

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

**The Town of Shandaken Town Board conducted a Regular Monthly Meeting on
Monday December 6, 2021 – 7pm. Shandaken Town Hall. 7209 Rt. 28 Shandaken,
NY**

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

Members Present **Robert A. Stanley – Supervisor
Kyle R. Steen - Board Member
Peter DiSclafani – Board Member
Kevin VanBlarcum – Board Member
Faye Storms – Board Member**

Recording Secretary **Joyce Grant - Town Clerk**

**On a Stanley/Storms 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, December 6, 2021**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of previous T/B Meeting minutes**
- 5. Supervisor's Financial Report**
- 6. Communications –**
- 7. Committee Reports:**
 - a. Ambulance*
 - b. Building/Zoning*
 - c. Police*
 - d. Phoenicia Water*
 - e. Pine Hill Water*
 - f. Museum*
 - g. Recreation*
 - h. Shandaken Septic*
- 8. Public Comments on Resolutions**
- 9. Motions:**
- 10. Resolutions:**
 - 121. Pay All Bills**
 - 122. Town Board – Set Year End and Reorganizational Meetings**
 - a. Monday, December 27, 2021 @ 1pm (Year -End)*
 - b. Monday, January 3, 2022 @ 5:30pm (ReOrganizational)*
 - 123. Town Board – Support of Land Acquisition**
 - 124. Town Board Opposing Creation of County Wide Landfill**
 - 125. Town Board – Covid-19 Mask Mandate**

**Open Public Comment
Meeting Adjournment -IN MEMORY OF: Peter Jung, Nathan VanLeuvan, Josh
Luborsky**

CLERK'S NOTES

All Town events are listed here on channel 23, Our Town Website and our Town Facebook page. There are a few events coming up including 2 fundraisers on Sunday.

Also, No tax payments will be taken at Town Clerks for the 2022 Tax Season. Due to Covid-19 concerns, lack of ventilation & small working places here at town hall, all tax payments will have to be mailed in or paid online. IF you need any tax information, check our Town Tax website at shandakentax.com. The new tax bills will be automatically uploaded to our website at midnight January 1st.

The county health department – will be administering COVID-19 Booster Shots & Vaccinations, here at Town Hall in January. I will update when we get a date. I will also send out updates on our Town Alert System.

November 2021 Shandaken Historical Museum Director's Report

It is the slow season for our visitors , 32 people have stopped in. We are glad to be reaching so many with our historic posts on Facebook.

The museum board and I are extremely grateful to the Shandaken Town Board for the much needed repairs and improvements being made by Vinnie Sorbellini. Vinnie has been a "Godsend ".....so many issues that we've been worried about for so long are being taken care of professionally and expediently , we look forward to working with him again in the future. Special THANKS to Kyle Steen , Kevin Van Blarcum and the newly elected Robert Drake for their support and help in the hiring of Vinnie.

This Saturday the 11th the Big Indian Native American Cultural Society will be gathering at the museum from 1-3pm , all are welcome.

Happy Holidays , and Bless the New Year.

Stay Strong,
Kathleen Myers\Director\Historian

Supervisor Report November 2021 Revenues

Ambulance Donation	\$550.00
Quill Reimbursement	\$56.78
Vital Statistics	\$40.00
Ambulance Fees	\$13,030.38
Town Clerk Fees/EZ Pass	\$152.50
MAHV Rental	\$1,200.00
Police Fees	\$30.00
Building Permit Fees	\$5,913.00
Dog Fees	\$56.50
Planning Fees	\$300.00
Reimbursement-Double Pmt/Locksmithery	\$268.00
Highway Revenue	\$120,688.01
Misc Revenue Higley Settlement	\$820.68
SBA Towers	\$646.15
Pine Hill Water Rents	\$13,937.95
Phoenicia Water Rents	\$24,651.75
Totals	\$182,341.70



Town of Shandaken Ambulance Service

"Committed to Care In the Heart of the Catskills"

November 2021 Report

TOTAL CALLS RECEIVED - 28

MUTUAL AID GIVEN/ RECEIVED - 0

In a departure from our regularly reported safety items, we instead focus this report on thanks. On behalf of the Ambulance Department to our outgoing officials- a sincere thank you for your service to the community. Council member Storms and Vanblarcum, It has been an honor to work alongside you both, and undoubtedly the Town is a better place due to your hard work and dedication. Best of luck in the future, albeit I'm certain we'll see you both involved in Town goings-on sooner than later. Supervisor-Elect Disclafani, the challenges that lay ahead can be arduous at times, but we shall flourish just as we did while you were at the helm in the past through teamwork, tenacity, and dedication to our respective crafts.

Lastly, and certainly not least- Supervisor Stanley- It's truly hard to encapsulate the breadth and range of your example to others, and for a man of many words- hard to write. You are a champion Statesmen dedicated to this Town, it's departments, and most of all- it's people - leaving a legacy that speaks volumes to the seemingly lost art of moral high-ground in politics. Generations in the Town of Shandaken have directly benefitted from your leadership- a leadership example of keeping people informed and involved, and prioritizing principles over agenda.

Personally, you are and will always be a friend whom I could look to for trusted guidance, or a humorous quip at the right moment (or sometimes wrong moment). I will miss you as Supervisor, but I am grateful for the times we shared, challenges we overcame, and for the friendship we have forged through often times perilous moments in this Town's history.

Shandaken is more motivated, more vibrant, and undoubtedly stronger in part to your influence throughout your 16 years of service. It is undisputed that our still ever growing Town has flourished in your tenure, and will reap the benefits of your legacy for decades. Your sacrifices have been great, and for that, we owe you undying gratitude. To RJ, Storm, Jade, Xander, and Cinthia- your sacrifice of time is just as important as Dad & Husband's dedication- so thank you for enduring the late night phone calls, and inevitable emotional rollercoaster. Our debt to you is just as great.

Stay safe out there,

Richard Muellerlelle

Chief of Department, Shandaken Ambulance



SHANDAKEN POLICE DEPARTMENT

Post Office Box 134

Shandaken, New York 12480

845-688-9902 . 845-688-9748(b) . 845-688-5332(f)

CHIEF OF POLICE CHAD STOREY chief@shandakenpolice.org

November 2021 Monthly Report

INCIDENT TYPE	NUMBER	INCIDENT TYPE	NUMBER
911 Misdia/No Voice/Abandoned		Harassment	2
Accident PIAA/PDAA	17	Local Law	
Abandoned Vehicle		Lock Out	4
Alarm Burglary/Panic/Robbery	4	Lost/Missing Person	2
Animal Complaint/Investigation	3	Noise	
Assist EMS/Fire	14	Property Retrieval/Lost/Found	2
Criminal Mischief	1	Public Service	11
Disorderly Conduct		Open Door	1
Encon Violation		Property Check	464
Larceny	1	Road Hazard	2
Community Oriented Policing Project	1	School Check	17
Custody Dispute		Shots Fired	
Civil	1	Suspicious Activity	5
Disabled Vehicle		Traffic Stop	59
Dispute	3	Trespass	3
Domestic Dispute	4	Vehicle and Traffic Complaint	9
Erratic Vehicle	1	Welfare Check	9
Foot Patrol		Warrant	
Fraud/Larceny			
Mental Health Law	1	Total	177

Property Checks 464

Total w/property checks 641

SUMMONS ISSUED	19
ARRESTS	4

PUBLIC COMMENT

Mr. Schweiger – Pine Hill – Complaints about debris left on property from fire @ 249 Main Pine Hill.

Howie McGowan, Aaron Bennett, Tina Rice, Ernest Longhi Sr. thanked Supervisor Rob Stanley for his service to the Town.

Phil Beyan – Bushnellsville, “Likes living here!”

Town of Shandaken is still looking to hire a Shandaken Septic Septic Supervisor. Part-Time – Call Supervisor’s Office 845-688-7165.

Supervisor Rob Stanley addressed the audience – expressed his gratitude to everyone for their support during his 16 yrs in service to the town. Especially these past few months – the support & kindness he and his family have received, during this time.

RESOLUTION #121-21

OFFERED BY: STORMS

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	\$ 101,490.53
Highway	227,726.48
Phoenicia Water	8,564.79
Pine Hill Water	17,624.66
Phoenicia Lights	1,747.58
Chichester Lights	252.39
Pine Hill Lights	10,740.40

	\$ 369,159.09

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL
AYES NAYS

BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STEEN	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>
SUPERVISOR STANLEY	<u> X </u>	<u> </u>

RESOLUTION #122-21

OFFERED BY DISCLAFANI

RESOLUTION ESTABLISHING TOWN BOARD ANNUAL YEAR-END MEETING & REORGANIZATIONAL MEETING

WHEREAS, the Town of Shandaken needs to conduct certain business before the close of the 2020 Fiscal Year;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct their annual Year-End meeting at **1pm on Monday December 27, 2021**, for the purpose of conducting related business.

BE IT FURTHER RESOLVED, that the Town of Shandaken Town Board hereby schedules their 2021 Reorganization Meeting For **Monday January, 3rd, 2021 at 5:30 pm.**

Seconded by: VANBLARCUM

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER DISCLAFANI	__X__	_____
BOARD MEMBER STEEN	__X__	_____
BOARD MEMBER STORMS	__X__	_____
BOARD MEMBER VANBLARCUM	__X__	_____
SUPERVISOR STANLEY	__X__	_____

RESOLUTION #123-21

OFFERED BY VANBLARCUM

THE TOWN OF SHANDAKEN RESOLUTION IN SUPPORT OF THE LAND ACQUISITION REDUCTION RECOMMENDATIONS IN THE 2020 AUGUST NATIONAL ACADEMIES (“NAS”) EXPERT PANEL REPORT

WHEREAS, in August, 2020, the National Academies (“NAS”) Expert Panel published its report entitled, *Review of the New York City Watershed Protection Program*, which recommended that expenditures in the land acquisition program be reduced to fund other programs that will lead to more direct improvements to water quality. NAS Report, p.385. NAS recommended that **the City be provided flexibility to implement an optimal variety of programs that would focus watershed management actions on the most valuable lands for water quality protection and that it shift funding and emphasis from acquiring large parcels in the fee-simple and conservation easement programs to the protection of riparian lands on critical areas of tributary streams through programs that provide an opportunity to simultaneously address community needs and watershed protection. Programs which provide a “financial mechanism” to promote community well-being and economic vitality in the watershed while promoting the protection of high potential water quality impact areas were specifically encouraged.** See NAS Report p. 215-216 [discussing the NYC Flood Buyout Program]

WHEREAS, the fundamental principle of the 1997 New York City Watershed Memorandum of Agreement (the “**MOA Watershed Objective**”) is the following: “[T]he parties recognize that the goals of drinking water protection and economic vitality within the watershed communities are not inconsistent and it is the intention of the parties to enter into a new era of partnership to cooperate in the development and implementation of a watershed protection program that **maintains and enhances** the quality of New York City drinking water supply and **the economic vitality and social character of the watershed communities**”; and

WHEREAS, the 1997 New York City Watershed Memorandum of Agreement (“MOA”) also defined the MOA Land Acquisition Objectives as follows: “the parties agree that the City’s Land Acquisition Program, the City’s watershed regulations, and the other programs and conditions contained in this agreement, when implemented in conjunction with one another, **would allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character** and planning goals of each of the watershed communities; and that the City’s land acquisition goals **ensure that the availability of developable land in the watershed will remain sufficient to accommodate projected growth** without anticipated adverse effect on water quality **and without substantially changing future population patterns** in the watershed communities” (hereinafter “**Land Acquisition Objectives**”); and

WHEREAS, the City’s Land Acquisition Program is premised on the principal that surface runoff from impervious surfaces and concentrated human activity poses a contamination threat to the City’s water supply. In developing the City Land Acquisition Program, the parties were concerned that the vast amount of open space within the West of Hudson Watershed created the potential for new significant adverse

development in an unfiltered watershed. The City’s Land Acquisition Program was a tool to prevent and control such development; and

WHEREAS, in 1997 when the parties executed the MOA, a small percentage of the watershed lands within the New York City Watershed was under New York City control. Twenty years later, according to the October 12, 2017 Catskill Watershed Corporation Developable Land Analysis Report (“*CWC 2017 Report*”), 80% of the land within the Town of Shandaken is land protected from development. 94% of the land within the Town of Shandaken is not suitable for development. The *CWC 2017 Report* indicates that there only 331 acres of available developable land within the Town of Shandaken (less than .4% of the total land area).

Town	A. Total Area (Acres)	B. Protected Land	C. Percent Land Protected	D. Non-Protected Land	E. Undevelopable Land	F. Percent Undevelopable	G. Developable Land (1)	H. Acres of Available Developable Land		I. Percent of Total Land Area (1)
								(1)	(2)	
Shandaker	79,710	63,849	80%	15,861	14,862	94%	999	331		0.4%

Notes:
 (1) Town-wide
 (2) Watershed only

WHEREAS, the 2017 City of New York Filtration Avoidance Determination (“FAD”) requires that an application for new Water Supply Permit to succeed the 2010 WSP be filed by June 2022. The City of New York must also develop a new Long-Term Land Acquisition Plan, which will cover the period 2023-2033 and consider the findings and recommendations of the National Academies (“NAS”) Expert Panel review; and

WHEREAS, with the assistance of the Coalition of Watershed Towns and CWC, Delaware County has developed an Alternative Land Acquisition Program Option (the “Alternative Option”) that provides an opportunity for impacted communities to provide robust/enhanced protection of environmentally sensitive lands in a manner that does not rely on one-time payments for fee title acquisitions of large parcels or conservation easements that burden land in perpetuity. The Alternative Option focuses on environmentally sensitive lands (such as riparian or stream buffers) which directly contribute to water quality and provides for a fixed-term annual rental payment to the landowner; a model that has proven to be effective in Delaware County; and

WHEREAS, the Alternative Option would allow landowners to retain ownership of their property while receiving periodic payments that reflect the water quality protection value their property provides. The Alternative Option provides a financial mechanism to promote community well-being and economic vitality while promoting water quality, thereby achieving the balance of interests required by the MOA and recommended in the NAS Report. The County envisions an impacted municipality would make a determination and a commitment to participate in the Alternative Option program as a way to provide enhanced protection of sensitive lands in lieu and as a substitute for the continuation of the traditional DEP Land Acquisition Program. The municipal commitment would be for a period of years (e.g., 10 years) during which time, Land Acquisition Program would be suspended within that community; and

WHEREAS, DEC recently announced it will make a determination to expand the Stream Corridor Acquisition Program (“SAP”) beyond the Schoharie Basin to the entire watershed, that this determination is not subject to review under the State Environmental Quality Review Act (“SEQRA”) and does not require due process or a modification to the 2010 Water Supply Permit. According to DEC, homeowners will have the ability to request that SAP acquisitions of individual parcels in excluded hamlet areas and hamlet expansion areas be approved on a case-by-case basis by making direct appeals to the Town/Village Board. This may include both vacant lots and improved lots, both of which are eligible for SAP acquisition under the 2010 Water Supply Permit (although DEC states that the purchase of improved lots is not intended); and

WHEREAS, the Town maintains the potential impacts that could result from the continuation and potential expansion of SAP must be reviewed under SEQRA. There has been a significant change in circumstances since the SAP program was first envisioned and implemented under the 2010 Water Supply Permit. This change in circumstances requires the preparation of a supplemental Environmental Impact Statement (EIS) in order to identify and take a “hard look” at the impact this expansion of the land acquisition program would have on the environment and the sustainability of our community; and

WHEREAS, fee acquisitions under SAP are subject to Section 82 of the MOA which requires the City to grant to NYSDEC a conservation easement to ensure that such land is “held in perpetuity in an undeveloped state in order to protect the watershed and New York City’s drinking water supply.” The

Conservation Easement required by DEC under Section 82 of the MOA prohibits in perpetuity the following activities on the acquired property:

- “construction of any new ... structures normally requiring a building code permit”;
- “storage of petroleum ..., hazardous materials”
- “excavating, extraction, grading, or removal of soil, sand and gravel”
- “use of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or other motorized vehicles recreation purposes”
- “the expansion of any existing or construction of any new paved driveways, roads, and parking lots”
- “the commercial, residential or industrial use”
- “except in accordance with Article 49 of the ECL, the siting or routing of any facilities required for ... the transmission, or distribution of **gas, electricity, water, telephone, or cable television services** on, *over* or under the Protected Property”
- “the commercial, residential or industrial use of the Protected Property(ies) in such a manner that: (i) causes the introduction of sediments, ... or other pollutants to any watercourse or wetland on the Protected Property(ies) that may adversely effect the quality of such watercourse or wetland; (ii) interferes with or disturbs open space, vegetated areas or steep slopes on the Protected Property(ies); or (iii) is otherwise inconsistent with the purposes of this Easement.”

WHEREAS, the Town requests that the DEC, the Catskill Center and DEP identify and evaluate the potential adverse impacts on municipal and private functions if the City encumbers large sections of stream buffer/ corridors with restrictive conservation easements in perpetuity. Specific areas of concern include impacts on the following:

- Installation and upgrade of electrical, water, gas, telephone, broadband/cable lines as needed to provide basic utilities
- Maintenance, upgrade, expansion, widening, safety improvements to existing roads and extension of existing roads.
- Installation, expansion, and replacement of communication towers (including the necessary utilities)
- The siting, maintenance, and expansion of stream crossings
- Flood mitigation projects
- Renewable Energy Projects

WHEREAS, on October 27, 2021, the Delaware County Board of Supervisor passed Resolution No. 162 entitled: **DELAWARE COUNTY REQUESTS THAT A MORATORIUM ON NEW PURCHASE CONTRACTS FOR FEE TITLE AND DEP CONSERVATION EASEMENTS, BE IMPLIMENTED IN DELAWARE COUNTY PENDING A COMPREHENSIVE REVIEW OF THE LAND ACQUISITION PROGRAM TO IDENTIFY THE NEED FOR THE CONTINUATION OF LAND ACQUISITION, THE BENEFITS OF LAND ACQUISITION, THE IMPACT OF LAND ACQUISITION ON COMMUNITY SUSTAINABILITY AND THE OTHER TOOLS AVAILABLE TO ACHIEVE MOA LAND ACQUISITION OBJECTIVES.** That resolution identifies and describes the “Change in Circumstances” since the SAP was first envisioned in the 2007 FAD. The Town supports Delaware County Resolution No. 162.

NOW, THEREFORE, BE IT RESOLVED the Town of Shandaken Town Board joins in the Delaware County Board of Supervisors petition to DEC, DOH and DEP requesting the following relief:

- (1) The FAD requires application for a WSP to succeed the 2010 WSP is required by June 2022 and that the City develop a new Long-Term Land Acquisition Plan, which will cover the period 2023-2033 and which will consider the findings of the National Academies Expert Panel review. Given the uncertainties created by the change in circumstances, effective January 1, 2022 and extending through completion of the permitting process, the City refrain from entering into new contracts to purchase fee title and/or conservation easements under the Land Acquisition Program within the Town of Shandaken.
- (2) In developing the Long-term Land Acquisition Plan for the period 2023-2033 and the WSP renewal application due June, 2022, that DEP limit its land and conservation easement acquisition within the Town to WAC Conservation Easements, flood mitigation projects, stream protection/management, the Delaware County Alternative Pilot Land Acquisition Proposal and a voluntary municipally approved SAP Program.

BE IT FURTHER RESOLVED that this resolution be sent to New York Governor Kathy Hochul, US Congressman Antonio Delgado, NYS Senator Mike Martucci, NYS Assemblymen Brian D. Miller, NYS Assemblymen Chris Tague, NYS Assemblymen Joe Angelino, EPA Region 2 Administrator Lisa

Garcia, NYSDEC Commissioner Basil Seggos, NYCDEP Commissioner Vincent Sapienza and NYSDOH Commissioner Mary Bassett

AND MOVES ITS ADOPTION

Seconded by: STEEN

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

Resolution #124-21

OFFERED BY STEEN

Resolution Opposing the Creation of a County-Wide Landfill in the Town of Ulster

WHEREAS, it has been reported in the *Daily Freeman* (Oct. 5, 2021) that the head of the Ulster County Resource Recovery Agency (hereinafter the “Agency”) board expects a list of potential county-wide landfill sites to be ready before the end of the year; and

WHEREAS, the Agency allegedly wants to keep the list of potential county-wide landfill sites “under wraps to avoid public controversy;” and

WHEREAS, it appears that the Agency is creating such a list of potential county-wide landfill sites at the direction of the Environmental Committee of the Ulster County Legislature; and

WHEREAS, the Town of Ulster already contains within its borders the site of the Ulster County Resource Recovery Agency facility, which has increased truck traffic on Routes 32 and 199, and has created noxious odors which have harmed the quality of life for residents of the Town of Ulster; and

WHEREAS, the creation of a county-wide landfill inside the borders of the Town of Ulster will harm economic development in the Town of Ulster, have a negative impact on quality of life of Town residents, and runs counter to the Town’s duly adopted Comprehensive Plan dated July 2, 2007; now, therefore, be it

RESOLVED, that the Town Board of the Town of Shandaken hereby establishes as a policy of the Town of Ulster that a county-wide landfill site should not be located anywhere in the Town of Shandaken; and be it further

RESOLVED, that the Town Clerk is directed to send certified copies of this resolution to the Chairman of the Ulster County Legislature, the Ulster County Executive, and the Chairwoman of the Ulster County Ulster County Resource Recovery Agency Board of Directors.

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

	ROLL CALL	
	AYES	NAYS
BOARD MEMBER DISCLAFANI	<u> X </u>	<u> </u>
BOARD MEMBER STEEN	<u> X </u>	<u> </u>
BOARD MEMBER STORMS	<u> X </u>	<u> </u>
BOARD MEMBER VANBLARCUM	<u> X </u>	<u> </u>

SUPERVISOR STANLEY ___X___ _____

Resolution #125-21

OFFERED BY STORMS

TOWN COVID-19 MASK MANDATE

WHEREAS, Ulster county department of health has deemed it prudent to reinstate a mandatory mask mandate due to a rise in positive cases of the Covid-19 virus, and

Whereas, per Ulster County Health Commissioner Dr. Carol Smith, "All individuals, regardless of vaccination status or past COVID-19 infection, should wear a mask at all times when indoors and in a public setting, including at groceries, building lobbies, offices, stores, and other common or shared spaces where individuals may interact. All employers in Ulster County should require their employees to wear a mask while working indoors, and while in close contact with the public or co-workers."

Therefore be it resolved, That the town board of the town of Shandaken institutes a mandatory mask mandate for all town buildings.

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL
AYES NAYS

BOARD MEMBER DISCLAFANI ___X___ _____

BOARD MEMBER STEEN ___X___ _____

BOARD MEMBER STORMS ___X___ _____

BOARD MEMBER VANBLARCUM ___X___ _____

SUPERVISOR STANLEY ___X___ _____

All pertinent information having been discussed, the Town Board adjourned on a Vanblarcum/Steen motion at 8:28.

Signed this 7th day of December, 2021

Joyce Grant – Town Clerk