

Town of Olive
County of Ulster
State of New York
Monday, April 30, 2007

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, April 30, 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

Others Present: Gene Sorbellini, Recreation Director; Cindy O'Connor, Onteora School Board Member; Jimmy Fugel, Highway Superintendent; Jeffrey Staley, President & CEO of JNS Enterprises; and Jim Jeffreys, Sale Representative for JNS Enterprises

JNS Enterprises representatives were present at the request of the Town Board to make a presentation (#40-07) regarding their company, a Central Valley, NY company with over six years of experience developing Town owned cell towers. JNS would identify potential tower sites, select usable sites, evaluate wireless needs, coordinate equipment installation, negotiate leases with wireless companies, provide professional administration and maintenance, and collect rent and disperse funds to the town. JNS would provide all labor, materials and equipment to develop the tower and will also lease and manage the location. The town would receive up to 50% of the revenues generated from the tower for the life of the tower. In addition, the town would also own the tower.

The Onteora Community Junior Football Committee comprised of Cindy O'Connor, Gene Sorbellini, and Wally Fulford made a presentation to the Town Board (#41-07). Gene Sorbellini stated this is not an Olive Recreation Committee program but the Junior Football Committee is committed to helping the Onteora Central School District rebuild the Onteora Football program by enlisting children ages 8-13 to learn the fundamentals of contact football in a community league. They are presently seeking donations of \$1,000.00 each from the Towns of Olive, Shandaken, Woodstock and Hurley to satisfy the initial start up cost for our new teams.

The Town Board established the agenda for the May 1st Town Board meeting.

All business pertinent having been discussed the Town Board adjourned at 9:15 pm on a Leifeld/Burkhardt motion.

Sylvia Rozzelle, Town Clerk

Town of Olive

County of Ulster
State of New York
Tuesday, May 1, 2007

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, May 1, 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: Henry Lamont, Lamont Engineering; Kevin Young, Attorney; Tim Cox, CWC Attorney and Town Justice: Alan Rosa, CWC Director; Nate Hendricks, Environmental Engineer; Bill Cook, Assessor; Carl Swenson, Fire Chief; Drew Boggess & Bob Tischler, Planning Board members

Supervisor Leifeld stated this is the last meeting prior to the special election on May 8, 2007 and thanked Mr. Lamont and Alan Rosa for their work in providing information to Boiceville residents regarding the Olive Sewer District.

Alan Rosa introduced Nate Hendricks Environmental Engineer. Mr. Rosa noted that many new faces were in the audience so he reviewed some of his credentials and outlined the processes leading up to the Memorandum of Agreement. He stated the Coalition of Watershed Towns fought for the money from the City of New York to build these sewer systems. He stated the City of New York still believes that with their land regulations they can control and have the authority to control what happens in the hamlets. He noted this is a voluntary program.

Mr. Kuhn of Upper Boiceville Road stated businesses will charge higher prices for their products and the school will pay more to hook up to the system. He stated that even though he's not in the district now, they will probably annex him and force him into the district to pay for it.

Mr. Rosa stated the school will pay what they are paying now and he will not be forced into the district or forced to pay for it.

Kevin Young also reviewed the processes leading up to the Memorandum of Agreement and the regulations the City adopted for septic systems due to pressure from EPA for the City to protect water quality. Most people's septic systems don't meet these regulations even though they are grandfathered in. The septic rehabilitation program was meant for people who are on larger lots but those with smaller lots were earmarked for wastewater programs. Twenty-two communities were considered with Boiceville being number 9 of the 22. Boiceville is the largest of the remaining hamlets with the City paying pretty much 85% of the operations and maintenance for the first thirty years. Households where people live will pay \$100.00 per household and non households or businesses will pay \$250.00 per year plus another charge based on their usage.

Fred Jaeck of West Shokan asked if the City is paying 85% for 30 years and if it is automatically renewed after 30 years. If the filtration plant goes through, which could be within 10 years, they could come back and say after 30 years you're on your own. Mr. Young stated they have to continue paying, not only through the contract, but by state law.

Beth Hill on Piney Point Road stated she received a copy of the proposition and is concerned about the word maintenance. She states no where in the proposition wording it the word maintenance mentioned. She asked what the legal definition of responsible means. Mr. Young stated the city is responsible for operations and maintenance and the reason the word maintenance is not in the proposition is his oversight; however, the contract and agreement with the City requires them to cover operations and maintenance.

Concern was expressed that any new upgrade in ten years would have to be paid for by the district. Mr. Young stated that the district could be expanded by petition and these expansion properties would have to pay a hook up fee to enlarge the plant. He noted the reason this is not a real risk is that what is required now is so much above what is required in the rest of the nation that it isn't feasible this would happen.

Mr. Kuhn expressed concern that property owners may be required to pay for hook ups if other funds are not available. He wanted to know what other funds are they speaking of. Mr. Lamont stated the mail out was a general brochure for all the municipalities. Mr. Rosa stated they do believe that in the block grant there will be enough money for the hook ups. He stated the CWC works for the people in the watershed and it is their intent to find the money somewhere. He stated they are not trying to force anything on anyone.

Lou Chartrand of Deerfield Road stated that some of the facilities built have failed and were fined by the state. He asked who is responsible for these fines. Mr. Young stated it would be a cost for operations but they will not fine these small systems a lot of money; however, they might fine the City of New York more money due to size.

Concerns about smell, visual, choice of location, and flood plain were expressed. Mr. Lamont stated the facility uses activated sludge with a large amount of oxygen throughout which kills bacteria and smell. He stated he has designed many of these plants and have had no problems. He stated Prattsville has been built with hookups planned this spring and the other one is in Hobart, NY in Delaware County. He noted the facility will be built up 12 feet and the building is allowed in a flood plain. He noted they looked at several sites—Upper Boiceville Road, City land at the corner of Route 28 and 28A, the lumber yard—and weighing all these factors this was the best choice.

Mr. Lamont stated the cost of operating one of these plants is pretty well known now and there is a subsidiary company that operates these plants. This plant is estimated at an annual budget of \$380,000.00. The O & M agreement includes a \$50,000.00 contingency item. He stated the strategy that a community needs to take should be very proactive. The facility should be given impeccable routine service and maintenance alleviating replacement of any major piece of equipment. As to expansion of the plant it is totally up to the governing body or Town Board. There is no requirement that the district be enlarged; however, it is designed for a fairly substantial cost estimate for businesses to guarantee adequate capacity for growth.

Fred Jaeck asked who the largest user is. It was noted this is the Onteora School District. Mr. Jaeck asked why they didn't design it for the school. Mr. Rosa stated they were looking at a way to reduce the cost to commercial establishments and the best way of doing that was to include the school. Mr. Young noted the school will pay no more for this system than they do now.

Cindy Johansen stated that the business minimum charge is \$250.00 plus \$1.60 per gallon and questioned whether or not inflation impacts the per gallon charge. Mr. Young stated that businesses are not based on inflation but actual cost.

Jay Braman asked of the \$380,000.00 how much does the school district pay. Mr. Young responded, \$129,000.00 being both the school portion and the city's portion of the school.

Carl Swenson asked if there is a failure in the lines running to the plant, or a fine assessed for failure, or a person can't flush, who does one call. The answer was they call the district.

In response to questions regarding overruns on the project, Mr. Lamont stated the city has agreed to pay \$10,780,000.00 and there is a 15% contingency within that \$10.7 million.

In response to a question it was noted they did not do an analysis on economic benefits to the hamlet; however, Mr. Rosa gave examples of business growth in Roxbury and Andes.

Louis Chartrand asked if the zoning would change due to the sewer district. It was noted that would be up to the Town Board.

Mr. DeBaun of Trail Motel asked if the ditches along Route 28 would be filled in. Mr. Rosa stated they are trying to do a storm water project along with the system as they only want to dig up the streets one time. Mr. Lamont stated they will not have all the storm water project underground; however, they will work with the landowner as much as possible.

Joe Stein of Deerfield Road asked if there is intent to create a Sewer Board of the people from within that district. The law now allows for them to appoint a committee from the sewer district to advise the Town Board.

On a La Monda/Leifeld motion the Town Board dispensed with the approval of the minutes until the June meeting.

The following correspondence was read and filed:

#42-07

NYS DOT stated they conducted a formal investigation of the Route 28/Du Bois Road intersection and found the existing traffic control devices in advance of the intersection to be proper and correct for conditions. They will, however, upgrade and adjust the existing warning and directional signs on Route 28.

#43-07

On a Leifeld/La Monda motion the Town Board unanimously approved the following members to the Olive Fire Department: Vera Constantino and Joel Cservak.

#44-07

Ulster County Board of Elections will be hosting a campaign finance seminar on June 1st at the Legislative Chamber.

On a La Monda/Rank motion the Town Board approved payment of the following audited bills: Highway Voucher #113-#146, \$34,688.09; General Fund Voucher #180-#245, \$52,635.69; and Special Lighting Voucher #4, \$42.05.

Under Old Business: Supervisor Leifeld stated there are two building code violations that the Town has been processing for the past years with the town taking the property owners to court. He noted one violation is on Reservoir Road and after going to court it is up to the judge to decide whether or not the owners will be ordered to fix the house or tear it down. He noted the other violation is in Krumville and the judge has given the owner until August to clean it up or the town could go in and clean it up for them. He noted that in both cases the town would be looking at approximately \$40,000.00 and if the town has to clean up the violations then the cost goes onto the property tax bill.

Supervisor Leifeld stated our lawyer is meeting with the City lawyers on May 16th to discuss issues regarding the Town's action against the City of NY for the closing of Monument Road.

Supervisor Leifeld stated that anyone who owns property in the Boiceville Sewer District has one vote and the Town of Olive owns one parcel. Supervisor Leifeld asked the Town Clerk to take a roll vote as to whether or not to vote "yes" or "no" on the proposition at the May 8th special election. Roll vote being: Rank, yes—stating he feels an economical advantage for the hamlet; Chase, yes; La Monda, yes—stating if the town doesn't do this then the state will come in and tell us we have to do it and we'll be building it with our own money; Burkhardt, yes; and Leifeld, yes—stating he would like to go back to the 70's but the City and School are not going away and he really believes the whole town will pay for this if we don't take the CWC money.

On a Leifeld/Rank motion the Town Board unanimously passed Resolution #12 of 2007 Voter Designation for the May 8th Special Wastewater Facility Election. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; Burkhardt, yes; and Leifeld, yes. The Town Board authorized Council Member Bruce La Monda to vote on behalf of the Town of Olive at the May 8th election.

Supervisor Leifeld noted that cash received for March 2007 as \$56,296.26 and interest received through March as \$25,776.76.

On a Leifeld/La Monda motion the Town Board approved the transfer of \$1,756.00 from 3120.4 Police contractual to 3120.2 Police equipment.

On a Leifeld/La Monda motion the Town Board approved dispensing with committee reports. The following reports were filed: Highway Report #45-07, Transfer Station

Report #46-07, First Aid Report #47-07, Town Clerk Report #48-07, Recreation Report #49-07, and Olive Fire Department Report #50-07.

Town Clerk Rozzelle noted the Olive American Legion Memorial Post No. 1627 invites all to participate in the 2007 Memorial Day Parade and Services to be held on May 28th in West Shokan.

On a Leifeld/Burkhardt motion the Town Board unanimously approved Resolution #11 of 2007 Support of the Community Preservation Act. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; Burkhardt, yes; and Leifeld, yes.

Supervisor Leifeld stated the Ulster County Public Transit agreement was sent to the town. Since no spot has been designated along Route 28 and since the Town Board has no authorization on Route 28, on a Burkhardt/La Monda motion the Town Board opted to not enter into the agreement.

Supervisor Leifeld stated last night the Town Board was asked to support the Onteora Community Football and were agreeable; however, the bookkeeper contacted NYS Audit and Control and they said it was illegal for taxpayers to support a private organization or program outside the town. The Town Board noted that both the football program and the Awareness program are worthwhile programs; however, it is illegal for the town to contribute money to them.

Fred Jaeck stated that six months ago he came before the board and complained about his neighbors abusing the junkyard law and this will be the third time he has come to the Town Board. Supervisor Leifeld stated in the instance he is speaking of one car has been moved and he has been told that there are two deeds to that piece of property so if they wanted to put two vehicles on each piece they are within the law. Mr. Jaeck noted that there are seven cars there now. Supervisor Leifeld stated the town has two cases in front of them now that are costing the taxpayers dollars. He stated the town is trying to talk with them and work it out further noting there could also be the problem of selective enforcement. Supervisor Leifeld stated the town can't afford it right now and again suggested that Mr. Jaeck file an Article 78 with the town and force the town to do it. He stated that Zoning Officer Ingram is trying to work with the people. Supervisor Leifeld stated it's just impossible and not economically feasible to enforce all the issues at hand.

All business pertinent having been discussed on a Leifeld/Burkhardt motion the Town Board adjourned at 9:50 pm in memory of Michael J. Apuzzo, Emil Josenhans, Gunther W. Nerp, and Frank L. North.

Sylvia B. Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
Wednesday, May 16, 2007

Minutes of a special workshop meeting of the Town Board of the Town of Olive held Wednesday, May 16, 2007, 11:35 a.m. at the Town Meeting Hall in Shokan, NY. The purpose of this meeting is to travel to Kingston to meet with DEP representatives regarding the Town of Olive litigation against the City of New York regarding the closing of Monument Road.

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

Prior to leaving for Kingston Supervisor Leifeld offered Resolution #13 of 2007 The Town of Olive's Opposition to the 2007 Proposed Filtration Avoidance Determination. He noted it is important that this resolution be considered prior to the June board meeting. On a Leifeld/Rank motion the Town Board unanimously approved Resolution #13 of 2007. Roll vote being: Rank, yes; La Monda, yes; Burkhardt, yes; and Leifeld, yes.

At 12:08 the Town Board left Shokan to meet with DEP representatives at their office in Kingston, NY. This meeting started at 1:11 pm and in addition to Town Board members and three town residents, the following persons were present: Del Seligman, Attorney for the Town; Paul Rush, NYC DEP Deputy Commissioner; Hilary Meltzer & Haley Stein, NYC Law Department; Maria G. Mandrine, NYC DEP Chief of Infrastructure; Christine Scharf & Sandy Jackson, NYC DEP Legal Affairs; Ed Welch, NYC DEP Police Director; and Jim Caggiano, NYC DEP Director of Infrastructure.

General discussion occurred regarding the closing of Monument Road and the Route 28A detour realignment and reconstruction (#52-07).

All business pertinent having been discussed the Town Board adjourned at 2:50 pm on a Leifeld/La Monda motion.

Sylvia B. Rozzelle, Town Clerk