

Town of Olive
County of Ulster
State of New York
Tuesday, May 8, 2012

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, May 8, 2012 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Berndt Leifeld, Supervisor
 Donald VanBuren, 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; Dr. Phyllis McGill, Superintendent of Onteora School District; Tom Hickey and Dan Spenser, School Board Trustees

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

Supervisor Leifeld introduced Dr. Phyllis McGill, Onteora School Superintendent; and Dan Spenser and Tom Hickey, School Board Trustees. Dr. McGill distributed a handout entitled 2012-2013 Budget Presentation (#54-12). She stated they understand their fiduciary responsibilities and they always need to address the students' needs. She reviewed the 2012-2013 Budget Presentation giving overall pupil performance and noted that 80 to 85% of their budget is staffing and benefits.

In response to the question "Why is Onteora more expensive than other schools?", Dr. McGill stated that one of the reasons is the amount of staff to the number of students. She noted the bulk of the contracts are salaries and benefits noting step one teachers start at \$60,000.00 plus the teachers receive approximately \$25,000.00 on top of that for benefits. She stated there are a lot of restrictions put on the board when they go into negotiations noting it is a separate teachers' union but all are subsidiaries of NYSUT. She stated that in the 1980's when there were teacher shortages contracts were increased to attract teachers. John Tisch stated that we need a school board that will stand up to the negotiating of contracts and asked how can we roll salaries back. Dr. McGill stated there are rules regarding negotiations but she thinks the board is listening to all the community. She stated there is an attempt to organize the school boards of Ulster County and they are meeting with state officials saying they can't keep going in this direction. Dr. McGill stated the reality is the salaries are not sustainable for this school district. John Tisch stated we need a sense of community noting NY City teachers start at \$41,000.00. He stated the starting salaries need to be worked out.

Dan Spenser stated he is part of the negotiating team and assured all that the people's thoughts are their concerns and agrees they have to work back. In order to be fiscally responsible we need to work with the teacher's union as we feel it is unsustainable. It's really important that the community is involved in this decision.

Mrs. Halstead stated she taught for 32.5 years and her concern is we have a shrinking population. She stated she never taught with less than 25 children per class room. She stated

the school administration needs to consolidate more to have less classes with more children. She stated that she wished more teachers would volunteer to take a pay cut.

Various comments were made concerning reducing salaries and having more contributions towards benefits and negotiating harder during contracts.

Dr. McGill noted the Onteora tax rate is the lowest in the county; enrollment has decreased to 1,439; 2010-2011 budget is \$50,541,121; and the proposed 2012-2013 is \$49,686,922. She stated they are not looking at increasing money raised by taxes.

In response to questions as to how many students utilize Occupational Therapy, Dr. McGill stated they need to leave enough openings so they can deal with the day to day; but, they had way too many slots open and that is why they made the cuts. She noted that unfunded State mandates are also an issue in addition to State and Federal aid being cut.

John Tisch stated it's time for the school board at contract negotiation time to say if you want to walk out, then walk out.

Tom D'Errico stated they've gone round and round with the school board and the person in charge ran up the Special Ed for her own gain. He stated that school board members rotate from town to town to control the issues relative to their town.

In response to a question about 17% of district pupils being disabled, Dr. McGill stated she feels that figure is too high and only those kids that truly have a disability should be recognized. She stated by getting to kids earlier and better they should see this percentage reduced.

Supervisor Leifeld introduced Rebecca Balzac and Cybele Nielsen, candidates for the Onteora School Board. Rebecca Balzac lives in Olive with two children. She stated she's running because she has watched the decisions being made by the school board and the proposals for changes in curriculum and doesn't feel the district as a whole was benefited by the district decision. She stated they chose the plan to keep Phoenicia open and the plan that is the least cost effective. She stated she is concerned about what's available through the school and feels that resources should be used wisely and used best for our children's education.

Cybele Nielsen has two children who attended nursery school in Olive and feels that the decisions of the school board in the past year have impacted Olive. Since the beginning Olive was all held together by the district and this is the first time the district has been split up by this. She stated that Dr. McGill had proposed three plans with the board adopting the bookends plan and what's happening to Olive is that the children are now getting split. It is the least fiscally conservation plan spending the most money. She feels there needs to be representation on the board from other towns.

The following correspondence was read and filed:

#55-12

Time Warner Cable gives notice that it seeks renewal of its cable television franchise which expires January 28, 2015 and requests commencement of renewal proceedings. Supervisor Leifeld stated that Board Member Friedel is liaison to the cablevision committee which will need two new members.

#56 -12

Ulster County Resource Recovery Agency (UCRRA) contract is up in October of this year. Supervisor Leifeld stated that Transfer Station Manager Bruce Proper feels there are things we need to go over and suggests we grant them a one year extension. On a Leifeld/La Monda motion the Town Board unanimously approved empowering the Supervisor to sign a one year extension on this contract.

On a La Monda/Burkhardt motion the Town Board approved payment of the following audited bills: Highway Vouchers #136-#180, \$77,880.27; General Fund Prepaid Vouchers #140-#141, \$314.00; General Fund Vouchers #142-#195, \$168,577.05; Special Lighting Voucher #5, \$54.26; and Special Wastewater April 2012, \$27,018.37.

Supervisor Leifeld noted cash received for March 2012 as \$11,718.60 and interest received for March 2012 as \$1,338.38.

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

Transfer \$5,200.00 from Reserve "L" Buildings to 1620.2 Buildings (Equip.)

Transfer \$256.00 from 1990.4 Contingency to 3310.4 Traffic Control (Equip.)

Transfer \$2,899.00 from Reserve "D" Parks to 7110.2 Parks (Equip.)

Transfer \$4,700.00 from Reserve "B" Trans. Sta. to 8160.4 Refuse & Garbage (Cont.)

Supervisor Leifeld noted the Memorial Day Parade & Ceremony will be Monday, May 28th, 9 a.m. in West Shokan.

On a Leifeld/Burkhardt motion the Town Board appointed Tracy Gray as Recreation Camp Director.

Jennifer Vasta and Board Member Burkhardt announced the American Cancer Society's Relay for Life will be June 16th at Grant Avery Park. It was noted that Pat LaGorga will be the Grand Marshall and there are nine teams so far.

Supervisor Leifeld stated for the record that Charlie Blumstein has presented the Town Board with a lawsuit (#57-12) which is primarily against him and Town Clerk Sylvia Rozzelle. He stated copies are available for the public.

On a Leifeld/Burkhardt motion the Town Board unanimously approved by roll vote Resolution #10 of 2012 adopting Local Law #1 of 2012 Placing a Moratorium on Exploration, Extraction Transportation, Disposal and Storage of Shale Gas, Waste Products from Extraction of Shale Gas, and Infrastructure Supporting Extraction of Shale Gas within the Town of Olive. Roll vote being: VanBuren, yes; Burkhardt, yes; La Monda, yes; Friedel, yes; and Leifeld, yes. The Town Board received applause from the public.

Supervisor Leifeld stated it is the Town Board's top priority to get a community rights law and a Zoning law banning hydro-fracking together. Board Member Burkhardt stated that whatever we do we must make sure that the law doesn't get overturned.

The following committee reports were filed:

POLICE Commissioner La Monda submitted April Activity Report (#58-12) showing a total of 158 monthly calls.

Resolution #10 of 2012
Adopt Local Law #1 of 2012
Place a Moratorium on Exploration, Extraction, Transportation,
Disposal and Storage of Shale Gas, Waste Products from Extraction of Shale Gas, and
Infrastructure Supporting Extraction of Shale Gas within the Town of Olive

WHEREAS, the Town Board of the Town of Olive passed Resolution #9 of 2012 requesting a local law to place a moratorium on exploration, extraction, disposal and storage of natural gas within the Town of Olive; and

WHEREAS, Local Law #1 of 2012 was drafted by the Attorney for the Town and reviewed by an expert Attorney; and

WHEREAS, the public hearing on Local Law #1 of 2012 was held on May 7, 2012; and

WHEREAS, the Town Board reviewed and considered all public comments received on proposed Local Law #1 of 2012; and

WHEREAS, public comments were overwhelmingly supportive of passing proposed Local Law #1 of 2012;

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive approves Local Law #1 of 2012 Moratorium on Exploration, Extraction, Transportation, Disposal and Storage of Shale Gas, Waste Products from Extraction of Shale Gas, and Infrastructure Supporting Extraction of Shale Gas within the Town of Olive.

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

Dated this 8th day of May, 2012

Sylvia B. Rozzelle, Town Clerk

LOCAL LAW NO. 1 OF THE TOWN OF OLIVE OF THE YEAR 2012
BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF OLIVE

Section 1. **TITLE**

This local law shall place a Moratorium on exploration, extraction, transportation, disposal and storage of shale gas, waste products from extraction of shale gas, and infrastructure supporting extraction of shale gas within the Town of Olive.

Section 2. **PURPOSES**

The Town has an obligation to protect the health, safety and welfare of the Town and its' inhabitants and natural environment by governing the corporate extraction of shale gas within the Town of Olive. Pending the consideration by the Town Board giving due consideration to public input, and anticipating the review of options to protect and defend the fundamental rights of community members and the natural environment, including the complete prohibition of shale gas extraction using unconventional methods, the Town Board chooses to enact a local law imposing a Moratorium of one year's duration. To that end, the Town has passed a resolution to impose a moratorium for a period of one year on the extraction of shale gas by the process of hydro-fracking, directional drilling, and the transportation, storage and disposal of any by-products of said process on the roads or lands within the Town. This Moratorium includes a one-year prohibition on establishing infrastructure that would support unconventional shale gas extraction, including but not limited to pipelines, compressor stations, impoundment ponds, temporary housing and structures, roads and the like.

Section 3. **ENACTMENT**

A Moratorium is hereby enacted on all uses furthering the exploration, extraction, disposal and storage of shale gas within the Town of Olive for a period of one year from the enactment of this law.

Section 4. **WAIVER**

In the event that the enforcement of this Moratorium should result in undue hardship or practical difficulties, the Town Board, in its' sole discretion, may waive or vary any provision of this local law consistent with the health, safety and welfare of the community. Said application for a waiver shall be made to the Town Board in writing and shall be accompanied by a \$10,000 payment to be put in escrow to defray costs for the Town to evaluate the application. If the Town permits an application to proceed, then any permits granted thereby will conform to the new laws which will be enacted after the initial application.

Section 5. **SEVERABILITY**

The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

Section 6. **REPEALER**

All local laws or parts of local laws inconsistent or in conflict with this local law are hereby repealed to the extent of such conflict or inconsistency.

Section 7. **WHEN EFFECTIVE**

This local law will take effect immediately upon enactment by the Town Board and as provided by law.

HIGHWAY liaison Board Member VanBuren submitted April report #59-12 noting Traver Hollow, Kolb Road, and a portion of Bradken Road over the pipe were resurfaced. All town roads were swept and the new backhoe should be here in a week or two.

TRANSFER STATION liaison Board Member Friedel submitted April report #60-12 showing 15 garbage bins pulled weighing 56.17 tons for an expense of \$5,055.30 plus a garbage pull charge of \$600.00, a recycling pull charge of \$160.00, and a fuel surcharge of \$391.79 for a total expense of \$6,207.09. Total revenues for the month were \$5,550.00.

TOWN CLERK Rozzelle submitted April revenue report #61-12 showing Tax Collections totaling \$147,591.40 and Clerk revenues totaling \$49,516.91.

Board Member Friedel stated that Olive Ambulance is in need of EMT's and drivers if anyone is interested in volunteering.

Supervisor Leifeld stated he contacted the NYS Department of State and spoke with the person in charge of scenic byways. He noted that Peter Manning will be setting up a meeting with this representative and the byway towns. He noted that until the Town Board sees the final draft this thing will sit.

Town Clerk Rozzelle entered the following letters into the Minutes: #62-12 from Christina Himberger thanking this Board for their leadership in banning fracking; #63-12 from Linda Armstrong, thanking the Town Board for being proactive on the anti fracking issue; #64-12 from Gert Kaiser thanking the Town Board for taking a stand against fracking; #65-12 from George Koury thanking each of the Board Members for their leadership; #66-12 from Amy Friedman thanking the Town Board for imposing a moratorium on shale gas exploration in the Town of Olive; and #67-12 from Charlene and Robbie Roberts stating she is deeply touched by the Town Board supporting a moratorium on fracking.

Tom D'Errico stated there is a yellow pamphlet going around town and expressed concern over its content. Supervisor Leifeld stated he will answer questions regarding issues when his name is on it. He stated it didn't come from his office; it is simply someone's personal opinion.

Mr. D'Errico asked about the governing board. Supervisor Leifeld stated he suggested the board consist of an elected board member from each town. That way control is not taken away from the towns with the control and home rule within each town's section of Route 28 staying within that town.

Board Member Burkhardt stated the mailing is a personal interpretation of a draft document.

Helen Chase stated that all the representatives on the Catskill Collaborative were selected by each town's Town Board. Every person selected does represent their municipality. She stated two weeks ago all of the meetings that have been on this have been recorded and can be found on You Tube. She stated they have tried to answer every single question from all the townships and villages. She stated that every person who attended the Shandaken meeting was able to get answers to their questions as all of the agencies represented were present. The draft has now been changed with pieces taken out and/or reworded. Town Board members noted they have not received a copy of the revised draft of the byway plan.

Stephen Cadette stated it is a bigger issue that should not be addressed at the end of a meeting.

All business pertinent having been discussed the Town Board adjourned at 9:10 pm on a Leifeld/La Monda motion in memory of Alice Gudrun Haryn and Dorothy E. Shultis.

Sylvia B. Rozzelle, Town Clerk