

Town of Olive
County of Ulster
State of New York
Tuesday, October 11, 2011

Minutes of the audit and regular meeting of the Town Board of the Town of Olive held Tuesday, October 11, 2011, 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 Rozzelle, Town Clerk

Others Present: Drew Boggess, Planning Board Chairman; Jimmy Fugel, Highway Superintendent; and Bill Cook, Sole Assessor

On a Burkhardt/La Monda motion the Town Board approved the September meeting minutes as submitted by the Town Clerk.

The following correspondence was filed:

#72-11

Raecine Shurter and Rodney Sage submitted a letter to the Town Board requesting it be entered into the record. The letter asks the Town Board to request that FEMA examine their problem and engineer solutions for the periodic flooding that they and their neighbors experience even during moderate rains. They state that the runoff and drainage problems of Dove Hills subdivision have contributed to this problem as it drains totally into a 100 year flood plain. Supervisor Leifeld stated the Town Board will try to meet with her regarding this issue.

On a La Monda/Rank motion the Town Board approved the following audited bills: Highway Vouchers #298-#332, \$56,673.15; General Fund Prepaid Voucher #426, \$132.00; General Fund Vouchers #427-#473, \$39,367.18; and Special Lighting Voucher #10, \$55.35.

Supervisor Leifeld noted that cash received for August 2011 totaled \$116,653.46 and interest received for August as \$1,216.98.

On Leifeld/La Monda motion the Town Board approved the following budget modifications:

Transfer \$1,100.00 from 1990.4 (Contingency) to 3120.4 Police (Contractual)

Transfer \$8,000.00 from General Fund Reserve "D" Parks to Highway Fund

Under New Business: Supervisor Leifeld read Resolution #11 of 2011 Catskill Watershed Corporation Flood Relief Program Authorization. He stated that businesses damaged during the recent hurricane will be paid a maximum of \$30,000.00 as grants from the CWC. He stated in order for the businesses to be eligible to receive said funds each watershed town involved must pass this resolution. Board Member Friedel asked how we determine what businesses are involved. Supervisor Leifeld stated the town does not make the decision; it is the CWC that will determine how the funds are disbursed. He noted a list of damages submitted by businesses will be forwarded to the CWC, they will visit each site, and the staff at the CWC will determine the amount given out. On a Leifeld/La Monda motion and unanimous roll vote the Town Board approved Resolution #11 of 2011. Roll vote being: Rank, yes; Burkhardt, yes; La

Monda, yes; Friedel, yes; and Leifeld, yes. Board Member Rank questioned what happens to money that is left over. Supervisor Leifeld stated that is a question that has not been decided; however, he has asked the CWC to consider after the first round of damages to the structure, then they consider equipment, and then inventory.

John Molloy asked is there any chance of getting money from CWC for our own highway repairs. Supervisor Leifeld responded not under this program which is a grant program; but, it could be under another program in the form of loans.

Supervisor Leifeld stated Election Day is November 8th with all polling sites open from 6 a.m. until 9 p.m.

On Thursday, October 13th the Town Board will hold a Public Hearing on proposed Local Law #1 of 2011 A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C. Supervisor Leifeld stated holding the hearing does not mean the Town Board will pass the law. He stated the way it looks now the budget will stay below the 2% cap; but, if the town has to borrow money to take care of the flood damages in the streams then the budget will go over. The Tidal Basin consultant is talking that the 12.5% for the town to pay due to hurricane damages will be approximately 300 to 400 thousand dollars. He noted the bad news is that FEMA is not going to pay for everything to be taken out of the streams. He stated that if FEMA determines that a log in the stream might not create a problem later on, then they won't pay for it to be removed. They will be working on right of ways to get into the stream since the town has no property or roads along the Bushkill. He noted County Administrator Mike Hein stated the county has five bridges that are completely out and they haven't gotten to Olive yet. He further noted that Mr. Hein stated the county is currently trying to fix bridges and pave roads. Supervisor Leifeld stated the least the county could do is pull out logs and trees around their bridges. He stated the county has two bridges plus the county road along the Bushkill and it would be his recommendation for the county to go in and clean it all out. The town's consultant has a few arguments to make and he will go to battle for us. The DEP promised us that they would be in there 2 weeks ago and now they're telling us it's next week. He stated the DEP will be dredging it out as we cannot do that.

John Molloy asked if there is any thought of the Corps of Engineers getting in the stream as they did in 1985. Supervisor Leifeld stated the Corps was here between visiting Shandaken and going to Binghamton. He stated that he, Board Member La Monda, and Highway Superintendent Jimmy Fugel met with FEMA and the Corps of Engineers at the same time. Board Member La Monda stated the two people from FEMA were evasive and the Corps of Engineers wasn't too optimistic of coming in here. Board Member La Monda stated that if the Corps comes in you have to pay for it. FEMA may pick up 80% of that, but, the town would have to pick up 20%.

Supervisor Leifeld stated that FEMA will look at all the jobs on the streams and then determine what they are going to pay for. Our consultant is impressive in his arguments; but, if FEMA determines they don't want to pay, then they won't. Supervisor Leifeld stated that when we had the kick off meeting with FEMA we were the first town to have all our paperwork in order and filed. He noted that is the reason the Town of Olive was the first town in Ulster County that FEMA came to.

Pat Conway asked if Maltby Hollow is included in that. Supervisor Leifeld stated that our engineer, Henry Lamont, surveyed the Bushkill, Maltby Hollow and Traver Hollow streams; but,

Town of Olive Resolution #11 of 2011
Catskill Watershed Corporation Flood Relief Program Authorization

WHEREAS, the Town of Olive sustained severe damage from flooding caused by Tropical Storm Irene beginning on August 28, 2011; and

WHEREAS, residents in Olive may be eligible for grants for repair/replacement of damages to residences through the Federal Emergency Management Agency, among others; and

WHEREAS, no governmental grants exist to assist businesses in the Town of Olive to repair structural damages; and

WHEREAS, the Catskill Watershed Corporation Board of Directors held a special emergency Board meeting on September 13, 2011 and established the Catskill Watershed Corporation Flood Recovery Grant Program to provide grants through and in cooperation with watershed towns to for-profit businesses for repair of structural damage due to Tropical Storms Irene and Lee; and

WHEREAS, under the CWC Flood Recovery Grant Program individual watershed towns must designate businesses for inclusion in the Catskill Watershed Corporation Flood Relief Program; and

WHEREAS, the Town of Olive desires to participate in the Catskill Watershed Corporation Flood Relief Program.

NOW, THEREFORE, the Town of Olive by and through its Town Board authorizes the Town Supervisor to participate in the Catskill Watershed Corporation Flood Relief Program and execute an agreement with the Catskill Watershed Corporation for a total amount no to exceed Three Hundred Twenty-Nine Thousand Dollars (\$329,000.00).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Olive desires that businesses listed in Attachment A at the amounts therein be included in the Catskill Watershed Corporation Flood Relief Program.

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

Dated this 11th day of October, 2011

Sylvia B. Rozzelle, Town Clerk

Attachment A---Town of Olive

Boiceville Market	Route 28	Boiceville, NY	Mario Occhi
Trail Motel	Route 28	Boiceville, NY	Walter DeBaum
Boiceville Florist	Route 28	Boiceville, NY	Arthur Haver
Maverick West	Route 28	Boiceville, NY	Maverick Family Health 679-5271
Cindy Johansen	Route 28	Boiceville, NY	Cindy Johansen
Stucki Embroidery	Route 28	Boiceville, NY	Murray Fenwick
Landmark Grill	Route 28	Boiceville, NY	John & Diana Klippel
Davis Construction	Pr. Rd. #	West Shokan, NY	Chad Davis
Dr. Carol Robin	521 Watson Hollow	West Shokan, NY	Carol Robin
Ivanoff Construction	Route 28	Boiceville, NY	Sasha Ivanoff

if FEMA decides they don't want to fund the projects then they won't. Pat Conway stated that it was originally said that Collins was to be in the stream working. Board Member La Monda outlined all the different information given the town by the City of New York noting all the information has changed numerous times and whatever they tell you continually changes.

In response to questions as to what the consultant will cost the town, Supervisor Leifeld stated somewhere between \$17,000.00 and \$30,000.00. Supervisor Leifeld noted the consultant will be doing all the paperwork, providing all the work details, hiring the contractors, and also providing the required FEMA monitors. Board Member La Monda stated that if you don't have monitors on the streams watching the projects done then FEMA won't pay. Board Member La Monda noted the consultant will hire the monitors and contractors and oversee them both. He also stated if the town had gone into the Bushkill and started yanking out trees the town wouldn't have received a penny as everything has to be done by FEMA rules. Board Member Friedel stated the only way we could have done better is if the town had declared an emergency earlier and gone in the streams. Supervisor Leifeld stated we were covered under the county emergency declaration further noting the town should declare an emergency for one reason only, and we went that one step further as it will protect you when it comes to environmental issues and endangered species. Board Member La Monda again stated that if we had gone in the streams then we wouldn't be getting a penny from FEMA. Supervisor Leifeld stated that FEMA has to approve the project on a site by site basis.

Supervisor Leifeld stated that most towns are holding public hearings on the proposed local law and the town needs to have the local law in place ready to adopt in case we can't make the 2% cap.

Supervisor Leifeld stated since capital reserve accounts have been somewhat of a topic lately he stated the town can't borrow from them and then pay them back. You can abolish them; but, if you do, there better be a good reason why they are no longer needed because you are taking taxpayers money that won't be here any longer. He stated it's not easy to abolish a capital reserve account.

Charlie Blumstein asked if there is a storm damage reserve account to which the answer was "no".

Board Member Friedel stated he's been saying you can borrow from a reserve account and entered into record an email (#73-11) from Teresa Meyer, Associate Examiner, from the Office of the State Comptroller, which states "No you are not allowed to borrow from reserves." But, Ms. Meyer suggested an alternative of loaning money under a real obligation and "buy" your own bond. She suggested contacting Mitch Morris of the OSC legal department. Board Member La Monda stated we should look into this; but, has concerns if it involves encumbering these funds. Board Member Friedel stated there should be a way we can use this money in our emergency state that we are in.

It was stated by several members that the Town Board should look into this, but, they don't want to abolish these capital reserves.

Supervisor Leifeld stated there are a lot of people in Olive that don't even know there is a problem on Watson Hollow Road; but, if something happened in their area of town we would be there for them, also.

Supervisor Leifeld stated the rollofts in Boiceville are not going to be paid for by FEMA because it is not a town road. He stated they will be talking with New York State to see if they will fund this aspect of clean up along State Route 28.

Glenda McGee stated that a missionary came back from tornado areas where FEMA funds have dried up. She asked the Town Board to take this situation to pick up the comprehensive plan and look at all the different ways that control you. She stated the board should take this experience of where you are dealing with these alphabet agencies. She stated she reads this stuff and it is bad and asked the Town Board to see what came out of that Planning Board debacle because watershed people are not looking out for us. She stated when the town breaks through the tax cap then every other tax increase is being built on a higher plateau further noting we do not want to raise that. She stated the town doesn't need low income housing as she lived and worked in Harlem where low income housing was put in and low income housing is horrible. She stated you live there because you are broke. She stated she will not stop beating a dead horse as the horse "ain't" dead yet.

Board Member La Monda stated that the comprehensive plan is a draft and there are a lot of changes to be put into the booklet. He stated he doesn't understand why no one can understand that it is not a regulatory document, it has no regulations. He stated the town tried to adopt two master plans by doing it ourselves and we could never get a committee to agree on anything. He noted the town spent years and years for nothing. He stated this time we hired a consultant and if we didn't hire a consultant we'd have 30 people in here arguing about its content. Board Member Burkhardt reiterated the plan is a draft and things in there are merely possibilities. She noted that in places where the word "should" appeared it now says "could".

Glenda McGee stated the regulatory environment has become insane noting the federal government is going to hire 230,000 EPA regulators to be divided between the states,

Board Member Friedel asked how we are funding the rest of this master plan. Supervisor Leifeld stated we're not; but, we were until Hurricane Irene came along further stating that now things have changed.

Glenda McGee stated that the City of New York still wants control and a request in the document is that we're asking for more vacant land. Board Member La Monda stated we've been through all this at the public hearing and the Town Board has stated what information was to be taken out. Board Member Burkhardt stated that there are also a stack of public comments submitted after the public hearing which are to be considered.

Charlie Blumstein stated that when you have a shared vision, it's a policy statement and you're driving towards those provisions. The actual law policy statement has very much changed over the last document made over 20 years ago. He stated the last time it was done with public participation and a survey was done. He stated we've been in this process for over a year and a half and it was said that a post card was not even to be sent out.

Supervisor Leifeld Berndt sated that cleaning up after Hurricane Irene is top priority right now.

The following committee reports were filed:

PARKS & PLAYGROUNDS liaison Board Member Burkhardt stated their recent meeting centered on discussing the soccer program and little league program which have run into a few

problems. She stated that fall softball is in full swing and they are working on the basketball program.

POLICE Commissioner La Monda submitted report #78-11 showing a total of 158 calls for the month of September.

FIRE DEPARTMENT September report #74-11 showed a total of 70 responses for the month.

HIGHWAY liaison Board Member Rank submitted September report #75-11 noting the Highway Department repaired flood damage on Bostock Road, Moonhaw Road, Fisher Road, Sahler Mill Road, Brown Road, Haver Road, Freeman Avery Road, Upper Boiceville Road, Brodhead Road, and Upper Samsonville Road.

TRANSFER STATION liaison Board Member Friedel submitted August report #76-11 showing total revenues of \$7,745.00 and total expenses of \$8,630.75 and September report #77-11 showing total revenues of \$6,865.00 and total expenses of \$9,207.88.

TOWN CLERK Rozzelle submitted September report #77-11 which noted a total of \$13,291.29 in monthly revenues.

Delia Adams stated she received a yellow flyer in the mail and was very uncomfortable about not knowing who mailed it out.

Glenda McGee stated that 20 different people put their money into it and eight people were involved in writing it. She stated she used her address as she was very proud to do her good citizenship and send out the information. She stated she has had her family chased out of Bayside and this is the last exploitation.

Charlie Blumstein stated he was on the committee to send out this information. He stated a lot of the people wanted to stay anonymous so they didn't get the abuse that he was subject to.

John Molloy asked if we allowed people to use the Transfer Station to dispose of their waste from the floods for free stating he has a wood floor that needs to be taken care of. Supervisor Leifeld responded "no". It was noted the Transfer Station doesn't take C & D as this would have to go to Kingston. It was also noted that rollofs were put in Boiceville.

On a La Monda/Rank motion the Town Board requested a letter be sent to the Highway Department commending them for services during the hurricane.

On a La Monda/Burkhardt motion the Town Board requested a letter be sent to the Olive Fire Department thanking them for their valuable volunteer service during the recent hurricane.

Cindy Johansen stated that we have all learned a lot from this experience in that she feels bad for the Occhi's as they spent \$12,000.00 to get rid of their debris. She stated we didn't know what the requirements were, if that debris had just been pushed out onto Route 28 then it would get picked up for free.

All business pertinent having been discussed the Town Board adjourned at 9:00pm on a La Monda/Burkhardt motion in memory of John Lanzarotta. On the same motion the Town Board requested a page in the Minute Book be dedicated in memory of John as he served the Town of

Olive well as Planning Board Chairman. Supervisor Leifeld stated that John Lanzarotta is the husband of Town Bookkeeper Janice Lanzarotta.

Sylvia B. Rozzelle, Town Clerk

This page dedicated

in memory of

John J. Lanzarotta

Served as Chairman, Secretary, and Member
of the
Town of Olive Planning Board
1987 - 1996

Owned and operated J & J Automotive in Shokan
1978-1998

Well respected businessman and
member of our community

Beloved Husband of
Town of Olive Bookkeeper, Janice Lanzarotta
and
Father of Eric and Jim