

Town of Olive
County of Ulster
State of New York
Tuesday, September 4, 2007

Minutes of a combined monthly audit and regular meeting of the Town Board of the Town of Olive held Tuesday, September 4, 2007, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
 Helen Chase, Board Member
 Bruce La Monda, Board Member
 Linda Burkhardt, Board Member
Member Absent: Henry Rank, Board Member
Recording Secretary: Sylvia Rozzelle, Town Clerk
Others Present: Tim Cox, Town Justice; Bill Cook, Sole Assessor; Jimmy Fugel,
 Highway Superintendent; Carl Swenson, Fire Chief; Drew
 Boggess, Planning Board

The Town Board audited the bills for the month of August until 7:35 p.m. at which time the regular meeting was called to order.

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

The following correspondence was read and filed:

#80-07

The Catskill Watershed Corporation addressed letters to the towns of Olive and Hurley noting that only \$7,956.41 remains available in the Olive/Hurley Tax Consulting Contract. Supervisor Leifeld stated this is money allotted to fight the assessment challenges by NY City and at this point there is a tentative date to go to trial. He noted he is working on an inter-municipal agreement to include Ulster County, Onteora School District, Olive and Hurley to all pay a percentage of the bills that come forward. He noted this is not an easy thing to do; but, thanks to our county legislators, Rob Parete, Rich Parete, and Peter Kraft, this has gone to committee and looks like it might go forward. He noted they currently are meeting with Onteora representatives to provide them with information regarding the issue. He noted the town could be looking at approximately \$250,000 per year in legal fees.

#81-07

Ronnie Marantz of Bostock Road stated that people are consistently congregating at Shokan Park after the hour of 11 pm when the is officially closed and asked if there is a possibility that the hour of closing be reduced to around 9 pm. Supervisor Leifeld stated that the recreation committee schedules games which last up until 11:00 pm. Council Member Burkhardt stated she will have Gene Sorbellini address this issue with ball teams to inform them they must leave the park when it closes.

#82-07

Masterpage Communications responded to the Town Board's request of knowing when cellular service is to be expected from the South Mountain facility by stating they are not able to speak on behalf of the carriers' construction schedule and requested that all future communications regarding this project be directed to Christopher Buckley of Whiteman, Osterman, and Hanna LLP.

#83-07

Donald Van Buren stated he is concerned about the speeding traffic on Deerfield Road and asked what needs to be done to get a reduced speed limit and enforcement. Supervisor Leifeld noted that NYS DOT would do a lengthy engineering study to tell the town whether or not the speed limit could be reduced. He noted this is a long drawn out procedure. Council Member La Monda stated he will inform the officers to patrol that road.

On a La Monda/Chase motion the Town Board approved payment of the following audited bills: Highway Voucher #280-#310, \$56,040.09; General Fund Prepaid Voucher #459, \$2,000.00; and General Fund Voucher # 460-#517, \$33,875.28.

Under Old Business: Tim Cox stated they requested the state come in and do a security update for our court with the Police Chief and Town Justice Wright. He noted that their rating was higher than most since the Police Department assists them at court. The report will be out soon and they probably will have recommendations for improvements which they hope will allow them to apply for grants.

Regarding the Boiceville Wastewater Treatment Facility Supervisor Leifeld noted the Boiceville Collection System Plan is 65% complete, the facility plan is underway, water meter work is being done, the plumber is working on installation of water meters with many being complete, O & M fee negotiations with NY City have been negotiated and agreed to, and it is determined that Boiceville has 140 hook-ups including the school.

Supervisor Leifeld stated the Town Board gave Highway Superintendent permission to seek bids on pick up trucks and the Town Board had previously rejected all bids. On a Leifeld/La Monda motion the Town Board approved the purchase of three (3) pick up trucks from VanBortel Ford per NY state bid for the amount of \$48,275.225 (#84-07). On a Leifeld/La Monda motion the Town Board approved the purchase of one (1) 2007 Morbark Model Hurricane 18 Brush Chipper from Morbark, Inc. per NY state bid in the amount of \$35,460.00 (#85-07).

Supervisor Leifeld noted the cash received for July as \$51,217.38 and interest received through July as \$75,099.51.

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

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| Increase A3089 (Grant Income) | \$6,255.38 |
| Increase A3120.2 (Police Equip.) | \$6,255.73 |

Transfer :

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| \$ 148.23 from A1220.2 Supervisor Equip. to A1220.4 Supervisor Cont. |
| \$7,000.00 from Reserve "T" Legal & Consulting to A1420.4 Attorney |
| \$2,000.00 from Reserve "C" Police to A3120.4 Police Cont. |

\$ 200.00 from A1990.4 Contingency to A5010.2 Highway Superintendent Cont.
\$ 50.00 from A7140.2 Playground Equip. to A7140.4 Playground Cont.
\$5,000.00 from A1990.4 Contingency to A7180.1 Pool Personal Services
\$ 400.00 from A7310.2 Youth Program Equip. to A7310.4 Youth Program Cont.
\$1,700.00 from Reserve "L" Buildings to A1620.4 Buildings Cont.

Under New Business: Supervisor Leifeld introduced Resolution #16 of 2007 Town of Olive Support of Maintaining Local Presence of the Town Court System. On a Leifeld/Chase motion the Town Board unanimously approved Resolution #16 of 2007. Roll vote being: Chase, yes; La Monda, yes; Burkhardt, yes; and Leifeld, yes.

Council Member La Monda asked if the town has received a response from the City of New York regarding keeping traffic open when repairing bridges to which the answer was "no". On a La Monda/Chase motion the Town Board unanimously approved a certified letter be sent to NYC DEP Commissioner wanting to know why we haven't received a response from the Deputy Commissioner.

Supervisor Leifeld stated that Pat Singer, resident on Moonhaw Road, suggests the town look into a reduced speed limit on her road.

Supervisor Leifeld stated there are members of the Olive First Aid Unit here to receive a check in the amount of \$1,000.00 donated by Alan Schulz on behalf of the annual Ashokan Run.

Francine Sherrer addressed the Town Board regarding the various stores going out of business throughout the town. She noted that fairly recently the American General Store opened with a new family run business which caters to earlier hours and has now become a community center. She stated because it is a small place they have recently learned of their plight dealing with the landlord and the health department. Now that it's become a little café the health department has stepped in with a whole new set of rules. She stated there are a lot of people who go there and is hoping that something can be thought of to try to help them.

Barbara Mansfield of the American General Store stated they appreciate the support but the major renovation necessary would mandate them owning the store for making such a capital improvement and they are not in the situation to be an owner at this point. She stated that the store has become a vital place for the elderly as well as teenagers to congregate. She stated it is a place where parents can be with their children. She stated they are not in the situation to be an owner at this point. Phil Mansfield stated the small store or gathering place is being erased and there is definitely a need for this type of business in the community.

Wendy Wolfensen stated her support is mostly for the way the Mansfields serve the practical needs of a wide variety of townspeople. She stated if they can't make it succeed then no one in this town is going to be able to make it which creates a serious problem for the town.

James Sofranko stated the broader issue is how does a "mom and pop" store operate if you're not on Route 28. How do they survive in this high real estate market and high rent? The question is how do we keep them.

Council Member Chase suggested a cooperative partnership where a group of people purchase the building.

Supervisor Leifeld stated he spoke privately with the Mansfields and gave them information regarding loans from the CWC. He noted that the store really does click now and they have done a lot to make it such a community minded place. He stated it is a hard thing for the town to get involved with and we can't take public taxpayer money to help one business.

Wendy Wolfensen asked if the Town Board could help with the county health department.

Open discussion occurred regarding real estate costs, need for a community center, cooperative ownership, the American General Store bringing back a sense of community, and the need to protect our community values.

Supervisor Leifeld stated that he personally, not as Supervisor, will write a letter to the store owner thanking her for refurbishing the store and will put a word in for the store and the Mansfields.

Tom Planz presented information on the Olive Fire Department Service Awards Program and the Olive Fire Department Service Awards Upgrade (#86-07) noting that at age 62 volunteer firemen will receive service credit. In 2003 the town voters overwhelming approved the program via referendum. Also, in 2003 the State of New York realized that departments still needed volunteers and removed the cap on the age, which had been determined discriminatory, but, also means it will cost more money. He noted the revised plan will still be under the projected annual cost.

Supervisor Leifeld set a workshop meeting with Tom Planz and members of the Olive Fire Department to discuss this issue. The meeting will be held Thursday, September 6, 2007, 7:00 pm at the Town Meeting Hall.

Wendy Wolfensen asked at which time does it become unsafe for a fireman. Mr. Planz noted there are various positions which a volunteer can participate in. He noted annual physicals determine what a volunteer can or cannot do.

Council Member Chase stated Tom Planz was at the Planning Board to present information regarding specifications for private driveways.

Supervisor Leifeld noted that Pat Meehan has been the Chairman of the Coalition of Watershed Towns (CWT) for ten years and has recently resigned. On a Leifeld/La Monda motion the Town Board requested a letter be sent to him at his Supervisor's Office in Windham.

On a Leifeld/La Monda motion the Town Board dispensed with the committee reports. The following committee reports were filed: #87-07 Town Clerk August Report, #88-07 Transfer Station July Report, #89-07 Recreation August Report, #90-07 First Aid July and August Reports, #91-07 Police August Report, and #92-07 Olive Fire Department July Report.

All business pertinent having been discussed the Town Board adjourned at 9:00 pm in memory of John McManus, Floyd Osterhoudt, and Robert Robeson.

Sylvia Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
Thursday, September 6, 2007

Minutes of a special meeting of the Town Board of the Town of Olive held Thursday, September 6, 2007, 7:00 pm at the Town Meeting Hall in Shokan, NY. The purpose of the special meeting was to discuss changes in the Olive Fire Department Service Awards Upgrade.

Members Present: Berndt Leifeld, Supervisor
Helen Chase, Council Member
Bruce La Monda, Council Member
Linda Burkhardt, Council Member
Member Absent: Henry Rank, Council Member
Others Present: Carl Swenson, Olive Fire Department Chief; Tom Planz, Service Awards Administrator, and Peter Nissen, Fire Department Treasurer

Correspondence #86-07 notes the Service Awards Program of the Olive Fire Department has an established entitlement age where the member starts collecting per his good years of service and stops accumulating service years. In the case of Olive this age was established at 62. Realizing there is a shortage of volunteers and many members can and do contribute beyond that entitlement age, the General Municipal Law was amended in 2003 to allow volunteers to accrue good years beyond that entitlement age up to the established limit of the program, in the case of Olive that is 20 years maximum. Over the past two years, several cases were brought to trial and in all of the documented cases it was ruled that capping a program at any age was discriminatory. As administrator of the program, Tom Planz, notes this changes the framework of the program and it is necessary to go to referendum again.

Since the state is unclear as to the exact need for a referendum, general consensus of the Town Board is to refer this matter to Attorney Peter Graham to determine whether or not a referendum is necessary.

All business pertinent having been discussed the Town Board adjourned at 8:00 pm on a Leifeld/La Monda motion.

Sylvia Rozzelle, Town Clerk