

**Town of Shandaken  
County of Ulster  
State of New York  
Monday, Sept. 10, 2012**

**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 September 10, 2012 at 7pm at the Town Meeting Hall Rt. 28, Shandaken NY.**

**Pledge of Allegiance  
Roll Call**

**Members Present        Doris Bartlett, Board Member  
                                 Alfred Higley, Jr., Board Member  
                                 Jack Jordan, Board Member  
                                 Robert Stanley, Supervisor**

**Members Absent        Vincent Bernstein, Board Member**

**Recording Secretary    Joyce Grant, Town Clerk**

**On a Stanley/Jordan motion the town Board unanimously approved the minutes of the August meeting as submitted by the Town Clerk.**

**Committee Reports**

Supervisor – Contacted ORDA to see if the Shandaken Ski Program will continue this year at Belleayre, have not heard back from them.

Ulster County Planning Dept. Main Street Project Presentation will be held at the Town Hall on Sept. 19 at 6pm.

Chichester Resident Frank Stone was voted Ulster County Veteran of the Year.

Our thanks to Linda & John Byer for their great work with the flowers this year by the Phoenicia Welcome signs.

Phoenicia Water – We have secured work for High Street Pump Station . Next meeting Sept. 19 6:30 at Phoenicia Library.

Recreation Next meeting has been changed back to Sept. 17 at 6:30, Town Hall

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval of previous T/B Meeting minutes**
- 4. Supervisor's Financial Report**
- 5. Communications**
  - a. **Special Public Meeting** : Main Street Planning – UC Planning Dept. Sept. 19 @6:00pm
- 6. Committee Reports:**
  - a. *Ambulance*
  - b. *Police*
  - c. *Phoenicia Water*
  - d. *Pine Hill Water*
  - e. *Museum*
  - f. *Recreation*
  - g. *Shandaken Day*
- 7. Public Comments on Resolutions**
- 8. Motions:**
- 9. Resolutions:**
  - 147) *Pay all Bills*
  - 148) *SAFARI* –Award Bid – Sites 2,3 & 9 - Stony Clove
  - 149) *SAFARI* –Award Bid – Warner Creek Confluence
  - 150) *SAFARI* – Progress Job at Site 5-Warner Creek
  - 151) *Campaign Signage* – None until after Columbus Day (Oct. 8, 2012)
  - 152) *Smart Growth* – Authorizing Supervisor to extend Grant (1yr.)
  - 153) *Disaster Prep-* Authorizing Phoenicia School as Emergency Shelter
- 10. Meeting Adjournment -** *IN MEMORY OF: Dorothea "Dolly" Denman*



## 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 9/10/12**

**Phoenicia Sewer :** The Town has discussed with the CWT the issue of Septic Rehabilitation for the Residents and Businesses of the Hamlet of Phoenicia. The CWT seemed very receptive to our concerns and have since discussed the matter with CWC Executive Director, Alan Rosa. As we have not heard officially from the CWC on this policy whereby communities in consideration of (or, apparently who have rejected) Centralized Sewerage options will not be allowed eligibility for Septic Rehabilitation or Replacement funding, the Town has sent a letter to the CWC requesting an official decision on this matter. The Town feels that if Phoenicia was identified as a priority community, the rejection of a sewer DOES NOT mean a community is no longer in need of Septic Rehabilitation in case failures occur. The Residents and Businesses We will await their response.

**Stream Work:** We have several resolutions tonight, but we will be pulling the Job for Warner Creek Confluence as we have not been able to secure a landowner easement agreement located in the middle of the project. We are looking into other options for that reach. The other jobs will still be contingent upon the securing of all the necessary permits for the work to commence. We have received word, that due to time it took the State to agree to match the NRCS Funds, DEC is willing to give a short extension for construction times for these projects. We certainly hope these jobs can be completed this fall as we have a number of other projects that we hope to tackle in the Spring.

**Misc.:** We have other resolutions tonight, one is the annual resolution requesting no campaign signage for the General Election on lawns until after October 8<sup>TH</sup> (Columbus Day). We are also looking to officially designate the Phoenicia School as a Temporary Emergency Shelter, in case the Town needs it in the future. Lastly, we are looking to extend the Smart Growth Grant for another year as some of the work has yet to be performed. Already completed are the Glenbrook Park Pavilion Upgrade, and Kurt Boyer



has completed the some of the Welcome Signage. We are awaiting more signage and the kiosk committee is continuing its work. The Town is already in receipt of reimbursements for \$16,610 of work completed.

**Budget :** There is a lot of speculation about what will happen in this year's Town Budget. We have not completed the budget, as we await reviewing figures with the Town's accountant. We have committed to remaining under the 2% Tax Cap, but again this will involve some tough decisions including salaries, equipment and contractual expenses. We are still looking at retirement system cost increases in the double digits as well as increases in other employee benefits that must be paid. The biggest question of the year for Ulster County Towns is on Social Services (or Safety Net) costs. The County of Ulster is the only county in New York State that passes 50% of these costs on to the local municipalities. These costs have been increasing dramatically over the past few years. To exacerbate the issue is the fact that last year we were mandated to pay 71% of the bills. The County last year provided an offset to cover our 21% increase, no offset came from the County this year, though. We have heard that County Executive Mike Hein is looking to make a big announcement concerning Safety Net Charges over the next few weeks, the Towns are forced to create a budget where, in Shandaken's case, this announcement could be mean upwards of a \$60,000 or 2.5% swing in the budget. Which is why I reiterate that every department line is open for discussion until we receive the proper information for us to finalize a preliminary budget, which must be adopted prior to October 15, 2012. As always there will be a public hearing on the matter before its final adoption.

**Shandaken Day :** I'd like to thank everyone involved in this year's Shandaken Day event. We had wonderful weather and it was nice to take the time, under much better circumstances than we previously met, to recognize many of the individuals and organizations who were of great assistance during and following Hurricane Irene last year. As always, when giving recognition, there were some oversights and I'd like to recognize Steven LaMarca of Big Indian for coordinating the "Shelter from the Storm Event held last November, as well as UPAC theater for hosting the event and special thanks to the Late Levon Helm and his Family. This event raised tens of thousands of dollars to assist several communities throughout the Region as well as the Town of Shandaken residents. My apologies and Thank you again! Lastly, Shandaken Day next year has already started shaping up for the Hamlets of Mt. Tremper and Mt. Pleasant.

**Our next regular meeting is scheduled for**  
**Monday, October 1, 2012 at 7pm.**



August 10, 2012

Firstly, I would like to again thank all of the museum board and the new volunteers for their invaluable help in restoring the museum. With their help we are nearing the completion of cleaning and restoring the exhibits for presentation to the town.

We have contacted Suzanne Holt from the County Executive's office and will participate in the Counties upcoming program to support the cultural and historic assets of the County. In the next week we will also be speaking to Rick Remsnyder Director of the U.C. tourism Board. Mike Hein's office is very interested in the preservation of the Counties past both cultural and historical. We thank them for this interest and hope that we can keep our museum alive.

With these good thing going on I am very upset by the information I received for the Town Supervisor. He has informed me that the Museum budget of \$2500.00 will be cut by \$500.00 in next year's budget, this amounts to 20% of our budget. I am very upset by this and hope that we can be placed on this year's ballot the same as both of this town's libraries, as their budgets will not be cut. Their budget amount to about \$140000.00 a year. The people of this town should be given the opportunity to assist in keeping this museum alive and well. This museum cannot be replaced as can books in a library. When it is gone it is gone forever. This museum must be maintained for if it is lost , the past of this town is lost. The Supervisor in his address to the town for this year's Shandaken Day event has stated that the history of this town should be maintained for the future people of this town. At this point in time we are not asking for additional money's, just to be kept at our present level.

Thank You

Robert Kalb

Director, Board of Trustee's

**Supervisor Report August 2012**

Ambulance Fees	\$ 18,702.38
Mariner Tower	\$1,480.00
Justice Fees	\$ 15,580.00
Police Fees	\$ 45.00
Town Clerk Fees	\$ 351.68
Zoning	\$ 820.00
Building Permit Fees	\$ 1,597.00
Dog Licenses	\$ 163.00
Registrar	\$ 40.00
Summer Rec Trip	\$ 1,674.49
Phoenicia Library Rent	\$ 200.00
Fuel Reimbursement	\$ 7,500.59
U.C. Sales Tax	\$ 30,901.01
Unclaimed Funds	\$ 602.27
<b>Total</b>	<b>\$ 79,657.42</b>

**Town Clerk Notes**

**\*If you are in temporary need of home medical supplies, Town of Shandaken has a Medical Lending Shed.  
Call the Town Clerk @ 688-5004. This is a FREE Service! We have many items in stock: Wheel Chairs, Walkers, Potties, Braces, Crutches, Shower Seats, Adult Diapers, etc. We are always accepting Quality Donations!**

**\*We will have another Rabies – Distemper Dog/Cat/Goat Clinic on Saturday October 13<sup>th</sup>. At the Town Garage – behind Town Hall. 10-2pm. Please crate cats have dogs on leash. \$10 for Rabies/ \$15 for Distemper \*CASH Only! You may also license your dogs same day.**

**\*If you would like to go online and check town events & happenings on our website: shandaken.us  
But you don't have a computer.. reminder that Phoenicia Library & Pine Hill Community Center has computers available for residents to use!**

**SEPT. 12, 2012 REGULAR MEETING  
RESOLUTION # 147-12**

**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:

<b>General</b>	<b>\$ 66,841.57</b>
<b>Highway</b>	<b>178,181.94</b>
<b>Phoenicia Water</b>	<b>3,564.03</b>
<b>Pine Hill Water</b>	<b>505.59</b>
<b>Phoenicia Lights</b>	<b>850.53</b>

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Chichester Lights	127.48
Pine Hill Lights	499.41

AND MOVES ITS ADOPTION

Seconded by: HIGLEY

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

RESOLUTION #148-12 (142-12) OFFERED BY STANLEY

RESOLUTION TO AWARD CHICHESTER SITES 2, 3 & 9 BID

WHEREAS, the Town of Shandaken is in need of construction work in order to repair and stabilize portions of the Stony Clove and Warner Creeks following damages that occurred due to Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken agrees to proceed with this project with the understanding that if the job is not to be completed the awarded contractor (Fastracs, Inc. of Red Hook, NY) with a bid of \$616,180.00 has agreed to hold that price, excepting diesel costs, if the time allotted for the project cannot be done sufficiently within DEC’s guidelines for such stream work and may be postponed until spring of 2013.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

RESOLUTION #149-12 (143-12) OFFERED BY

RESOLUTION TO AWARD WARNER CREEK CONFLUENCE BID

WHEREAS, the Town of Shandaken is in need of construction work in order to repair and stabilize portions of the Stony Clove and Warner Creeks following damages that occurred due to Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken agrees to proceed with this project with the awarded contractor (Kingston Equipment/Baker Bros. of West Hurley, NY) who have provided a bid of \$1,729,600.

\* On a Stanley/Jordan motion, the Town Board unanimously voted to pull Resolution #149-12 (143-12), due to not acquiring the necessary easement from land owner.

RESOLUTION #150-12 OFFERED BY STANLEY

RESOLUTION TO PROGRESS WARNER CREEK SITE 5 BIDS

WHEREAS, the Town of Shandaken is in need of construction work in order to repair and stabilize portions of the Stony Clove and Warner Creeks following damages that occurred due to Hurricane Irene and Tropical Storm Lee;

THEREFORE BE IT RESOLVED, that the Town Board of Shandaken agrees to proceed with this project with the awarded contractor (Hubbell Bros. of Margaretville, NY) who have provided a bid of \$490,560.00; UNDER the provision that the town acquires needed easements by Sept. 26<sup>th</sup>.

AND MOVES ITS ADOPTION

Seconded by: JORDAN

ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)

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RESOLUTION #151-12

OFFERED BY HIGLEY

**RESOLUTION REQUESTING NO CAMPAIGN SIGNAGE  
UNTIL AFTER COLUMBUS DAY (October 8, 2012)**

**WHEREAS**, the Town of Shandaken recognizes the importance of preserving its natural beauty and viewsapes throughout the Town and

**WHEREAS**, Columbus Day weekend is recognized as a highly desirable time for visitors to travel to our area and enjoy the pristine beauty of Shandaken.

**THEREFORE**, the Town Board of Shandaken requests that campaign signs for the General Election regardless of party affiliation or contest, not be displayed until after Columbus Day, October 8, 2012.

**AND MOVE ITS ADOPTION**

Seconded by: STANLEY

**ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)**

RESOLUTION #152-12

OFFERED BY BARTLETT

**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN  
A ONE-YEAR EXTENSION FOR SMART GROWTH GRANT**

**WHEREAS**, the Town of Shandaken has been awarded a Smart Growth Grant through the NYS-DEC; and

**WHEREAS**, the Town of Shandaken has started work through this grant including Pavilion Repairs at Glenbrook Park, New Town-wide Welcome Signage and Informational Kiosks; and

**WHEREAS**, the Town of Shandaken anticipates this work to continue over the next year,

**THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Shandaken hereby authorizes the Supervisor to sign an agreement extending the Grant period for an additional one-year period.

**AND MOVES ITS ADOPTION**

Seconded by: HIGLEY

**ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)**

RESOLUTION #153-12

OFFERED BY JORDAN

**RESOLUTION TO AUTHORIZE CONTRACT  
USE OF PHOENICIA ELEMENTARY SCHOOL AS EMERGENCY PUBLIC SHELTER**

**WHEREAS**, the School District owns real property and improvements at School Lane, Route 212, Phoenicia, New York ("Phoenicia Elementary School"); and

**WHEREAS**, the Town has a responsibility to assure medical care and shelter for injured and displaced residents in the event of a disaster; and

**WHEREAS**, the Town desires, when deemed necessary, to establish field treatment sites, staging areas, or public shelters for injured or displaced residents (hereinafter "emergency public shelters"), to provide care to persons injured and/or displaced by the disaster; and

**WHEREAS**, the Town has determined that the Phoenicia Elementary School is suitable for use as an emergency public shelter in the event of a disaster;

**THEREFORE BE IT RESOLVED**, the Town of Shandaken Town Board authorizes the Town Supervisor to enter into an Inter-municipal Agreement with the Onteora Central School District to use the Phoenicia Elementary School as a Temporary Emergency Public Shelter when in need of such service.



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AND MOVES ITS ADOPTION**

Seconded by: **BARTLETT**

**ROLL CALL: 4 AYES, 1 ABSENT (Bernstein)**

**On a Stanley/Jordan motion, the Town Board unanimously voted to close the Regular meeting & adjourn to an Executive Session. Pertaining to a personnel matter.**

**Upon return from Executive Session, the Town Board, on a Stanley/Jordan motion voted close the Executive Meeting and to reopen the Regular meeting & announced they would be taking disciplinary action against a town employee.**

**Public Comments**

**Supervisor Stanley addressing Mr. Risher owner of J. Rocco's Restaurant: Personal matters with Town Employees, pertaining to what they do on their personal time, should be sent to the board in written form and submitted to the board and cannot be discussed here. We CAN discuss matters that pertain to Town Employees while on the job.**

**Eric Risher from J. Rocco's Restaurant addressed the board on a matter pertaining to the Town Building Inspector, Richard Stokes.**

**Stated that 3 of his waitresses were sexually assaulted when Mr. Stokes was in his bar on opening night a few months ago. "He was very, very intoxicated." We did not press charges at the time, but due to constant issues with Mr. Stokes – is coming to the Board at this time with his concerns. Mr. Risher stated that he has had 4 months of issues with Mr. Stokes. Stated, "Due to the events of that night, Mr. Stokes has had a vendetta toward him". "I've obtained all permits, taken the legal route, trying to fit in, ...taxpayer." Mr. Stokes approved his Handicap Ramp – but then 2 weeks later told him it was the wrong pitch and needed to be torn out. "DEC & DEP approved my Patio plans but when I applied to Town for a Building Permit, Mr. Stokes said I needed an Engineer's Impact Study done, which is very expensive. I gave up on the Patio for this year and it cost me money." Commented about another issue with Mr. Stokes showing up with Health Dept. Inspector. He asked Mr. Stokes to leave.**

**"Mr. Stokes, screaming and yelling at me, I have asked him not to come on my property. He said he has a right to come on my property whenever he wants and he wants to see what illegal things I have going on here... Mr. Stokes is a loose cannon, he is hot-headed, he carries a pistol, concerned for my son, who stays on the property, concerned for the safety of my staff." I had to come here to let you know what is happening. This has become a nightmare for me, and for what? For no reason whatsoever.. now he has a vindictive agenda with us."**