

**RESOLUTION # 50-13**

**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:

<b>General</b>	<b>\$</b>	<b>91,045.10</b>
<b>Highway</b>		<b>69,785.38</b>
<b>Phoenicia Water</b>		<b>7,815.18</b>
<b>Pine Hill Water</b>		<b>1,389.60</b>
<b>Phoenicia Lights</b>		<b>1,122.61</b>
<b>Chichester Lights</b>		<b>152.07</b>
<b>Pine Hill Lights</b>		<b>624.05</b>

<b>Rcv'd in General Fund from USDA for Phoenicia Stream Work paid to Highway Dept.</b>		<b>53,565.30</b>
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**AND MOVES ITS ADOPTION**

Seconded by: HIGLEY

**ROLL CALL**

	<b>AYES</b>	<b>NAYS</b>
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	ABSENT	

**RESOLUTION #51 - 13**

**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 was 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 **Jacobowitz and Gubits, LLP of Walden, 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: BARTLETT

ROLL CALL

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

**\*Board Member Higley Recused due to possible future litigation with this attorney.**

**RESOLUTION #52 - 13**

**OFFERED BY BARTLETT**

**AFFIRMING DEFENSE FOR TOWN IN LITIGATION**

**WHEREAS, Marietta Hofmeister and Wilfred Nolte have commenced a lawsuit** in the Supreme Court of the State of New York, County of Ulster against the Town of Shandaken Zoning Board of Appeals and the Town of Shandaken Planning Board, 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 **Jacobowitz and Gubits, LLP of Walden, 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 any 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**

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

**\*Board Member Higley Recused due to possible future litigation with this attorney.**

**RESOLUTION #53 - 13**

**OFFERED BY HIGLEY**

**ESTABLISHING STANDARD WORKDAY FOR NYS RETIREMENT SYSTEM**

**WHEREAS**, the Town of Shandaken and certain employees, elected and appointed, may participate in the New York State Employee’s Retirement System, and

**WHEREAS**, the NYS Retirement System requires the establishment of “Standard Workday” based on the amount of time each employee contributes to their jobs,

**BE IT RESOLVED**, that the Town of Shandaken hereby establishes the Standard Workday for all Elected and Appointed positions within the Town of Shandaken as seven (7) hours per day, excepting all Highway and Police employees, Highway Superintendant and Police Chief, which shall be eight (8) hours per day.

**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>	_____
SUPERVISOR STANLEY	ABSENT	_____

**RESOLUTION #54 - 13**

**OFFERED BY JORDAN**

**ADVERTISING FOR GRAVEL CRUSHING**

**WHEREAS**, THE Town of Shandaken Highway Department is seeking bids for crushing of item 4 at the Town owned gravel bank, specifications are available at the Highway Superintendant's Office, 7209 Route 28, Shandaken, NY or by calling (845) 688-9901.

**THEREFORE BE IT RESOLVED**, that bids will be 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, to be opened at the regular Town Board meeting scheduled for 7 pm that evening.

**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>	_____
SUPERVISOR STANLEY	ABSENT	_____

**RESOLUTION #55 - 13**

**OFFERED BY BERNSTEIN**

**INTERIM 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 **Susan M. Christiana** be appointed to serve as Interim Secretary to the Highway Superintendent, and to serve at his pleasure, and to be paid \$12.06 per hour not to exceed \$23,156 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	ABSENT	_____

**RESOLUTION #56 - 13**

**OFFERED BY HIGLEY**

**INTERIM 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 **Susan M. Christiana** be and hereby is appointed Interim Bookkeeper for the Phoenicia Water District, and be paid \$10.30 hourly, not to exceed \$2,532 for the remainder of the calendar year 2013.

**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	ABSENT	_____

**RESOLUTION #57 - 13**

**OFFERED BY BARTLETT**

**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 \$11.01 per hour, not to exceed \$18,497 for the remainder of the calendar year 2013 when discharging 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	ABSENT	_____



**RESOLUTION #58 - 13**

**OFFERED BY Board Member Bernstein**

**RESOLUTION IN SUPPORT OF  
THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION**

**WHEREAS**, THE Right of the People to Keep and Bear Arms is guaranteed as an individual right under the Second Amendment to the United States Constitution and under the Constitution of the State of New York, and;

**WHEREAS**, the Right of the People to Keep and Bear Arms for defense of life, Liberty, and Property is regarded as an Inalienable Right by the People of the Town of Shandaken , Ulster County, New York, and;

**WHEREAS**, the People of the Town of Shandaken, Ulster County, New York derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Shandaken using all types of firearms allowable under the United States Constitution and the Constitution of the State of New York, and;

**WHEREAS**, the Shandaken Town Board, being elected to represent the People of Shandaken and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York, and;

**WHEREAS**, the New York State Assembly and the New York State Senate, being elected by the People of the State of New York and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York, and;

**WHEREAS**, legislation passed by the New York State Assembly and Senate infringes on the Right to Keep and Bear Arms and would ban the possession and use of firearms now employed by individual citizens of the Town of Shandaken for defense of Life, Liberty and Property and would ban the possession and use of firearms now employed for safe forms of firearms recreation, hunting and shooting within the Town of Shandaken, Ulster County, New York, and;

**WHEREAS**, the Town of Shandaken Town Board believes there are many other less intrusive means available, other than rash, confusing and inarticulately drafted firearms laws that would effectively control, manage and reduce violence in our society, such as mental health reforms, anti-bullying programs in our schools, the enforcement of the existing laws to the fullest extent possible, the addressing of the universal availability of extremely violent video games and movies to our youth and the proper psychological counseling for those in need or who request it;

**THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Shandaken does hereby oppose the enactment of any legislation that would infringe upon the Right of the People to Keep and Bear Arms and consider such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives, as there is no documented correlation between gun control measures and crime reduction.

**BE IT FURTHER RESOLVED**, that the Town Clerk send a certified copy of this resolution to each of the following: President Barack H. Obama, Vice President Joseph Biden, U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, U.S. Congressman Chris Gibson, New York State Governor Andrew Cuomo, NY State Senator James L. Seward, NY State Assemblyman Kevin Cahill, Ulster County Executive Michael P. Hein, Ulster County Legilative Chair Terry Bernardo and Ulster County Legislator John Parete.

**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	ABSENT	_____

**Signed this 5<sup>th</sup> day of February, 2013**

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**Joyce Grant – Town Clerk**