

Town of Olive
County of Ulster
State of New York
Tuesday, January 10, 2017

Minutes of the monthly meeting of the Town of Olive Town Board, held Tuesday, January 10, 2017 7:00 pm at the Town Meeting Hall in Shokan, NY.

Members Present: Sylvia Rozzelle, Supervisor
 Peter Friedel, Board Member
 Drew Boggess, Board Member
 Scott Kelder, Board Member
 Jim Sofranko, Board Member

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Highway Superintendent; Gene Sorbellini, Recreation Director; Bill Cook, Assessor; Donald Baker, Police Chief; Timothy Cox, Town Justice; Carl Swenson, Emergency Management Coordinator; Chris Winne, Fire Chief

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

On a Boggess/Rozzelle motion, the Town Board approved the December minutes

Aye- Boggess, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

Report from the Town Supervisor
January 10, 2017

- **Flood Mitigation efforts with Flood Advisory Committee**
 - Boiceville and West Shokan Local Flood Analysis (LFA) is nearing completion. Woigt Engineering has done the hydraulic and hydrologic studies and is preparing the report with funds from a \$95,281 grant received from the Ashokan Watershed Stream Management Program (AWSMP).
 - Boiceville LFA—Boiceville with the Esopus has an inundation problem.
 - 25 Properties in the Boiceville flood zone paid \$19,949.58 in Town Taxes in 2016 and 7 of those properties pay over \$34,247 in Flood Insurance.
 - Three of the 13 proposed mitigation strategies in the LFA are being considered for further study -- Construction of a levee, Community Planning and Relocation, and NYC funded Flood Buyout.
 - Meetings with the engineer will be held this month to prepare the final draft LFA.
 - Application has been made to the Catskill Watershed Corporation for \$20,000 for a community planning grant—specifically for Boiceville. When the LFA is finalized and accepted by the Town Board the CWC will review the application.
 - West Shokan LFA—West Shokan with the Bushkill has an erosion problem which is being addressed with funding from CDBG-DR.
 - A \$30,214 grant was received from the AWSMP to have Barton and Loguidice (B & L) as the engineering firm conduct a Stream Feature Identification of the Maltby Hollow. At a public informational meeting of the Flood Advisory Committee in December, B & L engineer Shawn Adams identified 65 potential areas of concern on the stream. A plan will be developed and then further grants will be applied for to complete stream stabilization projects.

CDBG-DR Funds

- There is a meeting on January 19th with Fellenzer Engineers and the Consultant from the Governor's Office of Storm Recovery concerning the Town Facilities Rehabilitation Project. We are to review the 75% design plan for a new peaked roof on the Town Office Building--along with flood proofing of doors, new electric service for Offices and Highway garage, plus installation of propane generator and propane tanks of sufficient size to handle electricity in case of emergencies. This hopefully, will be going to bid within next few months. This project received \$225,000 in grant funds.
- Milone McBroom is the engineering firm handling the Bushkill Stream and Stream Bank Rehabilitation Project for the portion of the Bushkill Stream from Maltby Hollow to the Route 28A Bridge. Phase 1 is near completion receiving \$67,088 for Phase 1 & the Survey Sub-consultant. Currently we are renegotiating the contract with Milone McBroom to include five locations upstream of the Maltby Hollow that have been identified by Ulster County Soil and Water and the AWSMP as erosion sites in need of stabilization. Funding for Phase 2 will be available from CDBG-DR funds.
- **Adoption of new Flood Maps (FIRM)**
 - The new FIRM (Flood Insurance Rate Maps) were adopted by the Town Board in September 2016. Those who have been mapped out of the Flood Zones in West Shokan will see reduced flood insurance premium rates.

- **Community Wastewater Treatment in Shokan**

The NYS Dept. of Health/EPA and the NYS DEC have determined that the City's study is not adequate to support its conclusion that the majority of sites in the Hamlet of Shokan are suitable for on-site wastewater systems and will be adequately addressed by existing septic repair programs. Additionally, they state the proximity of Shokan to the Ashokan Reservoir warrants an assurance that wastewater from this community is being adequately managed to ensure the protection of the City's water supply in the future. Based on their conclusion, the City will be required to pursue development and installation of an appropriate wastewater management solution for Shokan. The NYSDOH/EPA and NYSDEC proposed the following milestones for the project:

- By December 31, 2017 execute contract changes with the CWC which will commit sufficient funding to complete the community wastewater project for Shokan
- By June 30, 2018 complete an engineering study to determine an appropriate wastewater management system
- Within 1 year of completion of the engineering study, complete the design for the wastewater management system
- Within 2 years of completion of the design, complete construction of the system.
- **Town Infrastructure Projects**
 - Davis Park Pavilion roof was replaced and a larger roof was built over the grill area with exhaust fans. Work was performed by Highway employees.
 - Town Highway Garage Roof Replacement and Renovation Project is underway with phase 1 completed. \$140,000 was received through Senator Seward –Municipal Capital Funding Project. \$42,047.20 has been spent through 12/29/16 for removing the old roof, rebuilding the masonry walls, installing trusses and the roof. Other than the masonry work, all has been done with Highway Department labor which totaled \$29,750.44. This is a reimbursable grant administered by the Dormitory Authority of the State of New York (DASNY). Phase 2 will commence in the spring installing overhead doors and creating a Highway employee break room.
 - Highway Superintendent Burns received a grant for \$274,000 from AWSMP for replacement of the Hillside Drive Bridge in West Shokan. Previous grant funds were received for actual design

of the project. The Highway Department has installed the temporary bridge and work for installing the new bridge is to start in spring 2017.

- In addition, a grant for \$13,500 has been received from AWSMP for engineering design for the replacement of the Upper Boiceville Road Bridge over the Trib 8 stream.
- Swimming Pool.
 - The Town Board recently contracted with SJM Associates to oversee the bid package and contractors in removing and replacing the marcite liner for the swimming pool.
- Shokan Park Pavilion floor is earmarked for replacement or repair.
- Shokan Park Tennis Courts needs to be resurfaced.
- **Emerald Ash Borer**
 - Transfer Station Property is having timber harvested due to dead ash trees potentially harming adjoining owner's property.
 - Highway Superintendent Brian Burns met with Central Hudson foreman regarding removal of dead ash trees in power lines. Central Hudson will be assisting the Highway Department.

Correspondence: #1-17

Catskill Watershed Corporation- Nominations to fill one of the two seats on the CWC. Supervisor Rozzelle nominated Board Member Jim Sofranko for the position.

#2-17

LVDV Operations, Inc. Proposal letter for continued wastewater collection and treatment facilities operator services for Boiceville Sewer District.

#3-17

NYCDEP Forester, Todd Baldwin- Sand Hill Spruce Area Timber Harvesting

Approve Payment of Audited Bills:

On a Rozzelle/Sofranko motion, the Town Board approved the payment of the following audited bills:

Aye- Boggess, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

Highway Vouchers #1-#10	\$ 53,071.60
General Fund Vouchers #1-#19	\$140,531.65
Sewer District Vouchers #16246-#16261	\$ 34,007.34
Special Lighting Voucher #1	\$ 61.71

Cash Received:

Cash received for December 2016	\$209,713.46
Interest received for December 2016	25.11

Additional Business:

On a Rozzelle/Sofranko motion the Town Board approved the Contract with LVDV Operations, Inc.

Aye- Boggess, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

On a Rozzelle/Sofranko motion, the Town Board approved Resolution #1 of 2017 supporting National Wildlife Federation and the Monarch Pledge.

Town of Olive
Resolution #1 of 2017
Support National Wildlife Federation and the Monarch Pledge

WHEREAS, the Town Board at its February 13, 2014 meeting unanimously approved supporting Maraleen Manos-Jones' Pollinator Friendly Towns Initiative campaign in which townspeople were requested to go to her website: pollinatorfriendlytowns.org and sign up for the campaign; and,

WHEREAS, without the assistance of pollinators, most plants cannot produce fruits and seeds. The fruits and seeds of flowering plants are an important food source for people and wildlife; and,

WHEREAS, In the United States one third of all agricultural output depends on pollinators; and,

WHEREAS, there are many organizations and initiatives in support of pollinators—not limited to the protection of bees, bats, butterflies; and

WHEREAS, the National Wildlife Federation is sponsoring a Municipal Monarch Pledge Action Campaign where local governments implement at least three of twenty-five actions for supporting Monarchs; and

WHEREAS, the Town of Olive has already implemented three of the Communications & Convening and has committed to planting a monarch-friendly garden at the American Legion Hall.

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive takes the Monarch Pledge and supported by the National Wildlife Federation.

AND MOVES ITS ADOPTION

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

A Vote was Duly Taken:

AYE Nay

Sylvia Rozzelle, Supervisor	<u> X </u>	<u> </u>
Jim Sofranko, Board Member	<u> X </u>	<u> </u>
Andrew Boggess, Board Member	<u> X </u>	<u> </u>
Scott Kelder, Board Member	<u> X </u>	<u> </u>
Peter Friedel, Board Member	<u> X </u>	<u> </u>

Dated this 10th day of January, 2017

Dawn Giuditta, Town Clerk

On a Rozzelle/Boggess motion, the Town Board approved Resolution #2 of 2017 Corrections to NYSDOT GIS Town Roads Report.

Resolution #2 of 2017
Town of Olive
Corrections to NYSDOT GIS Town of Olive Roads Report

WHEREAS, the New York State Department of Transportation (NYSDOT) filed with the Highway Superintendent a Geographic Information Systems (GIS) inventory report of Town of Olive roads; and

WHEREAS, Town of Olive Highway Superintendent Brian Burns reviewed said report and made on site evaluations of Town roads identifying corrections to this report; and

WHEREAS, a Town Board resolution is required in order to make corrections to this report; and

WHEREAS, most of the report was correct with the exception of a few roads;

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive does hereby approve the following corrections to the NYSDOT Town of Olive Roads GIS report which would add a total of .92 miles to the Town of Olive NYSDOT Road Inventory resulting in a total of 67.43 centerline miles for the Town of Olive:

Anderson Road Length of .13---The report indicated this as a private road and it is, in fact, a public road. (Add .13 miles to report)

- **Fisher Road** Length of .08---The GIS report indicates this as a private road and it is, in fact, a public road. (Add .08 miles to report.)
- **Lohrer Road** Length of .09---The GIS report indicates the NY City Bureau of Water Supply owns Lohrer Road when, in fact, it is a Town road. (Add .09 miles to report.)
- **Tulip Tree Lane**--Beginning at Red Maple Drive to Dead End is indicated in report as .03 when in fact it is .06. (Add .03 miles to report.)
- **Secor Road** Length of .20---The report indicates this as a private road and it is, in fact, a public road. (Add .20 miles to report.)
- **Vly Road** Length of .64---The GIS report indicates the Town of Olive Town line at .36, which is incorrect. Correct length is .64 for a difference of .28 miles. (Add .28 miles to report.)
- **Wynkoop Road** Length .42---The GIS report indicates the Town of Olive Town line at .31 which is incorrect. Correct length is .42 for a difference of .11 miles. (Add .11 miles to report.)

AND MOVES ITS ADOPTION

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

A Vote was Duly Taken:

	AYE	Nay
Sylvia Rozzelle, Supervisor	_X_	_____
Jim Sofranko, Board Member	_X_	_____
Andrew Boggess, Board Member	_X_	_____
Scott Kelder, Board Member	_X_	_____
Peter Friedel, Board Member	_X_	_____

Dated this 10th day of January, 2017

Dawn Giuditta, Town Clerk

On a Rozzelle/Friedel motion, the Town Board waived the park rental fee for the American Legion for Davis Park on September 17th.

Aye- Boggess, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

On a Rozzelle/Kelder motion, the Town Board approved the park rental for Chris Jones for a Family Reunion at Shokan Park on Friday, July 7th & 8th.

Aye- Boggess, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

After a lengthy discussion with David Andrews from the High Point Neighbors Association, the Town Board, on a Rozzelle/Boggess motion approved the response to the High Point Neighbors Association letter.

Aye- Boggess, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

Town Board Response to High Point Neighbors Association letter January 7, 2017

Letter Statement: the total tax increase was over 15% in 2015 and 2016...

Fact #1.	2015	1.61489% increase	
	2016	4.4396% increase	(3.01% of that was for 24 hr. ambulance coverage)
	2017	3.2036% increase	

Letter Statement: Olive officials have decided to invade our Town contingency fund to pay an outside lawyer to defend an administrative decision...

Fact #2.	<u>A1420.4 Attorney Budget</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	Budgeted amount	\$18,000	\$15,000	\$15,000	\$18,000
	Total Expenditures	\$ 4,848	\$ 1,646	\$ 6,922	

Expenditures never exceeded the budgeted amount; therefore, no Contingency transfers were required. The Town hired no outside attorneys to assist the Zoning Board of Appeals (ZBA) and/or the Planning Board in the Ashokan Dreams application. In 2016 the amount expended on legal fees to assist the Zoning Officer and ZBA in handling the Ashokan Dreams application process was \$2,250.

Fact #3. Ashokan Dreams received Planning Board Site Plan approval for a Bed and Breakfast on or about May 12, 1998. In April 2016 Ashokan Dreams applied to the Planning Board to amend their Site Plan to include use of their premises as a wedding facility. On May 20, 2016 Olive Zoning Enforcement Officer John Ingram notified Ashokan Dreams and the Planning Board that the Zoning Board of Appeals should make a determination as to whether or not using the Ashokan Dreams Bed and Breakfast premises as a wedding facility should be permitted as an accessory use under Town of Olive Zoning Code. On October 6, 2016, the Zoning Board of Appeals determined that wedding events are a permitted Special Use to a Bed and Breakfast, requiring a Site Plan, under the Town of Olive Zoning Code—outlining public safety issues and specifics that should be addressed in the Site Plan to the Planning Board.

Fact #4. Anyone aggrieved by a decision of the ZBA can appeal the decision by applying to the NYS Supreme Court for review under article 78 of the Civil Practice Law and Rules. An appeal must be made within 30 days of the filing of the ZBA decision with the municipal clerk. [Town Law §267-c.]

Fact #5. On November 10, 2016 an Article 78 petition was filed with the Town Clerk’s office as follows:

Melissa Brophy, Matthew Cooper, Robert Grass, Margaret Lutz, Florence Schetzel and High Point Neighbor Association

Against

Town of Olive Zoning Board of Appeals, Chester Karwatowski & Anne-Marie Johansson d/b/a Ashokan Dreams

Fact #6. “Local governments must bear the expense of defending board decisions, while applicants or others aggrieved must bear both the expense of the challenge and the cost of lost economic benefit through completion of the project.”

Dept. of State Office of General Counsel Legal Memorandum LG02
Graham vs. Town of Tully Planning Board 237 A.D.2d 923 (4th Dept. 1997)

Fact #7. The Town of Olive Town Board unanimously believes it is only proper to support the volunteers on the various appointed boards who spend countless hours reviewing applications and making determinations for the benefit and welfare of the Town.

On a Rozzelle/Boggess motion, the Town Board waived the hearing of committee reports for this meeting.
Aye- Boggess, Kelder, Sofranko, Friedel, and Rozzelle **Nay**

Town of Olive Fire Chief, Chris Winne provided the Town Board with an annual activity report for the Fire Department. Chief Winne thanked the Town for its continued support. He also provided November and December 2016 monthly calls. (#4-17)

2016 YEAR END REPORT

TOTAL CALLS: 234

CALL HOURS: 3239.92 HRS.

MEETINGS: 1789.12HRS.

TRAINING/DRILLS: 3221.20

TOTAL HOURS VOLUNTEERED: 8250.22

Highway Labor for General fund: (#5-17)

	December 2016
Police Dept.	\$ 51.04
Town Hall	\$ 24.72
Legion	\$ 24.72
Buildings	<u>\$ 995.20</u>
Total	\$ 1,095.68

2016 Total Highway Labor for General Fund: \$87,247.00

The Statement of Expenditures, Encumbrances & Appropriations compiled by Janice Lanzarotta, Bookkeeper was presented to the Town Board. (#6-17)

Supervisor Rozzelle spoke briefly of the Town of Woodstock Supervisor Jeremy Wilber whom passed away recently. Supervisor Rozzelle stated that she would go round and round with Jeremy back in 2001 over the large parcel, but he is one of the smartest guys in the world. She read a quote from Jeremy that he wrote before he died, "If I have one regret it's never having joined one of our volunteer fire and emergency dispatch companies, what would be a greater look of gratitude then thank you for saving my life."

All pertinent business having been conducted, the Town Board on a Rozzelle/Friedel motion adjourned the meeting at 8:15 pm in memory of Olav Normann, Cheryl A Stedner, Floyd J. "Zeke" Turner, Jacqueline Anne Warden and Hon. Jeremy Wilber.

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

Dawn Giuditta, Town Clerk