

Town of Olive  
County of Ulster  
State of New York  
Friday, October 4, 2013

Minutes of a special meeting of the Town Board of the Town of Olive held Friday, October 4, 2013, 3:00 pm at the Town Office Building in West Shokan, NY. The purpose of the meeting as stated in the legal notice is to present the 2014 Tentative Budget to Town Board members.

Members Present: Berndt Leifeld, Supervisor  
Linda Burkhardt, Board Member  
Bruce La Monda, Board Member  
Members Absent: Don VanBuren, Board Member  
Peter Friedel, Board Member  
Recording Secretary: Sylvia Rozzelle, Town Clerk  
Others Present: Thomas Vasta, Jr., Police Chief and Jimmy Fugel, Highway Superintendent

The Town Clerk presented the 2014 Tentative Budget to the Town Board members present.

All business pertinent having been discussed the Town Board adjourned at 3:05 pm.

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Sylvia B. Rozzelle, Town Clerk

Town of Olive  
County of Ulster  
State of New York  
October 7, 2013

Minutes of the monthly audit meeting of the Town Board of the Town of Olive held Monday, October 7, 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  
Recording Secretary: Sylvia Rozzelle, Town Clerk  
Others Present: Drew Boggess, Planning Board Chairman & Candidate for Town Board;  
Jimmy Fugel, Highway Superintendent; Dan Heppner, Attorney for the Town; Sharon Wood,  
Candidate for Town Clerk; Jim Sofranko, Candidate for Town Board

On a Leifeld/VanBuren motion the Town Board adjourned to executive session at 7:35 pm for the purpose of interviewing Richard Ostrander for the position open on the Board of Police Commissioners. Supervisor Leifeld reconvened the regular meeting at 7:50 pm.

Supervisor Leifeld stated that Mike Bernholz would like to dedicate a road, Hanna Lane, to the Town and there are questions to be answered. Supervisor Leifeld stated there was a meeting last Wednesday morning where discussion occurred on the need for a performance bond and asked Attorney Heppner if that is necessary. Attorney Heppner stated the issue discussed was that Mr. Bernholz would have the easement done and the date agreed upon was to be in June. Attorney Heppner stated it was also agreed that the Town Board resolution, if passed, would be null and void if the conditions weren't met. Attorney Heppner stated he did not pick up the consensus that there was to be a bond. He added that in a perfect world he would recommend a bond for this. Board Member La Monda stated the way he reads the resolution is that if the developer doesn't do the "T" then it doesn't happen. Mr. Bernholz gave a timeline as to his intentions for completing the road. Highway Superintendent Fugel stated after reading the resolution he feels a bond is not necessary. Supervisor Leifeld stated the title of the resolution could be misleading and general consensus is to add the word "proposed" in front of the resolution title. Mr. Bernholz stated that Sasha Ivanoff will be doing the construction of the "T" at the end of the road and he is working with the Highway Superintendent as to inspections and top coat. Attorney Heppner stated the burden is on the Highway Superintendent to see that the road is done correctly and this resolution will do that. Mr. Bernholz stated he has people interested in purchasing lots contingent on it being a Town road.

Drew Boggess asked if the resolution is binding for the next Town Board to which Attorney Heppner responded "yes".

On a Leifeld/La Monda motion the Town Board adjourned to executive session at 8:00 pm for the purpose of interviewing Timothy Dupree, Sr. for the position open on the Board of Police Commissioners. Supervisor Leifeld reconvened the regular meeting at 8:25 pm.

The Town Board audited the bills for the month of September and set the agenda for the October 8<sup>th</sup> meeting.

The Town Board discussed the issue in the Brown Station Road area regarding excessive noise from dirt bikes.

Board Member Burkhardt stated to Board Member VanBuren that she is curious as to his reason for signing some payroll vouchers and not others. Board Member VanBuren responded there are a few things he is looking into and has concerns about.

On a Burkhardt/La Monda motion the Town Board adjourned to executive session to discuss the interviews they previously conducted regarding the appointment to the Board of Police Commissioners.

Supervisor Leifeld reconvened the meeting at 8:50 pm. All business pertinent having been discussed the Town Board adjourned on a Burkhardt/La Monda motion.

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Sylvia B. Rozzelle, Town Clerk

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

Minutes of the monthly meeting of the Town Board of the Town of Olive held Tuesday, October 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

Recording Secretary:       Sylvia B. Rozzelle, Town Clerk

Others Present: Jimmy Fugel, Highway Superintendent; Drew Boggess, Planning Board Chairman & Town Board Candidate; Dawn Giuditta, Court Clerk & Town Clerk Candidate; Chris Winne, Fire Chief; Bill Cook, Sole Assessor; Thomas Vasta, Jr., Police Chief; Scott Kelder, Jim Sofranko, and Craig Grazier, Town Board Candidates,; and Sharon Wood, Town Clerk Candidate

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

On a Leifeld/Friedel motion the Town Board approved the following audited bills: Highway Vouchers #282-#315, \$192,786.19 and General Fund Vouchers #434-#475, \$31,960.42. Board Member VanBuren stated he did not sign the vouchers for those who worked Olive Day and feels the taxpayers are paying people to work that day when it is a fundraiser for the Democratic Party. Board Member Friedel stated it is misappropriation of funds with the town paying for people to work. Ternice Winne stated that a donation was made to the Town to pay for the people who worked that day. Supervisor Leifeld stated the park personnel work every weekend and get paid for the weekend. He further stated he doesn't feel you had to turn us into the Attorney General's office and bust his balls. Board Member La Monda stated it is considered a NIMS training session for the Police Department. Discussion occurred on Olive Day. Supervisor Leifeld stated don't be surprised if we don't see Olive Day with the all the restrictions coming down the pike and you can take the credit for there being no Olive Day. Supervisor Leifeld stated there has to be a meeting every two years before election like this. He added that the Town was required by the State to hire an attorney to answer the letter from the Attorney General.

Supervisor Leifeld noted cash received for August 2013 as \$77,749.98 and interest received for August 2013 as \$30.28.

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

Transfer \$100,000.00 from Reserve "F" Highway Improvements to  
DA5110.4 General Repairs (Contractual)

On a Leifeld/La Monda motion the Town Board approved the following General Fund Budget modifications:

Increase A2705 Gifts & Donations                               \$200.00

Increase A7110.1 Parks (Personal Services) \$200.00  
Transfer \$5,000.00 from A1990.4 (Contingency) to A3120.4 Police (Contractual)  
Transfer \$451.00 from A1990.4 (Contingency) to 1410.4 Town Clerk (Contractual)  
Transfer \$452.00 from A7180.2 Pool (Equipment) to A7180.4 Pool (Contractual)  
Transfer \$500.00 from A3620.2 Safety Inspection (Equipment) to A3620.4 Safety  
Inspection (Contractual)

Supervisor Leifeld introduced and read Resolution #12 of 2013 Proposed Dedication of Hanna Lane as a Town of Olive Town Road. On a VanBuren/Burkhardt motion and unanimous roll vote the Town Board approved Resolution #12 of 2013. Roll vote being: VanBuren, yes; Burkhardt, yes; La Monda, yes; Friedel, yes; and Leifeld, yes.

Supervisor Leifeld asked if anyone was here from Brown Station Road and Chris Lane. Mr. and Mrs. Louis Csurics of Brown Station Road were present. Supervisor Leifeld read correspondence #91-13 signed by eleven residents of the Brown Station area. The letter states there is an issue with the neighbors at 111 Chris Lane who have created a race track for ATV's and dirt bikes creating a noise disturbance as well as dust and exhaust fumes. Their request is for the Town to enact an ordinance to limit the use of said machines to within a minimum of 150 feet of a neighbor's property line.

Supervisor Leifeld stated that a noise ordinance is not a very enforceable document. Police Chief Vasta stated that he works for the Town of Lloyd and they have a noise ordinance which has been very difficult to enforce. He noted they recently changed the law to state unreasonable noise with the public signing the charge and being their own enforcement agency. He noted the Police Department is then used as a tool to get from the public to the court system. Bob Conyeya stated it is not a town wide problem and shouldn't be imposed on a town wide basis due to an isolated situation. Supervisor Leifeld stated this is why they are having a problem with the noise law. Mrs. Csurics stated you cannot sit outside in your yard or on your porch due to fumes further stating they have rights, too. She stated she's lived here for 42 years and they have to move now. Chris Winne stated we shouldn't put in a law for the entire town for a neighbor dispute and added if they are making that much dust they should check with the DEC. Supervisor Leifeld stated the board would like to take a look at what options might be available as he is very sympathetic to the issue that these people have. He stated this is not falling on deaf ears and the board will see what they can do and what options are available.

On a Leifeld/La Monda motion the Town Board approved appointing Richard Ostrander as a Police Commissioner. His term will commence immediately and he will serve at the pleasure of the Town Board.

Supervisor Leifeld introduced Josh Miller and John Cafaldo who work at the Boiceville Sewer Facility. He noted the company who runs the plant would like to reach out to the people more and invited residents to visit the facility.

Supervisor Leifeld stated this is budget time and the board will set workshop meetings. He stated this year they will do something a little different noting that every two years the new Town Board is always complaining that they have to work a year with a former Town Board's budget. He stated he is publicly inviting all Town Board candidates who are running to sit in on their workshops and participate. Supervisor Leifeld set the following 2013 budget workshop meeting dates: October 10<sup>th</sup>, October 15<sup>th</sup>, October 24<sup>th</sup> & October 28<sup>th</sup> 7:30 pm at the Town Meeting Hall.

Town of Olive  
Resolution #12 of 2013  
Proposed Dedication of Hanna Lane as a Town of Olive Town Road

WHEREAS, on April 13, 1993 the Town of Olive Planning Board approved a subdivision to be known as Las Acres, situate in the Town of Olive, Ulster County, New York; and

WHEREAS, Hanna Lane, the road accessing eight (8) lots of Las Acres, ended in an "L" shape terminus, which terminus complied with the Planning Board requirements for a subdivision access road; and

WHEREAS, the present owners of Las Acres shall dedicate to the Town of Olive a fifty foot (50') by fifty foot (50') permanent easement over a portion of Lot #7 of Las Acres, said fifty foot (50') by fifty foot (50') permanent easement to be used by the Town of Olive for highway purposes as an annexation to Hanna Lane; and

WHEREAS, the aforementioned permanent easement for highway purposes will result in a "T" shaped terminus for Hanna Lane; and

WHEREAS, the "T" configuration for the terminus of Hanna Lane will meet the requirements for a road to be accepted by the Town of Olive as a town maintained road;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Olive accept Hanna Lane, in accordance with the attached, proposed deed conveying the fee interest together with the permanent easement, as a Town of Olive highway, subject to the following terms and conditions:

1. The owners of Las Acres subdivision shall complete the road construction on the fifty foot (50') by fifty foot (50') permanent easement over a portion of Lot #7 to comply with the Town of Olive highway specifications and receive approval for same from the Town of Olive Superintendent of Highways, which approval shall not be unreasonably withheld nor unreasonably delayed.
2. The owners of Las Acres subdivision shall provide to the Town of Olive, on or before December 1, 2013, a title commitment to the fee and permanent easement portions of Hanna Lane. At the time of dedication and closing of title, the grantor owners of Las Acres subdivision shall provide, at the owners'/grantors' expense, a title insurance policy insuring the Town of Olive's interests in Hanna Lane, including the permanent easement.
3. If all conditions for dedication have not been fulfilled by 5:00 pm, June 30, 2014, then this Resolution and any and all of the obligations hereunder of the Town of Olive and/or Town of Olive Highway Department shall become unenforceable, null and void.

	Aye	Nay
Berndt Leifeld, Supervisor	<u>  X  </u>	_____
Donald VanBuren, Board Member	<u>  X  </u>	_____
Linda Burkhardt, Board Member	<u>  X  </u>	_____
Bruce La Monda, Board Member	<u>  X  </u>	_____
Peter Freidel, Board Member	<u>  X  </u>	_____

Dated this 9th day of October, 2013

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 Sylvia B. Rozzelle, Town Clerk

The following committee reports were submitted:

POLICE Commissioner La Monda stated that the department's new commissioner Richard Ostrander was a Lieutenant in the Ulster County Sheriff's Office, attended Sergeant school, and worked for the Town of Woodstock Police Department. Police Chief Vasta stated no report was available this month as he is learning a new program on his own as he is moving forward in the department.

HIGHWAY liaison Board Member VanBuren submitted September report #92-13 noting the department cleaned all ditches on Moonhaw Road, patched with black top Bostock, Brown, Grassy Ridge, Sheldon Hill, and Haver Roads; installed a pipe and catch basin on Acorn Hill Road; mowed the parks four times; and true and leveled then paved Beaverkill Road 18 ft. wide.

TOWN CLERK Rozzelle reminded all to respond to the NYS mailing regarding STAR applications. Burn permits are available until March 15th, 2014.

Paul Smart stated that a Meet the Candidates will be held Saturday, October 26<sup>th</sup> 9:30 a.m. sharp at the Town Meeting Hall. This session is sponsored by the WOODSTOCK TIMES and will be moderated by the League of Women Voters.

All business pertinent having been discussed the Town Board adjourned at 8:20 pm on a Leifeld/VanBuren motion in memory of Geraldine O. Beesimer, Alice M. Enright, and John Henry Kelly, Sr.

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Sylvia B. Rozzelle, Town Clerk