

Town of Olive
County of Ulster
State of New York
June 2, 2008

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, June 2, 2008, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
 Henry Rank, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member
Member Absent: Helen Chase, Board Member
Others Present: Willie Janeway, NYS DEC Region 3 Director, and Peter Manning
Catskill Collaborative

The Town Board audited the bills for the month of May and set the agenda for the June 3rd meeting.

Mr. Janeway, DEC Region 3 Director, was present along with Peter Manning to present information about grants that are available to the five municipalities along State Route 28.

The Town Board discussed the proposed DEC regulations that would ban burning throughout the state.

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

Sylvia Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
June 3, 2008

Minutes of the regular monthly meeting of the Town Board of the Town of Olive held Tuesday, June 3, 2008, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
 Henry Rank, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member
Member Absent: Helen Chase, Board Member
Recording Secretary: Sylvia Rozzelle, Town Clerk
Others Present: Drew Boggess, Planning Board Chairman

On Rank/Friedel motion the Town Board approved the May minutes as submitted by the Town Clerk. Council Member La Monda abstained.

The following correspondence was read and filed:

#36-08

Supervisor Leifeld stated the Town Board requested Dan Hepner, Attorney at Law, review the town's wireless law as to whether such law needed to be revised in order to encourage more wireless telecommunications companies to do business in Olive. Attorney Hepner states there is nothing in the law that prevents new companies from applying for a special use permit to construct a new wireless telecommunications facility even though any existing facilities are not operating at maximum capacity. Supervisor Leifeld paraphrased the letter by stating there are ways around having a tower filled before another tower could be built—one being accessibility to the site which has happened this winter with Nextel. He noted that Verizon should be in operation around June 19th as they are waiting for a shed to be put in place by helicopter.

On a La Monda/Rank motion the Town Board approved payment of the following audited bills: Highway Voucher #168-202, \$42,595.52; General Fund Vouchers #248-309, \$38,539.29; and Special Lighting voucher #5, \$45.32.

Under Old Business: Supervisor Leifeld noted the following bids were received on the truck body and plow:

Hudson River Truck & Trailer	\$21,215.00
Amthor, Inc.	\$25,065.00
T & T Sales	\$25,260.00

On a Leifeld/Rank motion the Town Board unanimously approved accepting the bid of \$21,215.00 from Hudson River Truck and Trailer.

Supervisor Leifeld noted the monthly income for April as \$21,573.18 and interest for April as \$5,734.12.

On a Leifeld/La Monda motion the Town Board unanimously approved the following Highway Budget Modification:

Increase DA3501 State Aid (Chips)	\$22,468.00
Increase DA5112.2 Chips Improvement	\$22,468.00

On a Leifeld/La Monda motion the Town Board unanimously approved the following General Fund Budget Modifications:

Increase A2705 Gifts and Donations	\$2,000.00
Increase A3510.4 Control of Dogs Cont.	\$2,000.00
Transfer \$1,000.00 from A7140.2 Playground & Rec. Equip. to A7140.4 Playground & Rec. Cont.	
Transfer \$1,189.00 from Reserve K Computers to A1460.2 Records Management Equip.	

Under New Business: Supervisor Leifeld noted the Association of Towns is requesting towns throughout the state to support the Collateral Source Bill. He noted that in the private sector benefits are deducted from the award; however, in the public sector this does not happen which results in double dipping so to speak. Supervisor Leifeld read Resolution #9 of 2008 A Resolution in Support of Adoption by the NYS Legislature and

Governor of the "Collateral Source Bill" S.4164/A.2989 to Eliminate Double Recovery of Lost Earnings in Tort Actions in the Public Sector. On a Leifeld/Rank motion the Town Board unanimously approved Resolution #9 of 2008. Roll vote being: Rank, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Supervisor Leifeld stated the DEC is proposing changes to the burning laws which will be quite prohibitive to residents. Rich Ostrander stated in investigating this proposal it primarily applies to burning barrels; but, when you get to the bottom it basically says you can't burn anything. Mr. Ostrander stated with the proper permit and hoses for extinguishing the fire burning brush from trees should be appropriate. He stated this is going to be decided by a ten person politically appointed panel and the meeting is to occur on July 10th. He noted the law is quite restrictive to homeowners. Supervisor Leifeld stated he spoke with Regional Director of Region 3, Willie Janeway, who was present at last night's meeting to speak about grants for the Route 28 corridor but they also addressed the no burning proposal. Mr. Janeway suggested the Town Board make their feelings known at a Public Hearing, Tuesday, June 24th, 5 - 8 pm in Staatsburg, NY. Supervisor Leifeld stated he is prepared to make a motion to authorize the Supervisor to send a letter of opposition to all persons in charge of this. This motion was seconded by Council Member La Monda. This letter is to go to all representatives and the NYS Governor and to the Ulster County Legislature.

Supervisor Leifeld stated that Henry Rank is our member to the CWT (Coalition of Watershed Towns) and they have a lawsuit with the City of New York and one of the things they are requesting is that the hamlet designation on Route 28 be extended between Boiceville and Shokan and also in West Shokan. He noted the board felt that this would be a benefit as some of the lands in these areas are off limits for purchasing by DEP unless "willing seller, willing buyer". He noted this would benefit commercial properties in that impervious surfaces could be increased. On a Leifeld/La Monda motion the Town Board approved extending the designated hamlet boundaries ½ mile and gave Council Member Rank the authority to relay this approval to the CWT.

Tim Cox stated the Catskill Watershed Corporation is sponsoring a "Take Your Kid Fishing Day at the Ashokan Reservoir" on Saturday, June 7, 2008 11 a.m. until 3 p.m.

Council Member La Monda stated that a letter was sent to Assemblyman Cahill regarding sponsoring a companion bill regarding large parcel status. It was noted that no response was received. Supervisor Leifeld stated that perhaps he should visit with Mr. Cahill in his office and try to work through this nonsense that has been going on.

The following committee reports were submitted:

POLICE COMMISSIONER La Monda submitted report #37-08 noting 108 total calls handled for the month of May along with 26 Emergency 911 calls.

FIRE DEPARTMENT report #38-08 states 51 total responses for the month of April.

Joe Stein stated that over the past several weeks large trucks have been dumping fill on property near his residence. He noted that over 30 trucks went by today and asked if Lamont Engineering had made a deal with the construction group at the Bushkill Bridge 9project to reinforce the channel for the sewer system. Joe Stein stated that years ago

he was told that this would be considered C & D and could not be dumped on private land. Supervisor Leifeld stated he would check it out and get back to him.

TRANSFER STATION liaison Council Member Friedel submitted report #39-08 stating total revenue of \$6,400.00 for the month of April. Council Member Friedel stated that one of the things they have been looking into was to purchase a compactor to save some money and also investigating if we can get by with a smaller building than we once had. He noted we were told that with a compactor we could get four bins into one bin with the machine paying for itself within a year and a half. He noted a trip to Marbletown led them to believe that it would be impossible to get four bins into one. He also stated they have been in contact with three companies regarding metal building construction for the transfer station; however, they have not heard from any of them. Supervisor Leifeld stated the biggest hold up on the building was that they were investigating the compactor, which we now know won't work. He stated it is time they get moving on constructing a building prior to winter.

TOWN CLERK report #39-08 noted \$28,107.38 in revenues for the month of May.

Drew Boggess stated he went on line to look at the Senate bill proposed by Senator Bonacic and the change only addresses the school and not the county regarding large parcel. He stated the bill was specific to the reservoir communities and the school system. He stated he emailed Senator Bonacic but has heard no answer.

Mr. Studt informed the Town Board of his experience with Time Warner noting that with the storms last week Time Warner did absolutely nothing over the weekend providing very bad service. It was noted by Rich Ostrander that you must call them in order to get a credit for lost cable service; they don't automatically give it to you.

Supervisor Leifeld stated that ORPS has decided the value of the reservoir is less than the agreed upon amount between the City of New York and the Town of Olive. He noted that after they got through with their numbers it was 8% instead of 5%, therefore, making the large parcel issue still at hand. He noted the newly elected school board members have vowed that large parcel would not be an issue. Council Member La Monda stated in a meeting in Albany the director at ORPS stated it looked pretty simple since both parties agreed upon a figure. He noted they left the meeting thinking they would take the appraisals since the city and town were quite similar; however, that didn't happen. Council Member Friedel asked couldn't we take ORPS to court. Council Member La Monda stated that a lawsuit against the state could be cost prohibitive.

Chris Johansen asked what the impact would be if the town took the ORPS figure. Supervisor Leifeld stated we would loose \$58,000,000.00 in assessed value that the City wouldn't pay and we would pick up.

All business pertinent having been discussed the Town Board adjourned at 8:55 pm on a Leifeld/La Monda motion in memory of Robert Donovan, Anita Foldy, Roger Gable, Marilyn McManus, and Laura Markle.

Sylvia B. Rozzelle, Town Clerk