

Town of Olive
County of Ulster
State of New York
July 13, 2009

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, July 13, 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

Others Present: Jimmy Fugel, Highway Superintendent and Drew Boggess, Planning Board Chairman

The Town Board audited the bills for the month of June and discussed the agenda for the July 14th meeting.

All business pertinent having been discussed the Town Board adjourned at 8:30 pm on a Leifeld/Rank motion.

Sylvia Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
July 14, 2009

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, July 14, 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: Jimmy Fugel, Highway Superintendent; Tim Cox, Town Justice; Ronald C. Wright, Town Justice; Raymond Nichols, Police Chief

Supervisor Leifeld stated two young men are interested in attending the Police Academy and to be sponsored by the Town of Olive. Town Justice Cox issued Oaths of Office individually to James P. Roosa, III, and Timothy Dupree.

On a La Monda/Rank motion the Town Board approved payment of the following audited bills: Highway Vouchers #207-#257, \$145,637.27; General Fund Prepaid Vouchers #266-#268, \$288.38; General Fund Vouchers # 269-#331, \$43,289.77; Special Lighting Voucher #5-#6, \$92.76; and Special Fire District Voucher #2, \$174,800.00.

On a La Monda/Chase motion the Town Board unanimously approved the minutes as submitted by the Town Clerk.

Supervisor Leifeld noted the monthly income as cash received for May 2009 as \$59,541.83 and interest for May 2009, \$633.95.

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

Transfer \$78,900 from Reserve "A" Machinery to 5130.2 Machinery (Equip.)

On a Leifeld/La Monda motion the Town Board approved the following budget modifications:
Transfer \$136 from Reserve "R" Records Management to 1460.4 Records Management (Cont.)
Transfer \$3,382 from Reserve "G" Handicapped to 7180.2 Pool (Equip.)
Transfer \$10,000 from 1990.4 Contingency to 6140.4 Home Relief (Cont.)

Under New Business: Supervisor Leifeld stated the Olive First Aid has requested use of town equipment to black top their driveway. On a Leifeld/La Monda motion the Town Board

Supervisor Leifeld stated he would like to recognize Frank Carle as Ulster County Fireman of the Year. Leifeld/La Monda to send letter

Supervisor Leifeld made a motion to enter into executive session at 7:40 pm to discuss litigation regarding 8:10 Leifeld/La Monda to go back into regular meeting. Supervisor Leifeld stated there is a lawsuit against the town of the homes on Leigh Ann Way which is a subdivision off of Brown Road. Now it is in the hands of the insurance company. Leigh Ann Way wants to make us an offer

Eugene DeMayo stated he is here, in short, he was told repeatedly before each and every house was built that the road would be finished and approved by Jim Fugel. Here we are seven years later and the third house has been built and permits issued before the road was completed and approved. He stated nothing has been done with the road in the past seven years and wants to know does he start his own legal process. The icing on the cake is that Brown Road has been resurfaced and all ditches cleaned, all culvert pipe on Brown Road. He asked Jim to put the culvert pipe in the road properly so he can have a chance to keep the

water out. All he wanted was his rights protected. If you build a road and create a dam without proper drainage then you create a problem. When I asked Jim Fugel to put the culvert pipe in the proper place he said he could not do that. On the day the bulldozer showed up he called John Ingram and said they raised the road and no culvert pipe. John Ingram said the road was only to take logs off the back property. The Roadway was raised two or three feet which was the natural waterflow off of my property. All he asked was to make sure the drainage was okay and nothing was ever done. The road was built 100% against the law, building permits issued, roads constructed without engineers, there is no drainage for a quarter of a mile. Board Member Chase asked where he pumps all the water. Mr. DeMayo stated his 1,800 gallon sump pump used to take care of the problem pumping water across where the road is onto Ann Spaulding's property. He stated in all the minutes there is a place in the minutes where Mr. Graham stated he will meet Mr. DeMayo in court. Mr. DeMayo stated he firmly believes that people can do anything with their property they wish provided it doesn't hurt anyone else. He feels that the Town of Olive has stuck a knife in his back.

Board Member La Monda asked who put the culvert in. Response was the developer. La Monda stated he mentioned there was request for an engineer for the road

Leifeld stated there is an engineering blueprint that I insisted they do which was done by an engineer group in Stone Ridge after Mr. DeMayo and he talked. This was paid for out of the escrow account. He stated that Jim Fugel stated the blueprint showed water running uphill. Supervisor Leifeld stated that everything Mr. DeMayo said here is absolutely correct. Leifeld stated it was a dirt road brought up to the blueprint that the engineer put together but it hasn't been maintained. Mr. DeMayo stated someone needs to be held responsible and he needs to have a resolution to his problem. Supervisor Leifeld stated that Jimmy Fugel never signed off on the road. Supervisor Leifeld stated the water easement should have been taken care of before the planning board and it wasn't. Supervisor Leifeld stated the town cannot make any changes to the private road. Jimmy Fugel stated if the property was cut down on the other side then the water would probably drain the other way; but, you can't do that until you get a water easement from Mrs. Spaulding. Mr. De Mayo stated I guess I have to get myself a lawyer.

Board Member La Monda stated, if it's legal, we have approximately \$7,300 in escrow for Leigh Ann Way. That money goes back to the developer, but, if the people on Leigh Ann Way and Mr. DeMayo could get together with Mrs. Spaulding then this money could possibly be used to enlarge the culvert and create some relief. Jimmy Fugel stated that step one is to talk to Ann Spaulding.

Supervisor Leifeld stated that Mrs. Spaulding should be contacted and perhaps have Mr. DeMayo could speak with Norman Baron to see what their relationship is with Mrs. Spaulding. Jim Fugel stated the water easement that should have been there should be a part of the road maintenance agreement. La Monda suggested the Town Board write Mr. Baron to see what the outcome was with his contact with Mrs. Spaulding. Mr. DeMayo stated he's been put into this position by the Town of Olive and doesn't feel he should be the one going to a neighbor he doesn't know to get relief.

Supervisor Leifeld stated he will contact Mr. Baron and see what happened with Mrs. Spaulding.

Supervisor Leifeld stated there was a request to have a handicapped lift installed in the pool, which has been done. Training for this equipment will be this Thursday which the insurance company insists upon;

Supervisor Leifeld stated the residents of the Town of Olive have received in septic, storm water, and economic programs from the CWC with the Town of Olive receiving the most funds in Ulster County. Supervisor Leifeld stated that we're fortunate that the is instrumental in getting the CWC and they have paid for the City appraisal and legal fees.

Supervisor Leifeld read correspondence # -09 from the Town of Olive Planning Board Chairman, Drew Boggess, regarding the recent article in the OLIVE PRESS. Supervisor Leifeld stated that David Jones allows two or three people to park their trucks on his property, otherwise, they would be parked in subdivisions in residential areas.

PARKS & RECREATION Chairman Linda Burkhardt noted summer rec is in progress

POLICE Commisisoner La Monda

FIRE DEPARTMENT

HIGHWAY

TRANSFER STATION liaison Friedel stated the contract has been signed with the construction company

TOWN CLERK

9:15 PM

.