

August 6, 2012
RESOLUTION # 121-12

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 \$ 123,304.53
Highway 131,679.06
Phoenicia Water 6,188.25
Pine Hill Water
Phoenicia Lights 820.09
Chichester Lights 124.91
Pine Hill Lights 485.19

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #122 - 12

OFFERED BY STANLEY

**RESOLUTION APPOINTING A PLANNING CONSULTANT
FOR TOWN PARKS AND RECREATION COMPREHENSIVE PLAN**

WHEREAS, the Town of Shandaken Parks and Recreation Board is in receipt of a grant from the Hudson River Valley Greenway for the purpose of creating a Parks and Recreation Comprehensive Master Plan (PLAN); and

WHEREAS, the Parks and Recreation Board created a Request For Qualifications (RFQ) and advertised for a planner to assist them (Res. 117-12); and

WHEREAS, the Parks and Recreation Board at a meeting on Monday, July 30, 2012 recommended to the Town Board that we hire **Gilmour Planning, LLC.** to assist them with their task.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorizes the Supervisor to enter into a contract with **Gilmour Planning, LLC.** as the Planning Consultant to assist the Parks and Recreation Board in developing the PLAN; and

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #123- 12

OFFERED BY HIGLEY

**RESOLUTION CONCERNING DEC CLASSIFICATION OF THEIR NEWLY ACQUIRED PARCEL
ADJACENT TO BELLEAYRE MOUNTIAN**

WHEREAS, the New York State Department of Environmental Conservation (DEC) has acquired a 1200 acre parcel of land adjacent to Belleayre Mountain along Rte. 28 in the Hamlet of Big Indian; and

WHEREAS, the DEC is asking for comments on the classification of this parcel; and

WHEREAS, the Town of Shandaken Parks and Recreation Board on Monday, July 30, 2012 unanimously supported a resolution requesting this parcel be classified as “Intensive Use,” partly due to the new parcel being adjacent to Belleayre Mountain Ski Center and the Belleayre Beach (Pine Hill Lake), which are both classified as “Intensive Use;” and

WHEREAS, the land would still be part of the Forever Wild distinction within the Catskill Forest Preserve and would like to see more recreational activity allowed on these lands than allowed under other classifications; and

WHEREAS, The Town of Shandaken is limited in its development opportunities to improve economy and recognizes that expansion of recreational uses are essential to the economy of the Town in which near 85% of the land is publicly owned; and

WHEREAS, the parcel has a relatively flat ridge line and existing road networks that have been built and maintained which the Town believes would be an asset in providing a relatively accessible and minimal physically challenging area for use by the broadest base of individuals and families from the State of New York, as well as visitors from abroad and Town residents which would assist in the further development of the Town, and therefore the State’s economy.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board supports the recommendation of the Town of Shandaken Parks and Recreation Board in urging that the entire acquisition be classified as “Intensive Use.” This conforms to the classification assigned to Belleayre Ski Center and the Belleayre Beach, and is appropriate because the land is, in fact, an extension of Belleayre Mountain. The 1200 acres will become part of the NYS Forest Preserve guaranteeing that this land will be protected while allowing for activities such as Mountain Biking, Cross-Country Skiing and proper trail maintenance for these activities.

BE IT FURTHER RESOLVED, that the Town Board of Shandaken hereby requests that such parcel be properly named as the “Belleayre Ridge” so as to avoid any confusion as its physical location.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #124 - 12

OFFERED BY BARTLETT

RESOLUTION SUPPORTING CATSKILL DIVIDE ROAD RACE

WHEREAS, the Town of Shandaken has been contacted by the Catskill Mountain Velo Club (Michael Wentland - Club President) concerning a 3rd annual cycling event for the Catskills being sponsored by Catskill Mountain Velo Club based in Big Indian, NY; and

WHEREAS, the event is a bicycle race to be held on Saturday, August 19, 2012; and

WHEREAS, said race will consist of a course originating in the Hamlet of Big Indian, and passing through Fleischmanns and Halcott, before finishing back in Big Indian; and

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

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken supports the event known as the “Catskill Divide Road Race,” and extends any courtesy to provide for the health, safety and welfare assistance of the participants, visitors and residents within the Town of Shandaken during this event.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #125 - 12

OFFERED BY JORDAN

**RESOLUTION ADVERTISING FOR COSTRUCTION WORK
FOR TOWN FLOOD RECOVERY WORK**

WHEREAS, the Town of Shandaken is in need of construction work in order to repair and stabilize portions of the Stony Clove and Warner Creeks following damages that occurred due to Tropic Storms Irene and Lee; and

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

THEREFORE BE IT RESOLVED, that the Town of Shandaken advertise for independent construction bids for the following projects:

- A – Chichester Sites 2 & 3 (Stony Clove Creek)
- B – Stony Clove and Warner Creeks Confluence Project
- ~~* C – Warner Creek Site 5~~

BE IT FURTHER RESOLVED, that any person(s) interested in applying for such work must attend a mandatory pre-bid meeting at the Shandaken Town Hall located at 7209 Rte. 28, Shandaken, NY 12480 on Friday August 10, 2012 @ 1pm for site visits. Responsible bidders must attend the site visit specific to the job they are bidding; and

BE IT FURTHER RESOLVED, that any person(s) interested in bidding on such may view, starting Tuesday, August 7, 2012 during regular business hours, engineering drawings at the Ulster County Soil and Water Conservation District Office located at 6375 Rte. 28, Phoenicia, NY 12464 and, upon appointment, at the Shandaken Highway Garage Office located at 7209 Rte. 28, Shandaken, NY 12480. Bidders will be provided bid packets on Friday, August 10, 2012 at 1pm during the mandatory site visits with bids to be received no later than 12pm on Monday, August 20, 2012 in the Town of Shandaken Town Clerk’s Office, PO Box 67. The Town of Shandaken reserves the right to reject any and all bids.

AND MOVES ITS ADOPTION

***On a Stanley/Jordan Motion the board unanimously voted to STRIKE ‘C-Warner Creek Site 5’**

Seconded by: STANLEY

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #126 - 12

OFFERED BY STANLEY

RESOLUTION APPROVING DUMP TRUCK PURCHASE

WHEREAS, the Town of Shandaken Highway Department is in need of a new dump truck; and

WHEREAS, the Town of Shandaken Highway Superintendent has located a 2012 Ford F550 Dump through Ulster County Bid;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approve the purchase of a 2012 Ford F550 Dump Truck for a price not to exceed \$50,000.00 (US).

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #127 – 12 (100-12)

OFFERED BY HIGLEY

**RESOLUTION PROHIBITING USE OF HYDRAULIC FRACTURING BRINE
AS DE-ICING AGENT ON TOWN ROADS**

WHEREAS, hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effect and/or adverse environmental impacts; and

WHEREAS, wastewater from fracking can contain radioactive elements

THEREFORE BE IT RESOLVED, as follows:

1. That the Town Board of the Town of Shandaken hereby resolves that brine from natural gas drilling, being production brine, produced waters, flow back fluids or hydraulic fracturing fluids generated as a result of drilling for or seeking gas in wells, included but not limited to hydraulic fracturing, shall not be used as a de-icing agent on the roads of the Town of Shandaken; and
2. That this resolution shall take effect immediately.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #128 - 12

OFFERED BY BARTLETT

**RESOLUTION ESTABLISHING PUBLIC HEARING
FOR AMENDING TOWN PROCUREMENT POLICY**

WHEREAS, the Town of Shandaken Town Code Article 41 illustrates policies for procurement of supplies, equipment and public works; and

WHEREAS, the current policy has not been updated since 1991,

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 **1 pm** prior to a special Town Board meeting on **Monday, August 20, 2012.**

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

**A LOCAL LAW TO AMEND ARTICLE 41
OF THE TOWN CODE OF THE TOWN OF SHANDAKEN**

BE IT ENACTED by the Town Board of the Town of Shandaken as follows:
SECTION 41-2 – Determination of whether procurements subject to bidding

A. Procedure

- (1) Purchase contract for supplies and/or equipment in excess of twenty thousand dollars.
- (2) Contract for public works in excess of thirty-five thousand dollars.

SECTION 41-5 – Adequate documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. For contracts involving supplies or equipment in excess of three thousand dollars but less than twenty thousand dollars and for contracts for public works in excess of ten thousand dollars but less than thirty five thousand dollars there shall be a written specification request and written quotes from three vendors.
- B. For contracts for public works in excess of three thousand dollars but less than ten thousand dollars there shall be an oral or written specification request and written quotes from two vendors.
- C. For contracts for supplies and equipment and for contracts for public works in excess of one thousand dollars but less than three thousand dollars there shall be an oral specification request and oral or written quotes from two vendors.
- D. For contracts for supplies and equipment and contracts for public works less than one thousand dollars the contract may be awarded at the discretion of the entity making the purchase.
- E. All quotes are to be documented in writing by the Department head or the designee making the request.
- F. If Department head or designee have a failure in meeting guidelines set forth above then Department head or designee are required to document in writing reasons for failure in process. (i.e., low reply rate, etc.)

SECTION 41-7 – Items excepted from policy and procedures by the Board

C. Small procurement under one thousand dollars

EFFECTIVE DATE: This Law shall become effective immediately upon filing of same in the Office of the Secretary of State after being approved by the qualified voter.

RESOLUTION #129- 12

OFFERED BY JORDAN

RESOLUTION ESTABLISHING TOWN BOARD SPECIAL MEETING

WHEREAS, the Town of Shandaken needs to conduct certain Town business in a timely fashion concerning Highway projects and its procurement policy,

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct a Special Meeting at **1:15 pm on Monday, August 20, 2012** for the purpose of conducting business related to awarding Highway Projects and an update to the Town Procurement Policy.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION #130 - 12

OFFERED BY STANLEY

**RESOLUTION ESTABLISHING PUBLIC HEARING
FOR AMENDING TOWN FLOOD DEVELOPMENT REGULATIONS**

WHEREAS, the Town of Shandaken Town Code Articles 4, 5 & 6 illustrates requirements for Flood Plain Development; and

WHEREAS, the Town has recently endured severe flooding due to Hurricane Irene in August of 2011; and
WHEREAS, the Town is currently developing a Flood Mitigation Plan to guide us in making residential and commercial properties more resilient to flood damage and prioritize projects to make some communities more flood resilient; and

WHEREAS, the amendments to the current regulations will help the Town reduce overall flood insurance rates throughout the Town through Community Rating System (CRS) Credits

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, September 10, 2012.**

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL **4 AYES, 1 ABSENT (BERNSTEIN)**

RESOLUTION # 131-12

OFFERED BY: HIGLEY

RESOLUTION REQUESTING BIDS FOR VEHICLE

WHEREAS, the Town of Shandaken is in possession of a 2000 Chevy Blazer
(VIN #1GNDDT13WXY2102797), and

WHEREAS, the vehicle is no longer needed as a Town due to wear and tear; and

WHEREAS, that the Town advertised for sealed bids with a minimum requirement of \$400.00 (US)

THEREFORE BE IT RESOLVED, that the Town award the vehicle to _____
from _____ for the price of \$ _____.

***THERE WERE NO BIDS FOR THE VEHICLE.** On a Jordan/Bartlett motion the board unanimously voted to sell the vehicle as scrap metal

RESOLUTION #132-12

OFFERED BY BARTLETT

ADVERTISE FOR MUSEUM DIRECTOR OPENING

WHEREAS, Earl Hatleburg, has submitted a resignation letter to the Town of Shandaken for his position with
Town of Shandaken Historical Museum; and

WHEREAS, the Town would like to advertise for the opening as Museum Director.

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken hereby accepts Earl Hatleburg's
resignation from the Town of Shandaken Historical Museum and the Town will immediately advertise for the
vacant position.

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL 4 AYES, 1 ABSENT (BERNSTEIN)

RESOLUTION #133 - 12

OFFERED BY JORDAN

**RESOLUTION ADVERTISING FOR ENGINEERING AND DESIGN FIRM
FOR PHOENICIA WATER DISTRICT CONSTRUCTION PLAN**

WHEREAS, the Phoenicia Water District in 2011 created an Engineer's Preliminary Report (EPR); and

WHEREAS, the EPR highlighted certain projects that would be of benefit to the district and its users; and

WHEREAS, the Phoenicia Water Committee would like to proceed with certain projects described within the
EPR, specifically requesting that the Phoenicia Water District expend available funds to complete a supply
system loop from High Street across the Woodland Valley Bridge (High Street Loop).

THEREFORE BE IT RESOLVED, that the Town of Shandaken advertise for an Engineering and
Construction Design Firm to assist them in creating a construction plan for the High Street Loop in the
Phoenicia Water District; and

BE IT FURTHER RESOLVED, that any person(s) interested in applying for such work should supply the
appropriate reference materials and other requested documentation in accordance with the supporting RFP
(Request For Proposal). Copies of the RFP can be found at the Town Clerk's Office (7209 Rte. 28, PO Box
67, Shandaken, NY 12480) and on the Town website (www.shandaken.us). All submissions must be received
in the same office no later than 12pm on Monday, August 20, 2012. All bids will be opened at a Special Town
Board meeting on Monday, August 20, 2012 at 1:15pm. The Town of Shandaken reserves the right to reject
any and all bids.

AND MOVES ITS ADOPTION

Seconded by: BARTLETT

ROLL CALL 4 AYES, 1 ABSENT (BERNSTEIN)