



Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday, March 7, 2016

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
8. Public Comments on Resolutions
9. Motions:
10. Resolutions:
 62. Pay All Bills
 63. Town Board – Support City of Kingston Sales Tax Agreement with County
 64. Supervisor– Authorize Independent Auditor for Federal Grant Requirements
 - a. Mostert, Manzanero & Scott, LLP, Oneonta, NY
 65. Phoenicia Water – Designate Supervisor as Certifying Officer and Town Board request SEQR Lead Agency Status for Phoenicia Water Grant
 66. Police – Accept Retirement of F/T Officer and move P/T Officer to F/T
 - a. Officer Frisenda to Retire March 9, 2016
 - b. Officer Benincasa move from P/T to F/T status
 67. Supervisor – Upgrade accounting software
 - a. Enhanced Business Systems
 68. Court – Fill Special Prosecutor Vacancy
 - a. Hire – Konstandinos Leris
 69. Planning – Appoint Alternate for Ulster County Planning Board
 - a. Sam Spata
 70. Highway – Award Bid for Engineering Firm for Pantherkill Bridge (NY Rising)
 - a. Brinnier & Larios, Kingston, NY
 71. Highway – Award Bid for Muddy Brook Slope Failure Project (FEMA)
 - a. Wm. J. Keller & Sons, Castleton, NY
 72. Highway – Accept Bids for Peck Hollow Bridge Project (FEMA)
 73. Town Board – April is Parkinson's Awareness Month Proclamation
 74. Advertise for Bids – Muller Road Bridge Replacement (FEMA)
 75. Highway – Revenue Anticipation Note Resolution
 76. Highway – Town Board Approve Highway Contract
 77. Town Bd – Accept final LFA Report by Milone & MacBroom
11. Open Public Comment
12. Meeting Adjournment - *IN MEMORY OF: Diane O'Donnell, John Hadinger, Tim Warfield, Ryan Molnar, John Gaede & Carmelo Barrientos.*



Town of Shandaken

P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

"The Heart of the Park... Where the Eagle Soars"

Upcoming Town Board Topics & Activity

Supervisor: (845) 688-7165

Police: (845) 688-9902

Town Clerk: (845) 688-5004

Justice Court: (845) 688-5005

Assessor: (845) 688-5003

ZBA/ZEO/Planning: (845) 688-5008

Highway: (845) 688-9901

Fax: (845) 688-2041

MONTH OF MARCH 2016

SALES TAX: Last Month I spoke of a recent discussion at the County level and concerns that I and many of my counterparts have in regard to the County's interest in possibly reducing the amount of Sales Tax Revenue dispersed to the Town's and City of Kingston. Tonight we have a resolution making it clear that we are in support of the County Maintaining their Sales Tax sharing agreement with the City of Kingston and maintaining the status quo. We hear that the County may be rethinking their position on this issue and we certainly hope it comes to a resolve over the next few months.

AUDITS & ACCOUNTING: As we continue to slog through mounds of paperwork and requirements for several State and Federal Grants, NY Rising Program and FEMA Projects we will continue to be required to have an independent auditor review our accounting and file reports back to the Federal agencies. This will cover a period of years where we received more than \$500,000 in 2013 and 2014 and more than \$750,000 in 2015 and probably 2016. We have a resolution tonight to rehire the firm that completed the Audit for 2012 where some deficiencies were noted, but mostly due to the procedures used back then. Following a visit by the Comptroller's Office we updated and changed much of the filing system and better system back-ups, so these audits should go much smoother as time progresses. The firm is also familiar with our record keeping and staff which should help expedite these audits, which would help reduce the cost.

Additionally, we have a resolution to upgrade our accounting software. The move to Enhanced Business Systems will help us make the office more efficient, cost less than our current software program that has not been changed since prior to 1992. The current system in place does not allow for our Town Accountant to access our system remotely in the cases where a correction needs to be done. This is done now by making printouts and faxing copies over, waiting for a response, then manually entering the correction. The cost is a one-time fee to install and train the staff, but will only cost a few hundred dollars annually for continuous software upgrades and unlimited technical support.

POLICE & COURT: We are sad to report that we have our longest tenured Full Time Officer leaving our ranks. Officer Kris Frisenda is retiring, effective March 9, 2016. He has been serving the community for more than twenty years and is moving on to other work. We wish him well in his future endeavors, while we welcome on board a new Full-time Officer Ryan Benincasa. Officer Benincasa has been working for the Department for more than two years in a Part-time capacity and has enjoyed working here so much he has taken up residency here. This bring our department up to three Full-time Officers while I should remind everyone that we are contractually required to maintain four Full-time Officers. If you see Officer Benincasa, please help him feel welcome in our community.

Additionally, a few years ago we were required to hire Special Prosecutors to assist in the processing of Traffic Tickets given by State Troopers. One of those gentlemen had to leave us this January as he was appointed as Counselor for the City of Kingston by new Mayor Steve Noble. We wish Dana Blackmon the best of luck in this regard and will welcome Konstandinos Leris who comes to us from West Hurley and has a resume including past work with the State Attorney General's Office and the Rensselaer County Court.

PHOENICIA WATER: I have started processing our way through the \$415,000 grant for the Water District, and as with all State and Federal grants there are a number of requirements to be met. First of which is to complete an environmental review for the project which entails formally naming me as the Certifying Officer for the project and sending a letter from the Town Board to involved agencies requesting we be allowed Lead Agency for the project's Environmental Review. We will continue to work through these procedures which may include the need to hire an administrator and will require the need for an engineering firm, which would all have to go out to bid. Hopefully we can start some of the projects this coming summer.

HIGHWAY: We have a few resolutions concerning Highway work and bridges that are due to be replaced. We will awarding the bids from last month for engineering of the Pantherkill Bridge, the first of our NY Rising projects, and to start, pending property owner approval, a slope stabilization project to help maintain Muddy Brook Road – a FEMA project. We are accepting bids to replace the Peck Hollow Bridge, another FEMA project, and will move to award following review by the engineer's for completeness. Lastly, we are going out to bid for another FEMA project, replacement of the Mueller

Road Bridge. We hope to have these projects complete by the end of the summer. Also, in conjunction with these, understand that FEMA reimburses the Town for the projects upon milestones, so the Town has to bear the cost initially, then await payment from the Federal government. Due to this, it is practical to file a Bond Anticipation Note, which gives us the availability to get a bond to cover the costs while we await repayment from FEMA. Eric and I feel confident that we may be able to work through these projects without getting a bond, but it is just good judgement and practice, especially with our previous experiences with FEMA reimbursement payments.

Lastly, Eric, Board Member Disclafani and I met with members of the Highway Department to negotiate the contract which expired in December of last year. Last week the Highway Employees ratified the new contract, which now only requires approval by the Town Board. Of note in the new contract are salary increases of 0% for 2016, 1% in January of 2017 and June of 2017, 2% for 2018 and 2% for 2019. We also increased compensatory time slightly to allow for more time to be saved and used at a later date. Previously, Employees were paid Overtime for Saturdays, Sundays and Holidays regardless of previous time worked or not during the week. The new contract explains that if an employee runs out of time (comp time, Personal Sick, etc.) they are not eligible to receive overtime in a work week where 40 hours are not worked. Additionally, Employees are no longer eligible for Holiday Pay if they do not work or have time accruals to cover the day before and after a Holiday, which follows a policy set forth for the General employees.

DOT BRIDGES: In meeting with NYS DOT and engineers for the replacement of the Rte 42 Bridge by Glenbrook Park they disclosed that the project would most likely start sometime in Late April Early May and take until November. They will be placing a Single Signaled Lane during the term of the construction. Concurrently, starting in May until Columbus Day, construction will take place closing the Rte 28 Bridge by Farmer Jones Baby Barns. Traffic will be routed along Creekside Drive for the duration of the project. DOT Officials, at my request, have included incentives to have the Rte 28 Bridge completed by Columbus Day to try be open by the Holiday weekend and allow free flow of traffic for Belleayre’s Annual Fall Festival. They are going to contact me in order to have a public meeting prior to the start of both projects. Most likely it would be prior to next month’s Town Board meeting slated for Monday, April 4th.

PARKINSON’S MONTH: Again we join in marking April as Parkinson’s Awareness Month and have a resolution showing our support for finding a cure. Parkinson’s Disease is not only debilitating to the individual diagnosed with it, but bears a burden on the family and friends who witness its effects on the patient. Please take

moment during the month of April and reach out to a multitude of organizations who are working hard to find a cure for this terrible disease.

SUBSTANCE ABUSE: Speaking of debilitating, we again and tragically are reminded of another scourge that is upon us. Last week, as many you know, we lost another youth in our community. Ryan Molnar who just recently turned 20 was taken from his family and our community. The loss a child within a tight-knit community, such as we have here, is tragic enough by itself but when it comes at the hand of this demon drug called Heroin, it leaves everyone searching for answers that can’t be found. Ryan was our Highway Superintendent’s nephew and attended school with my oldest daughter. Whether you knew Ryan or his family or not, everyone needs to recognize that this is not a new problem nor is it one that has any easy solutions. I know there are a few people here that wish to address this problem and we always welcome comments from the public at our meetings, I just ask that everyone allow us to get through our business tonight and then we welcome a brief discussion on the topic.

**Our next regular meeting is scheduled for
Monday, April 4, 2016 at 7:00 pm.**

Supervisor Report - Feb 2016	AMENDED
General Tax Warrant (In Full)	\$ 652,676.00
Fire Dist. Tax Warrant(In Full)	\$ 485,458.00
Police Fees	\$ 15.00
Ambulance Donation	\$ 250.00
Ambulance Fees	\$ 2,341.77
Central Mail Contractual	\$ 214.32
Marshall & Sterling(town Ins reimb.)	\$ 801.00
Tow Clerk Fees	\$ 62.61
Unpaid Pine Hill Water Bills	\$ 7,693.82
Cell Tower	\$ 917.75
Justice Fees	\$ 10,199.25
Permits/Code Officers/Zoning	\$ 200.00
Planning Fees	\$ 125.00
Building Permit Fees	\$ 4,252.00
Dog Licenses	\$ 99.00
Highway - 2016 Tax Warrant	\$ 1,430,078.00
In Lieu of Taxes	\$ 11,212.21
FEMA Reimbursement	\$ 7,711.62
Unpaid Pine Hill Water Bills	\$ 23,955.10
Reimbursement for work done	\$ 437.50
January 2016 interest	\$ 0.65
USDA Federal Aid	\$ 140,802.42
	\$ 2,759,503.02

Upcoming Events March 2016

Wed. March 9 Flying Cat Music presents Dennis Stroughmatt at the Empire State RR Museum Phoenicia 7:30pm

Sat. March 12th – Corned Beef Dinner at Memorial United Methodist Church in Shandaken. Dinner starts 5pm. Takeouts at 4:30

Sat. March 12th. Big Indian Native American Gathering at Shandaken Historical Museum 1-4

Tuesday March 15 – Pine Hill 20/20 Visioning Meeting #3. 6:30 at Zephyr Restaurant Pine Hill. All Pine Hill Residents and Business Owners should attend.

Sat. March 19th Breakfast Fundraiser at Phoenicia Fish & Game Association, Mt. Tremper

Upstate Spay & Neuter Mobile Vet Van will be here Sat. March 26th. They will also have a rabies distemper clinic in the morning.

Shandaken Community Gardens still has plots available at the Phoenicia School, call them for information at 845-202-1117

Coming in April on Saturday the 16th is the Annual Boy Scout Penny Social.. so save the date! All these events and more are listed on our website www.shandaken.us as well as our Facebook page.

Phoenicia Water Report – Al Peavy – There was a leak at the plant, but it has been fixed. Rick still needs a new vehicle. The next meeting is Wed. the 16th, 6:30 at the Phoenicia Library.

Father John from Woodstock invited residents to attend the weekly Saturday meetings pertaining to the Scenic Byway, which will be at the Boiceville inn 7pm Saturdays.

RESOLUTION # 62-16

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	\$ 58,907.86
Highway	47,923.55
Phoenicia Water	3,422.07
Pine Hill Water	----
Phoenicia Lights	1,002.03
Chichester Lights	141.80
Pine Hill Lights	571.23

	\$111,968.54

AND MOVES ITS ADOPTION

Seconded by: Malloy

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	__X__	_____
BOARD MEMBER DISCLAFANI	__X__	_____
BOARD MEMBER MALLOY	__X__	_____

BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION # 63 - 16

OFFERED BY MALLOY

MEMORIALIZING RESOLUTION IN EXTENDING THE 2011 SALES TAX AGREEMENT BETWEEN THE COUNTY OF ULSTER AND THE CITY OF KINGSTON FOR AN ADDITIONAL FIVE YEAR TERM

WHEREAS, by agreement dated October 10, 2010, the City of Kingston and the County of Ulster entered into a Sales Tax Sharing Agreement (the “Agreement”), which provided for the County of Ulster imposing a county-wide sales tax, the City of Kingston refraining from imposing a sales tax, and for the net proceeds of the sales tax to be shared between the following municipal entities:

County of Ulster – 85%
City of Kingston – 11.5%
Towns and Villages (distributed based upon full valuation) – 3%; and

WHEREAS, said Agreement was to be in place for the period from March 1, 2011 to February 29, 2016; and

WHEREAS, the Town of Shandaken projects a sales tax distribution of approximately \$120,000.00 for FY 2016 based upon the Agreement’s distribution percentages; and

WHEREAS, Ulster County Government has proposed cutting the portion of the net sales tax revenue that is allocated to the Towns from 3% to 2%; and

WHEREAS, such a cut would have a severe impact on the Town of Shandaken’s finances, and could potentially result in the elimination of public services currently provided by the Town; and

WHEREAS, it is in the best interest of the Town of Shandaken that the current Agreement, which expires on February 29, 2016, be extended, in an unmodified form, for an additional five year period; and

WHEREAS, such extension of the Agreement would provide financial stability to the Town of Shandaken, as well as to all other municipal entities located in Ulster County;

THEREFORE, BE IT RESOLVED that the Town of Shandaken Town Board requests that the City of Kingston and the County of Ulster reach an agreement to extend the 2010 Sales Tax Sharing Agreement, which is set to expire on February 29, 2016, for an additional five year period, in an unmodified form; and

BE IT FURTHER RESOLVED that the Town of Shandaken Town Board calls upon its elected Ulster County Legislator, John Parete, to support extending the 2010 Sales Tax Sharing Agreement for an additional five year period, in an unmodified form; and

BE IT YET FURTHER RESOLVED that a certified copy of this resolution be forwarded to each member of the Ulster County Legislator, Ulster County Executive Michael Hein, and the Mayor of the City of Kingston.

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 MALLOY	<u> X </u>	<u> </u>	
BOARD MEMBER STORMS	<u> X </u>	<u> </u>	
SUPERVISOR STANLEY	<u> X </u>	<u> </u>	

RESOLUTION # 64 - 16

OFFERED BY STANLEY

**RESOLUTION APPOINTING
INDEPENDENT AUDITOR TO MEET FEDERAL GUIDELINES**

WHEREAS, under federal requirements, any municipality (sub-recipient) which expends \$500,000.00 or more of federal funding from all sources during fiscal years 2013 & 2014 or which expends \$750,000.00 or more of federal funding from all sources during fiscal years 2015 & 2016, must have an independent audit of such federal funds conducted in accordance with the Federal Office of Management and Budget (OMB) Circular A-133; and

WHEREAS, additionally, per the New York State Budget Policy and Reporting Manual Item I-300, State agencies that provide funds to sub-recipients pursuant to OMB Circular A-133 must obtain copies of the

sub-recipient’s A-133 audit reports and determine whether any audit findings affecting its programs are significant and warrant follow-up. Therefore, Sub-recipients should provide one copy of such audit report to (Division of Homeland Security and Emergency Services) DHSES; and

WHEREAS, the Town of Shandaken has expended in excess of \$500,000.00 of federal funds during the 2013 & 2014 fiscal years, and in excess of \$750,000.00 in 2015, and anticipates expending in excess of \$750,000.00 in 2016.

THEREFORE BE IT RESOLVED, the Town of Shandaken Town Board extend such services as provided by the firm **Mostert, Manzenero & Scott, LLP, 4 Associate Dr., Oneonta, NY 13820**; and

BE IT FURTHER RESOLVED, that as per the proposal provided to the Town Board that such services shall not exceed \$18,000 per fiscal year audit and may be considerably less pending hourly time accruals for said audit.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<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 # 65 - 16

OFFERED BY STORMS

RESOLUTION DESIGNATING TOWN SUPERVISOR AS CERTIFYING OFFICER AND SUPPORTING SHANDAKEN TOWN BOARD REQUEST FOR LEAD AGENCY STATUS FOR COMPLIANCE WITH OFFICE OF COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT FOR PHOENICIA WATER DISTRICT

WHEREAS, New York State Homes & Community Renewal (**NYSHCR**) assists in the administration of federal funds awarded to the Phoenicia Water District for planned improvements (**the project**); and

WHEREAS, **NYHCR** has requirements that must be met in order to start processing the grant as well as to allow **the project** to proceed; and

WHEREAS, **NYHCR** requires an environmental review be reported by a Certifying Officer to be designated by the Town (awardee) and that a State Environmental Quality Review (**SEQR**) be performed;

THEREFORE BE IT RESOLVED, the Town of Shandaken Town Board hereby designates Town Supervisor Robert A. Stanley as the Certifying Officer for **the project**; and

BE IT FURTHER RESOLVED, that the Town Board authorize the Supervisor to contact all involved agencies requesting the Shandaken Town Board be allowed Lead Agency Status in order to conduct the necessary **SEQR**.

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 MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION # 66 - 16

OFFERED BY ALBA

TOWN POLICE DEPARTMENT

WHEREAS, The Town of Shandaken, is a Town of the second class; and

WHEREAS, there is a Town Police Department; and

WHEREAS, a Full-time Officer has submitted for his retirement and the Town is required to maintain a specific number of Full-Time Officers; and

WHEREAS, a Part-Time Officer has been recommended by the Police Commissioners to be hired Full-Time;

THEREFORE, BE IT RESOLVED that the Town Board hereby accepts the retirement of Officer Kris Frisenda following more than twenty (20) years of service to the Town; and

BE IT FURTHER RESOLVED, that, pursuant to the Town Law of the State of New York § 20 (1) (b), the Town Board hereby appoints the following individual as Full –Time Police Officer to receive compensation as indicated:

NAME	COMPENSATION	
Ryan Benincasa	\$43,896.42 plus longevity	(\$21.10 per hour)

And that said police officer shall have all powers conferred upon police officers by the general laws of the State of New York including but not limited to and such powers, not inconsistent with law, as are hereinafter set forth; and that said police officers shall have all powers designated in § 2.20 of the Criminal Procedure Law of the State of New York and shall have the following special duties:

1. To enforce all local laws, ordinances and regulations of the Town of Shandaken.
2. To enforce the Vehicle and Traffic Law of the State of New York to the extent that police officers may be so permitted by the general laws of the State of New York.
3. To enforce such Penal Statutes as police officers are permitted to enforce pursuant to the general laws of the State of New York, and in furtherance of said special duties police officers are hereby authorized the use, of a Town Vehicle to be known as a police officer's vehicle which may be equipped with emergency lights in accordance with applicable sections of the Vehicle and Traffic Law, and may use the State and County radio to the extent permitted by the general laws of the State of New York, and may carry fire arms while on duty in compliance with the general laws of the State of New York pertaining to Police Officers generally.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

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

RESOLUTION # 67 - 16

OFFERED BY DISCLAFANI

RESOLUTION TO UPGRADE TOWN ACCOUNTING SOFTWARE

WHEREAS, the Town of Shandaken has certain fiscal responsibilities to the taxpayers of the Town in addition to federal and state requirements for reporting fiscal health; and

WHEREAS, the current accounting software being used in the offices has become obsolete and lacks certain capabilities that would make the offices more efficient especially concerning accountant remote interface; and

WHEREAS, the Town has received a proposal to provide new software from Enhanced Business Systems, PO Box 13804, Albany, NY 12212 and that said software would meet all the criteria necessary and additional modules are available for future enhancements to the system; and

WHEREAS, the proposal includes a one-time fee for installation and training as well as dramatically reduces annual fees currently being paid for system upgrades and maintenance;

THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to enter into contract with Enhanced Business Services for said software for a one-time price of \$6,740.00 (six thousand seven hundred forty dollars) and annual fee of \$900.00 (nine hundred dollars) for the “Enhanced Support Plan” to provide continuous upgrades and unlimited technical support.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<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 # 68 - 16OFFERED BY MALLOY

APPOINTING SPECIAL PROSECUTORS FOR TOWN COURT

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 **Kontandinos Leris** be appointed to serve as Special Prosecutors for the Town of Shandaken, and to serve at the pleasure of the Town Board, and to be paid \$150.00 per hour, not to exceed \$15,000 when performing the duties of said office.

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 MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #69-16OFFERED BY STANLEY

UC PLANNING BOARD MEMBER

WHEREAS pursuant to section 20 of the Town Law it is the duty of the Town Board to appoint all Boards and Commissions

THEREFORE BE IT RESOLVED that, upon recommendation by the Town of Shandaken Planning Board, **Sam Spata** be appointed Alternate to the Ulster County Planning Board.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>

THEREFORE, BE IT RESOLVED, That after a review, the Town of Shandaken Town Board award the Muddy Brook Slope Stabilization Project to: **Wm. J. Keller & Sons. \$350,800.00**
(Pending property owner approval).

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 MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #72-16

OFFERED BY: DISCLAFANI

ACCEPT BIDS – Replace Peck Hollow Bridge Project

WHEREAS, Pursuant to Resolution 59-16, the Town of Shandaken Town Board Advertised for bids for Repair Peck Hollow Bridge Project.

WHEREAS, bidders were required to attend a pre-bid meeting on Thursday February 11, 2016 at 1pm & bids, clearly marked on envelope REPAIR PECK HOLLOW BRIDGE PROJECT –were received at the Town Clerk’s Office, Shandaken Town Hall, 7209 Route 28, PO Box 67, Shandaken, NY 12480 no later than 3pm on March 7, 2016, to be opened at the Regular Monthly Town Board meeting scheduled for 7PM that evening. The Town Board reserves the right to reject any or all bids.

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

Advanced Enterprise – 40 Mullens Lane Saugerties, NY 12477	\$727,690.
Evergreen Mtn. Cont. 25 Evergreen Mtn. Rd. West Kill, NY 12492	535,750.
Hubbell Inc. PO Box 664 Margaretville, NY 12455	632,780.
Kingston Equip. Rental 78 Stone Rd. West Hurley, NY 12491	486,000.
Tweedie Construction 90 Crystal Creek Rd. Walton, NY 13856	544,561.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<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 #73-16

OFFERED BY MALLOY

PARKINSON’S AWARENESS MONTH PROCLAMATION

WHEREAS, Parkinson’s Disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson’s Action Network, the Parkinson’s Disease Foundation, the American Parkinson’s Disease Association and the National Institutes of Health, there are over one million American’s diagnosed with Parkinson’s disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson’s, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson’s disease; and

WHEREAS, a multidisciplinary approach to Parkinson’s disease care includes local wellness, support and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson’s Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson’s disease.

NOW, THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board does hereby proclaim **April 2016 as Parkinson’s Awareness Month in 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 MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #74-16

OFFERED BY STANLEY

Advertise for Bids - MULLER ROAD BRIDGE REPLACEMENT

WHEREAS. THE Town of Shandaken Highway Department is seeking bids for MULLER ROAD BRIGE REPLACEMENT, as a result of Hurricane Irene damage. There will be a MANDATORY Bid Meeting on Thursday March 17th at 1pm at the Shandaken Town Hall.

Specifications are available at the Highway Superintendant’s Office, 7209 Route 28, Shandaken, NY or by calling (845) 688-5031 and on our website www.shandaken.us/bids

THEREFORE BE IT RESOLVED, that bids – clearly marked on envelope ‘Muller Road Bridge Replacement’- 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, April 4, 2016, to be opened at the regular Town Board meeting scheduled for 7 pm that evening. The Town Board reserves the right to reject any or all bids.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<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 #75-15

OFFERED BY STANLEY

REVENUE ANTICIPATION NOTE RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF REVENUE ANTICIPATION NOTES OF THE TOWN OF SHANDAKEN, ULSTER COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000 PURSUANT TO THE LOCAL FINANCE LAW.

BE IT RESOLVED, by the Town Board of the Town of Shandaken, Ulster County, New York (the “Town”) as follows:

SECTION 1. The revenue anticipation notes of the Town in an aggregate principal amount not to exceed \$2,500,000 are hereby authorized to be issued in anticipation of the collection by the Town of moneys from the Federal Emergency Management Agency (“FEMA”) to finance the cost of the stabilization of the embankment on Muddy Brook Road and the replacement of the Muller Road bridge, the Little Peck Hollow bridge, the Peck Hollow bridge and the Lower Birch Creek bridge. Such moneys are due and payable in fiscal year 2016 and are revenues other than real estate taxes or assessments.

SECTION 2. The amount of moneys to be collected from FEMA against which said revenue anticipation notes are authorized to be issued is \$2,500,000.

SECTION 3. Said revenue anticipation notes shall mature on March 31, 2017.

SECTION 4. Each of the notes authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and interest on said revenue anticipation notes as the same respectively become due and payable.

SECTION 5. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize the issuance of the revenue anticipation notes authorized by this resolution and the renewals of said notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to sell and deliver said revenue anticipation notes, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign the revenue anticipation notes issued pursuant to this resolution, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to said revenue anticipation notes and to attest such seal.

SECTION 6. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the revenue anticipation notes authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the revenue anticipation notes authorized by this resolution as “qualified tax-exempt obligations” in accordance with Section 265(b)(3) of the Code.

SECTION 7. The validity of said revenue anticipation notes may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) The provisions of law which should be complied with at the date of the publication of this resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

SECTION 8. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Daily Freeman, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 9. This resolution shall take effect immediately upon its adoption.

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 MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #76-16

OFFERED BY STORMS

Approving Town CSEA Highway Contract

WHEREAS, the Shandaken Highway Department employees are contractual employees of the Town of Shandaken; and

WHEREAS, Town Officials, employees of the Town Highway Department and their respective CSEA representative recently met to negotiate renewal of their contract with the Town; and

WHEREAS, all parties in attendance had reached an accord; and

WHEREAS, the Shandaken Highway Department employees met on March 1, 2016 and by majority vote ratified the contents of the new contract;

THEREFORE, BE IT RESOLVED that the Town of Shandaken Town Board hereby approves the contract as negotiated for the period of January 1, 2016 through December 31, 2019, including all terms agreed to through negotiation and ratification.

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 MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION # 77 - 16

OFFERED BY ALBA

ACCEPTING FINAL LOCAL FLOOD ANALYSIS REPORT
FOR HAMLETS OF PHOENICIA AND MT. TREMPER

WHEREAS, the Shandaken Town Board, in 2015, had enlisted the services of the Town Engineering Firm, Milone and MacBroom, Inc. (MMI) to conduct a Local Flood Analysis (LFA) Report for the Hamlets of Phoenicia and Mt. Tremper to investigate multiple options for flood reduction and resiliency projects within each of those Hamlets in order to qualify those Hamlets for funding through certain programs for flood mitigation and resiliency; and

WHEREAS, following several Town Board and community meetings where the public was invited to provide input and questions as to options they would like to see investigated; and

WHEREAS, in January 2016 MMI made a presentation of their final findings at a public meeting with the Town Board including feasibility of the options investigated and the most economically viable options using a Benefit-Cost Analysis (BCA); and

WHEREAS, the Shandaken Town Board members and the Shandaken Area Flood Assessment Remediation Initiative (SAFARI) had until February 15, 2016 to submit comments for inclusion in the Final LFA Report; and

WHEREAS, those comments have been included in the Final LFA including a more detailed BCA illustrating specific potential damage totals and structures that would benefit from any such action to be taken; and

WHEREAS, the Town Board also recognizes that any such projects to be implemented shall be embarked upon with the support of the public within that community and the Town Board will maintain a “willing property owner” position concerning any project effecting a specific property (i.e., no eminent domain proceedings, no takings) ; and

WHEREAS, the Shandaken Town Board also recognizes the need to implement flood resiliency and mitigation projects in order to maintain tax-base, the economy and, most importantly, the well-being of its residents and businesses;

THEREFORE, BE IT RESOLVED that the Town of Shandaken Town Board hereby accepts the Final LFA Report prepared by MMI, including all amendments as prescribed by Town Board members and the SAFARI group and that the Town Board embark on

finding funding for any such feasible projects and report back to the public on any progress toward any goals as prescribed in said LFA.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	<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>

PUBLIC COMMENT

A discussion was held on the recent death of 20 yr. old Ryan Molnar in Phoenicia, who died of a heroin overdose. Representatives from Rt. 212 Coalition spoke about the support they offer for addictions.

Executive Session on a legal Matter. On a Stanley/Storms, at 8:40 motion the Town Board voted to close the regular meeting and adjourn to Executive Session. At 8:50 the Town board voted, on a Malloy/Storms motion to close the executive session and re-open the regular meeting. Supervisor Stanley announced the session was pertaining to the lawsuit the town had with Hanover Farms, who was seeking an appeal to judge’s decision. The Town Board unanimously decided to pursue the court case against Hanover Farms.

At 8:51, all pertinent business having been discussed, the Town Board adjourned on a Malloy/Storms motion.