

**Town of Shandaken
County of Ulster
State of New York**

**The Town of Shandaken Town Board conducted a Regular Monthly Meeting on Monday
May 5, 2025 7pm. Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY**

**Call to Order
Pledge of Allegiance
Roll Call**

Members Present
Peter DiSclafani – Supervisor
Kevin VanBlarcum - Board Member
Kyle Steen – Board Member
Elizabeth Kneissl – Board Member
Robert Drake – Board Member

Recording Secretary **Joyce Grant - Town Clerk**

**On a Disclafani/Drake motion the Town Board unanimously approved the minutes of the
previous meeting as submitted by the Town Clerk.**

**TOWN OF SHANDAKEN
NOTICE OF HEARING
MOUNTAIN JAM FESTIVAL**

PLEASE TAKE NOTICE that the Town Board of the Town of Shandaken will hold a public hearing on Monday, May 5, 2025, at 6:30 PM, at the Town Hall, 7209 Route 28, Shandaken, New York 12480, to hear public comments on the Mountain Jam Festival scheduled to take place at Belleayre Mountain and adjoining lands on June 20-22, 2025. As part of the Festival, the promoters have proposed a 600-tent camping area on property located at 128 Galli Curci Road (Tax Map No. 4.-2-59). They have also proposed 40 Campers/RVs at a different location. All persons interested shall be heard. A copy of the proposed site plan is available for inspection at the Town Clerk's Office and on the Town website

www.shandaken.us

**TOWN OF SHANDAKEN
NOTICE OF HEARING
SEQR for EV CHARGERS**

PLEASE TAKE NOTICE that the Town Board of the Town of Shandaken will hold a public hearing on Monday, May 5, 2025, at 7:00 PM, at the Town Hall, 7209 Route 28, Shandaken, New York 12480, to hear public comments EV Chargers to be located at Town Hall, Pine Hill Parking Lot & Medics Building on Ava Maria Drive Phoenicia.

The Town of Shandaken will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the

Town Clerk. Questions: email supervisorshandaken@gmail.com

Dated: April 7, 2025

Public Hearing Comments: Chet 5LLC lowered number of tents from 600 to 400. Estimated people lowered from 1600 to 1200.

Matt Persons Pine Hill Fire Dept. Commented on EV Chargers – should be isolated due to fact that if these vehicles catch on fire, they are nearly impossible to extinguish and may spread to other buildings and vehicles.



**Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday May 5, 2025 – 7pm
Public Hearings 6:30 – Mtn Jam/EV Chargers**

- 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 – OCS Budget - Mountain Jam
– Ernest Longhi, Sr. Retirement**
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:**
 62. **Pay All Bills**
 63. **Adv. Hiring Summer Rec Staff**
 64. **SEQR Chet 5 LLC – Assembly Permit**
 65. **SEQRA Negative Declaration EV Charging Stations**
 66. **NYCDEP Buyout Program Town Hall/Highway Complex**
 67. **Amend Town Employee Handbook – Drug Alcohol Free Workplace**
 68. **Termination Agreement - SHARP Committee as Administrators of CDBG Funds.**
11. **Open Public Comment**

Meeting Adjournment -IN MEMORY OF David Anderson

OCS Budget Presentation by Victoria McClaren & Monica LaClair

Plaque was presented to Ernest Longhi, Sr for his 32 yrs of service to Shandaken.

SUPERVISOR'S NOTES – MAY 2025

A huge Thank you to the Parks and Recreation Board and volunteers for the Parish Field upgrade-renovation at the playground area- now known as Tanbark Playground! Great Job folks! I hope Babs will tell us more about this later.

The Glenbrook Pavillion is looking spiff with a new metal roof and a second handicap restroom. They are still working on the framing with a steel beam being put in place.

Other positive actions this month include; we received from the Labella Engineers an in-depth Type 2 Environmental Report that shows the Bottini fuel depo property on Main Street Pine Hill, is free of contaminates and we are working with their attorney to obtain that property at no charge. This will be used as an additional parking area and possibly more Main Street stormwater drainage. Speaking of stormwater drainage. SLR performed drainage test pits in the Pine Hill Parking lot adjacent to the Community Center and found excellent and plentiful drainage area. They are starting to design the stormwater system and a new parking lot.

A reminder, there are 2 informational meetings at Parish Hall, June 12 and 13 Thursday and Friday for the Bridge Street bridge proposals. Ulster County and SLR engineers will be available presenting.

Earlier tonight we had Public Hearings for; 1 Permit- 'Assemblies, public' Chapter 59. to Mt. Jam/ Chet-5 Festvals LLC. We looked through the (SEQRA) State Environmental Quality Review Act, to determine if all is well.

We also had a public hearing on SEQRA for 3 Electric Vehicle Charging Stations at the Pine Hill Parking Lot the Town Hall and The Medical Arts parking area on Ava Maria Drive in Phoenicia. The SEQRA determination is to satisfy an Ulster County grant for half of the total cost, at \$26,000. This SEQRA comes late after we resolved this action more than a year ago with Ulster County announcing the grant opportunity, then waiting on a contract from the UC Department of Finance.

We have cleaned up language for the amended section of our Employee Handbook and we will put ads out for Summer Rec Staff.

I'll be presenting a plaque of gratitude to Ernie Longhi Sr. for a dedicated 32 years of service and Happy Retirement!

Robert has updated our Town website address to be Federally compliant using .gov

Be aware, a flood alert is issued from Ulster County EMS, NWS has issued a flood watch for Ulster County from May 5 at 1:00PM EDT until May 6 at 8:00PM EDT. The concern is for FLASH FLOODING due to the excessive rainfall that is possible. be alert driving tonight and tomorrow.

We have a presentation from the Onteora School District Administration to introduce to us their 2025-2026 proposed Budget.

As always, these notes and minutes of these and all Town meetings are online at our Town website. Shandaken.gov Or you can watch the meetings on you-tube.

Our next regular meeting is June 2nd

Peter DiSclafani



SHANDAKEN POLICE DEPARTMENT

Post Office Box 134
Shandaken, New York 12480
845-688-9902 . 845-688-9748(b) . 845-688-5332(f)
CHIEF OF POLICE CHAD STOREY chief@shandakenpolice.org

APRIL 2025 Monthly Report

INCIDENT TYPE	NUMBER
911 Misdia/No Voice/Abandoned	3
Accident PIAA/PDAA	8
Abandoned Vehicle	
Alarm Burglary/Panic/Robbery	2
Animal Complaint/Investigation	4
Assist EMS/Fire	9
Criminal Mischief	1
Disorderly Conduct	1
Encon Violation	
Larceny	1
Community Oriented Policing Project	1
Custody Dispute	1
Civil	2
Disabled Vehicle	4
Dispute	4
Domestic Dispute	
Erratic Vehicle	
Foot Patrol	4
Fraud	3
Mental Health Law	3

INCIDENT TYPE	NUMBER
Harassment	3
Local Law	
Lock Out	3
Lost/Missing Person	1
Noise Complaint	2
Property Retrieval/Lost/Found	3
Public Service/Special Detail	
Open Door	
Property Check	389
Road Hazard	6
School Check	5
Shots Fired	
Suspicious Activity	6
Traffic Stop	147
Trespass	2
Vehicle and Traffic Complaint	3
Welfare Check	16
Field Interview	
Warrant	
Total	248

Property Checks 389
Total w/property checks 637

SUMMONS ISSUED	43
ARRESTS	5



April 2025 Report

TOTAL CALLS RECEIVED- 23

MUTUAL AID GIVEN- 1 (Town of Olive)

MUTUAL AID RECEIVED- 0

TOTAL TRANSPORTS- 18

TOTAL NO TRANSPORT/ STANDBY/ RELOCATIONS – 5

Tis' the season again, and at this point I'll sound like the worst broken record in the world, but if you travel into the woods this Spring make sure you are prepared and able to complete your journey. Don't bite off more than you can chew, do a little research, and prepare before you embark. Memorial day weekend we generally find ourselves dedicating our only duty crew to a scene for hours while waiting for someone to be extricated from the woods. This is debilitating to our local rescue resources- as it ties up multiple Emergency Services Providers, and doesn't allow them to respond to other emergencies until clear from the task at hand. This normally wouldn't be an issue, whoever if you are in the middle of the Wittenburg/ Cornell/ Slide mountain trail it becomes an all day affair- and on a busy holiday weekend its impact is amplified by our high call volume.

When in doubt, call 911, but please be mindful of the finite resources that we have up here in our little slice of heaven, and don't let lack of preparation be the reason you have to call. If our Ambulance crew is on a call for service, the closest Paramedic will be responding from Margaretville, or Woodstock if backup personnel are not available. A little preparation and some common sense prior to taking in our wilderness may save someone's life, and maybe even your own.

Stay Safe Out There,

Richard Muellerleile, EMT-P

Chief of Department, Town of Shandaken Ambulance Service

The Monthly Report for The Shandaken Historical Museum for April 2025

On Saturday April 19th, the Museum participated in the annual Pine Hill Poetry Walk in conjunction with the Morton Memorial Library. At the Museum, I gave a reading of poetry by Professor Henry Morton, Garcia Lorca, and Elizabeth Barrett Browning. Copies of the beautifully illustrated poetry books by Henry Morton were shared with the group. I also read two American Indian prayers for peace and health.

I have been asked to write a brief history of Hotel Wellington for the National Trust for Historic Preservation's website. This historical overview will be submitted next week.

As mentioned last month, the museum is currently looking for volunteers to work part time to assist with being a museum guide and possibly help with cataloging the museum inventory. General web skills or an interest in local history is a plus.

On Saturday April 26th, the Museum hosted a multimedia presentation and musical performance by noted author Evan Pritchard discussing New York's original Algonquin portage routes and how they helped form the basis of the modern Catskill road system. Over a dozen Catskill enthusiasts attended.

In April the museum had over 50 visitors. Many gave generous contributions and left grateful messages in the guest book, like: "A great experience." and "We love the museum!"

Respectfully submitted,

Joseph Prieboy

Director - Town of Shandaken Historical Museum

Motions Disclafani/Drake Table resolutions #65 & #66. Also motion to possibly amend #64. Motion to hold a Special Meeting Workshop on Monday May 12th, 2025 @ 6:30. Motions carried.

Beth Waterman- CAC will hold a presentation at their June 16th meeting on Flood Awareness. They will be sending out postcards.

Resolution #62-25 **Offered By VANBLARCUM**

RESOLUTION TO PAY ALL BILLS

WHEREAS, The Department of Audit and Control require Town Boards to sign and inspect all vouchers coming into the town for payment, to number and total amounts from each fund.

THEREFORE BE IT RESOLVED, that the Town Board authorize the following vouchers paid:

General	\$ 263,017.66
Highway	118,505.95
Phoenicia Water	10,434.12
Pine Hill Water	3,469.55
Phoenicia Lights	21.85
Chichester Lights	1.35
Pine Hill Lights	6.58
Pine Hill Sign	34.07
Heritage Acct	229.97
Ambulance Donation	3,891.46
Hudler Cemetery	15,989.00

	\$ 415,601.56

AND MOVES ITS ADOPTION

Seconded by: KNEISSL
ROLL CALL 5 AYES

Resolution #63-25 **Offered By: KNEISSL**

Advertise for Town Summer Camp Director and Assistant Director & Counselors

Whereas, the Town of Shandaken operates a recreational summer day camp (Camp) for six weeks on ++3 Days a Week++ starting Wednesday July 9th through Friday August 15th and

Whereas, the Town Board; under § 20, Notes of Decision 9 of the Town Law, the Town Board shall appoint all employees of the Town; and

Whereas, the Town wishes to explore available options for a Director and Assistant Director for the Camp for the 2025 season; and

Therefore Be It Resolved that the Town of Shandaken will advertise for the two positions immediately with interviews to be conducted before the end of the month and personnel to be hired at our next regularly scheduled Town Board meeting; and

Be It Further Resolved – The Town Board will advertise to hire Camp Counselors for the 2025 Summer Rec Season.

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI
ROLL CALL 5 AYES

Resolution #64-25 **Offered By: DISCLAFANI**

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN ADOPTING A NEGATIVE DECLARATION UNDER NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND GRANTING ASSEMBLY PERMIT

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN ADOPTING A
NEGATIVE DECLARATION UNDER NEW YORK STATE ENVIRONMENTAL QUALITY
REVIEW ACT AND GRANTING ASSEMBLY PERMIT**

WHEREAS, Chet-5 Festivals LLC (the “Applicant”) applied to the Town Board of the Town of Shandaken (the “Board”) for an Assembly Permit in relation to a three-day music festival for a maximum of 6,000 attendees at the state-owned and operated Belleayre Mountain Ski Center (“BMSC”) in cooperation with the Olympic Regional Development Authority (“ORDA”) (the “Project”). The Project also includes off-site tent camping with amenities for a maximum of 1,600 persons on privately-owned property adjacent to BMSC in the Town of Shandaken and off-site camping for recreational vehicles on privately-owned property in the Hamlet of Big Indian; and

WHEREAS, in support of the Town Board’s review of the Project under New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”), the Applicants have submitted: (1) an application for assembly permit (the “Application”); (2) a SEQRA Short Environmental Assessment Form (“SEAF”), Part 1 and accompanying attachments; and (3) Project maps; and

WHEREAS, after reviewing the Application and supporting material, on March 28, 2025, the Board determined that the application was subject to the SEQRA and adopted a resolution (a) designating the Project as an Unlisted action under SEQRA, (b) declaring its intent to serve as Lead Agency and coordinate SEQRA review, and (c) authorizing the circulation of notice of its intent to serve as Lead Agency to all potential involved and interested agencies; and

WHEREAS, no involved or interested agency objected to the Board serving as Lead Agency under SEQRA; and

WHEREAS, SEQRA regulations provide that for an Unlisted action “the lead agency making a determination of significance must: (1) consider the action as defined in Section 617.2(b) and 617.3(g) of [SEQRA]; (2) review the EAF, the criteria [for determining significance contained in SEQRA] and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and (4) set forth its determination of significance in a written form containing reasoned elaboration and providing reference to any supporting documentation”; and

WHEREAS, the SEQRA regulations also provide that “[t]o determine whether a proposed...Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in [617.7(c)(1) of the SEQRA regulations]”; and

WHEREAS, after reviewing the Application including Part 1 of the SEAF, the Town Board completed Parts 2 and 3 of the SEAF, and after reviewing the criteria for determining significance set forth under Section 617.7(c)(1) of the SEQRA regulations, the Town Board determined that the Project does not have the potential to result in any significant adverse environmental impacts; and

WHEREAS, as required by SEQRA, the Town Board has prepared a written explanation providing its reasons why the Project will not have the potential to result in any significant adverse environmental impacts, and why the issuance of a Negative Declaration is appropriate; and

WHEREAS, the Town of Shandaken Code § 59-3 provides “[n]o person shall use, allow, let or permit to be used property for the assembly of persons in excess of 500 unless a written permit authorizing such use shall have been obtained from the Town Board”; and

WHEREAS, the Applicant submitted the Application to the board in compliance with Town of Shandaken Code § 59-4; and

WHEREAS, under Town of Shandaken Code § 59-5, the Town Board, before issuing a permit, may require approval of any or all of the applicable governmental agencies identified in §§ 59-5(A) through (J). With respect to each of these agencies, the Town Board found:

Applicable Governmental Agency	Town Board Finding
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The Ulster County Health Department and the New York State Water Resources Commission as to any proposed sanitary sewage disposal system.	Applicant is required by State law to receive, and has separately applied for, approval from the Ulster County Health Department for the Project. The County Health Department approval will cover any proposed sanitary sewage disposal system.
The Ulster County Health Department and the New York State Water Resources Commission as to any proposed system for the supply, storage and distribution of water.	Applicant is required by State law to receive, and has separately applied for, approval from the Ulster County Health Department for the Project. The County Health Department approval will cover any proposed sanitary sewage disposal system.
The Ulster County Highway Department, the New York State Department of Transportation, the Ulster County Sheriff's Department, the New York State Police, the Chief of the controlling fire district and the Fire Commissioners of the controlling fire district as to the proposed parking area and the means of ingress and egress to such parking area.	Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. The State and County approvals will cover the provision of emergency services (police, medical, fire), parking, and ingress and egress.
The Town Board as to the proposed type, number and location of any sound-producing equipment.	There will be no sound-producing equipment associated with the camping portions of the Project. All sound-producing equipment will be located on state-owned land at the BMSC.
The Ulster County Health Department as to the proposed method of preparing, selling or distributing food or beverage and the removal of trash, rubbish or garbage arising therefrom.	Applicant is required by State law to receive, and has separately applied for, approval from the Ulster County Health Department for the Project. The County Health Department approval will cover any proposed distribution of food or beverage and the removal of trash, rubbish and garbag arising therefrom.
The Chief Constable of the Town of Shandaken, the Ulster County Sheriff's Department and the New York State Police as to any proposed private security or police protection.	Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. As part of the approval process, Applicant has prepared an Emergency Action Plan specifically covering security and police protection.
The Chief of the controlling fire district, the Fire Commissioners of the controlling fire district and the Fire Coordinator of Ulster County as to any proposed fire protection system.	Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. As part of the approval process, Applicant has prepared an Emergency Action Plan specifically covering fire protection.
The Planning Board as to any proposed outdoor lights and signs.	Town of Shandaken Planning Board advised that the Project will not

	require Planning Board approval due to its temporary nature.
The Ulster County Health Department as to any proposed facilities for emergency medical or nursing treatment.	Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. As part of the approval process, Applicant has prepared an Emergency Action Plan specifically covering emergency medical services.
The Planning Board as to any proposed camping or housing facilities.	Town of Shandaken Planning Board advised that the Project will not require Planning Board approval due to its temporary nature.

; and

WHEREAS, on May 5, 2025, the Town Board held a duly noticed public hearing on the Application and considered any public comment.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board issues a SEQRA Negative Declaration for the Project, concluding that it does not have the potential to result in any significant adverse environmental impacts and that an environmental impact statement is not required; and
2. The Town Board adopts and incorporates herein by reference the attached written Negative Declaration for the Project under SEQRA; and
3. The Town Board directs that the attached Negative Declaration be filed as required by the SEQRA regulations in 6 NYCRR § 617.2; and
4. The Town Board approves the Application for Assembly Permit conditioned on the Applicant paying the \$2,500 host fee to the Town of Shandaken within ten (10) days of this approval.

AND MOVES ITS ADOPTION

Seconded by: DRAKE

ROLL CALL 5 AYES

TABLED Resolution #65-25

Offered By:

RESOLUTION OF THE TOWN BOARD ADOPTING A NEGATIVE DECLARATION UNDER NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT BY INSTALLING 3 ELECTRIC VEHICLE CHARGING STATIONS.

WHEREAS, the Town of Shandaken would like to have 3 Electric Vehicle Charging Stations installed on Town-owned properties throughout the Town, (1) Pine Hill parking lot, Main Street Pine Hill, SBL 4.46-4-19 (1) Shandaken Town Hall, 7209 Rt. 28 SBL 5.18-2-34 (1) Phoenicia Medical Arts 7-9 Ava Maria Drive, SBL; and

WHEREAS, Plugin Stations Online, LLC (PISO) was part of the Conservation Advisory Council, with the Town Board, getting bids for service and was deemed the lowest responsible bidder with an estimate of \$53,604.19

WHEREAS, Ulster County will pay 50% of such installations, and

WHEREAS, Ulster County requires the Town to perform a State Environmental Quality Review Act (SEQRA) review.

THEREFORE, BE IT RESOLVED as follows:

1. The Town Board issues a SEQRA Negative Declaration for these EV Charging Stations, concluding that they do not have the potential to result in any significant adverse environmental impacts and that an environmental impact statement is not required; and

2. The Town Board adopts and incorporates herein by reference the attached written Negative Declaration for the Project under SEQRA; and
3. The Town Board directs that the attached Negative Declaration be filed as required by the SEQRA regulations in 6 NYCRR § 617.2; and
4. Town of Shandaken Supervisor DiSclafani is authorized to sign a contract with Ulster County Department of Finance SEVIGrant / Final 2.26.25 ES

AND MOVES ITS ADOPTION

TABLED RESOLUTION# 66-25

OFFERED BY:

PARTICIPATION IN THE NEW YORK CITY FUNDED FLOOD BUY OUT PROGRAM FOR the TOWN HALL/ HIGHWAY GARAGE COMPLEX- SBL#’s 5.18-2-32, 5.18-2-33, 5.18-2-34 and 5.18-2-35

WHEREAS, the Town of Shandaken is subject to flooding that can damage property, close roads, disrupt traffic, and present a public health and safety hazard; and

WHEREAS, at the request of local communities, funding from the NYC Department of Environmental Protection (DEP) is being made available to help property owners who qualify for the NYC Funded Flood Buyout Program (NYCFFBO) based on eligibility criteria in five categories - 1) Hydraulic study properties (recommended by engineering analysis), 2) CWC Flood Hazard Mitigation Implementation Program, 3) Community-approved Stream Management Project, 4) Erosion Hazard, and 5) Inundation Hazard, and

WHEREAS, the Town of Shandaken adopted a Local Flood Analysis (LFA) and mitigation plan that evaluated a range of potential flood mitigation options and the LFA recommends that the Town Hall and Highway Garage complex be relocated and considered for flood buyout; and

WHEREAS the Town Hall and Highway garage complex is situated on the following tax lots, identified as SBL#’s 5.18-2-32, 5.18-2-33, 5.18-2-34 and 5.18-2-35 (collectively “Property”), comprising an estimated 3.21 acres; and

WHEREAS, the Town of Shandaken is willing to retain ownership of the Property and has the desire to use this Property for future recreation and flood mitigation activities, and

WHEREAS Town of Shandaken is interested in participating in the NYCFFBO program for the Town Hall/ Highway Garage Complex properties, under Category 1, Hydraulic Study; and

WHEREAS, to meet current NYCFFBO program requirements, a third party (to be determined) will serve as an intermediary owner to support the Town of Shandaken in the NYCFFBO program, and

WHEREAS, the Property will be managed in conjunction with a Re-Use Plan that identifies the community’s long-term plan for the management, use and development of these parcels, which may include future flood mitigation activities and public recreation activities. All activities are to be subject to and consistent with the restrictions in Flood-Prone Areas identified in the Second Supplemental Agreement Among West of Hudson Watershed Stakeholders concerning the New York City-Funded Flood Buyout Program (Side Agreement), Page 5 (1) a., i. , ii., iii., iv., and v., and

WHEREAS, the owner of the Property, either the Town of Shandaken or the intermediary owner, is required to grant New York State Department of Environmental Conservation a conservation easement for the Property and may, but is not required to, place a conservation easement on the Upland portion as defined in the Side Agreement; and

NOW, THEREFORE BE IT RESOLVED; The Town of Shandaken Town Board approves Town Hall/ Highway Garage Complex (Property) to apply for the NYCFFBO program to permanently remove this flood hazard risk allowing the NYCDEP to begin assisting them in the real estate process and that an intermediary owner (to be determined) would take ownership of the property with the management conditions identified in the Re-Use Plan.

AND MOVES ITS ADOPTION

RESOLUTION # 67-2025

OFFERED BY: DRAKE

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

5. 907 **Controlled Substance and Alcohol Testing**

6.

7. **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.

8. **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.

9. **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 while on duty, or in a Town vehicle, on Town property, or in a Town facility other than as noted in the exceptions as listed below. 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 your immediate supervisor 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.

Exceptions: 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. Likewise there are on occasion events not sponsored by the Town that take place on Town property such as Town Parks for concerts, festivals, marketplaces and the like. Legal consumption of alcohol in a responsible manner is likewise exempt.

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 or law enforcement officer 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: STEEN

ROLL CALL 5 AYES

Resolution #68-25

Offered By: STEEN

**RESOLUTION OF THE TOWN BOARD TERMINATING THE AGREEMENT
WITH THE SHARP COMMITTEE AS ADMINISTRATORS OF CDBG FUNDS.**

WHEREAS, the Town of Shandaken entered into an agreement with the SHARP Committee in 1998 by resolution for SHARP to administer the FY 1997 Community Development Block Grant funds; and

WHEREAS, the Town no longer wishes to employ the SHARP committee in this capacity;

THEREFORE, BE IT RESOLVED, the Town of Shandaken hereby terminates the agreement between the Town of Shandaken and the SHARP committee within 45 days. Supervisor shall remove bank access, identify outstanding loans and arrange for ongoing payments of existing loans.

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

ROLL CALL 5 AYES