



Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday, August 3, 2015

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of previous T/B Meeting minutes**
- 5. Supervisor's Financial Report**
- 6. Communications**
- 7. Committee Reports:**
 - a. Ambulance*
 - b. Police*
 - c. Phoenicia Water*
 - d. Pine Hill Water*
 - e. Museum*
 - f. Recreation*
 - g. Shandaken Day*
- 8. Public Comments on Resolutions**
- 9. Motions:**
- 10. Resolutions:**
 - 99. Pay All Bills**
 - 100. Town Board – Authorize Supervisor to execute USDA-ECWAG**
 - a. Bridge Street Main Repair**
 - 101. Town Board – Approve Affirmative Action Plan for NY Rising Projects**
 - 102. Town Board – Approve Policy and Grievance Procedure for NY Rising Projects**
 - 103. Bldg/Planning/ Zoning – Hire Secretary for Dept. – Anne Ricciardella**
 - a. 35 hrs/wk @ \$10.30 per hour**
 - 104. Highway – Accept Bids for Slope Stabilization Project Silver Hollow**
 - 105. Highway – Accept Bids for Herdman Bridge Repair Project**
 - 106. Highway – Set Special Meeting to Award Highway Slope Stabilization & Herdman Bridge Repair Projects**
 - a. TBD**
 - 107. Amend Dog Licensing & Impoundment Fees**
- 11. Open Public Comment**
- 12. Meeting Adjournment - *IN MEMORY OF:***

Martin Millman - Susan “Sue” Tiso - Darryl M. Ward

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	\$ 36,085.72
Highway	44,720.68
Phoenicia Water	3,599.41
Pine Hill Water	271.41
Phoenicia Lights	923.56
Chichester Lights	135.07
Pine Hill Lights	534.07

	\$ 86,269.92

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL

	AYES	NAYS
BOARD MEMBER BERNSTEIN	<u> X </u>	_____
BOARD MEMBER HIGLEY	<u> X </u>	_____
BOARD MEMBER MALLOY	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

**AUTHORIZING RECEIPT, USE AND DISBURSEMENT OF GRANT FUNDS AND
AUTHORIZING SUPERVISOR TO EXECUTE RURAL DEVELOPMENT DOCUMENTS FOR
EMERGENCY GRANT
FOR BRIDGE STREET WATER MAIN REPLACEMENT**

WHEREAS, the Town of Shandaken owns and operates a municipal water system located in the Hamlet of Phoenicia (Phoenicia Water District); and

WHEREAS, the Phoenicia Water District has endured a catastrophic failure of an 8” water main crossing the Bridge Street Bridge in Phoenicia due to extreme cold temperatures; and

WHEREAS, the Town recognizes the importance of re-establishing this main to maintain a sound delivery system for potable water to its residents; and

WHEREAS, under Town of Shandaken Resolution #68-15 of 2015 authorizing the Town Supervisor to apply for a United States Department of Agriculture Emergency Community Water Assistance Grant (USDA-ECWAG); and

WHEREAS, the Town has received a letter from USDA – ECWAG that the Town has preliminarily been awarded said grant for the \$150,000 maximum;

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board does hereby authorizes the receipt, use and disbursement of the USDA ECWAG monies; and

BE IT FURTHER RESOLVED the Town Board does hereby authorize the Town Supervisor to execute any documents necessary for use, receipt and disbursement of USDA-ECWAG monies.

AND MOVES ITS ADOPTION

Seconded by: STORMS

ROLL CALL

	AYES	NAYS
BOARD MEMBER BERNSTEIN	__X__	_____
BOARD MEMBER HIGLEY	__X__	_____
BOARD MEMBER MALLOY	__X__	_____
BOARD MEMBER STORMS	__X__	_____
SUPERVISOR STANLEY	__X__	_____

RESOLUTION TO ADOPT AN AFFIRMATIVE ACTION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM

WHEREAS, the Town of Shandaken is a sub-recipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Governor’s Office of Storm Recovery (GOSR) of the New York State Housing Trust Fund Corporation (HTFC) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

WHEREAS, participation in the New York State CDBG-DR Program requires the adoption and implementation of an Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies; and,

WHEREAS, the purpose of this plan is to prohibit workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

NOW, THEREFORE, BE IT RESOLVED by the Shandaken Town Board that the Affirmative Action Plan be hereby officially adopted for implementation in the New York State CDBG-DR Program.

AND MOVES ITS ADOPTION

Seconded by:

ROLL CALL

	AYES	NAYS
BOARD MEMBER BERNSTEIN	_X_	___
BOARD MEMBER HIGLEY	_X_	___
BOARD MEMBER MALLOY	_X_	___
BOARD MEMBER STORMS	_X_	___
SUPERVISOR STANLEY	_X_	___

A RESOLUTION ADOPTING THE FOLLOWING SECTION 504 POLICIES AND GRIEVANCE PROCEDURES FOR THE TOWN OF SHANDAKEN

SECTION 504 RESOLUTION/TOWN OF SHANDAKEN

WHEREAS, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

WHEREAS, it is the policy of the Town of Shandaken not to discriminate against any individual, person, or group on the basis of disability and the intent of the Town of Shandaken to address any complaints that may arise pursuant to Section 504,

NOW, THEREFORE, BE IT RESOLVED that the Town of Shandaken does hereby adopt by resolution internal grievance procedures (the "Procedure"), affixed to this resolution, providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

BE IT FURTHER RESOLVED, that the Town of Shandaken does hereby designate the Town Supervisor as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

BE IT FINALLY RESOLVED, that the Town of Shandaken will place its employees, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the Town of Shandaken's official newspaper, posting of notices in the Town of Shandaken's offices and facilities, placing notices in Town of Shandaken's publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Shandaken Town Hall for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the Town's adopted grievance procedures.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL

AYES

NAYS

BOARD MEMBER BERNSTEIN	<u> X </u>	_____
BOARD MEMBER HIGLEY	<u> X </u>	_____
BOARD MEMBER MALLOY	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

BACKGROUND: Section 504 of the Rehabilitation Act of 1973 (the “Act”) as amended prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor’s Office of Storm Recovery (GOSR), and under which the Town of Shandaken has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

SECTION 504 POLICY/COMPLIANCE: Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the Town of Shandaken not to discriminate on the basis of disability. Towards that end, the Town of Shandaken has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined at Shandaken’s Town Hall. The Town Supervisor for the Town of Shandaken has been designated to coordinate the efforts of the Town with respect to Section 504 compliance. This information can also be accessed on the Internet at the following address: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504 . The Shandaken Town Hall is located at 7209 NY Route 28, Shandaken, New York. The Section 504 Coordinator can be reached at (845) 688-7165.

GRIEVANCE PROCEDURE: Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the Town of Shandaken outlined below.

- **Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.**
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the

complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Town of Shandaken relating to such grievances.

- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Town Board of Shandaken within 15 days of receiving the Section 504 Coordinator's decision. The Board of Supervisors shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The Town of Shandaken will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the Town of Shandaken to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

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 **Anne Ricciardella**, be appointed as Building Department Secretary at 35 hr. per week, with an hourly rate of \$10.30, not to exceed \$19,129 for the Fiscal Year 2015 and serve at the pleasure of the Planning Board, Zoning Board of Appeals, Municipal Code Officer and be accountable to the Town Board while dispensing duties of said office,

AND MOVES ITS ADOPTION

Seconded by: MALLOY

ROLL CALL

	AYES	NAYS
BOARD MEMBER BERNSTEIN	ABSTAIN	_____
BOARD MEMBER HIGLEY	<u> X </u>	_____
BOARD MEMBER MALLOY	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

Accept Bids – Silver Hollow Slope Stabilization Projects

WHEREAS, Pursuant to Resolution 93-15, the Town of Shandaken Town Board Advertised for bids for firms to assist in a Slope Stabilization Project for Silver Hollow.

WHEREAS, bids were received at the Town Clerk’s Office, Shandaken Town Hall, 7209 Rt. 28 PO Box 67, Shandaken, NY 12480 no later than 3pm on Monday, August 3rd, 2015 with bids to be opened at the Town Board Meeting on the same date at 7pm.

THEREFORE, BE IT RESOLVED, that the following bids were received and accepted as qualified bidders-

- Kingston Equipment Baker Bros. – 78 Stone Rd. West Hurley NY 12480 - \$224,900.
- Hubbell Bros. PO Box 664 Margaretville, NY 12455 - \$389,000.
- Evergreen Mtn. Contracting, West Kill, NY 12492 - \$325,000.

AND MOVE ITS ADOPTION

Seconded by STANLEY

ROLL CALL

	AYES	NAYS
BOARD MEMBER BERNSTEIN	_X_	_____
BOARD MEMBER HIGLEY	_X_	_____
BOARD MEMBER MALLOY	_X_	_____
BOARD MEMBER STORMS	_X_	_____
SUPERVISOR STANLEY	_X_	_____

Resolution 105-15

***On a Stanley/Malloy motion, the Town Board unanimously voted to “scratch” this resolution, as there were no bids received.**

Accept Bids – Herdman Bridge Repair Project

WHEREAS, Pursuant to Resolution 93-15, the Town of Shandaken Town Board Advertised for bids for firms to assist in Herdman Bridge Repair Project.

WHEREAS, bids were received at the Town Clerk’s Office, Shandaken Town Hall, 7209 Rt. 28 PO Box 67, Shandaken, NY 12480 no later than 3pm on Monday, August 3rd, 2015 with bids to be opened at the Town Board Meeting on the same date at 7pm.

THEREFORE, BE IT RESOLVED, that the following bids were received and accepted as qualified bidders-

AND MOVE ITS ADOPTION

Seconded by

**Set Special Meeting Date to Award Highway Bid
Slope Stabilization**

WHEREAS bids were received for the Slope Stabilization Project for Silver Hollow, on August 3, 2015 at the monthly Town Board Meeting.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board set the following date to award bid for Slope Stabilization Project.

Monday August 17th at 1pm

AND MOVE ITS ADOPTION

Seconded by STANLEY

ROLL CALL

	AYES	NAYS
BOARD MEMBER BERNSTEIN	<u> X </u>	<u> </u>
BOARD MEMBER HIGLEY	<u> X </u>	<u> </u>
BOARD MEMBER MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

**Resolution to Amend Local law Chapter 69.8 & 69.9
Dog License Fees & Impound Fees.**

Whereas, Local Law Chapter 69-8, Section2 states: “Such fees shall be reviewed by the Town Board from time to time and may be changed by a resolution of the Town Board”

Therefore be it resolved, that the fees for licensing of dogs and impoundment fees be amended as follows:

69.8 Licensing of Dogs

C. Fees for licensing of dogs

1. Fees

a. The fee for a spayed or neutered dog shall be \$8.00 plus a surcharge of \$1. for the purpose of carrying out animal population control.

b. The fee for unspayed or unneutered shall be \$14.00 plus a surcharge of \$3. for the purpose of carrying out animal population control

c. A replacement tag fee of \$3.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

d. Owners who are 65 of age and older, shall be charged \$1.50 plus \$1. Surcharge for dog license, for spayed/neutered or unspayed/unneutered dogs.

e. Dogs who have been microchipped with active account, the fee for spayed/neutered shall \$6.00 plus \$1. Surcharge. The fee for unspayed/unneutered shall be \$12 plus surcharge of \$3.

Be It Further Resolved. 69.9 Seizure & Impoundment

B. The owner may redeem the dog by producing a license for such dog and by paying a redemption fee to the Town Clerk of \$20 retrieval fee plus subsequent daily impounding fees as follows: \$10 each day for the first 5 days, and \$20 per day for the next 4 days. (or 6th through 10th day)..

AND MOVE ITS ADOPTION

Seconded by HIGLEY

ROLL CALL

	AYES	NAYS
BOARD MEMBER BERNSTEIN	<u> X </u>	_____
BOARD MEMBER HIGLEY	<u> X </u>	_____
BOARD MEMBER MALLOY	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____