

Town of Olive  
County of Ulster  
State of New York  
Monday, July 11, 2016

Minutes of the Town Board audit meeting of the Town of Olive, held Monday, July 11, 2016, 7:00 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Sylvia Rozzelle, Supervisor  
James Sofranko, Deputy Supervisor  
Drew Boggess, Board Member  
Scott Kelder, Board Member

Members Not Present: Peter Friedel, Board Member  
Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Highway Superintendent; Gene Sorbellini, Recreation Director; Jim Mays, Chairman of ZBA and Conservation Advisory Council; Maraleen Manos-Jones, Conservation Advisory Council; Daniel White, Conservation Advisory Council

Supervisor Rozzelle called the meeting to order at 7:03pm.

The Town Board audited the monthly bills.

The Conservation Advisory Council addressed the Town Board concerning a recycling event that they wished to have at the end of September at the Transfer Station. The event would be to enlighten residents about reducing, reusing and recycling. They would like to have informational booths, an art show demonstrating reuse of materials and music. Board Member, Scott Kelder suggested setting this up at Olive Day where the Council might reach more people than just those using the Transfer Station.

The Town Board discussed the following issues:

1. Reviewed Resolution #13 Climate Smart Community Pledge.
2. Trail Motel- the testing and cleanup of underground oil tanks and an oil spill from the Supermarket that happened in 2012. The NYCDEP will do the testing and cleanup.
3. Zoning and Planning Board Training- Supervisor Rozzelle discussed the need for training in both departments and requested a letter be sent out to members of each Board reminding them that it is State Law that training be completed. Jim Mays, Chairman of the ZBA stated that in the Zoning Board defense training seminars offered by Ulster County, really have nothing to do with zoning. Board Member Drew Boggess advised that NYMIR offered online classes.
4. The Board discussed the drafting of a Local Law on Solar. It was suggested by Board Member Boggess to hold off for another month and see what other towns like Rochester come up with. The Town of Rochester is in the process of drafting a Solar Local Law.
5. The Town Board discussed the reconstruction to be done on the highway garage roof. Board Member Kelder suggested Highway Superintendent Brian Burns take the lead on this project and remove the Building Committee from the equation, the rest of the Board agreed.
6. At the December 8, 2015 meeting the Town Board requested that an issue concerning the Police Commission with Peter Friedel, Don VanBuren and Richard Ostrander be sent to the Ethics Board. On January 26, 2016 the Ethics Board was sent copies of documents concerning this issue. The Ethics Board met on July 10, 2016 and their findings are made part of this record. The Board of Ethics respects the Town Board's decision and feels no further action is required. (#79-16)



**AYE-** Boggess, Kelder, Sofranko, Rozzelle **Nay** **Absent-** Friedel  
NYC DEP Land Acquisition: Property ID 8942  
NYC DEP Local Consultation on Land Acquisition: Property ID 9023

**Budget Modifications:**

**Highway:** On a Rozzelle/Boggess motion, the Town Board approved the following budget modifications to the Highway Fund:

**AYE-** Boggess, Kelder, Sofranko, Rozzelle **Nay** **Absent-** Friedel

<b>Increase D2701</b>	<b>Refund of Prior Years Expense</b>	<b>\$34,855</b>
<b>Increase D5110.4</b>	<b>General Repairs (Cont.)</b>	<b>\$34,855</b>
<b>Increase D2665</b>	<b>Sale of Equipment</b>	<b>\$ 1,582</b>
<b>Increase D51302</b>	<b>Machinery (Equip.)</b>	<b>\$ 1,582</b>

**General:** On a Rozzelle/Kelder motion, the Town Board approved the following budget modifications to the General Fund:

**AYE-** Boggess, Kelder, Sofranko, Rozzelle **Nay** **Absent-** Friedel

<b>Increase A2665</b>	<b>Sale of Equipment</b>	<b>\$ 7,081</b>
<b>Increase A71102</b>	<b>Parks (Equip.)</b>	<b>\$ 7,081</b>

**Transfer:** On a Rozzelle/Boggess motion, the Town Board approved the following transfers:

**AYE-** Boggess, Kelder, Sofranko, Rozzelle **Nay** **Absent-** Friedel

**\$10,497.82 from Town of Olive CDBG to T200.4 Cash Account**  
**\$10,497.82 to General Fund A200.5 Cash Account**

**Approve Payment of Audited Bills:** On a Rozzelle/Kelder motion, the Town Board approved the following payments:

**AYE-** Boggess, Kelder, Sofranko, Rozzelle **Nay** **Absent-** Friedel

**Approve Payment of Audited Bills:**

General Fund Voucher #288-#332	\$ 25,997.23
Highway Vouchers #206-#235	\$ 16,019.29
Sewer District Vouchers #16142-#16163	\$ 34,895.05
Special Lighting Voucher #7	\$ 56.22
Special Fire District Voucher #3	\$247,450.00

**Cash Received:**

Cash Received for May 2016	\$ 31,474.37
Interest Received for May 2016	\$ 43.94

**Additional Business:**

On a Rozzelle/Sofranko motion, the Town Board approved Resolution #13 Climate Smart Community Pledge.

Town of Olive  
Resolution #13 of 2016

**Climate Smart Community Pledge**

WHEREAS, the Town of Olive (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Olive, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:

1. Pledge to be a Climate Smart Community.
2. Set goals, inventory emissions, plan for climate action.
3. Decrease community energy use.
4. Increase community use of renewable energy.
5. Realize benefits of recycling and other climate-smart solid waste management practices.
6. Reduce greenhouse gas emissions through use of climate-smart land-use tools.
7. Enhance community resilience and prepare for the effects of climate change.
8. Support development of a green innovation economy.
9. Inform and inspire the public.
10. Commit to an evolving process of climate action.

**AND MOVES ITS ADOPTION**

Motion made by: Supervisor Rozzelle  
Seconded By: Board Member Sofranko

	Aye	Nay	Absent
Sylvia Rozzelle, Supervisor	_X_	_____	_____
Drew Boggess, Board Member	_x_	_____	_____
Scott Kelder, Board Member	_X_	_____	_____
Jim Sofranko, Board Member	_X_	_____	_____
Peter Friedel, Board Member	_____	_____	__X__

Dated this 12<sup>th</sup> day of July, 2016

---

Dawn Giuditta, Olive Town Clerk

On a Rozzelle/Bogges motion, the Town Board approved Resolution #14 Initiate Litigation against Maurice Lane Violations in Supreme Court.

Town of Olive  
Resolution #14 of 2016  
Initiate Litigation against Maurice Lane Violations in Supreme Court

WHEREAS, as required by New York State Department of State the Town of Olive adopted Local Law #3 of 2006 Fire Prevention and Building Code Administration and Enforcement on 12/28/2006 which amended Local Law #1 Fire Prevention and Building Construction adopted on 12/3/1988; and

WHEREAS, said local laws are codified as Town of Olive Code §93 Fire Prevention and Building Code Administration and Enforcement; and

WHEREAS, the Code Enforcement Officer and/or Inspector is required as authorized to enforce said New York State Fire Prevention and Building Code also referred to as the Uniform Code, as well as enforce local Zoning laws; and

WHEREAS, as per Town of Olive Code §93 an Order to Remedy Violation was issued by Code Enforcement Officer John Ingram to Maurice Lane, 3852 Route 28, Boiceville, NY 12412 on 12/9/2015 for construction of one (1) double wide mobile home, two (2) large Quonset type buildings, and two (2) large wood frame buildings without obtaining site plan and permits; and

WHEREAS, Ulster County Department of Health in correspondence dated 12/21/15 notified Mr. Maurice Lane that installation of a septic system is in direct violation of code article IV, section 6.4.2 of the Ulster County Sanitary; and

WHEREAS, Code Enforcement Officer John Ingram has been attempting to get Mr. Maurice Lane to cooperate and remedy the myriad of violations on his property as outlined in correspondence dated 6/7/16 from Attorney for the Town Dan Heppner; and

WHEREAS, pursuant to Town of Olive Code §93-15. Enforcement; penalties for offenses, D. Injunctive relief, the Town may institute a proceeding in a court of competent jurisdiction to enforce or abate any violation;

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Olive approves the institution of any and all appropriate legal [and equitable] action[s] necessary to address the claimed violations existing at the property of Maurice Lane in Boiceville, NY including but not limited to violations of the State Uniform Code, Ulster County Sanitary Code, Town of Olive Zoning Law and the NYS Uniform Fire and Prevention Code as well as all other applicable laws; and

THEREFORE, BE IT RESOLVED, the Town Board approves the initiation of the aforementioned action to be commenced in the Supreme Court of the State of New York, Ulster County.

**AND MOVES ITS ADOPTION**

Motion made by: Supervisor Rozzelle  
Seconded By: Board Member Bogges

	Aye	Nay	Absent
Sylvia Rozzelle, Supervisor	<u>X</u>	_____	_____
Drew Boggess, Board Member	<u>X</u>	_____	_____
Scott Kelder, Board Member	<u>X</u>	_____	_____
Jim Sofranko, Board Member	<u>X</u>	_____	_____
Peter Friedel, Board Member	_____	_____	<u>X</u>

Dated this 12<sup>th</sup> day of July, 2016

---

Dawn Giuditta, Olive Town Clerk

On a Rozzelle/Boggess motion, the Town Board approved the promotion of Officer Thomas O'Connell to rank of Sergeant and approved a pay increase of \$1.00 per hour to \$22.04 per hour as per Police Commission. Board Member Sofranko stated that he would like to readdress from the Town Board to the Police Commission, Police Chief and Sergeant O'Connell what the focus is and what the Town Board wants the Police Dept. to be. We want a Police Dept. that is involved in community policing that builds a trust with the community. The Police Officers should be out meeting the public and engaging with them. The Town Board is under political pressure to not have a Police Dept. and if we are going to have a Police Department, I think this is the only one we can successfully stand behind. We would like the Police Dept. to be very much within the character of the Town.

**AYE-** Boggess, Kelder, Sofranko, Rozzelle    **Nay**                    **Absent-** Friedel

On a Rozzelle/Sofranko motion, the Town Board approved further environmental review of Trail Motel Property by NYCDEP as recommended by Chazen Companies.

**AYE-** Boggess, Kelder, Sofranko, Rozzelle    **Nay**                    **Absent-** Friedel

On a Rozzelle/Boggess motion, the Town Board requested that the Town Clerk send letters to the Chairman of the Planning Board and ZBA reminding them of the State Law requirement of 4 hours of training a year as established in Resolution #9 of 2009.

**AYE-** Boggess, Kelder, Sofranko, Rozzelle    **Nay**                    **Absent-** Friedel

**Announcements:**

Boy Scout Troop 163 Free Soup Dinner 6pm Olive Library- Fourth Thurs. July 28th...  
 Olive Day Committee Meeting, Town Office Building, 7 pm July 14<sup>th</sup> & 28<sup>th</sup>

**Committees, Commission, Department Reports:**

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

The Committee met at the highway garage and they have a preliminary truss design for the roof, there is also a preliminary price for the materials to start the project. The only thing needed is subcontractors to do the work and that project will be going. The Committee had Kenny Magielnicki look at the Shokan Pavilion floor and he should be coming back with an estimate on the cement cost, the Committee needs to discuss with Brian as to when the project can get completed. Board Member Kelder made a motion to send a letter to Kenny Magielnicki thanking him for his work on the pool sidewalk. Apparently Mr. Magielnicki never charged the town for the work completed on the sidewalk. Supervisor Rozzelle seconded the motion.

**AYE-** Boggess, Kelder, Sofranko, Rozzelle    **Nay**                    **Absent-** Friedel

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

The Committee is still in waiting mode to see if money comes through to do build out in town on utility poles.

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

Day Camp is in its 2<sup>nd</sup> week, they registered about 200 kids and are averaging about 140 a day. The pool is doing well and there has been a lot of attendance.

**Highway Department- Superintendent Brian Burns**

Preparation for the paving of Upper Boiceville is still on going with a potential date to start paving around Sept. 19. True & Leveling is being done on several roads, water issues on Jomar are being addressed. The Hillside Bridge Project is waiting on engineers and are in the permit stage. Superintendent Burns was concerned about the amount of Japanese knot weed growing in the ditches becoming a potential problem. New York State might have some funding available to help municipalities remove ash trees out of highway right of ways.

**Police Commission—Drew Boggess, Liaison**

**Calls for January (#86-16)**

**Calls for Service: 80**

Abandoned 911-	0	Disorderly Subject	1	Medical	10
Aggravated Harass	0	Domestic Dispute	3	Mental Health Law	0
Animal Comp.	6	Fireworks Comp.	0	Missing Person	0
Automatic Alarm	12	Juvenile Comp	0	Motorist Assists	1
Civil Matters	0	ID Theft	0	Larceny	0
Lockout	3	Lost/Found Property	2	Phone Fraud	0
Property Retrieval	0	Suspicious Activity	5	Suicide	0
Traffic Accidents	7	Traffic Complaints	4	Traffic Hazard	2
Burning Complaint	0	Prop/damage nature	0	Trespass complaint	0
Unattended Death	0	Welfare Check	6	Assist other Agency	13
Abandoned Vehicle	1	Criminal Mischief	1	Noise Complaint	0
Parking Complaint	0	Property Dispute	0	Shots fired	0
Harassment Comp.	1	Illegal Dumping	1	Neighbor Dispute	1

Residential /Commercial Security Checks: 661

Community Oriented Policing (School): 7

Traffic Tickets- 13

On a Rozzelle/Boggess motion, the Town Board approved the purchase of a 2016 Police Utility Police Interceptor AWD by piggy backing off the West Chester County Contract in the amount of \$40,066.85.(#87-16)

**AYE-** Boggess, Kelder, Sofranko, Rozzelle **Nay** **Absent-** Friedel

As per the recommendation of the Police Commission, Supervisor Rozzelle made a motion to approve the hiring of Officer Kevin Tucker to the Town of Olive Police Department. Board Member Boggess seconded the motion.

**AYE-** Boggess, Kelder, Sofranko, Rozzelle **Nay** **Absent-** Friedel

**Town Clerk---Dawn Giuditta**

The Town Clerk Monthly Revenues for July 2016 \$23,208.19 (#88-16)

**Olive Fire Department- Chief Christopher Winne (#89-16)**

Auto Accidents- 1	Mutual Aid- 10	Automatic Alarm- 6
Smoke Investigation- 1	Wires down- 3	Hazardous Materials-1
Control Burn- 0	EMS Assist- 2	Public Service-0
Good Intent- 0	Water Rescue- 1	
Total Calls- 25		
Drills- 5		
Meetings- 3		
Work Detail- 0		

**Scenic Byway—Drew Boggess**

The website is still being worked on and local businesses can sign up to advertise on it. Website address is **sceniccatskills.com**. The Byway is meeting with other Byways that are more established for ideas on what can be done with ours. The concern is how to fund the Byway once the money runs out from the grants they were given. The Department of Transportation should be installing the Scenic Byway signs soon.

**Olive Day Committee- Drew Boggess, Liaison**

The art work for rack cards are complete and they should be printed soon for distribution. Everything seems to be lined up for the day’s proceedings. The Committee is still lining up vendors.

**Conservation Advisory Council-- Jim Sofranko, Liaison**

The Committee is learning what they can about solar energy both residential and commercial. Solar Generation spoke to the Committee. The Committee has been working at having an event concerning recycling, reusing & reducing, it was suggested to do the event at Olive Day.

**Supervisor’s Report-**

**Highway Dept. Labor: (#90-16)**

	June 2016
General Fund-Buildings	\$ 123.60
American Legion-	\$ 74.16
Town Hall/Court House	\$ 49.44
Police Dept.	\$ 280.72
Transfer Station	0
Pool	\$1,409.04
Parks/Mowing	<u>\$1,807.76</u>
Total	\$3744.72

All pertinent business having been conducted the Town Board on a Rozzelle/Sofranko motion, adjourned the meeting at 8:15 pm in memory of Anne Fochi Leifeld and Robert E Harkin.

**AYE-** Boggess, Kelder, Sofranko, Friedel, Rozzelle      **Nay**      **Absent**

---

**Dawn Giuditta, Town Clerk**