



Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday, July 1, 2019

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Approval of previous T/B Meeting minutes**
4. **Supervisor's Financial Report**
5. **Communications**
6. **Committee Reports:**
 - a. *Ambulance*
 - b. *Building/Zoning*
 - c. *Police*
 - d. *Phoenicia Water*
 - e. *Pine Hill Water*
 - f. *Museum*
 - g. *Recreation*
7. **Public Comments on Resolutions**
8. **Motions:**
9. **Resolutions:**
 90. **Pay All Bills**
 91. **Town Board – Resolution Acquisition of Property for Public Project**
 - a. *Shandaken Septic Maintenance District (SBL 5.13-3-20 and 5.13-3-21)*
 92. **Town Board – Resolution for Access to Property Under Eminent Domain**
 - a. *Shandaken Septic Maintenance District (SBL 5.13-3-20 and 5.13-3-21)*
 93. **SAFARI – Approve DEP Land Acquisition Re-Use Plan**
 - a. *Town Properties acquired for Mt. Tremper DOT work*
 94. **Police – Approve Purchase of Replacement Vehicle**
 - a. *2018 Dodge Durango Pursuit Vehicle- \$45,000*
 - b. *\$20,000 Good Neighbor Funds*
 95. **Town Board –Award Bid for Medical Building Work**
 - a. *Exterior Painting of 9 Ava Maria Dr.*
 96. **Town Board – Award Bid for Town Park Signage**
 - a. *Smart Growth Grant Funds*
 97. **Parks & Rec – Hire Summer Recreation Employees**
 - a. *Recreation Specialist (Swim Instructor) @ \$400/wk – Judy Sugar*
 - b. *Senior Counselors @ \$12.50/hr– Tina DeLaura, Rebecca McAllister & Daniel Rice*
 - c. *Counselors @ \$11.50/hr– Olivia Brekke, Justin Blydenburg, Brooke Harrison, Gillian Kerrigan, Makaila Morton, Natalya Morton, Jessica Rotella,*
 - d. *First-Year Counselors @ \$11.00/hr – Raven Ryan, Audrey VanBlarcom*
 98. **Parks & Rec – Approve Summer Rec Field Trip Transportation Bid**
 - a. *Wednesday, July 31, 2019 – New York Aquarium/Coney Island*
 - b. *Wednesday, August 14, 2019 – Zoom Flume, East Durham, NY*
 99. **Highway – Approve Form 284 – Upcoming Road Repairs List**
 100. **Town Board – Approve Liquor License Notification Waiver**

10. Open Public Comment

11. Meeting Adjournment -

IN MEMORY OF: Edna Hoyt

Paul Perez

RESOLUTION #90-19

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	\$ 65,439.18
Highway	40,038.66
Phoenicia Water	4,040.38
Pine Hill Water	333.71
Phoenicia Lights	904.74
Chichester Lights	144.59
Pine Hill Lights	548.75

	\$ 111,450.01

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	ABSENT	<u> </u>

RESOLUTION # 91 - 19

OFFERED BY

TABLED

RESOLUTION IN THE MATTER OF THE ACQUISITION OF CERTAIN FEE ACQUISITIONS FOR USE IN PUBLIC PROJECT

WHEREAS, as part of the Watershed Protection and Partnership Programs of the New York City Watershed Memorandum of Agreement (“MOA”), New York City provided funding for the New Sewage Treatment Infrastructure Facilities Program (NIP) and the Community Wastewater Management Program to assist in the development of new sewage collection and treatment facilities in up to twenty-two (22) selected villages and hamlets in the NYC Watershed;

WHEREAS, the Town of Shandaken, New York (“Town”) was identified in the MOA as one of the twenty-two (22) priority communities to receive funding for the study, planning, design and construction of a sewage collection system and/or the creation of a septic maintenance district in the Hamlet of Shandaken in the Town of Shandaken (the “Project”);

WHEREAS, subject to permissive referendum in the manner provided in Town Law Article 7, a majority of the property owners within the proposed service area of the Project voted in favor of the establishment of the Shandaken Septic Maintenance District;

WHEREAS, a certificate of the Town Clerk was filed pursuant to Town Law § 209-e(4) certifying the results of the special election held on March 30, 2019 stating that a majority of property owners in the proposed septic maintenance district voted in favor of the establishment of the district, and per Town Board Resolution No. 76-19, the Town formed the Shandaken Septic Maintenance District;

WHEREAS, due to failing septic systems and demonstrable water quality problems, a primary purpose of the Project is to construct and maintain an adequate system for sewage removal and treatment to ensure the health, safety and welfare of Town residents and businesses;

WHEREAS, design and construction of the proposed sewer system will be performed in conformance with New York State Department of Environmental Conservation Design Standards for Wastewater Treatment Works, 2014 (2014 NYSDEC Standards), New York State Department of Health Design Standards for Wastewater Treatment System (10 NYCRR Part 75 and Appendix 75-A), and the Rules and Regulations for the Protection from the Contamination, Degradation and Pollution of the New York City Water Supply and its Resources, 2010 (NYCWRR). Regulatory review and approval will be obtained prior to the initiation of construction;

WHEREAS, the Town of Shandaken Town Board (the “Board”) has reviewed and considered the plans and schematics for the Project, as reflected in the Preliminary Engineer’s Report Community Wastewater Management Program For The Hamlet Of Shandaken, Town of Shandaken, Ulster County, New York, dated June 2017, prepared by Lamont Engineers, which requires the Town to acquire certain property in the area of the Septic Maintenance District to accommodate the Project;

WHEREAS, the Town Board has determined that the Project is in the best interest of the Shandaken Septic Maintenance District and its residents and, as a result, that the contemplated acquisitions are in the best interests of the health, safety and welfare of the Shandaken Septic Maintenance District and its residents, as it is in the public’s best interest that the Project be properly constructed and maintained;

WHEREAS, the Board has endeavored and will continue to endeavor to acquire any necessary acquisitions for the Project by voluntary compliance with land owners, but the Board acknowledges that voluntary compliance may not be achieved for all the necessary acquisitions requiring the Board to exercise its powers of Eminent Domain;

WHEREAS, certain remote site locations are necessary for leach fields, and after an exhaustive study prepared by Lamont Engineering, those certain remote site locations are no longer subject to change;

WHEREAS, the value of the remote sites will be based on standard appraisal procedure; and

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board hereby determines that when voluntary compliance to acquire certain properties in furtherance of the Project is not practicable or would prejudice the Project, the Town and its legal agents are authorized to acquire the lands or interests by use of Eminent Domain;

BE IT FURTHER RESOLVED Town of Shandaken Town Board hereby determines, as reflected by the Project maps for the Project, acquisition of Tax Map 5.13-3-20 and 5.13-3-21 (collectively “Remote Site”) by Eminent Domain is necessary for construction of the Project;

BE IT YET FURTHER RESOLVED, that the Town Board and Attorney for Town are hereby directed to take such actions as are necessary to implement this resolution and acquire the Remote Site.

AND MOVES ITS ADOPTION

RESOLUTION # 92 - 19

TABLED

OFFERED BY

**AUTHORIZATION FOR ACCESS TO PRIVATE LANDS FOR INVESTIGATION UNDER EMINENT DOMAIN LAW
FOR POTENTIAL TO ACQUIRE PROPERTY FOR THE SHANDAKEN SEPTIC MAINTENANCE DISTRICT
PROJECT**

WHEREAS, as reflected in Resolution No. 76-19, the Town of Shandaken is progressing with a public use project consisting of the development of new sewage collection and treatment facilities (the “Project”) as previously authorized; and

WHEREAS, potential remotes sites in the Town of Shandaken have been identified as being necessary for leach fields associated with the Project; and

WHEREAS, two (2) potential remote sites in the Town of Shandaken are located along Ruthenbeck Road, in the Town of Shandaken, Ulster County, New York (Tax Map Parcel Nos. 5.13-3-20 and 5.13-3-21) (collectively referred to herein as “Remote Sites”); and

WHEREAS, the Town Board has attempted communications with the owner of the Remote Sites, but those communications have not been successful as the owner of the Remote Sites has not been responsive; and

WHEREAS, due to the need for further investigation of the Remote Sites, the Town (and its agents) requires access to the Remote Sites; and

WHEREAS, the Town has endeavored and will continue to endeavor to negotiate with land owners to acquire access to and obtain the necessary property rights for the Project by voluntary compliance with the land owners – including relative to the Remote Sites, but the Town Board acknowledges that voluntary compliance may not be achieved for the necessary access to and potential acquisitions and may require the Town to exercise its powers of Eminent Domain, and

WHEREAS, the necessary access to and potential acquisition of the Remote Sites is in the best interests of the health, safety and welfare of the County, as it is in the public's best interest that the Project be properly constructed and maintained, and

WHEREAS, the Town Board had previously complied with the mandates of SEQRA for the Project, and

WHEREAS, pursuant to the terms of SEQRA, the Town Board has determined that its findings and determinations are consistent with the prior Negative Declaration and there are no negative adverse impacts.

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board hereby determines that access to the Remote Sites for further investigation purposes to acquire potential easements or fee acquisitions in furtherance of the Project is practicable and will not prejudice the Project; and

BE IT FURTHER RESOLVED that the Town of Shandaken Town Board hereby determines that the voluntary compliance to acquire easements or fee acquisitions in furtherance of the Project may not be practicable and would prejudice the Project; and

BE IT YET FURTHER RESOLVED the Town Board and its legal agents are authorized to access the lands or interests for further investigation in accordance with Eminent Domain Law; and

BE IT YET FURTHER RESOLVED the Town Board and its legal agents are authorized to move forward to investigate the necessary lands or interests by use of Eminent Domain; and

BE IT YET FURTHER RESOLVED that the Town Board and Attorney for Town are hereby directed to take such actions as are necessary to implement this resolution.

AND MOVES ITS ADOPTION

RESOLUTION # 93 - 19

OFFERED BY VANBLARCUM

RESOLUTION TO AUTHORIZE TOWN SUPERVISOR TO ENTER INTO AGREEMENT FOR RE-USE PLAN REGARDING SPECIFIC PROPERTIES TO BE ACQUIRED FOR A PUBLIC PROJECT

WHEREAS, The Town of Shandaken acknowledges the importance of preserving natural conditions to promote erosion control and flood protection at certain properties and will seek to preserve natural vegetation to the extent practical and consistent with the uses described in a *Re-Use Plan* and any flood mitigation plans.

WHEREAS, the PROPERTIES to be acquired are SBL # 25.15-1-46; 25.15-1-47 & 25.15-1-51 located at 5478, 5474 & 5462 NYS Route 212, Mt Tremper, NY 12457 currently owned by Theodore R. & Lynn Byron AND SBL # 25.15-1-49 located at 5468 NYS Route 212, Mount Tremper, New York, 12457 currently owned by Scott and Ann F. Lefferts; and

WHEREAS, the specific purposes for the acquisition of the Properties are to:

- Protect water quality;
- Enable the construction of a large-scale flood mitigation project that will reduce future flood risks and damages to critical transportation infrastructure and local residences and business along the Esopus Creek; and
- Protect and enhance the floodplain of the Esopus Creek so as to further mitigate flooding impacts on nearby properties; and

WHEREAS, the following are options for the future use of these Properties identified by the Town. All uses shall be consistent with the terms of the conservation easement and purposes of the acquisition. Other uses, not listed below, may be allowed under the conservation easement, but prior approval is required by NYSDEC.

1. Open space, nature preserve, riparian buffer consisting of grasses, wildflowers, trees and shrubs
2. Outdoor recreational activities including, but not limited to, general access to the Esopus Creek, fishing access, bird/wildlife watching, etc.
3. Allow for the construction of a flood mitigation project which includes the replacement of the Route 28 bridge over the Esopus Creek and the realignment of State Route 212
4. Operation and maintenance of the flood mitigation project mentioned above
5. Access and parking associated with the above planned uses
6. Installation of educational, informative, or access signage; and

WHEREAS, nothing in this *Re-Use Plan* restricts the rights of NYSDEC or its agents or assigns from entering these Properties to inspect as needed for the purpose of verifying compliance with the conservation easement and this *Re-Use Plan*.

THEREFORE BE IT RESOLVED, the Town Board of Shandaken does hereby authorize the Town Supervisor to enter into agreement regarding the Re-Use Plan for said Properties mentioned above for the purposes of assisting in a public project.

AND MOVES ITS ADOPTION

Seconded by: STORMS

	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	ABSENT	_____

RESOLUTION # 94-19

OFFERED BY STORMS

RESOLUTION FOR PURCHASE OF REPLACEMENT POLICE VEHICLE

WHEREAS, the Town of Shandaken Police Department has a vehicle that is beyond contractual mileage and deemed unfit for service; and

WHEREAS, the Town of Shandaken Police Chief has found a suitable replacement vehicle; and

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board approve the purchase of a 2018 Dodge Durango Police Vehicle for a final price not to exceed \$45,000.

BE IT FURTHER RESOLVED that no more than \$20,000 be utilized from the Good Neighbor Fund for the purchase and up-fit of the vehicle.

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>	_____

WHEREAS, The Town advertised to receive bids for the following field trips:

TONCHE TRANSIT – 5181 Rt. 28 Mt. Tremper, NY 12457

\$3,840.00

- 2 busses for round-trip to and from **Brooklyn Aquarium NYC Wed. July 31, 2019**
- 2 School busses for round-trip to and from the **Zoom Flume, Durham NY Wed. Aug. 14, 2019**

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board award the Transportation **Contract to - TONCHE TRANSIT – 5181 Rt. 28 Mt. Tremper, NY 12457**
AND MOVES ITS ADOPTION

Seconded by: STORMS

	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	ABSENT	<u> </u>

RESOLUTION # 99-19

OFFERED BY STORMS

APPROVE HIGHWAY DEPARTMENT FORM 284

WHEREAS, the Town of Shandaken Highway Department is responsible for the maintenance and repairs to all Town Roads and Bridges; and

WHEREAS, the Town Highway Department is required to submit Form 284 to Ulster County Department of Public Works (DPW) outlining proposed road and bridge repairs for the 2019 Fiscal Year; and

THEREFORE, BE IT RESOLVED that the Town of Shandaken Town Board hereby approves of the activities listed on Form 284 as submitted by the Highway Superintendent and the expenses budgeted and accounted for on Form 284.

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 X _____

SUPERVISOR STANLEY ABSENT _____

RESOLUTION # 100

OFFERED BY: ALBA

**RESOLUTION AUTHORIZING WAIVER OF 30 DAY NOTIFICATION REQUIRED
BY THE NEW YORK STATE LIQUOR AUTHORITY**

WHEREAS, BOSTON CULINARY GROUP, Sunset Lodge, has applied for a liquor license, and

WHEREAS, BOSTON CULINARY GROUP, Sunset Lodge has requested that the Town waive the 30 day notification required by the New York State Liquor Authority in an effort to expedite the granting of a liquor license to **BOSTON CULINARY GROUP, Sunset Lodge**, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Shandaken does hereby grant the request of the **BOSTON CULINARY GROUP, Sunset Lodge**, and does hereby waive the thirty (30) day Liquor License notice requirement to **BOSTON CULINARY GROUP, Sunset Lodge – Route 28 Belleayre Mountain, Highmount NY 12441**.

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	ABSENT	_____

SIGNED THIS 2ND DAY OF JULY, 2019

JOYCE GRANT – TOWN CLERK