

Town of Olive
County of Ulster
State of New York
Tuesday, September 8, 2009

Minutes of the combined audit and monthly meeting of the Town Board of the Town of Olive held Tuesday, September 8, 2009, 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
 Peter Friedel, Board Member

Recording Secretary: Sylvia B. Rozzelle, Town Clerk

Others Present: Drew Boggess, Planning Board Chairman; Jimmy Fugel, Highway Superintendent; Tim Cox, Town Justice; Bill Cook, Sole Assessor; and Roy Hochberg, Ulster County Legislator

The Town Board audited the bills for the month of August prior to the start of the regular monthly meeting.

On a La Monda/Chase motion the Town Board approved the minutes of the August meetings as submitted by the Town Clerk. Board Member Rank abstained.

The following correspondence was read and filed:

#48-09

Richard and Sonja Ostrander commended the employees in the Assessor's and Town Clerk's offices stating the individuals they dealt with went the extra mile to assist them.

#49-09

Olive Fire Department, Inc., requests the use of manpower and equipment from the Olive Highway Department to assist in the process of repairing the parking lot located at the Olivebridge Fire House. On a Leifeld/Chase motion the Town Board empowered the Highway Superintendent to use highway equipment and personnel for this task.

On a Rank/La Monda motion the Town Board approved payment of the following audited bills: Highway Vouchers #279-#289, \$96,538.33; General Fund Voucher #383, \$38,879.00; and General Fund Vouchers #384-#419, \$51,295.96.

Supervisor Leifeld noted the monthly income for July as \$22,826.30 and interest for July as \$987.05. Supervisor Leifeld noted that our interest for this year is 95% less than last year and the mortgage tax is down around \$43,000.00.

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

Increase A2705	Gifts & Donations	\$ 800.00
Increase A3510.4	Control of Dogs Contractual	\$ 800.00
Increase A2680	Insurance Recoveries	\$40,011.00
Increase A1620.4	Buildings Contractual	\$40,011.00

Transfer \$5,500.00 from 1990.4 Contingency to 6140.4 Home Relief (Cont.)

Transfer \$1,000.00 from 7310.2 Youth Programs (Equip.) to 7310.1 Youth Programs (P.S.)

Transfer \$464.00 from 1990.4 Contingency to 7310.1 Youth Programs (P.S.)

Under New Business: On a La Monda/Rank motion the Town Board approved the following members to the Olive Fire Department, Inc., David Crowell, Gina Kothe, and Tristen Richter—all of Shokan. (#50-09)

Supervisor Leifeld noted the New York State Underwriters Association will cease operations on October 16, 2009; therefore, the Town of Olive has to approve new electrical inspectors for use within the town. On a Leifeld/Chase motion the Town Board unanimously approved New York Electrical Inspectors, LLC of Campbell Hall, New York. (#51-09)

Supervisor Leifeld introduced Resolution #9 of 2009 Establishing Qualifying Training Activities for the Town of Olive Planning Board and Zoning Board of Appeals Members as Required by New York State Law, Chapter 662 of the Laws of 2006. On a Leifeld/La Monda motion and roll vote the Town Board unanimously approved Resolution #9 of 2009. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Town Clerk Rozzelle noted that the current planning board members have over 90 hours of training certificates filed with her office. In addition, five of the seven members have completed the Pace University Law School Land Use Training tutorial.

Supervisor Leifeld introduced Resolution #10 of 2009 Amendment to CWC Contract for Construction of Boiceville Wastewater Collection System. On a Leifeld/Rank motion and roll vote the Town Board unanimously approved Resolution #10 of 2009. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Supervisor Leifeld recognized those present from the American Legion and announced that the Legion members have constructed and erected a kiosk on the American Legion Hall grounds in Shokan. (#52-09) He noted that Dino Giuliano and Lee Denman built and installed the kiosk, Angelo Russo was responsible for the finishing, Tim Dupree for the electric and Ed Kahil formed out and poured the concrete base. The Olive Highway Department donated the stone and rebar and the concrete was donated by the contractor building the Boiceville Sewer system. Supervisor Leifeld introduced Resolution #11 of 2009 Recognizing and Commending Olive Memorial Post #1627 of the American Legion. One a Leifeld/La Monda motion and roll vote the

Town Board unanimously approved Resolution #11 of 2009. Roll vote being: Rank, yes; Chase, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Dino Giuliano noted that any Olive Legion member interested in having their name and dates served posted on the kiosk should contact the Legion.

PARKS & RECREATION liaison Board Member Chase stated their monthly meeting is Wednesday, September 9, 2009.

POLICE Commissioner La Monda submitted August 2009 report #53-09 noting 121 monthly calls.

FIRE DEPARTMENT report #54-09 was submitted noting a total sixty-five (65) responses for the month of July.

TRANSFER STATION liaison Board Member Friedel submitted July report #55-09 noting total monthly revenues as \$7,725.00 and total expense for removing bins and recycling along with fuel surcharge totaling \$7,656.00.

TOWN CLERK Rozzelle noted a Primary for the Independence Party only will be held Tuesday, September 15th with the one polling place open being the American Legion Hall in Shokan. She noted the Old School Baptist Meeting House in Shokan will have its annual meeting on Saturday, September 26th at 12 noon. Town Clerk revenue report #56-09 shows a total of \$11,354.41 collected for August.

Under comments: Board Member Friedel stated the county is looking into property tax exemptions for fire department members and emergency medical personnel and suggested the Town Board look into this also.

All business pertinent having been discussed the Town Board adjourned at 8:15 pm on a Leifeld/La Monda motion in memory of Robert J. Christiana, Roberta Ann Goldman, Killian Mansfield, David P. Neals, and John Joseph Duffy.

Sylvia B. Rozzelle, Town Clerk

Resolution #9 of 2009
Town of Olive
ESTABLISHING QUALIFYING TRAINING ACTIVITIES FOR THE TOWN OF OLIVE
PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS AS REQUIRED BY
NEW YORK STATE LAW, CHAPTER 662 OF THE LAWS OF 2006

WHEREAS, the Town of Olive has primary responsibility to regulate private land use through citizen planning boards and zoning boards and their actions have a profound impact on state and local land use policies and individual land owners, and

WHEREAS effective January 1, 2007, New York State Law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Zoning Board of Appeals Members, requires a minimum of four hours of training be received by municipal planning and zoning board members and their alternates each year, and

WHEREAS, New York State Law, Chapter 662 of the Laws of 2006, provides that a planning and zoning board of appeals members and their alternates shall not be eligible for reappointment to such board if they have not completed the required training; and

WHEREAS, training received by planning and zoning board member in excess of four hours in any one year may be carried over by the member into succeeding years; and

WHEREAS, Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provides that the legislative body of the town,village and city specifies which activities qualify as training to satisfy the state requirements;

RESOLVED, that the following list of agencies, commissions, associations, universities, other organizations and private firms or individuals are approved to provide training to meet the requirements of New York State Law, Chapter 662 of the Laws of 2006 when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local or county government functions and practices:

1. **State Agencies** including: the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway, and other state agencies; and
2. **Associations and Professional Organizations**: as offered by the NYS Association of Towns, the NY Conference of Mayors, the NYS Association of Counties, the NY Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and the Metro New York Chapter of the American Planning Association, Association of State Wetland Managers, Urban Land Institute, NYS Bar Association; and
3. **New York State Regional Planning Commissions and Boards** including: the Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake

Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency; and

4. **County Planning Boards and Federations** including: any county planning board, regional council, or county planning federation established pursuant to Article 12 of New York State General Municipal Law; and
5. **Universities and Colleges:** the Albany Law School Governmental Law Center, Pace Law School, Cornell University and its cooperative extension, Lincoln Institute of Land Policy, SUNY ESF and other universities and colleges with a degree program in land use law or planning; and
6. **Approved Local Municipal Training:** any training that has been approved by resolution for planning board members by a legislative body of a municipality in Ulster County
7. **Private Firms and Individuals:** where such training is sponsored by any of the above
8. **On-Line Planning and Zoning Training Programs:** as offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy; and
9. **Other Approved Training:** as offered by a NYS Soil and Water Conservation District and that portion of any meeting of the local planning and zoning board designed to provide training on issues consistent with the above including updates on land use laws, environmental statutes and programs, and case law as documented in minutes and agenda of the Board.

FURTHER RESOLVED, that except where the Town of Olive itself provides the training, it is the responsibility of the planning and zoning board of appeals members to submit written confirmation of training attended to the Town Clerk to receive credit.

FURTHER RESOLVED, that any new planning board or zoning board of appeals member appointed to fill the last three months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and

FURTHER RESOLVED, that the Town Clerk shall create and maintain a system of tracking the training individual members complete annually. Such information shall be reported to the Town Board on an annual basis and an individual's training records shall be presented to the Town Board prior to considering a member for reappointment.

Signed this 8th day of September, 2009
Sylvia B. Rozzelle, Olive Town Clerk

RESOLUTION #10 of 2009
TOWN OF OLIVE
Amendment to CWC Contract for Construction of
Boiceville Wastewater Collection System

WHEREAS, the Town Board of the Town of Olive (the "Town") has entered into a contract with the Catskill Watershed Corporation ("CWC") for the construction of a wastewater collection system and wastewater treatment plant (the "Project") under the City of New York's Community Wastewater Management Program; and

WHEREAS, this Board has previously determined that the Project will benefit the health and welfare of the residents of the Hamlet of Boiceville by providing them with safe and reliable municipal sewer service, that the Project will aid in the development of the Hamlet of Boiceville and that the Project will be beneficial to the environment by the elimination of aging and/or failing subsurface septic systems; and

WHEREAS, on or about August 26, 2008, The City Of New York (the "City"), a municipal corporation organized and existing under the laws of the State of New York, acting by and through the Commissioner of the New York City Department of Environmental Protection ("NYCDEP") and the Town, acting by and through its Supervisor, entered into an agreement concerning the City's payment of certain costs associated with the operation and maintenance of the Boiceville Wastewater Treatment Plant ("Agreement"); and

WHEREAS, as of November 2, 1995, the Onteora Central School District wastewater treatment plant ("Tie-In Facility") was operating within the watershed of the City of New York's drinking water supply system; and

WHEREAS, in recognition of the City's obligations to pay certain costs associated with the operation and maintenance costs that would have been incurred by the Tie-In Facility had it been upgraded pursuant to paragraph 141 of the Watershed MOA instead of connecting to the Boiceville WWTP, the City has agreed to pay a supplemental amount for the benefit of former users of the Tie-In Facility to ensure that sewer use fees assessed against such former users are not greater than those former users' projected costs for wastewater treatment had the Tie-In Facility instead been upgraded onsite; and

WHEREAS, the Parties have agreed to amend the Agreement entered into on August 26, 2008 between the City and the Town of Olive for the Payment of Certain Operations and Maintenance Costs for the Boiceville WWTP; and

WHEREAS, the Board has reviewed and hereby approves said Agreement; and

WHEREFORE, be it resolved, that the Town Board authorizes the Supervisor to execute the above-referenced amendment to the Agreement.

Dated this 8th day of September 2009
Sylvia B. Rozzelle, Town Clerk

Town of Olive
Resolution #11 of 2009
Recognizing and Commending
Olive Memorial Post #1627 of the American Legion

WHEREAS, a resolution has been introduced in the US House of Representatives calling on the nation to observe American Legion Day on September 16, 1919, the date when the American Legion received its federal charter; and,

WHEREAS, the first American Legion Day will trigger a campaign to recognize the unsung heroes in communities where posts play an important role; and,

WHEREAS, every year members of the Olive Memorial Post #1627 of the American Legion support Boys State, Boys Nation, Girls State, Girls Nation, the Stratton Veterans Administration Home in Albany and also work locally supplying scholarship funds to our youth; and,

WHEREAS, the Olive Memorial Post #1627 of the American Legion annually donates numerous hours of community service; and,

WHEREAS, the Olive Memorial Post #1627 of the American Legion has recently constructed and installed a kiosk on the American Legion Hall grounds to honor and display the names of those veterans who have so proudly served our country.

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive does hereby recognize September 16th as American Legion Day and commends the Olive Memorial Post #1627 of the American Legion for their dedication to our community through sponsoring and supporting programs that benefit our youth, our veterans, and all town residents.

Dated this 8th day of September, 2009
Sylvia B. Rozzelle, Town Clerk