

RESOLUTION # 59-13

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	\$	51,114.16
Highway		21,801.63
Phoenicia Water		3,442.64
Pine Hill Water		1,272.85
Phoenicia Lights		1,148.22
Chichester Lights		154.22
Pine Hill Lights		635.68

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL

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

RESOLUTION # 60-13

OFFERED BY: Jordan

**Resolution for Catskill Mountains Scenic Byway Nomination
and Corridor Management Plan Adoption**

WHEREAS, the scenic qualities of New York State Routes 28, 28A, 214, and 42, as described in the plan, and the surrounding mountains, valleys, and hamlets have been appreciated and celebrated for over a century by the residents of the Central Catskills, as well as tourists, artists, authors, poets and other visitors to the region; and it is this unique combination of mountain scenery, pristine waterways, historic hamlets that create the special sense of place that is vital to the economic health of the Central Catskills;

WHEREAS, the Central Catskills Collaborative, comprised of representatives of the seven municipalities along the proposed scenic byway route, committed to work cooperatively to protect and promote the scenic, cultural, historic, and economic well being of the Route 28 Corridor and the Central Catskills and agreed to pursue the nomination of the Catskill Mountains Scenic Byway;

WHEREAS, under the leadership of the Central Catskills Collaborative, each of the seven communities contributed to the development of this corridor management plan by forming local byway groups, encouraging public participation and leading individual meetings of the Collaborative;

WHEREAS, the advisory committee of the Central Catskills Collaborative, consisting of representatives from state, county, and city agencies, tourism organizations, the regional chamber of commerce, and an outdoor recreation organization has strengthened partnership and the development of the corridor management plan;

WHEREAS, in the process of developing this corridor management plan, the Central Catskills Collaborative has strengthened the bonds of inter-municipal cooperation and the involved communities envision further benefit through scenic byway designation including sustained collaborative progress, increased funding opportunities for recommendations identified in the plan, enhanced partnerships with agencies responsible for the stewardship of resources along and adjacent to the byway route, and an improved transportation experience that preserves, interprets, and promotes the corridor's intrinsic qualities and resources;

NOW, THEREFORE, BE IT RESOLVED, that the **Town of Shandaken** supports the designation of the Catskill Mountains Scenic Byway as defined above and in the Catskill Mountains Scenic Byway Corridor Management Plan and adopts said plan which includes programs for stewardship and enhancement of the scenic byway and guidance to manage future activities along its corridor;

BE IT FURTHER RESOLVED, that the **Town of Shandaken** confirms that they will not issue building permits or any other permits or other permission to construct new off-premise outdoor advertising signs along the designated Byway route; that off-premise tourism oriented directional signage on state highways will be in compliance with the NYS Department of Transportation's Tourist Oriented Destination Sign (TODS) program, and that off-premise directional signage on any County and local roads along the designated Byway route will be consistent with the state TODS program; and

BE IT FURTHER RESOLVED, that the **Town of Shandaken** will work in partnership with the six other municipalities of the Central Catskills Collaborative and local and regional stakeholders in order to

support future Byway program development and collaborate with these interested entities to explore opportunities for cooperation and methods to advance the Scenic Byway;

AND MOVES ITS ADOPTION

Seconded by: Bartlett

ROLL CALL

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

RESOLUTION # 61-13

OFFERED BY: Stanley

**RESOLUTION FOR AGREEMENT WITH
ULSTER REGIONAL ENFORCEMENT NARCOTICS TEAM (URGENT)**

WHEREAS, from January 1, 2006 through December 31, 2012, entirely or during a portion of that time, the Town of Shandaken and the Town of Shandaken Police Department participated in a task force commonly known as the Ulster Regional Enforcement Narcotics Team (**URGENT**); and

WHEREAS, the Urgent task force consisted of the County of Ulster through and by the offices of the Ulster County Sheriff and the Ulster County District Attorney, various municipal member agencies including, but not limited to, the Town of Shandaken and the Town of Shandaken Police Department and the various towns and villages by and through their respective police departments (**member agencies**); and

WHEREAS, Memorandums of Understanding (**MOU**) regarding participation in **URGENT** were entered into from time to time during the aforementioned period by member agencies; and

WHEREAS, the member agencies, pursuant to the **MOU**'s, participated in jointly in the seizure of assets as a direct result of criminal investigations and/or arrests and pursuant to forfeiture guidelines of the United States Department of Justice, Criminal Division, Asset and Forfeiture Section and/or the office of the Ulster County District Attorney; and

WHEREAS, assets seized included personal property, goods, equipment and money; and

WHEREAS, pursuant to the **MOU**'s, certain monies that were seized as a direct result of criminal investigations were deposited in forfeiture accounts kept and maintained by the County of Ulster known as "Ulster County **URGENT** Forfeiture Division Accounts;" and

WHEREAS, pursuant to the **MOU**'s and guidelines set forth by United States Department of Justice, Criminal Division, Asset and Forfeiture Section, the Town of Shandaken has sought a distribution of monies that were seized and are in Ulster County **URGENT** Forfeiture Division Accounts;

NOW, THEREFORE BE IT RESOLVED, in consideration of the payment of Five Thousand Dollars (\$5,000) to the Town of Shandaken and the Town of Shandaken Police Department from the Ulster County **URGENT** Forfeiture Division Accounts does recognize and agree to all the terms set forth in the agreement with County of Ulster for the release of aforementioned funds

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	<u> X </u>	_____

RESOLUTION #63 - 13

OFFERED BY Bartlett

APPOINTING KELLAR, KELLAR & JAIVEN, ESQ. AS DEFENSE FOR TOWN

WHEREAS, Carolee Petti as executrix of the Estate of Alphonse De Paolo commenced an action in State of New York, Supreme Court County of Ulster against the Town of Shandaken and against Eric Hofmeister in his capacity as Highway Superintendent of the Town of Shandaken as well as against the Town of Lexington and Larry Cross as Superintendent of Highways of the Town of Lexington with respect to the right of the public to use a portion of Pine Hill Road or upper Birch creek Road, and

WHEREAS, Attorney Tal G. Rappleyea of Valatie NY was retained in 2008 to defend the Town of Shandaken and Eric Hofmeister as Highway Superintendent in said lawsuit, and

WHEREAS, Mr. Rappleyea has asked to be relieved as counsel with respect to his representation of the Town of Shandaken and Eric Hofmeister in said litigation,

NOW, THEREFORE BE IT RESOLVED, that the Town of Shandaken consents that Tal G. Rappleyea be relieved as counsel for the Town of Shandaken and Eric Hofmeister as Highway Superintendent in said lawsuit, and

BE IT FURTHER RESOLVED, that the law firm of Kellar Kellar & Jaiven Esq., Kingston NY be retained to represent the Town of Shandaken and Eric Hofmeister as Highway Superintendent in said lawsuit, and

BE IT FURTHER RESOLVED, that the Town Supervisor of the Town of Shandaken and Eric Hofmeister as Highway Superintendent are hereby authorized to execute a Consent to change Attorneys form and such other instruments as are reasonably necessary to transfer the Town's file in this litigation from Tal G Rappleyea Esq. to the law firm of Kellar Kellar & Jaiven.

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL

	AYES	NAYS
BOARD MEMBER BARTLETT	<u> X </u>	_____
BOARD MEMBER BERNSTEIN	<u> X </u>	_____
BOARD MEMBER HIGLEY	Recuse - Ongoing litigation w/that attorney	
BOARD MEMBER JORDAN	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

RESOLUTION #64 - 13

OFFERED BY Bernstein

APPOINTING RECYCLING ATTENDANT

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 **Joseph R. Rotella, Jr.** be appointed to serve as Town Recycling Attendant, and to serve at the pleasure of the Town Board, and to be paid \$10.00 per hour not to exceed \$7,000 for the remainder of the calendar year 2013 when performing the duties of said office.

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 #65 - 13

OFFERED BY Jordan

INTERIM ASSESSOR'S AIDE

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 **Grace Grant** be appointed to serve as Interim Assessor's Aide, and to serve at the pleasure of the Town Board, and to be paid \$10.30 per hour not to exceed \$16,583 for the remainder of the calendar year 2013 when performing the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: Bartlett

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 # 66-13

OFFERED BY: Stanley

**RESOLUTION FOR AGREEMENT WITH
MUNICIPAY-NATIONWIDE PAYMENT SOLUTIONS, LLC**

WHEREAS, the Town of Shandaken Town Clerk’s Office would like to start accepting payment by credit or debit card as a convenience for the citizens of the Town; and

WHEREAS, General Municipal Law allows local governments to accept credit and debit card payments for, among other things: Permits, Fees, Water Bills, Licenses, Taxes or other charges pertaining to the Town Clerk’s Office and the Building and Zoning Departments; and

WHEREAS, said payments by credit - debit card will be accepted at the Town Clerk’s window, through the mail, e-mail or by telephone; and

WHEREAS, there will no cost to the Town for setup of this service or the service itself and that only a small “convenience fee” (2.45% or \$3.00 minimum) will be charged to the customer for this convenience;

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Shandaken hereby authorizes the Town Supervisor to enter into contract with Micipay-Nationwide Payment Solutions, LLC of 400 Technology Way, Scarborough, ME 04074 to provide this service to our citizens

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	__X__	_____
SUPERVISOR STANLEY	__X__	_____

RESOLUTION #67 - 13

OFFERED BY Higley

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.

NOW, THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board does hereby proclaim **April 2013 as Parkinson’s Awareness Month in the Town of Shandaken**

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 #68 - 13

OFFERED BY Bartlett

RESOLUTION APPROVING PICK-UP TRUCK PURCHASE

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

WHEREAS, the Town of Shandaken Highway Superintendent has located a 2013 Ford F250 Pick-Up through NYS OGS Bid;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approve the purchase of a 2013 Ford F250 Pick-Up Truck for a price not to exceed \$27,000.00 (US).

AND MOVES ITS ADOPTION

Seconded by: Jordan

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 #69 - 13

OFFERED BY Bernstein

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 2014 International 7600 Series Tri-Axle Dump Truck through County Bid;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approve the purchase of a 2014 International 7600 Series Tri-Axle Dump Truck for a price not to exceed \$160,000.00 (US).

AND MOVES ITS ADOPTION

Seconded by: Jordan

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 #70 - 13

OFFERED BY Stanley

RESOLUTION APPROVING GRAVEL CRUSHING BID

WHEREAS, the Town of Shandaken Highway Department advertised for bids for crushing of item 4 at the Town owned gravel bank following the Town Board meeting on February 4, 2013; and

WHEREAS, bids were received at the Town Clerk’s Office, Shandaken Town Hall, 7209 Route 28, PO Box 67, Shandaken, NY 12480 no later than 3pm on Monday, March 4, 2013 with bids to be opened at the Town Board meeting on the same date at 7pm;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board approve the bid from Clark Stone Products located in 41155 State Hwy. 10 Delhi, NY 13753 for the bid amount of **\$3.60 per ton** and will furnish a closed circuit plant, fuel and manpower to run the plant and loader.

AND MOVES ITS ADOPTION

Seconded by: Jordan

ROLL CALL

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

Signed this 5th day of March, 2013

Joyce Grant Town Clerk