

Town of Olive
County of Ulster
State of New York
Monday, April 9, 2012

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, April 9, 2012, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
 Donald Van Buren, Board Member
 Linda Burkhardt, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member
Others Present: Drew Boggess, Planning Board Chairman

In the absence of the Town Clerk notes for the meeting were submitted by Supervisor Leifeld.

The Town Board audited the bills for the month of March and set the agenda for the April 10th meeting.

Supervisor Leifeld stated the town highway contract and the town personnel policy have inconsistencies which need to be addressed plus there are items in the personnel policy that are out of date. He stated that Personnel Consultant Michael Richardson requested a committee be formed to review the town personnel policy and make suggestions for revising. It was also stated by Mr. Richardson that the committee should consist of two Town Board members and two employees from the General Fund. Board Members Donald Van Buren and Linda Burkhardt volunteered to serve on this committee. The Town Board was in agreement.

All business pertinent having been discussed the Town Board adjourned at 8:25 pm on a Leifeld/La Monda motion.

Sylvia Rozzelle, Town Clerk

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County of Ulster
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Tuesday, April 10, 2012

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Members Present: Berndt Leifeld, Supervisor
 Donald Van Buren, Board Member
 Linda Burkhardt, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member

Recording Secretary: Sylvia Rozzelle, Town Clerk

Others Present: Jimmy Fugel, Highway Superintendent; John Ingram, Zoning Enforcement Officer; Bill Cook, Sole Assessor; Gene Sorbellini, Recreation Director; Susan Horner, Supervisor Clerk

The following correspondence was read and filed:

44-12

On a Leifeld/La Monda motion the Town Board approved the following member to the Olive Fire Department: Cody Kiersted of Olivebridge.

On a Burkhardt/Van Buren motion the Town Board approved payment of the bills for March. Supervisor Leifeld read aloud the bills to be paid: Highway Vouchers #91-#135, \$97,345.64; General Fund Vouchers #106-#139, \$97,823.86; Special Lighting Voucher #4, \$55.35; and Special Wastewater March Vouchers, \$29,005.46. On a La Monda/Friedel motion the Town Board approved payment of these audited bills.

Supervisor Leifeld noted cash received for February as \$197,067.76 and interest received as \$1,340.03.

On a Leifeld/Burkhardt motion the Town Board approved the following budget modification:
Transfer \$69,200.00 from Reserve "L" Buildings to 1620.2 Buildings (Equip.)

Board Member Burkhardt stated the Catskill Mountain Relay for Life will be held Saturday, June 16th at Grant Avery Park in Shokan.

Supervisor Leifeld noted the following bids were received for a 4wd Backhoe Loader:

#1-12	A. Montano	\$ 86,740.00
#2-12	Hoffman Equipment	\$107,200.00
#3-12	Keil Equipment	\$104,727.00
#4-12	Westchester Tractor	\$ 98,300.00

On a Leifeld/La Monda motion the Town Board approved the purchase from A. Montano for a 2012 JCB sCS-14 4wd Backhoe at the bid price of \$86,740.00.

Supervisor Leifeld introduced Resolution #9 of 2012 To Request a Local Law to Place a Moratorium on Exploration, Extraction, Disposal and Storage of Natural Gas Within the Town of Olive. On a Leifeld/Burkhardt motion and unanimous roll vote the Town Board approved

Resolution #9 of 2012. The approximate seventy people in attendance applauded this Town Board decision.

Board Member La Monda made a motion to send a letter to Ulster County stating the Town of Olive is opposed to the use and disposal of hydro-fracking byproducts on any county owned and/or maintained highways. This motion was seconded by Board Members Van Buren and Burkhardt.

Supervisor Leifeld stated the length of the moratorium was extended from six months to one year as the process could take longer than six months.

The following committee reports were read and filed:

PARKS & RECREATION liaison Board Member Burkhardt presented April report #45-12 noting Little League has over 50 children registered for the season, youth basketball will conclude on April 12th, job posting for the seasonal position of Day Camp Supervisor was placed in the FREEMAN with interviews to begin on April 18th, and registration for swim team was held on April 7th.

POLICE COMMISSIONER La Monda submitted March report #46-12 noting a total of 205 calls answered for the month. He complimented our Police Department personnel for responding so quickly to emergency calls as they are all EMT's.

FIRE DEPARTMENT activity report (#47-12) for March shows a total of 61 responses for the month.

HIGHWAY liaison Board Member Van Buren stated the new gas pumps are now up and running at the highway garage.

TRANSFER STATION liaison Board Member Friedel submitted March report #48-12 noting total revenues for the month as \$5,425.00 with a total expense of \$6,173.13.

Board Member Friedel stated he would like to look into sending NYS and Ulster County a letter about flood mitigation in Boiceville since Route 28 is vital to get to other areas. Olive is not in the Ulster County Hazard Mitigation Program and it's a way we can get moneys from the state and the county when the Esopus floods. He stated he spoke with Art Snyder who stated Olive is not eligible for the money but the towns around are and we might be able to tap into that. Supervisor Leifeld suggested the route to go would be to find out the names and addresses of those to contact of which Art Snyder would be the one to know.

TOWN CLERK Rozzelle submitted March revenue report #49-12 showing \$133,379.02 in Tax Collections and \$10,752.43 in Town Clerk revenues. She noted that May is the last month for collecting taxes locally and reminder tax notices will be mailed out May 1st. She reviewed the process for adopting local laws stating Resolution #9 is being forwarded to the Town Attorney who will draft the moratorium local law which has legal requirements that must be met prior to the Town Board adopting and filing the law with the Secretary of State. She stated the attorney will then draft the local laws necessary. Supervisor Leifeld confirmed that there will be two separate laws drawn up. He noted the Community Rights Law provided to the Town Board by ODAF has been forwarded to the Town Attorney. Board Member La Monda stated the Community Rights Law will be a separate law and the ban on hydro-fracking will be a law amending the Zoning ordinance.

RESOLUTION #9 OF 2012
TO REQUEST A LOCAL LAW TO PLACE A MORATORIUM ON EXPLORATION,
EXTRACTION, DISPOSAL AND STORAGE OF NATURAL GAS
WITHIN THE TOWN OF OLIVE

WHEREAS, there is the potential of anticipated growth in the exploration and/or extraction of natural gas and/or petroleum products with the method of hydro-fracking; and

WHEREAS, there have been discussions concerning the construction of such facilities and the activities associated therewith within the Town of Olive; and

WHEREAS, the Town of Olive wishes to implement, revise or replace laws to protect the health, safety and welfare of the community from adverse public nuisance and/or land use impacts; to promote the purposes of planning and land use regulation; and protect and preserve the character of the Town; and prevent increased traffic congestion, excessive noise and disturbance and diminished property values; and

WHEREAS, the Town of Olive acts under the statutory authority of Article 2, Section 10 of the Municipal Home Rule Law, which gives the Town of Olive the power to protect and enhance its physical environment; Article 16 of Town Law; Section 239-l and m of General Municipal Law; and Article IX of the New York State Constitution; and

WHEREAS, the Town has no pending applications for the exploration and/or extraction of natural gas and/or petroleum products; but has concerns about the transportation and disposal of by-products from the hydro-fracking process within the Town of Olive; and

WHEREAS, the Town of Olive requires more time to evaluate public input and wishes to maintain the status quo until all public input can be obtained;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive hereby authorizes a Local Law be drafted to impose a moratorium for a period of one (1) year on the process of hydro-fracking within the Town of Olive, on the transportation of any by-product of hydro-fracking on any roads that traverse the Town of Olive, and the use or disposal of any by-products of hydro-fracking on roads or lands within the Town of Olive, and

IT IS FURTHER RESOLVED, pending the consideration of such a local law then all uses relating to the exploration and/or extraction of natural gas and/or petroleum produce with the method of hydro-fracking are hereby prohibited.

	Aye	Nay
Berndt Leifeld, Supervisor	_____	_____
Donald Van Buren, Board Member	_____	_____
Linda Burkhardt, Board Member	_____	_____
Bruce La Monda, Board Member	_____	_____
Peter Friedel, Board Member	_____	_____

Dated this 10th day of April, 2012

Craig Grazier of the Ulster County Traffic Safety Board stated he will be representing western Ulster County as a member of that board. He stated the Town had requested the speed trailer for Route 28 noting it is currently being repaired. Once it has been repaired it will be placed in Olive. He stated it's important to get the speeds reduced in the 45 mph speed limits in Boiceville and Shokan.

Supervisor Leifeld stated that he called the County regarding the two dead trees at the end of County Route 3 at its intersection with Acorn Hill Road but no one returned his call. He asked if these trees were taken care of. Mr. Grazier stated he will bring it up at the next meeting but he noted there are representatives from the State DOT at their meetings but none from the County DOT.

Cindy Johansen stated she hears rumors that several of the sand filters at the Boiceville Sewage plant were ruined by Hurricane Irene. Supervisor Leifeld stated that they do have another filter that is up and running but right now they are waiting for insurance which is a lot like FEMA--one group tells you "yes" and one group tells you "no". He stated they were over run last time because of no power and it is more of a plant management issue.

All business pertinent having been discussed the Town Board adjourned at 8:05 pm on a Leifeld/La Monda motion in memory of Lucile Braun, Edward C. Duffy, Jr., Anna D. Snyder, and Katy L. Stowe.

Sylvia B. Rozzelle, Town Clerk