

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

Minutes of the monthly regular meeting of the Town of Olive Town Board, held Tuesday, October 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

Members Not Present: Jim Sofranko, Board Member
Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Superintendent of Highways; Gene Sorbellini, Recreation Director; Bill Cook, Assessor; Ternice Winne, Olive Day Committee; Don Baker, Police Chief

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

On a Boggess/Kelder motion, the Town Board approved the September minutes.

Aye: Boggess, Kelder, Friedel and Rozzelle **Nay:** **Absent:** Sofranko

Correspondence: #108-17

On a Rozzelle/Friedel motion, the Town Board approved Zachory Kelly as a new member of the Olive Fire Department.

Aye: Boggess, Kelder, Friedel and Rozzelle **Nay:** **Absent:** Sofranko

#109-17

Catskill Watershed Corporation-Information regarding loan commitment.

#110-17

NYS Dept. of Public Service—Central Hudson proposed rate increases.

#111-17

Carl Davis, Regional Manager, NYCDEP-geotechnical investigations below the west dike & installation of monitoring instruments.

#112-17

Hon. Jim Seward response to request for Emerald Ash Borer Funding.

#113-17

Ulster County Resource Recovery 2018 tipping fees.

Budget Modifications:

On a Rozzelle/Boggess motion, the Town Board approved the following budget modifications:

Aye: Boggess, Kelder, Friedel and Rozzelle **Nay:** **Absent:** Sofranko

Increase D3989	State Aid & Other Community Services	\$139,429
Increase D5110.4	General Repairs (Contractual)	\$139,429

On a Rozzelle/Kelder motion, the Town Board approved the following budget modifications:

Aye: Boggess, Kelder, Friedel and Rozzelle **Nay:** **Absent:** Sofranko

Increase D2665	Sales of Equipment	\$ 10,000
Increase D5130.2	Machinery (Equipment)	\$ 10,000

Approve Payment of Audited Bills:

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

Aye: Boggess, Kelder, Friedel and Rozzelle **Nay:** **Absent:** Sofranko

Highway Vouchers #265-#290	\$68,329.25
General Fund Vouchers #422-#459	\$40,029.22
Sewer District Vouchers	\$39,394.56
Special Lighting Voucher #10	\$ 63.01

Cash Received:

Cash received for August 2017	\$ 93,350.55
Interest received for August 2017	\$ 37.94

Additional Business:

On a Rozzelle/Boggess motion the Town Board approved Resolution # 20 of 2017 supporting participation in the NYC Funded Flood Buyout Program for 15 Ronsen Road, Boiceville, NY.

Town of Olive
RESOLUTION #20 of 2017

SUPPORTING PARTICIPATION IN THE
NEW YORK CITY FUNDED FLOOD BUYOUT PROGRAM FOR

15 Ronsen Road Boiceville, NY

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

WHEREAS, at the request of local communities, funding from the NYC Department of Environmental Protection (DEP) is being made available to help property owners who qualify for the NYC Funded Flood Buyout Program (NYCFFBO) based on eligibility criteria in five categories – 1) Hydraulic study properties (recommended by engineering analysis), 2) CWC Flood Hazard Mitigation Implementation Program, 3) Community-approved Stream Management Project, 4) Erosion Hazard, and 5) Inundation Hazard, and

WHEREAS, the Town of Olive has conducted a Local Flood Analysis (LFA) including a hydraulic analysis of flooding in the Town and the LFA recommends certain properties that are subject to repetitive flood damages should be considered for flood buyout, and

WHEREAS, the property at 15 Ronsen Road (SBL 36.11.1.35) has been recommended for consideration for buyout in the LFA and the Town has been approached by Stucki Embroidery Works, Inc. (Murray Fenwick, President), the owner of the property, requesting to participate in the NYCFFBO program under the Hydraulic study category, and

WHEREAS, the Town of Olive has the option to decline ownership of the property choosing instead that the City of New York own the property but has the desire to own this property for future flood mitigation activities, and

WHEREAS, property at 4099-4103 Route 28 (SBL 36.11-1-34.100) owned by Bertocchi Enterprises, Inc., has a lease with Stucki Embroidery works, Inc. for a small piece of property for purposes of access and storage and the Town is not desirous to continue said lease upon taking possession of the property located at 15 Ronsen Road; and

WHEREAS, the Town of Olive understands that this Town-owned property will be managed by the Town in conjunction with a Re-Use Plan prepared by the Town that identifies the community’s long term plan for the management, use, and development of this parcel. All activities are to be subject to and consistent with the restrictions in Flood-Prone Areas identified in the Second Supplemental Agreement Among West of Hudson Watershed Stakeholders Concerning the New York City-funded Flood Buyout Program, Page 5 (1) a., i., ii., iii., iv., and v.

NOW, THEREFORE BE IT RESOLVED, the Town of Olive Town Board approves owners of 15 Ronsen Road, Boiceville, NY 12412 to apply for the NYCFBO program to permanently remove this flood hazard risk allowing the DEP to begin assisting them in the real estate process.

BE IT FURTHER RESOLVED, the Town of Olive Town Board opts to retain ownership of the parcel for future flood mitigation activities contingent upon Stucki Embroidery Works, Inc. transferring title of the leased property to Bertocchi Enterprises, Inc.

AND MOVES ITS ADOPTION

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

A Vote was Duly Taken:

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

Dated this 10th day of October 2017

Dawn Giuditta, Town of Olive Town Clerk

On a Rozzelle/Friedel motion, the Town Board approved Resolution #21 of 2017 adopting & executing a negative declaration for Highway Garage Heating System Upgrade. (#114-17)

Resolution #21 of 2017
Adopting and Executing a Negative Declaration
Highway Garage Heating System Upgrade

WHEREAS, the Town Board has carefully reviewed the proposed work to be undertaken as part of the Town’s upgrade to the Highway Garage’s heating system; and

WHEREAS, the Town Board has reviewed the potential environmental impacts of said project; and

WHEREAS, in that regard, a Short Form Environmental Assessment Form having been prepared, a copy which is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby find and determine as follows:

1. The project is a Type II Action under SEQRA.
2. Based upon information and analysis in the Short Form EAF, there will be no significant impact on the environment as a result of the project and, therefore, a Negative Declaration is adopted.

AND MOVES ITS ADOPTION

Motion made by: Supervisor Rozzelle

Seconded by: Board Member Friedel

A Vote was Duly Taken:

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

Dated this 10th day of October 2017

Dawn Giuditta, Town of Olive Town Clerk

On a Rozzelle/Boggess motion, the Town Board approved Resolution # 22 of 2017 authorizing a bond application note for Highway Garage Heating System Upgrades \$52,380.00.

Resolution #22 of 2017
Town of Olive

A meeting of the Town Board of the Town of Olive, Ulster County, New York was convened in public session at the Town Meeting Hall, 50 Bostock Road, Shokan, NY located in the Town of Olive, New York on Tuesday, October 10, 2017 at 7:00 p.m. local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT: Sylvia Rozzelle, Supervisor
Drew Boggess, Town Board Member
Peter Friedel, Town Board Member
Scott Kelder, Town Board Member

ABSENT: Jim Sofranko, Town Board Member

The following persons were ALSO PRESENT: Brian Burns, Highway Superintendent; Don Baker, Police Chief; Bill Cook, Assessor; Gene Sorbellini, Recreation Director; Ternice Winne, Olive Day Committee

The following resolution was offered by: Supervisor Rozzelle
And seconded by Board Member Boggess , to wit;

BOND RESOLUTION DATED October 10, 2017

A RESOLUTION AUTHORIZING THE HIGHWAY GARAGE HEATING SYSTEM UPGRADE AND RELATED EQUIPMENT, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$52,380.00 OF THE TOWN OF OLIVE, ULSTER COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of Olive, Ulster County, New York by the favorable vote of not less than two-thirds of all the members of the Board as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is Highway Garage Heating System Upgrade and related equipment. The maximum cost of said purpose will not exceed \$52,380.00.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$52,380.00 of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that the Highway Garage Heating System Upgrade and related equipment, is an object or purpose described in subdivision [28] of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond

anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the [Village/Town], not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that Highway Garage Heating System Upgrade and related equipment is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said [Village/Town] is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

[SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00 b. (1) of the Local Finance Law and shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

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

The foregoing resolution was thereupon declared duly adopted.

Dated the 10th day of October, 2017

Dawn Giuditta, Town Clerk
Town of Olive

Board Member Kelder voted yes to Resolution #22 with reservations. Mr. Kelder stated he is in favor of upgrading the heating system but felt the Board jumped the gun on this heating option spent a little too much money too fast. Knowing Board Member Sofranko would be voting yes if he was present and in order to keep the wheels of government moving he is voting yes only because the Bond resolution needed 4 votes to pass.

On a Rozzelle/Friedel motion, the Town Board approved the Highway Superintendent to bid up to \$45,000 on a 2007 International 7600 ten wheel dump truck with a sander, plow and wing with 88,000 miles on Auctions International.

Aye: Boggess, Kelder, Friedel and Rozzelle **Nay:** **Absent:** Sofranko

Committees, Commission, Department Reports:

Cable Franchise Negotiations Committee—Jim Sofranko, Chair

No Report

Parks & Recreation Committee—Scott Kelder, Liaison

The Committee reviewed the recreation budget. Playground equipment was suggested for Shokan Park by the tennis courts. Flag Football and fall Soccer are underway.

Highway Department- Superintendent Brian Burns

Hillside Bridge Project is wrapping up. The Highway has been finishing up chip sealing on Upper and Lower Sahler Mill, Upper Samsonville and Pinecrest Roads. Work on culvert pipes for Upper Samsonville road is almost complete and Dry Brook Road will be addressed soon. The highway garage concrete floor has been poured.

Police Commission—Drew Boggess, Liaison (#115-17)

Calls for Service in September- 60 Year to Date: 666
Residential/Commercial Security Checks: 344
Community Oriented Policing: 2
Onteora School visits: 5
Traffic Tickets- 12

Town Clerk- Dawn Giuditta (#116-17)

Town Clerks Monthly Report- \$18,295.11

Olive Fire Department-(#117, #118-17)

August: 26 calls	September: 18 calls
Drills: 6	Drills: 6
Meetings: 3	Meetings: 3
Work Detail: 0	Work Detail: 2

Olive First Aid Unit-(#119-17)

September calls- 34

Boiceville: 13	Olivebridge: 6	Shandaken: 4	Shokan: 7
Stoneridge: 1	West Shokan: 3		

Scenic Byway—Drew Boggess

There is a grant to connect byways that the committee is looking into. Work is being done on a brochure for the byway, the deadline is the end of October.

Conservation Advisory Council—Jim Sofranko, Liaison

No report

Supervisor Report:

Community Rising update: The 1000 gallon tank has been buried for the generator. Generator should be installed this fall, there may be 1 day that the offices will be without power. The General Contractor, Standback Construction will be starting soon. The Town Offices may have to be closed for 1 day to remove insulation in the ceiling.

The tentative budget was distributed to the Town Board on October 5th. The new tentative budget total appropriations increased from last year by 179,000 or 3.25% the tax cap is 1.84%. The 179,000 is compiled of some of the following:

Olive First Aid increase of	\$20,000
A133 Audit	\$5,000
Health Insurance Increase	\$71,000

2018 Budget meetings will be held on October 12th, Oct 17th and 23rd at 7PM.

All pertinent business having been completed the meeting adjourned on Rozzelle/Boggess motion at 7:45 PM in memory of Barbara Plumb and Zachary R Rutledge.

Aye: Boggess, Kelder, Friedel and Rozzelle **Nay:** **Absent:** Sofranko

Dawn Giuditta, Town Clerk