

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

**The Town of Shandaken Town Board conducted a Regular Monthly Meeting on Monday
October 6, 2025 preceded by a Workshop Meeting at 6pm. Monday 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
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Recording Secretary	Joyce Grant - Town Clerk
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On a Disclafani/Vanblarcum motion the Town Board unanimously approved the minutes of the previous meeting as submitted by the Town Clerk.

LEGAL NOTICE - The Town of Shandaken Town Bd has scheduled a Special Meeting & Budget Workshop, to be held prior to their regular monthly meeting at 6pm Monday October 6, 2025. The purpose of meeting will be to discuss the 2026 Budget. 7209 State Rt. 28. Shandaken NY 12480



**Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday October 6, 2025 – 7pm
Workshop Meeting 6pm**

- 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 - Fichtner Terrace/Widensky**
- 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:**
 - 119. Pay All Bills**
 - 120. Hire Recycling Attendant**
 - 121. NYC FUNDED FLOOD BUYOUT PROGRAM 464 PLANK RD. PHOENICIA**

- 122. Setting Public Hearing – Logging Permit
- 123. Appoint Alternate Members – ZBA & Planning Board
- 124. Support US Bank As A Banking Development District
- 125. Support Annual Turkey Trot
- 126. Adopt Tentative 2026 Town Budget as Preliminary Budget
- 127. SET PUBLIC HEARING LL#2-2025 OVERRIDE TAX LEVY LIMIT
- 128. SET PUBLIC HEARING ACCEPT 2026 PRELIMINARY BUDGET AS FINAL BUDGET
- 129. SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT ADOPTION OF PROPOSED LOCAL LAW #3 OF 2025 "A LOCAL LAW TO SUPERSEDE THE WHITEHALL DOCTRINE"
- 130. RESTORE UCAT BUS SERVICE TO PINE HILL
- 131. REQUEST NYSDOT & UC TRAFFIC SAFETY BD. TO REDUCE SPEED LIMIT OF ALL TOWN OF SHANDAKEN ROADS TO 25 MPH.
- 132. REQUEST NYSDOT IMPROVE SAFETY ON RT.28
- 133. AMBULANCE – HIRE EMT

11. Open Public Comment

12. Meeting Adjournment -*IN MEMORY OF*

SUPERVISOR'S NOTES – OCTOBER 2025

We're very saddened by last weekend's tragedy. Details are still being sought by the investigators and in a resolution, we are again asking NYSDOT to work to mitigate this type of occurrence.

Again, we profusely thank our First Responders and Emergency Personnel working to keep us safe.

With this said and before this issue, locally we are requesting of NYSDOT to reduce all Town deeded roadways to reduce the speed limit to 25mph.

This month we are introducing the 2026 Budget. We returned from an earlier workshop where we discussed and made some adjustments to offer and adopt our Tentative Budget as Preliminary. Later tonight, we will set a date for a Public Hearing on our Final Budget before our next regular meeting on November 5th. Also, in this vein and as we do every year, set a public hearing to pass a Local Law to exceed the Tax Cap. Though many years, as this year, we do not exceed.

We have resolutions appointing and hiring staff that help keep the Town running efficiently.

We have a proposed Law that supersedes the Whitehall Doctrine, which to say is that some positions are incompatible as we should not be our own boss.

But some small and rural Towns do not have the trained population. Resolution 129 and the following proposed Law explain and define this more explicitly. Specifically, this pertains to hiring a Town Council Member as a Water District Superintendent.

Lastly, we have a resolution asking Ulster County to restore UCAT service to Pine Hill.

As always, these notes and minutes of these and all Town meetings are online at our Town website; www.shandaken.gov

Our meetings can be watched on: www.youtube.com/townofshandaken

Our next regular meeting is Wed. November 5th

Peter DiSclafani

Supervisor Report October 2025
Revenues For September, 2025

Vital Statistics	\$50.00
Zoning Fees	\$250.00
Ambulance	\$11,930.68
Town Clerk Fees/EZ Pass	\$212.50
Rental Cell/SBA/MAHV	\$4,446.34
Higley	\$312.66
Building Permit Fees	\$8,817.99
Dog Licenses	\$270.00
Amazon Refund	\$28.20
Parks & Rec Donations	\$902.42
Shandaken Beautification/Big Indian	\$250.00
Hudler Cemetary/Plot Sale	\$500.00
STR Receivables	\$17,410.44
Justice Fees	\$1,272.00
Glenbrook Park	\$50.00
Sales Tax	\$47,100.01
Quill Refund	\$484.39
Oliveria Cemetary/Plot Sale/Donations	\$2,800.00
Interest On Accounts	\$13,470.35
Justice Fees	\$1,659.00
Attorney Aides-Payment For Witness Serv.	\$15.00
Charter Francise	\$14,537.47
Cornell Cooperative	\$5,082.50
TOTAL	<u>\$131,851.95</u>

Phoenicia Water Committee
Board Report
October 6, 2025

The Committee will meet Tuesday, October 7 at 9:00 am at Phoenicia Library. We have been meeting regularly on the first Tuesday of each month, and feel it's important for the Phoenicia Water Superintendent to attend meetings. There are numerous updates regarding Phoenicia Water District, but information has been primarily sent from Board members Kneissl, Drake, and Steen—not the Superintendent, nor the Supervisor. Lack of communication has been a problem.

The first update is that Deputy Superintendent Jameson Joyce resigned in late September. Committee member Mansfield was informed by Board member Steen of Joyce's resignation, not by the Deputy Superintendent's direct report Superintendent Ricciardella.

Phil Garaffa, a frequent plumber for Phoenicia's Water system, is trying to coordinate a forklift to load the broken infiltration pumps onto someone's truck to bring to Emmon Metro in Albany to be repaired. It's anticipated that repair will cost much less than buying an additional new pump. We are grateful that Garaffa has volunteered his time to come to past and future Committee meetings. The Committee is uncertain when the new infiltration pump will be installed or if it has already been installed.

Phoenicia Water Committee was looking forward to the Deputy Superintendent assisting with the completion of an SOP and Emergency Response Plan. We would like to know what the alternate plan is. As a Committee, we'd like to clarify with Supervisor DiSclafani that we are a volunteer committee, formed to make recommendations and to help the Board plan, as per the November 2024 Board Meeting minutes. These critical documents need to be created by the Phoenicia Water Superintendent.

We have not heard from Supervisor DiSclafani if the County will fund any implementation of the SLR Engineering plan to complete for the High Street loop.

Submitted respectfully by Committee Chair Kerry Henderson.



September 2025 Report

TOTAL CALLS RECEIVED- 32

MUTUAL AID GIVEN- 4 (3-Town of Olive, 1- Town of Woodstock)

MUTUAL AID RECEIVED- (1- Town of Olive)

TOTAL TRANSPORTS- 23

TOTAL NO TRANSPORT/ STANDBY/ RELOCATIONS – 9

Unless you've been under a rock for the past few days you've undoubtedly heard (or were affected by) the serious auto accident that occurred on October 4th around 1:30 PM. This involved three vehicles just after the Mt Tremper bridge near Jeff Collins' stone yard on Route 28 (Riseley Rd). 5 total patients were treated- two flown to Albany Medical Center, two transported by ground to Healthalliance Hospital in Kingston, and one that refused medical attention. Your area first responders are proud to report that there were no fatalities despite the horrific nature, mechanism, and injuries involved in this accident. Granted there were critical patients, the skill and teamwork of EVERYONE involved assured that the best case scenario given the circumstances occurred for the victims- and their survival is a testament to that. Our thoughts and prayers go out to the victims and their families as always, and many thanks to our surrounding Fire, Police, and EMS agencies for the assistance in providing the best care possible during this unfortunate incident.

That said, here are a few tidbits that everyone can learn from this situation. The balance of the responders to this call were Volunteer- this includes the responders controlling traffic, to the responders utilizing the jaws of life to disentangle victims from the cars involved. It is completely unacceptable to verbally abuse anyone, or flame them on social media due to your inconvenience of not being able to pass through a scene. The reports from responders directing traffic were abhorrent. There is no reason to verbally abuse people that are Volunteering their time (some from Towns away mind you, incredible thanks Olive, and Woodstock) to make sure an accident investigation is able to be conducted safely and thoroughly. Its not their fault that the accident occurred, that coincidentally there is a major road improvement project on Plank Rd., nor is it their fault the ancient geography of the Catskill Mountains necessitates a 40 mile detour into Greene County if both Route 28 and Plank Rd are closed. Your show, dinner reservation, or wedding reception is not a life threatening emergency. Have some class.

Anyone that witnessed the accident is asked to contact NYSP Middletown at (845) 344-5300. All this considered- and not insinuating cause as this is an ongoing investigation- drive with due regard for others. Whether you're from our town or thousands of miles away- do not engage in disatracted driving, tailgating, aggressive driving, illegal passing, excessive speed, impaired operation, or any other detrimental action that puts you or others on the road at risk. If you are not familiar with NYS V&T laws get a car service, or an Uber/ Lyft. Whatever you do, please consider the safety and well being of others the same as you do for yourself or your loved ones on the road. Lets dedicate our life actions to preventing tragedies instead of causing them.

Stay Safe Out There,

Richard Muellerleile, EMT-P

Chief of Department, Town of Shandaken Ambulance Service

MOTIONS by Disclafani/Drake – all carried

1-Table Resolutions 126 & 131

2-Schedule a Budget Workshop & Special Meeting for Friday October 10th at 6pm

Public Discussion

– Molly Holm, Mt. Tremper. In support of speed limit reduction on smaller Town roads. She stated problems with heavy traffic on Andrew Lane due to weddings and Events at Foxfire Mtn House on that road.

-Howard Widensky had questions to the board about his purchase of Fitcher Terrace & renewing the permit to allow more housing units, (that can only be issued by Town Bd.). He would like to add 12 long term rental housing units on the property.

-Barbara Landry spoke about the impact that expansion of Fitchner Terrace would have on the residents already there.

-Vickie Starr from Housing Smart Committee & Hank Williams are in favor of long term housing for Shandaken.



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

September 2025 Monthly Report

INCIDENT TYPE	NUMBER	INCIDENT TYPE	NUMBER
911 Misdia/No Voice/Abandoned	18	Harassment	1
Accident PIAA/PDAA	9	Local Law	
Abandoned Vehicle		Lock Out	3
Alarm Burglary/Panic/Robbery		Lost/Missing Person	1
Animal Complaint/Investigation	8	Noise Complaint	1
Assist EMS/Fire	12	Property Retrieval/Lost/Found	1
Criminal Mischief		Public Service/Special Detail	2
Disorderly Conduct		Open Door	
Encon Violation		Property Check	337
Larceny	3	Road Hazard	5
Community Oriented Policing Project	3	School Check	11
Custody Dispute		Shots Fired	2
Civil	1	Suspicious Activity	5
Disabled Vehicle	2	Traffic Stop	21
Dispute	4	Trespass	3
Domestic Dispute	4	Vehicle and Traffic Complaint	12
Erratic Vehicle	1	Welfare Check	14
Foot Patrol	5	Field Interview	
Fraud		Warrant	
Mental Health Law	1	Total	132

SUMMONS ISSUED	16
ARRESTS	8

Property Checks	337
Total w/property checks	469

BUILDING REPORT SEPT. 2025

Building Permits 27

Flood Plain Permits 3

Stop Work orders 2

Certificate of Compliance 7

Certificate of Occupancy 5

Demo Permits 3

Donna LeMoine

The Monthly Report for The Shandaken Historical Museum for September 2025

On Sunday, September 7th the Shandaken Summer Concert Series at Big Indian Park concluded its successful run of summer weekend live concerts in the park, great music, terrific food and big fun.

Also on September 7th, the Shandaken Historical Museum was the feature story on the front page of the **Sunday Daily Freeman** in an article called “Keeping History Alive”. This high-profile feature offered great photos and inspiring thoughts from the Museum board.

Local historian and former Chichester postmaster, Charlie Zimmerman, presented the first in a series of multimedia presentations about the town of Shandaken and its 12 hamlets. The first presentation called “Over the Notch - Chichester, NY - A company Hamlet 1863-

and Beyond!” , was presented at The Shandaken Town Hall on Saturday, September 27th. The presentation, once sitting lost and unfinished in the museum’s basement, was lovingly revived and digitally updated by Charlie. The event was well attended by a large energized crowd who arrived at Town Hall to take part in this unique historical journey through the history of Chichester, telling the story of the town’s amazing furniture factory, its uniquely resilient people, and its continued rich historical legacy. Charlie Zimmerman will continue his museum sponsored presentations about all of Shandaken’s 12 Hamlets going forward.

Last Friday on October 3rd, The Museum hosted a Native American drum circle event hosted by noted author and historian, Evan Pritchard. About half a dozen very engaged local museum goers participated in lively drumming and singing.

The museum had over 30 visitors in September. Many leaving generous contributions and messages of great thanks and appreciation.

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

RESOLUTION # 119-25 **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	\$ 307,182.40
Highway	183,030.56
Phoenicia Water	9,889.73
Pine Hill Water	2,562.59
Phoenicia Lights	745.34
Chichester Lights	110.94
Pine Hill Lights	459.42

	\$ 503,980.98

AND MOVES ITS ADOPTION
Seconded by: KNEISSL
ROLL CALL: 5 AYES

RESOLUTION # 120-25 **OFFERED BY: KNEISSL**

Recycling Attendant – Hire P/T

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

THEREFORE BE IT RESOLVED that the following personnel be appointed as a Town of Shandaken Recycling Attendant. JAMES COWAN - 3 Days/week paid \$15.50 hourly, not to exceed \$12,600.00 annually, while dispensing duties of said office.

AND MOVES ITS ADOPTION
Seconded by: DISCLAFANI
ROLL CALL: 5 AYES

RESOLUTION # 121-25

OFFERED BY DISCLAFANI

**SUPPORTING PARTICIPATION IN THE NEW YORK CITY FUNDED FLOOD BUYOUT PROGRAM FOR
464 PLANK ROAD., PHOENICIA, NY 12464**

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 conducted a Local Flood Analysis (LFA) including a hydraulic analysis of flooding in the Town, and the LFA recommends that certain properties that are subject to repetitive flood damage should be considered for flood buyout, and

WHEREAS, the entirety of the 5.64-acre property at **464 PLANK ROAD, PHOENICIA, NY 12464 (Section-Block-Lot 25.1-2-25)**, is within the bounds of the National Flood Insurance Program’s Regulatory Floodway, and therefore susceptible to damaging floods, and ineligible for locally-funded mitigation programs, and

WHEREAS, the flood-vulnerable structures at **464 PLANK ROAD, PHOENICIA, NY 12464** are recommended to be removed from the floodway in the LFA, “where there is owner interest and programmatic funding available”, and

WHEREAS, the Town has been approached by **James J. Amenta Jr.**, the owner of the property, who is requesting to participate in the NYCFFBO program under the Hydraulic study category, and

WHEREAS, the property suffered damages in previous floods, including Tropical Storm Irene, on August 28, 2011, and “The Christmas Flood,” on December 25, 2020, and

WHEREAS, we understand that this City-owned property will be managed by the New York City Department of Environmental Protection (The "DEP) as open space. Minimal management of the property will be performed such as maintaining boundary lines, posting signs, and annually inspecting the property. At some point in the future, should the Town want the property actively managed; i.e., mowing, snow plowing, constructing and maintaining permissible recreation facilities, the City will consider issuing the Town a revocable land use permit to address these activities or any other maintenance requested by the Town. However, the City has the right to approve or reject any such requests.

NOW, THEREFORE BE IT RESOLVED, The Town of Shandaken Town Board approves, **James J. Amenta Jr. 464 PLANK ROAD, PHOENICIA, NY 12464**, OWNER OF **464 PLANK ROAD, PHOENICIA, NY 12464**, to apply for the NYCFFBO program to permanently remove this flood hazard risk, allowing the DEP to begin assisting in the real estate process.

AND MOVE ITS ADOPTION
Seconded by: **DRAKE**
ROLL CALL: 5 AYES

RESOLUTION #122-25

OFFERED BY DRAKE

RESOLUTION SETTING PUBLIC HEARING FOR LOGGING PERMIT

WHEREAS, the Town of Shandaken requires that any logging permit in excess of 100,000 Board Feet be approved through motion of the Town Board of Shandaken and

WHEREAS, **Aerin Hyun & John Michael Prarie Jr. – 539 State Rt. 42, Shandaken SBL # 4.-1-22, 4.8-1-13.110 & 4.8-1-10**, is requesting such a permit for removal of lumber on their property, by **Randall C Kelly -Catskill Mountain Forestry Services**.

THEREFORE BE IT RESOLVED that the Town Board of Shandaken will hold a Public Hearing on said Logging Permit prior to its regularly scheduled meeting on Wednesday November 5th, 2025 @ 6:45pm @ Town Hall – 7209 Rt. 28 Shandaken to hear all comments for or against.

AND MOVE ITS ADOPTION
Seconded by: STEEN
ROLL CALL: 5 AYES

RESOLUTION #123-25 **OFFERED BY STEEN**

APPOINT PLANNING & ZBA ALTERNATE MEMBERS

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

AND WHEREAS Shandaken Local Law #1 was duly adopted September 8th, 2025 which established up to two alternate member positions on the Zoning Board of Appeals and two alternate member positions on the Planning Board,

THEREFORE, BE IT RESOLVED that **Ruby Huber** is appointed to the Shandaken Zoning Board of Appeals as an alternate member with a term to expire December 31st of 2027,

BE IT ALSO RESOLVED that **Frank Cuevas** is appointed to the Shandaken Zoning Board of Appeals as an alternate member with a term to expire December 31st of 2027, and

BE IT ALSO RESOLVED that **Tania Stapleton** is appointed to the Shandaken Planning Board as an alternate member with a term to expire December 31st of 2027, and

BE IT ALSO RESOLVED, each Board Member is required each year to attend four hours of applicable training for their Office and record such at the town Clerk’s Office

AND MOVE ITS ADOPTION
Seconded by: VANBLARCUM
ROLL CALL: 5 AYES

RESOLUTION #124-25 **OFFERED BY VANBLARCUM**

RESOLUTION SUPPORTING AND APPROVING ULSTER SAVINGS BANK PHOENICIA BRANCH APPLICATION FOR AS A BANKING DEVELOPMENT DISTRICT

WHEREAS, under § 64, Subdivision 1 of the Town Law, the Town Board should adopt a resolution designating a bank or banks, or trust company in which all Town Officials shall deposit all municipal monies coming into their hands by virtue of their offices;

WHEREAS, Community Bank NA is the main depository for the Town of Shandaken and has closed its doors for public use.

WHEREAS, the Town Board recognizes the benefits of a local Bank for public and municipal convenience in the Town of Shandaken and neighboring areas covering the municipalities more fully described in their application.

WHEREAS, The Town of Shandaken recognizes the critical need for expanded banking services in this area and fully supports the establishment of a BDD for the branch of Ulster Savings Bank, to address the financial needs of our residents, businesses and municipalities. The Ulster Savings Bank branch in Phoenicia, New York is now the only financial institution in our entire community. We believe this initiative aligns with our community development goals and will significantly enhance access to essential financial services.

THEREFORE BE IT RESOLVED, The Town of Shandaken supports Ulster Savings Bank for the designation of a Banking Development District (BDD) in the Town of Shandaken and covering this Town and other municipalities

AND MOVE ITS ADOPTION
Seconded by: KNEISSL
ROLL CALL: 5 AYES

RESOLUTION APPROVING PUBLIC ASSEMBLY PERMIT FOR THE PHOENICIA TURKEY TROT

WHEREAS, the Town of Shandaken Town Board under §59 of the Town of Shandaken Code has the sole authority to approve applications for the purpose of a Public Assembly in excess of five hundred (500) persons, and

WHEREAS, the Town Board recognizes the benefits of public events to the economy of the Town and also recognizes the necessity to provide adequate protections and a safe environment for its residents and participants alike, and

WHEREAS, the Town is in receipt of documentation illustrating compliance under the law providing the necessary insurance, permits, security, parking, lighting, sanitation, EMS and evacuation requirements, and

WHEREAS, the Town Board is satisfied with the application from the **Phoenicia Turkey Trot** for their event to be held in **Phoenicia, NY on Saturday, November 29, 2025** from 7am until 4pm.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board hereby approves the permit for a Public Assembly to the Phoenicia Turkey Trot for their event and that a certified copy of this resolution shall suffice as the approval certificate.

AND MOVE ITS ADOPTION
Seconded by: DISCLAFANI
ROLL CALL: 5 AYES

RESOLUTION #126-25 **TABLED**

RESOLUTION ADOPTING TENTATIVE BUDGET AS PRELIMINARY BUDGET

WHEREAS, the Town of Shandaken has prepared a 2026 Tentative Budget for review;

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken hereby adopts the 2026 Tentative Budget as the 2026 Preliminary Budget for the Town of Shandaken

RESOLUTION #127-25 OFFERED BY: DISCLAFANI

**Set Public Hearing - Adopting Town of Shandaken Local Law #2 of 2025 –
A local law to override the tax levy limit established in
General Municipal Law § 3-c**

WHEREAS, the Town of Shandaken foresees the necessity to exceed the Tax Levy Limit established in General Municipal Law § 3-C; and

THEREFORE BE IT RESOLVED, the Town of Shandaken Town Board will hold a Special Meeting and a Public Hearing on **Wed. November 5, 2025 @ 6:15 pm** at the Shandaken Town Hall 7209 Rt. 28 Shandaken NY 12480, to hear all those in favor and against the adoption of said law in accordance with General Municipal Law; and

AND MOVE ITS ADOPTION
Seconded by: DRAKE
ROLL CALL: 5 AYES

RESOLUTION #128-25 OFFERED BY DRAKE

SET PUBLIC HEARING ON 2026 PRELIMINARY TOWN BUDGET AS FINAL BUDGET

WHEREAS, a Public Hearing is held every year for the purpose of hearing all those in favor or against the adoption of the Preliminary Budget for the Town of Shandaken as the Annual Budget

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken will meet and review the 2026 Preliminary Budget and hold a Public Hearing thereon, at the Shandaken Town Hall on **Wednesday November**

5, 2025 at 6:30PM preceding the Regular Monthly Meeting, and at such hearing any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any items or items therein contained.

AND MOVE ITS ADOPTION
Seconded by: STEEN
ROLL CALL: 5 AYES

RESOLUTION #129-25 **OFFERED BY DRAKE**

RESOLUTION SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT ADOPTION OF PROPOSED LOCAL LAW # 3 OF 2025 ENTITLED "A LOCAL LAW TO SUPERSEDE THE WHITEHALL DOCTRINE AND DOCTRINE OF INCOMPATIBILITY WITH RESPECT TO TOWN COUNCILPERSON AND WATER SUPERINTENDENT"

WHEREAS, the Town Board of the Town of Shandaken recognizes the need to fill the position of Water Superintendent; and

WHEREAS members of the town board cannot generally hold positions that report to the town board, however the lack of candidates and the retirement of the current water superintendent presented the board with an exigent circumstance, and

WHEREAS the town board passed a resolution hiring Kyle Steen on September 17th as he was the only licensed candidate to apply for an appointment to expire December 31st, and

WHEREAS there are concerns that no additional qualified applicants may be identified ahead of that date for this critical position, and

WHEREAS, pursuant to the Whitehall doctrine and the doctrine of incompatibility of offices, the Town Board may not appoint one of its own members in the absence of precise statutory authority so to do, and may not make an appointment where an appointee/board member would also be part of his supervising authority (Town Board), without legislative authorization; and

WHEREAS, the Town Board has been advised that a Local Law is required supersede the authority preventing a Town Board member from holding the position of Water Superintendent; and

WHEREAS, the proposed Local Law #3 of 2025, has been duly introduced; and

WHEREAS, adoption of the proposed Local Law is a Type II action and can be adopted without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of Shandaken wishes to set a time and place for a public hearing with respect to proposed Local Law #3 of 2025, so that the public may be heard; and

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held by the Town Board of the Town of Shandaken with respect to the aforesaid proposed Local Law on November 5th @ 6:45pm and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

AND MOVE ITS ADOPTION
Seconded by: DISCLAFANI
ROLL CALL: 4 AYES, 1 RECUSAL (STEEN)

Local Law #3 of 2025
A LOCAL LAW TO SUPERSEDE THE WHITEHALL DOCTRINE AND DOCTRINE OF INCOMPATIBILITY WITH RESPECT TO TOWN COUNCILPERSON AND WATER SUPERINTENDENT

Section I. Title. A local law to supersede the common law Whitehall Doctrine and Doctrine of Incompatibility.

Section II. Background.

Whitehall Doctrine: Pursuant to the common law doctrine established in Wood vs. Town of Whitehall, it is the general rule that a body having the power of appointment may not appoint one of its own members in the absence of precise statutory authority so to do (Mac rum vs. Hawkins, 141 Misc. 358, affd. 235 App. Div. 370,

rev. on other grounds, 261 N.Y. 193, rearg. den. 261 N.Y. 691; Wood vs. Town of Whitehall, 120 Misc. 124, affd. 206 App. Div. 786).

Doctrine of Incompatibility: The common law doctrine of incompatibility declares to be incompatible any two public offices in which there exists an inconsistency of function or where the basic duties of each office would necessarily interfere with the other, or where the holder of one would be required to account or to be subordinate in some way to the other (People ex rel Ryan vs. Green, 58 NY 295; Corsall vs. Gover, 10 Misc. 2d. 664, 174 NYS 2d 62; 1979 N.Y. Op. Atty. Gen. (Inf.) 231).

The Attorney General's Office has, however, opined that upon a finding that the public interest would be served, a local legislative body may enact a local law overcoming incompatibility of office and the Whitehall doctrine. Incompatibility and the Whitehall doctrine are court-made rules of law based upon public policy concerns. We [Attorney General's Office] have expressed the opinion that these doctrines can be overcome by local law (1983 Op Atty Gen [Inf] 157; 1960 Op Atty Gen [Inf] 198). A local government is authorized to adopt and amend local laws, consistent with the Constitution and general State law, relating to the powers, duties and qualifications of its officers and employees (Municipal Home Rule Law, §10[1] [ii] [a] [1]). Provided there is a finding by the local legislative body that such a local law would be in the overall public interest, it could enact a local law overcoming the Whitehall doctrine and incompatibility (1983 Op Atty Gen [Inf] 157). We [Attorney's General's Office] must emphasize, however, that the local legislative body, based upon local conditions, must first find that the overall public interest would be served by the local law. (1987 N.Y. Op. Atty. Gen. (Int.) 109).

Section III.

Authority. This local law is adopted pursuant to Municipal Home Rule Law, §10 [1] [ii] [a] [1], which grants to local governments the authority to enact local laws regarding the qualifications of local officers.

Section IV.

Finding of Public Interest. The Town Board of the Town of Shandaken hereby finds that the public interest would be served by superseding the Whitehall Doctrine and the Doctrine of Incompatibility with respect to a Town Councilperson acting as Water Superintendent and/or Water Operator due to the fact that the Town of Shandaken is in a rural area, has posted for the position without receiving applications for any other licensed applicants, and the town remains in need of a licensed operator for the preservation of public health.

Section V.

Supersession. This local law shall supersede the common law Doctrine of Incompatibility and the common law Whitehall Doctrine with respect to the offices of TOWN COUNCILMEMBER and WATER SUPERINTENDENT and/or WATER OPERATOR

Section VI.

Inconsistency. All other local laws and ordinances of the Town of Shandaken that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VII.

Savings Clause. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

RESOLUTION #130-25

OFFERED BY STEEN

RESOLUTION TO RESTORE UCAT SERVICE TO PINE HILL & IMPROVE TRANSPORTATION CONNECTIVITY

WHEREAS changes to the county UCAT service have significantly reduced the number of routes that stop in Pine Hill, NY, which impacts residents, employees and visitors alike and

WHEREAS, Trailways service no longer stops in Pine Hill, NY resulting in even less access for residents and visitors without a car and seniors who would prefer not to drive and

WHEREAS, the modified routes also no longer bring travelers to the uptown section of Kingston prohibiting residents from shopping for food or visiting medical facilities, or connecting to Trailways buses

WHEREAS, the Town of Shandaken desires to encourages use of more and not less public transportation as a climate smart strategy for residents and tourists to reduce the number of cars on Route 28

THEREFORE BE IT RESOLVED, that the town board of Shandaken hereby request UCAT and the County Executive make all efforts to restore both bus routes to Pine Hill and an uptown Kingston terminus,

AND BE IT FURTHER RESOLVED that this resolution be transmitted by the clerk to the Office of the County Executive, Ulster County Planner Dennis Doyle, and Director of Transportation Toni Roser.

AND MOVE ITS ADOPTION
Seconded by: VANBLARCUM

RESOLUTION #131-25 **TABLED**

REQUEST: NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) REDUCE SPEED LIMIT OF ALL TOWN OF SHANDAKEN ROADS TO 25 MPH

WHEREAS, Due to the size and volume of traffic on our rural Town roads, speed reduction is necessary and beneficial for motorists and residents living on these roadways, and

WHEREAS, The Town of Shandaken requests NYSDOT reduce the speed of all Town of Shandaken deeded roadways

THEREFORE, BE IT RESOLVED The Town of Shandaken will send copies of this request to NYSDOT Supervisor David Corrigan and Ulster County Transportation Council and Ulster County Planning Chair Dennis Doyle,

AND MOVE ITS ADOPTION

RESOLUTION #132-25 **OFFERED BY VANBLARCUM**

REQUEST: NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) REDUCE SPEED LIMIT & IMPROVE SAFETY OF RT. 28 BETWEEN MT. TREMPER AND PHOENICIA

WHEREAS: In February of 2024, the Town of Shandaken Town Board sent a letter requesting improvements to safety along Route 28 after a lethal crash took place near the intersection with Route 212.

WHEREAS: This past weekend another crash occurred less than two miles away injuring multiple parties, closing route 28 for seven hours, and tying up emergency staff across the entire region.

THEREFORE BE IT RESOLVED: We, again, implore the state DOT to make this highway safer. A lowered speed limit, turning lanes, or other traffic calming measures must all be considered. Route 28 is heavily traveled by locals, tourists, and commercial vehicles and there isn’t a single resident of town who can’t enumerate dozens of incidents of unsafe driving along it’s length, perhaps especially in the stretch between Mt. Tremper and the Phoenicia Eagle. Please re-evaluate this road as if you lived here yourself.

AND MOVES ITS ADOPTION
Seconded by: KNEISSL
ROLL CALL: 5 AYES

RESOLUTION #133-25 **OFFERED BY: KNEISSL**

AMBULANCE – Hire EMT

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

THEREFORE BE IT RESOLVED that the following personnel be hired as EMT Virginia Wiswall - rate of pay 16.80/hr.

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL: 5 AYES

The Town Board adjourned the regular meeting to open an executive meeting at 8:50. Discussion was held on Phoenicia School & Phoenicia Water. No action was taken.
Executive meeting was closed at 9:10. Meeting Closed at 9:12 on a Disclafani/Vanblarcum motion.

Signed this 7th Day of October, 2025

Joyce Grant – Town Clerk