

Town of Olive
County of Ulster
State of New York
Monday, March 11, 2013

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, March 11, 2013 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

Others Present: Jimmy Fugel, Superintendent of Highways

The Town Board audited the bills for the month of February and discussed the agenda for the March 12th meeting.

Steven Sulko and Tim Elliott, representatives from Viridian, made a presentation to the Town Board regarding the Town changing electricity suppliers.

After lengthy discussion regarding the proposed resolutions, general consensus of the Town Board was to place Resolution #4, regarding the Route 28 Scenic Byway, and Resolution #5, support for the second amendment, on the March 12th agenda.

All business pertinent having been discussed the Town Board adjourned at 9:00 pm on a Leifeld/La Monda motion.

Sylvia B. Rozzelle, Town Clerk

Town of Olive
County of Ulster
State of New York
Tuesday, March 12, 2013

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, March 12, 2013, 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

Others Present: Jimmy Fugel, Superintendent of Highways; Susan Horner, Clerk to Supervisor; Dawn Giuditta, Court Clerk; Drew Boggess, Planning Board Chairman; Ronald Wright, Town Justice; David Jones & Dan LeFever, Planning Board Members; Jennifer Vasta, Clerk to the Highway Superintendent

On a Burkhardt/La Monda motion the Town Board approved the February meeting Minutes as submitted by the Town Clerk.

The following correspondence was read and filed:

#25-13

On a Leifeld/VanBuren motion the Town Board unanimously approved Leahetta Sanacola as member of the Olive Fire Department.

#26-13

The NYS DEC, NYC DEP, and FEMA are cooperating on a program to update the Flood Insurance Study and Digital Flood Insurance Rate Maps in Olive. A meeting will be held March 20th, 1:30 pm at the Olive Free Library. The meeting is a Flood Risk Review Meeting and they strongly recommend that every community send a representative.

On a VanBuren/Burkhardt motion the Town Board approved payment of the following audited bills: Highway Vouchers #47-#92, \$32,276.77; Prepaid General Fund Voucher #74, \$276.00; General Fund Vouchers #75-#105, \$27,597.35; and Special Lighting Voucher #3, \$58.98.

Supervisor Leifeld stated cash received for January 2013 was \$3,824,370.08 and interest received for January was \$113.75.

On a VanBuren/Friedel motion the Town Board approved the following Highway budget modification (revenue from sale of chipper truck):

D2665	Sale of Equipment	\$6,700.00
D5130.2	Machinery Equipment	\$6,700.00

On a Leifeld/La Monda motion the Town Board approved the appointment of Ed Kahil as member to the Town of Olive Planning Board. His term will begin immediately and will expire 12/31/19.

On a Leifeld/Friedel motion the Town Board approved the reappointments of Helene Grant as member to the Ulster County Planning Board and Dan LeFever as alternate member.

On a Leifeld/Burkhardt motion the Town Board approved amending Part 3.2: Meals and Rest Periods of the Operational Policies of the Town of Olive's Employment Practices Compliance Manual (#27-13) to make the Transfer Station the same as the Administrative/Clerical Department.

The following committee reports were submitted:

PARKS & RECREATION liaison Burkhardt stated the committee is gearing up for the summer recreation program. This year they will be registering children in person versus mailing the application which will simplify the registration issue.

POLICE Commissioner La Monda submitted the February Activity Report #28-13 showing a total of 154 calls answered.

HIGHWAY liaison Board Member VanBuren submitted report #29-13 stating in January the department repaired floors and installed new sinks in the bathrooms at the Court House; cut trees on Bostock, Sahler Mill, and Crispell Roads; cut brush on Crispell & Mill Roads; hauled 1/8" stone for motor paving in the spring; and started painting the shop. In February the department finished painting the shop; hauled sand mixed with salt, cut brush on Tonche

Terrace and Vly Road, and worked on the Police car. The department plowed snow several times during these two months.

TRANSFER STATION liaison Board Member Friedel submitted January and February reports #30-13 showing January revenues as \$5,525.00 and total expenses as \$4,957.67. February report shows total revenues as \$3,305.00 and total expenses as \$4,520.654.

TOWN CLERK Rozzelle submitted February report #31-13 showing \$326,004.97 received in Tax Collections and \$8,387.40 in revenues. She stated there is a statewide burning ban starting March 16th through May 14th with burn permits available in her office.

On a Leifeld/La Monda motion the Town Board empowered the Supervisor to put a Town credit card policy together and bring it back to the Town Board next month.

Supervisor Leifeld introduced Resolution #4 of 2013 for Catskill Mountains Scenic Byway Nomination and Corridor Management Plan Adoption. Board Member Friedel made a motion to table the resolution until a public meeting could be held. Board Member VanBuren seconded the motion stating that a local business owner who didn't know anything about it would like a chance to speak out. He stated that one business owner's sign is in a picture in the byway document and the owner knew nothing about it. He stated he favored a public hearing. Supervisor Leifeld stated we have spoken about this for two years and people have had their opportunity to be heard. He stated that he spoke with the business owner whose sign was pictured and the owner understands that this was a mistake. He stated he is not in favor of another meeting on the issue. Board Member La Monda stated this is not a regulation; it has no regulatory authority whatsoever. He further added he spoke with the Association of Towns attorney who informed him there is no loss of local control. Board Member Friedel stated we cannot opt out until we get permission from NY State. Supervisor Leifeld stated the other five towns have agreed to it. Board Member Friedel stated that Board Member La Monda stated he would not vote for it if it didn't have an opt out clause. Board Member La Monda stated he didn't say that but had concerns about curbs and sidewalks being removed from the plan. Mr. Selkowitz stated there have been several meetings and every concern that Board Member Friedel raised and those of other towns have been addressed and everything would have to go through local control. Municipalities from here to Andes would be allowed to work together to improve Route 28. He stated that they've been doing this for three years and there is nothing in there that has any compulsion. He stated Hurley opted out as there is only a small portion of Hurley in this byway.

Roll vote on tabling the resolution: VanBuren, yes; Burkhardt, no; La Monda, no; Friedel, yes; and Leifeld, no. The Resolution was not tabled.

On a Leifeld/Burkhardt motion and roll vote Resolution #4 of 2013 for Catskill Mountains Scenic Byway Nomination and Corridor Management Plan Adoption was passed. Roll vote being: VanBuren, no; Burkhardt, yes; La Monda, yes; Friedel, no; and Leifeld, yes. Board Member La Monda stated he would like to qualify his vote by saying he researched the issue and has total reassurance on maintaining local control; it has no regulatory authority and there is a slight possibility it could bring economic development to this area as we could use it. Board Member Burkhardt stated we have had plenty of public meetings and information has been posted on the website. Board Member Friedel stated it is a sad day that we did this.

Supervisor Leifeld stated that the State has final word as to whether or not Route 28 would be designated a scenic byway. He noted there is a process to get out of it and if you don't like a

***Town of Olive Resolution#4 of 2013
for Catskill Mountains Scenic Byway Nomination
and Corridor Management Plan Adoption***

WHEREAS, the scenic qualities of New York State Routes 28, 28A, 214, and 42, as described in the plan, and the surrounding mountains, valleys, and hamlets have been appreciated and celebrated for over a century by the residents of the Central Catskills, as well as tourists, artists, authors, poets and other visitors to the region; and it is this unique combination of mountain scenery, pristine waterways, historic hamlets that create the special sense of place that is vital to the economic health of the Central Catskills;

WHEREAS, the Central Catskills Collaborative, comprised of representatives of the seven municipalities along the proposed scenic byway route, committed to work cooperatively to protect and promote the scenic, cultural, historic, and economic well being of the Route 28 Corridor and the Central Catskills and agreed to pursue the nomination of the Catskill Mountains Scenic Byway;

WHEREAS, under the leadership of the Central Catskills Collaborative, each of the seven communities contributed to the development of this corridor management plan by forming local byway groups, encouraging public participation and leading individual meetings of the Collaborative;

WHEREAS, the advisory committee of the Central Catskills Collaborative, consisting of representatives from state, county, and city agencies, tourism organizations, the regional chamber of commerce, and an outdoor recreation organization has strengthened partnership and the development of the corridor management plan;

WHEREAS, in the process of developing this corridor management plan, the Central Catskills Collaborative has strengthened the bonds of intermunicipal cooperation and the involved communities envision further benefit through scenic byway designation including sustained collaborative progress, increased funding opportunities for recommendations identified in the plan, enhanced partnerships with agencies responsible for the stewardship of resources along and adjacent to the byway route, and an improved transportation experience that preserves, interprets, and promotes the corridor's intrinsic qualities and resources;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Olive supports the designation of the Catskill Mountains Scenic Byway as defined above and in the Catskill Mountains Scenic Byway Corridor Management Plan and adopts said plan which includes programs for stewardship and enhancement of the scenic byway and guidance to manage future activities along its corridor;

BE IT FURTHER RESOLVED, that the Town of Olive confirms that they will not issue building permits or any other permits or other permission to construct new off-premise outdoor advertising signs along the designated Byway route; that off-premise tourism oriented directional signage on state highways will be in compliance with the NYS Department of Transportation's Tourist Oriented Destination Sign (TODS) program, and that off-premise directional signage on any County and local roads along the designated Byway route will be consistent with the state TODS program; and

BE IT FURTHER RESOLVED, that the Town of Olive will work in partnership with the six other municipalities of the Central Catskills Collaborative and local and regional stakeholders in order to support future Byway program development and collaborate with these interested entities to explore opportunities for cooperation and methods to advance the Scenic Byway.

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

Dated this 12th day of March, 2013

Sylvia B. Rozzelle, Town Clerk

project up in Middletown you don't have to participate. The Town that the project's in is the one who funds it. Board Member La Monda stated his vote is contingent that the picture of John's Auto Body be removed from the off premise sign list. Peter Manning asked the specifics on where this photo is listed in the document. Board Member Burkhardt stated it is on page 137. Peter Manning asked it be shown in the Minutes that he personally will see that this is removed from the plan.

On a Leifeld/Burkhardt motion the Town Board approved requesting the photo of John's Auto Body's sign be removed from the off premise sign list on page 137 of the Proposed Corridor Management Plan.

Supervisor Leifeld stated that Resolution #5 of 2013 In Support of the Second Amendment to the United States Constitution (#32-13) is on the agenda and asked what the Town Board wants to do. Board Member Friedel made a motion to adopt Resolution #5 of 2013. Board Member VanBuren seconded the motion. Board Member La Monda stated "Because this resolution creates divisiveness among the residents of Olive and since it does nothing to resolve the issue at hand, NY Safe Act, therefore it serves no purpose other than to fracture relationships among the residents of Olive and the following motion is in no way intended to support or oppose the NY Safe Act. That should be done by individuals contacting their state representative as this legislative body has no jurisdiction in this matter." Board Member La Monda made a motion to table Resolution #5 of 2013, seconded by Board Member Burkhardt. Board Member Friedel stated it is in our oath to support the Constitution of the United States. Board Member La Monda stated the Safe Act does not take away your right to bear arms. Board Member Burkhardt stated this is not the governmental body that can do anything about this and if you have a problem with this then it is your obligation to go to your state or federal representatives.

Cassandra Mazzawy asked for time to discuss it feeling this is a grassroots effort to move upward. She stated the majority here tonight is supporting this resolution. She stated the State simply passed the Safe Act in the dead of night and we should have time to speak about it and for this reason it is being challenged in Supreme Court.

Supervisor Leifeld stated this is one of the big reasons he feels the issue should be tabled as it will be a lawsuit in Albany and we don't need to be in the middle of it. He stated by tabling it we are not killing it and we are not saying "no".

Tom O'Connell stated there is no provision in the State law to give exemption to police officers for high capacity magazines.

Henny Wise stated she feels quite intimidated by this in that she feels very close to this matter in that her father was killed in cold blood by the Ku Klux Klan. She stated she is not in support of passing this resolution.

Roll vote was taken on the La Monda/Burkhardt motion to table Resolution #5 of 2013. Roll vote being: VanBuren, no; Burkhardt, yes; La Monda, yes; Friedel, no; and Leifeld, yes. Resolution #5 of 2013 was tabled.

The following correspondence was received and filed with Town Board members: #33-13 from Zachary Sklar supports becoming a part of the Scenic Byway and against the proposal protesting the governor's gun reform law as we already have a Second Amendment; #34-13 from Glenn Carboni supports the resolution in support of the Second Amendment; #35-13 from Simon Strauss is in opposition to our Town Board getting involved in issues involving the US

Constitution and question of firearms rights and urged the Town Board to focus on local issues and support the Scenic Byway; #36-13 from Helen K. Chase hopes for the support of the Town Board in the application for a designated Catskill Mountains Scenic Byway; #37-13 from Bob Conyea states his strong opposition to the Scenic Byway and feels there is no valid reason to deny the town a public hearing on this issue. In addition, Mr. Conyea states that so many people find it offensive the way the Governor rammed the SAFE Act through at midnight in a deliberate effort to avoid debate on the bill and many will view denying a public hearing on the byway as an uncomfortably similar approach; and #38-13 from Barbara Hirth-Strauss supports the scenic byway and does not support the resolution on the Second Amendment.

All business pertinent having been discussed the Town Board adjourned at 9:05 pm on a Leifeld/La Monda motion in memory of Dorothy Henriksen and Charles Harrison.

Sylvia B. Rozzelle, Town Clerk