



Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday April 7, 2025 – 7pm
Public Hearing 6:45 Bldg/Zoning Rates

- 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 – Mountain Jam**
- 7. Committee Reports**
 - a. Ambulance**
 - b. Building/Zoning**
 - c. Police**
 - d. Phoenicia Water**
 - e. Pine Hill Water**
 - f. Museum**
 - g. Parks & Recreation**
 - h. Housing Smart**
 - i. Conservation Advisory Council**
 - j. Comprehensive Plan**
- 8. Public Comments on Resolutions**
- 9. Motions:**
- 10. Resolutions:**
 - 56. Pay All Bills**
 - 57. APPOINT AMBULANCE OFFICER & PAY RATE**
 - 58. Appoint Police Officer Part Time to Full Time**
 - 59. Amend Employee Handbook Drug/Alcohol**
 - 60. Data Breach Notification Policy**
 - 61. Amend Building/Zoning Fees**
- 11. Open Public Comment**

Meeting Adjournment -IN MEMORY OF Mary Ellen Boyer-Sharer, Marilyn Manning, Raymond Gertieser, Tedd Denman, Carl Lumbaca

RESOLUTION #56-2025

OFFERED BY:

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	\$
Highway	
Phoenicia Water	
Pine Hill Water	
Phoenicia Lights	
Chichester Lights	
Pine Hill Lights	

	\$

AND MOVES ITS ADOPTION

Seconded by:

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER DRAKE	_____	_____
BOARD MEMBER KNEISSL	_____	_____
BOARD MEMBER STEEN	_____	_____
BOARD MEMBER VAN BLARCUM	_____	_____
SUPERVISOR DISCLAFANI	_____	_____

RESOLUTION #57-2025

OFFERED BY:

APPOINT AMBULANCE OFFICER & PAY RATES

WHEREAS, under §20 of the Town Law, the Town Board shall designate all appointed officers and employees of the Town; and

THEREFORE, BE IT RESOLVED, that the following personnel be appointed to the Shandaken Town Ambulance at rates not to exceed the following:

Line Officer – Felicity Yaeger - at \$5,000 per year;

AND MOVES ITS ADOPTION

Seconded by:

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER DRAKE	_____	_____
BOARD MEMBER KNEISSL	_____	_____
BOARD MEMBER STEEN	_____	_____
BOARD MEMBER VAN BLARCUM	_____	_____
SUPERVISOR DiSCLAFANI	_____	_____

RESOLUTION #58-2025

OFFERED BY:

APPOINT POLICE OFFICER & PAY RATE

WHEREAS, under §20 of the Town Law, the Town Board shall designate all appointed officers and employees of the Town; and

THEREFORE, BE IT RESOLVED, that the following personnel be appointed to the Shandaken Town Police at rates not to exceed the following: MATT SHELDS – Part Time to Full Time \$ 30.59 per hr.

AND MOVES ITS ADOPTION

Seconded by:

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER DRAKE	_____	_____
BOARD MEMBER KNEISSL	_____	_____
BOARD MEMBER STEEN	_____	_____
BOARD MEMBER VAN BLARCUM	_____	_____
SUPERVISOR DiSCLAFANI	_____	_____

RESOLUTION# 59-2025

OFFERED BY:

**AMENDING TOWN EMPLOYEE HANDBOOK; Drug and Alcohol- Free
Workplace**

**WHEREAS, The Town of Shandaken Employee Handbook section:
Drug and Alcohol- Free Workplace 906 will be amended from;**

906 *Drug-Free Workplace*

Statement of Compliance - The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Town must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Town hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

Policy Statement - It is the policy of the Town of Shandaken that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Act, is prohibited on the job or at the workplace.

Implementation of Policy – This policy will be distributed to all employees and officials of the Town.

Sanctions - The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including dismissal from employment.

Employee Responsibilities - As a condition of the Town receiving Federal grant monies, each employee must abide by this policy and notify the Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

Town Responsibilities - The Town will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Town will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

Drug-Free Awareness Program – It is the policy of the Town of Shandaken to maintain a drug-free workplace. In accordance with that policy, the Town is providing the following drug-free awareness information to raise employee awareness of the dangers associated with the drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace - An employee with chemical dependence problems has a major negative impact on productivity, staff moral, and labor/management relations. The employee's chemical dependence is responsible for:

1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers' compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

4. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

907 *Controlled Substance and Alcohol Testing*

Statement of Compliance - The Town Board has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA). The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

Covered Employees - The Town's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate.

Acknowledgment Form - A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

To;

NEW: Town of Shandaken Drug and Alcohol- Free Workplace

To help ensure a safe, healthy, and productive work environment for our employees and others, to protect Town property, and to ensure efficient operations, it is our policy to maintain a workplace free of drugs and alcohol. This policy applies to all employees and officials of the Town.

This means that the Town does not condone, nor permit, the manufacture, use, sale, distribution, transfer, display or possession of alcohol, illegal drugs, inhalants or other controlled substances, or drug paraphernalia on Town property, in a Town facility, or in a Town vehicle. Furthermore, the Town does not condone, nor permit, any employee to be on Town property or in a Town vehicle while under the influence of or impaired by illegal drugs, alcohol, or other controlled substance (including medical or recreational cannabis products), nor to conduct the Town's business while in such a condition.

Drug and alcohol use in the workplace can pose dangers both to the user and to other employees. An employee with chemical dependence problems (whether such is related to drug or alcohol use), has a major negative impact on productivity, staff morale, and labor/management relations. The employee's chemical dependence could be responsible for:

1. The Employee's Declining Performance, Including but not Limited to the Employee's:
 - poor concentration
 - confusion in following directions
 - noticeable change in the quality of work
 - inability to meet deadlines
 - errors in judgment affecting the health and safety of others
 - resident complaints and injuries
2. Increased Costs to the Town:
 - higher than the average sick and accident benefits
 - higher job turnover, replacement, and training costs
 - greater workers' compensation and health insurance payments
 - more on-the-job accidents
 - increased unemployment claims
3. Employees With Drug and Alcohol Problems Have Greater Absenteeism and Tardiness:
 - double the normal rate of absenteeism and tardiness
 - repeatedly being late for work and often leaving early
 - taking extended lunch hours
 - frequent illness and accidents both on and off the job
4. Potential to Damage Relationships Due To:
 - emotional outbursts
 - over-reaction to criticism
 - mood swings
 - complaints from co-workers, associates and the public regarding interactions with

such employees, often leading to damaged relations

“Under the influence” or “impaired” includes but is not limited to being in an altered mental state due to smoking, injecting, inhaling or otherwise using a substance that alters, or appears to alter, in a limiting and impairing manner, the employee’s cognitive abilities, including mental clarity, perception, and judgment, and/or lessens an employee’s physical coordination, balance, or other related abilities. Abusing substances not intended for human consumption (such as sniffing glue or aerosol inhalants) that alter and/or limit the individual’s awareness, cognitive function, and/or physical abilities is also covered by this policy.

Of course, this policy does not extend to any employee who is properly using prescription medication on the orders of a physician. But, as noted above, employees are not permitted to work while under the influence of any controlled substance (including medical or recreational cannabis products), and the use of such substances during working hours is prohibited.

If, however, you have been advised not to drive or operate machinery or to otherwise limit your activities while taking a particular medication, and such activities are part of your regular job duties, you must inform **[insert appropriate job title]** of the situation and provide a doctor’s note describing your limitations. Similarly, if your cognitive functions, judgment or other mental or physical faculties necessary to perform your job are affected, please advise **[insert appropriate job title]** so accommodations can be discussed.

As a recipient of federal grant money, the Town must comply with the Federal Drug-Free Workplace Act of 1988. As a condition of employment on a federal contract or grant, employees must abide by the terms of this Drug and Alcohol Free Workplace Policy. Employees must also notify the Company, within 5 calendar days, if convicted of a criminal drug violation in the workplace. Please note that the Company is required by law to notify the contracting agency within 10 days after receiving notice of such a conviction. Also, any employee convicted of a reportable criminal drug offense may be required to participate in a drug abuse assistance or rehabilitation program.

Any employee who violates this policy may be referred for counseling or rehabilitation. Satisfactory completion of such programs may be a condition of continued employment. Depending on the situation, employees utilizing unlawful drugs may be referred for criminal prosecution, as appropriate and permitted.

An employee who has been found, after investigation, to have violated this policy may be disciplined, including but not limited to being placed on a disciplinary suspension or discharged, which may be imposed in alignment with the applicable NYS Civil Service Law requirements and with the requirements of any applicable Collective Bargaining Agreement (“CBA”). Although the Town encourages employees with drug or alcohol abuse problems to seek assistance and treatment, doing so may not lessen discipline determined to be warranted based on a violation of this policy.

By accepting employment with the Town, you agree to abide by this Drug and Alcohol Free Workplace Policy.

Drug Testing

The Town may, at its discretion and in accordance with applicable law, require any employee to submit to a drug or alcohol test. Such a test, to the maximum extent permitted by the applicable law, may require the taking of blood, urine, or breath samples in the following situations:

- If the Town reasonably suspects that an employee has violated the Drug and Alcohol Free Workplace Policy (e.g. if it suspects that an employee is under the influence of alcohol or illegal

drugs or other controlled substances, or that the employee used these substances while at work or otherwise on the Town's premises, or while conducting business on the Town's behalf);

- Immediately after a workplace accident or injury, or as soon thereafter as practical.
- Pre-hire;
- As part of a random testing program applicable to all Town employees, or to all employees in a particular Department or Division of the Town;
- When returning to duty following a leave of absence; or
- As a requirement of a Last Chance Agreement or other specific arrangement with an employee.

All testing will be performed pursuant to generally acceptable standards for employee drug and alcohol testing, such as has been being used by Emergency One, the laboratory the Town has been using for such employee testing. The Town, in its discretion, may switch testing laboratories.

Refusal to submit to a drug and/or alcohol test may be grounds for discipline, including but not limited to being placed on a disciplinary suspension or having employment terminated, as permitted by Civil Service Law and/or the applicable CBA.

CDL Drivers: The federal Department of Transportation ("DOT") requires that any employee with a Commercial Drivers' License ("CDL"), or who is otherwise subject to DOT regulations, be subjected to certain Drug and Alcohol testing. The Town complies with these requirements and will advise its CDL Drivers when such testing is required. All such drug and alcohol tests will be performed as per the DOT regulations.

Return to Duty Testing: The DOT requires that any employee with a CDL who has been out for 30 or more days be subject to drug and alcohol testing immediately prior to their return to work. Such testing will be done in accordance with DOT regulations.

CDL drivers may be subject to drug and/or alcohol testing in situations (such as those listed above), that do not fall under the DOT regulations. In those situations, drug and alcohol tests will be subject to the Non-DOT standards that would be applied by the laboratory testing center to employees who are not covered by the DOT regulations.

Event Exception: The Town may, from time to time, in its discretion, host or direct employees to attend events or parties, either on its premises or elsewhere, where alcohol is available. There may be other situations where you choose to drink, for example at seminars, dinners, or other events that you attend as a representative of the Town. The Town expects any employees who choose to drink alcohol at these events to do so responsibly and not to overindulge. Your actions reflect on the Town. If you do not feel you can get home safely after drinking at one of these events, please let your supervisor or any other supervisor know so that we can make arrangements for you.

Employees with questions about this policy should speak with your immediate supervisor.

THEREFORE, be it RESOLVED, The Shandaken Town Board amend Drug- Free Workplace section of the Employee Handbook,

And Move its Adoption;
Seconded by:

ROLL CALL

	AYES	NAYS
BOARD MEMBER DRAKE	_____	_____
BOARD MEMBER KNEISSL	_____	_____
BOARD MEMBER STEEN	_____	_____
BOARD MEMBER VANBLARCUM	_____	_____
SUPERVISOR DISCLAFANI	_____	_____

WHEREAS, the Town of Shandaken will add policy to keep documents and information safe, and
WHEREAS, NY State has offered and asked we adopt this policy,
THEREFORE, be it RESOLVED, The Town of Shandaken adopt;

Data Breach Notification Policy

The following policy is adopted pursuant to §208 of the state Technology Law:

1. The following terms shall have the following meanings:
 - a. “Private information” shall mean either:
 - i. personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
 1. social security number;
 2. driver's license number or non-driver identification card number;
 3. account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;
 4. account number, or credit or debit card number, if circumstances exist wherein such number could be used to access to an individual's financial account without additional identifying information, security code, access code, or password; or
 5. biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, or retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity;or
 - ii. a user name or e-mail address in combination with a password or security question and answer that would permit access to an online account.

“Private information” does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

- b. “Breach of the security of the system” shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by a state entity. Good faith acquisition of personal information by an employee or agent of a state entity for the purposes of the agency is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, such state entity may consider the following factors, among others:

- i. indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
 - ii. indications that the information has been downloaded or copied; or
 - iii. indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.
- c. “Consumer reporting agency” shall mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by the state attorney general and furnished upon request to state entities required to make a notification under subdivision two of this section.

- 2. For any computerized data that includes private information that is owned or licensed by the Town, the Town shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any individual whose private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate

needs of law enforcement or any measures necessary to determine the scope of the breach and restore the integrity of the data system.

- a. Notice to affected persons is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the Town reasonably determines such exposure will not likely result in misuse of such information, or financial or emotional harm to the affected persons. Such a determination must be documented in writing and maintained for at least five years. If the incident affected over 500 residents of New York, the Town shall provide the written determination to the state attorney general within ten days after the determination.
 - b. If notice of the breach of the security of the system is made to affected persons pursuant to the breach notification requirements under any of the laws listed in §208(2)(b)(i)-(iv) of the state Technology Law, additional notice to those affected persons is not required, but notice still shall be provided to the state attorney general, the department of state and the office of information technology services pursuant to §208(7)(a) and to consumer reporting agencies pursuant to §208(7)(b).
3. For any computerized data that includes private data that is maintained by the Town, but that the Town does not own, the Town shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization.
4. The notifications required may be delayed if a law enforcement agency determines that such notifications impede a criminal investigation. In that case, the required notifications shall be made after such law enforcement agency determines that such notifications do not compromise such investigation.
5. The required notifications shall be directly provided to the affected persons by written notice, or alternatively, by one of the methods set forth in §208(5)(b)-(d) of the state Technology Law.
6. Regardless of the method by which notice is provided, such notice shall include contact information for the Town, the telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information, and a description of the categories of information that were, or are reasonably believed to have been,

accessed or acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so accessed or acquired.

- a. The relevant state agencies include:
 - i. Office of the State Attorney General
 - ii. Department of State
 - iii. State Office of Information Technology Services
 - b. The relevant federal agencies may include:
 - i. Department of Homeland Security
 - ii. The Federal Bureau of Investigation (FBI) Internet Crime Complaint Center
 - iii. Cyber and Infrastructure Security Agency
 - iv. Federal Trade Commission
 - v. Federal Communications Commission
 - vi. Department of Health and Human Services
7. a. In the event that any New York residents are to be notified, the Town shall notify the state attorney general, the department of state and the state office of information technology services as to the timing, content and distribution of the notices and approximate number of affected persons and provide a copy of the template of the notice sent to affected persons. Such notice shall be made without delaying notice to affected New York residents.
- b. In the event that more than 5,000 New York residents are to be notified at one time, the Town shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.
8. Whenever notification of a data breach must be provided to the Secretary of the federal Department of Health and Human Services (HHS), then notification of the breach should also be given to the attorney general within five business days of notifying HHS.

And Move its Adoption;
Seconded by:

ROLL CALL

	AYES	NAYS
BOARD MEMBER DRAKE	_____	_____
BOARD MEMBER KNEISSL	_____	_____
BOARD MEMBER STEEN	_____	_____
BOARD MEMBER VANBLARCUM	_____	_____
SUPERVISOR DISCLAFANI	_____	_____

RESOLUTION# 61-2025

OFFERED BY;

RESOLUTION TO AMEND BUILDING & ZONING FEES

To BE DETERMINED