

Town of Olive  
County of Ulster  
State of New York  
Monday, April 8, 2013

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, April 8, 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:           Drew Boggess, Board Member

The Town Board audited the bills for the month of March and discussed the April 9<sup>th</sup> agenda.

Discussion occurred on the proposed salt water conversion for the swimming pool at Davis Park.

All business pertinent having been discussed the Town Board adjourned at 8:00 pm on a Leifeld/La Monda motion.

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Sylvia B. Rozzelle, Town Clerk

Town of Olive  
County of Ulster  
State of New York  
Tuesday, April 9, 2013

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, April 9, 2013, 7:30 pm at the Town Meeting Hall in Shokan, NY.

Members Present:           Berndt Leifeld, Supervisor  
                                  Linda Burkhardt, Board Member  
                                  Bruce La Monda, Board Member  
                                  Peter Friedel, Board Member  
Member Absent:           Donald VanBuren, Board Member  
Recording Secretary:     Sylvia B. Rozzelle, Town Clerk  
Others Present:         Bill Cook, Sole Assessor; Jimmy Fugel, Highway Superintendent; Drew Boggess, Planning Board Chairman; Dawn Giuditta, Court Clerk; and Susan Horner, Clerk to the Supervisor

On a La Monda/Burkhardt motion the Town Board approved the March Minutes as submitted by the Town Clerk. Board Member Friedel stated he would like an addendum to the Minutes that the resolutions were not read at the meeting. Supervisor Leifeld stated the resolutions were

made available before and during the meeting and board members received the information in advance noting it's the board members job to read them. Board Member Friedel stated the Scenic Byway Resolution was not read and would like this to be in the Minutes.

The following correspondence was read and filed:

#39-13

On a La Monda/Friedel motion the Town Board approved the membership of Thomas O'Brien to the Olive Fire Department.

Under New Business: On a Leifeld/La Monda motion the Town Board corrected the February 2013 abstract total from \$161,447.96 to \$161,697.96.

On a Friedel/La Monda motion the Town Board approved the following audited bills: Highway Vouchers #93-#123, \$52,968.54 and General Fund Vouchers #106-#152, \$35,657.74.

Supervisor Leifeld noted the cash received for February as \$97,670.07 and interest received for February as \$37.83.

On a Leifeld/La Monda motion the Town Board approved the following budget modification:  
Transfer \$3,800.00 from Reserve "C" Police to 3120.2 Police Equipment

Supervisor Leifeld stated the Town Board will hold a Public Hearing on proposed Local Law #2 of 2013 amending the Town Code by deleting and repealing Chapter 58 on Procurement. Said public hearing will be May 13, 2013, 7:30 pm. He noted this is an audit night and the public hearing will be prior to the audit meeting.

Supervisor Leifeld introduced Resolution #6 of 2013 Adopt Credit Card-Purchase Card Policy. On a Leifeld/La Monda motion and unanimous roll vote the Town Board approved Resolution #6 of 2013. Roll vote being: Burkhardt, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Supervisor Leifeld introduced Resolution #7 of 2013 Town of Olive Opposition to the Proposed Merger of Central Hudson and Fortis, Inc. He noted that Fortis, Inc. is not even an electric company they are a holding company. Board Member Friedel asked why we are doing a resolution if the County is already doing the resolution. He stated that last month you said the County did one and we didn't need to do one. He asked why do we flip flop back and forth. Supervisor Leifeld stated that resolution is not a town matter but this resolution directly affects the employment of people in Olive. Board Member Friedel stated you are saying that the SAFE Act is not a town issue. Supervisor Leifeld stated that is Board Member Friedel's opinion. Board Member La Monda stated that this resolution is a town matter and directly affects the employment of town residents.

Ruth Halstead commended the Town Board for bringing this Central Hudson issue up. She stated the more grassroots efforts we can get will help protect employees. She stated that Fortis could be giving them a job for two years and then possibly getting rid of them. Supervisor Leifeld stated this is one of the few businesses in the area that pays a halfway decent salary and employs a substantial amount of workers.

Bob Conyeya stated he is disturbed in the total lack of consistency. He stated that some resolutions are read and some aren't. You gave the fracking people several public hearings and you gave the byway no public hearing. He stated there are more gun owners in this town than

Central Hudson employees. Mr. Conyea stated on the Second Amendment resolution you people didn't have the guts to take a stand on it.

Board Member La Monda stated when we sit here it is our responsibility to represent the entire Town and with the SAFE Act this town is probably split 50/50 and we have more at stake with the Central Hudson merger. Supervisor Leifeld stated that every Town of Olive resident has a light bulb in their house and would be affected by this merger. Board Member La Monda stated he doesn't care for the SAFE Act but he doesn't feel he should pursue his own personal feelings but should represent the entire Town of Olive.

Carol La Monda stated it is important you make your wishes known to your state and federal representatives.

Board Member Burkhardt stated she heard from as many people sitting here tonight thanking her for not supporting the resolution. We have been elected by the town to represent the entire town. It's not just for those who speak the loudest.

Drew Boggess stated he would like to address the consistency issue. He stated when a board passes a resolution there is not a requirement for a public hearing. He noted the fracking issue was a law and requires public hearings.

Board Member La Monda stated the byway issue was discussed over a five year period giving the public ample time to chime in on it.

On a Leifeld/La Monda motion and unanimous roll vote the Town Board approved Resolution #7 of 2013 Town of Olive Opposition to the Proposed Merger of Central Hudson and Fortis, Inc.

Supervisor Leifeld stated that last night they discussed the salt water conversion for the swimming pool. He stated it was recommended by the County and the Board of Health to make this change. He stated what we have now is raw chlorine being handled by kids. The salt is 50% cheaper and requires less maintenance overall. Supervisor Leifeld stated that Board Member Friedel brought up some questions last night and he checked on his concerns. He stated he contacted Swim King, the lowest quote on the proposal, and was informed that each cylinder is guaranteed for three years. He stated everything but electric is guaranteed and Swim King after reviewing the pool plans assured him that it would handle it. Proposals (#40-13) were received from Swim King in the amount of \$18,350.00 and JHS Services in the amount of \$39,749.00 for the Comm 4000 system and \$29,510.00 for the Comm 2400 system. On a Leifeld/Burkhardt motion the Town Board approved the proposal from Storm King in the amount of \$18,350.00.

The following committee reports were submitted:

PARKS & RECREATION liaison Board Member Burkhardt submitted April report #41-13 noting Youth Baseball opening day is in early May, Youth Basketball concluded on April 1<sup>st</sup>, Adult Softball will begin May 13<sup>th</sup>, and a job posting for Pool Director was placed in the FREEMAN and Monster.com. She stated with the assistance of the Olive Highway Department the parks are now open and being prepared for spring.

POLICE COMMISSIONER La Monda submitted report #42-13 noting 157 calls for the month of March.

Resolution #7 of 2013  
Town of Olive Opposition to the Proposed Merger  
of Central Hudson and Fortis, Inc.

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (businesses and households, representing approximately 680,000 actual consumers), many of whom live in Ulster County, NY, and

WHEREAS, the Public Service Commission (PSC) must approve of this merger, and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million, and

WHEREAS, the proposed merger would now provide less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for a 12 month period, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS, Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee is quoted as saying: "The Public Utility Law Project has pointed out that there could be very significant international legal tangles in how we proceed given the fact that ... the companies in Canada are subject to NAFTA (North American Free Trade Agreement), as are we in the United States, that places severe restrictions on the ability of regulators to fully regulate those who they might have otherwise been able to impose public will upon.", and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%, and

WHEREAS, the possible use of NAFTA to override PSC and State requirements to modernize energy should be of major concern to the State of New York, and

WHEREAS, an unregulated utility would endanger 375,000 Central Hudson users, and;

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work, and

WHEREAS, the loss of long term local jobs would be a disaster for the Hudson Valley region, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger;

THEREFORE, BE IT RESOLVED that the Town of Olive Town Board is, at this time, in opposition to the proposed merger of Central Hudson and the multinational corporation Fortis, Inc., as it has been proposed, and

FURTHER RESOLVED, that the Town of Olive Town Board urges the Public Service Commission (PSC) to extend the period for public comment so that the Ulster County Legislature, the Town of Olive and other interested parties can have time to assess the full implications and potential impacts of the CH-Fortis merger, and

FURTHER RESOLVED, the Town of Olive urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision, and

FURTHER RESOLVED, that the Town of Olive Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo; members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission; Senate Majority Leader Dean Skelos; Senate Minority Leader Andrea Stewart-Cousins; Assembly Speaker Sheldon Silver; New York Senators James Seward, John J. Bonacic, and William J. Larkin, Jr., New York State Assembly Members Kevin A Cahill, Peter Lopez, and Frank Skartados.

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

Dated this 9<sup>th</sup> day of April, 2013

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Sylvia B. Rozzelle, Town Clerk

TRANSFER STATION liaison Board Member Friedel submitted March report #43-13 noting total revenues of \$5,980.00 and total expenditures of \$5,687.60.

TOWN CLERK Rozzelle submitted March report #44-13 showing \$189,666.96 in Tax Collections and a total of \$47,548.61 in monthly revenues received.

FIRE DEPARTMENT report #45-13 for March shows the five companies responded to a total of 50 calls.

Board Member Burkhardt commended the Highway Department for the work they have done in the parks. She stated a list of park projects was provided the highway department and so many of them have already been done.

Supervisor Leifeld stated the ash trees in the parks are being removed due to the emerald ash borer. He noted this is a State recommendation as the trees are dying and falling limbs are a liability.

Bill Hornbeck stated before last month's meeting the reason the Town Board tabled the resolution on the Second Amendment was to not upset the Town. He stated he wanted the Board to know that you have angered all the gun owners in Town.

All business pertinent having been discussed the Town Board adjourned on a Leifeld/La Monda at 8:35 pm in memory of Terry Ackert, Carl "Hal" Anderson, Mildred "Peggy" Christiana, and Rosemarie Caruso Saffiotti.

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Sylvia B. Rozzelle, Town Clerk