

Town of Olive
County of Ulster
State of New York
Monday, May 10, 2010

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, May 10, 2010, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
Henry Rank, Board Member
Linda Burkhardt, Board Member
Bruce La Monda, Board Member
Peter Friedel, Board Member

Recording Secretary: Sylvia B. Rozzelle, Town Clerk

Others Present: Mary Ann Shepard and Patti Newman, Olive Free Library Board of Trustees Members

The Town Board audited the bills for the month of April.

Mary Ann Shepard presented correspondence #25-2010 from the Olive Free Library Association. She stated that in 1995 the state passed a law which allows libraries to go for public funding. She noted this would not be a special district but would be a separate line item on the property tax bill. She stated the library needs secure and stable income and they don't have that at the present time. Ms. Shepard noted that as a result of much discussion and research the library Board of Trustees has decided to work toward a Chapter 414 vote in the Town of Olive. She stated they will be circulating petitions to obtain signatures of at least 10% of the voters who voted in the last gubernatorial election. If the appropriate number of signatures is obtained then the question would appear as a referendum on the November ballot. She stated the library would be establishing a budget of \$135,000.00 of which \$129,000.00 would be publicly funded. She noted a 414 vote would set the tax amount that the library would receive and this amount could not be changed without another subsequent vote. She stated the board of trustees is asking the Town Board if the funding is turned down by the voters that the Town Board continues to support the library in the annual budget.

In response to a question from Supervisor Leifeld, Ms. Shepard stated they went to the Bishop's Trust Board and to Donald Bishop and his attorney, and they do not have a problem with their trying to achieve 414 funding.

All business pertinent having been discussed the Town Board adjourned at 8:35 pm on a Leifeld/La Monda motion.

Sylvia B. Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
Tuesday, May 11, 2010

Minutes of a Public Hearing of the Town Board of the Town of Olive held Tuesday, May 11, 2010 7:00 pm at the Town Meeting Hall in Shokan, NY. The purpose of the Public Hearing as stated in the legal notice was to hear all in favor of or those opposed to proposed Local Law # 1 of 2010 A Local Law Amending Local Law #1 of 2007 and amending Town of Olive Code Chapter 117 Removing Existing Article #13 and Inserting new Article 13.

Members Present: Berndt Leifeld, Supervisor
 Henry Rank, Board Member
 Linda Burkhardt, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member
Recording Secretary: Sylvia B. Rozzelle, Town Clerk
Others Present: Drew Boggess, Planning Board Chairman; Kevin Young, CWC
 Attorney for the Town

Supervisor Leifeld introduced Kevin Young, Attorney for the Town through the CWC, who outlined the details of the proposed amendment.

Attorney Young stated when the town adopted the Sewer Use Law the town got credit for every single septic system and those people gave up their septic system capacity and in exchange they get a hook up for free. Those with vacant lots must pay to join into the system and the value put on this by Lamont Engineers is \$5,000.00. Technically the local law changes the wording to "benefit assessment fee" instead of "sewer connection fee". This money for vacant lot property owners to hook up will go towards working capital for the district.

Supervisor Leifeld asked if there were any comments. There being no comments the Town Board adjourned at 7:10 pm on a Leifeld/La Monda motion.

Sylvia B. Rozzelle, Town Clerk

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Tuesday, May 11, 2010

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, May 11, 2010 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
Henry Rank, Board Member
Linda Burkhardt, Board Member
Bruce La Monda, Board Member
Peter Friedel, Board Member
Recording Secretary: Sylvia B. Rozzelle, Town Clerk
Others Present: Jimmy Fugel, Highway Superintendent; Drew Boggess, Planning Board Chairman; & Bill Cook, Sole Assessor; Leslie Ford, Superintendent of Schools at Onteora; Dan Spenser and Anne McGillicuddy, School Board Members

On a La Monda/Leifeld motion the Town Board approved the minutes of the April meetings as submitted by the Town Clerk.

Supervisor Leifeld introduced Leslie Ford who introduced Anne McGillicuddy, VP of the Board of Trustees and Dan Spenser, President. Both of school board members stated there was a lot of input from the community and much time put into this year's budget.

Superintendent Ford presented correspondence #26-10 and noted that state aid was significantly reduced this year and will be much the same next year. She noted that grant moneys were received which helped a lot; but, that money will be going away for next year. She noted the challenge in this budget was to position themselves as low as possible but be in a good leverage point for next year. She noted they are also experiencing declining enrollment. She noted had they just rolled the budget over it would have been a 10.23% increase in the tax levy. She noted the approximate increase this year will be 3.9%. She noted they will not request a new bus; however, they will be requesting a new suburban to replace the ten year old vehicle which carries children.

In response to questions Dr. Ford responded that a declining enrollment is expected in the future, a plan for consolidation will be considered after the budget, 85% of the budget is mandated by contracts, there are 600 students in the high school and 200-250 in each of the three elementary schools, enrollment is 1,610 with a 50 million dollar budget making the cost per student \$31,077.00.

Drew Boggess stated that years ago the school board mentioned about consolidation and asked if the board is still moving in that direction. Dr. Ford stated that all boards have their individual personalities.

Joe Stein asked what the duties of the two assistant superintendents are. Dr. Ford stated one is Business Assistant Superintendent overseeing purchasing, transportation, legal issues and then there is a Curriculum and Instruction Assistant Superintendent dealing with federal and state mandates and supervision of teachers in professional growth. Mr. Stein asked how long these positions have been active. She stated someone has always been in the business department and an outside influence came in to review the department and found they were not understaffed. She had assumed the position of Superintendent of Curriculum but a separate position was created later.

Al Studt stated Dr. Ford spoke of redistricting and personalities of school boards and declining attendance. He stated if they are looking at projections then they should be doing that now and start closing some schools to try to cut down on the costs. He asked why they continue holding on to the West Hurley School. Dr. Ford stated the West Hurley School is of value and it has been appraised. She stated the school board would like to make a decision of what to do with that property noting the building has some significant issues and would cost a lot of money to fix up.

Cindy Johansen asked how are the kids doing, where are they ranking. Dr. Ford stated there are kids at the state level competing in DECA, music, and business and compare well in the region and well in the state. She stated with declining enrollment, in general, scores will decline and graduation rates will descend. The graduation rate is 78% and drop-out rate is 1%. She stated normally a school district is at 3-5% for private schools or home schooling.

Dan Spenser stated as a member of the current school board they do value our local schools and it is their job to be accountable. He noted this process has been a very difficult one. What they have agreed to do is look hard to keep the schools that they value open. He stated the fixed costs in the budget are controlled by contracts and, hopefully, over the next year they can make agreements and look for cost reductions in the budget.

The following correspondence was read and filed:

#27-10

American Legion Commander Purdy Halstead stated they are asking families of Olive Veterans who would like to have their family members remembered with a plaque on the newly erected kiosk contact him in Olivebridge. The fee for the engraved plaque would be \$10.00 with a check payable to American Legion Post 1627 to help offset the cost of engraving.

Supervisor Leifeld stated that two of our Olive residents, Zachary Norman and Anna Bily, have returned from serving in the military in Afghanistan. On a Leifeld/Burkhardt motion the Town Board approved sending a letter to both military service personnel welcoming them home and thanking them for their service.

It was noted that the Annual Memorial Day Parade will begin at 9:30 a.m. on Monday, May 31st, in front of the West Shokan Post Office and proceed to the Town Office Building for a Memorial Service.

#28-10

On a Leifeld/La Monda motion the Town Board approved the membership of Paul Rouse into the Olive Fire Department Company No. 1, Inc.

On a La Monda/Burkhardt motion the Town Board unanimously approved payment of the following audited bills: Highway Vouchers #111-#145, \$37,031.02; General Fund Vouchers #174 prepaid, \$15.00; General Fund Vouchers #175-#228, \$32,945.83; and Special Lighting Voucher #4, \$50.96.

Supervisor Leifeld noted the monthly income as cash received for March 2010, \$79,135.55 and interest received for March 2010, \$1,612.67.

On a Leifeld/La Monda motion the Town Board unanimously approved the following budget modification for the Highway Fund:

Transfer \$9,935.00 from Reserve "A" Machinery to 5130.2 Machinery (Equipment)

On a Leifeld/La Monda motion the Town Board unanimously approved the following budget modifications for the General Fund:

Transfer \$490.00 from Reserve "D" Parks to 7110.2 Parks Equipment

Increase 2705 Gifts & Donations \$1,960.00

Increase 7140.4 Playgrounds & Recreation Centers Contractual \$1,960.00

Increase 2705 Gifts & Donations \$2,486.00

Increase 3510.4 Control of Dogs Contractual \$2,486.00

Supervisor Leifeld stated that Beverly Stein has worked hard supporting the town's dog program and kennel and has raised over \$5,000.00 for this program. He noted she has recently indicated she will no longer be volunteering to walk and care for Olive's kennel dogs. He stated he personally thanks Beverly for all of her efforts in working with Olive's dogs. On a Leifeld/Burkhardt motion the Town Board approved sending a letter of thanks to Beverly Stein for her fund raising to build the town kennel and for her care of our homeless dogs.

Supervisor Leifeld read Resolution #10 of 2010 Determining that there are no Adverse Impacts on the Environment from Amendments to Sewer Use Law. On a Leifeld/Rank motion and unanimous roll vote the Town Board unanimously passed Resolution #10 of 2010. Roll vote being: Rank, yes; Burkhardt, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Supervisor Leifeld read Resolution #11 of 2010 Adopting Local Law No. 1 of 2010 Amending Local Law #1 of 2007 Article 13 and amending Town Code Chapter 117 Article XIII. On a Leifeld/Burkhardt motion the Town Board unanimously approved Resolution #11 of 2010. Roll vote being: Rank, yes; Burkhardt, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

RESOLUTION #10 OF 2010

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF OLIVE
DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE
ENVIRONMENT FROM AMENDMENTS TO SEWER USE LAW**

WHEREAS, the Town Board is adopting amendments to the Sewer Use Law with respect to repealing the current Article 13 and adopting a new Article 13 of such law; and

WHEREAS, the possible environmental impacts of the adoption of these amendments have been considered by the Town Board;

NOW THEREFORE BE IT RESOLVED, that the Town Board has determined that the amendments to the Sewer Use Law will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to issue a negative declaration with respect to the amendment of Article 13 of the Sewer Use Law.

WHEREUPON, the Resolution was put to a vote and recorded as follows:

	Aye	Nay
Berndt Leifeld, Supervisor	_____	_____
Henry Rank, Board Member	_____	_____
Linda Burkhardt, Board Member	_____	_____
Bruce La Monda, Board Member	_____	_____
Peter Friedel, Board Member	_____	_____

Signed this 11th day of May, 2010

Sylvia B. Rozzelle, Town Clerk

RESOLUTION #11 OF 2010

RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF OLIVE

**Adopting Local Law No. 1 of 2010 Amending Local Law #1 of 2007 Article 13
and amending Town Code Chapter 117 Article XIII**

In the Matter of the Adoption of Amendments to Local Law No. 1 of 2007 entitled "Sewer Use Law"

WHEREAS, the Town Board for the Town of Olive enacted a Sewer Use Law being Olive Local Law No. 1 of the Year 2007; and

WHEREAS, the Town Board has determined that certain changes in the Law were necessary or convenient to its implementation; and

WHEREAS, the proposed Amendments were presented to the Town Board at least 11 days prior to the Town Board meeting on May 11, 2010; and

WHEREAS, the Town Board adopted a resolution on April 13, 2010 scheduling a public hearing on the proposed Amendments for May 11, 2010; and

WHEREAS, the public hearing on the proposed Amendments to Local Law No. 1 of 2007 was held on May 11, 2010 at the Town Meeting Hall; and

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Amendments to Local Law No. 1 of 2007 and Town Code Chapter 117; and

WHEREAS, the proposed Amendments to Local Law No. 1 of 2007 and to Town Code Chapter 117 were on file for inspection at the Town Clerk's office prior to the hearing and during the public review process; and

WHEREAS, the Town Board has caused to be prepared a Short Environmental Assessment Form (EAF) pursuant to the mandates for the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617) for the proposed Amendments to Local Law No. 1 of 2007 ; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA for the proposed Amendments to Local Law No. 1 of 2007 and to Town Code Chapter 117 thereby complying with the mandates of the State Environmental Quality Review Act; and

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE
TOWN BOARD OF OLIVE, ULSTER COUNTY, NEW YORK:**

1. Article 13 of Olive Local Law No. 1 of the Year 2007 and Article 13 of Town of Olive Code Chapter 117 be, and hereby are, repealed; and
2. That the new Article 13 of the Town of Olive Sewer Use Law, being Local Law No. 1 of 2010, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

Town Board Member Leifeld so moved; Town Board Member Burkhardt seconded, and the Town Board voted as follows:

	Aye	Nay
Berndt, Leifeld, Supervisor	_____	_____
Henry Rank, Board Member	_____	_____
Linda Burkhardt, Board Member	_____	_____
Bruce La Monda, Board Member	_____	_____
Peter Friedel, Board Member	_____	_____

Signed this 11th day May, 2010

Sylvia B. Rozzelle, Town Clerk

Supervisor Leifeld noted there will be a meeting on June 10th, 2:30 pm at the Town Meeting Hall in Shokan for purposes of meeting with consultant Michael Richardson for the union contract negotiations. He noted the board is meeting with a consultant to also look at the town personnel policy. He stated the town would be looking at an 11% increase without doing anything. He stated the Town Board interviewed Mr. Richardson and will move forward with his guidance.

Mr. Richardson wanted two Town Board members with him as negotiating members. Supervisor Leifeld noted these two board members will be Peter Friedel and Linda Burkhardt.

The following committee reports were submitted:

PARKS & RECREATION liaison Board Member Burkhardt submitted correspondence #29-10 noting Adult softball and Little League have begun and registration forms for Day Camp have been distributed to Bennett School, Onteora Middle School, and the Town Clerk's Office. She noted great progress has been made with the list of repairs and upgrades submitted by the Recreation Committee and Director and thanked the highway department and staff for their efforts in keeping our parks safe, clean, and modern. On a Leifeld/Burkhardt motion the Town Board approved appointing Eric Pezzello to the Recreation Committee. (#30-10)

POLICE COMMISSIONER La Monda submitted April report #31-10 showing a total of 111 calls for the month.

FIRE DEPARTMENT April report #32-10 showed a total of 48 responses for the month.

FIRST AID liaison Board Member Friedel submitted report #33-10 showing 31 calls responded to for the month of April.

TOWN CLERK Rozzelle submitted April monthly report #34-10 showing \$12,251.23 in revenues plus \$149,414.81 in property taxes collected.

Henry Rank stated he has been looking at energy costs for the town and we are spending approximately \$45,000.00 a year in electric bills. He stated he sent out four requests for price quotes to companies. Those companies being:

IDT Energy, Inc., 550 Broad Street, Newark, NJ 07102 (#35-10)

Energy Plus, c/o Cindy Johansen, PO Box 471, Boiceville, NY 12412 (#36-10)

Agway Energy Services, PO box 4819, Syracuse, NY 13221-4819 (#37-10)

Hess Corporation Energy Marketing, 115 Solar St., Syracuse, NY 13204-5408 (#38-10)

Board Member Rank stated he received one written response from Energy Plus. He noted that they came in a penny and a quarter less per k/w hour. He noted that the town street lighting bills must still go to Central Hudson; but, all the other accounts could be switched over to Energy Plus. He stated the town could save approximately \$4,000.00 annually. He stated the cost will vary month to month based on the market but will be 1.25 cents cheaper as of today's

date plus the town will receive 8% cash back every six months. On a Rank/La Monda motion the Town Board approved signing up with Energy Plus for delivery of the town's electricity.

On a Leifeld/La Monda motion the Town Board approved adjourning to executive session at 8:45 pm to discuss proposed contracts for busing for the Recreation program.

The Town Board reconvened the regular meeting at 9:00 pm at which time all business pertinent having been discussed the Town Board adjourned at 9:00 pm on a Leifeld/La Monda motion in memory of Clayton Barringer, Ann Crawford, Guido D'Alessio, Juanita Dunn, Alice Elmendorf, and Kathleen Strausser.

Sylvia B. Rozzelle, Town Clerk