

Town of Olive
County of Ulster
State of New York
Monday, June 4, 2007

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, June 4, 2007, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
 Helen Chase, Board Member
 Bruce La Monda, Board Member
Members Absent: Linda Burkhardt, Board Member
 Henry Rank, Board Member

The Town Board audited the bills for the month of May and set the agenda for the June 5th Town Board meeting.

Wally Fulford and Gene Sorbellini made a second presentation to the Town Board regarding the Junior Football League. They noted there are seventeen (17) Olive residents participating in the league and requested the Town donate \$100.00 for each Olive resident. Supervisor Leifeld stated that the bookkeeper had contacted audit and control who said it was illegal for the town to donate to organizations outside the town and feels if the town were to do this it would be an attempt to circumvent the law. He also expressed concern that if they were to do for one then where could they draw the line.

All business pertinent having been discussed the Town Board adjourned at 9:30 pm on a Leifeld/La Monda motion.

Sylvia Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
Tuesday, June 5, 2007

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, June 5, 2007, 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
 Linda Burkhardt, Board Member
Recording Secretary: Sylvia Rozzelle, Town Clerk

Others Present: Drew Boggess, Planning Board Member; Tim Cox, Town Justice;
Bill Cook, Sole Assessor; and Ronald Wright, Town Justice

On a Leifeld/Burkhardt motion the Town Board approved the minutes of the previous month's meetings.

The following correspondence was read and filed:

#53-07

Assessors Bill Cook and Bob Breglio noted Grievance Day was extremely quiet this year with only three (3) grievance forms filed. The City of New York was one who now feels their reservoir should be assessed at around \$104 million. A second grievance was from Verizon for their building on Route 28 saying their appraisal was less; however, they never supplied the Board of Assessment Review with a copy of the appraisal. The third grievance was for a property on Haver Road.

#54-07

David Murphy of Hacker and Murphy issued the City of New York vs. Towns of Olive and Hurley Quarterly Status Report noting that appraisal exchange should occur in these proceedings for the years 2001 to 2006 on or about June 15, 2007.

#55-07

Senator John Bonacic noted his district office has moved from New Paltz to Middletown.

#56-07

NYS DEC acknowledged receiving Olive's Resolution #13 of 2007 opposing the EPA Draft 2007 Filtration Avoidance Determination granting filtration avoidance to the City of New York.

On a La Monda/Rank motion the Town Board approved payment of the following audited bills: Highway Vouchers #147-#190, \$38,927.58; General Fund Prepaid Voucher #246, \$25.80; General Fund Vouchers #247-#337, \$45,694.40; and Special Lighting Voucher #5, \$41.13.

Under Old Business: Supervisor Leifeld introduced Brian W. Matula of Cooper Erving & Savage LLP representing Verizon in its collocation antennas on the South Mountain tower. He noted this project is not related to any project at the Transfer Station. Mr. Matula presented the Town Board with revised site plans in connection with Verizon's application for Special Use Permit for Collocation on the South Mountain facility noting that said revision (#57-07) should be substituted for Exhibit 2 of their application dated April 19, 2007. He noted one antenna will be placed at 122 feet and a microwave antenna will be placed at 30 feet. He noted the higher antenna would be for cell use and the microwave used in emergency situations. Council Member La Monda suggested the Zoning Enforcement Officer be provided with a copy of the revised site plan. Mr. Matula noted an engineer has done studies and constructing antennae on this tower will cover huge gaps. Council Member La Monda questioned what tower the microwave antenna would connect to. Mr. Matula stated he didn't know as he is not an engineer. Council Member La Monda asked if this microwave antenna would be considered one of the five for collocation. Mr. Matula stated he is not sure noting that these questions would be answered at the public hearing when engineers are present.

Supervisor Leifeld stated that basically this is a formality for Verizon to come to the town since the tower is already constructed. He stated it is his understanding that the town does not need a public hearing for this. Supervisor Leifeld asked for a copy of the

contract that Verizon has with Masterpage to which Mr. Matula stated it is in the application. On a Leifeld/La Monda motion the Town Board accepted Verizon's application to collocate on the South Mountain facility. Supervisor Leifeld requested a roll vote; however, questions were asked by those present.

Linda Barash stated that April 30th Verizon expressed an interest in building a tower at the Transfer Station and asked Mr. Matula if Verizon would build the tower. Mr. Matula noted Verizon prefers to collocate but they will consider tower construction if nothing else can be found. Linda Barash asked in cases of unstable ground or fill if Verizon or the town would be liable in case a tower were to fall.

Mr. Matula showed Linda Barash a map of the proposed coverage for the South Mountain antenna noting the majority of the town would be covered by the cell tower at that location. Mrs. Barash stated it is not the town's responsibility to provide coverage for other towns. She noted the law requires the tower be filled prior to building additional towers.

Council Member Chase asked about the microwave antenna being used in emergency situations. Mr. Matula stated it would not be doing both at the same time but would kick in when perhaps the electricity is out. Council Member La Monda asked if Verizon will be paying Masterpage for both the microwave and the cell antenna. Mr. Matula stated the town has all the lease information.

Steve Perfit respectfully asked the Town Board to separate the microwave from the cell antenna until more information can be provided about its intended usage. Mr. Matula stated he sees no reason to separate it out. Steve Perfit stated Mr. Matula is not providing information about the microwave.

In response to questions from several residents as to where the receiver site is for the microwave, Mr. Matula stated he is not familiar with where this is.

Council Member Chase stated we do need microwaves for emergency purposes but they do need to be high. Mr. Matula stated this site is not going to pose that danger.

Blake Killin asked when the tower is becoming active. Mr. Matula stated as soon as the application is approved and the building permit issued then Verizon will proceed with construction and they will start paying rent. He noted they are also required to provide more coverage every year under their license. He noted that perhaps within a month of issuing the building permit they could have it up and running.

Supervisor Leifeld requested a roll vote on the motion. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; and Leifeld, yes. Town Clerk Rozzelle asked if the intent of the motion of the Town Board was to accept or approve the application. Supervisor Leifeld noted the application was approved.

Supervisor Leifeld requested that in the future Verizon should send a representative who can answer some of these questions. Mr. Matula stated they normally do that at a public hearing and his intent was to present the application and review it.

Supervisor Leifeld stated on May 16th the board met with representatives of New York City regarding the Article 78 against the City for closing Reservoir Road. He noted NY

City DEP Deputy Commissioner Paul Rush presented correspondence #58-07 outlining their road work schedule. He stated in this schedule it is noted that Reservoir Road would be closed for three weeks to restructure the railroad bridge. Supervisor Leifeld read correspondence #59-07 that he intends to send to the City of New York specifically addressing the closing of Reservoir Road for three weeks. Council Member La Monda complimented Supervisor Leifeld on his letter but feels it should be much stronger as the City of New York has done nothing for us. He noted we have a letter from Deputy Commissioner Principe stating they would keep one-lane traffic open while doing their road work. Council Member La Monda stated he insists the DEP keep access open around these bridges while they work on them and, if not, then we file an injunction against them based on the letter and commitment from Principe.

Supervisor Leifeld presented Resolution #14 of 2007 In the Matter of Establishment of the Olive Sewer District in the Town of Olive. On a Leifeld/La Monda motion the Town Board unanimously approved Resolution #14 of 2007. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; Burkhardt, yes; and Leifeld, yes.

In response to a question as to when they break ground on the sewer project, Supervisor Leifeld stated they are in the final planning stages, bids have to be put together and they don't expect completion until 2010.

Supervisor Leifeld made a motion to thank Andrew Silvestri for his numerous years of volunteering to maintain the town's website. Council Member Burkhardt seconded the motion stating that Andrew has been incredible in helping organizations in town and their leaving the area will be a loss to the Town of Olive.

Supervisor Leifeld noted that cash received for April 2007 is \$26,882.80 and interest received through April as \$13,520.67.

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

Increase 3089 (Grant Income) \$13,372.64

Increase 3120.2 (Police equip.) \$13,372.64

Transfer \$1,700 from Reserve "D" Parks to 7110.2 (Parks Equip.)

The Town Board dispensed with committee reports with the following reports filed: Recreation #60-07, April Transfer Station #61-07, and April Fire Department #62-07.

Town Clerk Rozzelle stated that four Planning Board Members have successfully completed the Pace University Law Center self study course—Drew Boggess, James Konjas, David Sorbellini, and Robert Tischler. Four members have completed two credit hours of training—James Konjas, David Sorbellini, Helene Grant, and Edwin Maldonado. One member has completed five credit hours of training—Drew Boggess.

Steve Perfit thanked Council Member Burkhardt for getting cable along Beaverkill Road area.

Linda Barash asked who are the enterprises with JNS. Supervisor Leifeld stated he felt there isn't any other enterprise and he provided background on the issue.

Linda Barash asked why the town board would even entertain an application at the Transfer Station since previous studies show that Shokan Park or the place in Boiceville

would be better. She also questioned the building of a second facility without the existing one being filled. Supervisor Leifeld stated the last meeting they had with Rob Ford questions from the Town Board were the same as she had about additional coverage. Council Member Chase stated Verizon's indication was that they were looking to the south.

Maria Shultis of Hurley stated she is working for the Ulster County Youth Program and the Town of Olive is eligible to receive \$1,200 from the county if the town matches that amount. She stated Syndie Haaland has agreed to conduct a two week teen program. Supervisor Leifeld stated if it can be a part of the Town established program then that is the only way it will work. Council Member Burkhardt stated Mrs. Shultis will need to meet with the Recreation Committee for them to make their recommendation to the Town Board.

Sandy Friedel stated she is requesting recreation programs for Senior Citizens. On May 31st there was an article written by Nescal Hornbeck who is 96 pointing out that with activities and good diet seniors can improve their memory. She stated Woodstock has a special recreation program for seniors and every day they teach seniors such activities as drama, art, writing, and exercise. She noted the instructors would be private contractors and would be paid for by the town. She stated she would really like to see Olive provide this for seniors. Council Member Burkhardt stated the next Recreation Committee meeting is on the 13th and this would be the place to start.

All business pertinent having been discussed the Town Board adjourned at 9:15 pm on a Leifeld/La Monda motion in memory of June Cwirka and Garry VanLeuvan.

Sylvia Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
June 19, 2007

Minutes of an emergency meeting of the Town Board of the Town of Olive held Tuesday, June 19, 2007, 9:30 a.m. at the Town Office Building in West Shokan, NY. The purpose of the emergency meeting was to approve a Natural Resources Conservation Service Project Agreement with the US Department of Agriculture regarding the Bushkill Stream in West Shokan.

Members Present: Berndt Leifeld, Supervisor
 Bruce La Monda, Town Board Member
 Linda Burkhardt, Town Board Member
Member Absent: Helen Chase, Town Board Member
 Henry Rank, Town Board Member
Recording Secretary: Sylvia B. Rozzelle, Town Clerk

Supervisor Leifeld presented the six page agreement between the Town of Olive and the US Department of Agriculture for debris removal along a 3,000 ft. stretch of the Bushkill

streambed and replace and armor approximately 300 ft. of earthen berm along the Bushkill. The Town will be the sponsor in the project with funding coming from federal and state moneys. Of the projected \$183,940.50 cost the maximum amount paid by the NYS DEC will not exceed \$45,985.13.

On a Leifeld/La Monda motion the Town Board unanimously empowered the Supervisor to sign and enter into said agreement. Roll vote being: La Monda, yes; Burkhardt, yes; and Leifeld, yes.

All business pertinent having been discussed the Town Board adjourned at 9:45 a.m. on a Leifeld/ La Monda motion.

Sylvia Rozzelle, Town Clerk