

Town of Olive
County of Ulster
State of New York
January 18, 2005

Minutes of a special meeting of the Town Board of the Town of Olive held Tuesday, January 18, 2005, 7:00 pm at the Town Meeting Hall in Shokan, NY. The purpose of the meeting as noted in the legal notice is to provide information to town residents regarding Olive creating its own school district.

Members Present: Berndt Leifeld, Supervisor
 Henry Rank, Council Member
 Bruce La Monda, Council Member
 Linda Burkhardt, Council Member
Member Absent: Helen Chase, Council Member
Recording Secretary: Sylvia Rozzelle, Town Clerk
Others Present: Arthur Scheuermann, SAANYS Legal Counsel; Vincent Barringer,
 Town Justice; & David Patterson, Onteora School Board Member

Supervisor Leifeld introduced Arthur Scheuermann who has been retained by the Town of Olive to legally provide an answer to the question that many Olive residents have on how Olive can create its own school district.

Mr. Scheuermann stated he represents many aspects of education and was retained by the Town of Olive to see if the town can secede from the entire Onteora School District. He distributed correspondence #6-05 outlining his legal opinion. He stated that NYS has many statutory ways the district can change noting that Education Law Section 2218 would apply to what Olive wants to do. He stated there are two criteria--the municipality must have at least 10,000 inhabitants and the remaining school district after secession has to have 1,000 students. He noted that Olive can't even make an application to secede since they do not meet that criteria. He stated there are three scenarios: one would be to amend the state statutes through a lobbying effort. He stated that NYS law does not want to see secession of school districts further noting he feels there would be strong opposition to changing the law if Olive does go to its state representatives. He stated the State Education website outlines the ways school districts can be refigured noting that Education Law Section 2218 isn't even listed as an option, which indicates they don't want anyone to use that option at all. Secondly, Olive could create its own charter school noting that charter schools are usually found in urban areas. He noted there are four towns in New York State that currently have charter schools--East Hampton, Riverhead, Roosevelt, and Lackawanna. He stated the community members could create their own charter school with the first application being to the Onteora School District--if plans are to utilize the existing school building in the town. He stated that If Olive chooses to build their own school then applying to the Onteora School District would be bypassed and the application would go straight to the Board of Regents. He stated Olive would still have to come up with an educational reason for creating a charter school. He stated a third option would be to try to be annexed by an adjoining school district noting that all applications would have to go to the NYS Commissioner of Education and they want to know how this application improves the education for the children. He stated the Commissioner will ask what effect this would

have on the other communities in the school district and this is where he feels there would be a problem.

Charles Blumstein noted Mr. Scheuermann stated in his memo that surprisingly Education Law Section 2218 hasn't been challenged asking if that is because there is some obvious defect. Mr. Scheuermann stated after being challenged for ten years when the third piece of legislation was adopted they simply haven't challenged it.

Charles Blumstein stated that Educational Law 1504 emphasizes that educational needs of the community are paramount noting that these large numbers are arbitrary and discriminatory to smaller towns thus not providing equal protection under the law. Charles Blumstein stated that we would like to see our children educated as we see fit and feels everyone in town wants that.

In response to questions from Stephanie Bambina, Mr. Scheuermann stated if the town constructed its own building then it would bypass going to the Onteora School Board.

John Tisch asked what if a private school was built and everyone went to it. Mr. Scheuermann stated Olive would still be paying Onteora School taxes. He also stated the charter school concept basically takes the tax base that you would have and taxes are paid to the Onteora School District. That money is then taken on a dollar-to-dollar basis from the Onteora School District and given to the charter school.

Rita Vanacore asked if a charter school created in Olive to educate our children as we see fit would give Olive back its tax base or would that still be spread out among the school district. Mr. Scheuermann stated if she is asking if the school district would be reconfigured with the Town of Olive to include the reservoir, his understanding of that is "no". He stated that the Town of Olive tax base would still be a part of the Onteora tax base.

Gary Alexander stated that since the Onteora School District is geographically one of the largest in New York State would that have an affect on the population requirement. Mr. Scheuermann responded that Onteora is the third largest in NYS but the answer would be "no".

Mr. McCallum noted that West Hurley Elementary School has been closed and people in the Town of West Hurley are very sensitized to this issue. He asked if somehow Olive could be annexed by or merged with West Hurley to create a bigger resource. Mr. Scheuermann stated the statute only addresses one municipality so he doesn't know how the application process would be accepted.

In response to questions about annexing to another school district, Mr. Scheuermann stated that financial reasons would get the application rejected outright.

Charles Blumstein stated the Town of Olive has a two hundred year old culture and if all 4,400 residents of Olive want to educate our children the way we see fit, we can have our own school system. Donna Swanson stated we want our children educated according to our culture noting we are paying through the nose and our children are not being educated the way they should be educated.

Cindy Johansen stated this district is one of the largest in the state and one would think that the district could be toned down a bit so our children could be educated the way they should be.

Mr. Scheuermann noted that when New York State created this district they looked at financial support, potential demographics, and potential growth. They figured that Olive was a big tax base with the New York City reservoir and that is why they grouped it in with other communities that were primarily farmland back in the 1940's. He noted that in reality you would be asking New York State to change that all around and take 40% of the tax base out of that district and put it somewhere else. Charlie Blumstein responded that they just did that.

Mrs. Bambina stated that smaller classrooms and better student-teacher ratio will result in higher scores on all tests.

In response to questions, Mr. Scheuermann responded by stating that only one proposal would be made to the State Education Department and, if denied, then you have the right of review through Article 78 proceedings.

Kathleen Ruiz stated she is a college professor and did some substitute teaching some years ago just to see what it is like to teach at the Junior and Senior High School. She stated her first impression walking into the school was that it seemed like a prison, was way too large, and had issues of control that produced a negative feeling. She asked if isn't the trend these days to have smaller schools and more accountability where students feel they are a part of the community instead of these huge districts. She stated it seems to be the prime time to make this change and if you gave this issue to the community to vote on you would probably get everyone to go that way.

Rita Vanacore stated that the Town of Olive and West Hurley wouldn't qualify since together they wouldn't have 10,000 people. She stated that the trend is now having smaller schools within larger schools so that children receive better education.

Charles Blumstein stated the design and organization of the Onteora School District is based on the Prussian School System and everything Ms. Ruiz said is correct. He stated the system is not designed to make critically thinking and proactive citizens noting it's designed to produce obedient, compliant, worker-consumers.

In response to questions, Mr. Scheuermann stated a charter school in Olive would possibly have to be open on a lottery basis to anyone in the Onteora School District noting there would be no guarantee that all Olive students could attend the charter school.

In response to the number of students in Onteora and in Olive, Kathleen Ruiz stated she sent a FOIL request to Onteora for this information and they took two months to respond. She stated there are 739 Olive students attending the Onteora School District—Bennett has 287, Phoenicia 29, Woodstock 36, Middle School 146, and High School 241. Hurley has 530 students—Bennett 28, Phoenicia 10, Woodstock 219, Middle School 80, and High School 193.

Mr. Scheuermann stated that if the school budget is voted down the budget will still go up 2.6%. He stated that some areas on Long Island are experiencing tax revolts with 40% of budgets being defeated.

Mr. McCallum stated if this is realistic for the town to do then what is it going to cost. Mr. Scheuermann stated that in the application Olive must show the cost projections and the funding available.

Donna Swanson stated she has a neighbor who's in eleventh grade and cannot read and can't do two-digit math further noting he's mad that he can't. She stated when she mentioned this to librarians and to someone who's on the school board they said that he fell through the cracks. Mrs. Swanson stated he didn't fall through the cracks he was pushed through the cracks. She stated the Onteora School District is raising our taxes so they can push children through the cracks. She stated that last year this student went to the school district and said he was graduating and can't read so he would need to learn a skill. She stated in sending him to BOCES that will cost us more money.

Kathleen Ruiz stated the Onteora School has some major environmental problems with septic disposal noting this is another reason to look anew.

Barbara Clare, President of CARE for OCS, stated their organization has battled with Onteora in the past and things can get accomplished if the residents of Olive come together and attend school board meetings, speak up, write letters, and keep stirring the pot.

John Tisch stated we're a town that has basically been robbed. We've been robbed of our representation, robbed of our taxes, and then we hear the school attorney--instead of being sympathetic to a town that has been robbed and saying let's see why this town is upset--say that Olive's desire to create its own school district is a pipe dream. Mr. Tisch stated this school district doesn't operate on the idea of centralization, it's only centralization because they tossed all high school kids into one building. He stated what we are dealing with is an aura of Olive taking the brunt of what Onteora is going to give to it through the other districts. He stated that someone in southern Ulster County came up with a scavenger tax situation and put this law together to play with the power plants. He stated that we, in Olive, are the victims and have been robbed. Mr. Tisch stated he feels the people who are running that school and are supposed to be representing everybody in that school had a specific agenda to rob us. He stated that the Town Board has tried to get help from representatives in Albany and they basically laughed at us. He stated we are a town without representation noting this is why people have been reaching out with feelers in all directions further noting the people didn't really want to go to this extent. He noted, however, that if we could get out of that school district he's sure everyone in this town would.

Council Member La Monda stated this is not just an issue of tax money but it has become an issue of principle where the majority of the Town of Olive feels that this reservoir, this physical entity, is in our town and we should be enjoying the tax revenue base from it. He stated it's more than just the money noting that some person in Marlborough really doesn't deserve part of our tax base.

Mr. Scheuerman finished his presentation at 8:20 pm at which time Supervisor Leifeld thanked him for his time and the information presented. On a Leifeld/La Monda motion the Town Board adjourned at 8:20 pm.

Sylvia Rozzelle, Town Clerk