

**Town of Shandaken
County of Ulster
State of New York
Monday February 4, 2013**

The Town of Shandaken Town Board conducted their Regular Monthly meeting as per Resolution #2. Minutes of the Monthly Regular Town Board Meeting held in Shandaken on Monday February 4, 2013 at 7pm at the Town Meeting Hall, Rt. 28, Shandaken NY.

Pledge of Allegiance

Roll Call

Members Present	Vincent Bernstein, Board Member – Deputy Supervisor
	Doris Bartlett, Board Member
	Alfred Higley, Jr., Board Member
	Jack Jordan, Board Member

Members Absent	Robert Stanley, Supervisor
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Recording Secretary	Joyce Grant, Town Clerk
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On a Jordan/Higley motion the Town Board unanimously approved the minutes of the January meeting as submitted by the Town Clerk.



Town of Shandaken Town Board Meeting Agenda
Regular Monthly Meeting
Monday, February 4, 2013

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval of previous T/B Meeting minutes**
- 4. Supervisor's Financial Report**
- 5. Communications**
 - a. Tetra Tech – DRAFT Town Flood Mitigation & Emergency Response Plan (Partial)
- 6. Committee Reports:**
 - a. Ambulance
 - b. Museum
 - c. Police
 - d. Phoenicia Water
 - e. Pine Hill Water
 - f. Recreation
- 7. Public Comments on Resolutions**
- 8. Motions:**
- 9. Resolutions:**
 - 50) *Pay All Bills*
 - 51) **Legal** – Hire Jacobowitz & Gubits to represent Town – Hanover Suit
 - 52) **Legal** – Hire Jacobowitz & Gubits to represent Town – Library Suit
 - 53) **Town Board**- Standard Work Day Resolution (per NYS Retirement)
 - 54) **Highway** – Advertise for Gravel Crushing
 - 55) **Highway** – Interim Highway Secretary (Sue Christiana)
 - 56) **Phoenicia Water** – Interim Bookkeeper (Sue Christiana)
 - 57) **Supervisor** – Reappoint O'Donnell Secretary (Salary Adjustment)
 - 58) **Firearms Rights** – Affirming Support of Second Amendment Rights
- 10. Open Public Comment**
- 11. Meeting Adjournment - IN MEMORY OF:**
Elizabeth Tarasco-Andruzzi Barbara Eshbach



Town of Shandaken

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

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

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

Upcoming Town Board Topics & Activity

Month OF February 2013

Personnel: Last week, the Town, was forced to suspend an employee without pay. During a review of finances within the Highway Department, discrepancies were discovered that both the Highway Superintendent and the Town Supervisor questioned. The information was delivered to the New York State Police in Hurley and pending the outcome of their investigation with the New York State Comptroller's Office we cannot, at this time, divulge any further information regarding this matter. There were several duties handled by that employee which must now be picked up by other employees within the Town employ. Sue Christiana, for the Interim, will move to the Highway Superintendent's Office and additionally handle the duties of Phoenicia Water District Bookkeeper, adding to her duties as Billing Clerk for that District. Diane O'Donnell, in the Supervisor's Office will primarily handle the Healthcare and Retirement Systems for Town Employees with assistance from Sue Christiana. The resolutions tonight reflect a small increase in compensation for both employees for managing these responsibilities.

Highway: Last Wednesday, a wire on one of the Town Highway Trucks shorted out and started a fire in the engine compartment of a large dump truck not being used for plowing. The combination of salt, sand and moisture frequently contributes to wear on the casings of engine wires causing shorts. The fire spread to two trucks on either side of the original vehicle. Let us make it clear, that this occurrence was completely unrelated to any other issue within the Highway Department. Claims have been placed with the Insurance Company and we hope to replace these vehicles over the coming months.

Legal: We have two resolutions tonight hiring Jacobowitz and Gubits, LLC from Walden to represent the Town in two lawsuits we currently face. They came highly recommended by Paul Kellar, our Town Attorney, and specialize in Zoning and Planning disputes. The first is the Hanover Farms lawsuit against the Town. Lawyers for Hanover and others involved in the case claimed a conflict of interest after the Town was recently

informed that contrary to previous representations, Town Board Member Higley, is a shareholder in the business.

In addition, the Town ZBA and Planning Boards recently received a suit filed by neighbors of the Phoenicia Library Building on Main Street in Phoenicia. Due to personal familiarity with parties on both sides of this argument, Paul was uncomfortable handling this case, so we will also hire the same firm to defend the Town in this suit.

Gun Control: We have a memorializing resolution tonight supporting the Second Amendment of the US Constitution. There have been a lot of firearms regulatory control measures discussed and implemented recently that members of our community feel infringe on rights they are entitled to under the framework of the US Constitution, namely the second amendment right to keep and bear arms. We are sure to hear a few comments concerning this resolution and we look forward hearing logical, concise and respectful discussion on this before being put up for a vote. If there are a large number of comments on this matter, the Town Board may request at time limit for comments. This is a very important issue to a number of citizens for a variety of reasons. We have been very good at listening to one another these past few years and the Town Board asks that you help us continue that trend and not speak unless directly addressing the board once recognized.

SAFARI: As many of you may or may not be aware, prior to Irene the Town had established the Shandaken Area Flood Assessment and Remediation Initiative (SAFARI) to help the Town find ways to be proactive in flood resiliency and preparedness. This group meets regularly and is comprised of Town Officials, as well as representatives of the NYC-DEP, NYS-DEC, Ulster County and Cornell Cooperative Extension. Just after Irene the Town hired Tetra Tech, Inc., with a grant from the Ashokan Watershed Stream Management Program and assistance from RCAP Solutions to help the Town develop a Mitigation and Disaster Preparedness Plan. This plan will not only highlight geographic areas of concern within the Town, but also makes recommendations, that when developed, should assist residents throughout the Town in reducing their flood insurance rates while also opening funding opportunities for funding to complete some much needed stream restoration activities. Tonight we have representatives from Tetra Tech here to present some of the work and discussions we've been having while we eagerly await the forthcoming full draft plan over the next few months.

**Our next regular meeting is scheduled for
Monday, March 4, 2013 at 7pm.**

Supervisor Report January 2013

Portion of General tax Warrant	\$ 450,000.00
Ambulance Donations	
Ambulance Fees	\$ 4,520.74
Library Rent	\$300.00
Library electric reimb.	\$67.01
Police Fees	\$30.00
Justice Fees	\$ 10,875.00
Town Clerk Fees	\$ 250.98
Zoning	\$ 100.00
Building Permit Fees	\$ 480.00
Planning	
Dog Licenses	\$ 45.50
Registrar	\$ 60.00
Reimb. For Health	
Fuel Reimbursement	\$ 5,645.97
Mariner Tower	\$ 762.20
Time Warner	\$ 16,737.68
Miscellaneous Revenue	\$ 748.50
U.C. Sales Tax	
Millens Steel	
Pine Hill Water	
Phoenicia Water	
FEMA Reimbursement	
Total	\$ 490,623.58

TOWN OF SHANDAKEN AMBULANCE SERVICE



PO BOX 91 PHOENICIA, NY 12464

January 2013 Report

Total calls received- 52

Total calls Belleayre- 24

Mutual aid given- 3 – Town of Olive

Mutual aid received- 3

One of the simplest things that you can do to protect yourself and others is to conspicuously post your address number at the front of your home or business. You would be shocked at the number of calls for service your local emergency responders respond to where precious minutes are wasted trying to locate a residence that is improperly marked. It is the property owners' responsibility to clearly mark their property, and International Fire Code requires all residential and commercial properties to have proper address numbers. Some municipalities have their own criteria above and beyond the code. The International Code requires the following;

- Address numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property.
- Address numbers shall contrast with their background.
- Address numbers/letters shall be Arabic numerals or alphabet letters.
- Numbers/letters shall be a minimum of 4 inches high with a minimum stroke of one-half inch.

Address numbers should be posted in a conspicuous place over or near the main entrance or on a mailbox. If the entrance cannot be easily seen from the nearest adjoining street, address numbers should be placed in another conspicuous place on the house or building so that address numbers can easily be seen from the nearest adjoining street. If the home cannot be easily seen the address numbers must be placed on a portion of the property that is clearly visible and close to the street. Numbers should either be illuminated during periods of darkness or reflective, so they can be easily seen at night.

If you share a private driveway with several homes post all house numbers at the entrance to the driveway and be sure to post numbers at the front entrance to each home. If the road splits off into different directions, post a directional sign to indicate where each address is located. You can buy address numbers at any home improvement or hardware store. Many sign companies listed in the phone book have sources for home, business or building address numbers. For those tech savvy folks out there (or for those of you attending Town computer classes) sources like Ebay and utilizing a search engine will point you in the right direction. Following these tips will ensure that those precious minutes during an emergency will be spent where they're supposed to be spent- taking care of you!

Committed To Care In The Heart Of The Catskills

TOWN OF SHANDAKEN AMBULANCE SERVICE



PO BOX 91 PHOENICIA, NY 12464

2012 Year End Report

Total calls received 2012 - 473

Total calls Belleayre 2012 - 62

Total Mutual aid given 2012 - 8

Total Mutual aid received 2012 - 9

With 473 calls answered and far more than half receiving an Ambulance under the Gold Standard of eight minutes and fifty nine seconds set by the Commission on Accreditation of Ambulance Services, The Town of Shandaken Ambulance Service yet again delivered a standard of care to the Citizens and visitors of the Town that is only surpassed by a choice few comparable Services in the Nation. An interesting note is that albeit we were just shy of last year's call total, the severity of cases treated by the Town of Shandaken Ambulance was far higher than years before- with over 65 percent requiring Advanced Life Support (Paramedic level care).

Lives were saved, babies were born, and disasters big and small were handled with the utmost of prehospital care, however as we all know prevention, education, and thinking outside of the box are things that are an equally important part of delivering Emergency Medical Services. The year 2012 saw a push for enhanced communications and technology on many levels- one that made one of the largest impacts was the successful compilation of Network Extender sites from individuals and businesses Town wide for transmission of electrocardiographs during life threatening cardiac events. This has been used multiple times, and will continue to serve as a stop gap measure until we finally receive cellular service in Town. Continuing safety and public education/ prevention initiatives such as File of Life distribution, community outreach events, regularly updated content on the Ambulance website, and even a safety column in an online newspaper continue to keep citizens informed and aware and will continue for the foreseeable future.

A few Individuals and organizations recognized the overall dedication and professionalism of the organization resulting in our Ambulance Service being awarded the Ulster County Ambulance Agency of the Year award, as well as our Captain/ Administrator receiving the Harriet Weber EMS leadership award. These awards were also presented to the Agency on the Regional level- beating out more than 80 different agencies in the five county region. Unfortunately we did not win the overall State award, but we did the Annual Shandaken Cup tug of war (with a little help from our friends, and maybe a hill).

Speaking of help from our friends, this year saw the much needed replacement of our second Paramedic vehicle with a newer Dodge Durango thanks to the phenomenal folks at the Timber Lake Foundation. The cost of the vehicle and all labor to convert the vehicle to response ready was donated equating to zero cost to the taxpayers of the Town. Other substantial donations from folks near and far helped acquire additional equipment that the Ambulance equipment line couldn't swing and for that we, and our patients who directly benefit from it, are eternally grateful.

On behalf of the Town of Shandaken Ambulance I would like to thank the Town Board, outgoing elected officials, and most of all the Town of Shandaken residents that supported our efforts in 2012. It is the promise of the Town of Shandaken Ambulance Service that we shall exercise diligence in our commitment to care for the citizens and visitors we provide our services to in the year 2013 and beyond.

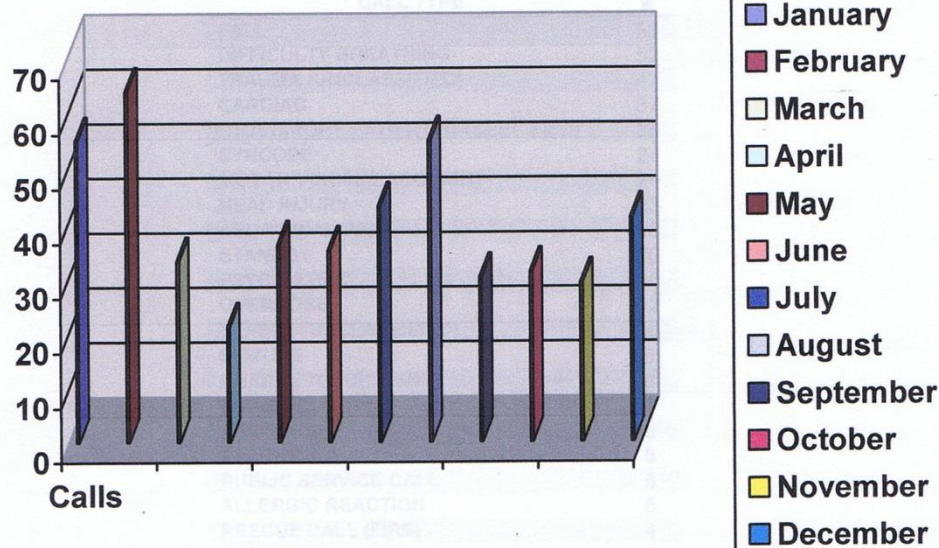
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TOWN OF SHANDAKEN AMBULANCE SERVICE



PO BOX 91 PHOENICIA, NY 12464

Town Of Shandaken Ambulance Service Calls By Month



TOTAL MILEAGE BY UNIT – 2012

UNIT NUMBER	BEGINNING MILEAGE 2012	ENDING MILEAGE 2012	TOTAL 2012
7850	39995	54868	14873
7851 (ACQ. APRIL 2012)	56479	60004	3525
625	9672	19656	9984
626	69529	81632	12103

Committed To Care In The Heart Of The Catskills

TOWN OF SHANDAKEN AMBULANCE SERVICE



PO BOX 91 PHOENICIA, NY 12464

CALL BREAKDOWN FOR YEAR 2012

CALL TYPE	#
FALL	53
DIFFICULTY BREATHING	52
TRAUMA (UNCLASSIFIED)	47
CARDIAC	37
TRANSPORT PATIENT (UNSPECIFIED)	36
SYNCOPE	24
MOTOR VEHICLE ACCIDENT	24
HEAD INJURY	23
ABDOMINAL PAIN	23
STANDBY	20
PSYCHIATRIC	16
OVERDOSE	12
STABLE (UNCLASSIFIED)	10
SEIZURE	9
UNABLE TO ASSEMBLE	8
DIABETIC	7
ASSISTANCE	6
STROKE	5
PUBLIC SERVICE CALL	5
ALLERGIC REACTION	5
RESCUE CALL (FIRE)	4
BLEEDING	4
UNATTENDED DEATH	3
MEDICAL ALARM	3
CRITICAL (UNCLASSIFIED)	3
CALL CANCELLED	3
ALS ASSIST	3
SUBSTANCE ABUSE	2
MUTUAL AID	2
CHOKING	2
CARDIAC ARREST	2
STANDBY	1
REQ. ASSISTANCE (UNCLASSIFIED)	1
OB/GYN	1
GOOD INTENT CALL	1
ERROR	1
CHILD BIRTH	1
BURN	1

Committed To Care In The Heart Of The Catskills

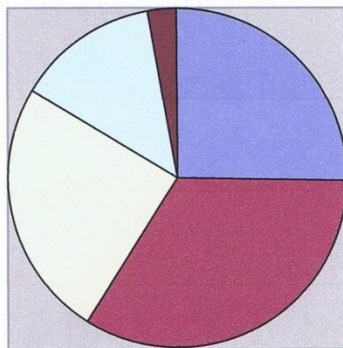
TOWN OF SHANDAKEN AMBULANCE SERVICE



PO BOX 91 PHOENICIA, NY 12464

Town Of Shandaken Ambulance Service Average Response Time

Numbers Based on Time of Dispatch to First Arriving Ambulance Unit



- 0-5 Min.
- 5-10 Min.
- 10-15 Min.
- 15-20 Min.
- 20+ Min.

Regards,



Richard W. Muellerleile

Chief, Town of Shandaken Ambulance Service

Committed To Care In The Heart Of The Catskills

A presentation was given by Cynthia Bianco & Paul Miller of Tetra Tech





**Town of Shandaken - Flood Mitigation Plan**

HISTORY OF FLOODING

- Shandaken – “land of rapid waters”
- Riverine and Flash Flooding
- 18 Presidentially Declared Flood Disasters since 1950.
- Massive Damages to homes and infrastructure
- Evacuations



Rank	Date	Peak Discharges (cfs)
1	August 28, 2011	75,800 (~24')
2	March 21, 1980	65,300 (~22')
3	March 30, 1951	59,600
4	April, 3, 2005	55,200
5	August 24, 1933	55,000
6	October 15, 1955	54,000
7	January 19, 1996	53,600
8	April 4, 1987	51,700
9	December 21, 1957	46,900
10	March 12, 1936	38,500
11	April 5, 1984	37,400 (~18')

**Town of Shandaken - Flood Mitigation Plan**

WHY??

- Proactive vs. Reactive (Save \$4 for every \$1 in Mitigation)
- Can act as a keyway to funding
- The Community Rating System
- Blueprint for Flood Reduction
- Support other planning mechanisms
- Watershed Plans
- Land Use Plans
- Codes and Ordinances





**Town of Shandaken - Flood Mitigation Plan**

OVERALL GOAL

The overall goal of the Plan is to improve the Town's capability to prepare for, respond to, recover from, mitigate against and reduce vulnerability to flooding.



The plan identifies and encourages partnerships for coordinated implementation, funding, public awareness and the development of strategies for carefully planned mitigation efforts designed to protect the health, safety, quality of life, environment and economy of the Town of Shandaken.

**Town of Shandaken - Flood Mitigation Plan**

COMMUNITY RATING SYSTEM



- Participation and ranking in CRS will improve ability to lower flood damages (higher regulatory standards, enforcement of regulations, increased knowledge of floodplain issues)
- CRS ranking will reduce NFIP Flood Insurance Premiums



**Town of Shandaken - Flood Mitigation Plan**

CRS BENEFITS



- Provides incentive to participating communities to exceed the minimum NFIP criteria .
- Incentive is a reduction in the cost of flood insurance in participating Communities.
- Can reduce the cost of flood insurance from 5% up to 45%
- Participation is voluntary

**Town of Shandaken - Flood Mitigation Plan**

CRS OBJECTIVES



- Three Primary Objectives
 - Reduce losses caused by flood related hazards
 - Support accurate insurance rating
 - Promote awareness of flood insurance



**Town of Shandaken - Flood Mitigation Plan**

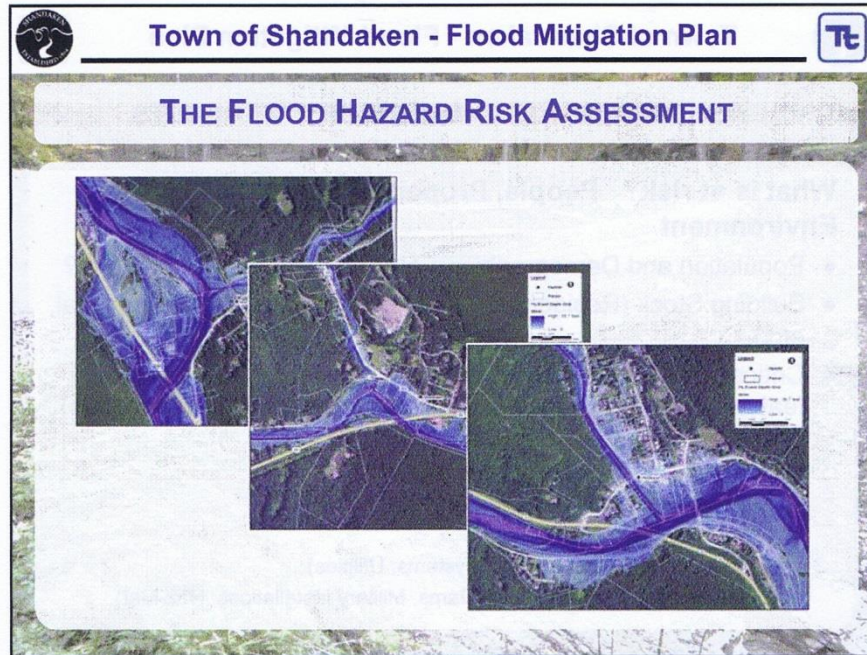
THE PLANNING COMMITTEE

- The Office of the Supervisor of the Town of Shandaken is managing this effort.
- It is supported by the **Shandaken Area Flood Assessment and Remediation Initiative (SAFARI)**.
- Members of the committee include representatives from
 - Town of Shandaken
 - Cornell Cooperative Extension of Ulster County
 - RCAP Solutions
 - Ulster County Emergency Management
 - NYS DOT
 - NYCDEP
 - NYDEC
 - USDA NRCS
 - Ulster County Soil and Water Conservation District
 - Landowners
 - S.O.S (Save our Shandaken) Representative

**Town of Shandaken - Flood Mitigation Plan**

DELIVERABLES

- Flood Mitigation Plan
- Flood Warning and Response Plan
- CRS Application Support




Town of Shandaken - Flood Mitigation Plan



WHAT IS RISK?

Risk is defined as a function of:

- **Hazard**
 - Source of potential danger or adverse condition
- **Exposure**
 - Manmade or natural features that are exposed to the hazard
- **Vulnerability, and**
 - Damage susceptibility of the exposed features
- **Capability**
 - Regulatory Capability
 - Technical Capability
 - Financial Capability







**Town of Shandaken - Flood Mitigation Plan**

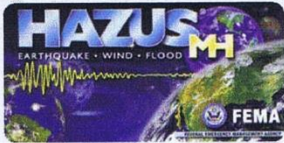
RISK ASSESSMENT METHODOLOGY

- Assess hazard
 - Past events
 - Areas most affected
 - Frequency
 - Severity
 - Warning time for response
- Determine Exposure
- Assess Vulnerability
 - Loss Estimation



**Town of Shandaken - Flood Mitigation Plan**

WHAT IS HAZUS?

- HAZUS-MH is a powerful risk assessment methodology for analyzing potential losses from floods, hurricane winds and earthquakes.
- Current scientific and engineering knowledge is coupled with the latest geographic information systems (GIS) technology to produce estimates of hazard-related damage before, or after, a disaster occurs.







**Town of Shandaken - Flood Mitigation Plan**

ASSESS THE RISK - INVENTORY OF ASSETS

What is at risk? People, Property, Economy, Environment


- Population and Demographics – Has this changed since 2009?
- Building Stock (Residential, Commercial, Industrial, Educational, etc.)
- Critical Facilities (essential facilities, utilities, transportation features, high-potential loss facilities and user-defined facilities)
 - Police, Fire, Emergency Services
 - Hospitals and Medical Care Facilities
 - Schools and Care Facilities
 - Sheltering Facilities
 - Infrastructure (Transportation Systems, Utilities)
 - High-Potential Loss Facilities (Dams, Military Installations, Haz-Mat)

**Town of Shandaken - Flood Mitigation Plan**


RISK REDUCTION

To reduce Risk:


- Manipulate the Hazard:
 - structural flood control
- Reduce Exposure:
 - property acquisition
- Reduce Vulnerability:
 - retrofitting
- Increase capability:
 - \$, preparation, technical assistance, planning



PREVENTION





PARTNERSHIP



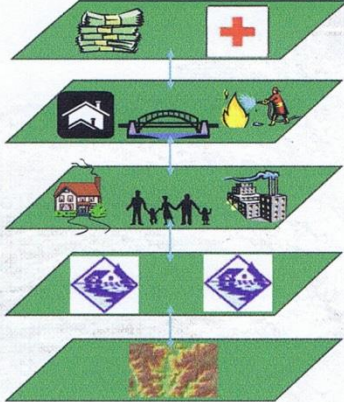
PROTECTION





**Town of Shandaken - Flood Mitigation Plan**

INTRODUCTION TO GIS & HAZUS MH

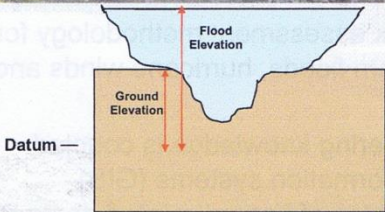
Hazus is an ARC GIS Extension



1. Define terrain
2. Define Hazard. Flood surface
3. Define and Overlay Inventory
4. Determine Damage
5. Estimate Losses


**Town of Shandaken - Flood Mitigation Plan**

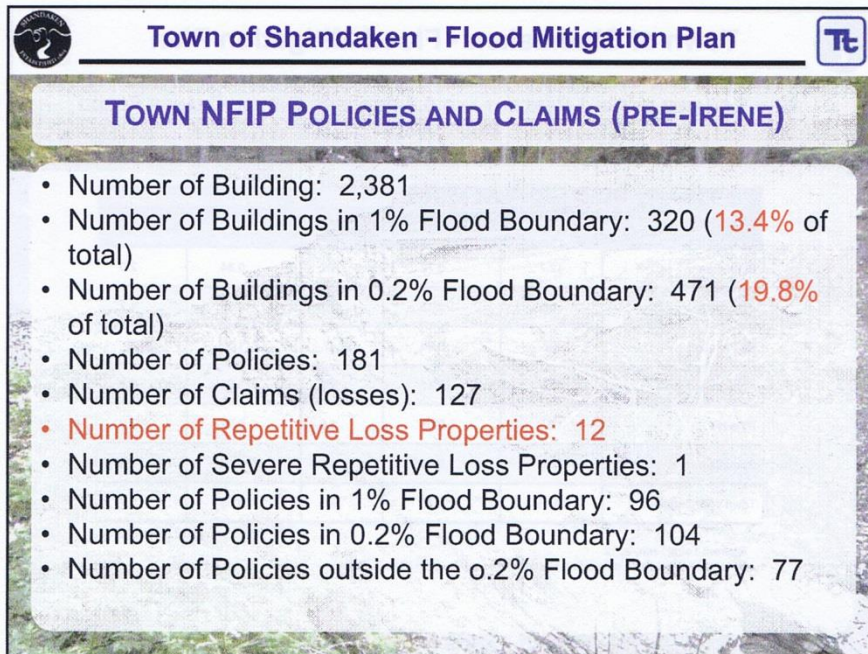
FLOOD MODEL OVERVIEW

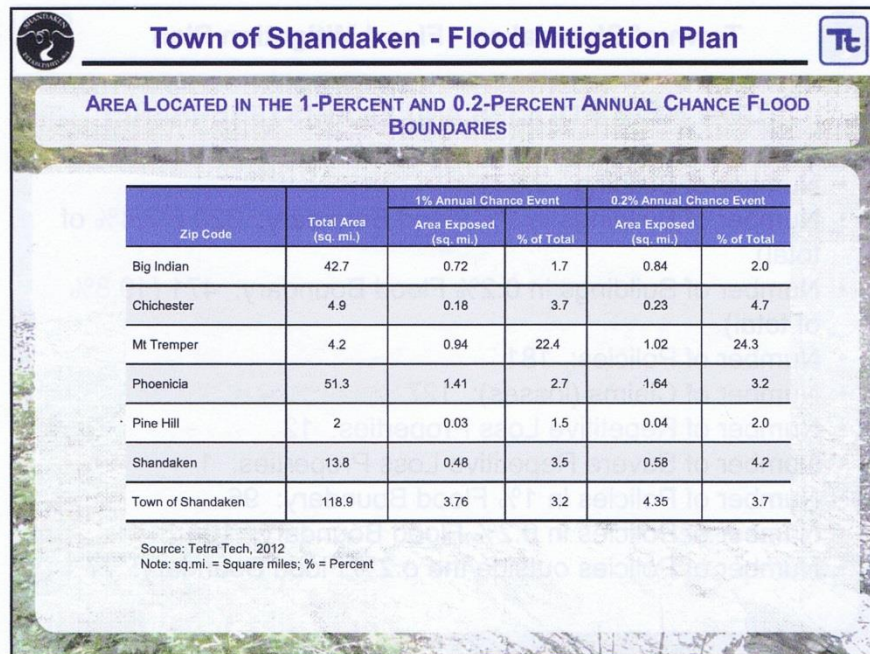
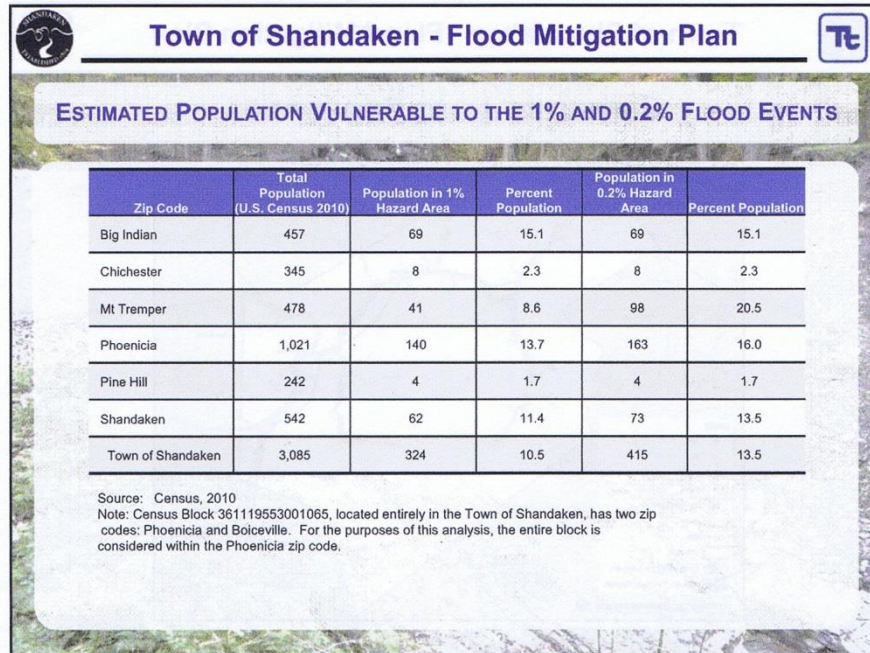


Subtract ground surface from flood surface to determine flood depth throughout the study area

WATER DEPTH DAMAGE FUNCTION

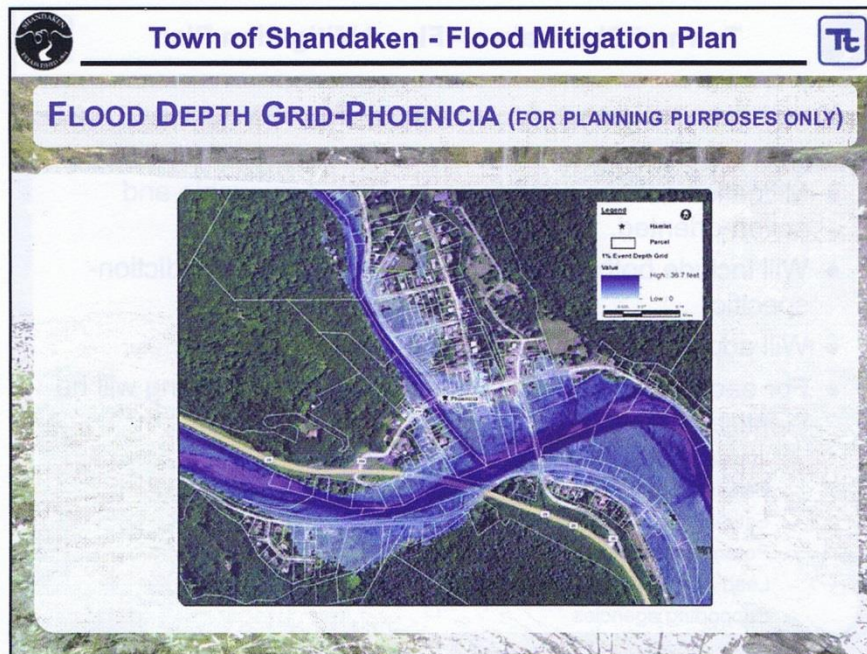










Town of Shandaken - Flood Mitigation Plan				
ESTIMATED GENERAL BUILDING STOCK REPLACEMENT VALUE (STRUCTURE AND CONTENTS) LOCATED IN THE 1-PERCENT ANNUAL CHANCE FLOOD BOUNDARY				
Zip Code	Total Buildings (All Occupancy Classes)			
	1% Event	% Total	0.2% Event	% Total
Big Indian	\$15,385,739	10.2	\$19,436,674	12.9
Chichester	\$5,096,270	7.0	\$9,516,681	13.1
Mt Tremper	\$24,432,339	26.9	\$29,039,894	32.0
Phoenicia	\$69,055,747	23.8	\$94,006,610	32.4
Pine Hill	\$2,887,916	3.0	\$3,808,642	3.9
Shandaken	\$14,339,876	12.5	\$20,532,504	17.8
Town of Shandaken	\$131,197,887	16.1	\$176,341,005	21.6







**Town of Shandaken - Flood Mitigation Plan**

CAPABILITY ASSESSMENTS

- **What resources do we have at our disposal to Mitigate Risk?**

“Proposed mitigation actions will be evaluated against the backdrop of what is feasible in terms of your government’s legal, administrative, fiscal and technical capacities” (FEMA 386-3)


 - Serve to identify legal authority and administrative, technical and fiscal capabilities in the state, county and jurisdictions that will facilitate or hinder hazard mitigation goals and objectives.

**Town of Shandaken - Flood Mitigation Plan**


IDENTIFICATION AND ANALYSIS OF MITIGATION ACTIONS

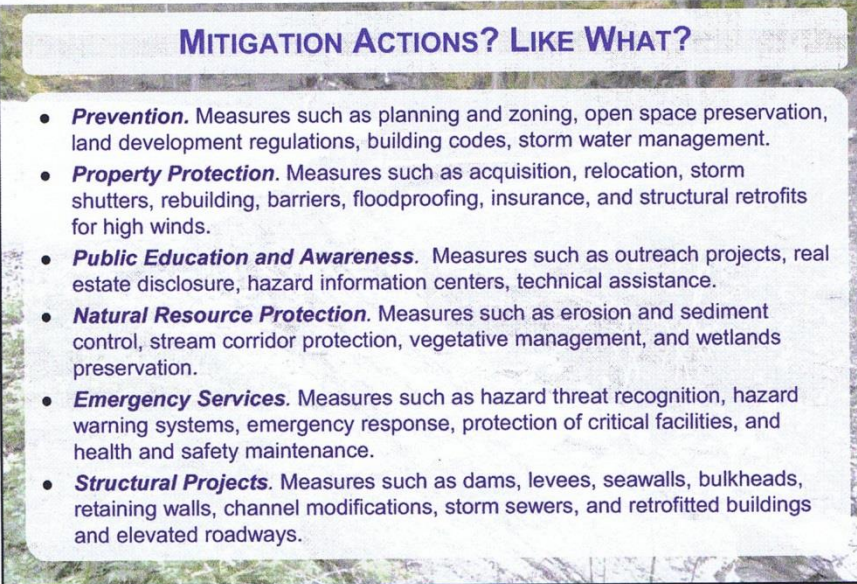
- Mitigation actions need to be realistic, achievable and action-oriented.
- Will include both regional actions, as well as jurisdiction-specific.
- Will address both public and private property.
- For each proposed mitigation strategy, the following will be identified:
 - Implementation timeline
 - Estimated cost
 - Estimated benefits (avoided losses)
 - Potential funding sources
 - Lead agency or department
 - Supporting agencies






Town of Shandaken - Flood Mitigation Plan






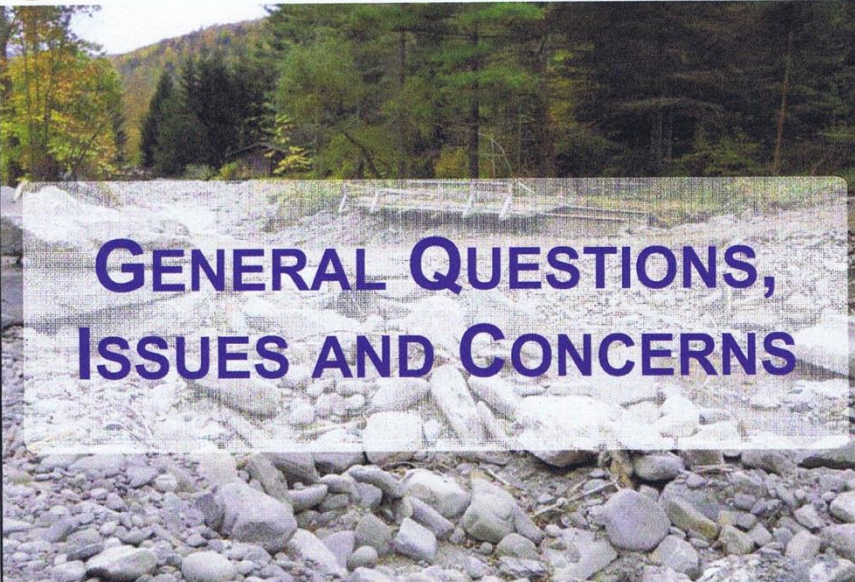
MITIGATION ACTIONS? LIKE WHAT?

- **Prevention.** Measures such as planning and zoning, open space preservation, land development regulations, building codes, storm water management.
- **Property Protection.** Measures such as acquisition, relocation, storm shutters, rebuilding, barriers, floodproofing, insurance, and structural retrofits for high winds.
- **Public Education and Awareness.** Measures such as outreach projects, real estate disclosure, hazard information centers, technical assistance.
- **Natural Resource Protection.** Measures such as erosion and sediment control, stream corridor protection, vegetative management, and wetlands preservation.
- **Emergency Services.** Measures such as hazard threat recognition, hazard warning systems, emergency response, protection of critical facilities, and health and safety maintenance.
- **Structural Projects.** Measures such as dams, levees, seawalls, bulkheads, retaining walls, channel modifications, storm sewers, and retrofitted buildings and elevated roadways.



Town of Shandaken - Flood Mitigation Plan





GENERAL QUESTIONS, ISSUES AND CONCERNS

Emails & Letters re: Resolution 58-13

From Supervisor Stanley Regarding Resolution 58-13

"My sincerest apologies for not being able to make tonight's meeting. I know many of you are here to discuss the resolution in support of the Second Amendment. I appreciate many of the concerns raised by our friends and neighbors pertaining to the latest firearms regulations being proposed and implemented following the tragedy in Sandy Hook, CT. There are a lot of details that are being debated, but ultimately let us all remember that no one here tonight is in favor of deregulating gun controls NOR is anyone looking to take guns away from the responsible, law-abiding sportsmen and women that live in and frequent our area.

My feeling, as I've expressed to some of you, is that resolutions of this nature pertain to a larger populace and are better debated by our higher elected officials and representatives. Tonight's resolution, for me, is broad in its statement and I have expressed that to members of the Town Board. My fear is that resolutions, similar to this, may over time supersede the importance of our duty at hand of directly participating in operations of the Town. Resolutions of this nature tend to be volatile in nature and emotionally charged, knowing that ultimately it is well beyond the purview of the Town Board.

We have worked hard these past few years to openly and respectfully discuss many issues to where we, as a community body, can come to the right collective position. I have asked that the Town Board members table this resolution, but knowing that many of you have come tonight to discuss this, I've asked that the Board still allow for comments, adding that e-mails received by our Board be read into the record. Ultimately, tonight the sitting Board has the right to discuss, table or vote on this resolution. I have every faith in Deputy Supervisor Bernstein and the Board to allow for respectful conversation of this matter and sincerely consider the consequences of any decision made tonight. Please always remember that we walked into this building as neighbors and friends and through polite discussion we will leave the same."

Best regards,

Robert A. Stanley

Supervisor, Town of Shandaken

Shandaken Town Hall

PO Box 134

Shandaken, NY 12480

Phone: 845.688.7165

Fax: 845.688.7392

To the Shandaken Town Board:

It has come to our attention that The Shandaken Town Board will consider a resolution at their monthly meeting, Monday, Feb 4th, at 7 PM, " in support of The Second Amendment to the United States Constitution."

The Second Amendment:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

From a correct grammatical reading, which the framers no doubt knew, the sentence structure of the Second Amendment binds the right to bear arms to service in the militia and **regulation**.

The board's contention that regulation is beyond lawful legislative authority granted to our State representatives, is clearly refuted by the framers inclusion of the phrases "well regulated militia" and "security of a free State. Regulation of firearms by the state for the defense of the state is crucial to the intent.

As to the contention that there is no documented correlation between gun control measures and crime reduction, The US has the highest gun ownership rate in the world – an average of 88 per 100 people. England and Wales, by comparison have an average of 6.2 per 100 people. 31,347 Americans were killed by guns in 2009, while the 2008 figure for the UK was 39.

While it's true that statistics like these don't prove direct causality, they most certainly do represents a correlation.

Geoffrey R. Stone the Edward H. Levi Distinguished Service Professor of Law at the University of Chicago recently wrote:

In 2008, the U.S. Supreme Court held that the Second Amendment, which provides, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," guarantees an individual's right to have a functional firearm in the home for self-defense. The Court's decision in that case, *District of Columbia v. Heller*, struck down a D.C. law that effectively barred the use of any firearm for self-defense. The law is now clear that the government may not completely disarm law-abiding, responsible citizens. The Court also made clear, however, that many gun regulations remain constitutionally permissible. "Like most rights," the Court explained, "the right secured by the Second Amendment is not unlimited." Writing for the Court, Justice Antonin Scalia explained that restrictions on "dangerous and unusual" weapons are constitutional and that "nothing in our opinion should be taken to cast doubt" on laws that prohibit "the possession of firearms by felons or the mentally ill" or laws that impose "conditions and qualifications on the commercial sale of arms."

The Town board should not seek to propose nor pass such a resolution. It is beyond a town board remit . Please consider with the utmost seriousness the gravely divisive nature of such a resolution both locally and nationally. It would be both unwise and unfair for this Board to pass this resolution and thus presume to speak for the entire community with one voice when there are clearly many varied voices and opinions on this matter.

Respectfully,
Mona and Ken Jacobs

Vinny,

Although I don't know you very well on a personal basis, I do know you by reputation. I believe you to be a man of integrity and conviction. Just the kind of man we need on our Town Board. But, in this case, that of your recent proposal, I feel that you are totally off-base and wrong-headed. If you or I or anyone has a problem with any law, we as private citizens have every right to protest it within the law. We can write letters, hold up signs, work to elect like-minded people, etc. What we can't do is purport to speak for everyone, when we obviously don't.

During the Irene cleanup I saw by your tireless efforts just how much you care for our community. So how could you turn around and be instrumental in pushing through this factious proposal?

For you to use your position on the Board to pass a resolution that is not only outside the proper jurisdiction of this board, but also so contentious as to create a wide rift within our community smacks, at least to my way of thinking, of arrogance as well as disdain for your constituents.

I want to go on record as being deeply disappointed in you and in our Board as well as downright angry.

Sincerely,
Ken Jacobs

P.S. I am CC'ing this to all members of the Board as well.

-- REMEMBER: WE'RE ALL IN IT TOGETHER!

Feb 4, 2013.

Dear Supervisor Stanley,

I want to express my hopes that you might take a leadership position on Councilman Bernstein's resolution this evening.

That leadership can suggest that these State and National matters have no place in a Town Board Meeting. If individual members need to seek change on State and National matters, as Free Americans they may do so. This Town Board Meeting is the wrong venue to seek that change. There is enough that divides. Let the Board address matters at hand and not

jump into the fray.

I think simply getting a vote to
table it would let everybody off
the hook.

A hook this community does not
need to be on at all.

Many thanks for your consideration,
Maureen Millar
Mt Tremper, N.Y

Feb. 4, 2013 RM pg. 28

From: Elizabeth Potter <10jay@earthlink.net>
To: "supervisor@shandaken.us" <supervisor@shandaken.us>
Sent: Monday, February 4, 2013 1:48 PM
Subject: Rob

Dear Rob

I hope very much you vote against this resolution about gun control. It has no teeth anyway and causes needless division among good people with heartfelt views.

Thank you
Liz Potter

From: Marc Cioffi <thewap1@mac.com>
To: shandakensupervisor@yahoo.com
Sent: Monday, February 4, 2013 12:08 PM
Subject: RESOLUTION 57-13

BOARD MEMBER BARTLETT _____
BOARD MEMBER BERNSTEIN _____
BOARD MEMBER HIGLEY _____
BOARD MEMBER JORDAN _____
SUPERVISOR STANLEY _____

Re: RESOLUTION 57-13 / SAFE ACT

Dear Shandaken Board Members,

please find in this email my firm opposition to Governor Cuomo's SAFE Act, which I find unconstitutional and in violation of my right to bear arms and appropriate defense, my right to privacy, my right to personal property, and my right to participate in interstate commerce. I am deeply concerned as to the methods employed by our governor in enacting this unconstitutional law by bypassing NYS democratic process in order to infringe on NYS residents rights. Furthermore I feel that Governor Cuomo's SAFE Act will have no effect on crime in our town, but will affect recreational businesses, our budget and our economy negatively. I count on your services, to vote in favor of draft resolution No.57-13 that is in opposition of the SAFE Act. I thank you all for your attention to this letter and your continued service to our community
Respectfully yours,
Marc James Cioffi

Highmount, NY 12441

From: Karen Charman <panaurora@earthlink.net>
To: supervisor@shandaken.us; councilmanbernstein@shandaken.us; councilmanbartlett@shandaken.us; councilmanjordan@shandaken.us; councilmanhighley@shandaken.us
Sent: Monday, February 4, 2013 11:56 AM
Subject: Re: Gun control resolution

Feb. 4, 2013 RM pg. 29

Dear Councilmembers,

I am writing to respectfully urge you to withdraw the proposed resolution "in support of The Second Amendment to the United States Constitution" which condemns both the recent gun control measures put forward in our state by New York Gov. Andrew Cuomo and proposals that President Obama is considering to deal with gun violence nationally.

With reports of shootings on an almost daily basis, surely something needs to be done to keep citizens of this country safe from gun violence. Neither of these proposals actually take away anybody's Second Amendment rights.

More to the point of the resolution, it does not reflect my views. As a Shandaken resident I strongly object to it on that grounds that if passed, it would assume to represent me. It is not proper for the Town to be used as a platform to advance a particular political agenda on such a divisive issue. Please withdraw this resolution.

Sincerely,
Karen Charman
Shandaken

From: Dave Channon <esopuscreek@earthlink.net>
To: councilmanbernstein@shandaken.us; supervisor@shandaken.us; Doris Bartlett
<councilmanbartlett@shandaken.us>; councilmanjordan@shandaken.us; councilmanhighley@shandaken.us
Sent: Monday, February 4, 2013 9:57 AM
Subject: Gun resolution

To the Town Board:

It would be better to encourage a letter writing campaign than to try to pass a symbolic resolution. If elected officials got 50 or 100 personal letters it would have more impact on them. To be fair, both sides, pro and con, should be encouraged to write to their representatives.

Also, I expect there will be disagreement, and it would be unfair to give the impression that the whole town either supports or opposes the resolution.

This could be a very divisive measure leading to arguments, and we don't need more of that.
Thanks,

Dave Channon
From: Wendy Most <wmost@nyc.rr.com>
To: supervisor@shandaken.us; councilmanbernstein@shandaken.us; councilmanbartlett@shandaken.us;
councilmanjordan@shandaken.us; councilmanhighley@shandaken.us
Cc: Karen Charman <panaurora@earthlink.net>
Sent: Monday, February 4, 2013 9:53 AM
Subject: Gun control resolution

Dear Councilmembers,

As a resident of Shandaken (Allaben) since 1984, this is to register my strong opposition to the proposed resolution "in support of The Second Amendment to the United States Constitution," which would condemn any and all gun control measures.

Feb. 4, 2013 RM pg. 30

I have no objection to hunting (especially if it is done for food, or under responsible programs to deal with occasional deer overpopulations). However, legislation such as that recently enacted by New York State, or that proposed by the Obama Administration--to limit the capacity of ammunition magazines; expand background checks to include sales at gun shows and other private transactions; require better record keeping to keep guns out of the hands of those with mental illnesses and criminal backgrounds; and try to curb gun sales in states with more relaxed gun laws to buyers in states with stricter laws--is long since needed, and will not infringe at all on the rights of legitimate hunters or those who feel they need small firearms for protection.

Hunting wildlife hardly requires automatic or semi-automatic weapons. Whatever happened to the sportsmanship that used to be a hallmark of American hunters?

Every study ever undertaken on gun control shows that the vast majority of NRA members also support responsible gun control laws, which do not in the least detract from the right of ordinary citizens to own hunting equipment. It is long past time for the tiny cabal of NRA leaders--under the sponsorship of gun manufacturers--to heed the voices of their own members, as well as the sane, reasonable voices of Americans throughout the country.

The ongoing horrors of mass gun-facilitated slaughters by out-of-control wackos needs no repetition here.

Vote NO on the resolution. Vote YES on responsible gun control. -- Nathan Weber

From: "jjipix@aol.com" <jjipix@aol.com>
To: supervisor@shandaken.us
Sent: Sunday, February 3, 2013 7:45 PM
Subject: gun control

Please defeat Vin Bernstein's anti-gun control proposition.

Jeff Jacobson
Mt Tremper

From: susan robertson <srobertson@hvc.rr.com>
To: supervisor@shandaken.us; councilmanbernstein@shandaken.us; councilmanbartlett@shandaken.us; councilmanjordan@shandaken.us; councilmanhigley@shandaken.us
Sent: Sunday, February 3, 2013 5:12 PM
Subject: Resolution 58-13

Supervisor Stanley and Town Board Members,

I would like to voice my opposition to Resolution 58-13 and encourage you to vote against it at the Town Board Meeting on February 4, 2013. I believe that this proposed resolution is misguided and ill conceived and, as such, I would hope that the Town representatives would not support it.

Thank you for your consideration.

Susan C. Robertson
5433 Route 212
Mt. Tremper, NY

From: Nick J Alba <nick-alba@earthlink.net>
To: supervisor@shandaken.us; councilmanbernstein@shandaken.us; councilmanbartlett@shandaken.us; councilmanjordan@shandaken.us; councilmanhigley@shandaken.us
Sent: Sunday, February 3, 2013 3:35 PM
Subject: Proposed Resolution in Support of the Second Amendment

Dear Supervisor Stanley and members of the Shandaken Town Board,

I am very concerned about the resolution being considered by our Town Board "in support of The Second Amendment to the United States Constitution". Indeed the Second Amendment does

guarantee the rights of Americans to bare arms, and many of local sportsmen enjoy a variety of peaceful gun related recreational activities. Recent legislation passed in New York State, and proposed Federal gun control laws will not take away guns from law abiding citizens, and these laws will at the very most will cause minor inconveniences which may actually save lives. I am very concerned about the unjustified reaction on the part of many gun owners, which is indicative of a sense of security that owning guns brings to them. Gun use motivated by emotion is dangerous, and perhaps these are the very individuals who should not own guns and should receive counseling.

Over the years we have witnessed the tragic consequences of the inappropriate use of firearms. When my children were attending the Phoenicia School about 12 years ago, a 10 year old classmate killed himself with his father's gun. Some years back a local sportsman murdered his wife, in front of his children, and then turned his weapon upon himself. Just in the last year or two we have had two incidents of local residents who perished from self inflicted gunshot wounds. These victims were all good, normal people who were troubled, and in all of these incidents gun control legislation is attempting to prevent tragedies of this nature. Our town government cannot dismiss these incidents because they can and will happen again. I find it very troubling that the voice of so many opponents of gun regulation show so much concern over background checks or the size of magazines and they fail to acknowledge the death that seems to be occurring in this country on a daily basis.

Our Constitution was drafted at a time when the term arms referred to muzzle loaders, and our constitutional right to bare arms does not grant anyone the right to own every weapon that exists. The Supreme Court has ruled that reasonable restrictions of certain firearms is permissible within the parameters of the Second Amendment (Heller v. District of Columbia, and later in McDonald v. Chicago) but restrictions that prevent a lawfully owned gun from being used for being appropriately used are unconstitutional. The resolution that will be considered before our Town Board has no basis in law, and must be rejected. We trust in our elected officials to govern in the interest of our society at large, and not yield to the irrational emotions of a group of individuals. Supporting this resolution can conceivably result in violent death, for which I am sure that none of our Council Members would want to take responsibility.

Thank you for your consideration.

Sincerely,

Nick J Alba

From: jerilynn babroff <babroffstudio@aol.com>

To: supervisor@shandaken.us

Sent: Sunday, February 3, 2013 2:49 PM

Subject: gun control amendment

I do not think there is any reason for a citizen to have magazine type guns or assault weapons. It certainly is not a sport to go after an animal with these weapons. There should definitely be background checks on every body who buys a gun.

Sincerely,

Jerilynn Babroff
Mount Tremper

Feb. 4, 2013 RM pg. 32

From: Lyza Herman <lyza.herman@hotmail.com>

To: supervisor@shandaken.us; councilmanbernstein@shandaken.us; councilmanbartlett@shandaken.us; councilmanjordan@shandaken.us; councilmanhigley@shandaken.us

Sent: Sunday, February 3, 2013 1:10 PM

Subject: Second Amendment rights versus automatic murder weapons

Stanley supervisor@shandaken.us, cc. Council Member Vincent Bernstein councilmanbernstein@shandaken.us, Council Member Doris Bartlett councilmanbartlett@shandaken.us, Council Member Jack Jordan councilmanjordan@shandaken.us, and Council Member Alfred Higley councilmanhigley@shandaken.us.

Dear Sirs,

I do believe that the second amendment is a valid defense of our right to bear arms. However, when it was enacted weapons capable of firing 100 rounds in a minute, with magazines that hold hundreds of bullets did not exist. There is no reason on earth why anyone should ever need to have such a weapon in order to defend house and home. Automatic assault rifles are the weapon of choice for deranged people who want to kill a lot of people in a short time, and instead of making all of us safer, these weapons go a long way to endangering innocent people.

Resolution #58 - 13 that is being proposed by board member Bernstein will make Shandaken a laughingstock of the world.

Please do not pass this resolution!

RESOLUTION #58 - 13 OFFERED BY Board Member Bernstein
RESOLUTION IN SUPPORT OF
THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION

Sincerely,

Elizabeth Herman

Pine Hill, NY

From: Pete DiModica <pete@cloudspinners.com>
To: supervisor@shandaken.us

Sent: Sunday, February 3, 2013 10:22 AM

Subject: Resolution #58-13

Regarding Resolution #58-13 "Resolution in support of The Second Amendment to the United States Constitution"

Some how I do not think the Second Amendment supports the Right of the People to Keep and Bear any and all kinds of arms they so desire. The abuse of some types of weapons has cause much harm and suffering, and many people including myself believe ownership of these weapons must be regulated by law.

I believe this resolution does not reflect the will of many Shandaken residents and should not be sent out in the name of the People of Shandaken.

Sincerely,

Chandra Lencina

Pine Hill

Fletcher
PO Box 74
Mount Tremper, NY 12457

Monday, February 4, 2013

To the Shandaken Town Board:

I have never felt the need to personally address you before. I respect that Town Boards are elected by their constituents and that they are, hopefully, the best informed people to make decisions pertaining to the day-to-day running of the town itself.

I have also not come to you before because I am fully occupied with my own work as an elected official. I serve as the Vice President of the Onteora CSD School Board. This last May, when I ran for my second term, against a spirited opposition ticket, my running partner and I received fully 86% of the votes cast in Shandaken. I'd like to thank the people of Shandaken for that overwhelming show of support.

To become an American citizen, I had to take a test on American history and government, demonstrate an attachment to the principles and ideals of the U.S. Constitution, and take an oath of allegiance to the United States. Upon being sworn in to office of the School Board, I took an oath to support the constitution of the United States of America, which I take most seriously

Let me list the reasons I believe you should withdraw resolution 58.

1: The resolution is beyond your remit as a Town Board. The act to which you appear to be referring by its reference to State representatives would be the NY Safe Act, which does not single out Shandaken nor have an adverse effect on the day to day business of the town of Shandaken. If a particular town councilor has a problem with the Act, he should take it up with his State Senator, Assemblyman and Governor. It is not appropriate to bring personal agendas to the Town Board table, and it would not be countenanced on the school board. A year ago, we went through a similar situation pertaining to the school district's reconfiguration when a neighboring town passed a resolution calling on the school board to choose a particular model. One of the councilors on that particular town board told me in private that they opposed the resolution because it was not their business to get involved, but felt pressured to support it in public. I ask you to be wiser and braver than that.

2: The wording of the resolution does not hold up to scrutiny. As recently as 2008, the Supreme Court of the United States of America upheld the Second Amendment on several counts; the court's opinion listed no less than six of them. It then went on to note, immediately, that, quote, "Like most rights, the [Second Amendment](#) right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." We have always had laws placing restrictions on gun ownership; for example, nobody here is allowed to own a machine gun thanks to the 1934 National Firearms Act. So the suggestion that the enactment of "any" legislation is "unnecessary" and "beyond lawful legislative authority" represents a poor and highly charged choice of words. <http://www.law.cornell.edu/supct/html/07-290.ZS.html>

3: The wording "there is no documented correlation between gun control measures and crime reduction" is entirely subjective and not one backed in the resolution by fact. This is a debate we could have outside of a Town Board meeting, but it bears noting that of 62 mass shootings since 1982, 25 of them – almost half - have taken place in just the last six years. The option to 'do nothing' about guns, which appears to be the aim of this

resolution, is not an option that will protect my children or yours. Other countries have reacted to mass shootings with stricter gun control laws and seen the incidents decline or even disappear entirely.

4: Your resolution does not represent the people of Shandaken as proven by the outcry since it was publicized. Indeed, every poll shows that a solid 90% of Americans support universal background checks – and that figure routinely includes around 75% of NRA members. Given that the NY Safe Act will enforce such background checks, among other measures, your resolution would appear to be running counter to public opinion.

5: The resolution is highly provocative and extremely divisive. It will not reflect well on this town if it is passed and may prove to have to an adverse affect on tourism here, which is arguably the town's sole industry. Additionally, if passed, there will certainly be a town-wide petition coming out in opposition to your resolution which again will only serve to create further negative publicity and further divide a town at a time when people need to come together.

If your primary concern is with the safety of our children, you might wish to discuss actions that will have a positive effect: perhaps supporting the proposal that part of the Ulster County Sales Tax be used to pay for School Resource Officers, the State grant for which disappeared during the recession. You may want support your School District as it disputes how a new calculation has seen Onteora's High Tax Aid for next year suddenly reduced by seventy per cent, or half a million dollars. That's a full one per cent of the annual budget. It's the cost of several teachers, psychologists, social workers, guidance counselors – the very people that we rely on to keep our children safe from harm, or causing harm. You could propose a mediated forum that would seek to find common solutions to gun violence, and common ground between those who own guns and use them responsibly and those who do not own guns but support the Constitution. This resolution does none of those things. It only serves to sow division in a town that can ill afford it. I urge you not to even vote on it but to withdraw it from the agenda.

Thank you.

Tony Fletcher

2-4-13

To the members of the Shandaken Town Board:

I come to you tonight with respect and thanks for your service. My family and I are proud to be Shandaken residents going on eleven years. We chose to live and pay taxes here, and we've raised our son in the shade of these mountains. We feel good about him going off into the world after he graduates Onteora with memories of this diverse community as the bedrock of his life. It is for him that I speak against your proposed resolution to overturn Cuomo's recent tighter gun control laws. Cuomo's actions come not only in the wake of the Sandy Hook massacre, but also the Aurora massacre, the Virginia Tech massacre, the Columbine massacre, the Westside Middle School massacre, et cetera, all real-life horrors that have occurred since I became a parent in 1998. You clearly want to send a message as "the voice of Shandaken" that, among other things, you object to any effort to control, prohibit, or monitor the sale of any type of guns or ammo, even those used in the aforementioned massacres. In your proposal, you do not speak for me or for my family.

To be clear: I'm fine with the second amendment, and I have no problem with rifles, pistols, or the use of these firearms for sportsmanship, or even self-defense. Assault rifles designed for military use, however, have, in my opinion, no place in a home, just as a rocket-propelled grenade launcher has no place in any citizens' backyard. None of us can prove the Founders couldn't conceive of assault weapons, but that is what I believe. With my friends who see any limits on gun ownership as a slippery slope towards loss of liberty, or who see tighter restrictions as a means of making citizens less prepared for self-defense on a grand scale, I can only disagree. Outside of Hollywood, there is no precedent for the scenario of a takeover in which citizens need to fight off enemies in the streets. In the real world, by contrast, we witness mounting scenarios of assault weapons in the hands of deranged citizens who brutally murder innocents. Gun control opponents say this is mainly a mental health issue, but I maintain: you cannot legislate crazy. You can, however, as an elected official bound to the wellbeing of the general public, legislate semi-automatic weapons, the controllable common denominator in the aforementioned tragedies. The fact will always remain that if these shooters had no access to their weapons of choice, the death tolls would either be much, much lower, or nonexistent.

Our culture moves ever further from facing real-life horror head-on, and I believe that willful blindness is part of the problem. As a child watching the nightly news, I was repulsed by images of torn, mortally wounded soldiers being carried off the battlefields of Vietnam. But in recent decades, the military has forbidden battlefield cameras. These days, we see a young vet getting new arms, but we do not see him losing those arms. We don't see the blood, the bodies, the anguish of those left behind. Those images are rare. It has become ever easier to shut out the horror until it is on your doorstep.

It is now, and forever will be, at the doorstep of Veronique Pozner, mother of youngest Newtown victim Noah Pozner. She insisted Governor Malloy view her son's destroyed face in his open casket, in the hope that Malloy would keep that image in mind when gun legislation crossed his desk. She said, "We all saw how beautiful Noah was. He had thick, shiny hair, beautiful long eyelashes that rested on his cheeks. He looked like he was sleeping. But the reality of it was under the cloth he had covering his mouth there was no mouth left. His jaw was blown away. I just want people to know the ugliness of it so we don't talk about it abstractly, like these little angels just went to heaven. No. They were butchered. They were brutalized. And that is what haunts me at night."

It haunts me, too. I have known parents who have lost children to disease, to overdose, to accidents. Not to gun violence, not yet. No elected official could have prevented their loss. But elected officials can indeed stem the tide of gun violence. It will take time, likely decades, but it can and must be done and it must start now. Anyone who opposes any effort to stem that tide does not speak for me, for my family, or, I daresay, untold innocents. Thank you.

Robert Burke Warren and family
Phoenicia

From: Cameron Williams <sustainablesandwiches@gmail.com>
To: supervisor@shandaken.us; councilmanbernstein@shandaken.us; councilmanbartlett@shandaken.us;
councilmanjordan@shandaken.us; councilmanhigley@shandaken.us
Sent: Monday, February 4, 2013 5:59 PM
Subject: Town Board Meeting

Dear Councilmembers and Supervisor Stanley:

I understand that Councilmember Bernstein wishes to introduce a resolution stating, in part, that "BE IT RESOLVED, that the Town Board of the Town of Shandaken does hereby oppose the enactment of any legislation that would infringe upon

the Right of the People to Keep and Bear Arms and consider such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives, as there is no documented correlation between gun control measures and crime reduction." It is my opinion that the resolution is ill-advised, **one**, because the Supreme Court has already ruled on what is and is not permissible in regards to the Second Amendment (in *Heller v. District of Columbia*, and later in *McDonald v. Chicago*; see below), and, **two**, because much of this town's business is based on tourism, and such a resolution could alienate not only many residents, but also liberal tourists (most of New York City).

If anything, conservatives and liberals alike ought to be helping our state and federal legislators in crafting reasonable and responsible legislation that makes all citizens safer, and not crying out "they're coming to take our guns!"; no one has suggested any such thing.

My opinions on gun safety, with which many conservatives and liberals will disagree, are as follows:

In the aftermath of the Sandy Hook, Connecticut shootings, some things have become clear, though much remains to be understood.

- Adam Lanza was profoundly disturbed
- Nancy Lanza, Adam's mother, was reportedly in the process of having Adam committed; if Adam had knowledge of this, it may have been the triggering (sic) action that spurred him to rampage
- Had Nancy Lanza kept her guns in a safe secured by combination known only to her, she, and 25 other people would still be alive
- Children like Adam Lanza need community support; he was clearly disturbed, yet his family and community did nothing. When an 18-year old has NO friends, it is clear that action needs to be taken
- Sensible gun safety measures, fully respecting citizens Second Amendment rights, needs to be enacted in this country; ideally, these would be locally administered

Firearms Safety Act

Assault weapons ban?

There are no assault weapons easily available to American citizens; they are only sold to law enforcement or the military. A true assault weapon can fire 3-round bursts or can fire in fully automatic mode; as long as the trigger is depressed, bullets continue to fire (until the magazine is emptied). These weapons are properly classed as machine guns or submachine guns (a submachine gun is a machine gun that fires commonly available pistol cartridges, such as the 9 x 19 Parabellum or .45 ACP—the familiar Thompson M1921 (Tommy Gun) is a submachine gun, as is the Uzi).

Semi-automatic versions of military weapons are sold to the public; the AR-15 is the civilian version of the M-16. It can only fire one round at a time; to fire multiple shots, the trigger must be depressed multiple times. There is no essential difference in rate of fire (or inherent danger) between a scary-looking AR-15 and, say, the traditional Ruger Mini-14 Ranch Rifle.

True, the sears of many semi-auto weapons can be modified to make them fully automatic, however, that is illegal, and no mass shootings have ever occurred with guns modified in this fashion.

It is both disingenuous and counterproductive to talk about an assault weapons ban based upon a gun's appearance; this approach is, in my opinion, ill advised. Civilians may only own fully-automatic weapons in certain states, and then only weapons manufactured before 1986, and only if they are in possession of a BATF tax stamp which costs \$200.00, which has driven the price of these weapons up; a pre-1986 M-16 A-2 may cost \$18,000 or more. To modify a civilian semi-auto to full-auto requires a federal firearms manufacturing license which costs over \$2,000.00. Again, no murderous rampage with any weapon of this type has occurred in the United States.

Magazine capacity is another issue entirely; no civilian has any need for a 30-round magazine, and restricting magazine capacity to ten rounds for civilians is entirely reasonable and recommended. Most hunters I know are satisfied with 5-round magazines; some even prefer single-shot bolt action rifles.

Supreme Court rulings

The Supreme Court has ruled that reasonable restrictions of certain firearms is permissible within the parameters of the Second Amendment (*Heller v. District of Columbia*, and later in *McDonald v. Chicago*) but that restrictions that prevent a lawfully-owned gun from being used for traditional purposes (trigger locks, guns kept unloaded and under lock that prevent their use for self-defense, for example) are unconstitutional.

However, keeping firearms out of the hands of convicted felons, the mentally ill, etc. is not a violation of the Second Amendment.

The rights granted by the Second Amendment are not absolute; the First Amendment does not grant the right to yell "Fire!" in a crowded theater.

Recommendations

- Close the gun show and private sale exemptions for background checks—no firearm may be sold without a background check.
- Limit magazine capacity for all civilian firearms to ten rounds, make possession of high-capacity magazines a felony.
- Require LOCAL permits for all gun purchases and ownership; any buyer would need two character witnesses to obtain a permit, and permits may be revoked if a gun owner shows signs of becoming unstable, e.g., an increased incidence of domestic disputes, arrests for violence, etc. No federal agency can reasonably claim to be in a better position to implement and administer this than can local constabularies.
- Expand the database used by the FBI for background checks; require all municipalities and states to comply with maintaining the database.
- Require basic-level familiarity, proficiency, and safety training within three months of purchase or acquisition of any owned weapon; failure to demonstrate this level of competence constitutes sufficient reason to revoke a permit.
- Require that all gun thefts be reported immediately.
- Establish a President's Council on Non-Violence and Mental Health, and assist localities in promoting this.

Sincerely,
Cameron Williams
15 Jay Street
Phoenicia, NY 12464

From: Julie Greenwood <julie.shoju@gmail.com>
To: supervisor@shandaken.us
Sent: Monday, February 4, 2013 3:21 PM
Subject: Resolution in support of the 2nd amendment

Dear Supervisor Stanley -

I oppose the passage of the proposed Resolution In Support of the Second Amendment To The United States Constitution that will be presented at tonight's Town Board meeting.

Feb. 4, 2013 RM pg. 38

The second amendment to the Constitution grants Americans the right to bear arms. Gun control laws recently passed in New York State *will not take away guns* from law-abiding citizens. At the very most, gun owners will face some minor inconveniences that could in fact save lives. Gun control laws are not the only thing that we can do to help prevent gun violence in our communities, but it is one necessary action we can take for the good of us all.

Thank you for your attention,
Julie Greenwood
63 Miller Rd
Mount Tremper NY 12457

From: Tony Fletcher <tony@ijamming.net>

To: supervisor@shandaken.us; councilmanhigley@shandaken.us; councilmanbernstein@shandaken.us; councilmanbartlett@shandaken.us; councilmanjordan@shandaken.us

Sent: Monday, February 4, 2013 1:44 PM

Subject: Proposed resolution for tonight's town board meeting

Dear Supervisors and Councilors,

I appreciate all the good work you have done for the people of Shandaken and your commitment to the community.

I plan to attend tonight's board meeting and speak during Public Comments on Resolutions, asking you to table - rather than vote upon - resolution 58. I will be speaking in part from my experience as another elected official representing the people of Shandaken (Vice President of the Onteora CSD School Board). I will make copies of my statement and pass it on to all of you. In short, I believe the resolution is misguided, poorly worded from both a legal and objective perspective, and highly divisive at a time that we need to come together within the community rather than inflame partisan passions. More than anything, however, I believe it is beyond the Town Board's remit. I look forward to elaborating on this within the necessary time constraints and hope that you will decide not even to vote upon it, let alone pass it.

Thanking you in advance for your consideration,

Tony Fletcher

P.O. Box 74
Mount Tremper, NY 12457

Public Comment:

All public comment on resolutions – was in reference to #58-13.

People who spoke against the passing of 58-13:

Robert Burke Warren, Tony Fletcher - Mt. Tremper, Tom Fraser - Phoenicia, Jen Dragon – Chichester, , Marybeth Mills – Big Indian, Brian Powers – Chichester, Chip Gallagher, Joanne Rowley – Phoenicia, Cathy Nolan – Shandaken.

People who for the passing of 58-13

Matthew Persons – Pine Hill

Art Christie – Shandaken

RESOLUTION # 50-13

OFFERED BY: JORDAN

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	\$	91,045.10
Highway		69,785.38
Phoenicia Water		7,815.18
Pine Hill Water		1,389.60
Phoenicia Lights		1,122.61
Chichester Lights		152.07
Pine Hill Lights		624.05

Rcv'd in General Fund from USDA for Phoenicia Stream Work paid to Highway Dept.	53,565.30
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AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL: 4 AYES, 1 ABSENT (STANLEY)

RESOLUTION #51 - 13

OFFERED BY: BERNSTEIN

AFFIRMING DEFENSE FOR TOWN IN LITIGATION

WHEREAS, Hanover Farms, Inc. has commenced a lawsuit in the Supreme Court of the State of New York, County of Ulster against the Town of Shandaken and Richard Stokes who was the Code and Zoning Enforcement Officer of the Town of Shandaken, and

WHEREAS, said lawsuit seeks various forms of relief,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Shandaken, hereby retains the firm of **Jacobowitz and Gubits, LLP of Walden, New York** to file an answer to said lawsuit on behalf of the named defendants, and to assert any affirmative defenses, and counterclaims, and to seek denial of the relief sought by Hanover Farms, Inc. and to commence a separate legal action against any persons or entities as may be appropriate with respect to the violations of Hanover Farms, Inc. and the Higley property on which the Hanover Farms, Inc conducts business and to seek affirmative relief against Hanover Farms, Inc. and against any other individuals or entities. Said claims may include but are not limited to seeking injunctive relief, money damages, fines, costs, disbursements and other legal relief as may be appropriate, and to represent the Town of Shandaken in all legal proceedings associated with said actions.

AND MOVES ITS ADOPTION

Seconded by: BARTLETT

ROLL CALL: 3 AYES, 1 ABSENT (STANLEY), 1 RECUSE (HIGLEY)

Board Member Higley Recused due to possible future litigation with this attorney

RESOLUTION #52 - 13

OFFERED BY HIGLEY

AFFIRMING DEFENSE FOR TOWN IN LITIGATION

WHEREAS, Marietta Hofmeister and Wilfred Nolte have commenced a lawsuit in the Supreme Court of the State of New York, County of Ulster against the Town of Shandaken Zoning Board of Appeals and the Town of Shandaken Planning Board, and

WHEREAS, said lawsuit seeks various forms of relief,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Shandaken, hereby retains the firm of **Jacobowitz and Gubits, LLP of Walden, New York** to file an answer to said lawsuit on behalf of the named defendants, and to assert any affirmative defenses, and counterclaims, and to seek denial of any relief as may be appropriate, and to represent the Town of Shandaken in all legal proceedings associated with said actions.

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN

ROLL CALL: 3 AYES, 1 ABSENT (STANLEY), 1 RECUSE (HIGLEY)

Board Member Higley Recused due to possible future litigation with this attorney

RESOLUTION #53 - 13

OFFERED BY JORDAN

ESTABLISHING STANDARD WORKDAY FOR NYS RETIREMENT SYSTEM

WHEREAS, the Town of Shandaken and certain employees, elected and appointed, may participate in the New York State Employee's Retirement System, and

WHEREAS, the NYS Retirement System requires the establishment of "Standard Workday" based on the amount of time each employee contributes to their jobs,

BE IT RESOLVED, that the Town of Shandaken hereby establishes the Standard Workday for all Elected and Appointed positions within the Town of Shandaken as seven (7) hours per day, excepting all Highway and Police employees, Highway Superintendant and Police Chief, which shall be eight (8) hours per day.

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN

ROLL CALL: 4 AYES, 1 ABSENT (STANLEY)

RESOLUTION #54 - 13

OFFERED BY JORDAN

ADVERTISING FOR GRAVEL CRUSHING

WHEREAS, THE Town of Shandaken Highway Department is seeking bids for crushing of item 4 at the Town owned gravel bank, specifications are available at the Highway Superintendant's Office, 7209 Route 28, Shandaken, NY or by calling (845) 688-9901.

THEREFORE BE IT RESOLVED, that bids 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, March 4, 2013, to be opened at the regular Town Board meeting scheduled for 7 pm that evening.

AND MOVES ITS ADOPTION

Seconded by: BERNSTEIN

ROLL CALL: 4 AYES, 1 ABSENT (STANLEY)

RESOLUTION #55 - 13

OFFERED BY BERNSTEIN

INTERIM SECRETARY TO HIGHWAY SUPERINTENDENT

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 upon the recommendation of the Highway Superintendent, that **Susan M. Christiana** be appointed to serve as Interim Secretary to the Highway Superintendent, and to serve at his pleasure, and to be paid \$12.06 per hour not to exceed \$23,156 for the remainder of the calendar year 2013 when performing the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL: 4 AYES, 1 ABSENT (STANLEY)

RESOLUTION #56 - 13

OFFERED BY HIGLEY

INTERIM PHOENICIA WATER DISTRICT BOOKKEEPER

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 **Susan M. Christiana** be and hereby is appointed Interim Bookkeeper for the Phoenicia Water District, and be paid \$10.30 hourly, not to exceed \$2,532 for the remainder of the calendar year 2013.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL: 4 AYES, 1 ABSENT (STANLEY)

RESOLUTION #57 - 13

OFFERED BY BARTLETT

SECRETARY / BOOKKEEPER TO THE SUPERVISOR

WHEREAS, under § 29, Subsection 15, of the Town Law the Town Board may authorize the Supervisor to make a designation for the position of Full time Secretary/Bookkeeper to the Supervisor; therefore be it

RESOLVED, that the Town Board approve the appointment of **Diane O'Donnell** serve at the pleasure of the Supervisor, and receive \$11.01 per hour, not to exceed \$18,497 for the remainder of the calendar year 2013 when discharging the duties of said office.

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL: 4 AYES, 1 ABSENT (STANLEY)

RESOLUTION #58 - 13

OFFERED BY Board Member Bernstein

**RESOLUTION IN SUPPORT OF
THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION**

WHEREAS, THE Right of the People to Keep and Bear Arms is guaranteed as an individual right under the Second Amendment to the United States Constitution and under the Constitution of the State of New York, and;

WHEREAS, the Right of the People to Keep and Bear Arms for defense of life, Liberty, and Property is regarded as an Inalienable Right by the People of the Town of Shandaken , Ulster County, New York, and;

WHEREAS, the People of the Town of Shandaken, Ulster County, New York derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Shandaken using all types of firearms allowable under the United States Constitution and the Constitution of the State of New York, and;

WHEREAS, the Shandaken Town Board, being elected to represent the People of Shandaken and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York, and;

WHEREAS, the New York State Assembly and the New York State Senate, being elected by the People of the State of New York and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York, and;

WHEREAS, legislation passed by the New York State Assembly and Senate infringes on the Right to Keep and Bear Arms and would ban the possession and use of firearms now employed by individual citizens of the Town of Shandaken for defense of Life, Liberty and Property and would ban the possession and use of firearms now employed for safe forms of firearms recreation, hunting and shooting within the Town of Shandaken, Ulster County, New York, and;

WHEREAS, the Town of Shandaken Town Board believes there are many other less intrusive means available, other than rash, confusing and inarticulately drafted firearms laws that would effectively control, manage and reduce violence in our society, such as mental health reforms, anti-bullying programs in our schools, the enforcement of the existing laws to the fullest extent possible, the addressing of the universal availability of extremely violent video games and movies to our youth and the proper psychological counseling for those in need or who request it;

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Shandaken does hereby oppose the enactment of any legislation that would infringe upon the Right of the People to Keep and Bear Arms and consider such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives, as there is no documented correlation between gun control measures and crime reduction.

BE IT FURTHER RESOLVED, that the Town Clerk send a certified copy of this resolution to each of the following: President Barack H. Obama, Vice President Joseph Biden, U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, U.S. Congressman Chris Gibson, New York State Governor Andrew Cuomo, NY State Senator James L. Seward, NY State Assemblyman Kevin Cahill, Ulster County Executive Michael P. Hein, Ulster County Legislative Chair Terry Bernardo and Ulster County Legislator John Parete.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

*Board Member Bartlett made a motion to Table Resolution #58-13, but there was no second to the motion.

ROLL CALL: 3 AYES, 1 NAY (BARTLETT), 1 ABSENT (STANLEY)

On a Bernstein/Jordan Motion – Meeting adjourned at 8:55

Signed this 5th day of February, 2013

Joyce Grant – Town Clerk

