

Town of Olive  
County of Ulster  
State of New York  
December 7, 2009

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, December 7, 2009, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present:                Berndt Leifeld, Supervisor  
                                      Henry Rank, Board Member  
                                      Helen Chase, Board Member  
                                      Bruce La Monda, Board Member  
                                      Peter Friedel, Board Member  
Recording Secretary:        Sylvia Rozzelle, Town Clerk  
Others Present:               Drew Boggess, Planning Board Chairman; Jimmy Fugel, Highway  
                                      Superintendent; Tim Cox, Town Justice; Bill Cook, Assessor, & Linda  
                                      Burkhardt, Board Member Elect

The Town Board audited the bills for the month of November and set the agenda for the December 8<sup>th</sup> meeting.

Board Member Chase provided information regarding the Central Catskill Collaborative and the Route 28 Scenic Byway project. She also noted that Mary McNamara will be present at the December 8<sup>th</sup> meeting regarding the Lower Esopus Watershed Partnership.

Supervisor Leifeld stated the roof at the Town Office Building blew off in a recent windstorm. He noted four roofers were contacted and two offered repair estimates: Five Star Exteriors (which is not prevailing wage) and J & A Roofing (which is prevailing wage) with an estimate of \$17,800.00. He noted the insurance company has been by to view the damage but no information from them has been received at this time.

The Town Board reviewed the updated NYC DEP designated hamlet boundary maps.

Supervisor Leifeld stated that he and Drew Boggess met with Matthew Rudikoff regarding a Master Plan for the town. He stated the general consensus of the meeting was to take the original draft, condense it, and rewrite it. He noted the town could apply for up to \$50,000.00 from the CWC for this process. General consensus of the Town Board was to have Rudikoff Associates complete the application for a fee of \$3,000.00 and present it to the CWC.

All business pertinent having been discussed the Town Board adjourned at 8:20 pm on a La Monda/Rank motion.

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Sylvia B. Rozzelle, Town Clerk

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Members Present:           Berndt Leifeld, Supervisor  
                                  Henry Rank, Board Member  
                                  Helen Chase, Board Member  
                                  Bruce La Monda, Board Member  
                                  Peter Friedel, Board Member

Recording Secretary:       Sylvia Rozzelle, Town Clerk

Others Present:           Drew Boggess, Planning Board Chairman; Jimmy Fugel, Highway Superintendent; Gene Sorbellini, Recreation Director; Tim Cox, Town Justice; and Linda Burkhardt, Board Member Elect  
                                  NYC DEP representatives: Maria G. Mandarino, Zaidoun Ereifej, Mike Kight, John Vickers, & Tom Roberts; Kris Lovelett, Construction Manager; & Joe Grgin of Greeley and Hansen Consultants  
                                  Lower Esopus Watershed Partnership representatives: Mary McNamara and Candace Balmer

On a LaMonda/Chase motion the Town Board approved the minutes of the November meetings as presented by the Town Clerk.

The following correspondence was read and filed:

#71-09

Leslie Ford, Superintendent of Onteora Schools, stated the school board requested the Town of Olive provide school crossing guards for the high school students. On a La Monda/Friedel motion the Town Board moved to decline said request. Rita Vanacore stated that the school has a child safety zone there and Route 28 is closed to the children.

#72-09

Alan Eisenson sent a letter to Police Chief Nichols commending Officer Barry Creagan for his polite and professional service.

Supervisor Leifeld requested the NYC DEP do their presentation at this time. John Vickers, Chief of Western Operations, stated they were present at a Town Board meeting several months ago to outline the Route 28A project and spoke a bit about the speed limit study and the railroad bridge. He introduced the NYC DEP representatives present and proceeded with an update on the projects. He stated the bad news is they are in delay mode for realignment of Route 28A noting they had to make changes to the design. He stated the intersection of Route

213 design changes rippled through the project which further affected where culverts were placed and required them to make changes to the stormwater prevention maintenance plan. They did design changes to improve sight distances and found that the elevation of curbs impacted some wetlands. He stated they now have to go back to the Corps of Engineers to see if they need to apply for a new permit and the stormwater pollution prevention plan has to be redone. There were also some problems with encroachments on private property and legal agreements had to be worked out with property owners. He stated that all these changes and questions will not allow additional construction until October 2010 which is an overall delay of about a year and a half. In response to questions on why it takes so long to make changes, Joe Grgin stated as you start redesigning one area, it leads to another issue, and each has to be resolved. He noted the Corps of Engineers has to approve the wetlands and the DEC has to approve the stormwater pollution prevention plan. Mr. Vickers noted the changes also have to be negotiated with the contractor. Finish date is now projected as December 2011. In response to questions from Board Member La Monda regarding arials for topo maps, Mr. Grgin stated that existing topos were sufficient at the time. Board Member La Monda stated those maps are quite old and technology has improved significantly since then. Board Member La Monda stated as you can tell we are not happy. In response to questions from Rita Vanacore as to why they couldn't do changes one at a time and proceed with the project, Mr. Vickers stated there is additional design work to be done and then it has to be re-negotiated with the contractor.

Judith Boggess stated her biggest concern is the intersection of Route 28A and the road coming down from the dam with the yield signs and asked if that couldn't be rectified while they are dealing with the other matters.

Linda Burkhardt stated if they start in October and then have to shut down for the winter are we going to be dealing with one lane traffic during the winter months. Mr. Vickers responded "no".

Mr. Vickers stated that the good news is that they went the extra mile and along with help from Mr. Leifeld were able to build the bypass and replace the railroad bridge in Shokan. Also, the Bushkill Bridge has been completed in a very timely manner. He noted they have substantially upgraded Traver Hollow and have done work on the gatehouse. He noted that both the Stone Church Bridge and the Ashokan Spillway Bridge were more deteriorated than thought and had to be redesigned and renegotiated with contractor.

Board Member La Monda noted that the previous DEP Deputy Commissioner Mike Principe stated that one lane access would always be open when reconstructing the roads and bridges. Mr. Vickers stated they are living up to that agreement to which Board Member La Monda responded the board appreciates that.

It was noted the portion of Route 28A realignment will have paved shoulders. Mr. Vickers noted as they rehab those roads they hope to pave the shoulders and have a share the road with bicyclists.

Drew Boggess commended the DEP and contractors on their work on the completed bridges.

Fred Burkhardt asked if there is anything in the works for the “S” turn in Boiceville. Mr. Vickers stated that is in future plans.

Supervisor Leifeld introduced Mary McNamara and Candace Balmer of the Lower Esopus Watershed Partnership. Candy Balmer, Project Coordinator, thanked Olive for participating in the partnership along with six other municipalities. They thanked Helen Chase for serving on the steering committee. In 2005 following the devastating floods a group of people got together to apply for grants to see if any mitigating activities could be done to help with these issues. The grant was for \$43,000 with \$14,000 in inkind services. She stated they were able to do a helicopter fly over of the stream corridor and formed very active committees--steering committee, land use and preservation committee and received lots of input from environmental groups and the UC Planning Board. These groups helped to assess the characteristics of the streams. One of their goals is to present this as a complete system and not just within each town. Based on recommendations from the engineering report the UC Soil and Water Conservation is presenting information to be incorporated with the engineering report. The detailed aerial photography is in the process of being finished and accessible on Bing maps. She stated their request to the DEC while talking to the DEP is to see that studies are done to help minimize flooding by major storm events which can occur with water releases. She stated the river reconnaissance report is available on their website.

Mary McNamara stated that one of the most helpful aspects of the report was identifying the three major valleys in the Lower Esopus—Mabletown & Olive valley, Saugerties valley, and the lower valley. She stated they would like to get feedback tonight as to what concerns Olive residents have about the Lower Esopus Watershed. She stated they would like to see if the DEP would look at water releases as more than just getting rid of water. She stated they are far away from reaching any agreement with the DEP regarding the water releases but feels the timing is right for opening a discussion to help minimize flooding and turbidity. She stated it has been over 100 years since the stream has been impacted by alterations in its water course.

Gene Sorbellini stated that after the 2005 flooding the DEP came out with a statement that they are not in the flood control business. Ms. Balmer stated they are indeed in the water business; however, in flooding conditions they could actually be involved in helping rectify the problem. We are trying to work out some kind of compromise with the DEP with studies to answers questions we have. Board Member La Monda stated in the town’s experience cooperation from the City, though not perfect, has been much better in recent years.

On a La Monda/Rank motion the Town Board unanimously approved payment of the following audited bills: General Fund Vouchers #521-#567, \$ 79,164.44; Highway Vouchers #362-#384, \$50,663.73; Special Lighting Voucher #10, \$52.11; and Special Fire District Voucher #3, \$74,800.

Supervisor Leifeld noted cash received for October 2009 as \$ 35,325.66 and interest for the month of October as \$649.60.

Resolution #13 of 2009  
Central Catskill Collaborative

WHEREAS, New York State Route 28 is the major thoroughfare of the Central Catskill Mountains offering the traveler a unique experience of mountain scenery and clear waterways, complimented by historic hamlets – and it is this combination of resources that gives the region much of its scenic and community character and is vital to the regions' economy;

WHEREAS, Route 28 passes through the heart of Catskill Park, a resource created by an act of the State Legislature in 1904 and now encompassing approximately 700,000 acres, about half of which are lands of the Forest Preserve and held in the public trust;

WHEREAS, Much of the land in the Central Catskills lies in the New York City Watershed and provides unfiltered drinking water to some 9 million New Yorkers and the historic Memorandum of Agreement has enabled a series of partnership programs to further the mutual goals of watershed protection and environmentally sensitive economic development;

WHEREAS, the State of New York recognizes the importance of local governments and has committed to providing \$500,000 for a Central Catskill Mountains Smart Growth Program to support improvement projects that retain the vibrancy of the hamlets, villages, and town centers along the Route 28 Corridor, specifically in the Town of Andes, Middletown, Olive, Hurley, and Shandaken, and the Villages of Fleischmanns and Margaretville;

WHEREAS, the seven Central Catskills municipalities share many of the regions' unique resources and can mutually benefit by exploring cooperative approaches engaging in intermunicipal discussions and identifying collective strategies and actions that support and enhance such shared resources;

WHEREAS, numerous studies, reports, and conferences have focused on the Central Catskills and encouraged and promoted intermunicipal and regional planning, marketing, and development; and further these efforts have put forth numerous recommendations, which have not been fully realized;

NOW, THEREFORE, BE IT RESOLVED, in the spirit of cooperation, we the undersigned commit to working within the Central Catskills Collaborative (or other mutually determined name) through a bottom-up process that builds on local goals and objectives and engages in a regional dialogue focused on protecting and promoting the scenic, cultural, historic, and economic well being of the Route 28 Corridor and the Central Catskills;

BE IT FURTHER RESOLVED, the signatories understand the Collaborative may conduct such activities, including but not limited to, identifying and pursuing specific actions to provide better access to natural and cultural resources; exploring design guidelines, signage coordination and incentives to preserve scenic character; utilizing joint marketing approaches and funding mechanisms to support qualified economic development; and incorporating advisory members,

including individuals with related interest and/or individuals from groups such as chambers of commerce, public agencies, not-for-profit organizations, and other local governments;

BE IT FURTHER RESOLVED, the signatories understand that passage of this resolution does not bind the undersigned municipalities in any way other than the above stated commitment;

BE IT FURTHER RESOLVED, the Town of Olive will designate two members (one regular and one alternate) to serve on the Collaborative and the names of these designees will be made within one month of the passage of this resolution;

BE IT FURTHER RESOLVED, upon the formation of the Central Catskills Collaborative the Catskill Center for Conservation and Development will, on a regular basis, convene the group and facilitate the regional dialogue and next steps, as identified by the Collaborative.

	Aye	Nay
Berndt Leifeld, Supervisor	_____	_____
Henry Rank, Board Member	_____	_____
Helen Chase, Board Member	_____	_____
Bruce La Monda, Board Member	_____	_____
Peter Friedel, Board Member	_____	_____

IN WITNESS HEREOF, I Sylvia B. Rozzelle, Town Clerk of the Town of Olive certify that the above resolution was duly passed by the Town Board of the Town of Olive on the 8<sup>th</sup> day of December, 2009.

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Sylvia B. Rozzelle, Town Clerk  
Town of Olive

On a Leifeld/La Monda motion the Town Board unanimously approved the following budget modifications:

**General Fund:**

Transfer \$1,427.00 from 3120.2 Police (Equip) to 3120.4 Police (Cont.)

Transfer \$222.00 from Reserve "R" Records Manage. to 1460.4 Records Manage. (Contr.)

Transfer \$600.00 from 7110.4 Parks (Cont.) to 7110.1 Parks (P. S.)

Transfer \$153.00 from 7310.4 Youth Programs (Cont.) to 7310.1 Youth Programs (P. S. )

**Special Lighting District:**

Transfer \$40.00 from Fund Balance 909SL to SL5182.4 Street Lighting (Cont.)

On a Leifeld/La Monda motion the Town Board unanimously approved the following budget modifications.

**Highway:**

Transfer \$4,573.00 from 5120.1 Bridges (P. S.) to 5110.1 General Repairs (P.S.)

Board Member Helen Chase stated that on January 28<sup>th</sup> the Town of Olive along with the Town of Hurley will host the Central Catskill Collaborative. There are seven towns involved in the Route 28 Scenic Byway project from Hurley to Andes. She noted some of the Delaware towns have already received visionary grants and Olive and Hurley will need to catch up. Olive has prepared a resource inventory which is a beginning step of what each town has to go through individually. This information is then brought back to the collaborative and put together collectively for the corridor management plan. This plan should be completed in a little less than two years. She stated that the grant the town had applied for with the Dept. of State is probably going to be granted and will be available to six of the communities, excluding Hurley, as Hurley is outside the designated area. The part of Olive that will benefit the most from the grant will be Boiceville since it sits on the Esopus Creek. She stated the resource inventory will address the ecological, natural, historical, recreational, cultural, and scenic qualities of Olive. The Department of State grant was to precede the other grant but is now coming a little after, so, it has to be woven in with the Scenic Byway. She stated she will be putting together a group of people in the business community in Boiceville and then in Shokan as well as ones from the Historical Society. She stated they are looking at practical things in Boiceville such as sidewalks and perhaps a walkway over Route 28 at the school.

Supervisor Leifeld introduced and read Resolution No. 13 of 2009 Central Catskill Collaborative. On a Leifeld/Rank motion and unanimous roll vote the Town Board approved Resolution #13 of 2009. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Supervisor Leifeld stated the Belleayre Ski Program will be offered with a discounted lift ticket on Sunday along with skis and one lesson. On a Leifeld/La Monda motion the Town Board approved paying \$5.00 per person for Olive residents who chose to participate.

On a Leifeld/La Monda motion the Town Board unanimously reappointed Bert Ketchum to serve on the Board of Assessment Review. His term will begin immediately and will expire 9/30/14.

Supervisor Leifeld stated the town's draft master plan has been lying on a shelf for several years and there is up to \$50,000.00 available from the CWC to revive this project. On a Leifeld/Rank motion the Town Board empowered the Supervisor to enter into an agreement with Rudikoff Associates for their services of submitting the grant application to the CWC. Supervisor Leifeld noted the fee for submitting the application would be approximately \$3,000.00.

Supervisor Leifeld noted the following upcoming Town Board meetings:

12/30/2009 2:30pm Town Office Building—Public hearing on Fire Department Contract  
12/30/2009 3:00pm Town Office Building—2009 Annual Audit Meeting  
1/04/2010 7:30pm Town Meeting Hall—2010 Organizational Meeting  
1/12/2010 7:30pm Town Meeting Hall—1<sup>st</sup> Town Board Meeting in 2010

Supervisor Leifeld stated the Town Board would dispense with the committee reports.

RECREATION liaison Board Member Chase stated that Pat Tosi has recently submitted her resignation as member of the Recreation Committee. It was noted that Mrs. Tosi was involved in recreation in the town prior to the building of the first swimming pool in Olive. On a Chase/Rank motion the Town Board approved sending a letter of appreciation to Pat Tosi. (#73-09)

FIRST AID Board Member Chase stated that Ron Wright is the newly elected President of the First Aid Unit and gave her outline of her involvement with the First Aid Unit. (#73-09)

The Town Board dispensed with the committee reports. The following reports were submitted and filed: Highway November Report #74-09; Police Activity Report for November #75-09; October Transfer Station Report #76-09; and Town Clerk November Report #77-09.

Supervisor Leifeld recognized Alan Eisenson who requested addressing the Town Board. Mr. Eisenson stated he lives in Olive and operates as Just Alan and has been a taxpayer for many years. He stated he feels the system in Olive has failed him and he needs direction from the Town Board on how to resolve his situation. He asked if everyone on the Town Board is familiar with his situation with Mr. David Jones. He noted he has sent letters to Berndt Leifeld, John Ingram, and Drew Boggess. He noted a pond has been created behind his property due to Mr. Jones blocking a culvert pipe. He stated Mr. Jones has shaken hands saying he will rectify the situation with the culvert. He stated he has complete copies of documents submitted over the past several years and has met with his attorney and Mr. Jones' attorney, John Darwak. He stated he has been assured that Mr. Jones is a man of his word. Mr. Eisenson noted that Mr. Jones has now given his property to Mr. Estes where 14 to 15 trucks go in and out to include Sundays and also 3 a.m. in the morning. He noted Mr. Ingram has never answered his letters. On advice of counsel he went to the Planning Board where Mr. Jones is a member of that

board. He noted the Planning Board told him there is no business on the site since there is no phone. He stated he is also told by the Planning Board that Mr. Jones does not have to submit a site plan for a business like the rest of us do. He stated that Mr. Jones is upgrading his property with a business but does not have to pay the taxes. Mr. Eisenson noted that all of his correspondence has gone on long before the newspaper articles. He noted he brought all correspondence to Supervisor Leifeld. He asked the Town Board what does he have to do, sue the town with an Article 78

Board Member La Monda asked if the culvert is within the state right of way and requested knowing where the culvert is located. Mr. Eisenson stated Mr. Jones is draining the wetlands with no permits and no site plan. He stated that the elevation of 8 inches of Mr. Jones' new road has created a pond on the back of his property. Mr. Eisenson stated it began with a culvert pipe but it has gone past that. Board Member La Monda stated he looked at the road noting shale was put down to keep the dust down. He stated Mr. Jones does purchase lumber which is delivered to that property where he cuts the wood for his wood burning stove. Mr. Eisenson asked how Mr. Jones and Mr. Estes can run 14 to 15 trucks a day without approval. Board Member La Monda stated that Mr. Jones does not receive money from Mr. Estes; but, Mr. Estes does bring Mr. Jones logs for his personal use, further noting he wanted Mr. Eisenson to know that he did look into the issue. Mr. Eisenson stated that Mr. Jones has developed this property and that he has written letters for two years to get the town to do something about it.

Supervisor Leifeld stated that he told Mr. Eisenson to go to the Planning Board and the ZBA and as Supervisor he does not control the decisions of these two boards. He stated he also told Zoning Officer John Ingram to go over to the area and see what is going on there.

Board Member Rank asked what the Planning Board told Mr. Eisenson. Mr. Eisenson stated he was told that because Mr. Estes doesn't have a phone he doesn't have a business.

Mr. Eisenson asked the Town Board what he should do.

Mr. Boggess stated he would like to make a few corrections to Mr. Eisenson's comments and stated that the Lane site plan was presented before the Planning Board and the entire seven members went to visit the site. Mr. Eisenson stated there is nothing on that site plan, it is blank. Mr. Boggess asked Mr. Eisenson what does he want. Mr. Eisenson stated he wants the culvert and pond taken care of.

In response to a question as to what he should do, Supervisor Leifeld stated that if he were Mr. Eisenson and felt the way he feels, then he should go to his attorney and get his advice. Mr. Eisenson responded he has already gotten his attorney's advice.

Board Member La Monda stated that Mr. Eisenson keeps coming back to the culvert and questioned again where the culvert is. Mr. Eisenson stated it is no longer about the culvert pipe it is about a man who has opened a business without a site plan.

Board Member La Monda questioned Mr. Eisenson's saying that the property owner does not pay taxes.

Board Member Friedel stated he would like to come out to his site to see what is going on.

Board Member Friedel stated he apologized for being absent at last month's meeting; but he would like to object to the minutes that were approved at the November meeting. He stated his objection to the minutes is that he did not say he would like to take away the employees' 4% raise. He stated he did say he was opposed to elected officials taking the 4% at which time he stated the Town Clerk got upset. Town Clerk Rozzelle stated that without those minutes' notes in front of her she recalled his statement being they should freeze all employees' wages with the promise to make it up at a later time. She noted the Town Clerk is granted by New York State law with the sole authority of writing the Town Board Minutes and for 27 years has been reporting meetings accurately. She noted it would be a violation of her oath of office to alter the minutes.

Board Member Friedel stated he would like to make a motion to digitally record all meetings so we can have a digital file that can be posted on the internet. He noted he spoke with David Edinger who said this would be easy to do. Supervisor Leifeld seconded this motion with the stipulation that Board Member Friedel find out what it costs. Board Member La Monda stated he would like to amend the motion to ask Board Member Friedel to not only look into the cost of producing this but also the possible ramifications of digital recording.

Board Member La Monda thanked Mr. Eisenson for commending one of their officers as this is oftentimes not received. Board Member La Monda read correspondence #78-09 from Deb Elemendorf on behalf of Wolfgang and Loretta Adels commending Police Officer Creagan who went beyond the call of duty to help them out of an upsetting situation.

Supervisor Leifeld thanked Helen Chase for her sixteen years on the Town Board and commended her for all the work she has done noting it was a pleasure working with her. Supervisor Leifeld presented Board Member Chase with a bouquet of flowers.

All business pertinent having been discussed the Town Board adjourned at 10:10 pm on a Leifeld/La Monda motion in memory of James Denman, Gary Gunther, Beverly Mackey and Robert Rauschendor.

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Sylvia B. Rozzelle, Town Clerk