

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 Cruet	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 ADMINSTRATOR**

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 Recus (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 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

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 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
RESOLUTION TO PAY ALL BILLS

OFFERED BY : Jordan

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

March 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

AMENDEMENTS 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 #78 - 12 (61 -12)

OFFERED BY: Bernstein

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

April 2, 2012

RESOLUTION # 79-12

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	\$53,931.55
Highway	48,373.28
Phoenicia Water	5,342.18
Pine Hill Water	1,460.76
Phoenicia Lights	978.82
Chichester Lights	138.41
Pine Hill Lights	557.22

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL

AYES

NAYS

BOARD MEMBER BARTLETT	<u> X </u>	_____
BOARD MEMBER BERNSTEIN	<u> X </u>	_____
BOARD MEMBER HIGLEY	<u> X </u>	_____
BOARD MEMBER JORDAN	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

RESOLUTION #80 - 12

OFFERED BY: JORDAN

RESOLUTION APPROVING AMBULANCE VEHICLE PURCHASE

WHEREAS, the Town of Shandaken Ambulance Department is in need of a replacement emergency response vehicle (“Fly Car”); and

WHEREAS, the Timberlake Foundation has made a \$12,500 donation to the Ambulance Department specifically for the purchase of such vehicle; and

WHEREAS, the Ambulance Department has located a vehicle (2007 Dodge Durango VIN# **1D8HB48PO7F558655**) that fits their criteria and is within the amount donated from the Timberlake Foundation.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approve the purchase of the 2007 Dodge Durango SLT from **Lisa Siclari, Mahopac, NY 10541** for the amount of **\$12,000.00**;

BE IT FURTHER RESOLVED, that the Town of Shandaken Town Board send a letter of appreciation and thanks to the Timberlake Foundation for their much appreciated donations and assistance in the purchase and outfitting of this vehicle.

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL

AYES	NAYS		
BOARD MEMBER BARTLETT		<u> X </u>	_____
BOARD MEMBER BERNSTEIN		<u> X </u>	_____
BOARD MEMBER HIGLEY		<u> X </u>	_____
BOARD MEMBER JORDAN		<u> X </u>	_____
SUPERVISOR STANLEY		<u> X </u>	_____

RESOLUTION #81- 12

OFFERED BY: STANLEY

RESOLUTION ADVERTISING FOR ENGINEERING CONSULTANT

FOR TOWN HIGHWAY FLOOD RECOVERY WORK

WHEREAS, the Town of Shandaken Highway Department is in need of an engineer in order to assist them in design work associated with repair of roads, bridges and streams 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 FEMA;

THEREFORE BE IT RESOLVED, that the Town of Shandaken advertise for an engineer to assist the Highway Superintendent in developing appropriate designs for these repairs and mitigation efforts; 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 RFQ (Request For Qualifications). Copies of the RFQ 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 3pm on Monday, May 7, 2012. All bids will be opened at the regularly scheduled Town Board meeting on Monday, May 7, 2012 at 7pm. The Town of Shandaken reserves the right to reject any and all bids.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL

AYES	NAYS		
BOARD MEMBER BARTLETT	<u> X </u>	<u> </u>	<u> </u>
BOARD MEMBER BERNSTEIN	<u> X </u>	<u> </u>	<u> </u>
BOARD MEMBER HIGLEY	<u> X </u>	<u> </u>	<u> </u>
BOARD MEMBER JORDAN	<u> X </u>	<u> </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>	<u> </u>

RESOLUTION #82- 12

OFFERED BY: HIGLEY

RESOLUTION ADVERTISING FOR HIGHWAY DEPARTMENT EQUIPMENT PURCHASE

WHEREAS, the Town of Shandaken Highway Department is in need of a Skid Steer Loader in order to expedite flood recovery work and standard operating work, and

WHEREAS, the Highway Superintendent has selected a Skid Steer Loader for purchase by the Town,

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, advertise for the bids for a Skid Steer Loader following the Specification Sheet provided with this resolution, and

BE IT FURTHER RESOLVED, all bids will be accepted until 3 p.m. on Monday, May 7, 2012. All bids must have written in block letters on the outside of envelope, “Skid Steer Loader Bid.” The bids will be opened and publicly

read aloud at the regular Shandaken Town Board Meeting scheduled for 7 p.m. on Monday, May 7, 2012. The Town of Shandaken retains the right to reject any and all bids.

AND MOVES ITS ADOPTION

Seconded by: BARTLETT

ROLL CALL

AYES	NAYS		
BOARD MEMBER BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
BOARD MEMBER BERNSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
BOARD MEMBER HIGLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
BOARD MEMBER JORDAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
SUPERVISOR STANLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

RESOLUTION #83- 12

OFFERED BY: BARTLETT

RESOLUTION APPROVING EXCAVATOR PURCHASE

WHEREAS, the Town of Shandaken Highway Department advertised for bids for a new excavator (Resolution # 77-12); 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 Crawler Hydraulic Excavator from A. MONTANO located at 571 Rt. 212 Saugerties, NY for the price of \$99,839.00.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL

AYES	NAYS		
BOARD MEMBER BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
BOARD MEMBER BERNSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
BOARD MEMBER HIGLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
BOARD MEMBER JORDAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
SUPERVISOR STANLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

RESOLUTION #84- 12

OFFERED BY BERNSTEIN

RESOLUTION APPROVING SEPTIC BIDS

WHEREAS, the Town of Shandaken advertised for bids for electrical and plumbing work necessary for the Town Hall septic (Resolution # 75-12); and

WHEREAS, the Town is in receipt of said bids;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board award the electrical & Plumbing work to Network Contracting located at __24 Pine Lane, Mt. Tremper NY__ for the price of \$8,436.00;

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL

AYES	NAYS		
BOARD MEMBER BARTLETT		<u> X </u>	_____
BOARD MEMBER BERNSTEIN		<u> RECUSE </u>	_____
BOARD MEMBER HIGLEY		<u> X </u>	_____
BOARD MEMBER JORDAN		<u> X </u>	_____
SUPERVISOR STANLEY		<u> X </u>	_____

RESOLUTION #85- 12

OFFERED BY JORDAN

RESOLUTION FOR SPECIAL SCENIC BYWAY MEETING

WHEREAS, the Town of Shandaken has been in consideration of adopting a Draft Scenic Byway Corridor Management Plan; and

WHEREAS, the Town has been requested to attend a Special Meeting with all the members of all municipal boards involved in the proposed Scenic Byway along with the Central Catskills Scenic Byway Committee

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board meet to discuss the Draft Scenic Byway Plan at the Shandaken Town Hall on Thursday, April 19, 2012 at 11am.

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL

AYES	NAYS		
BOARD MEMBER BARTLETT		<u> X </u>	_____
BOARD MEMBER BERNSTEIN		<u> X </u>	_____
BOARD MEMBER HIGLEY		<u> X </u>	_____

Agency ("FEMA") for the August/ September 2011 Disasters, and FEMA have approved of NYSDOT undertaking the mitigation efforts defined in the Agreement and have further authorized NYSDOT to be a direct recipient of FEMA funding for the work; and

WHEREAS, in accordance with Executive Order No. 19 issued by Governor Andrew M. Cuomo on August 25, 2011 through Executive Order No. 17 and on September 15, 2011 through Executive Order No. 21; Executive Law Section 29; Section 99-r of the General Municipal Law, and the Executive Orders set forth below, NYSDOT and the Town of Shandaken were authorized to undertake the Project and are authorized to enter into this Agreement; and

WHEREAS, in accordance with Executive Order No. 19 issued by Governor Andrew M. Cuomo on September 1, 2011, and the continuation of the terms of that Executive Order by Executive Order No. 25 issued by the Governor on September 29, 2011, provisions of State Laws were temporarily suspended to the extent such laws "would prevent, hinder or delay action necessary to cope with the...disaster"; and

WHEREAS, in accordance with such Executive Orders and State Law, NYSDOT HAS PROVIDED THE Town of Shandaken with the Project necessary to restore access in the Town of Shandaken in the wake of the August/September 2011 Disasters and the Agreement provides a written memorial of the work done pursuant to such orders; and

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Shandaken, by this resolution, approves the Project and entering into the Agreement with NYSDOT.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL

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

RESOLUTION #88- 12

OFFERED BY BARTLETT

PARKINSON’S AWARENESS MONTH PROCLAMATION

WHEREAS, Parkinson’s Disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson’s Action Network, the Parkinson’s Disease Foundation, the American Parkinson’s Disease Association and the National Institutes of Health, there are over one million American’s diagnosed with Parkinson’s disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson's, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson's disease; and

WHEREAS, a multidisciplinary approach to Parkinson's disease care includes local wellness, support and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson's Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board does hereby proclaim April 2012 as Parkinson's Awareness Month in the Town of Shandaken

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL

AYES	NAYS
BOARD MEMBER BARTLETT	<u> X </u> _____
BOARD MEMBER BERNSTEIN	<u> X </u> _____
BOARD MEMBER HIGLEY	<u> X </u> _____
BOARD MEMBER JORDAN	<u> X </u> _____
SUPERVISOR STANLEY	<u> X </u> _____

RESOLUTION #89 - 12

OFFERED BY BERNSTEIN

AFFIRMING DEFENSE FOR TOWN IN LITIGATION

WHEREAS, Hanover Farms, Inc. has commenced a lawsuit in the Supreme Court of the State of New York, County of Ulster against the Town of Shandaken and Richard Stokes who is the Code and Zoning Enforcement Officer of the Town of Shandaken, and

WHEREAS, said lawsuit seeks various forms of relief,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Shandaken, hereby retains the firm of Kellar, Kellar & Jaiven Esqs. Kingston, New York to file an answer to said lawsuit on behalf of the named defendants, and to assert any affirmative defenses, and counterclaims, and to seek denial of the relief sought by Hanover Farms, Inc. and to commence a separate legal action against any persons or entities as may be appropriate with respect to the violations of Hanover Farms, Inc. and the Higley property on which the Hanover Farms, Inc conducts business and to seek affirmative relief against Hanover Farms Inc and against any other individuals or entities. Said claims may include but are not limited to seeking injunctive relief, money damages, fines, costs, disbursements and other legal relief as may be appropriate, and to represent the Town of Shandaken in all legal proceedings associated with said actions.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL

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

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 ENGINEERING 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.

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

AND MOVES ITS ADOPTION 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)

RESOLUTION #100 – Against Using Hydrofracking Liquid for Winter Road Maintenance – Pulled – Due to not receiving correct wording for Resolution from County.

RESOLUTION # 101-12

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	\$ 59,841.79
Highway	7,950.69
Phoenicia Water	1,679.05
Pine Hill Water	
Phoenicia Lights	901.39
Chichester Lights	131.84
Pine Hill Lights	521.21

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL - 5 AYES

RESOLUTION #102-12

OFFERED BY: JORDAN

RESOLUTION SUPPORTING CREATION OF FLOOD MITIGATION PLANNING PROCESS

WHEREAS the Town of Shandaken is subject to flooding that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and

WHEREAS funding support from Ashokan Watershed Stream Management Program (AWSMP) has been obtained to help prepare a flood mitigation plan for the Town; and

WHEREAS a useful and effective plan requires the participation and support of different public and private agencies and organizations that are impacted by natural hazards and/or that can help mitigate the impacts; and

WHEREAS several Federal programs require that the Town has an adopted flood mitigation plan to qualify for their benefits;

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town of Shandaken Mitigation Planning Committee (also known as SAFARI – Shandaken Area Flood Assessment and Remediation Initiative) is hereby established as a temporary advisory body to the Town of Shandaken Town Board.
2. The Mitigation Planning Committee shall be composed of representatives from:
 - a. The following Town offices:

- 1) Emergency Preparedness
- 2) Community Facilities
- 3) Fire Services
- 4) Public Works
- 5) Code Enforcement

b. Representatives of other interested agencies, organizations and associations appointed by the Town Supervisor to represent the stakeholders in flood mitigation and the general public.

3. Robert A. Stanley (Shandaken Town Supervisor) and Cory Ritz (Ulster County Soil & Water Conservation District – Stream Project Manager) are hereby appointed to serve as the Co-Chairs of the Mitigation Planning Committee.

4. The Mitigation Planning Committee is charged with the following:

- a. Collect data on the floods facing the Town;
- b. Assess the impact of those hazards on people, property and public services;
- c. Review the programs and activities currently undertaken by the Town, participating municipalities, State and Federal agencies, and the private sector to mitigate the impact of the hazards;
- d. Identify new activities or changes in current programs that will better reduce the Town's vulnerability to flooding;
- e. Prepare a hazard mitigation plan for the Town that recommends appropriate measures;
- f. Submit the recommended plan to the Town of Shandaken Town Board and other participating municipalities for adoption; and
- g. Keep the public informed of its deliberations and recommendations.

5. The Mitigation Planning Committee shall complete its work by November 2012. The Committee should deliberate the advantages and disadvantages of a permanent organization to coordinate mitigation activities in the Town and include its recommendation in the hazard mitigation plan.

6. Members of the public and interested organizations are encouraged to:

- a. Attend Mitigation Planning Committee meetings;
- b. Monitor the activities of the Committee on the Town's website; and
- c. Attend the public meeting that will be scheduled to review the recommended plan.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL - 5 AYES

RESOLUTION #103-12

OFFERED BY: STANLEY

RESOLUTION APPOINTING SUMMER RECREATION DIRECTOR AND ASSISTANT

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 the Town Board of the Town of Shandaken appoints the following personnel:

Rayla-Suzan Hart – Recreational Director (\$600 weekly)
Manuela Jean-Pierre – Assistant Recreation Specialist (\$400 weekly)

For the purpose of coordinating and managing the Town of Shandaken Summer Recreation Program to run from Tuesday, July 10, 2012 through and including Thursday, August 16, 2012.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL - 5 AYES

RESOLUTION #104 - 12

OFFERED BY: HIGLEY

**RESOLUTION ADVERTISING FOR TRANSPORTATION BIDS
FOR SUMMER RECREATION PROGRAM FIELD TRIPS**

WHEREAS, the Town of Shandaken Summer Recreation Program will be taking two field trips during the coming season

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board advertise transportation bids for the following field trips field trips:

- 2 School busses for round-trip to and from the Ulster County Fair on Wednesday, August 1, 2012
- 2 School busses for round-trip to and from Zoom Flume Water Park on Wednesday, August 15, 2012

All bids must be received by July 2nd, 2012 at 3pm.

AND MOVES ITS ADOPTION

Seconded by: BARTLETT

ROLL CALL - 5 AYES

RESOLUTION #105 - 12

OFFERED BY: BARTLETT

RESOLUTION AUTHORIZING CONTRACT WITH UCAT

WHEREAS, the Town of Shandaken Summer Recreation Program runs from Tuesday, July 10, 2012 through and including Thursday, August 16, 2012, and

WHEREAS, the Ulster County Area Transit (UCAT) system has provided us with the required daily transportation for the camp participants and counselors excluding field trip dates of Wednesdays August 1 & 15, 2012.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorize the Town Supervisor to enter into agreement with UCAT in order to provide said transportation for those dates for program participants and employees

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL - 5 AYES

RESOLUTION #106 -12

OFFERED BY: BERNSTEIN

**AUTHORIZING CONTRACT EXTENSION WITH
ULSTER COUNTY RESOURCE RECOVERY AGENCY (UCRRA)**

WHEREAS, the Town of Shandaken has an existing 20 year contract between the Town and the Ulster County Resource Recovery Agency for recycling services available for all Town residents, and

WHEREAS, said contract expires in October 2012, and

WHEREAS, the UCRRA has requested a one year extension of said contract

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken authorize the Town Supervisor to enter into a one year contract extension, with no changes or amendments to the existing contract

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL - 5 AYES

RESOLUTION # 107-12

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 \$ 49,610.71

Highway 120,761.18

Phoenicia Water 2,025.86

Pine Hill Water 8,844.86

Phoenicia Lights 3,179.01

Chichester Lights 127.83

Pine Hill Lights 500.66

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL: 5 AYES

RESOLUTION #108 - 12

OFFERED BY Bernstein

**RESOLUTION AWARDING TRANSPORTATION BID
FOR SUMMER RECREATION PROGRAM FIELD TRIPS**

WHEREAS, the Town of Shandaken Summer Recreation Program will be taking two field trips during the coming season, and

WHEREAS, The Town advertised to receive bids for the following field trips:

- ☑ 2 School busses for round-trip to and from the Ulster County Fair on Wednesday, August 1, 2012
- ☑ 2 School busses for round-trip to and from Zoom Flume Water Park on Wednesday, August 15, 2012

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board award the Transportation contract to _____ Tonche Transit, Inc. _____ located at _ 5181 Rt. 28 Mt. Tremper, NY 12457 _____ for the bid amount of \$ 2080.00 _____.

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL: 5 AYES

RESOLUTION # 109-12

OFFERED BY: Stanley

RESOLUTION APPOINTING SUMMER RECREATION COUNSELORS

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 Director and Assistant Director of the Town of Shandaken Summer Recreation Program that the following individuals be hired as follows:

Returning Counselors @ \$200 weekly: Shane Berryann, Katherine Cortina, Kayla Ford, Gabrielle Harp, Daniel Rice and Jessica Slater

First Year Counselors @ \$175 weekly: Amber Certain, Kelsey Dignes, Josh Harp, Kayla Lappino, Catherine Patschke and Solstice Warnes

Junior Counselors @ No Compensation: Dale Berryann, Kara Herdman and Sean McCarthy

Seconded by BARTLETT

ROLL CALL: 5 AYES

RESOLUTION #110 – 12

OFFERED BY Higley

**RESOLUTION AUTHORIZING CONTRACT FOR USE OF
BELLEAYRE BEACH FOR SHANDAKEN SUMMER RECREATION DAY CAMP**

WHEREAS, the Town of Shandaken operates a Summer Recreation Day Camp (CAMP) for the benefit of its residents, and

WHEREAS, the CAMP will operate daily from 9am until 4pm on Tuesdays through Thursdays from July 10, 2012 through August 16, 2012, and

WHEREAS, the Belleayre Day Use Area (BEACH) is a local attraction that annually hosts our CAMP, and

WHEREAS, The New York State Department of Environmental Conservation (DEC) currently operates the BEACH,

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorize the Town Supervisor to enter into agreement with the DEC to operate the CAMP at the BEACH for the 2012 summer season.

AND MOVES ITS ADOPTION

Seconded by: Stanley

ROLL CALL: 5 AYES

RESOLUTION #111 - 12

OFFERED BY Bartlett

**RESOLUTION AUTHORIZING COMMUNITY GARDEN AGREEMENT
WITH HELPING HANDS OF NEW YORK FOOD PANTRY**

WHEREAS, the Town of Shandaken leases property from the Catholic Archdiocese of New York in Phoenicia recognized as the St. Francis De Sales Parish Field, and

WHEREAS, Helping Hands of New York Food Pantry (PANTRY) has requested use of a portion of the field to be utilized to create and maintain a Community Garden, and

WHEREAS, the St. Francis De Sales Church Council has reviewed and is satisfied with the proposed agreement, and

WHEREAS, said Community Garden will be open to all residents and provide a community service currently not being met

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorize the Town Supervisor to enter into agreement with the PANTRY for the sum of \$1.00 (US) to be paid by the PANTRY and that said agreement shall run until December of 2013, where the Town Board and PANTRY shall review the activities and decide whether to extend or discontinue said agreement.

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL: 5 AYES

RESOLUTION #112 – 12

OFFERED BY Bernstein

RESOLUTION AUTHORIZING CONTRACT WITH *WeRecycle, LLC.*

WHEREAS, the Town of Shandaken has operated a recycling center on the Town Hall property for the past twenty years with the Ulster County Resource Recovery Agency (UCRRA), and

WHEREAS, the recycling service currently provided is an asset to the Town and its residents, and

WHEREAS, the Town, due to technological advances, recognizes the growing need for electronic waste (e-waste) disposal and recycling (including televisions, computers, cell phones, laptops, VCRs, DVD and compact disc players, sound equipment, etc.), and

WHEREAS, WeRecycle, LLC. based out of Mount Vernon, NY is an e-waste recycling service operating in Ulster County and contracted with UCRRA,

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorize the Town Supervisor to enter into a one year agreement with WeRecycle, LLC. to provide e-waste disposal and recycling service with no fee to be paid by the Town and operating on the same schedule as the current Town recycling facility for the benefit of our residents.

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL: 5 AYES

RESOLUTION #113 – 12

OFFERED BY Jordan

**RESOLUTION APPROVING PUBLIC ASSEMBLY PERMIT
FOR THE ULSTER COUNTY FIREMAN'S CONVENTION**

WHEREAS, the Town of Shandaken Town Board under §59 of the Town of Shandaken Code has the sole authority to approve applications for the purpose of a Public Assembly in excess of five hundred (500) persons, and

WHEREAS, the Town Board recognizes the benefits of public events to the economy of the Town and also recognizes the necessity to provide adequate protections and a safe environment for its residents and participants alike, and

WHEREAS, the Town is in receipt of documentation illustrating compliance under the law providing the necessary insurance, permits, security, parking, lighting, sanitation, emergency and evacuation requirements, and

WHEREAS, the Town Board is satisfied with the application from the **Ulster County Fireman's Association** for their event to be held in **Phoenicia, NY on Saturday, July 28, 2012** from 8am until 10pm.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board hereby approves the permit for a Public Assembly to the Ulster County Fireman's Association for their event and that a certified copy of this resolution shall suffice as the approval certificate.

AND MOVES ITS ADOPTION

Seconded by: Bernstein

ROLL CALL: 5 AYES

RESOLUTION #114 – 12

OFFERED BY Stanley

**RESOLUTION APPROVING PUBLIC ASSEMBLY PERMIT
FOR THE PHOENICIA INTERNATIONAL FESTIVAL OF THE VOICE**

WHEREAS, the Town of Shandaken Town Board under §59 of the Town of Shandaken Code has the sole authority to approve applications for the purpose of a Public Assembly in excess of five hundred (500) persons, and **WHEREAS**, the Town Board recognizes the benefits of public events to the economy of the Town and also recognizes the necessity to provide adequate protections and a safe environment for its residents and participants alike, and **WHEREAS**, the Town is in receipt of documentation illustrating compliance under the law providing the necessary insurance, permits, security, parking, lighting, sanitation, emergency and evacuation requirements, and **WHEREAS**, the Town Board is satisfied with the application from the **Phoenicia International Festival of the Voice** for their event to be held in **Phoenicia, NY on Thursday, August 2 through Sunday August 5, 2012**.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board hereby approves the permit for a Public Assembly to the Phoenicia International Festival of the Voice for their event and that a certified copy of this resolution shall suffice as the approval certificate.

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL: 5 AYES

RESOLUTION # 115-12

OFFERED BY: Higley

RESOLUTION AUTHORIZING WAIVER OF 30 DAY NOTIFICATION REQUIRED

BY THE NEW YORK STATE LIQUOR AUTHORITY WHEREAS, FOUR CORNERS COUNTRY INN, LTD. 1564 Wittenberg Rd., Mt. Tremper NY 12457, has applied for a liquor license, and

WHEREAS, FOUR CORNERS COUNTRY INN, LTD. 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 **FOUR CORNERS COUNTRY INN, LTD.**, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Shandaken does hereby grant the request of the **FOUR CORNERS COUNTRY INN, LTD.**, and does hereby waive the thirty (30) day Liquor License notice requirement to **FOUR CORNERS COUNTRY INN, LTD.** 1564 Wittenberg Rd., Mt. Tremper NY 12457

AND MOVES ITS ADOPTION

Seconded by: Stanley

ROLL CALL: 5 AYES

RESOLUTION # 116-12

OFFERED BY: Bartlett

RESOLUTION APPOINTING TOWN MUSEUM DIRECTOR

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 Town of Shandaken Museum Committee that **Earl Hatleberg** be hired as Town of Shandaken Museum Director at a rate of \$10 per hour.

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL: 5 AYES

RESOLUTION #117 - 12

OFFERED BY Bernstein

**RESOLUTION ADVERTISING FOR 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 has created a Request For Qualifications (RFQ);

THEREFORE BE IT RESOLVED, that the Town of Shandaken advertise for a Planning Consultant to assist the Parks and Recreation Board in developing the PLAN; 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 RFQ (Request For Qualifications). Copies of the RFQ 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 3pm on Monday, July 30, 2012. All bids will be opened at a special Parks and Recreation Board meeting on Monday, July 30, 2012 at 7pm. The Town of Shandaken reserves the right to reject any and all bids.

AND MOVES ITS ADOPTION

Seconded by: Stanley

ROLL CALL: 5 AYES

RESOLUTION #118 - 12

OFFERED BY Jordan

RESOLUTION FOR RENEWAL OF TOWN INSURANCE

WHEREAS, the Town of Shandaken has Marshall & Sterling Insurance, 103 Executive Drive, New Windsor, New York, for the Town Insurance, and

WHEREAS, our current policy terminates on July 15, 2012,

THEREFORE BE IT RESOLVED that the Town Board contract with Marshall & Sterling Insurance for the coming year (July 2012 –July 2013),

AND MOVES ITS ADOPTION

Seconded by: Higley

ROLL CALL: 5 AYES

RESOLUTION # 119-12

OFFERED BY: Stanley

RESOLUTION REQUESTING BIDS FOR VEHICLE

WHEREAS, the Town of Shandaken is in possession of a 2000 Chevy Blazer (VIN #1GNDT13WXY2102797), and

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

THEREFORE BE IT RESOLVED, that the Town will be accepting sealed bids for the vehicle in AS IS condition with a required minimum bid of \$400.00 (US), and

BE IT FURTHER RESOLVED that said bids are to be received by the Town Clerk's Office, PO Box 67, Shandaken, NY 12480 no later than 3pm on Monday, August 6, 2012 to be opened and awarded at the regularly scheduled Town

Board meeting at 7pm on the same date, and that the Town of Shandaken reserves the right to reject any and all bids.

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL: 5 AYES

RESOLUTION #120-12

OFFERED BY Higley

ADVERTISE FOR PLANNING BOARD OPENING

WHEREAS, Charles Frasier, has not submitted a resignation letter to the Town of Shandaken for his position on the Town of Shandaken Planning Board, and

WHEREAS, under §39-4 of the Town Code concerning members' attendance at Planning Board meetings, the Town Board reserves the right to resolve issues where a member has not attended meetings for three consecutive months,

THEREFORE BE IT RESOLVED, that the Town Board, in the absence of a formal resignation, hereby removes **Charles Frasier** from the **Town of Shandaken Planning Board** and the Town will immediately advertise for the vacant position with interviews and recommendations to fill the vacancy to come from the Town Planning Board

AND MOVES ITS ADOPTION

Seconded by: Bernstein

ROLL CALL: 5 AYES

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)

FOR TOWN PARKS AND

RECREATION

COMPREHENSIVE PLAN

RESOLUTION#122

RESOLUTION

APPOINTING A

PLANNING

CONSULTANT

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 1999

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)

RESOLUTION #: 134-12

OFFERED BY: Bernstein

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN
DETERMINING THAT THERE ARE NO ADVERSE IMPACTS
ON THE ENVIRONMENT FROM THE ADOPTION OF
AMENDMENTS TO THE TOWN PROCUREMENT POLICY (LOCAL LAW #3 OF 2012)**

WHEREAS, the Town Board of the Town of Shandaken is adopting Amendments to THE Town Procurement Policy (Chapter 41-Town of Shandaken Code) (Local Law #3 of 2012); and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of the Amendments to the Town Procurement Policy 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: Higley

Roll Call: 5 AYES

RESOLUTION #: 135-12

OFFERED BY: Jordan

**RESOLUTION ADOPTING THE AMENDMENTS TO THE TOWN PROCUREMENT POLICY
(LOCAL LAW #3 OF 2012)
FOR THE TOWN OF SHANDAKEN**

WHEREAS, the Town Board for the Town of Shandaken has reviewed and extensively considered the proposed Amendments to the Town Procurement Policy (Chapter 41-Shandaken Town Code) (Local Law #3 of 2012);

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

WHEREAS, the adoption of the amendments to the Procurement Policy is consistent with the Negative Declaration;

WHEREAS, the Town Board noticed a Public Hearing held on the 20th day of August, 2012 at 1p.m. to provide the public with an opportunity to comment on the proposed amendments and allowed written comments to be submitted up until 1p.m on August 20th, 2012;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the amendments to the Town Procurement Policy (Chapter 41 of the Shandaken Town Code), being Local Law No. 3 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: Bernstein

Roll Call: 5 AYES

RESOLUTION #136- 12

OFFERED BY Stanley

RESOLUTION ESTABLISHING TOWN BOARD SPECIAL MEETINGS

WHEREAS, the Town of Shandaken needs to conduct certain Town business in a timely fashion concerning Stream Projects, and;

WHEREAS, the Town, due to extenuating circumstances, would like to extend the bidding for two Stream Projects currently out to bid and will add a previously redacted project to the list of projects to be bid;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct a Special Meeting at **1 pm on Monday, August 27, 2012** for the purpose of conducting business related to opening bids for Stream Projects

BE IT FURTHER RESOLVED, that the Town of Shandaken Town Board, will conduct a Special Meeting at **1 pm on Friday, August 31, 2012** for the purpose of conducting business related to awarding bids for the following Stream Projects: Chichester Sites 2, 3 & 9; Warner Creek Site 5, Warner Creek Confluence

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

RESOLUTION #137- 12

OFFERED BY Higley

**RESOLUTION ADVERTISING FOR CONSTRUCTION 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 Warner Creek 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 – Warner Creek Site 5, Warner Creek Confluence

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 Thursday, August 23, 2012 @ 2pm 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 Monday, August 20, 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 Thursday, August 23, 2012 at 2pm during the mandatory site visit with bids to be received no later than 12pm on Friday, August 31, 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

Seconded by: Stanley

Roll Call: 5 AYES

RESOLUTION #138- 12

OFFERED BY Bernstein

**RESOLUTION AWARDDING BID TO 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), and;

WHEREAS, the Town of Shandaken advertised for bids from Engineering and Construction Design Firms to assist them in creating a construction plan for the High Street Loop in the Phoenicia Water District at the August 6, 2012 Town Board Meeting and that all bids be received no later than 12pm on August 20, 2012.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorize the Supervisor

to enter into contract with ____ CHAZEN COMPANIES ____

from ___ TROY, NY ___ for the bid price of \$_7,400.00_____.

AND MOVES ITS ADOPTION

Seconded by: Higley

Roll Call: 5 AYES

RESOLUTION #139- 12

OFFERED BY Bartlett

**RESOLUTION AUTHORIZING LICENSE AGREEMENT
WITH ULSTER COUNTY FOR STREAM WORK**

WHEREAS, the Town of Shandaken has several stream projects in Chichester for stream bank stabilization and Emergency Watershed Protection, and;

WHEREAS, the County of Ulster, State of New York owns a portion of property adjacent to these projects, and;

WHEREAS, they require a licensing agreement;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorizes the Supervisor to enter into a licensing agreement with **Ulster County Legislature** to allow the Town to enter and utilize Ulster County owned properties for the completion of these projects

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

August 27, 2012 Special Meeting

RESOLUTION #140-12

Offered By: STANLEY

**RESOLUTION TO OPEN BIDS – STREAM RESTORATION PROJECTS –
Chichester Sites 2,3 &9, Warner Creek Confluence & Site 5**

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 Tropic Storms Irene and Lee:

WHEREAS, That all interested parties attended the special meeting on Thursday August 23, 2012 for Site Visits and received bid packets, which were due today at noon.

THEREFORE BE IT RESOLVED That the following are accepted as qualified bidders, Job to be awarded at a Special Meeting this Friday, Aug 31st 1pm at the Shandaken Town Hall

Name	Address	Amount
Chichester Sites 2, 3 & 9:		
Fastracs,	Red Hook NY	\$ 616,180.00
Kingston Equip/Baker Bros	West Hurley, NY	799,500.00
Hubbell Inc.	Margaretville, NY	840,340.00
Warner Creek Confluence		
WM Schultz	Ballston Spa, NY	2,986,810.00
Hubbell Inc.	Margaretville, NY	2,537,449.00
Kingston Equip/Baker Bros	West Hurley, NY	1,729,600.00
Fastracs	Red Hook NY	2,140,628.00

AND MOVE ITS ADOPTION

Seconded by JORDAN

ROLL CALL 4 AYES, 1 Absent (Bartlett)

August 31, 2012 Special Meeting

Aug. 31, 2012 – Special Meeting

RESOLUTION #141-12

OFFERED BY STANLEY

RESOLUTION TO OPEN AND AWARD WARNER CREEK SITE 5 BIDS

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 Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that as long as all easement agreements are procured for the specific project and the bid meets engineering criteria, we hereby award the bid for Warner Creek Site 5 to the following:

___Hubbell Brothers ___ from ___Margaretville, NY___

For the price of \$_490,516.00_.

AND MOVES ITS ADOPTION

Seconded by: BARTLETT

ROLL CALL

AYES

NAYS

BOARD MEMBER BARTLETT ___X___ _____

BOARD MEMBER BERNSTEIN ___X___ _____

BOARD MEMBER HIGLEY ___X___ _____

BOARD MEMBER JORDAN ABSENT _____

SUPERVISOR STANLEY ___X___ _____

***On a Stanley/Bernstein motion the Town Board unanimously voted to postpone Resolution #142 & 143 until the next Town Board Meeting 9/10/12. Board is waiting to procure all easements & permits. If permits aren't all procured by the next meeting date, bidders will be called to inform them.**

RESOLUTION #142-12

OFFERED BY

RESOLUTION TO AWARD CHICHESTER SITES 2, 3 & 9 BID

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 Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that as long as all easement agreements are procured for the specific project and the bid meets engineering criteria, we hereby award the bid for Chichester Sites 2, 3 & 9 to the following:

_____ from _____

For the price of \$ _____.

AND MOVES ITS ADOPTION

Seconded by:

ROLL CALL

AYES

NAYS

BOARD MEMBER BARTLETT

BOARD MEMBER BERNSTEIN

BOARD MEMBER HIGLEY

BOARD MEMBER JORDAN

SUPERVISOR STANLEY

***On a Stanley/Bernstein motion the Town Board unanimously voted to postpone Resolution #142 & 143 until the next Town Board Meeting 9/10/12. Board is waiting to procure all easements & permits. If permits aren't all procured by the next meeting date, bidders will be called to inform them.**

RESOLUTION #143-12

OFFERED BY

RESOLUTION TO AWARD WARNER CREEK CONFLUENCE BID

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 Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that as long as all easement agreements are procured for the specific project and the bid meets engineering criteria, we hereby award the bid for the Warner Creek Confluence to the following:

_____ from _____

For the price of \$_____.

AND MOVES ITS ADOPTION

Seconded by:

ROLL CALL

AYES

NAYS

BOARD MEMBER BARTLETT

BOARD MEMBER BERNSTEIN

BOARD MEMBER HIGLEY

BOARD MEMBER JORDAN

SUPERVISOR STANLEY

RESOLUTION SUPPORTING HUNTER MOUNTAIN HITS TRIATHALON SERIES – HUNTER MTN. II

WHEREAS, the Town of Shandaken has been approached concerning an event for the Catskills being sponsored by HITS (Horseshows in the Sun) based out of Saugerties, NY, and;

WHEREAS, the event is a triathlon race to be held on Saturday, September 22nd, 2012, 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 the event known as the “HITS Triathlon Series – Hunter Mountain II” and extends any courtesies 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

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

RESOLUTION TRANSFERRING FUNDS FOR RECORDS UPKEEP

WHEREAS, the Town of Shandaken Town Board is in receipt of a request from the Town Clerk and Records Management Officer, Joyce A. Grant, to use funds to reorganize and update current records under her control; and

WHEREAS, the Town of Shandaken has monies available under the Contractual expense line for that office and she does not anticipate those monies being allocated for any other purpose

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approves the following transfer in order to complete the tasks necessary for an organized Records Room without extending beyond budgeted costs already allocated for that office and without any additional burden to the taxpayer:

<u>AMOUNT</u>	<u>FROM</u>	<u>ACCOUNT #</u>
\$3,600.00	Records Management, Contractual	A51460412

	<u>TO</u>	<u>ACCOUNT #</u>
	Records Management, Personal Services	A51460100

AND MOVE ITS ADOPTION

Seconded by BARTLETT

ROLL CALL

AYES	NAYS		
COUNCILMAN BARTLETT	__X__	_____	
COUNCILMAN BERNSTEIN	_____	__X__	
COUNCILMAN HIGLEY	__X__	_____	
COUNCILMAN JORDAN	ABSENT	_____	
SUPERVISOR STANLEY	__X__	_____	

RESOLUTION SUPPORTING HUNTER MOUNTAIN FALL 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 event is a bicycle race to be held on Saturday, September 8, 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 Fall 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: BERNSTEIN

ROLL CALL

AYES	NAYS		
BOARD MEMBER BARTLETT		<u> X </u>	_____
BOARD MEMBER BERNSTEIN		<u> X </u>	_____
BOARD MEMBER HIGLEY		<u> X </u>	_____
BOARD MEMBER JORDAN	ABSENT		_____
SUPERVISOR STANLEY		<u> X </u>	_____

**SEPT. 12, 2012 REGULAR MEETING
RESOLUTION # 147-12
JORDAN**

OFFERED BY:

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	\$	66,841.57
	Highway		178,181.94
	Phoenicia Water		3,564.03
	Pine Hill Water		505.59
	Phoenicia Lights		850.53
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	Chichester Lights		127.48
	Pine Hill Lights		499.41

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

RESOLUTION #148-12 (142-12)
STANLEY

OFFERED BY

RESOLUTION TO AWARD CHICHESTER SITES 2, 3 & 9 BID

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 Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken agrees to proceed with this project with the understanding that if the job is not to be completed the awarded contractor (Fastracs, Inc. of Red Hook, NY) with a bid of \$616,180.00 has agreed to hold that price, excepting diesel costs, if the time allotted for the project cannot be done sufficiently within DEC's guidelines for such stream work and may be postponed until spring of 2013.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

RESOLUTION #149-12 (143-12)

OFFERED BY

RESOLUTION TO AWARD WARNER CREEK CONFLUENCE BID

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 Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken agrees to proceed with this project with the awarded contractor (Kingston Equipment/Baker Bros. of West Hurley, NY) who have provided a bid of \$1,729,600.

*** On a Stanley/Jordan motion, the Town Board unanimously voted to pull Resolution #149-12 (143-12), due to not acquiring the necessary easement from land owner.**

RESOLUTION #150-12

OFFERED BY **STANLEY**

RESOLUTION TO PROGRESS WARNER CREEK SITE 5 BIDS

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 Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken agrees to proceed with this project with the awarded contractor (Hubbell Bros. of Margaretville, NY) who have provided a bid of \$490,560.00; UNDER the provision that the town acquires needed easements by Sept. 26th.

AND MOVES ITS ADOPTION

Seconded by: **JORDAN**

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

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RESOLUTION #151-12

OFFERED BY **HIGLEY**

**RESOLUTION REQUESTING NO CAMPAIGN SIGNAGE
UNTIL AFTER COLUMBUS DAY (October 8, 2012)**

WHEREAS, the Town of Shandaken recognizes the importance of preserving its natural beauty and viewscapes throughout the Town and

WHEREAS, Columbus Day weekend is recognized as a highly desirable time for visitors to travel to our area and enjoy the pristine beauty of Shandaken.

THEREFORE, the Town Board of Shandaken requests that campaign signs for the General Election regardless of party affiliation or contest, not be displayed until after Columbus Day, October 8, 2012.

AND MOVE ITS ADOPTION

Seconded by: **STANLEY**

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

**RESOLUTION #152-12
BARTLETT**

OFFERED BY

**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN
A ONE-YEAR EXTENSION FOR SMART GROWTH GRANT**

WHEREAS, the Town of Shandaken has been awarded a Smart Growth Grant through the NYS-DEC; and

WHEREAS, the Town of Shandaken has started work through this grant including Pavilion Repairs at Glenbrook Park, New Town-wide Welcome Signage and Informational Kiosks; and

WHEREAS, the Town of Shandaken anticipates this work to continue over the next year,

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Shandaken hereby authorizes the Supervisor to sign an agreement extending the Grant period for an additional one-year period.

AND MOVES ITS ADOPTION

Seconded by: **HIGLEY**

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

RESOLUTION TO AUTHORIZE CONTRACT
USE OF PHOENICIA ELEMENTARY SCHOOL AS EMERGENCY PUBLIC SHELTER

WHEREAS, the School District owns real property and improvements at School Lane, Route 212, Phoenicia, New York (“Phoenicia Elementary School”); and

WHEREAS, the Town has a responsibility to assure medical care and shelter for injured and displaced residents in the event of a disaster; and

WHEREAS, the Town desires, when deemed necessary, to establish field treatment sites, staging areas, or public shelters for injured or displaced residents (hereinafter “emergency public shelters”), to provide care to persons injured and/or displaced by the disaster; and

WHEREAS, the Town has determined that the Phoenicia Elementary School is suitable for use as an emergency public shelter in the event of a disaster;

THEREFORE BE IT RESOLVED, the Town of Shandaken Town Board authorizes the Town Supervisor to enter into an Inter-municipal Agreement with the Onteora Central School District to use the Phoenicia Elementary School as a Temporary Emergency Public Shelter when in need of such service.

Sept. 10, 2012 pg9

AND MOVES ITS ADOPTION

Seconded by: **BARTLETT**

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

Oct. 1, 2012 RM

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	\$	36,070.09
Highway		221,054.46

Phoenicia Water	2,993.92
Pine Hill Water	962.12
Phoenicia Lights	899.18
Chichester Lights	131.69
Pine Hill Lights	520.87

AND MOVES ITS ADOPTION

Seconded by: Higley

Roll Call: 5 AYES

RESOLUTION # 155-12

OFFERED BY Jordan

RESOLUTION ADOPTING TENTATIVE BUDGET AS PRELIMINARY BUDGET

WHEREAS, the Town of Shandaken has prepared a 2013 Tentative Budget for review;

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken hereby adopts the 2013 Tentative Budget as the 2013 Preliminary Budget for the Town of Shandaken

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

RESOLUTION # 156-12

OFFERED BY Stanley

RESOLUTION FOR PUBLIC HEARING ON 2013 TOWN BUDGET

WHEREAS, a Public Hearing is held every year for the purpose of hearing all those in favor or against the adoption of the Preliminary Budget for the Town of Shandaken as the Annual Budget

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken will meet and review the 2013 Preliminary Budget and hold a Public Hearing thereon, at the Shandaken Town Hall on **Wednesday, November 7, 2012 at 6:30 pm**, and at such hearing any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any items or items therein contained.

AND MOVES ITS ADOPTION

Seconded by: Jordan

Roll Call: 5 AYES

RESOLUTION # 157-12

OFFERED BY Higley

**RESOLUTION REQUESTING CHANGE OF CWC POLICY CONCERNING
PHOENICIA**

WHEREAS, the Town of Shandaken may decide to no longer participate in the New Infrastructure Program (NIP) for the Hamlet of Phoenicia; and

WHEREAS, if Phoenicia is not part of the NIP there will not be community based means of wastewater treatment and disposal and the owners of individual and two-family residences may need assistance rehabilitating and replacing their septic systems; and

WHEREAS, the Septic System Rehabilitation and Replacement Program is intended to assist owners of one and two-family homes with failing septic systems throughout the watershed; and

WHEREAS, Section 2:01:06(5) of the Catskill Watershed Corporation's Program Rules for the Septic Program require otherwise eligible systems in communities that decide not to participate in the NIP to wait until all other systems in the watershed are replaced before they become eligible; and

WHEREAS, that rule is inconsistent with Paragraph 124(d)(ii) of the MOA which says that prioritization for the septic program should consider anticipated construction of community wastewater facilities; and

WHEREAS, once a community decides to leave the NIP there is no longer an anticipation of construction of a community system.

NOW THEREFORE, LET IT BE RESOLVED that the Town of Shandaken Town Board hereby respectfully requests that the CWC amend its Septic System Program Rules to delete Section 2:01:06(5) so that the program rules are consistent with the MOA.

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

RESOLUTION # 158-12

OFFERED BY Bartlett

A RESOLUTION TO PURCHASE REPLACEMENT POLICE VEHICLE

WHEREAS, the Town of Shandaken, under contract with the Town of Shandaken Police Department, is required to replace Police Vehicles on a regular interval based on mileage; and

WHEREAS, the Town of Shandaken Police Department has twice extended beyond their contracted mileage to continue using the vehicle; and

WHEREAS, the Town is in need of replacing said vehicle;

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Shandaken approves the purchase of a new Police Cruiser to replace the existing high-mileage vehicle through use of funds from the Capital Reserve Account, dedicated for such purchases, and that vehicle cost will not exceed \$32,000 with all necessary appurtenances.

AND MOVES ITS ADOPTION

Seconded by: Higley

Roll Call: 5 AYES

RESOLUTION # 159-12

OFFERED BY Bernstein

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 **Donald Brewer** be appointed to the Shandaken Planning Board with his term to expire in December 31, 2013.

AND MOVES ITS ADOPTION

Seconded by: Jordan

Roll Call: 5 AYES

RESOLUTION # 160-12

OFFERED BY Jordan

RESOLUTION AUTHORIZING CONTRACT WITH RCR&R (eWaste)

WHEREAS, the Town of Shandaken has operated a recycling center on the Town Hall property for the past twenty years with the Ulster County Resource Recovery Agency (UCRRA), and

WHEREAS, the recycling service currently provided is an asset to the Town and its residents, and

WHEREAS, the Town, due to technological advances, recognizes the growing need for electronic waste (e-waste) disposal and recycling (including televisions, computers, cell phones, laptops, VCRs, DVD and compact disc players, sound equipment, etc.), and

WHEREAS, Regional Computer Recycling & Recovery (RCR&R) is an e-waste recycling service operating in Scotia NY and contracted with UCRRA,

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorize the Town Supervisor to enter into a one year agreement with RCR&R, to provide e-waste disposal and recycling service with no fee to be paid by the Town and operating on the same schedule as the current Town recycling facility for the benefit of our residents.

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

RESOLUTION # 161-12

OFFERED BY Stanley

A RESOLUTION SUPPORTING A CATSKILL REGION RECREATION CENTER

WHEREAS, Catskill Recreation Center, Inc. a 501(c)(3) Type B NY Not for Profit Corporation has long desired to create a state-of-the-art recreation center in our neighboring town of Middletown, Delaware County; and

WHEREAS, the Town Board of the Town of Shandaken has an interest in having more amenities close to its borders, amenities that add to our region in varying positive ways including jobs in addition to increasing our property values; and

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Shandaken, Ulster County, New York, supports this project and Catskill Recreation Center, Inc.'s efforts to add value to our regional community with this facility.

AND MOVES ITS ADOPTION

Seconded by: Jordan

Roll Call: 5 AYES

RESOLUTION # 162-12

OFFERED BY Higley

A RESOLUTION SUPPORTING 2ND VICE CHAIR APPOINTMENT

WHEREAS, the Olympic Regional Development Authority (ORDA) is taking over management responsibilities of Belleayre Mountain Ski Center and Belleayre Beach, both wholly located within the Town of Shandaken, County of Ulster; and

WHEREAS, under New York State legislation the Town is to make a formal recommendation for the second Vice-Chair position on the ORDA Executive Committee;

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Shandaken supports the appointment of Joseph Kelly as the second Vice-Chair on the ORDA Executive Committee.

AND MOVES ITS ADOPTION

Seconded by: Jordan

Roll Call: 5 AYES

RESOLUTION #163-12

OFFERED BY Bartlett

**ADVERTISE FOR INTERIM BUILDING INSPECTOR/FLOODPLAIN
ADMINISTRATOR/
ZONING ENFORCEMENT OFFICER**

WHEREAS, the Town of Shandaken is in need of a Building Inspector, Flood Plain Administrator and Zoning Enforcement Officer;

THEREFORE BE IT RESOLVED, that the Town Board advertise for the position as Interim Building Officer/Flood Plain Administrator and Zoning Enforcement Officer

AND MOVES ITS ADOPTION

Seconded by: Stanley

Roll Call: 5 AYES

RESOLUTION # 164-12

OFFERED BY Bernstein

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; and

WHEREAS, Rolf Reiss has resigned as Chair of the Zoning Board of Appeals;

THEREFORE BE IT RESOLVED that Town Board of Shandaken hereby accepts Mr. Reiss' resignation and that **Tom Hickey** be appointed as Chairman of the Zoning Board of Appeals for the remainder of the year 2012

AND MOVES ITS ADOPTION

Seconded by: Stanley

Roll Call: 5 AYES

Signed this 2nd day of October, 2012

Joyce Grant, Town Clerk

November 14, 2012
RESOLUTION # 165-12

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 Fund	\$ 49,826.37
Highway Fund	\$ 213,841.95
Phoenicia Water District	\$ 8,873.83
Pine Hill Water District	\$ 314.25
Phoenicia Lighting District	\$ 961.22
Chichester Lighting District	\$ 138.40
Pine Hill Lighting District	\$ 551.69

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL: 5 AYES

RESOLUTION # 166-12

OFFERED BY JORDAN

RESOLUTION ADOPTING 2013 PRELIMINARY BUDGET AS 2013 TOWN BUDGET

WHEREAS, the Town of Shandaken has prepared a 2013 Preliminary Budget for review;

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken following a Public Hearing held at 6:30 pm on Wednesday, November 14, 2012 hereby adopts the 2013 Preliminary Budget as amended as the **2013 Town Budget** for the Town of Shandaken

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL: 5 AYES

RESOLUTION # 167-12

OFFERED BY: STANLEY

RESOLUTION RENEWING SHARED SERVICE AGREEMENT

WITH ULSTER COUNTY D.P.W.

WHEREAS, the Town of Shandaken last year entered into a shared service agreement with the Ulster County Department of Public Works, for certain winter maintenance of specific roads in Shandaken and

WHEREAS, said agreement has to be renewed annually

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approves the Town Supervisor, with the approval of the Town Highway Superintendent, entering into an agreement with Ulster County D.P.W. for the coming 2012-2013 winter season

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL: 5 AYES

RESOLUTION # 168-12

OFFERED BY HIGLEY

RESOLUTION AUTHORIZING APPLICATION FOR JCAP GRANT FUNDS

WHEREAS, the Town of Shandaken Justice Court is in need of several pieces of office equipment; and

WHEREAS, New York State, through the Justice Court Assistance Program (JCAP), offers municipalities grant funding for the purchase of such equipment; and

WHEREAS, there is no fiscal burden to the Town for this grant

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken authorize the Supervisor to apply for said JCAP funding for the purpose of providing the equipment for the Town of Shandaken Justice Court,

AND MOVES ITS ADOPTION

Seconded by: BARTLETT

ROLL CALL: 5 AYES

RESOLUTION #169-12

OFFERED BY: BARTLETT

RESOLUTION APPOINTING TOWN MUSEUM DIRECTOR

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 Town of Shandaken Museum Committee that **KATHLEEN MYERS** be hired as Town of Shandaken Museum Director at a rate of \$10 per hour.

AND MOVES ITS ADOPTION

Seconded by: JORDAN
ROLL CALL: 5 AYES

RESOLUTION # 170-12

OFFERED BY BERNSTEIN

RESOLUTION APPOINTING Allan M. Harris AS MARRIAGE OFFICER

WHEREAS pursuant to Article 3 Section 11 of the New York State Domestic Relations Law, the governing body of any village, town, or city may appoint one or more marriage officers who

shall have the authority to solemnize a marriage and which marriage shall be valid if performed in accordance with other provisions of law., and

WHEREAS Allan M. Harris has requested the Town Board to appoint him to perform the marriage of his niece, Mindy Groseclose of West Amherst, NY to Adrian Vanleuven of Chichester, NY on March 9th 2013 at the Full Moon Resort in Shandaken, NY.

THEREFORE BE IT RESOLVED that the Town Board appoint **Allan M. Harris** 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: STANLEY
ROLL CALL: 5 AYES

RESOLUTION # 171-12

OFFERED BY JORDAN

**RESOLUTION ENDORSING THE CONSTRUCTION OF
THE CATSKILL INTERPRETIVE CENTER**

WHEREAS, Over twenty years ago, the New York State Legislature set aside funding for the planning and execution of a **Catskill Interpretive Center (CIC)** in the Town of Shandaken in order to attract visitors to the area, provide information regarding history and ecology of the Catskill State Forest Preserve and the Catskill State Park, spur tourism and foster economic revival in the Central Catskills, and

WHEREAS, a 62 acre parcel of land has been acquired by the **Catskill Center for Conservation and Development (CCCD)** and the **Trust for Public Land (TPL)** and leased to the **New York State Department of Environmental Conservation (DEC)**; and

WHEREAS, initial site preparation with roads, a bridge, two short (0.5 mile) loop trails and multiple parking areas has been completed, representing an investment of approximately \$1.5 million; and

WHEREAS, the site is currently being managed as a **DEC Day Use Area** in close proximity to the Esopus Creek and NYS Wilderness and Wild Forest Areas, and The

Friends of The Catskill Interpretive Center led a private/public partnership that built on that site a Kiosk with information about the Catskill Park and Forest Preserve; and

WHEREAS, the Ulster County Legislature, in its meeting on January 3, 2007 went on record as being in unanimous support of the building of the **CIC** at the **DEC** Day Use Area in Mount Tremper, NY; and

WHEREAS, the neighboring towns of Woodstock and Olive and numerous planning bodies have long supported the notion of a **CIC** at the site mentioned above; and

WHEREAS, the Catskill State Park and Forest Preserve are valuable assets for the people of the State of New York providing outdoor recreational opportunities, preserving wilderness and benefiting water and air quality, wildlife habitat and a sustainable environment; and

WHEREAS, the Catskill State Park and Forest Preserve contribute to the nature-based tourism economy, as well as benefiting the scenery and quality of life in the Town of Shandaken; and

WHEREAS, The Friends of the **CIC** are leading the formation of a public/private partnership with the State of New York, local governments, local universities, private organizations and individuals to build the Maurice Hinchey Catskill Interpretive Center at the designated Day Use Area in Mount Tremper as a gateway to the Catskill State Park and Forest Preserve and the region to be:

- The focus for information about the Catskill State Park and Forest Preserve Region and recreational opportunities therein;
- A learning center about the Catskill Region
- A center of information for visitors and residents about museums, businesses, amenities and facilities throughout the Catskill Region
- A center for the stimulation of tourism to the Catskill Park Region while preserving the natural beauty and wilderness character of the surrounding area; and

WHEREAS, The Maurice Hinchey Catskill Interpretive Center promises direct, tangible benefits specifically for the Town of Shandaken in the form of increased visitors, spending and employment,

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken hereby goes on record as endorsing the construction of the Maurice Hinchey Catskill Interpretive Center at the **DEC** Day Use Area in Mount Tremper, NY and

BE IT FURTHER RESOLVED that the Town Clerk shall forward copies of this resolution to the Honorable Governor Andrew M. Cuomo, US Congressman Maurice Hinchey, US Senators Kirsten Gillibrand and Charles Schumer, US Congressman Chris Gibson, New York State Senators John Bonacic and James Seward, New York State Assemblyman Kevin Cahill, Ulster County Executive Michael Hein, Ulster County Legislative Chair Terry Bernardo and Ulster County Legislator John Parete

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL: 5 AYES

RESOLUTION # 172-12

OFFERED BY STANLEY

ACCEPT PLANNING BOARD RESIGNATION

WHEREAS, Maureen Millar, has submitted a resignation letter to the Town of Shandaken for his position with Town of Shandaken Planning Board; and

WHEREAS, the Town would like to advertise for the opening Planning Board Member.

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken hereby accepts Maureen Millar's resignation from the Town of Shandaken Planning Board and the Town will immediately advertise for the vacant position.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL: 5 AYES

RESOLUTION # 173-12

OFFERED BY HIGLEY

UC 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 **Bob Kalb** be appointed to the Ulster County Planning Board Alternate

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL: 5 AYES

RESOLUTION # 174-12

OFFERED BY: STANLEY

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 **ALBERT FRIENDA** 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: JORDAN

ROLL CALL: 4 AYES, 1 NAY (BERNSTEIN)

*Board Member Bernstein felt the two positions should be held by two different people.

RESOLUTION # 175-12

OFFERED BY: STANLEY

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

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 **ALBERT FRIENDA** 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: JORDAN

ROLL CALL: 5 AYES

RESOLUTION # 176-12

OFFERED BY BARTLETT

**RESOLUTION ADVERTISING RFP (Request For Proposals)
FOR AMBULANCE BILLING SERVICE**

WHEREAS, the Town of Shandaken runs a Town-wide Ambulance Service; and

WHEREAS, the Town of Shandaken Ambulance Service and many of its staff have been recognized in the past by Ulster County, Regional and New York State entities for the efficient, courteous and highly qualified service it provides to the local community; and

WHEREAS, the Town in an effort to provide equally efficient, courteous and high quality billing services for the Town of Shandaken Ambulance in order to minimize billing response times in a fiscally responsible manner;

WHEREAS, the Town has used outside services for these billings;

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken hereby wishes to advertise through a Request For Proposal (RFP) process for the following services:

- **Primary Bid** to include the **amount charged to the Town for such services**, along with a description of the company, references, services offered, familiarity with all local/regional/state/federal medical insurance carriers and their billing practices
- **Addendum Bid #1** to include cost of providing the Town with **Electronic Software** compatible with existing Town-owned and yet to be purchased

Electronic Hardware (Computers) **and Training** for Ambulance Staff in order to provide billing services through electronic submission of Patient Care Reports (PCR's)

- **Addendum Bid #2** to include cost of providing the Town with all **Electronic Hardware, compatible Software and Training** for Ambulance Staff in order to provide billing services through electronic submission of Patient Care Reports (PCR's)

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL: 5 AYES

**December 3rd, 2012 RM
RESOLUTION # 177-12**

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	\$	35,856.32
Highway		26,282.08
Phoenicia Water		3,435.65
Pine Hill Water		5,703.92
Phoenicia Lights		1,064.88
Chichester Lights		146.43
Pine Hill Lights		621.35

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL 5 AYES

RESOLUTION #178- 12

OFFERED BY JORDAN

**RESOLUTION ESTABLISHING TOWN BOARD ANNUAL YEAR-END
MEETING**

WHEREAS, the Town of Shandaken needs to conduct certain business before the close of the 2012 Fiscal Year;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct their annual Year-End meeting at **1:00 pm** on **Friday, December 28, 2012** for the purpose of conducting related business.

AND MOVES ITS ADOPTION

Seconded by: BARTLETT
ROLL CALL **5 AYES**

RESOLUTION #179- 12

OFFERED BY STANLEY

**RESOLUTION ESTABLISHING TOWN BOARD ANNUAL RE-
ORGANIZATIONAL MEETING**

WHEREAS, the Town of Shandaken annually conducts a meeting to appoint employees and officers of the Town, establish a meeting schedule and meet contractual obligations;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct their annual Re-Organizational meeting at **6:00 pm** on **Monday, January 7, 2013** for the purpose of conducting related business.

AND MOVES ITS ADOPTION

Seconded by: HIGLEY
ROLL CALL **5 AYES**

RESOLUTION #180- 12

OFFERED BY HIGLEY

RESOLUTION ESTABLISHING TOWN BOARD SPECIAL MEETING

WHEREAS, the Town of Shandaken advertised a Request for Proposals for Ambulance Billing Services at a meeting on November 7, 2012;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct a Special Meeting at **1:00 pm** on **Monday, December 17, 2012** for the purpose of conducting business related to awarding Ambulance Billing Services for 2013.

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN
ROLL CALL **5 AYES**

RESOLUTION # 181-12

OFFERED BY: BARTLETT

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

WHEREAS, BRIO TEN MAIN, INC., THE PHOENICIAN, has applied for a liquor license, and

WHEREAS, BRIO TEN MAIN, INC., THE PHOENICIAN 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 BRIO TEN MAIN, INC., THE PHOENICIAN, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Shandaken does hereby grant the request of the BRIO TEN MAIN, INC., THE PHOENICIAN, and does hereby waive the thirty (30) day Liquor License notice requirement to BRIO TEN MAIN, INC., THE PHOENICIAN 10 & 12 ROUTE 214, PHOENICIA, NY

AND MOVES ITS ADOPTION

Seconded by: HIGLEY
ROLL CALL **5 AYES**