



**Town of Shandaken Town Board**  
**Regular Monthly Meeting Agenda**  
**Monday, Sept 12, 2022 – 7pm**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of previous T/B Meeting Minutes**
5. **Supervisor's Financial Report**
6. **Communications**
7. **Committee Reports**
  - a. **Ambulance**
  - b. **Building/Zoning**
  - c. **Police**
  - d. **Phoenicia Water**
  - e. **Pine Hill Water**
  - f. **Museum**
  - g. **Parks & Recreation**
8. **Public Comments on Resolutions**
9. **Motions:**
10. **Resolutions:**
  105. **Pay All Bills**
  106. **Franchise Agreement Spectrum/Charter**
  107. **Town Hall Floodproofing Feasibility Study**
  108. **Undertake Gov't Operations Greenhouse Gas Inventory & Gov't Climate Action Plan**
  109. **Appoint Smith Park Manager Manuella Jean Pierre**
  110. **STR Licensing Officers – Joyce Grant/Angela Galindo**
  111. **NYC FUNDED FLOOD BUY OUT 609 OLIVEREA RD.,**
  112. **NYC FUNDED FLOOD BUY OUT 620 OLIVEREA RD.,**
  113. **Building Inspector - Peter McGuirk**
  114. **Ambulance Driver – Heather Witte**
  115. **Highway – Auction Obsolete Vehicles & Equipment**
  116. **No Campaign Signage until after Columbus Day 10/10/22**

**Open Public Comment**

**Meeting Adjournment -IN MEMORY OF– Helena Grant, Patricia Walley**

**NOTICE OF PUBLIC HEARING**

**For the approval of a Cable Television Agreement between Spectrum Northeast, LLC and the Town of Shandaken, NY**

PLEASE TAKE NOTICE that the Town of Shandaken, NY will hold a Public Hearing on Monday, September 12 at 6:45 p.m., prior to their Regular Monthly Meeting at the Shandaken Town Hall Located at 7209 State Rt. 28, Shandaken, NY 12480, regarding granting a cable television franchise agreement by and between the Town of Shandaken and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications.

A copy of the agreement is available for public inspection during normal business hours at the Town Clerk's Office, 7209 State Rt. 28, Shandaken New York, as well as the Town Website [www.shandaken.us](http://www.shandaken.us)

At such public hearing, all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary.

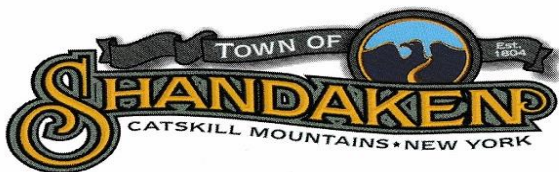
Dated: August 2, 2022.

By Order of the Town of Shandaken Town Board

The Public Hearing on renewing our Franchise Agreement was opened at 6:45. There were no speakers from the audience. The public hearing will be kept open until next month. The town board would like to table the resolution #106, this month. Public Hearing closed at 8pm on a Drake/Vanblarcum motion.

Supervisor Report August 2022  
Revenues

Police Fees	\$45.00
Vital Statistics	\$270.00
Ambulance Fees	\$13,560.62
Town Clerk Fees/EZ Pass	\$21.70
STR Receivables	\$66,220.28
Paid Family Leave Income	\$928.62
Building Permit Fees	\$5,582.55
Dog Licenses	\$61.00
Zoning	\$525.00
Summer Rec/Unclassified Rev	\$100.00
Fines & Forfeitures	\$5,162.50
Cell Tower/SBA Towers	\$2,679.95
Highway Revenue	\$60,115.90
Reimburse/Over Pmt. Jacobowitz	\$638.74
Stumpage Fee	\$1,496.40
Reimb. For Gas/Diesel-PW	\$174.00
Reim. Locksmithery	\$1,300.00
Totals	\$158,882.26



SUPERVISOR'S NOTES - SEPTEMBER 2022

This month we have a three previously passed resolutions that need amending. Two are for flood buyouts properties and one, is for the town Hall flood-proof feasibility study. CWC asked it to be clearer.

There are some areas of Main Street Phoenicia that have crumbling sidewalks and they are in need of repair. Without a clear trail we aren't sure who owns and is responsible for their maintenance. I propose hiring a title company to investigate the property ownership of those areas in need of repair or the whole of Main for future reference, from Bridge Street to Rt. 214

Rob Cruickshank, from our conservation Advisory Council would like the towns people to have access to a free energy audit conducted by NYSERDA, to help folks' fine ways to reduce their energy use. We will put a notice and a link up on our website. Also, from our CAC they are going to apply for a grant to do food waste prevention and recovery through composting. We will likely have a drop-off at the Town Hall but the details are not yet worked-out. We are currently doing a greenhouse gas inventory and Climate smart action plan.

With all the extra work for STR permitting and licensing, we need previously anticipated help. We will give the Clerk and extra stipend of 350./ week until the end of the year and we are hiring a deputy building inspector starting Thursday to work part-time.

We are still working and negotiating for the Spectrum/ Charter contract and even with this public hearing, we will continue to move forward.

Eric will be setting up an auction with a company later this week to deal with obsolete vehicles and equipment.

(NYSERDA) <https://www.nysenda.ny.gov/All-Programs/Energy-Audit-Programs>  
2019 Ulster County Food Waste Prevention and Recovery



# Town of Shandaken Ambulance Service

**"Committed to Care in the Heart of the Catskills"**

## August 2022 Report

TOTAL CALLS RECEIVED - 44

MUTUAL AID GIVEN – 2 (Town of Olive ) 1 (Greene County)

MUTUAL AID RECEIVED – 0

We're finally receiving the desperately needed additional supplies for our initial roll out of 911 address signs. Allegedly, the 911 sign business is not immune to supply chain issues, and this great project had a delayed roll out because of it. Thank you very much for your patience, and as planned individuals that had requested a sign will be notified via email when they are ready. Pickup will occur at the Supervisor's Office in Town Hall - 7209 SR 28, Shandaken.

August proved to be yet another incredibly busy month for the Ambulance, and September is already shaping up to be yet another. As our children are back to attending school this month be mindful of them as they travel to and from. This particularly applies to when they may be waiting for the bus, being picked up, or being dropped off. Don't EVER think that whatever you are doing is more important than flashing lights on a school bus. Even our Fire, Police, and EMS responders MUST stop for a bus displaying warning lights. Given our windy roadways (ala Sunshine Hill, Wittenburg Rd, Creekside Dr., Old Plank, etc..) it doesn't take much to be distracted on a blind turn where a hazard may exist- so be extremely attentive no matter what.

COVID UPDATE-. As of 9/9 there is one active case of COVID in the Town of Shandaken. Total cumulative cases in the Town since the beginning of the pandemic have reached 363, with 361 recovered. There is still one fatality accounted for in the Town. There are 205 active cases of COVID in Ulster County at this time, with cumulative cases in the County reaching 47,929. There are a total of 395 cumulative fatalities since the beginning of the Pandemic in the County, and a total of 47,329 individuals recovered.

Stay safe out there!

*Richard Muellerleite*

Chief of Department, Shandaken Ambulance



# 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](mailto:chief@shandakenpolice.org)

## August 2022 Monthly Report

INCIDENT TYPE	NUMBER
911 Misdialed/No Voice/Abandoned	2
Accident PIAA/PDAA	12
Abandoned Vehicle	
Alarm Burglary/Panic/Robbery	5
Animal Complaint/Investigation	9
Assist EMS/Fire	17
Criminal Mischief	1
Disorderly Conduct	1
Encon Violation	4
Larceny	1
Community Oriented Policing Project	11
Custody Dispute	
Civil	1
Disabled Vehicle	2
Dispute	6
Domestic Dispute	2
Erratic Vehicle	
Foot Patrol	8
Fraud/Larceny	1
Mental Health Law	3

INCIDENT TYPE	NUMBER
Harassment	1
Local Law	1
Lock Out	4
Lost/Missing Person	3
Noise	7
Property Retrieval/Lost/Found	3
Public Service	
Open Door	
Property Check	322
Road Hazard	4
School Check	6
Shots Fired	1
Suspicious Activity	8
Traffic Stop	49
Trespass	3
Vehicle and Traffic Complaint	2
Welfare Check	11
Warrant	
Total	189

SUMMONS ISSUED	27
ARRESTS	4

Property Checks 322  
Total w/property checks 511



## **Shandaken Historical Museum Report for August 2022**

73 visitors came through the museum this month.

We continue to share Shandaken history on multiple Face-book pages and on Instagram as well.

We are preparing for our event with our friends in the “Nor’Easters” metal detecting group. Currently we’ve got permission for them to detect on 15 properties. We will also provide dinner in the Big Indian Park at the pavillion . The Museum Board Members are pulling together a doing the cooking.

A grant is available for equipment from the Arts Mid-Hudson and Marylou Stapleton has applied for the full amount to put towards the purchase of a climate controlled case for our collection of books written by Henry Morton.

Bob Kalb has purchased all new locks for our building and replaced the entire front door lock. We have new keys.

Work has been stopped with plenty more to be done, we really need Vinnie Sorbellini to come back.

More historic films will be sent to be digitized.

With our furnace room emptied into our shed and the collection room overflowing we decided to get another small shed to help with our lack of space. – Kathleen Myers - Museum Director

### **Comments on Resolutions**

#111 & #112 – Rick Ricciardella – Felt that if we dug out the streams, we wouldn’t have the flooding problems we have been having.

#110 – Rob Stanley - Disagreed with an elected official getting paid for another position.

**Other:** Bethia Waterman (Conservation Advisory Council) & James Amenta spoke about the Food Scrap Recycling that is in the works – to be handled at our Recycling Center, on recycling days. The CAC is seeking grant money to buy a ‘bear proof’ half shipping container to safely store food scraps between pick ups. Scraps will be converted to compost at James Amenta’s facility in Mt. Tremper at no cost to the Town.

**RESOLUTION # 105-22**

**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	\$ 231,785.70
Highway	152,455.51
Phoenicia Water	13,349.78
Pine Hill Water	xxx
Phoenicia Lights	xxx
Chichester Lights	xxx
Pine Hill Lights	53.41
Shandaken Septic	131.00
	-----
	\$ 397,775.40

**AND MOVES ITS ADOPTION**

Seconded by: KNEISSL

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

**RESOLUTION # 106-22**
**\*\* TABLED \*\***

**Resolution Approval of Agreement Renewal with Spectrum  
Northeast LLC**

**Whereas**, an application has been duly made to the Town Board of the Town of Shandaken by Spectrum Northeast, LLC for the approval of a renewal agreement for Charter’s cable television franchise, for fifteen (15) years commencing with the date of approval by the Public Service Commission.

**Whereas**, the franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended and certain court rulings.

**Whereas**, A Public Hearing was held on Monday September 12, 2022 at 6:45 pm, and notice of the hearing was published in the Daily Freeman on August 2, 2022.

**NOW, THEREFORE**, the Board of the Town of Resolution finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and

3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Shandaken** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Town of Shandaken** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Shandaken** hereby confirms acceptance of this franchise renewal agreement.

**RESOLUTION # 107-22**

**OFFERED BY: KNEISSL**

**Town Hall Floodproofing Feasibility Study**

**Whereas:** In an effort to be more sustainable and energy efficient by renewing and renovating an existing structure that dates back to the 1800's. The Town of Shandaken will conduct a feasibility study to floodproof the Town Hall.

**Therefore, Be It Resolved:** We are requesting a Grant from Catskill Watershed Corporation to fund the floodproofing feasibility study.

**AND MOVES ITS ADOPTION**  
Seconded by: DISCLAFANI

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

**RESOLUTION # 108-22**

**OFFERED BY: DISCLAFANI**

**UNDERTAKE A GOVERNMENT OPERATIONS GREENHOUSE GAS INVENTORY AND GOVERNMENT OPERATIONS CLIMATE ACTION PLAN**

**WHEREAS,** the Town of Shandaken pledged to take part in the NYS DEC Climate Smart Communities Program that includes the preparation of a Government Operations Greenhouse Gas Emissions Inventory Report and Government Operations Climate Action Plan; and

**WHEREAS,** a Government Operations Greenhouse Gas Inventory is an inventory of greenhouse gas emissions created by providing municipal services; and

**WHEREAS**, a Government Operations Climate Action Plan is a strategy document that sets goals and outlines a set of initiatives that reduce greenhouse gas emissions and provides a framework for achieving those targets; and

**WHEREAS**, free technical assistance is available to support the development of the inventory and plan from the Hudson Valley Regional Council (HVRC) through a NYS DEC Climate Smart Communities Coordinator Services contract; and

**WHEREAS**, a completed inventory and plan count toward Climate Smart Communities certification, specifically;

- 1) PE2 Action: Government Operations Greenhouse Gas (GHG) Emissions Inventory; and
- 2) PE2 Action: Government Operations Climate Action Plan; and

**WHEREAS**, the Climate Smart Task Force, comprised of municipal officials and environmental volunteer community leaders, will collaborate with HVRC in the development of these publications, review drafts, and provide valuable feedback on iterations that result in the final draft; and

**WHEREAS**, the task force will provide an opportunity for public input and comment on the draft report; and

**WHEREAS**, the task force will provide a summary of the inventory results and the draft government operations climate action plan to the Town of Shandaken Town Board for consideration of adoption;

**NOW THEREFORE BE IT RESOLVED**, that the hereby undertake a Government Operations Greenhouse Emission Inventory Report and the Government Operations Climate Action Plan; and

**BE IT FURTHER RESOLVED**, the Town of Shandaken authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Town of Shandaken

**AND MOVES ITS ADOPTION**

Seconded by: DRAKE

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

**RESOLUTION #109-22** **OFFERED BY: DRAKE**

**RESOLUTION APPOINTING PARKS & RECREATION BOARD MEMBER**

**WHEREAS**, pursuant to §20 of the Town Law, it is the duty of the Town Board to appoint all Boards and Commissions,

**THEREFORE, BE IT RESOLVED** that **Manuella Jean Pierre** be appointed as Smith Park – Pine Hill, Park Manager with their term to expire December





**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 has been approached by Herbert E. & Kathleen A. VanBaren, owner at 609 Oliverea Road, Oliverea, NY 12410, Tax Parcel 12.18-1-8, requesting consideration for participation in the NYCFFBO program under the Inundation Category, and

**WHEREAS**, technical evaluation visits have occurred since 2021 by the town-appointed Outreach and Assessment Lead, and

**WHEREAS**, the Outreach and Assessment Lead concluded the subject parcel meets the Category 5, inundation hazard requirements of the NYCFFBO program, noting the structures have sustained substantial and repetitive flood damages from the Esopus Creek since 2011, including most recently on 4/13/20, 12/25/20, and 10/26/21 and that the structures are uninhabitable, and

**WHEREAS** the Town of Shandaken has the option to decline ownership of the property choosing instead that the City of New York own the property but has the desire to own this property for future flood mitigation activities, and

**WHEREAS**, The Town of Shandaken understands that this Town-owned property will be managed by the Town in conjunction with a Re-Use Plan prepared by the Town that identifies the community& long term plan for the management, use, and development of this parcel. 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 VanBaren Revised Resolution Language Concerning the New York City-Funded Flood Buyout Program, Page 5 (1) a., i. , ii., iii., iv., and v.

**Now, THEREFORE BE IT RESOLVED**, The Town of Shandaken Town Board approves Herbert E. and Kathleen A. VanBaren, homeowners of 609 Oliverea Rd., Oliverea, NY 12410 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.

**BE IT FURTHER RESOLVED**, The Town of Shandaken Town Board opts to retain ownership of the parcel for future flood mitigation activities.

**AND MOVE ITS ADOPTION**

Seconded by:KNEISSL

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

**SUPPORTING PARTICIPATION IN THE NEW YORK CITY FUNDED FLOOD BUY OUT PROGRAM FOR 620 OLIVEREA RD., OLIVEREA, NY 12410**

**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 has been approached by the Gary J. & Michele E. Damiana, the owners of at 620 Oliverrea Road, Oliverrea, NY 12410, Tax Parcel 12.18-1-13, requesting consideration for participation in the NYCFFBO program under the Inundation Category, and

**WHEREAS**, technical evaluation visits have occurred since January 2021 by the town-appointed Outreach and Assessment Lead, and

**WHEREAS**, the Outreach and Assessment Lead concluded the subject parcel meets the Category 5, inundation hazard requirements of the NYCFFBO program, noting the structures have sustained substantial and repetitive flood damages from the Esopus Creek since 2011, including most recently on 4/13/20, 12/25/20, and 10/26/21 and that the structures are uninhabitable, and

**WHEREAS** the Town of Shandaken has the option to decline ownership of the property choosing instead that the City of New York own the property but has the desire to own this property for future flood mitigation activities, and

**WHEREAS**, The Town of Shandaken understands that this Town-owned property will be managed by the Town in conjunction with a Re-Use Plan prepared by the Town that identifies the community’s long term plan for the management, use, and development of this parcel. 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 Damiana Revised Resolution Language Concerning the New York City-Funded Flood Buyout Program, Page 5 (1) a., i. , ii., iii., iv., and v.

**Now, THEREFORE BE IT RESOLVED**, The Town of Shandaken Town Board approves Gary J. and Michele E. Damiana, homeowners of 620 Oliverrea Rd., Oliverrea, NY 12410 to apply for the NYCFBO program to permanently remove this flood hazard risk allowing the DEP to begin assisting them in the real estate process.

**BE IT FURTHER RESOLVED**, The Town of Shandaken Town Board opts to retain ownership of the parcel for future flood mitigation activities.

**AND MOVE ITS ADOPTION**

Seconded by: DISCLAFANI

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER DRAKE	__X__	_____
BOARD MEMBER KNESSL	__X__	_____
BOARD MEMBER STEEN	__X__	_____





**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, Monday October 10,2022.

**AND MOVES ITS ADOPTION**

Seconded by: KNEISSL

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

**Signed this 15<sup>th</sup> day of September, 2022**

\_\_\_\_\_  
**Joyce Grant – Shandaken Town Clerk**