

February 10, 2014 Resolutions  
**RESOLUTION # 51-14**

**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:

<b>General</b>	\$ 93,357.69
<b>Highway</b>	113,437.67
<b>Phoenicia Water</b>	9,736.09
<b>Pine Hill Water</b>	2,369.86
<b>Phoenicia Lights</b>	1,091.10
<b>Chichester Lights</b>	149.39
<b>Pine Hill Lights</b>	610.12

**AND MOVES ITS ADOPTION**

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

**RESOLUTION # 52-14 (13-14)**

**OFFERED BY: 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 **Tim Malloy** to act as Deputy Supervisor, in the absence of the supervisor, without compensation, for the year 2014.

**AND MOVES ITS ADOPTION**

Seconded by: MALLOY  
**ROLL CALL: 4 AYES, 1 RECUSE (MALLOY)**

**RESOLUTION # 53-14 (8-14)**

**OFFERED BY: MALLOY**

**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 \$1,250.00 each be and hereby is appropriated for Rent of Rooms and Patriotic Observances for each of the organizations for the year 2014.

**AND MOVES ITS ADOPTION**

Seconded by: STANLEY  
**ROLL CALL: 3 AYES, 2 RECUSE (BERNSTEIN, MALLOY) Members of Post #950**

**RESOLUTION # 54-14**

**OFFERED BY HIGLEY**

**RESOLUTION ADVERTISING FOR TOWN ENGINEERING AND PLANNING FIRMS**

**WHEREAS**, the Town of Shandaken is in need of assistance in developing and reviewing multiple plans and data in several areas including, but not limited to: FEMA funded projects, NY Rising projects, storm-water projects, water system upgrades for two municipal districts, and assisting the Town Planning and Recreation Boards in their planning activities when requested;

**THEREFORE BE IT RESOLVED** that the Town of Shandaken advertise for an Engineering and Planning firm to assist the Town in these endeavors and make submissions to the Town containing all necessary information outlined in the Request For Proposal (RFP) attached to this resolution; and

**BE IT FURTHER RESOLVED**, that any bid proposals be received no later than 12pm on Monday, March 10, 2014 in the Town of Shandaken Town Clerk's Office, 7209 Rte 28, Shandaken, NY 12480. Bids should be clearly marked "E&P BID Proposal" on the outside of the sealed bid proposal. The Town will hold a Special Town Board meeting on Monday, March 10, 2014 at 1pm in the Shandaken Town Hall (7209 Rte. 28, Shandaken, NY 12480) to review the proposals and will notify the successful firm when selected. The Town of Shandaken reserves the right to reject any and all bids.

## **AND MOVES ITS ADOPTION**

**ROLL CALL: 4 AYES, 1 NAY (BERNSTEIN)**

### **Project Description and Preliminary Scope of Work**

The Town of Shandaken is soliciting proposals from qualified engineering and planning firms for assistance in the following:

#### **Project Description**

Assist the Town of Shandaken in multiple existing and forthcoming projects and future unidentified projects involving planning, engineering and construction components.

#### **Completion Date**

Work will be evaluated annually and reappointment will be at the discretion of the Town.

#### **Scope of Work**

Professional services required are likely to include:

- Assist Town with identified and future FEMA projects
- Assist NY Rising Committee on identified projects
- Assist Shandaken Flood Group (SAFARI) on identified Flood Mitigation Projects and Ordinances
- Assist Town Planning Board with review and possible revisions to existing Town Code
- Assist Town Planning Board with review and possible revisions to existing Comprehensive Plan
- Survey work including land elevations
- Detailed Construction plans illustrating depths, lengths and materials needed
- Detailed estimates of costs for both materials and construction

**Other:** The successful firm **must** have familiarity with HEC-RAS modeling, GIS mapping, Flood Insurance Issues (FEMA, NFIP, CRS, mapping) and previous experience with the NYS DEC, NYC DEP, Army Corps of Engineers, USDA-NRCS.

### **Submittal Content**

The proposal must be organized in sections containing the following information:

- **Description of Firm.** Describe your firm's legal structure, areas of expertise, length of time in business, number of employees, and other information that would help to characterize the firm. Provide the address of the main office (for legal purposes) and the address of the office that will manage the project.
- **Experience.** Briefly describe other projects executed by your firm that demonstrate relevant experience; however, extensive descriptions of vaguely related projects are discouraged. Also list all public sector clients for whom you have performed similar work in the past five years. Please highlight projects illustrating work within the Catskill Forest Preserve and the New York City West-of Hudson Watershed. For each project mentioned, include the name, address and phone number of a person who can be contacted regarding your performance on the project. When submitting projects for which your firm worked in an auxiliary capacity or in a joint venture or partnership, include the name and address of the lead firm as well as the name and addresses of the other firms with which you worked.
- **Personnel.** Provide a professional resume for the key people proposed to be assigned to the project (including

any important sub-consultants), and describe relevant related experience. Describe key personnel's proposed roles and responsibilities on this project. Submittals must identify a proposed project manager, who would be responsible for the day-to-day management of project tasks and would be the primary point of contact with your firm. An organization chart of the project team may be appropriate but not required.

- **Costs.** Provide a schedule of the hourly rate of each person who would be working on this project and set forth a detailed description of any other costs, disbursements and expenses that would be charged to the town by the firm.

- **Project Approach.** Describe the tasks that must be accomplished to complete the project. Provide a narrative description of how the firm proposes to execute the tasks. If applicable, discuss any unique aspects of the project, alternate approaches the Town of Shandaken might wish to consider, or special considerations related to programmatic/ funding requirements. Your firm should rely on its expertise and experience with similar projects to demonstrate how it will effectively complete the project.

- **Project Schedule.** Provide a schedule of past general projects and activities indicating the duration of each activity and of the total project, including a schedule of Personnel assigned to project. The schedules should reflect actual activity durations.

Brochures or other material that may be helpful in evaluating your firm may be included in an appendix of the proposal.

## **Additional Information**

Questions regarding the project may be directed to Supervisor Robert A. Stanley at:

Town of Shandaken  
P.O. Box 134, Shandaken, New York 12480  
(845) 688 – 7165  
shandakensupervisor@yahoo.com

The following may be requested from, or viewed at, Town offices at 7209 Rte. 28, Shandaken, NY 12480,

- Town Map
- Town Zoning Maps
- Town Flood Maps (including new preliminary maps)
- Town Infrastructure Maps (including water districts)
- Town Codes
- Other pertinent material (as requested)

## **Submittal Deadline**

Seven copies of the proposal must be received no later than 12:00 p.m. on February 26, 2014 at the Town Clerk's Office, Town of Shandaken, 7209 Rte. 28, Shandaken, NY 12480. Proposals received after the deadline will not be considered.

## **Selection Process**

Proposals will be ranked based on the factors set forth below and the Town of Shandaken Town Board, in its discretion, may choose to interview several of the top ranked firms or it may reject all of the applicants. However, at its discretion, the Town of Shandaken may dispense with interviews and select a firm to perform the work. Firms will be evaluated on the basis of the following factors:

- Firm History and Capability to Perform Project
- Relevant Project Experience
- Qualifications of Project Team
- Familiarity with Area and Project
- Project Approach and Schedule
- References
- Cost Proposal
- Responsibility/capability to complete the work as required

A selection committee appointed by the Town of Shandaken will assist with firm evaluations and make recommendations to the Town Board of Shandaken who will make the final selection. The Town of Shandaken expects to evaluate proposals at a Special Town Board meeting scheduled for 1:00pm on Wednesday, February 26, 2014 and in due course, will provide written notification to the awarded firm. The Town of Shandaken reserves the right to reject any and all proposals.

## **Equal Opportunity/ Affirmative Action Employer**

All qualified applicants will receive consideration without regard to race, color, religion, creed, sex, age, or national origin.

**RESOLUTION # 55-14**

**OFFERED BY STORMS**

### **RESOLUTION ESTABLISHING TOWN BOARD SPECIAL MEETING**

**WHEREAS**, the Town of Shandaken needs to conduct certain Town business in a timely fashion concerning a Request For Proposals advertising for a Town Engineering and Planning firm;

**THEREFORE BE IT RESOLVED** that the Town of Shandaken Town Board will conduct a Special Meeting at **1 pm on Monday, March 10, 2014** for the purpose of conducting business related to review and hiring of a Town Engineering and Planning firm,

**AND MOVES ITS ADOPTION**

Seconded by: MALLOY

**ROLL CALL: 4 AYES, 1 NAY (BERNSTEIN)**

**RESOLUTION #56-14  
BERNSTEIN**

**OFFERED BY**

### **RESOLUTION CONCERNING DEVELOPMENT AND USE OF THE ULSTER COUNTY OWNED ULSTER AND DELAWARE RAILROAD RIGHT-OF-WAY**

**WHEREAS**, the County of Ulster, New York State, owns 38.61 miles of the former Ulster & Delaware (U&D) railroad right-of-way extending from the City of Kingston westward to the Delaware County border at Highmount near Belleayre Mountain Ski Center, of which nearly sixteen (16) miles are located in the Town of Shandaken; and

**WHEREAS**, the Catskill Mountain Railroad (CMRR) holds a lease with Ulster County for the U & D railroad corridor that expires in 2016; and

**WHEREAS**, continuing legal battles between these entities increases costs for both a local tourist attraction and the County of Ulster, whose funds are provided by the taxpayers of

Ulster County, and accomplishes nothing but exacerbates a relationship between two entities who should be working toward a common goal beneficial for all the parties involved, most notably the taxpayers and residents of the County of Ulster and Town of Shandaken; and

**WHEREAS**, the Town of Shandaken supports the existing operations of the CMRR and recognizes the economic benefits it currently provides for our local community, the Town of Shandaken Town Board desires that the existing railroad operations from Phoenicia to Boiceville be allowed to continue or be expanded in order to reach their maximum economic potential for the Town of Shandaken; and

**WHEREAS**, the Town of Shandaken also recognizes the potential economic and health benefits of a proposal for cooperative use of the corridor as rail with trail corridor thereby increasing the accessibility, use and economic benefits of the corridor; and

**WHEREAS**, trail construction could be accomplished parallel to the railroad tracks, or constructed atop the railroad tracks in areas where railroad activity is not anticipated over the next five years without removing railroad infrastructure; and

**WHEREAS**, the Delaware & Ulster Railroad (DURR), located in Arkville, Delaware County, New York State has expressed interest in re-establishing and extending its operations east into Ulster County;

**THEREFORE, BE IT RESOLVED** that the Town of Shandaken requests that all involved parties immediately cease their legal efforts and sincerely enter into discussions to work out a solution agreeable for all parties involved, including the taxpayers of the Town of Shandaken and County of Ulster; and

**BE IT FURTHER RESOLVED** that the Town of Shandaken requests that Ulster County representatives work to ensure continuing operations of current tourism railroad activities, especially from Phoenicia to Boiceville; and

**BE IT FURTHER RESOLVED** that the Town of Shandaken additionally requests that Ulster County representatives work cooperatively with the DURR to extend its operations to Big Indian, Ulster County, New York; and

**BE IT YET FURTHER RESOLVED** that a copy of this resolution be sent to the following: Honorable Governor Andrew Cuomo, United States Senators Charles Schumer and Kirsten Gillibrand, United States Representative Chris Gibson; New York State Senate Majority Leader Dean Skelos and New York State Senators James Seward, John Bonacic, William J. Larkin and Cecelia Tkaczyk; New York State Assembly Speaker Sheldon Silver and New York State Assembly Members Kevin Cahill, Claudia Tenney, Frank K. Skartados and Peter Lopez; Ulster County Legislative Chair John Parete And the Ulster County Legislature; Ulster County Executive Michael P. Hein; the Ulster County Railroad Advisory Committee; the Ulster County Trails Advisory Committee; the Town of Hurley Town Board; the Town of Olive Town Board; the Town of Ulster Town Board; the City of Kingston City Council; the Town of Middletown (Delaware County) Town Board

**AND MOVES ITS ADOPTION**

Seconded by: HIGLEY

**ROLL CALL: 3 AYES, 2 NAYS (MALLOY, STORMS)**

**RESOLUTION # 57-14**

**OFFERED BY MALLOY**

**RESOLUTION ESTABLISHING  
SCENIC BYWAY MANAGEMENT ENTITY COMPOSITION**

**WHEREAS**, the Town of Shandaken, Ulster County, in March of 2013 adopted the draft Corridor Management Plan for the Rte. 28 Catskill Mountain Scenic-By-Way; and

**WHEREAS**, the process toward the final approval of the Rte. 28 By-Way Plan by NYS can take anywhere from twenty-four to thirty-six months; and

**WHEREAS**, the process includes establishment of a formal management entity for the By-Way; and

**WHEREAS**, there is no financial or other obligation attached to this step; and

**WHEREAS**, formalization of the management responsibilities during the final NYSDOT review and approval process will facilitate the process; and

**WHEREAS**, the Supervisors and Mayors in each of the following Towns and Villages along the proposed By-Way (Olive, Shandaken, Middletown, Fleischmanns, Margaretville and Andes) have established the NYS Route 28 Municipal Leaders Group comprised of the Supervisors and Mayors of each respective municipality;

**THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Shandaken, Ulster County, New York, does hereby recognize the NYS Route 28 Municipal Leaders Group as the **Board of Directors** for the proposed Catskill Mountain Scenic By-Way under the following guidelines:

- 1) The Board of Directors shall be comprised of the current Supervisor or Mayor of each municipality along the proposed By-Way as such:
  - a. Town of Andes Supervisor
  - b. Town of Middletown Supervisor
  - c. Town of Olive Supervisor
  - d. Town of Shandaken Supervisor
  - e. Village of Fleischmanns Mayor
  - f. Village of Margaretville Mayor

- 2) The Board of Directors shall elect Officers (Chair, Vice-Chair and Secretary) annually or upon a vacancy created by election, resignation from elected office or death.
- 3) If a vote/action is required by the Board of Directors, the members shall first receive approval through formal resolution by each of their respective municipal governing (Town/Village) Boards.
- 4) If direct funding is requested/suggested from each municipality *OR* from a specific municipality for a specific project, the municipality retains their right to approve or deny funding under Home Rule Statutes of New York State and each member must receive approval for any funding through formal resolution of their respective municipal governing (Town/Village) Board.
- 5) If any municipality denies the direct funding request, direct funding shall not be committed or required from that municipality.

**BE IT FURTHER RESOLVED**, the Town Board of Shandaken also recognizes the establishment of Central Catskill Mountain Collaborative as the *Advisory Board* to the Board of Directors for the proposed Catskill Mountain Scenic By-Way under the following guidelines:

- 1) The Advisory Board shall be comprised of two (2) members of each municipality along the proposed By-Way as such:
  - a. Each municipality shall appoint one (1) municipal representative member from one of their existing formal municipal boards (Town, Planning, Zoning, Recreation, etc.).
  - b. Each municipality shall appoint one (1) at-large member (either a resident or business owner) who shall not be on any existing formal municipal board.
  - c. Each municipality may elect to vote for one (1) alternate member within any of the above criteria to act in the absence of either primary advisory member.
- 2) Each municipality's advisory members shall be appointed or re-appointed annually by each of the following municipal governing boards: Town Board of Andes; Town Board of Middletown; Town Board of Olive; Town Board of Shandaken; Village Board of Fleischmanns; Village Board of Margaretville.
- 3) The Advisory Board shall elect Officers (Chair, Vice-Chair, Treasurer and Secretary) annually or upon a vacancy created by election, resignation or death. At no time shall one municipality maintain more than one member as an Officer on the Advisory Board.
- 4) The Advisory Board members shall carry votes on the Advisory Board **ONLY**.



- 5) The Advisory Board Chair, or designee, is required to attend the Board of Directors meetings to relay discussions within the Advisory Board.

**BE IT YET FURTHER RESOLVED**, the Town Board of Shandaken also hereby reaffirms that the Central Catskills Chamber of Commerce will continue performing the duties of *Interim Administrator* as outlined and adopted in October 2013 by this Board through Resolution 130-13

**AND MOVES ITS ADOPTION**

Seconded by: STANLEY

**ROLL CALL: 3 AYES, 2 NAYS (BERNSTEIN, HIGLEY)**

**RESOLUTION # 58-14**

**OFFERED BY STANLEY**

**RESOLUTION APPOINTING CENTRAL CATSKILL COLLABORATIVE MEMBERS**

**WHEREAS**, the Town of Shandaken is a member community of the Central Catskills Collaborative which includes the municipalities of Andes, Fleischmanns, Margaretville, Middletown, and Olive; and

**WHEREAS**, the Town is requested to annually appoint two standing members and one alternate to the Collaborative;

**THEREFORE BE IT RESOLVED** that the Town of Shandaken Town Board hereby appoints Town Board Member **Faye Storms** and **Doris Bartlett** as the standing representatives and Parks and Recreation Board Chair **Martie Gailes** as the Alternate member for the Town of Shandaken on the Catskill Collaborative Committee for the year 2014

**AND MOVES ITS ADOPTION**

Seconded by: MALLOY

**ROLL CALL: 4 AYES, 1 NAY (HIGLEY)**

**RESOLUTION # 59-14**

**OFFERED BY: HIGLEY**

**ASSISTANT DOG CONTROL OFFICER**

**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 **Tom Rinaldo** be hereby appointed Assistant Dog Control Officer for the year 2014 and shall receive an annual salary not to exceed \$4,000.00 when discharging the duties of said office at the pleasure of the Board.

**AND MOVES ITS ADOPTION**

Seconded by: STORMS

**ROLL CALL: 5 AYES**

**RESOLUTION # 60-14**

**OFFERED BY: STORMS**

**HIGHWAY PLOWING OF TOWN CHURCHES & FIREHOUSES**

WHEREAS, the Town of Shandaken shall perform certain snow plowing and sanding services during the winter of 2013 - 2014 for and on the premises of the St Francis de Sales Church in Phoenicia, Shandaken Methodist Church in Shandaken, Phoenicia Methodist Church in Phoenicia and Shandaken Community Church in Mt. Tremper.

WHEREAS, the Town of Shandaken shall perform certain snow plowing and sanding services during the winter of 2013 - 2014 for and on the premises of the Mt. Tremper, Phoenicia, Shandaken, Big Indian - Oliverea and the Pine Hill Firehouses,

THEREFORE BE IT RESOLVED, that for and in consideration of such snow plowing and sanding services the said Churches & Firehouses shall EACH pay to the Town of Shandaken the sum of \$1.00 receipt whereof is hereby acknowledged,

BE IT FURTHER RESOLVED, that said churches and firehouses shall save the Town of Shandaken free of any claims, causes of action or liability for damages to persons or property arising out of the services to be performed by the Town of Shandaken, its agents, servants or employees in the performance of this agreement.

**AND MOVES ITS ADOPTION**

Seconded by: STANLEY

**ROLL CALL: 5 AYES**

**RESOLUTION # 61-14**  
**BERNSTEIN**

**OFFERED BY**

**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 **ALAN SHINER** be appointed to the Shandaken Planning Board with his term to expire in December 31, 2018.

**AND MOVES ITS ADOPTION**

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

**RESOLUTION # 62-14**

**OFFERED BY: STANLEY**

**RELEASE OF U.R.G.E.N.T. FUNDS**

**WHEREAS**, pursuant to the Ulster County Regional Enforcement Narcotics Team (U.R.G.E.N.T.) Cooperative Agreement and the Inter-Municipal Agreement for the year 2013 between the Town of Shandaken and the County of Ulster, the Town of Shandaken is eligible for a distribution of monies seized by URGENT in the amount of \$1,000;

**THEREFORE BE IT RESOLVED**, the Town Board of the Town of Shandaken has authorized the general release related to this distribution and has authorized the Supervisor of the Town of Shandaken to sign the general release required in order for funds to be released by the County of Ulster on behalf of URGENT.

**AND MOVES ITS ADOPTION**

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

Signed this 11<sup>th</sup> Day of February, 2014

Joyce Grant – Town Clerk

