

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

The Town of Shandaken Town Board conducted a Public Hearing & Special Meeting on Tuesday, January 22, 2019 at Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY

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

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

Pursuant to Resolutions 137-18 & 138-18, The Town Bd. Of the Town of Shandaken will hold a Public Hearing on **January 22, 2019 at 6pm** at the Shandaken Town Hall, 7209 Rt. 28. Shandaken, NY for consideration of the Shandaken Hamlet Septic Maintenance District Sewer Use Law. Also, the Town Bd. will address the proposal to establish a Septic Maintenance District in the hamlet of Shandaken, and will here all those in favor or against such proposal.

Public Hearing was convened at 6pm. On a Disclafani/Vanblarcum motion it was closed at 6:15. There were no comments from the audience. Special Meeting was opened at 6:15 and adjourned at 6:45 pm.

RESOLUTION #50-2019

OFFERED BY STANLEY

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE ENVIRONMENT FROM THE DESIGN, CONSTRUCTION AND OPERATION OF THE WASTEWATER MANAGEMENT PROJECT IN THE HAMLET OF SHANDAKEN

WHEREAS, the Town Board of the Town of Shandaken previously entered into an agreement (the Agreement) with the Catskill Watershed Corporation (CWC) to participate in the Community Wastewater Management Program, which program will provide for the design and construction of a wastewater management project in the Hamlet of Shandaken; and

WHEREAS, the CWC through the Program, will provide full funding for the wastewater management project through a block grant; and

WHEREAS, CWC's consultant for the Program, Lamont Engineers, has prepared a Preliminary Engineer's Report for the Hamlet of Shandaken, Final Issue dated June 2017, evaluating various alternative methods for managing the wastewater needs of the Hamlet of Shandaken, such report marking the end of the Study Phase of the project; and

WHEREAS, the Town has reviewed the Preliminary Engineer's Report prepared by Lamont Engineers; and

WHEREAS, based upon its review of the Preliminary Engineer's Report and consultation with the Town's Special Counsel, the Town Board agreed to proceed to the Pre-Construction

phase of the Project as set forth in Section 2.05 of the Agreement, such schedule to be agreed upon by the Town and CWC; and

WHEREAS, the Town Board of the Town of Shandaken sought and obtained lead agency status and commenced coordinated review of this action pursuant to the requirements of the State Environmental Quality Review Act, 6 NYCRR Part 617; and

WHEREAS, the Town of Shandaken, pursuant to 6 NYCRR Part 617, conducted coordinated review and sought input from various involved and interested agencies on its designation as lead agency.

WHEREAS, the Town Board has had meetings with the public and other agencies on this project and reviewed the extensive documentation prepared by the engineers and others for this project and have taken a hard look at all of the potential environmental impacts;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF SHANDAKEN, ULSTER COUNTY, NEW YORK:

The Town Board of the Town of Shandaken, as lead agency, for purposes of compliance with SEQRA, 6 NYCRR Part 617, adopts the Negative Declaration attached hereto for the above-referenced project including, but not limited to, the formation and implementation of the septic maintenance district, the adoption of local laws related thereto, the acquisition of property and easements related thereto, the execution of construction agreements related thereto for the Hamlet of Shandaken in the Town of Shandaken.

The Town Board hereby authorizes the Town Supervisor to execute any and all documents for the Hamlet of Shandaken on behalf of the Town as may be necessary to complete the SEQRA process.

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	ABSENT	_____
BOARD MEMBER DISCLAFANI	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____
BOARD MEMBER VANBLARCUM	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

A RESOLUTION ADOPTING SEWER USE LAW FOR THE SHANDAKEN SEPTIC MAINTENANCE DISTRICT

WHEREAS, New York City (“NYC”) provided funding for the Community Wastewater Management Program (“CWMP”), to be administered by the Catskill Watershed Corporation (“CWC”), which is intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

WHEREAS, the Hamlet of Shandaken, Town of Shandaken (“Town”), is identified Community No. 18 of the list of 22 communities lacking community wide wastewater treatment; and

WHEREAS, the Town entered into the Participating Community Agreement with CWC for the study, planning, design and construction of a sewage collection system and/or the creation of a septic maintenance district in the Hamlet of Shandaken in the Town of Shandaken (the “Project”); and

WHEREAS, a septic maintenance district was recommended as the preferred wastewaters solution for the Hamlet of Shandaken and the Town desires to implement a sewer use law governing the use and replacement of septic systems in the proposed district; and

WHEREAS, Town's special counsel has prepared a proposed Shandaken Septic Maintenance District Sewer Use Law”); and

WHEREAS, the Sewer Use Law includes restrictions and provisions regulating the use of individual septic systems in the proposed septic maintenance district, and a provision providing the Town or its agents access to inspect/repair/replace/maintain a septic system, and a provision requiring Town Board approval and/or consent to additions or expansions of properties that will result in additional sewage flow; and

WHEREAS, the proposed Sewer Use Law would also include a Sewer Rent Law that would require the property owner to pay a sewer use charge when and if ever assessed by the Town Board on behalf of the District; and

WHEREAS, the Town Board has reviewed and modified the Sewer District Sewer Use Law; and

WHEREAS, the Town Board noticed a Public Hearing held on the 22nd day of January 22nd, 2019 at 6:00 P.M. to provide the public with an opportunity to comment on the proposed Sewer Use Law.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Town Board has previously determined that the Sewer Use Law (including the proposed Sewer Rent Law) will not have a significant impact on the environment and are consistent with the prior SEQRA findings for this project; and
2. That Sewer Use Law (including proposed Sewer Rent Law), being Local Law 1 of 2019, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

AND MOVES ITS ADOPTION

Seconded by: Disclafani

ROLL CALL

	AYES	NAYS
BOARD MEMBER ALBA	ABSENT	_____
BOARD MEMBER DISCLAFANI	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____

BOARD MEMBER VANBLARCUM _____

SUPERVISOR STANLEY _____

RESOLUTION #52-2019

OFFERED BY: STANLEY

RESOLUTION FOR ESTABLISHMENT OF SEPTIC MAINTENANCE

DISTRICT AFTER PUBLIC HEARING

WHEREAS, on December 3, 2018 the Town Board of the Town of Shandaken, New York (the "Town"), duly adopted a resolution accepting and adopting the materials needed for the formation of a Septic Maintenance District in the Hamlet of Shandaken ("District"), including a description of the proposed District, reciting that the cost of the formation of the District will be fully subsidized by the New York City and directing a copy of the District Formation Report (including the Engineer's Report and Plan, Service Area Map, Narrative Description and a detailed explanation of the costs to each residential and non-residential landowner) to be placed in the Town Clerk's office and made available for public inspection; and

WHEREAS, the Town Board did, on December 3, 2018 duly adopt a resolution specifying that said Town Board shall meet at the Shandaken Town Hall, located at 7209 Rt. 28, Shandaken, NY on the 22nd day of January, 2019, for the purpose of conducting a public hearing on such proposal to establish the District with the specified improvements and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, copies of said orders were duly published and posted according to law, and said Town Board did at, the time and place specified in said orders, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all of the property and property owners, within the proposed District are benefitted thereby.
- (3) That all of the property and property owners benefitted are included within the proposed District.
- (4) It is in the public interest to establish the proposed District as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of the District as hereinafter described to be known as the Shandaken Septic Maintenance District more particularly described in the DESCRIPTION OF THE SHANDAKEN SEPTIC MAINTENANCE DISTRICT FOR THE TOWN OF SHANDAKEN, ULSTER COUNTY, a copy of which is on file in the Town Clerk's office, and be it

FURTHER RESOLVED, that the maximum amount proposed to be expended for the improvement (including all costs incurred to date) is \$6,770,000. The project will be funded by Block Grants Funds received from Catskill Watershed Corporation ("CWC") in accordance with the Community Wastewater Management Facility Agreement executed between the Town of Shandaken and the CWC. If the total grant funding is not sufficient to complete the project, the Town Board may terminate the project prior to incurring any costs to the community, and be it

FURTHER RESOLVED, that the improvements, including costs of rights of way, construction costs, legal fees and other expenses were funded by and are being funded by CWC under the terms of the Community Wastewater Management Facility Agreement.

FURTHER RESOLVED, that pursuant to Town Law § 94, this resolution shall, before becoming effective, be approved by a majority of the qualified electors of the proposed District voting at a special election of the Town to be held on Saturday March 30, 2019 from 9:00 a.m. to 5:00 p.m.

and to be held at a location to be announced by the Town Board. The Clerk is hereby authorized and directed to give notice of the proposition to approve this resolution in the manner provided by law and to cause suitable ballots to be prepared for use at said election, which said ballots shall be in substantially the following form:

SHALL the qualified electors located in the proposed Septic Maintenance District of the Town of Shandaken, in the County of Ulster, approve the Resolution, adopted by the Town Board of the said Town on the 22nd day of January, 2019, which resolution authorizes the establishment a septic maintenance district with the general boundaries of said proposed septic maintenance district being those properties located in the Hamlet of Shandaken. The improvements and/or services proposed to be made are as follows: the repair, replacement and/or maintenance of the individual septic system and/or services that serve the residents within the septic maintenance district. The Town will not incur any expense in the formation of the proposed septic maintenance district and the operation and maintenance of the septic systems will be funded with funds being provided by the Catskill Watershed Corporation (“CWC”) as part of a septic maintenance district fund. The income earned each year from this fund will be used for operation, maintenance and replacement/repair of the systems within the District. A user charge or sewer rent could be assessed in the sole discretion of the Town Board if necessary to replenish the fund (i.e., to provide for the short-term or long-term funding needs of the District).

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER ALBA	ABSENT	_____
BOARD MEMBER DISCLAFANI	<u> X </u>	_____
BOARD MEMBER STORMS	<u> X </u>	_____
BOARD MEMBER VANBLARCUM	<u> X </u>	_____
SUPERVISOR STANLEY	<u> X </u>	_____

Signed this 23rd day of January, 2019

Joyce Grant, Town Clerk