

`Town of Olive  
County of Ulster  
State of New York  
Monday, August 11, 2014

Minutes of the monthly audit meeting of the Town of Olive Town Board, held Monday, August 11, 2014, 7:00 pm at the Town Meeting Hall in Shokan, NY.

Members Present:                 Sylvia Rozzelle, Supervisor  
  Donald VanBuren, Board Member  
  Scott Kelder, Board Member  
  James Sofranko, Board Member  
  Peter Friedel, Board Member

Recording Secretary:   Dawn Giuditta, Town Clerk

Others Present:             Drew Boggess, Planning Board Chairman & Deputy Supervisor; Thomas Vasta, Police Chief; James Fugel, Superintendent of Highways

Sylvia Rozzelle, Town Supervisor, called the meeting to order at 7:00 pm.

The following topics were discussed by the Town Board:

**1. Resolution # 12-** Allowing AWSMP to get bids from engineers. Flood advisory has met twice, the committee is trying to define the boundaries, and outline what the engineer firm will be responsible for in the scope of services. The scope of services does not need to be approved by the Town Board, the Flood Advisory Committee will do that. The Town Board will approve the hiring of the engineers.

**2. Drone usage-** Linda Barish, Meg and Joe Soltis appeared before the Town Board concerning the usage of drones in the area. Mrs. Soltis and her husband were sitting on their front porch when a drone came up over the tree line and dropped down into their yard, it hovered for approximately 10 minutes and it was about 40 feet off the ground. She later found out that a neighbor was running the drone. Other neighbors also experienced the drone. Mrs. Soltis along with some other neighbors were concerned for their right to privacy. Chief Vasta advised Mrs. Soltis that it could be considered harassment and if it happened again she should call the Town Police to report it. Supervisor Rozzelle upon hearing this story earlier in the day had completed some research. The result of this search advised that there is a bill in the State Senate on the use of drones. Supervisor Rozzelle suggested that the Town write to State Representatives concerning the usage of drones. Supervisor Rozzelle stated that the Board would put it on the agenda for Tuesday night's meeting.

**3. NYS DOT-** The Town received from NYS DOT the DuBois/Route 28 intersection study, conducted in June of last year, which was requested by Kathy Johnan.

**4. Farm Stand-** DOT went and looked at the site and gave recommendations for traffic flow. The planning board has not received anything in writing as of yet. Board Member Friedel asked Planning Board Chairman, Drew Boggess why the hold up? Does it have to go to the County? Drew Boggess stated it is a complete change in views with different requirements going from a bank to a retail store on Route 28.

**5. Procurement Policy-** The procurement policy needs to be reviewed annually, it was adopted last year on August 13, 2013. Supervisor Rozzelle checked with audit and control and there is nothing new. The Board will make a motion at the regular monthly meeting to accept the procurement policy as is.

**6. Transfer Station-** Landfill fabric is ordered and the dirt was sent out for laboratory testing to make sure it will work. The results were received on July 30, it is just a matter of Jim Fugel, Highway Superintendent and Tim Moot, engineer, getting together to do the work. On another note, a gentleman tripped at the transfer station, railings were installed. The board discussed the compacting of garbage bins.

**7. Herbicide spraying-** The Town received a response to letters that were sent out concerning the spraying of herbicides along the side of the road. Supervisor Rozzelle has placed this on the agenda for Tuesday night's meeting.

**8. Parks-** There were damages to the Shokan Park fence. Recreation Committee to review the need for concrete around pool. The town put out to bid on 10/22/2012 for the repair of the interior of the pool, 7 bids were received ranging from \$50,000 to \$90,000. The Board did not approve it at that time. A new pool cover is needed at a cost of \$10,000 or repair the old one if it can be repaired for about \$3000.00. Supervisor Rozzelle suggested trying to get away with using it one more year and putting money in the budget for a new one. Supervisor Rozzelle suggested putting the interior of the pool out to bid again and see what it might cost. The Town Board discussed what maybe causing the stain on the pool surface.

**9. NYMIR-** The Town received the risk management survey from NYMIR. There were issues in the parks that have been taken care of, the garage eye wash station was blocked, and the Town needs to review work place violence and sexual harassment with employees. The survey suggested getting certificate of insurance from groups using the Legion Hall

**10. Buildings-** The town hall exit door needs to be replaced, and a quote was received for a new door at the American Legion.

**11. Nextel-** Supervisor Rozzelle sent a letter concerning the cancellation of the bond.

**12. Court Proceeding-** The board will make a motion at the meeting on Tuesday to send a letter to UC ADA Lisa Bondarenka concerning Vincent Lombardo being banned from Town parks for 5 years.

**13. Emergency Management Plan-** Yvonne Fuller is currently going over and indexing the plan. The committee will be having another meeting soon.

**14. Conservation Council-** Taking applications and will interview when enough people apply.

**15. Recreation employee-** Letters were received from residents acknowledging pool employees, specifically Brandon Harkin. Board Member, Scott Kelder recommended giving Brandon Harkin and Bobby Volk a stipend for taking a class that was needed to keep the pool open for recreation.

**16. Dental Plan-** Supervisor Rozzelle made a motion to continue the Dental premium payment as is stated in the Town of Olive Compensation and Benefits Manual (February 12, 2013)



Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Drew Boggess, Planning Board Chairman & Deputy Supervisor; James Fugel, Superintendent of Highways; Bill Cook, Assessor

Sylvia Rozzelle, Town Supervisor, called the meeting to order at 7:00 pm.

On a Van Buren/Friedel motion, the Town Board approved the July minutes.

**AYE-** VanBuren, Kelder, Sofranko, Friedel, Rozzelle **Nay**

**Correspondence:**

**#55-14**

NYSDOT- Intersection study of Route 28/DuBois Road.

**#56-14**

The Red Cross has completed survey of the Olive Free Library and they are working on an agreement.

**#57-14**

State Senator James Seward - letter he sent to William Gorton, PE, Acting Regional Director NYS DOT Region 8, concerning the use of herbicides.

**#58-14**

NYS Office of Real Property Tax Services- Final Equalization Rate

**Budget Modifications:** On a Rozzelle/Sofranko motion, the Town Board approved the following transfer:

**AYE-** VanBuren, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

Highway Fund Budget Modifications:

Transfer \$73.00 from D9060.8 Hospital & Medical Insurance to  
D9050.8 Unemployment Insurance

On a Rozzelle/Friedel motion, the Town Board approved the following transfer: **AYE-** VanBuren, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

General Fund Budget Modifications:

Increase A2680 (Insurance Recoveries) by \$10,046.00  
Increase A3120.2 Police (Equipment) by \$5,898.00  
Increase A3120.4 Police (Contractual) by \$4,148.00  
Transfer \$1000.00 from A1990.4 Contingency to A5132.4 Garage (Cont.)  
Transfer \$600.00 from A1990.4 Contingency to A1010.4 Town Board (Cont.)  
Transfer \$35.00 from A8010.4 Zoning (Cont.) to A8010.2 Zoning (Equipment)  
Transfer \$931.00 from Reserve "K" Computers to A1410.2 Town Clerk (Equip)  
Transfer \$931.00 from Reserve "K" Computers to 1460.2 Records Man. (Equip)  
Transfer \$6,732.00 from Reserve "D" Parks to 7110.2 Parks (Equipment)  
Transfer \$2,000.00 from Reserve "B" Transfer Station to  
8160.4 Refuse & Garbage (Contractual)

**Approve Payment of Audited Bills:** On a Rozzelle/Sofranko motion, the Town Board approved the following payments: **AYE-** VanBuren, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

Highway vouchers #216- #259 \$ 41,909.14

General Fund Vouchers #328- #386	\$ 58,643.85
Special Lighting District #6	\$ 56.80
Boiceville Sewer District #15750- #15767	\$ 35,073.54

**June Income:**

Cash received for June 2014	\$138,282.19
Interest received for June 2014	35.76

**Additional Business:**

**TOWN OF OLIVE  
RESOLUTION #12 of 2014  
SUPPORTING COORDINATED ENGINEERING SERVICES  
FOR LOCAL FLOOD ANALYSIS**

**WHEREAS** the Town of Olive is subject to flooding that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and

**WHEREAS** The Town of Olive recognizes it is in the citizens' interest to understand flooding impacts on the municipality's infrastructure, private and public property, and water quality in order to proactively plan and respond to such impacts; and

**WHEREAS** The Town of Olive is partially located within the Ashokan Watershed basin in the eastern Catskill Mountains; and

**WHEREAS** The Town of Olive supports participating in the Local Flood Analysis to help inform its flood hazard mitigation efforts in order to better understand the nature of flood events and risks at different storm intervals, and where through various structural and non-structural options may exist to reduce surface water flooding in the two hamlet areas of Boiceville and West Shokan; and

**WHEREAS** funding support from Ashokan Watershed Stream Management Program (AWSMP) through its Stream Management Implementation Program (SMIP) Grant Fund can be obtained to help prepare a Local Flood Analysis for the two hamlet areas; and

**WHEREAS** Cornell Cooperative Extension of Ulster County, a participating agency of the AWSMP, will coordinate the funding provision, procurement, and administration of engineering services for Local Flood Analysis during the term of a proposed SMIP Grant Agreement with the Town of Olive in accordance with the subject of the terms of the SMIP Grant Agreement; and

**WHEREAS** Cornell Cooperative Extension of Ulster County will pay any and all costs associated with a signed SMIP Grant Agreement providing the engineering services, as the funding has been provided for such purpose by contract between Cornell Cooperative Extension of Ulster County and New York City Department of Environmental Protection; and

**WHEREAS**, the following provisions have been duly approved by a majority vote of the Olive Board and by approval of CCEUC, the parties agree as follows;

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. Supervisor of the Town of Olive, or his/her successor in office, is authorized to work in cooperation with the Ashokan Watershed Stream Management Program as facilitators of a Request for Bids on the Town's behalf.
2. Subsequently, the Supervisor of the Town of Olive, or his/her successor in office, is authorized to submit an application to the Ashokan Watershed SMIP Grant Committee for the development of a Local Flood Analysis and Town Flood Mitigation Plan that will be directed by the Town of Olive.
3. Supervisor of the Town of Olive is empowered to sign the Memorandum of Understanding (MOU) between the Town of Olive and Cornell Cooperative Extension of Ulster County (CCEUC) to be in effect 8/12/14 until such time it is terminated in writing by either party of this MOU.

**AND MOVES ITS ADOPTION**

Motion made by: Supervisor Rozzelle

Seconded By: Town Board Member VanBuren

	Aye	Nay
Sylvia Rozzelle, Supervisor	X	_____
Don VanBuren, Board Member	X	_____
Scott Kelder, Board Member	X	_____
Jim Sofranko, Board Member	X	_____
Peter Friedel, Board Member	X	_____

Dated this 12th day of August, 2014

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Dawn Giuditta, Town Clerk  
Town of Olive

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) between the Town of Olive and Cornell Cooperative Extension of Ulster County (CCEUC) will remain in effect from 8/12/14 until such time it is terminated in writing by either party to this MOU.

I. Purpose

The purpose and objective of this MOU is to set forth the general roles and responsibilities of the parties to this MOU pertaining to conducting a Local Flood Analysis for the hamlets of Boiceville and West Shokan and flood mitigation planning for the Town of Olive.

II. It is Mutually Agreed:

- 1) That the Local Flood Analysis (LFA) will be undertaken to determine the causes of flooding in the hamlets of Boiceville and West Shokan and to investigate and analyze the overall potential of specific projects that may assist in the mitigation of flood damages and hazards.
- 2) That the LFA shall be conducted within the funding awarded to the Town of Olive through the Ashokan Watershed Stream Management Program (AWSMP) Grant Program.
- 3) That the LFA scope, tasks and contractor selection shall be determined by the Town of Olive in consultation with the Olive Flood Advisory Committee and AWSMP.
- 4) That CCEUC, a participating agency of the AWSMP, shall provide both technical and administrative assistance to the Town of Olive as requested.
- 5) That CCEUC will coordinate the funding provision, procurement, and administration of engineering services for Local Flood Analysis during the term of a signed Grant Agreement with the Town of Olive in accordance with the subject of the terms of the Grant Agreement.
- 6) This MOU may be amended at any time through the mutual consent of all parties to this MOU.
- 7) This MOU shall remain in effect until such time that it is terminated by any party to this MOU conditional upon 30 days written notice.

III. Signatures

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Sylvia B. Rozzelle, Supervisor, Town of Olive

Date

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Lydia M. Reidy, Executive Director,

Date

On a Rozzelle/VanBuren motion, the Town Board reviewed and accepted the Town of Olive Procurement Policy. **AYE-** VanBuren, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

On a Rozzelle/Kelder motion, the Town Board requests the Town Clerk to send letters to State Representatives Kevin Kahil and James Seward about reviving NYS Senate Bill #4537- an Act to Amend the Civil Rights Law in relation to imposing limitations on the use of drones within the state.

**AYE-** VanBuren, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

On a Rozzelle/VanBuren motion, the Town Board requests the Town Clerk to send a letter to Ulster County Assistant District Attorney, Lisa Bondarenka concerning the Vincent Lombardo case. The Board would like to ask in the event Mr. Lombardo is found guilty that he be banned from the use of the Town of Olive Parks for 5 years.

**AYE-** VanBuren, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

**Announcements:**

1. Members needed for Conservation Advisory Council
2. West Shokan Post Office Community Meeting August 18<sup>th</sup>, at 2 pm at West Shokan Post Office
3. Town Board Workshop Meeting, Monday, August 18<sup>th</sup> at 7 pm
4. Flood Advisory Committee meeting, Thursday, August 28<sup>th</sup> at 6:30 pm
5. Samsonville Methodist Church Chicken Barbecue, August 23<sup>rd</sup> from 4-6:30 pm
6. Ulster County Legislature Res. #224 on Election Costs, August 19<sup>th</sup> at 7:15 pm

**Committees & Commission Chairs & Liaisons:**

**Town Buildings—Jim Sofranko & Scott Kelder, Co-Chairs**

The Committee has finished going over the town offices, town hall, town garages, pool, Davis Park & Legion Hall. Board Member Kelder stated they still have to write up their findings. The Committee still has to review the Transfer Station, Shokan Park & Tongore Park, they should be complete in about a month.

**Emergency Response Plan Development—Peter Friedel, Chair**

Board Member Friedel stated they met last month, the plan has been reviewed and they have some changes to make. The Committee will review it again. Supervisor Rozzelle stated they were getting together a disaster preparedness file.

**Olive Wastewater Advisory Committee—Don VanBuren, Chair**

The treatment plant went through an inspection from the NYS DEC, they have corrected the problems.

**Cable Franchise Negotiations Committee—Jim Sofranko, Chair**

Board Member Sofranko advised the Town Board that the Cable Franchise Committee has completed their report after going over the survey. As a result of the survey, resident pressure and committee pressure, Time Warner has agreed to build out on Lower Sahler Mill Road and Sundale Road. We have encouraged them to take a look at the further mapping of the area to try and continue the service for Upper Sahler Mill Rd. The Cable Franchise Committee report can be located on the Town of Olive website.

**Parks & Recreation Committee—Scott Kelder, Liaison**

The committee did not meet in August. Day Camp has ended and it was a very good year. They had their first overnight camp out, which was a success. There were no injuries this year. Youth Soccer sign up is going on and adult softball is going well.

**Police Commission—Peter Friedel**

The Town of Olive Police had 176 calls and wrote 7 uniform traffic tickets

**Town Clerk---Dawn Giuditta**

The Town Clerk Monthly Revenues for July \$31,582.41.

**Olive Fire Department-**

7 wires down	1 public service
3 motor vehicle accident	4 auto alarm
4 mutual aid	1 structure fire
1 investigation	total 21 calls

7 training	3 meetings
1 member 89 hr. firefighter I class	

**Transfer Station----Sylvia Rozzelle**

Ticket prices went up in August to \$50.00 so Supervisor Rozzelle asked Transfer Station Manager, Bruce Proper to do a comparison for June and July. In June 214 tickets sold for \$7, 490.00 in July 719 \$25,165.00

Revenue for July was \$27,385.00 expenses \$7,927.00

Guard rails replaced the saw horses.

**Supervisor Report:**

Highway Labor July:

General Building	\$ 415.80
Legion Hall	308.88
Transfer Station	190.08
Meeting Hall	154.44
Pool	843.48
Police Department	132.65
Mowing parks, buildings, Transfer Station	\$2,097.04
Shokan Park repairs	<u>403.92</u>
Total July	\$4546.29

Total for year to date \$34235.33

**NY Community Rising-** It will take about 7 to 8 months to receive any funding, it will be about a month before we even get all the paperwork.

**Reservoir Food Pantry-**They have been feeding about 50 families a week. Meg Soltis asked if the pantry has any rules on what they can accept. Supervisor Rozzelle stated she would get her the contact information for Reservoir Food Pantry. Board Member Scott Kelder advised Mrs. Soltis that the Olivebridge Methodist Church has a food pantry.

There was a group discussion and recommendations made on the issue of drone usage in the Town of Olive.

On a Rozzelle/Kelder motion, the meeting was adjourned at 8:04 pm in Memory of Janet Barringer, Harold Eugene "Hal" Chapman, Jr., William Dunn, Ashton C. "Junior" Smith, Ruth S. Stucki, Tommy VanLeuvan

**AYE-** VanBuren, Kelder, Sofranko, Friedel, Rozzelle **Nay**

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Dawn Giuditta, Town Clerk