

October 1, 2018

RESOLUTION #117-18

OFFERED BY: DISCLAFANI

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	\$ 87,413.05
Highway	48,534.49
Phoenicia Water	10,339.39
Pine Hill Water	488.38
Phoenicia Lights	1,000.94
Chichester Lights	152.73
Pine Hill Lights	566.88

	\$ 148,495.86

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	_____
BOARD MEMBER DISCLAFANI	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____
BOARD MEMBER VANBLARCUM	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

RESOLUTION #118-18

OFFERED BY VANBLARCUM

**RESOLUTION TO AUTHORIZE ENTERING FRANCHISE AGREEMENT
WITH MARGARETVILLE TELEPHONE COMPANY**

WHEREAS The Town of Shandaken (**TOWN**) with its principal offices located at 7209 NYS Route 28, Shandaken, NY 12480 wishes to enter into a Franchise Agreement with Heart of the Catskills Communications, Inc. dba MTC Cable, (**MTC**) a corporation organized and existing under the laws of the State of New York with its principal offices located at 50 Swart St., Margaretville, NY 12455; and

WHEREAS Pursuant to the Town Law the Board has the exclusive power on behalf of the TOWN to the grant franchises providing for or involving the use of the Streets and give the consent of the TOWN to any franchisee for or relating to the occupation or use of the Streets; and

WHEREAS Pursuant to the Communications Act of 1934, as amended, the Board has the authority to grant cable television franchises and renewals thereof on behalf of the TOWN; and

WHEREAS the TOWN has conducted negotiations with MTC and has conducted a Public Hearing held Monday, October 1, 2018 regarding MTC's Franchise proposal affording all interested parties due process including notice and the opportunity to be heard; and

WHEREAS the Board has determined that MTC's plans for constructing and operating a franchise are adequate, feasible and beneficial for the community-at-large; and

THEREFORE BE IT RESOLVED the Town Board of the Town of Shandaken does agree that the grant of the cable franchise to be an unlisted action and a negative declaration is hereby made determining that the proposed action will not have any significant effects on the environment; and

BE IT FURTHER RESOLVED the Town Board hereby authorizes the Town Supervisor to enter into aforementioned Franchise Agreement with MTC Cable and the Board in granting this Franchise, as embodied in the Agreement, has determined that the MTC Cable will fulfill the needs of the TOWN with respect to cable television service and compliance with the standards and requirements of the New York State Public Service Commission.

AND MOVES ITS ADOPTION

Seconded by: ALBA

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #119-18

OFFERED BY STANLEY

RESOLUTION ADOPTING TENTATIVE BUDGET AS PRELIMINARY BUDGET

WHEREAS, the Town of Shandaken has prepared a 2019 Tentative Budget for review;

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken hereby adopts the 2019 Tentative Budget as the 2019 Preliminary Budget for the Town of Shandaken

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #120-18

OFFERED BY STORMS

RESOLUTION TO AUTHORIZE SETTLEMENT AGREEMENT WITH KAATSKILL DEV. HOLDINGS LLC

WHEREAS, tax certiorari proceedings have been filed against the Town of Shandaken by Kaatskill Development Holdings LLC and Fort Shandaken Associates LLC in regard to the assessments on upon property located in the Town of Shandaken and designated as Tax Grid Nos. 25.10-1-5, 25.10-2-16 and 25.1-1-17; and

WHEREAS it is desired to settle the 2017 and 2018 proceedings.

THEREFORE BE IT RESOLVED the Town Board of the Town of Shandaken does hereby authorize Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 85 Civic Center Plaza, Poughkeepsie, New York 12601 to negotiate a settlement whereby the 2017 and 2018 assessments will be settled in accordance with the attached proposed consent judgment and summarized as follows:

Parcel 25.10-1-5

Roll Year	Equalized Value	Eq Rate	Assessed Value	Reduced AV	Reduction
2017	\$392,157	25.50%	\$100,000	\$88,284	\$11,717
2018	\$392,157	25.50%	\$100,000	\$88,284	\$11,717

Parcel 25.10-2-16

Roll Year	Equalized Value	Eq Rate	Assessed Value	Reduced AV	Reduction
2017	\$8,800,000	25.50%	\$2,244,000	\$1,981,082	\$262,918
2018	\$8,800,000	25.50%	\$2,244,000	\$1,981,082	\$262,918

Parcel 25.1-1-17

Roll Year	Equalized Value	Eq Rate	Assessed Value	Reduced AV	Reduction
2017	\$1,568,627	25.50%	\$400,000	\$353,134	\$46,866
2018	\$1,568,627	25.50%	\$400,000	\$353,134	\$46,866

And Kyle W. Barnett, Esq. is authorized to sign such documents as are necessary to effectuate the settlement. The Petitioner has agreed to waive all Town, Highway and Special District ad valorem refunds for both years under review.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #121-18

OFFERED BY ALBA

RESOLUTION TO PURCHASE REPLACEMENT HIGHWAY EQUIPMENT

WHEREAS, the Town of Shandaken Highway Superintendent has identified a 1995 Elgin Crosswind Vacuum Sweeper they would like to purchase from Town of Olive Highway dept.;

THEREFORE BE IT RESOLVED the Town of Shandaken Town Board approves the purchase of the Elgin Crosswind Vacuum Sweeper Serial #G-3047-D, for \$15,000.00 (Fifteen Thousand Dollars).

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #122-18

OFFERED BY DISCLAFANI

RESOLUTION SETTING PUBLIC HEARINGS AND SPECIAL MEETING

WHEREAS, the Town of Shandaken, has business to attend to in a timely manner regarding certain activities relating to the Town Budget and amending Local Law #1 of 2018.

WHEREAS, the Town foresees the possible need of exceeding the NYS Tax Cap within its 2018 Budget; and will need to amend Local Law #1 of 2018 – Cold War Veteran Exemption.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board does hereby call for a Public Hearing & Special Meeting on the Tax Cap Issue – Local Law #4 to Exceed the NYS Tax Cap, and Local Law #3-2018 (to amend Local Law #1-2018 – Cold War Veteran Exemption), to be held on Monday October 15, 2018 1pm at the Shandaken Town Hall, 7209 Route 28, Shandaken, NY to hear all those in favor and against such actions.

AND MOVES ITS ADOPTION

Seconded by: ALBA

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	__X__	_____
BOARD MEMBER DISCLAFANI	__X__	_____
BOARD MEMBER STORMS	__X__	_____
BOARD MEMBER VANBLARCUM	__X__	_____
SUPERVISOR STANLEY	__X__	_____

RESOLUTION #123-18

OFFERED BY VANBLARCUM

SET PUBLIC HEARING ON 2019 PRELIMINARY 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 2019 Preliminary Budget and hold a Public Hearing thereon, at the Shandaken Town Hall on **Wednesday November 7, 2018 at 6:30PM preceding the Regular Monthly Meeting**, 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: DISCLAFANI

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	__X__	_____
BOARD MEMBER DISCLAFANI	__X__	_____
BOARD MEMBER STORMS	__X__	_____
BOARD MEMBER VANBLARCUM	__X__	_____
SUPERVISOR STANLEY	__X__	_____

**RESOLUTION APPROVING PUBLIC ASSEMBLY PERMIT
FOR THE PHOENICIA TURKEY TROT**

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 Turkey Trot** for their event to be held in **Phoenicia, NY on Saturday, November 24, 2018** from 7am until 4pm.

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

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

HALLOWEEN CURFEW RESOLUTION

WHEREAS, the Town of Shandaken Town Board in prior years adopted a resolution pertaining to a Halloween Curfew to alleviate the damage resulting from unsupervised Trick or Treating.

THEREFORE BE IT RESOLVED, that a curfew throughout the Town of Shandaken is declared for the evening of Wednesday October 31st, 2018 commencing at 9:00 PM and continuing until daylight. Said curfew to bar all children under the age of 18 unless accompanied by a parent or guardian from being on the streets, bridges, roadways or properties other than their own and empowering the Police to enforce the same.

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>