

Town of Olive
County of Ulster
State of New York
Tuesday, January 8, 2013

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, January 8, 2013 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Bruce La Monda, Deputy Supervisor
 Linda Burkhardt, Board Member
 Peter Friedel, Board Member

Members Absent: Berndt Leifeld, Supervisor
 Donald VanBuren, Board Member

Recording Secretary: Sylvia Rozzelle, Town Clerk

Others Present: Jim Fugel, Highway Superintendent; Drew Boggess, Planning Board
Chairman; Bill Cook, Sole Assessor; Gene Sorbellini, Recreation Director

It was noted that illness has kept both Supervisor Leifeld and Board Member VanBuren from attending tonight's meeting.

On a Burkhardt/Friedel motion the Town Board approved the December minutes as submitted by the Town Clerk.

The following correspondence was read and filed:

#1-13

On a Burkhardt/Friedel motion the Town Board approved the following members to the Olive Fire Department: Carl Laughlin and Cassidy Dickman.

#2-13

The Village of Ellenville Board of Trustees sent letters to municipalities expressing their extreme disappointment in Time Warner's decision to raise the cost of basic cable television service. Enclosed with their letter was a news article regarding Assemblyman Kevin Cahill's concern about Time Warner charging monthly fees for modems.

Under Old Business: On a La Monda/Burkhardt motion the Town Board approved the following 2012 Budget Modifications:

Transfer \$298.00 from 1990.4 (Contingency) to 1355.1 Assessor (Personal Services)
Transfer \$ 25.00 from 1990.4 (Contingency) to 9050.8 Unemployment Insurance

Deputy Supervisor La Monda stated an invoice in the amount of \$25,619.15 from the Ulster County Board of Elections was received after January 1, 2013. This figure is the charge to the town for the 2012 elections. On a La Monda/Friedel motion the Town Board approved adjusting the 2012 year-end balance of the General Fund by \$25,619.15 thus making the 2012 unexpended balance \$167,589.53. After discussion about where to reduce the funds previously put into reserve accounts at the December 28, 2012 meeting, on a La Monda/Friedel motion the Town Board approved reducing the funds put into Capital Reserve "D" Parks by \$10,000.00 and reducing the funds put into Capital Reserve "L" Buildings by \$15,619.15.

Resolution #1 of 2013
Town of Olive
Audit of Town of Olive Town Justice Court Records

WHEREAS, the NY State Unified Court System's ACTION PLAN FOR THE JUSTICE COURTS included initiatives to improve accountability and controls over Justice Court finances and records; and,

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that justices annually provide their court records and dockets to their respective town board and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings; and,

WHEREAS, the Town of Olive Town Board did audit and examine said records and dockets provided by Town Justice Cox and Town Justice Wright for the fiscal year 1/1/2012 to 12/28/12 at the annual audit held on December 28, 2012; and,

WHEREAS, the Town of Olive Town Board did by board motion approve said records and dockets of both justices as submitted on December 28, 2012; and,

WHEREAS, the Unified Court System requires said Town Board approval be done by resolution;

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive does hereby accept the books of Town Justice Cox and Town Justice Wright as previously audited and approved on December 28, 2012.

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

Signed and certified this 8th day of January, 2013

Sylvia B. Rozzelle, Town Clerk
Town of Olive

TOWN BOARD RESOLUTION #2 OF 2013
SEQR Negative Declaration on Proposed Local Law #1 of 2013

WHEREAS, the Town Board of the Town of Olive has considered a Local Law to Control the use of land for the exploration and extraction of natural gas and petroleum anywhere in the Town; and

WHEREAS, the Local Law will be an amendment to the Town of Olive Zoning Law which regulates the use of land; and

WHEREAS, the Local Law is enacted under its' Supersession Powers granted under Municipal Home Rule Law, Section 10(1) (ii) (d) (3) and Town Law, Section 264 and 265; and

WHEREAS, the test of this Local Law has been referred to the Ulster County Planning Board, which has reviewed the submission of a "complete statement" and,

WHEREAS, the Ulster County Planning Board has made a Referral Response dated December 6, 2012 which decided "No County Impact"; and,

WHEREAS, the Town Board at regular meetings has reviewed the issues of hydraulic fracturing and considered this Local Law, among others, and received input from the general public; and,

WHEREAS, the Town Board declares the adoption of this Local Law to be a Type 1 action because it affects more than 25 acres; and,

WHEREAS, the Town Board in its' role as Lead Agency pursuant to SEQR, will hereby make a determination of Non-Significance (Negative Declaration) for the passage of this Local Law.

NOW, upon motion duly made by Deputy Supervisor La Monda and seconded by Board Member Burkhardt it was

RESOLVED, that the Town Board hereby declares this process to be a Type 1 action as Lead Agency determines this action to be of Non-Significance (Negative Declaration) because this Local Law benefits the environment in the Town of Olive which has many unique environmental attributes which require protection; and it is further

RESOLVED, that the Town Board directs the Town Clerk to schedule a public hearing on Monday, February 11, 2013, 7:30 pm at the Town Meeting Hall on Bostock Road to give all interested parties an opportunity to be heard on this Local Law, and it is further,

RESOLVED, that the Town Clerk give written notice of public hearing to the adjoining Towns and New York City Department and other parties as required by law.

	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 January, 2013
West Shokan, NY 12494

Sylvia B. Rozzelle, Town Clerk

On a Burkhardt/Friedel motion the Town Board approved payment of General Fund Prepaid Voucher #1, \$479.25, and General Fund Voucher #2, \$51,297.79.

On a La Monda/Burkhardt motion the Town Board approved the following 2013 Budget Modifications:

- A2705 Donations increase \$500.00
- A3120.4 Police (Contractual) increase \$500.00

Deputy Supervisor La Monda distributed the Time Warner franchise agreement to board members. Board Member Burkhardt stated that in the last negotiations the NYS Public Service Commission assisted with franchise negotiations and could again be helpful. She suggested that Board Member Friedel might want to contact them during the upcoming negotiations.

On a La Monda/Burkhardt motion and unanimous roll vote the Town Board approved Resolution #1 of 2013 Audit of the Town Justice Court Records. Roll vote being: Burkhardt, yes; Friedel, yes; and La Monda, yes.

On a La Monda/Burkhardt motion the Town Board unanimously approved Resolution #2 of 2013 SEQR Negative Declaration on proposed Local Law #1 of 2013. Roll vote being: Burkhardt, yes; Friedel, yes; and La Monda, yes. Resolution #1 of 2013 also set the Public Hearing date on said proposed Local Law #1 of 2013 with the date being Monday, February 11, 2013, 7:30 pm at the Town Meeting Hall.

On a La Monda/Friedel motion the Town Board unanimously approved reappointing Conrad "Dino" Giuliano as member of the Zoning Board of Appeals. His term will commence immediately and will expire 12/31/17.

The following committee reports were submitted and filed:

PARKS & RECREATION Committee liaison Board Member Burkhardt stated the committee does not meet in November and December.

POLICE COMMISSIONER La Monda submitted monthly reports #3 & #4-13 showing 116 calls responded to in November and 105 calls in December.

TRANSFER STATION report #5-13 shows total revenues received for November as \$6,400.00 and total expenses of \$7,059.45.

TOWN CLERK Rozzelle submitted December report #6-13 showing \$4,297.12 in monthly revenues.

Deputy Supervisor La Monda commended the highway department for the job they do on the town roads.

All business pertinent having been discussed the Town Board adjourned at 8:00 pm on a La Monda/Friedel motion in memory of Eunice (Bunny) Merritt Heins, Margaret Agnes Marie "Maggie" Kunkle, Mazie Thomson Malek, Elmer W. Roxby, and Eleanor Walker.

Sylvia B. Rozzelle, Town Clerk

This Page Dedicated

in Memory of

Margaret Agnes Marie
“Maggie” Kunkle

Immigrated to this country from Germany in 1929

Resident of Samsonville since the 1940's

Elected in 1963 as Town of Olive Tax Collector
Serving Olive in this capacity for 20 years

Maggie was proud to be a Democrat
and we were proud of her.