

Town of Olive  
County of Ulster  
State of New York  
Monday, May 11, 2015

Minutes of the monthly audit meeting of the Town of Olive Town Board, held Monday, May 11, 2015, 7:00 pm at the Town Meeting Hall in Shokan, NY.

Members Present:                 Drew Boggess, Deputy Supervisor  
  Scott Kelder, Board Member  
  James Sofranko, Board Member  
  Peter Friedel, Board Member  
  Donald VanBuren, Board Member

Members not present:             Sylvia Rozzelle, Town Supervisor

Recording Secretary:             Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Deputy Highway Superintendent

Drew Boggess, Deputy Town Supervisor, called the meeting to order at 7:00 pm.

The Town Board audited the monthly bills.

**Presentations:**

Helen Chase, Mark Lee Boyer and Geddy Sveilauskas addressed the Town Board on behalf of the Maurice D Hinchey Catskill Interpretive Center located on Route 28 in the Town of Shandaken. The Grand opening will be held before July 4<sup>th</sup>. The Interpretive Center will draw visitors who would like to know what the Catskills are and what the area has to offer. It will show visitors what there is to do and see. The Catskill Interpretive Center is approximately 65 acres, it will hold a visitors center, pavilion, amphitheater and various hiking trails and a fire tower. The Catskill Interpretive Center will provide information on hiking trails, kayaking, camping, eating establishments and shopping.

The Catskill Interpretive Center entered into an agreement with NYS DEC to manage and operate the facility. The NYS DEC will be using the Center, there is also an operating group that will be working in conjunction with the Center. The operating group is comprised of the NY/NJ trail conference, The Catskill Mountain Keeper, The Catskill Mountain Club, the 3500 Club. Members of these groups will provide volunteer staffing on a daily basis. The New York City DEP and the Catskill Watershed Corporation have committed to provide some of the necessary funding over the next five years for operating expenses. It will be the responsibility of the Catskill Interpretive Center, Friends of the Interpretive Center and the operating group to raise the necessary funds to continue the funding needed for operating the Interpretive Center.

The Onteora School Board presented a view of the 2015-2016 school budget. In attendance were Victoria McLaren, Assistant Superintendent for Business and School Board Trustees; Bobby Schnell, Tanya Davis, Ann McGillicuddy. School Budget Highlights: **(#48-15)**

- The proposed budget preserves class sizes, educational course offerings and student services
- The proposed budget features a year to year reduction of -\$219,150
- After three years of no tax levy increase, the proposed budget utilizes an increase of 0.87% of the tax levy. The maximum allowable levy limit with carryover and exclusions would increase the levy by 3.34%

The School Budget for 2015-2016 school year and Board of Education Trustee Election will be held on May 19<sup>th</sup>, 2015 2pm-9pm.

On a Boggess/Friedel motion, the meeting was adjourned at 8:05 pm.

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

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Dawn Giuditta, Town Clerk

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Members Present:                 Drew Boggess, Deputy Supervisor  
  Donald VanBuren, Board Member  
  Scott Kelder, Board Member  
  James Sofranko, Board Member  
  Peter Friedel, Board Member

Members Not Present:             Sylvia Rozzelle, Supervisor  
Recording Secretary:             Dawn Giuditta, Town Clerk

Others Present: James Fugel, Superintendent of Highways; Brian Burns, Deputy Highway Superintendent; William Cook, Assessor; Thomas Vasta, Police Chief; Richard Ostrander, Police Commission; Carl Swenson, Deputy Emergency Management Coordinator

Drew Boggess, Deputy Supervisor, called the meeting to order at 7:00 p.m.

On a Friedel/Sofranko motion, the Town Board approved the April 2015 minutes.

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

**Presentations:**

Mountain Valley Flag Football President, David Alterio presented two trophies from last year's program and thanked the Town of Olive for its continued support of their program. He especially wanted to thank Board Member Kelder and Supervisor Rozzelle for their support.

The Town of Olive Police Chief Thomas Vasta and the Police Commission presented four conduct awards to three active police officers and one former member of the Police department.

Former Officer David Stoutenburgh received the Town of Olive Police Life Saving Award

Part time Police Officer Sean Ryan received the Town of Olive Police Meritorious Service Medal

Part time Police Officer Thomas O'Connell received the Town of Olive Police Honorable Service Award

Full Time Police Officer Barry Creagan received the Town of Olive Police Honorable Service Award.

Supervisor Rozzelle drafted a letter to Police Commissioner Richard Ostrander asking him to pass along her congratulations to all the Officer's receiving awards. She particularly wanted to acknowledge Officer Creagan for routinely going above and beyond the call of duty (#49-15).

In April the Town Board sent letters to NYSDOT, NYCDEP, Assemblyman Kahil and other various agencies inviting the NYSDOT and NYCDEP to appear at this evenings meeting to discuss with the Board the concern of spraying herbicides along the roadways in the Town of Olive. NYSDOT were unable to appear, William Gorton, Regional Director sent a letter in response (#50-15). Assemblyman Kahil was also unable to appear but sent his regrets (#51-15). The Supervisor's office also received three emails from Town of Olive residents against the spraying of herbicides along the roadways (#52-54-15).

Board Member Sofranko thanked everyone for coming to tonight's meeting, he also thanked the NYCDEP for attending. Paul Rush, Deputy Commissioner Bureau of Water Supply along with Carl Davis, Regional Manager & Adam Bosch from the NYCDEP addressed the Town Board concerning NYCDEP's stand on the spraying of herbicide. Mr. Rush explained that NYCDEP maintain approximately 100 miles of highway that they are responsible for. He stated a good chunk of that highway is located in the Town of Olive. The NYCDEP is concerned with maintaining the vegetation around guardrails along Rt. 28 A to protect the public. Mr. Rush stated that the spraying of herbicides was not something the NYCDEP went into lightly. They do monitoring to see if there is an impact detected on the water supply. There is a growing body of information that has indicated that Glyphosate is a compound there might be concerns about, but it is approved by EPA. The protection of the traveling public and the people in this community and looking at this information has caused the Commissioner to take a look at this issue. Based on her analysis and discussions with the staff in the Water Shed the decision has been made that NYCDEP **will not** be applying Glyphosate this year on its highways in the NYC Water Shed. What the NYCDEP is doing is running a test on two non-synthetic herbicides near Whispell Road, West Shokan Heights and the Ben Nesin Lab at Ashokan. The two herbicides are **Finale** derived from two species of fungi, it's a natural alternative and the other is called **Burn out II**, derived from clove and citric acid.

**Correspondence:**

**#56-15**

Bob Sudlow, Deputy Co. Executive regarding Route 213 Bridge.

**#57-15**

Coalition of Watershed Towns-Nomination Form

**#58-15**

Catskill Mountain Railroad Company, Inc.

**Budget Modifications:** On a Boggess/Friedel motion, the Town Board approved the following budget modifications

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

Transfer \$380.00 from 7110.4 parks (Cont.) to 7110.2 Parks (Equip.)

Transfer \$6755.00 from Reserve L (Buildings) to 1620.2 Buildings (Equip.)

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

Highway vouchers #145-#174	\$ 15,044.48
General Fund Vouchers #162-#215	\$127,899.98
Special Lighting Vouchers #5	\$ 58.40
Boiceville Sewer District ##15920-#15935	\$ 38,481.72

**Cash Received:**

March Cash Received	\$77,634.04
March Interest	\$ 42.58

**Additional Business:**

On a Boggess/VanBuren motion, the Town Board unanimously approved Resolution #10 of 2015.

**Town of Olive  
Resolution #10**

**A RESOLUTION TO ADOPT A CITIZEN PARTICIPATION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM.**

**WHEREAS**, the Town of Olive is a Subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor’s Office of Storm Recovery (GOSR) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Super storm Sandy; and,

**WHEREAS**, participation in the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program requires the adoption and implementation of a Citizen Participation Plan to comply with Section 508 of the Housing and Community Development Act of 1974, as amended; and,

**WHEREAS**, the purpose of this plan is to provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used.

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Olive Town Board that the attached New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Citizen Participation Plan be hereby officially adopted for implementation in the Town of Olive New York State CDBG-DR Program.

**AND MOVES ITS ADOPTION**

Motion made by: Deputy Supervisor Drew Boggess  
Seconded By: Board Member VanBuren

**A Vote was Duly Taken:**

	AYE	Nay
Sylvia Rozzelle, Supervisor	absent	_____
Don VanBuren, Board Member	_X_	_____
Scott Kelder, Board Member	_X_	_____
Jim Sofranko, Board Member	_X_	_____
Peter Friedel, Board Member	_X_	_____

Whereupon, the motion was duly adopted.

Dated this 12<sup>th</sup> day of May 2015

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Dawn Giuditta, Olive Town Clerk

**#55-15**

Citizen Participation Plan

On a Boggess/Sofranko motion, the Town Board unanimously approved Resolution #11 of 2015.

**Town of Olive  
RESOLUTION NO. 11**

**A RESOLUTION ADOPTING THE FOLLOWING PROCEDURES AND POLICIES FOR THE TOWN OF OLIVE FOR THE PROCUREMENT OF GOODS AND SERVICES NECESSARY FOR THE IMPLEMENTATION OF PROJECTS FUNDED BY THE GOVERNOR'S OFFICE OF STORM RECOVERY OF THE NEW YORK STATE HOUSING TRUST FUND CORPORATION**

**WHEREAS**, in the aftermath of Super storm Sandy, the United States Congress, through Public Law passed the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013), as amended (the "Act"), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development ("HUD") for Community Development Block Grant Disaster Recovery ("CDBG-DR") funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared due to Super storm Sandy and other eligible events, including Hurricane Irene and Tropical Storm Lee, in calendar years 2011, 2012, and 2013 (the "Storms"), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD; and,

**WHEREAS**, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, titled, "*Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received an allocation of CDBG-DR funds from HUD in the amount of \$1,713,960,000; and

**WHEREAS**, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 69,104), entitled *Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received a second allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000; and

**WHEREAS**, pursuant to the CDBG-DR Grant Program and Federal Register Notice (79 Fed. Reg. 62,183), entitled *Third Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received a third allocation of CDBG-DR funds from

HUD in the amount of \$605,922,000 (of which \$185,000,000 has been allocated towards the proposals developed through the Rebuild by Design competition); and

**WHEREAS**, the Town of Olive has entered into a Subrecipient agreement with the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

**NOW, THEREFORE BE IT RESOLVED** by the Town of Olive Town Board, on behalf of the Town of Olive that the Town of Olive shall follow these policies and procedures in the procurement of goods and services necessary for the implementation of projects funded by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation:

**PROCUREMENT PROCEDURES**

The Town of Olive will comply with the procurement standards required under 24 CFR 85.36 for all procurement activities utilizing CDBG-DR funds granted by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

**AVOIDING PROCUREMENT OF UNNECESSARY OR DUPLICATIVE ITEMS OR SERVICES**

The director or supervisor of each department or agency of the Town of Olive responsible for procurement of services, supplies, equipment, or construction obtained with Federal, State or Local funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the director or supervisor, an analysis should be made of lease versus purchase alternatives and any other analysis to determine the most economical approach.

**PROCUREMENT AND CONTRACT PROTEST PROCEDURES**

Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against solicitations must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to Purchasing Agent or Town Supervisor. The Purchasing Agent or Town Supervisor may, at his/her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.

**AND MOVES ITS ADOPTION**

Motion made by: Deputy Supervisor Drew Boggess

Seconded By: Board Member Sofranko

**A Vote was Duly Taken:**

	AYE	Nay
Sylvia Rozzelle, Supervisor	absent	_____
Don VanBuren, Board Member	_X_	_____
Scott Kelder, Board Member	_X_	_____
Jim Sofranko, Board Member	_X_	_____
Peter Friedel, Board Member	_X_	_____

Whereupon, the motion was duly adopted.

Dated this 12<sup>th</sup> day of May 2015

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Dawn Giuditta, Olive Town Clerk

On a Boggess/Kelder motion, the Town Board approved Supervisor Rozzelle to sign the Certification that Olive follows a Residential Anti-displacement and Relocation Assistance as per the Housing & Communication Development Act of 1974.

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

On a Boggess/Kelder motion, the Town Board empowered the Supervisor to sign Professional Service Agreements with LaBerge Group in the amount of \$5000. For Pool Analysis and \$14,400 for Municipal Facilities Needs Assessment.

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

On a Boggess/Friedel motion, the Town Board approved a letter to the Public Service Commission for street lighting to reflect LED lighting options.

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

On a Boggess/VanBuren motion, the Town Board nominated Peter Friedel to serve on the Executive Committee of Coalition of Watershed Towns. Board Member Friedel Abstained **(#57-15)**

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

On a Boggess/Friedel motion, the Town Board asked the Town Clerk to send a letter to Linda Burkhardt thanking her for her work on the Coalition of Watershed Towns.

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

The Town Board tabled the appointing of a Liaison to the Catskill Mountain Railroad.

**Announcements:**

American Legion Post 1627 2015 Memorial Day Parade, Monday, May 25<sup>th</sup>, West Shokan at 9:30 am  
Grievance Day, Tuesday, May 26<sup>th</sup>, Olive Free Library 3pm-5pm & 7pm-9pm  
Town of Olive Volunteer Appreciation – Sunday, June 7<sup>th</sup>, 1-4 pm, Country Inn in Krumville  
Town of Olive Rabies Clinic- Sunday, June 14, 10am-1pm Highway Garage

**Committees & Commission Chairs & Liaisons:**

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

The Buildings Committee does not have much to report. The Town Board just approved Supervisor Rozzelle to sign the contracts for pool analysis and the facilities need assessment.

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

There were some issues on settlement but that has been worked out.

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

There is new service coming on Upper and Lower Sahler Mill Road at least 20 homes, there are a few houses on Brown Road that will also be getting cable. There is money being put out for a program called Broad Band for Everyone that is offering grants. The Committee will be working with Time Warner Cable on that.

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

Day Camp staff was interviewed and is in place. The recreation program still has some openings for employment. There is a tentative opening for the pool Memorial Day Weekend. Softball and Little League have begun.

**Police Commission—Peter Friedel**

March 2015 stats-135 calls, 5 arrests, 20 uniform traffic tickets

April 2015 stats- 149 calls, 5 arrests, 25 uniform traffic tickets, 235- patrol notepad checks

The new vests are in.

**Town Clerk---Dawn Giuditta**

The Town Clerk Monthly Revenues for March \$12,750.37

The Town Clerk Monthly revenues for April \$50,306.24

Rabies Clinic scheduled June 14<sup>th</sup> 10am- 1pm at Highway Garage

Planning Board Training Report- **#60-15**

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

No Report

**Olive Fire Department-**

No Report

**Olive First Aid-**

January calls- 16, February calls- 10, March calls- 33, Total for quarterly 59

George Baine, a Member of the Catskill Mountain Railroad addressed the Town Board concerning the letter sent from Catskill Mountain Railroad. He wanted to advise the Town that the equipment located at RT. 28 and Mountain Road has been removed, cleaned up and mowing will be done to keep things tidy. Mr. Baine just wanted to open a line of dialogue and let the Town Board know that Mr. Arthur Vogel has volunteered to be a liaison between the Town and the Catskill Mountain Railroad.

On a Boggess/VanBuren motion, the meeting was adjourned at 8:23 pm in Memory of Nevrus Ajce, Joseph Calderale, and Jeanette Madera-Dupree

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

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Dawn Giuditta, Town Clerk