

Town of Olive
County of Ulster
State of New York
Monday, September 9, 2013

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

Members Present: Berndt Leifeld, Supervisor
 Don VanBuren, Board Member
 Linda Burkhardt, Board Member
 Peter Friedel, Board Member
Member Absent: Bruce La Monda, Board Member
Recording Secretary: Sylvia B. Rozzelle, Town Clerk
Others Present: Drew Boggess, Planning Board Chairman; Republican Candidates Herb
 Dixon, Sharon Wood, and Craig Grazier

The Town Board audited the bills for the month of August until 8:00 pm.

Supervisor Leifeld distributed the Ulster County Multi-Jurisdictional Hazard Mitigation Plan update to Town Board members stating it would be voted on tomorrow evening.

Board Member VanBuren asked what is happening with the sinkhole on Deerfield Road. Supervisor Leifeld stated Mike Jonker has gone to the CWC trying to get the original contractor to fix it. Supervisor Leifeld suggested that an outside contractor be hired to fix it.

All business pertinent having been discussed the Town Board adjourned at 8:10 pm on a Friedel/Burkhardt motion.

Sylvia B. Rozzelle, Town Clerk

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Members Present: Berndt Leifeld, Supervisor
 Don 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: Drew Boggess, Planning Board Chairman; Bill Cook, Sole Assessor;
 Dawn Giuditta, Court Clerk; Jimmy Fugel, Highway Superintendent;
 Thomas Vasta, Jr., Police Chief; Katie Scott-Chldress, Director, Olive

Free Library; Mary Ann Shepard, President Board of Trustees, Olive Free Library; Republican Candidates, Craig Grazier, Scott Kelder, and Sharon Wood; Democratic Candidate, Jim Sofranko

Town Clerk Rozzelle issued an Oath of Office to Jason D. Young as Town of Olive Police Officer.

On a Leifeld/VanBuren motion the Town Board approved the Ulster County Emergency Management Multi-Jurisdictional Hazard Mitigation Plan Update.

On a Burkhardt/VanBuren motion the Town Board approved the minutes of the August meetings as submitted by the Town Clerk.

On a La Monda/Burkhardt motion the Town Board approved payment of the following audited bills: Highway Vouchers #258-#281, \$60,559.51; Special Lighting Voucher #9, \$59.35; and General Fund Vouchers #385-#433, \$33,339.06.

Katie Scott-Childress, Director of the Olive Free Library, did a Power Point presentation regarding activity at the library along with maintenance updates and plans for the upcoming year.

Supervisor Leifeld stated there is a water issue on Lang Road and introduced Sara Lee. Ms. Lee stated she owns a home on Lang Road and Laurie Rubel owns across the street. She stated they both are having lots of problems with flooding and water issues. Ms. Lee read letter #85-13 showing photos of town ditches and noting that Ms. Rubel and she both feel these ditches need to be extended so there is a controlled flow into the reservoir.

Supervisor Leifeld stated he has been talking to her neighbor Mr. Barnett and noted Highway Superintendent Fugel and he took a walk on Mr. Barnett's property. There is a culvert near the store which would be the way the water would go noting this would be the easiest way; but, Mr. Barnett does not want anyone on his property. Supervisor Leifeld stated he has now gone to the attorney to see what we can do and what would be needed are water easements. He noted this would be at the cost of the residents noting that engineers would also be a cost of the residents. Supervisor Leifeld stated this is the legal route for getting this done. Highway Superintendent Fugel stated they would need water easements on all properties and a clear statement as to who would clearly maintain them. Supervisor Leifeld stated that the property owners should see how much it will cost them for an engineer and see if it will work.

Supervisor Leifeld stated there has been a vacancy on the Board of Police Commissioners for the past couple of months. He stated that Richard Ostrander and Timothy Dupree, Sr. are interested. General consensus of the Town Board is to set a special meeting for the purpose of interviewing these two candidates.

Supervisor Leifeld stated on October 4th, 3 pm at the Town Offices in West Shokan there will be a special five minute meeting of the Town Board for the purpose of presenting the 2013 Tentative Budget to Town Board members.

Supervisor Leifeld stated there is another road problem, Hannah Lane, which is a road in an approved subdivision. Highway Superintendent Jimmy Fugel stated that when the Planning Board approved this subdivision the road was never inspected by the Highway Superintendent which has to be done. Superintendent Fugel stated the Town Code states in the Subdivision

Regulations that dead end roads must be either an "L" or a "T" and the Town Highway Specifications states it must be a "T". He further stated that Highway Law says a "T" and only a "T" and that is what the Highway Department needs to have done. He stated that now the Town Board has a chance to change it; once it is accepted that won't happen. Board Member La Monda stated that no one in this room has the right to change an approved subdivision and whatever they did we are stuck with it. He stated that Mr. Bernholz purchased a piece of property that was a properly approved subdivision. Superintendent Fugel stated there legally has to be a letter from him as Highway Superintendent stating that the road meets Town Specifications before the Town Board can approve it as a Town road. He stated that he can't do that or he would be committing perjury. Board Member Burkhardt stated we should contact the Town Attorney for advice. Highway Superintendent Fugel stated there are other issues in that the road is already 7 years old and will need replacing at 10 years. Superintendent Fugel stated the Association of Towns attorney says it may be able to be accepted with conditions; but, she will get back with him. Board Member La Monda stated that previous Highway Superintendent Bobby Brueckner said to finish the road after the houses are finished. Superintendent Fugel stated that in order for the Planning Board to have approved the subdivision the Highway Superintendent has to show that he did three or four inspections to see that the base was done properly. Superintendent Fugel stated he spoke with Jon Hoyt, who is representing Mr. Bernholz, and suggested they deed over a 50 ft. right of way and the Town will build the "T". Board Member La Monda stated the subdivision would have to be redone and re-filed. Highway Superintendent Fugel stated he informed Mr. Bernholz seven years ago in writing that they need to put a "T" at the end. Superintendent Fugel stated that by simply looking at it the road looks sound; but, it doesn't mean that it shouldn't have been inspected at the time. Board Member Burkhardt asked how much traffic has been on it and shouldn't that mean it would have much less wear and tear. Board Member La Monda stated the subdivision map would have to be revised and refiled. Planning Board Chairman Drew Boggess stated the Planning Board has the authority to review the entire subdivision; but, could look at the "T" only and re-file it. Craig Grazier noted a similar situation occurred on Parker Lane and that is what they did to correct the problem, property was deeded to the Town and the Town built a "T". Board Member La Monda stated subdivision amendments would only be on the lots affected. Board Members La Monda and Burkhardt asked if Mr. Bernholz is willing to do that and go to that expense. Drew Boggess stated in a subdivision like this it's important for the Planning Board to work with the Highway Superintendent and have the four inspections done. He further stated if they worked within the law, then the road would have been done with a "T". Highway Superintendent Fugel stated that he personally spoke with Bobby Brueckner who stated he was never been in there to look at that road. Board Member La Monda stated that if Mr. Bernholz is not willing to go through the re-subdivision then he doesn't know what we would do. Highway Superintendent Fugel stated he spoke with Jon Hoyt, Attorney for Mr. Bernholz, this morning and then called the Association of Towns. Supervisor Leifeld read a portion of Jon Hoyt's email #86-13 regarding Superintendent Fugel's morning conversation. Superintendent Fugel reiterated that he did say if they would deed a 50 ft right of way to the Town then the Town would build the "T" which he feels is meeting them half way. Highway Superintendent Fugel stated he cannot turn around and back into people's private driveways as they've had problems with this before. He noted the plow truck is 45 ft. long and has to have a "T" to turn around. He stated that if people wanted to build a house in the subdivision a truck and excavator would have to back all the way the length of the road and back out onto the county road. Supervisor Leifeld asked how difficult it would be to go back to the Planning Board. Drew Boggess stated once the survey is done it shouldn't be that involved since no new lot is being created. He stated they try to expedite issues when a clean subdivision plat comes in. Mr. Boggess stated the Town Board needs to know that the Planning Board did a re-subdivision of this subdivision

cutting one lot in half with the subdivision going from 8 to 9 lots. The new lot created does not have road frontage on Hannah Lane but on Sheldon Hill Road.

The following committee reports were filed:

PARKS & RECREATION liaison Board Member Burkhardt stated the fall baseball league has started.

POLICE COMMISSIONER La Monda submitted August Activity Report #87-13 showing the total number of monthly calls being 155. He stated that Trevor Bailey has resigned and is working a ski resort in Colorado. On a La Monda/VanBuren motion the Town Board requested a letter be sent to Trevor thanking him for his service and wishing him luck.

HIGHWAY liaison Board Member VanBuren submitted August report #88-13 noting the department moved the bulldozer to the Transfer Station to push metal together; replaced pipes on Beaverkill, Turner, High Point, Every, Moonhaw, and Upper Boiceville Roads; hauled item #4; blacktopped over Center Lane, sealed Black Road, sent two trucks to Woodstock to help with blacktopping; and cleaned ditches and shoulders on Moonhaw.

TRANSFER STATION liaison Board Member Friedel submitted July report #89-13 showing a total of \$6,755.00 in total revenues and \$8,049.69 in expenses. August report #90-13 shows total revenues as \$6,375.00 and total monthly expenses of \$8,116.43.

TOWN CLERK Rozzelle stated that all Basic Star recipients will be receiving a form in the mail this week from the State. Everyone should follow the directions on the application to continue receiving the STAR reduction on school taxes.

All business pertinent having been discussed the Town Board adjourned at 8:40 pm on a Leifeld/VanBuren motion in memory of William L. Allison, Lorraine Ferrari Berti, Keith J. Naccarato, and Joseph Vanacore.

Sylvia B. Rozzelle, Town Clerk