

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

The Town of Shandaken Town Board conducted a Public Hearing & Special Meeting on Thursday October 13, 2016 Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY

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

Members Present	Robert Stanley – Supervisor Gael Alba - Board Member Tim Malloy – Board Member Faye Storms – Board Member
Members Absent	Peter DiSclafani – Board Member
Recording Secretary	Joyce Grant - Town Clerk

Public Hearing & Special Meeting Notice

Pursuant to Resolution 142-16, dated October 3, 2016, the Town of Shandaken Town Board does hereby call for a Public Hearing on exceeding the NYS Tax Cap within its 2017 Budget -to be held at **6:30 pm**, followed by a Public Hearing to review and amend the chargeable rates of the Pine Hill Water District Rates at **6:45 pm** followed by a Special Town Board meeting to address these issues at **7 pm** on **Thursday, October 13, 2016** at the Shandaken Town Hall, 7209 Route 28, Shandaken, NY to hear all those in favor and against such actions.

Audience discussion on exceeding tax cap & changing Pine Hill Water rates.

Others Present: Erice Hofmeister, Brian Grant, Tina Rice, Kathy Nolan, Tom Rinaldo, Janet Klugiewicz.

On a Malloy/Alba motion the Town Bd. closed the public hearings & special meeting at 7:26 pm.

RESOLUTION # 151- 16

OFFERED BY: MALLOY

ADOPTING TOWN OF SHANDAKEN LOCAL LAW #2 OF 2016 –

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;

WHEREAS, the Town of Shandaken Town Board held a Public Hearing on Thursday, October 13, 2016 at the Shandaken Town Hall to hear all those in favor and against the adoption of said law in accordance with General Municipal Law; and

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board does hereby adopt Local Law #2 of 2016 in order to allow the Town to exceed the Tax Levy Limit imposed for the 2017 Fiscal Year Budget for the Town of Shandaken.

AND MOVES ITS ADOPTION

Seconded by: STORMS

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<u> </u>
BOARD MEMBER MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

**LOCAL LAW NO 2 OF THE YEAR 2016
TOWN OF SHANDAKEN, COUNTY OF ULSTER**

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shandaken pursuant to General Municipal Law § 3-c, and to allow the Town of Shandaken to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shandaken, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph,

subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION # 152- 16

OFFERED BY: STANLEY

ADOPTING RATE CHANGE FOR THE PINE HILL WATER DISTRICT QUARTERLY RATE

WHEREAS, the Town of Shandaken owns and operates a municipal water system in the hamlet of Pine Hill (*Pine Hill Water District*); and

WHEREAS, the Town of Shandaken Town Board has received a recommendation from the Water District Superintendent to increase the quarterly rate charged to users from \$25 per quarter to \$50 per quarter; and

WHEREAS, the Town of Shandaken Town Board held a Public Hearing to hear all those in favor and against such increase on Thursday, October 13, 2016 in accordance with Municipal Law and Pine Hill Water District Bylaws; and

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board does hereby adopt a change of the quarterly water rate charge as defined above effective as of the adoption of this resolution by the Town Board and certification by the Town of Shandaken Town Clerk.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<u> </u>
BOARD MEMBER MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION # 153 - 16

OFFERED BY: STORMS

AUTHORIZING PURCHASE OF VEHICLE FOR PHOENICIA WATER DISTRICT

WHEREAS, the Town of Shandaken owns and operates a municipal water system in the hamlet of Phoenicia (*Phoenicia Water District*); and

WHEREAS, the Town of Shandaken Town Board has received a recommendation from the Water District Committee to replace the current vehicle in use by the Water District Superintendent; and

WHEREAS, the Town of Shandaken Town Board has found a suitable replacement vehicle; and

WHEREAS, the Phoenicia Water District has funds available within its existing 2016 Fiscal Year Budget.

THEREFORE BE IT RESOLVED that the Town of Shandaken Town Board does hereby authorize the purchase of a 2010 Ford F-150 (VIN # 1FTNF2E80AK8291) for the purchase price not to exceed \$9,999.95 (Nine Thousand Nine Hundred Ninety Nine Dollars and Ninety Five Cents) plus the trade-in value of the existing 2002 Dodge Pick-up (VIN #1B7GG12X42S641458)

AND MOVES ITS ADOPTION

Seconded by: ALBA

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<u> </u>
BOARD MEMBER MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION # 154-16

OFFERED BY ALBA

TOWN POLICE DEPARTMENT

WHEREAS, The Town of Shandaken, is a Town of the second class; and

WHEREAS, there is a Town Police Department; and

WHEREAS, a Part-Time Officer has been recommended by the Police Commissioners

THEREFORE BE IT RESOLVED, that pursuant to the Town Law of the State of New York § 20 (1) (b), the Town Board hereby appoints the following individual as PART –Time Police Officer to receive compensation as indicated:

NAME -- KYLE HASSETT \$19.36 per hour

And that said police officer shall have all powers conferred upon police officers by the general laws of the State of New York including but not limited to and such powers, not inconsistent with law, as are hereinafter set forth; and that said police officers shall have all powers designated in § 2.20 of the Criminal Procedure Law of the State of New York and shall have the following special duties:

1. To enforce all local laws, ordinances and regulations of the Town of Shandaken.

2. To enforce the Vehicle and Traffic Law of the State of New York to the extent that police officers may be so permitted by the general laws of the State of New York.

3. To enforce such Penal Statutes as police officers are permitted to enforce pursuant to the general laws of the State of New York, and in furtherance of said special duties police officers are hereby authorized the use, of a Town Vehicle to be known as a police officer's vehicle which may be equipped with emergency lights in accordance with applicable sections of the Vehicle and Traffic Law, and may use the State and County radio to the extent permitted by the general laws of the State of New York, and may carry fire arms while on duty in compliance with the general laws of the State of New York pertaining to Police Officers generally.

AND MOVES ITS ADOPTION

Seconded by: MALLOY

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	<u> X </u>	<u> </u>
BOARD MEMBER DISCLAFANI	ABSENT	<u> </u>
BOARD MEMBER MALLOY	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

Signed this 14th day of October, 2016

Joyce Grant – Town Clerk