



Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday, December 3, 2018

- 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. *Building/Zoning*
 - c. *Police*
 - d. *Phoenicia Water*
 - e. *Pine Hill Water*
 - f. *Museum*
 - g. *Recreation*
- 8. Public Comments on Resolutions**
- 9. Motions:**
- 10. Resolutions:**
 - 135. Pay All Bills**
 - 136. Town Board – Declare Lead Agency Status for SEQRA**
 - a. Shandaken Septic Maintenance District Formation
 - 137. Town Board – Set Public Hearing – Shandaken Sewer Use Law**
 - a. Tuesday, January 22, 2019 @ 6 pm
 - 138. Town Board – Set Public Hearing - Septic Maintenance District Formation**
 - a. Tuesday, January 22, 2019 @ 6pm
 - 139. Town Board – Authorize Liability Insurance Renewal**
 - 140. Planning/Zoning – Authorize Shared Service Agreement with Ulster County**
 - a. Re: Short Term Rental Data Share
 - 141. Town Board – Approve Bid for Repair of Heater in Ambulance Building**
 - 142. Town Board – Accept Bids for Repairs of Town Owned Medical Building**
 - 143. Town Board – Set Year End Meeting**
 - a. Wednesday, December 26 @ 1pm
 - 144. Town Board – Set Re-Organizational Meeting**
 - a. Monday, January 7, 2019 @ 6 pm
- 11. Open Public Comment**
- 12. Meeting Adjournment - *IN MEMORY OF: DEAN GITTER***

RESOLUTION # 135-18

OFFERED BY: VANBLARCUM

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	\$ 58,364.43
Highway	115,040.10
Phoenicia Water	3,512.49
Pine Hill Water	454.27
Phoenicia Lights	1,070.41
Chichester Lights	158.58
Pine Hill Lights	597.52

	\$179,197.80

AND MOVES ITS ADOPTION

Seconded by: STORMS

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<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 #: 136-18

OFFERED BY: STANLEY

RESOLUTION OF THE TOWN BOARD OF SHANDAKEN SEEKING LEAD AGENCY STATUS IN CONSTRUCTION OF THE COMMUNITY WASTEWATER MANAGEMENT PROGRAM IN THE HAMLET OF SHANDAKEN

WHEREAS, the Town Board of the Town of Shandaken previously entered into an agreement (the “Agreement”) with the Catskill Watershed Corporation (“CWC”) to participate in the Community Wastewater Management Program, which program will provide for the design and construction of a wastewater management project in the Hamlet of Shandaken; and

WHEREAS, the CWC through the Program, will provide full funding for the wastewater management project through a block grant; and

WHEREAS, CWC’s consultant for the Program, Lamont Engineers, has prepared a Preliminary Engineer’s Report for the Hamlet of Shandaken, Final Issued, June 2017, evaluating various alternative methods for managing the wastewater needs of the Hamlet of Shandaken, such report marking the end of the Study Phase of the project; and

WHEREAS, the Town has reviewed the Preliminary Engineer’s Report prepared by Lamont Engineers; and

WHEREAS, based upon its review of the Preliminary Engineer’s Report and consultation with the Town’s Counsel, the Town Board agreed to proceed to the Pre-Construction phase of the Project as set forth in Section 2.05 of the Agreement, such schedule to be agreed upon by the Town and CWC; and

WHEREAS, the Town Board of the Town of Shandaken seeks to commence coordinated review of this action and seeks to act as Lead Agency pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), New York State Environmental Conservation Law, Article 8 and 6 NYCRR Part 617; and

WHEREAS, the Town of Shandaken, pursuant to 6 NYCRR Part 617 will conduct a coordinated review and seek input from various involved and interested agencies on its designation as lead agency.

THEREFORE, BE IT NOW RESOLVED subject to providing notice to and obtaining the consent of all other involved agencies, the Town Board of the Town of Shandaken hereby designates itself as “lead agency” for purposes of compliance with SEQR, 6 NYCRR Part 617. The Town Board shall undertake and complete all duties and obligations of the “lead agency” as required by 6 NYCRR Part 617.

The Town Board hereby authorizes the Town Supervisor to execute any and all documents on behalf of the Town as may be necessary

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>

BOARD MEMBER VANBLARCUM _____

SUPERVISOR STANLEY _____

RESOLUTION #: 137-18

OFFERED BY: STORMS

**RESOLUTION SCHEDULING A PUBLIC HEARING IN CONSIDERATION OF THE
HAMLET OF SHANDAKEN SEWER USE LAW**

WHEREAS, New York City (“NYC”) provided funding for the Community Wastewater Management Program (“CWMP”), to be administered by the Catskill Watershed Corporation (“CWC”), which is intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

WHEREAS, the Hamlet of Shandaken, Town of Shandaken (“Town”), is one of twenty-two (22) communities identified in the MOA as lacking community wide wastewater treatment; and

WHEREAS, the Town entered into the Participating Community Agreement with CWC 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”); and

WHEREAS, in connection with the establishment of the proposed Shandaken Septic Maintenance District, the Town desires to implement a Sewer Use Law regulating the use of individual septic systems. The Shandaken Septic Maintenance District Sewer Use Law also includes a Sewer Rent Law that would require a property owner to pay a sewer rent when and if one is ever assessed; and

WHEREAS, the Town Board is considering forming a septic-maintenance district for the planned service area; and

WHEREAS, the Town's special counsel has prepared a proposed Shandaken Septic Maintenance District Sewer Use Law which the Town Board has reviewed; and

THEREFORE, BE IT NOW FURTHER RESOLVED that the proposed law is ready for consideration by the Town Board; and

BE IT FURTHER RESOLVED, that the Town will hold a Public Hearing for consideration of the Shandaken Septic Maintenance District Sewer Use Law at the Town Hall, located at 7209 Rt. 28, Shandaken, New York, on the 22nd day of January, 2019 at 6 P.M.

AND MOVES ITS ADOPTION

Seconded by: ALBA

ROLL CALL

AYES NAYS

BOARD MEMBER ALBA _____

BOARD MEMBER DISCLAFANI ABSENT _____

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

RESOLUTION #: 138-18

OFFERED BY: STANLEY

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF SCHEDULING
A PUBLIC HEARING REGARDING THE FORMATION OF A SEPTIC MAINTENANCE DISTRICT**

Whereas, New York City (“NYC”) provided funding for the Community Wastewater Management Program (“CWMP”), to be administered by the Catskill Watershed Corporation (“CWC”), which is intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

Whereas, the Hamlet of Shandaken, Town of Shandaken (Town), is Identified Community No. 18 of the list of communities lacking community wide wastewater treatment; and

Whereas, the Town entered into the Participating Community Agreement with CWC 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”); and

Whereas, as part of the Study Phase of the Project, the Town and its Project Engineer established, with the New York City Department of Environmental Protection and CWC, that the Town should create a septic maintenance district for certain Town residents located in the Hamlet of Shandaken; and

Whereas, the Town will not incur any cost from the formation of the Septic Maintenance District, which cost is being fully subsidized by CWC through the CWMP; and

Whereas, the Project Engineer and Special Counsel have prepared materials needed for the formation of that Septic Maintenance District and has filed those materials with the Town Board for its review and consideration.

THEREFORE, NOW BE IT RESOLVED:

1. The Board accepts and adopts the following materials prepared by Project Engineer and Special Counsel with regard to the formation of a Septic Maintenance District to serve the Hamlet of Shandaken, and directs that same be appended the minutes of this meeting:
 - a. District Formation Summary Report prepared by Young, Sommer, LLC and Lamont Engineers. The Report contains a summary of the Septic Maintenance District and provides an explanation of the costs for residential and non-residential users in the Septic Maintenance District.
 - b. Engineer’s Report and Plan entitled “Preliminary Engineer’s Report-Community Wastewater Management Program for the Hamlet of Shandaken” prepared for by Lamont Engineers detailing the wastewater needs of the Hamlet of Shandaken and delineating the service area for the Septic Maintenance District.
 - c. Service Area Map identifying the boundaries of the proposed Septic Maintenance District which includes the Tax Map Numbers of the parcels that will be included in the proposed Septic Maintenance District.
2. The costs of forming the district and designing, permitting and constructing the infrastructure are funded

pursuant to the CWMP. The Town will not incur any expense in the formation of the proposed district and the construction of the septic improvements, if any, to be constructed within the district. During the process to form the Septic Maintenance District, the Town Board reserves the right to modify the boundaries of the proposed district to address the concerns raised during the public comment period and to serve the best interest of the Town.

3. A copy of the District Formation Report, Engineer's Report and Plan, Service Area Map and a detailed explanation of the costs to each residential and non-residential landowner shall be placed in the Town Clerk's office and made available for public inspection.

4. That the Town Board shall meet at the Town Hall, Shandaken, New York, on the 22nd day of January, 2019 at 6:00 P.M., for the purpose of conducting a public hearing on the proposal to establish said Septic Maintenance District with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

5. That the Town Clerk is hereby authorized and directed to publish a copy of this order in the Kingston Daily Freeman, the official Town newspaper and post a copy of the same on the signboard of the Town, in the time and manner required by law.

AND MOVES ITS ADOPTION

Seconded by: STORMS

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<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 #139-18

OFFERED BY: ALBA

RESOLUTION FOR RENEWAL OF TOWN INSURANCE POLICY

WHEREAS the Town of Shandaken utilizes Marshall & Sterling Insurance, 103 Executive Drive, New Windsor, New York, for the Town Insurance, and

WHEREAS, our current policy terminates on December 31, 2018,

THEREFORE, BE IT RESOLVED the Town Board authorize the Town Supervisor to contract with Marshall & Sterling Insurance for the year 2019, not to exceed \$85,000.00.

AND MOVE ITS ADOPTION

Seconded by: STANLEY

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<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 #: 140-18 *TABLED* on a Vanblarcum/Storms Motion

RESOLUTION AUTHORIZING ENTERING INTO AN INTERMUNICIPAL AGREEMENT FOR THE SHARING OF INFORMATION REGARDING SHORT TERM RENTAL PROPERTIES BETWEEN THE COUNTY OF ULSTER AND THE TOWN OF SHANDAKEN

WHEREAS, a growing industry of online service providers have turned short term rentals into a rapidly growing sector of the vacation rental market putting these largely unregulated rooms in competition with local traditional lodging providers, such as hotels and Bed and Breakfast facilities; and

WHEREAS, the addition of short term rentals, that primarily market through online hosting platforms, create a situation where all lodging providers are not compliant with local zoning, health and safety rules, and state and local tax requirements; and

WHEREAS, in order to ensure collection and enforcement of the County's hotel and motel tax from individuals renting residential properties on a short-term basis, the County has entered into a software services agreement with a private vendor to monitor marketplace operators for advertisements of short-term rentals of properties in the County and provide to the County a list of the short-term rental properties, parcel information on those properties, physical property information, the addresses and contact information for the properties' owners, and information on the nightly rates (the "Master Agreement"); and

WHEREAS, the growth of the short term rental marketplace has left local municipalities scrambling to understand the scope and size of this marketplace within their jurisdiction, while attempting to address health and safety concerns and quality of life issues determined through local zoning and code enforcement; and

WHEREAS, in an effort to assist local municipalities, the County has offered to provide, at local option, an inventory of all properties within the respective municipal jurisdiction that have been identified by the County's vendor as advertising short term rentals; and

WHEREAS, the County and the municipality now desire to enter into an agreement for the sharing of the information provided through the County's software services agreement.

THEREFORE, BE IT NOW RESOLVED the Town of Shandaken Town Board hereby authorizes the Town Supervisor to enter into the Intermunicipal Agreement with Ulster County for the sharing of information regarding Short Term Rental Properties

AND MOVE ITS ADOPTION

Seconded by:

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

RESOLUTION #: 141-18

OFFERED BY: VANBLARCUM

RESOLUTION AUTHORIZING USE OF GOOD NEIGHBOR FUNDS FOR EMERGENCY REPLACEMENT OF HEATING UNIT IN AMBULANCE PERSONNEL HOUSING BUILDING

WHEREAS, the Town of Shandaken owns and operates a Town Ambulance Service and housing for Ambulance Personnel located at 9 AVA Maria Dr., Phoenicia, NY 12464; and

WHEREAS, the existing propane heating unit was deemed inoperable following a catastrophic failure of the burner unit; and

WHEREAS, it is necessary to replace the heater with the onset of winter.

THEREFORE, BE IT NOW RESOLVED the Town of Shandaken Town Board authorizes the Town Supervisor to utilize existing Good Neighbor Funds in order to replace the unit at a price of \$2,570.00 by Kosco, Inc., PO Box 1269, Saugerties, NY 12477.

AND MOVES ITS ADOPTION

Seconded by: STANLEY

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

RESOLUTION #142-18 *TABLED* on a Storms/Vanblarcum motion.

ACCEPT BIDS – REPAIRS TO TOWN OWNED MEDICAL BLDG.

WHEREAS, The Town of Shandaken Advertised for bids for repair to the Town owned medical building at 9 Ava Maria Drive in the Hamlet of Phoenicia.

WHEREAS, bids – clearly marked on envelope “Medical Building Repair” were to 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 December 3, 2018, to be opened at the Monthly Town Board Meeting at 7pm on Monday December 3rd, 2018.

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

AND MOVES ITS ADOPTION

Seconded by:

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	_____	_____
BOARD MEMBER DISCLAFANI	_____	_____
BOARD MEMBER STORMS	_____	_____
BOARD MEMBER VANBLARCUM	_____	_____
SUPERVISOR STANLEY	_____	_____

RESOLUTION #143-18

OFFERED BY STANLEY

RESOLUTION ESTABLISHING TOWN BOARD ANNUAL YEAR-END MEETING

WHEREAS, the Town of Shandaken needs to conduct certain business before the close of the 2018 Fiscal Year;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct their annual Year-End meeting at **1pm on Wednesday, December 26, 2018**, for the purpose of conducting related business.

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<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 #144-18

OFFERED BY STORMS

ESTABLISHING TOWN BOARD ANNUAL RE-ORGANIZATIONAL MEETING

WHEREAS, the Town of Shandaken annually conducts a meeting to appoint employees and officers of the Town, establish a meeting schedule and meet contractual obligations;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct their annual Re-Organizational meeting at **6:00 pm on Monday, January 7th, 2019** for the purpose of conducting related business.

AND MOVES ITS ADOPTION

Seconded by: ALBA

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<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>

