL DEFENSE

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

RESOLVED, that **Gary Carr, Jr.** be reappointed as director of Civil Defense for the Town of Shandaken with no compensation for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #28

OFFERED BY: Councilperson Bernstein

TOWN HISTORIAN

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

RESOLVED, that **Nancy Smith** be reappointed Historian, for the Town of Shandaken for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

RESOLUTION #29

OFFERED BY: Councilperson Jordan

POLICE COMMISSION

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 **William Lundberg, Henry J. Strauss and Theodore R. Byron** be reappointed to the Police Commission for the year 2012

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley
Roll Call – 5 Ayes

RESOLUTION #30

OFFERED BY: Supervisor Stanley

RECYCLING ATTENDANT

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

RESOLVED, that **Joe Rotella, Sr** be reappointed as Recycling Attendant at an annual salary of \$8,015.00.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION #31

OFFERED BY: Councilperson Higley

AMERICAN LEGION AND VETERANS OF FOREIGN WARS

WHEREAS, the annual budget approved by the Town Board provides monies for Patriotic Observances and Veteran's Organizations; and

WHEREAS, it has been the procedure to pay this money to the **American Legion and Veterans of Foreign Wars**, for said purposes; therefore be it

RESOLVED, that the sum of \$2,000.00 each be and hereby is appropriated for Rent of Rooms and Patriotic Observances for each of the organizations for the year 2012.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 4 Ayes, 1 Recues (Bernstein)

RESOLUTION #32

OFFERED BY: Councilperson Bartlett

PROGRAM FOR THE AGING

WHEREAS, the annual budget approved by the Town Board provides monies for the Program for the Aging, therefore be it

RESOLVED, that the sum of \$2,000.00 be and hereby is appropriated to the Program for the Aging, and

BE IT FURTHER RESOLVED, that the sum of \$2,000 be and hereby is appropriated for the Senior Nutrition Program.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #33

OFFERED BY: Councilperson Bernstein

SUPERINTENDENT OF PINE HILL WATER DISTRICT

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

RESOLVED, that **Donald Clark** be and hereby is reappointed Superintendent of the Pine Hill Water District, and hold office at the pleasure of the Town Board, and receive an annual salary of \$23,269.00 to be disbursed once each month and expenses as allotted in the 2012 budget as pursuant to law, while discharging the duties of his office;

and that the Town Board, upon the recommendation of the Water Superintendent, hire laborers as the Water Superintendent deems necessary within budget constraints.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bartlett

Roll Call – 5 Ayes

RESOLUTION #34

OFFERED BY: Councilperson Jordan

SUPERINTENDENT OF PHOENICIA WATER DISTRICT

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

RESOLVED, that **Richard Ricciardella** hereby is reappointed Superintendent of the Phoenicia Water District, and hold office at the pleasure of the Town Board, and receive an annual salary of \$19,694.00 to be disbursed once each month and expenses as allotted in the 2012 budget as pursuant to law, while discharging the duties of his office;

and that the Town Board, upon the recommendation of the Water Superintendent, hire laborers as the Water Superintendent deems necessary within budget constraints.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein

Roll Call – 5 Ayes

RESOLUTION #35

OFFERED BY: Supervisor Stanley

ETHICS COMMITTEE

WHEREAS, Pursuant to Chapter 20 of the Code of the Town of Shandaken, Article III §20 -7 Establishment of a Board of Ethics, therefore be it

RESOLVED, that **Richard Loveless, Helen Morelli and Glen Buchinger** be reappointed as the Ethics Committee for the Town of Shandaken and to serve at the pleasure of the Town Board and follow Chapter 20 of the Code of the Town of Shandaken

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION # 36

OFFERED BY Councilperson Higley

PLANNING BOARD MEMBER

WHEREAS pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions

THEREFORE BE IT RESOLVED that **Faye Storms** be appointed to the Shandaken Planning Board with her term to expire in December 31, 2019.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

RESOLUTION # 37

OFFERED BY Supervisor Stanley

PLANNING BOARD MEMBER

WHEREAS pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions and

WHEREAS a vacancy has occurred due to a resignation,

THEREFORE BE IT RESOLVED that **John Horn** be appointed to the Shandaken Planning Board, and serve the remainder of the vacated term, with his term to expire in December 31, 2015.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 4 Ayes, 1 Nay (Bartlett)

RESOLUTION # 38

OFFERED BY Councilperson Bartlett

ZONING BOARD OF APPEALS MEMBER

WHEREAS pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions

THEREFORE BE IT RESOLVED, that **Tom Hickey** be reappointed to the Zoning Board of Appeals with his term to expire in December 2017.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION # 39

OFFERED BY Councilperson Bernstein

RESOLUTION APPOINTING CHAIRMAN OF PLANNING BOARD

WHEREAS, pursuant to section 20 of the Town Law, it is the duty of the Town Board to appoint all Boards and Commissions,

THEREFORE BE IT RESOLVED, that **Joanne Kalb** be appointed as Chairman of the Planning Board for the year 2012

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION # 40

OFFERED BY Councilperson Jordan

RESOLUTION APPOINTING CHAIRMAN OF ZONING BOARD OF APPEALS

WHEREAS, pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions,

THEREFORE BE IT RESOLVED that **Rolf Reiss** be reappointed as Chairman of the Zoning Board of Appeals for the year 2012

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 4 Ayes, 1 Nay (Higley)

RESOLUTION #41

OFFERED BY: Supervisor Stanley

BUILDING DEPARTMENT SECRETARY

WHEREAS, under § 20 of the Town Law it is the duty of the Town Board to appoint all employees of the Town; therefore be it

RESOLVED, that **Patt Hughes**, be appointed as Building Department Secretary with an hourly rate of \$10.50, not to exceed \$19,110 and serve at the pleasure of the Planning Board, Zoning Board of Appeals, Zoning Enforcement Officer, Flood Plain Administrator and Building Inspector and be accountable to the Town Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Higley
Roll Call – 5 Ayes

RESOLUTION #42

OFFERED BY: Councilperson Higley

DEPUTY HIGHWAY SUPERINTENDENT

WHEREAS, the Superintendent of Highways has requested that the Town Board establish the office of Deputy Superintendent of Highways,

THEREFORE BE IT RESOLVED that **Neil Grant** be reappointed to this position, without compensation for the Year 2012.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan
Roll Call – 5 Ayes

RESOLUTION # 43

OFFERED BY: Councilperson Bartlett

MUNICIPAL WORKER

WHEREAS, Pursuant to Section 20 of the Town Law it is the duty of the Town Board to appoint all employees of the Town

THEREFORE BE IT RESOLVED That **Robert Gasperini** be reappointed as the Municipal Worker for the Town of Shandaken for 2011, at \$9.00 per hour, 25 to 30 hours per week.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION # 44

OFFERED BY: Councilperson Jordan

PHOENICIA WATER COMMITTEE

WHEREAS, pursuant to Section 20 of the Town Law it is the duty to appoint all Boards and Commissions,

THEREFORE be it resolved that **Alfred Peavy, John Kilb, Don Bucher, Nick Formont** and **Paul Pettinato** be appointed to the Phoenicia Water Committee and

BE IT FURTHER resolved that **Alfred Peavy** chair this committee.

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #45

OFFERED BY: Councilperson Jordan

PINE HILL WATER COMMITTEE

WHEREAS, pursuant to Section 20 of the Town Law it is the duty to appoint all Boards and Commissions,

THEREFORE be it resolved that **Peter DiModica, Lowell Smith, Richard Schaedle, Michelle Wooton and Marge Lloyd** be appointed to the Pine Hill Water Committee, and

BE IT FURTHER resolved that **Michelle Wooton** chair this committee.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Stanley

Roll Call – 5 Ayes

RESOLUTION # 46

OFFERED BY: Supervisor Stanley

TOWN HISTORICAL MUSEUM BOARD

WHEREAS, The Town Board recognizes the Town of Shandaken Museum Board of Directors.

THEREFORE be it resolved that **Richard Bennett, June LaMarca, Nancy Smith, Marie Stutman, MaryLou Stapleton, Catherine Greenburg and Flavia DeMola** be recognized for being on the Town of Shandaken Museum Board, and

BE IT FURTHER resolved that **Richard Bennett** is the Chairman of the Board.

AND MOVES ITS ADOPTION

Seconded by: Councilperson Jordan

Roll Call – 5 Ayes

RESOLUTION #47

OFFERED BY: Councilperson Higley

RECORDS MANAGEMENT OFFICER

WHEREAS, pursuant to §20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town,

THEREFORE BE IT RESOLVED that **Joyce Grant** be and hereby is appointed Records Management Officer, and hold office at the pleasure of the Town Board, and receive no compensation for the discharge of her duties.

AND MOVES ITS ADOPTION

Seconded by Supervisor Stanley

Roll Call – 5 Ayes

RESOLUTION #48

OFFERED BY: Councilperson Bartlett

PARISH FIELD LEASE

WHEREAS, the Town of Shandaken has entered into an agreement with St. Francis De Sales Parish to lease the park adjacent to the Parish Rectory in Phoenicia for the sum of \$1.00, for the fiscal year 2011, therefore be it

RESOLVED, that this agreement be extended for the fiscal year 2012 and all terms of said original contract be agreed upon.

AND MOVES ITS ADOPTION

Seconded by Councilperson Bernstein
Roll Call – 5 Ayes

RESOLUTION #49

OFFERED BY: Councilperson Bernstein

**RESOLUTION APPOINTING PARKS AND RECREATION BOARD
MEMBER AND CHAIR**

WHEREAS, pursuant to section 20 of the Town Law, it is the duty of the Town Board to appoint all Boards and Commissions,

THEREFORE BE IT RESOLVED, that **Heather Roberts** be reappointed as Chair of the Parks and Recreation Board with her term to end December 31, 2014 and that **Michael Formont** be appointed as Parish Field Park Manager with his term to end December 31, 2013 and that both shall serve without compensation,

AND MOVES ITS ADOPTION

Seconded by: Supervisor Stanley
Roll Call – 5 Ayes

Public Comment

Kathleen Nolan regarding Historical Museum, asked that next meeting date be announced beforehand, so that more people have the opportunity to attend.

Mary Herrmann commented on Historical Museum work that needs to be done to preserve the integrity of the museum and contents.

Mary Herrmann addressed a FOIL issue.

Richard Ricciardella suggested that trees need to be removed from streams in case of more flooding issues.

Councilperson Jordan inquired to Mary Herrmann if the royalties from the sale of her book at the Historical Museum, was ever donated to the museum. Mary replied, that she kept the royalty money from her book.

Motion by Supervisor Stanley to adjourn the meeting in memory of Ethel Hoffman, Liberta Jaeger, Advensaria Lapinig, William Mugford, Elizabeth Ward, Travis Nissen, Lanny Wolfe, with a moment of silence, seconded by Councilperson Bernstein.

RESOLUTION #: 50
Supervisor Stanley

OFFERED BY:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF
SHANDAKEN
DETERMINING THAT THERE ARE NO ADVERSE IMPACTS
ON THE ENVIRONMENT FROM THE ADOPTION OF A
SEWER USE LAW FOR THE HAMLET OF PINE HILL**

WHEREAS, the Town Board is adopting a Sewer Use Law for the Hamlet of Pine Hill; and

WHEREAS, the possible environmental impacts of the adoption of the Sewer Use Law have been considered by the Town Board; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of the Sewer Use Law for the Hamlet of Pine Hill will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such

further steps as might be necessary to discharge the Board's responsibility as lead agency for this action including, but not limited to, the issuance of a negative declaration consistent with this resolution.

AND MOVE ITS ADOPTION

Seconded by: Council Member Bartlett

Roll Call: 5 Ayes

TOWN CLERK CERTIFICATION

STATE OF NEW YORK }
COUNTY OF ULSTER }
TOWN OF SHANDAKEN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held January 12, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

ROLL CALL 5 Ayes

RESOLUTION #: 51

OFFERED BY:

Supervisor Stanley

**RESOLUTION ADOPTING THE SEWER USE LAW
FOR THE HAMLET OF PINE HILL**

WHEREAS, Town Board for the Town of Shandaken has reviewed and extensively considered the proposed Sewer Use Law for the Hamlet of Pine Hill;

WHEREAS, the Town Board of the Town of Shandaken must adopt a sewer use law at least as stringent as the model sewer use law published by the New York State Department of Environmental Conservation in order to comply with existing contractual obligations under the Sewer Extension Agreement executed in 2007;

WHEREAS, the Town Board issued a negative declaration with respect to the adoption of the Sewer Use Law and determined that the proposed law will not have a significant adverse impact on the environment;

WHEREAS, the adoption of the Sewer Use Law is consistent with the Negative Declaration;

WHEREAS, the Town Board noticed a Public Hearing held on the 12th day of January, 2012 at 6 p.m. to provide the public with an opportunity to comment on the proposed Sewer Use Law and allowed written comments to be submitted up until 3 p.m on January 12th, 2012;

WHEREAS, the Town Board has also solicited the comments of involved agencies and the public; and

WHEREAS, the comments received has been given due consideration by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that

1. That Sewer Use Law, being Local Law No. 1 of 2012, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

AND MOVE ITS ADOPTION

Seconded by: Council Member Higley

TOWN CLERK CERTIFICATION STATE OF NEW YORK }
COUNTY OF ULSTER }
TOWN OF SHANDAKEN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held _____, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

ROLL CALL 5 Ayes

Signed this 12th day of January, 2012

Joyce Grant, Town Clerk

RESOLUTION #52

OFFERED BY: Supervisor Stanley

**RESOLUTION IN SUPPORT OF IMMEDIATE
REINSTATEMENT OF BELLEAYRE PROMOTIONAL
PROGRAMS AND LOCAL INVOLVEMENT**

WHEREAS, Belleayre Mountain is the economic engine of the entire Route 28 corridor and has more than proven its worth not only during the winter season but during the recent devastating floods, it is essential New York State and specifically the NYSDEC, provide the necessary funding support the facility during the current operating season, AND

WHEREAS, In the past two years the DEC has made significant cuts to staff and at the same time reduced the operating budget 10% in 2010-11 and 14% for 2011-12. As a result of lack of funding for snow-making, rental equipment, and advertising as well as the elimination of promotional lift tickets the number of skier visits is down nearly 70% from previous years. Last season the Friday before Christmas over 1800 skiers were at Belleayre, while this year only 260 visitors came to the mountain. Statistics show that for every \$1 spent at Belleayre, \$8 is spent in the local economy AND

WHEREAS, after this year's floods, this area was severely hurt economically. Winter season is usually the time of the year for local businesses, lodging and restaurants, to prosper, however this year, when the income is most needed the lack of skier visits has greatly hurt any chance of economic recovery in the area AND

WHEREAS, while other area ski resorts have been experiencing an excellent season, mainly due to promotional efforts, increased snow-making capacity and aggressive marketing, Belleayre needs similar financial security in order to ensure the future viability of businesses along the Route 28 corridor and the economy of the Central Catskills.

THEREFORE BE IT RESOLVED, that the **Town of Shandaken Town Board**, along with other legislative bodies, formally requests that Belleayre be re-allocated the finances and promotional abilities that have helped the facility and the region, previously.

BE IT FURTHER RESOLVED that any further discussions on the future of Belleayre involve local elected officials from stakeholder communities along the Route 28 corridor and Ulster and Delaware Counties well prior to final decisions being made at the state level.

AND MOVES ITS ADOPTION

Seconded by: Council Member Jordan

ROLL CALL 5 Ayes

RESOLUTION #53

OFFERED BY: Supervisor

VITAL STATISTICS OFFICER

WHEREAS, pursuant to §20 of the Town Law, the Town Board should designate all appointed officers and employees of the Town,

THEREFORE BE IT RESOLVED that **Joyce A. Grant** be and hereby is appointed **Registrar of Vital Records** and that **Jacqueline Gugliemetti and Amie O. Goodrich** be and hereby are appointed **Deputy Registrars of Vital Records**, and hold these offices at the pleasure of the Town Board, and receive no compensation for the discharge of their duties.

AND MOVES ITS ADOPTION

Seconded by Council Member Bernstein

ROLL CALL 5 Ayes

RESOLUTION # 54

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 Fund	\$ 55,557.54
Highway Fund	\$84,899.82
Phoenicia Water District	\$ 5,486.16
Phoenicia Lighting District	\$ 1,089.06
Chichester Lighting District	\$ 147.82

Pine Hill Lighting District	\$	605.85
Pine Hill Water District	\$	47.66

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 Ayes

RESOLUTION #55

OFFERED BY Stanley

APPROVAL TO MOVE FORWARD TO THE PRE-CONSTRUCTION PHASE FOR HAMLET OF PHOENICIA WASTEWATER PROJECT

WHEREAS, pursuant to Paragraph 122 of the 1997 New York City Watershed Memorandum of Agreement, the City of New York Department of Environmental Protection (DEP) funds the New Infrastructure Program (the “Program”) which will provide funding for a wastewater solution (the “Project”) through a block grant in the hamlet of Phoenicia in the Town of Shandaken; and

WHEREAS, the Town of Shandaken is participating in the Program on behalf of the hamlet of Phoenicia; and

WHEREAS, by Resolution 2010-127, the Town of Shandaken approved a contract with the Catskill Watershed Corporation (CWC) to review prior engineering and consultant reports and provide a report to the Town of Shandaken recommending a preferred wastewater project in the hamlet of Phoenicia that could be completed with Program remaining block funds of approximately Fifteen Million Eight Hundred Thousand Dollars (\$15,800,000); and

WHEREAS, by letter dated July 9, 2010, DEP advised the Town of Shandaken that in order to move forward with the Project, the Town would need to pass a resolution acknowledging its desire to continue with the Pre-Construction Phase for the Preferred Project within sixty (60) days of DEP’s approval of a preferred project, and that such process would be bound by the Amended and Reinstated Agreement Between the New York State Environmental Facilities Corporation and the Town of Shandaken for the Construction of a New Sewage Treatment Infrastructure (“Identified Community Agreement”), dated February 1, 2005; and

WHEREAS, the contract between CWC and the Town of Shandaken requires the Town of Shandaken Town Board to pass a written resolution, as prescribed by the Identified Community Agreement, acknowledging its desire to continue with the Pre-Construction Phase for the Preferred Project within sixty (60) days of CWC receipt of the review report or DEP approval of the preferred project, whichever is later; and

WHEREAS, on October 20, 2011, CWC presented a report and a preferred project of a 130,000 gallons per day membrane bioreactor wastewater treatment plant and collection system to the Town Board of the Town of Shandaken; and

WHEREAS, by letter dated November 21, 2011, DEP approved the preferred project; and

WHEREAS, the Town of Shandaken Town Board has reviewed the CWC report and on behalf of the hamlet of Phoenicia desires to move forward to the pre-construction phase.

NOW THEREFORE BE IT RESOLVED, that the Town of Shandaken by and through the Town Board desires to continue to the Pre-Construction Phase of the New Infrastructure Program for the hamlet of Phoenicia.

BE IT FURTHER RESOLVED, that the Town of Shandaken’s approval of this resolution and its desire to continue to the Pre-Construction Phase of the New Infrastructure Program for the hamlet of Phoenicia does not legally bind nor commit itself to proceed to project construction, as set forth in the Identified Community Agreement.

AND MOVE ITS ADOPTION

Seconded by: Higley

Roll Call – 3 Ayes, (Bartlett, Jordan, Stanley) 2 Nays (Bernstein, Higley)

RESOLUTION #56

OFFERED BY Higley

RESOLUTION ESTABLISHING SPECIAL MEETING/ PUBLIC HEARING ON “ROADSIDE STAND” LAW

WHEREAS, the Town of Shandaken has, over the past several years, attempted to resolve issues with the existing “Roadside Stand” law, and

WHEREAS, the Town Board has had several discussions on this topic, and

WHEREAS, the Town Board feels it is necessary to have an acceptable law on the books prior to the opening of the next agricultural season

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, having referred said amendments to the Town and County Planning Departments, is setting up a special meeting for a public hearing on the proposed “Roadside (Farm Produce) Stand” law to hear arguments for or against said proposal and to conduct any relative business scheduled for:

_____, _____, 2012 @ ____pm.

AND MOVES ITS ADOPTION

Seconded by: Stanley

Roll Call – 4 Ayes, 1 Recues (Higley)

RESOLUTION #57

OFFERED BY Bartlett

**RESOLUTION ESTABLISHING PUBLIC HEARING
FOR PHOENICIA WATER DISTRICT AMENDMENTS**

WHEREAS, the Phoenicia Water Committee has reviewed the current bylaws for users within the Phoenicia Water District, and

WHEREAS, there are specific deficiencies they would like to have considered in order to rectify continuing issues within the water district;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct a Public Hearing, to hear arguments for or against said amendments, at **6:30 pm** prior to the regularly scheduled Town Board meeting on **Monday, March 5, 2012**.

AND MOVES ITS ADOPTION

Seconded by: Stanley
Roll Call – 5 Ayes

RESOLUTION #58

OFFERED BY Bernstein

**RESOLUTION APPROVING PHOENICIA WATER DISTRICT
VEHICLE PURCHASE**

WHEREAS, the Phoenicia Water District Vehicle is no longer available for use, and

WHEREAS, the District Commissioner is in need of a vehicle for continued operation and maintenance of District Property,

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, approve the purchase of a **2002 Dodge Dakota Truck** (VIN # 1B7GG12X425641458) from **Brookside Hardware Ltd., 4242235 State Route 28, Margaretville, NY 12455** for the price of **\$4,995.00**

AND MOVES ITS ADOPTION

Seconded by: Jordan
Roll Call – 5 Ayes

RESOLUTION #59

OFFERED BY Jordan

RESOLUTION APPROVING TOWN VEHICLE PURCHASE

WHEREAS, the Town of Shandaken Assessors, Building & Zoning, Dog Control and Supervisor's Offices are using the same vehicle for their respective business, and

WHEREAS, the current vehicle is insufficient to provide adequate service for all these departments and creates scheduling issues and increase mileage payouts to employees, and

WHEREAS, the Town has available funds in its Good Neighbor Fund available for vehicle replacements

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, approve the release of Good Neighbor Funds for the purchase of a **2004 GMC Envoy** (VIN # 1GKDT13S742205566) from **Brookside Hardware Ltd., 4242235 State Route 28, Margaretville, NY 12455** for the price of **\$5,995.00** including a trade-in of the **2003 Ford Crown Victoria** (VIN # 2FAHP71W83X193908) currently owned by the Town.

AND MOVES ITS ADOPTION

Seconded by: Stanley
Roll Call – 5 Ayes

RESOLUTION #60

OFFERED BY: Stanley

**RESOLUTION SUPPORTING APPLICATION FOR
GREENWAY GRANT TO CREATE SHANDAKEN PARKS MASTER PLAN**

WHEREAS, the Town of Shandaken Parks and Recreation Board is applying to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled "Town of Shandaken Parks and Recreation Master Plan," and

WHEREAS, the grant application requires the applicant municipality to obtain the endorsement and approval of the governing body of the municipality in which the project will be located;

THEREFORE, BE IT RESOLVED, that the **Town Board of the Town of Shandaken** hereby does approve and endorse the application for a grant under the Greenway Communities Grant Program, for a project known as the "Town of Shandaken Parks and Recreation Master Plan," located within our municipality

AND MOVES ITS ADOPTION

Seconded by: Bernstein
Roll Call – 5 Ayes

RESOLUTION #61

(Tabled)

OFFERED BY: Higley

RESOLUTION HIRING ARTIST FOR KIOSK PANELS

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: Bartlett

Roll Call – 5 Ayes

RESOLUTION #62

OFFERED BY: Bartlett

RENEWAL OF U.R.G.E.N.T. CONTRACT WITH U.C. SHERIFF

WHEREAS, the Town of Shandaken Police Department has been a participant in the Ulster Regional Gang Enforcement Narcotics Team (URGENT) in coordination with the Ulster County Sheriff's Department and other local municipalities;

THEREFORE, BE IT RESOLVED, that the **Town Board of the Town of Shandaken** approves the Supervisor renewing the contract between the Town of Shandaken Police Department and the other involved agencies,

AND MOVES ITS ADOPTION

Seconded by: Stanley

Roll Call – 5 Ayes

RESOLUTION #63

OFFERED BY: Bernstein

AMBULANCE TECHNICIANS

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

RESOLVED, That the following be appointed to the Shandaken Town Ambulance:

Part Time Paramedics: \$189.11 per 12 hour shift, including trips
Matthew Goodnow

Part Time EMT's: \$67.52 per 12 hour shift, & 30.39 per trip
Julien Farges
Kevin McGhee

Ambulance Drivers and Certified First Responders \$50.64 per shift, \$25.89 per trip
Jesse Cowan, *Driver*
Wendy Grossman, *Driver*
Julian Palmer, *Driver*

and that said employees serve at the discretion of the Town Board.

AND MOVES ITS ADOPTION

Seconded by: Higley

Roll Call – 5 Ayes

RESOLUTION #64

OFFERED BY: Bartlett

SUPPORTING CONTINUED OPERATION OF PHOENICIA SCHOOL

WHEREAS, the Phoenicia Elementary School is located in the Hamlet of Phoenicia within the Town of Shandaken, and

WHEREAS, the Onteora Central School District Board of Education is currently considering several modeling plans in order to meet its financial goals and some of those plans include the option to close the Phoenicia Elementary School, and

WHEREAS, the Town Board of Shandaken recognizes the need for fiscal responsibility during these difficult economic times and also recognizes the similar mandate local municipalities must endure in order to meet the newly established Tax Cap Legislation, and

WHEREAS, the Phoenicia Elementary School supports more than education for our youth, currently it serves as a

meeting hall and community center offering athletic, educational and social programs during the evenings, weekends and summer months, most of which are sponsored and supported by the Town of Shandaken, and **WHEREAS**, following the tragic events during Hurricanes Irene and Lee, the Town of Shandaken has started the process of designating the Phoenicia School as an Emergency Response Shelter in order to respond to the future needs of the community during dire disaster events, and **WHEREAS**, the Phoenicia Elementary School serves as an economic engine during the school year for many of the businesses located in the hamlet of Phoenicia due to parental drop-offs, pick-ups and other meetings and programs, and **WHEREAS**, the School is located more than 16 miles from the outer western boundary of the Onteora School District and the Town of Shandaken, and **WHEREAS**, the Town of Shandaken is concerned that such closing would be detrimental, not only as a quality of life issue, but as an economic engine and the tax base for all the citizens, residents and tax payers of the Town of Shandaken and Onteora Central School District; **THEREFORE, BE IT RESOLVED** the Town of Shandaken Town Board vehemently opposes any plan that closes the Phoenicia Elementary School and robs our residents and their children of convenient localized educational opportunities for their younger children, disregards the needs of the local economy and businessmen and residents that assist with, sponsor and pay for school programs and will have a detrimental effect on our local tax base by decreasing the value of homes located in the western half of the Town of Shandaken to families with young children and throughout the entire Town, **BE IT FURTHER RESOLVED**, that the Onteora School Board look to more difficult decisions within its administration to find fiscally responsible actions that increase the educational results of our children, at the very least maintains current educational programs, supports an educator evaluation system (as proposed by the State) and maintains or reduces the current tax levy, as is the mandate and dilemma that every other municipality supporting the school district has been working under and hope will continue to accomplish and that a copy of this resolution be sent to each member of the Onteora School Board of Education, Superintendent Phyllis McGill and Supervisors in each of the school district's member towns
AND MOVES ITS ADOPTION

Seconded by: Stanley
Roll Call – 5 Ayes

RESOLUTION #65

OFFERED BY: Stanley

SUPPORTING REOPENING OF PHOENICIA BRIDGE STREET BRIDGE

WHEREAS, the Town of Shandaken was hit hard by Hurricanes Irene and Lee in late August and early September of 2011, and **WHEREAS**, the hamlet of Phoenicia was effectively “cut off” from vehicular traffic during the height of the storms, and **WHEREAS**, the Town Board of Shandaken has taken measures to ensure future protective measures be put in place in order to secure the health and safety of its citizenry, and **WHEREAS**, the Town of Shandaken recognizes and appreciates the efforts of the Ulster County Department of Public Works in responding to issues involving vital Ulster County vehicular routes within the Town and their effort to repair the infrastructure while addressing measures to ensure some degree of flood mitigation, and **WHEREAS**, following the tragic events during Hurricanes Irene and Lee, the Bridge Street Bridge in Phoenicia was deemed “unsafe” and has remained closed since the storms, and **WHEREAS**, the County has been made aware of the current and potential impacts the bridge's closure is and will continue to have on the economy of Phoenicia, Shandaken's largest economic center, and **WHEREAS**, the County is currently looking into several options for the Bridge Street Bridge including, but not limited to: resetting and redecking, raising the current bridge and redesigning the bridge to allow for more water flow **THEREFORE, BE IT RESOLVED** the Town of Shandaken Town Board asks the Ulster County DPW to expedite their investigation and proposals for the Bridge Street Bridge in Phoenicia, keep local elected officials apprised of their progress and if proposing a redesign, allow for input from both the local elected officials and local stakeholders from within the community before proceeding with any such plan or plans, **BE IT FURTHER RESOLVED**, that Town Board also requests, with no intention to undermine or weaken a thorough review of any proposal, that the Ulster County DPW work to resolve this issue prior to the height of the upcoming 2012 summer recreation and tourism season
AND MOVES ITS ADOPTION

Seconded by: Bartlett
Roll Call – 5 Ayes

RESOLUTION #66

OFFERED BY Higley

PHOENICIA WATER DISTRICT BOOKKEEPER

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

RESOLVED, that **Florence Sullivan** be and hereby is appointed Bookkeeper for the Phoenicia Water District, and be paid at a rate of \$12.18 per hour, not to exceed \$2,532.00 and be it further
AND MOVES ITS ADOPTION

Seconded by: Stanley
Roll Call – 5 Ayes

RESOLUTION #67

Offered By: Bartlett

Planning Board Position Advertisement

WHEREAS, Due to a vacancy on the Planning Board, it is necessary to advertise for this position.

THEREFORE, be it resolved, that the Town Board advertise for the position of a member on the Planning Board.

AND MOVE ITS ADOPTION
Seconded by Stanley
Roll Call – 5 Ayes

DATE: February 23, 2012
RESOLUTION #: 68

OFFERED BY: Supervisor Stanley

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN
DETERMINING THAT THERE ARE NO ADVERSE IMPACTS
ON THE ENVIRONMENT FROM THE ADOPTION OF A
ROADSIDE (FARM PRODUCE) STAND LAW (LOCAL LAW #2 OF 2012)**

WHEREAS, the Town Board of the Town of Shandaken is adopting a Roadside (Farm Produce) Stand Law (Local Law #2 of 2012); and

WHEREAS, the possible environmental impacts of the adoption of the Roadside (Farm Produce) Stand Law have been considered by the Town Board; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of the Roadside (Farm Produce) Stand Law for the Town of Shandaken will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Board’s responsibility as lead agency for this action including, but not limited to, the issuance of a negative declaration consistent with this resolution.

AND MOVE ITS ADOPTION

Seconded by: Jordan
Roll Call: 4 Ayes, 1 Absent (Higley)

TOWN CLERK CERTIFICATION

STATE OF NEW YORK }
COUNTY OF ULSTER }
TOWN OF SHANDAKEN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held January 12, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Bartlett		Yea/Nay
Bernstein		Yea/Nay
Jordan		Yea/Nay
Higley		Yea/Nay
Stanley		Yea/Nay

_____ Date _____
Town Clerk – Joyce Grant

DATE: February 23, 2012
RESOLUTION #: 69

OFFERED BY: Supervisor Stanley

**RESOLUTION ADOPTING THE ROADSIDE (FARM PRODUCE) STAND LAW
(LOCAL LAW #2 OF 2012)
FOR THE TOWN OF SHANDAKEN**

WHEREAS, the Town Board for the Town of Shandaken has reviewed and extensively considered the proposed Roadside (Farm Produce) Stand Law (Local Law #2 of 2012);

WHEREAS, the Town Board issued a negative declaration with respect to the adoption of the Roadside (Farm Produce) Stand Law and determined that the proposed law will not have a significant adverse impact on the environment;

WHEREAS, the adoption of the Roadside (Farm Produce) Stand Law is consistent with the Negative Declaration;

WHEREAS, the Town Board noticed a Public Hearing held on the 23rd day of February, 2012 at 6 p.m. to provide the public with an opportunity to comment on the proposed Roadside (Farm Produce) Stand Law and allowed written comments to be submitted up until 3p.m on February 23rd, 2012;

WHEREAS, the Town Board has also solicited the comments of involved agencies and the public; and

WHEREAS, the comments received has been given due consideration by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Roadside (Farm Produce) Stand Law, being Local Law No. 2 of 2012, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

AND MOVE ITS ADOPTION

Seconded by: Jordan

Roll Call: 4 Ayes, 1 Absent (Higley)

TOWN CLERK CERTIFICATION

STATE OF NEW YORK }
COUNTY OF ULSTER }
TOWN OF SHANDAKEN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Shandaken at a regular meeting held _____, 2012, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Bartlet		Yea/Nay
Bernstein		Yea/Nay
	Higley	Yea/Nay
Jordan		Yea/Nay
Stanley		Yea/Nay

All business pertinent having been discussed the Town Board adjourned at 6:39 pm – in memory of Catherine Kay Aspinall – on a Stanley/Bernstein motion

Signed and certified this 24th day of February, 2012

Joyce Grant – Town Clerk