

Town of Olive  
County of Ulster  
State of New York  
Tuesday, November 9, 2010

Minutes of the regular meeting of the Town Board of the Town of Olive held Tuesday, November 9, 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

Other Present: Jimmy Fugel, Highway Superintendent; Drew Boggess, Planning Board Chairman; Bill Cook, Sole Assessor; Mike Kight, NYC DEP Regional Manager; Kris Lovelett, Resident Engineer for Cat 244 Project

On La Monda/Burkhardt motion the Town Board approved the minutes of the October meetings as submitted by the Town Clerk.

Supervisor Leifeld introduced Mike Kight and Kris Lovelett to give an update on the NYC DEP realignment of Route 28A.

Mike Kight reviewed a letter sent to the town from the DEP Commissioner and noted they have since chipped and sealed Route 28A from Monument Road to the Boiceville Bridge plus painted lines on Route 28A. He noted the "S" Curve in Boiceville has been a concern for many years and they are currently in contract to realign that portion of Route 28A. He noted they will be working with two property owners to obtain right of ways to the new road surface. He estimated two years for this to be completed. He noted that pavement markings from Monument Road to West Hurley may be done this year depending on the availability of the state equipment. He noted of the seven bridges to be repaired, six are complete, with the Stone Church Bridge being completed in October 2011. The speed limit survey done by the NYS DOT recommended the speed limit remain at 35 mph on Route 28A mainly due to road width and no shoulders. He noted the DEP identified five areas that could be passing zones; but, it was decided that no passing zones would be implemented due to the width and road shoulders, driveway intersections, and length of the road. He noted that recent speed checkers on Route 28A noted that some speeds were recorded at 76 mph. Cat 244 for the Route 28A realignment is proceeding quite well. He noted all issues have been resolved which made them shift the road which affected the storm water protection plan. He noted the storm water protection plan had to be redone due to infringement on private property. He stated the contractors have built access roads alongside Route 28A to not deter traffic during construction. Kris Lovelett noted a bridge would be set next week at the Beaverkill/Esopus channel. When asked about the 5 arch bridge, dividing bridge, and railroad bridge in Boiceville, Mr. Kight noted this construction would be in

approximately two years. When asked about addressing bicyclists he noted they are addressing some of these issues in the construction of the new alignment with wider shoulders.

Chet Scofield asked if anyone could show him what traffic law the City of New York originally posted the 35 mph speed limit on Route 28A. Mr. Kight noted that the original Watershed Act says that they must maintain roads and bridges.

The following correspondence was read and filed:

#70-10

The American Legion will conduct its annual Veterans Day celebration on Thursday, November 11<sup>th</sup> at 11 a.m. at the Legion Hall in Shokan.

#71-10

NYS DOT states they have received the Town Board's letter requesting a study of traffic on Route 28 through Shokan and they will conduct said study and inform the town of the results.

#72-10 & #73-10

Senator Bonacic and Assemblyman Cahill state they have received the Town Board's support of Resolution #16 regarding mountain biking at Belleayre.

On a La Monda/Burkhardt motion the Town Board unanimously approved payment of the following audited bills: Highway Vouchers #311-#332, \$79,951.06; General Fund Prepaid Vouchers #508 & #540, \$308.00; General Fund Vouchers #509-#539 & #541-#542, \$92,995.41; and Special Lighting Voucher #10, \$54.25.

Supervisor Leifeld noted the monthly income as cash received for September 2010 as \$156,026.24 and interest received for September as \$978.14.

On a La Monda/Burkhardt motion the Town Board unanimously approved the following budget modifications in the Highway Fund:

Transfer \$11,121.00 from Highway Escrow Retirement to DA9010.8 NYS Retirement

On a La Monda/Burkhardt motion the town Board unanimously approved the following budget modifications in the General Fund:

Transfer \$994.00 from GF Escrow Retirement to 9015.8 Police & Fire Retirement

Transfer \$1,002.00 from 1990.4 Contingency to 1010.4 Town Board (Cont.)

Transfer \$120.00 from 1990.4 Contingency to 3310.4 Traffic Control Equip. (Cont.)

Transfer \$1,000.00 from 1990.4 Contingency to 7110.4 Parks (Cont.)

Under New Business: Supervisor Leifeld stated the town has come up with a new dog law mandated by the State as they just want the money and don't want to do the work. Supervisor Leifeld stated a Public Hearing will be held on Monday, December 13, 2010, at 7:30 pm for the

purpose of reviewing proposed Local Law #1 of 2010 A Local Law for Dog Licensing and Control of Dogs in the Town of Olive.

On a Leifeld/Rank motion the Town Board unanimously approved Z3 Consultants, Inc., as additional electrical inspectors for the Town of Olive.

On a Leifeld/La Monda motion the Town Board unanimously approved reappointing Tom Planz to serve on the Board of Assessment Review. His term will begin immediately and will expire 9/30/2015.

Supervisor Leifeld stated that Bernie Stahl has been a volunteer meals driver for the past 13 years. On a Leifeld/Burkhardt motion the Town Board approved sending Mr. Stahl a letter of gratitude and appreciation for his volunteer service.

Under Old Business: Supervisor Leifeld noted that the Town Board had requested the NYS DOT reduce the speed limit on Deerfield Road. The DOT responded (#74-10) stating that specific forms and a Town Board Resolution must first be sent to Ulster County Public Works. Supervisor Leifeld read Resolution #17 of 2010 Request NYS DOT Reduce Speed Limit on Deerfield Road. On a Leifeld/La Monda motion and unanimous roll vote the Town Board approved Resolution #17. Roll vote being: Rank, yes; Burkhardt, yes; La Monda, yes; Friedel, yes; and Leifeld, yes. On a Leifeld/Burkhardt motion the Town Board empowered the Supervisor to sign the TE9 form.

Supervisor Leifeld stated that for years there has been a problem with the Boyd subdivision on Brown Road with the residents along that road suing the town. The settlement was that the three houses on that road would receive the escrow money for that road. He noted the Town Board must pass a resolution to release those funds. Supervisor Leifeld read correspondence from Attorney Peter Graham explaining the agreement and read Resolution #18 of 2010 Release Boyd Subdivision Escrow Funds. Board Member Burkhardt seconded the motion. Roll vote being: Rank, yes; Burkhardt, yes; La Monda, yes; Friedel, and Leifeld, yes.

Supervisor Leifeld stated a Public Hearing was held November 4<sup>th</sup> on the 2011 Preliminary Budget. On a Leifeld/La Monda motion the Town Board approved the 2011 budget--four ayes, Rank, Burkhardt, La Monda, Leifeld; and one nay, Friedel. Supervisor Leifeld stated it is customary for board members to explain their nay vote. Board Member Friedel stated the tax rate is too high and we should be trying to cut things in these economic times. He stated he knows that Supervisor Leifeld said we can't do anything about the budget; so, his vote is simply a protest vote. Board Member Friedel stated he feels that elected officials should not receive a pay raise and he will give his raise back to the town. Supervisor Leifeld stated he would like to clear something up. He noted he didn't say we couldn't do anything about the budget; he simply asked Board Member Friedel where he would cut the budget and he said he didn't know where to cut it.

Town of Olive  
Resolution #17 of 2010  
Request NYS DOT Reduce Speed Limit on Deerfield Road

WHEREAS, the Town Board of the Town of Olive at its September 14, 2010 meeting received a petition including thirty-seven (37) signatures requesting a lower speed limit on Deerfield Road; and

WHEREAS, all property owners along Deerfield Road signed said petition; and

WHEREAS, complaints regarding excessive speeders on this roadway were received by the Town Board in 2009 and resulted in the town requesting more law enforcement activity along this road; and

WHEREAS, the Town Board feels that extenuating circumstances occurring on this road warrants a request for a lower speed limit on Deerfield Road; and

WHEREAS, the Town Board in a letter dated September 15, 2010 addressed to William J. Gorton, Acting Regional Director of the NYS DOT, requested said lowered speed limit on Deerfield Road, and

WHEREAS, the Town Board received correspondence dated October 13, 2010 from the NYS DOT outlining the procedure for reviewing said request and assigned File # 51.17-28 to the Town Board's request;

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive unanimously requests the New York State Department of Transportation reduce the speed limit on Deerfield Road, Boiceville, NY, to 25 mph as requested in the residents' petition filed September 14, 2010.

	Aye	Nay
Berndt Leifeld, Supervisor	<u>  X  </u>	_____
Henry Rank, Board Member	<u>  X  </u>	_____
Linda Burkhardt, Board Member	<u>  X  </u>	_____
Bruce La Monda, Board Member	<u>  X  </u>	_____
Peter Friedel, Board Member	<u>  X  </u>	_____

Dated this 9<sup>th</sup> day of November, 2010

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Sylvia B. Rozzelle, Town Clerk

Resolution #18 of 2010  
Town of Olive  
Release Boyd Subdivision Escrow Funds

WHEREAS, an action was commenced against the Town in Supreme Court, Ulster County by George T. Cholakis, Evangeline Casey-Cholakis, Norman Baron, Joyce Baron, Serge Troyanovsky and Yelena Yoffe under index #09-6553.

WHEREAS, the Town of Olive has defended the action by the service of an Answer which denied the allegations of the complaint.

WHEREAS, the Town of Olive has reached settlement with the plaintiffs which is just, reasonable and in the interest of the Town of Olive pursuant to Town Law, Section 68.

Now, upon motion duly made by Councilman La Monda and seconded by Councilman Burkhardt and was carried, it is

RESOLVED, the Town Board of the Town of Olive hereby authorizes Supervisor Leifeld to settle said action by paying to plaintiff's attorney the sum of \$7,313.83 plus interest from the funds held in the Boyd subdivision escrow account, exchanging general releases between the Town and plaintiffs, authorizing the Town Attorney to sign a joint Stipulation of Discontinuance, with prejudice, and signing such other documents to effect the settlement.

	Aye	Nay
Berndt Leifeld, Supervisor	<u>  X  </u>	_____
Henry Rank, Board Member	<u>  X  </u>	_____
Linda Burkhardt, Board Member	<u>  X  </u>	_____
Bruce La Monda, Board Member	<u>  X  </u>	_____
Peter Friedel, Board Member	<u>  X  </u>	_____

Dated this 9<sup>th</sup> day of November, 2010

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Sylvia B. Rozzelle, Town Clerk

PARKS & RECREATION liaison Board Member Burkhardt submitted November report #75-10 outlining information regarding Adult Fall Softball, Little League/T-Ball, Soccer, Flag Football, and the Winter Ski Program.

POLICE Commissioner La Monda submitted October Activity Report #76-10 noting a total of 117 calls for the month. He noted the department has been quite busy with 154 calls the previous month.

FIRE DEPARTMENT October report #77-10 noted a total of 76 responses for the month.

HIGHWAY Superintendent Fugel stated he signed the contract for purchasing and replacing the culvert on Bradken Road.

TOWN CLERK Rozzelle noted revenues received for the month of October totaled \$8,494.30 (#78-10).

Drew Boggess asked if anyone brought up the fact that the road in the Boyd subdivision is on Baron's property and is anything going to be done for that. Board Member La Monda stated the Town has no jurisdiction over the private road and they have signed the legal settlement papers.

On a Leifeld/La Monda motion the Town Board requested a page in the Town Minute Book be dedicated in memory of Robert "Bobby" Wilkins. Supervisor Leifeld stated that Bobby was his good friend and served as Assessor, Town Justice, and County Legislator. He noted the Town has lost a good friend.

All business having been discussed, on a Leifeld/Leifeld/La Monda the Town Board adjourned at 8:45 pm in memory of Steven M Foster, Mildred Kennedy, and Robert "Bobby" Wilkins.

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Sylvia B. Rozzelle, Town Clerk

This Page Dedicated

In Memory of

**Robert J. Wilkins**

Owner/Operator of

Robert J. Wilkins, Inc. and RJW School Bus Transit

Served as Ulster County Legislator, Town of Olive Justice,  
Town of Olive Assessor, & Ulster County Traffic Safety Board

Dedicated World-Class Bobsled Athlete

Walked in Parade of Athletes at the Winter Olympic Games 1992  
Albertville, France

Coach of the Virgin Islands and US Bobsled Teams  
Winter Olympic Games 1988 -- Calgary, Canada

Founder of the Kings Highway Travelers

Avid outdoorsman who appreciated the  
beauty of nature and its animals.