

**THE TOWN OF SHANDAKEN TOWN BOARD  
CONDUCTED A REGULAR MONTHLY MEETING ON  
MONDAY APRIL 7, 2025 SHANDAKEN TOWN HALL  
7209 RT. 28 SHANDAKEN, NY**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

<b>MEMBERS PRESENT</b>	<b>PETER DISCLAFANI – SUPERVISOR KEVIN VANBLARCUM - BOARD MEMBER ELIZABETH KNEISSL – BOARD MEMBER (VIA ZOOM) ROBERT DRAKE – BOARD MEMBER</b>
<b>MEMBER ABSENT</b>	<b>KYLE STEEN – BOARD MEMBER</b>

**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 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 PERSONNEL & PAY RATES**
  - 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**

PLEASE TAKE NOTICE that the Town Board of the Town of Shandaken will hold a public hearing on **Monday, April 7, 2025, at 6:45 PM**, at the Town Hall, 7209 Route 28, Shandaken, New York 12480, to hear public comments on adjusting the Building/Zoning Fees. 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: March 5, 2025 BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF SHANDAKEN  
JOYCE GRANT, TOWN CLERK

*There were no public comments made on the fees.*

## **SUPERVISOR'S NOTES – APRIL 2025**

A few years back, we decided to have a 'Letter of map revision' performed. (LOMR) with the new Route 28 bridge in Mt. Tremper, we thought the flood levels in that area would be reduced. We were awarded a grant of \$30,000. and hired SLR to accomplish this. Within the first month of surveys, they realized something was amiss. Using ground surveys and satellite imager (LiDAR) the reported flood elevations were off, in some places over 2 feet, and not in the right direction. They consulted with NYSDOT and FEMA who said they were aware of the discrepancy. These wrong elevations stretch from the Asokan Reservoir to past Fox Hollow, almost to Route 42, with the worst part near Phoenicia but certainly Boiceville is affected. Last week I and Supervisor Sofranco were at a zoom meeting with FEMA, DEP, DEC, CWC and a few UC departments to show us the new maps. We were all a little taken aback because we didn't expect FEMA to fund a remapping for at least 10 years. There will be at least 2 public Hearings before these new maps will be adopted.

Which now brings us to Bridge Street bridge. Ulster County will be holding public meetings at Parish Hall June 12 and 13 Thursday will be Noon 'til 6pm and Friday will be 3pm to 8pm They will show 4 different versions/ options and how each will impact future flooding. We also had our engineering firm SLR design some flood-benches and they will show how these may help reduce flooding... when we get grants to build them. We received a grant to perform additional modeling from AWSMP for the Phoenicia LFA (Local Flood Analysis) stretching up the Stoney Clove/ route 214 towards Chichester.

Also, we were awarded additional funding for the Pine Hill, LFA to expand and look at Bonnie View bridge crossings and replace what is too small with a more appropriately sized bridge. And, additional funding was given to finish McKinnly Hollow stream restoration project that is currently in progress.

Starting in early May, SLR will be doing soil bore tests in the Pine Hill parking lot to create a storm water drain system that will treat the run-off.

This is a DEP and CWC funded project. We are still hoping to tie this into a storm water drain/ treatment system at the Fire House.

Our 5 year renewal for the Community Rating System, CRS, a FEMA program that gives discounts to residents who pay flood insurance. At this time they get a 10% discount and we are confident we can do a bit better. We were awarded a \$90,000. Grant to hire TetraTech, the firm that did our last Flood Mitigation Plan and did the Ulster County Hazard Mitigation Plan HMP. This is a big project and we will get much help from all of our partner agencies. We have meetings set up with FEMA and Ulster County to get started and we will hold public input meetings when the time is right.

Most of our resolutions tonight are housekeeping; update our employee Handbook, set policy for a more safe and secure digital umbrella and hiring employees.  
We cancelled the Mt Jam public hearing tonight because the timing was off and we will schedule it for next month.

As always, these notes and minutes of these Town meetings are online at our Town website. [www.shandaken.us](http://www.shandaken.us) Or you can watch them on our youtube channel [www.youtube.com/townofshandaken](http://www.youtube.com/townofshandaken)

Our next regular meeting is May 5th

Peter DiSclafani

Supervisor Report April 2025  
Revenues

Justice Fees	\$4,741.00
Registrar	\$40.00
Ambulance Fees	\$18,396.25
Town Clerk Fees/EZ Pass	\$80.00
Planning	\$450.00
Zoning Fees	\$425.00
Building Permit Fees	\$4,409.50
Dog Licenses	\$138.00
Police Fees	\$150.00
Gas/Diesel Refund	\$417.46
Sales Tax	\$49,563.15
ORDA	\$3,000.00
SBA/Rental Cell	\$2,632.56
STR Receivables/March	\$22,850.00
Highway	\$475,590.00
Reimb. From HWY - Credit Card	\$1,314.70
J&G Reimbursement	\$417.00
Cornell Cooperative	\$20,810.00
Zen Monastery	\$750.00
Interest on All Accounts	\$4,705.89
Totals	<u>\$610,880.51</u>



### **March 2025 Report**

**TOTAL CALLS RECEIVED- 32**

**MUTUAL AID GIVEN- 1**

**MUTUAL AID RECEIVED- 1**

**TOTAL TRANSPORTS- 23**

**TOTAL NO TRANSPORT/ STANDBY/ RELOCATIONS - 9**

To quote a rather infamous sportsman from the area- "Hey Joe- 0 more days 'till trout season!". The month is upon us that young and old Fishers alike traditionally take to our spectacular local waters following a long winters hiatus in search of the Rainbow, Brown, and rare Brook trout on April 1<sup>st</sup>, and with hopes that the trout be hungry for whatever may drift pass their mouths. While hundreds will take to the Esopus and its tributaries within the next month to enjoy one of America's favorite pastimes, it is important that if you are one of them- to remember a few safety tips that will protect you and your loved ones while searching for those elusive fish, no matter how familiar you are with local waters.

As the Esopus and its tributaries are predominately a wade fishing stream, many anglers find themselves traversing the waters' bank and sometimes through the water itself. Although this is one of the safer ways to fish, your safety starts with adequate equipment and situational awareness. We all know that the water temperature is cold right now (ranging from 38-46 degrees depending upon the time of day) so dressing right is key- wear layers and be sure to check your equipment before you reach chest deep in the current- that little leak in your waders and light clothing can turn into hypothermia in minutes (loss of dexterity under 5 minutes). Wear gloves, layers, and a wading belt just in case you take a bath. Always use a wading staff (or big stick) to sound the streambed before you step, and shuffle your steps- particularly with increased turbidity. Stay away from undercut, unstable banks and strainers as these are DEADLY if you become entangled in them. Be ready for weather as well- bring a rain poncho, check your Weather app (before you lose service), and get out of the water if you hear thunder.

Use your head out there- if you are not an experienced fisherman (or don't know how to swim), wear a life jacket and don't venture out alone- as fishing is fun with a buddy! Just make sure not to hook them by checking your surroundings before you cast- and transport your rods without hooks attached to them. Remember these couple of tips and all you will need is a little luck, a silver blue fox number 2, or a size 14 Quill Gordon to catch a monster!





# 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)

## March 2025 Monthly Report

INCIDENT TYPE	NUMBER
911 Misdeal/No Voice/Abandoned	8
Accident PIAA/PDAA	12
Abandoned Vehicle	
Alarm Burglary/Panic/Robbery	4
Animal Complaint/Investigation	1
Assist EMS/Fire	14
Criminal Mischief	1
Disorderly Conduct	
Encon Violation	
Larceny	3
Community Oriented Policing Project	1
Custody Dispute	
Civil	1
Disabled Vehicle	1
Dispute	1
Domestic Dispute	2
Erratic Vehicle	1
Foot Patrol	4
Fraud	1
Mental Health Law	

INCIDENT TYPE	NUMBER
Harassment	
Local Law	
Lock Out	3
Lost/Missing Person	
Noise Complaint	1
Property Retrieval/Lost/Found	6
Public Service/Special Detail	6
Open Door	
Property Check	400
Road Hazard	2
School Check	7
Shots Fired	1
Suspicious Activity	7
Traffic Stop	17
Trespass	
Vehicle and Traffic Complaint	3
Welfare Check	11
Field Interview	
Warrant	
Total	120

SUMMONS ISSUED	6
ARRESTS	4

Property Checks 400  
Total w/property checks 520

### TOWN CLERK NOTES

WE ARE STILL ON THE BRUSH BURNING BAN UNTIL MAY 15<sup>TH</sup>. FIREPITS AND SMALL CAMP FIRES ARE OK – BUT DO NOT LEAVE THEM UNATTENDED.

WE'RE COLLECTING TAXES UNTIL POSTMARKED JUNE 1<sup>ST</sup> . WINDOW PAYMENTS ARE MON-FRI 9-3. OR YOU CAN PAY ONLINE WITH CCARD/DEBIT OR E-CHECK AT [WWW.SHANDAKENTAX.COM](http://WWW.SHANDAKENTAX.COM)

CHECK OUR TOWN EVENTS ON OUR WEBSITE SITE [WWW.SHANDAKEN.US](http://WWW.SHANDAKEN.US)

TOMORROW, APRIL 8 THE TOWN HALL WILL BE CLOSED FOR EMPLOYEE TRAINING CLASSES.

**March 2024 – Donna LeMoine**  
**Building Permits 18**  
**Certificates of Occupancy 2**  
**Certificates of Completion 10**  
**Flood Plain Permit 2**  
**Demolition 1**

**Phoenicia Water Committee Meeting  
Board Report  
April 7, 2025**

**Parks & Recreation Committee  
Board Report  
April 7, 2025**

Autumn Brookmire brought a group together to coordinate playground plans. We are especially grateful to Steve from Highway Dept. for being there and for helping with various Parks projects.

Jeff Collins will be delivering boulders to the lower parking lot of Glenbrook and to Parish Field on April 16<sup>th</sup>. Declan Feehan, our contact at Collins, has offered to come back and move boulders once the playground site is ready.

The bathrooms are complete at Glenbrook. Steve suggested millings to connect the path from the ADA bathroom ramp to the Pavilion. The Committee hopes that Highway can create this path. Nolan Wilder has been winterizing the Glenbrook bathrooms, and we need an alternative going forward as Nolan is moving. Hommel has finished the trench running a water line down to the dog park, as well as roof repair.

DASNY approved CREST funding. Next step is approval from the Setna Finance Committee. Once that Committee approves, the State will draft a Grant Disbursement Agreement and send to the Town.

Our new Dog Park Manager, Keri Householder, needs to sign an affidavit.

The Committee will embark on a Go Fund Me campaign for seating in all parks with memorial plaques. We are awaiting a recommendation from KaN, the company designing the Glenbrook playground.

**Love Your Parks Day is May 3<sup>rd</sup> (with a Rain Date May 4<sup>th</sup>)** Priorities for the day are to put up an ADA Swing; adjust other swing chains, drill drainage holes swing mats, put in edging around playground and spread mulch. We will also be assembling the new Tanbark Play Area. The Committee will provide lunch for volunteers, who should arrive at 9:30 a.m. on May 3<sup>rd</sup>

**The Phoenicia Farm Market opens in Parish Field on May 18<sup>th</sup>.** The market will have an ADA Portable toilet this year.

**The Phoenicia Festival of the Arts will run Thursday August 28<sup>th</sup>- September 1<sup>st</sup>.** Christina Varga is working on getting a 9 hole mini golf for the event. We will have more information about mini golf sponsorships soon.

Kerry Henderson is having Smith Park surveyed from Skate Park funds so that he can have plans for a Skate Park done. The Skate Park sign that received complaints was taken down. It has not yet been re-sited.

**The Monthly Report for The Shandaken Historical Museum for March 2025**

On Saturday March 1<sup>st</sup> the Museum hosted a multimedia presentation by Jay Simpson about the early days of skiing in Phoenicia. The presentation was well received with over 35 avid ski fans attending.

I have been asked to write a brief history of the town of Shandaken for the current Comprehensive Plan for the Town of Shandaken. This historical overview has been submitted to the consultant working on the plan's proposal.

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.

The Museum hosted a Native American drumming event led by noted author Evan Pritchard on Friday March 28<sup>th</sup>. It was attended by a dozen local residents with many joining the circle with singing and drumming.

In March the museum had some 35 visitors. Many leaving generous contributions and grateful messages.

Respectfully submitted,  
Joseph Prieboy  
Director, The Town of Shandaken Historical Museum

**MOTION 1 – DISCLAFANI/DRAKE – APPOINT MEMBERS PINE HILL WATER COMMITTEE: CHAD STOREY, ANDREW MESSINGER, MATT PERSONS, ROB STANLEY & MICHELE WOOTAN**

**MOTION 2 – KNEISSL/VANBLARCUM – HOLD WORKSHOP MEETINGS 3<sup>RD</sup> MONDAYS OF THE MONTH. 5PM. NEXT WORKSHOP WILL BE APRIL 21<sup>ST</sup>.**

**MOTION 3 – RAISE OUR LOAN LIMIT APPLICATION FOR PINE HILL WATER PROJECT FROM 151,000. TO 180,000. OUR SUPPLIER HAS NOTIFIED US OF 25% RAISE IN COST DUE TO RECENT EVENTS – IMPORTS.**

**MOTION 4 – SPECIAL HEARING NOTICES FOR MAY 5<sup>TH</sup> MEETING ON BELLEAYRE MOUNTAIN JAM & ALSO SEQR ON EV CHARGERS IN TOWN.**

**ALL MOTIONS CARRIED.**

**BD MEMBER KNEISSL HAD QUESTIONS ABOUT THE SHARP COMMITTEE, IF THEY ARE STILL ACTIVE, ETC. WHY WE ARE STILL PAYING YEARLY FEE TO THEM.**

**RESOLUTION #56-2025** **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	\$ 308,669.69
Highway	155,791.64
Phoenicia Water	9,636.28
Pine Hill Water	3,888.28
Phoenicia Lights	1,687.62
Chichester Lights	230.75
Pine Hill Lights	96.47
Amb. Donation Acct.	9.58
Hudler Cemetery Acct.	48.58
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	\$ 540,922.89

**AND MOVES ITS ADOPTION**

Seconded by: KNIESSL  
ROLL CALL 4 AYES – 1 Absent STEEN

**RESOLUTION #57-2025** **OFFERED BY: DISCLAFANI**

**APPOINT AMBULANCE PERSONNEL & 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;**
- EMT - Peter Murphy from Driver to EMT \$16.80 per hr**
- P/T Paramedic EMT-P Matthew Pelak \$25.35 per hour**

**AND MOVES ITS ADOPTION**

Seconded by: DRAKE  
ROLL CALL 4 AYES – 1 Absent STEEN

**RESOLUTION #58-2025** **OFFERED BY: DRAKE**

**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: VANBLARCUM

**TABLED** **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 Ac

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

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## 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,

**TABLED**

**RESOLUTION# 60-2025**

**OFFERED BY: DISCLAFANI**

### **Data Breach Notification Policy**

**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;

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: DRAKE  
ROLL CALL 4 AYES – 1 Absent STEEN

**RESOLUTION# 61-2025**

**OFFERED BY: DRAKE**

**RESOLUTION TO AMEND BUILDING & ZONING FEES**

**WHEREAS**, the Town Board of the Town of Shandaken is responsible for setting and annually reviewing all fees for services and permitting provided by the Town Building Department,

**WHEREAS**, it is the recommendation of the Town Building Department to raise certain fees for permits, inspections, and other services,

**THEREFORE, be it RESOLVED,** The Town of Shandaken shall set the following fees for the listed services;

Zoning Application Review: \$30

Building Permit for Decking and Sheds: \$0.50/sq.ft.

Fence Permit w/ Certificate: \$75

Sign Permit: \$100

Municipal Search: \$125

Fire Safety Inspections: \$50

Permit Renewal:  $\frac{1}{3}$  of Original Permit Fee

Assembly Permit - \$100 for gatherings up to 500 people with a charge of \$0.20 for every expected person over 500 plus any expenses incurred by the town.

STR 3 Yr. Re-Inspection \$50

**And Move its Adoption;**

**Seconded by: VANBLARCUM**

**ROLL CALL 4 AYES – 1 Absent STEEN**

**ON A DISCLAFANI/VANBLARCUM MOTION, THE TOWN BD. ADJOURNED AT 8:07**

**SIGNED THIS 8<sup>TH</sup> DAY OF APRIL, 2025**

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**JOYCE GRANT – TOWN CLERK**