

Town of Olive  
County of Ulster  
State of New York  
Tuesday, September 15, 2020

Minutes of the monthly meeting of the Town of Olive Town Board, held Tuesday September 15, 2020 7 pm at Davis Park in West Shokan, NY 12494.

Members Present: Jim Sofranko, Supervisor  
Drew Boggess, Deputy Supervisor  
Scott Kelder, Board Member  
Victoria Read, Board Member  
David Edinger, Board Member

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Highway Superintendent; Gene Sorbellini, Facilities and Recreation Director

Supervisor Sofranko called the meeting to order at 7:00pm.

On a **Boggess/Read** motion, the Town Board approved the August minutes.

**Aye:** Boggess, Kelder, Edinger, Read, and Sofranko      **Nay:**      **Absent:**

**Correspondence:**

**#99-20**

NYC DEP- Matthew Castro, Land Use Permit Administrator Renewal of land use permit #9853.

On a **Read/Edinger** motion, the Town Board empowered the Supervisor to renew permit #9853 with the NYCDEP.

**Aye:** Boggess, Kelder, Edinger, Read, and Sofranko      **Nay:**      **Absent:**

**#100-20**

UCRRA- 2021 draft budget and fee projections.

**#101-20**

Emily Svenson an attorney with David K Gordon Law Firm sent a letter requesting a stop construction order be issued on Sahler Mill Farm.

**#102-20**

NYSDEC Notice of violation – Cease and Desist Directive for Sahler Mill Farm, LLC. The Town of Olive was copied on this letter to the developers.

**#103-20**

NYSDOT Mark Marano acknowledges receipt of the Town of Olive's request for traffic and safety review on Moonhaw Road.

On a **Sofranko/Kelder** motion, the Town Board approved the following Budget Modifications: Transfer \$500 from Highway Reserve A Machinery to 5130.2 Machinery (Equip.)

**Aye:** Boggess, Kelder, Edinger, Read, and Sofranko

**Nay:**

**Absent:**

**Approve Payment of Audited Bills:** On a **Sofranko/Kelder** motion, the Town Board approved the payment of the following audited bills:

**Aye:** Boggess, Kelder, Edinger, Read, and Sofranko

**Nay:**

**Absent:**

General Fund Vouchers #361 - #417	\$45,979.59
Pre-Paid Voucher #360	\$ 660.00
Special Lighting Voucher #9	\$ 62.01
Highway Fund Vouchers #171- #199	\$93,283.00
Sewer Vouchers #16922-#16939	\$37,893.04

Cash Received July 2020 \$26,811.13  
 Interest Received July 2020 \$1,720.90

**Additional Business:**

Town of Olive  
 Resolution #18 of 2020  
 Adoption of Local Law #2 of 2020  
 Chapter 146 Article II  
 Wireless Telecommunications Facilities

**WHEREAS**, the Telecommunications Act of 1996 preserves local zoning authority over the placement, construction, and modification of personal wireless service facilities and,

**WHEREAS**, in 2009, the Federal Communication Commission (FCC) order on Large Wireless Facilities created timelines for local governments to act upon application for new wireless facilities and,

**WHEREAS**, the Spectrum Act of 2012 (as amended by the FCC’s 2014 Report and Order) required municipalities to approve a collocation, modification, or replacement of equipment application unless the proposed collocation, modification, or replacement substantially changes the physical dimension of the support structure to which the wireless facility is attached and,

**WHEREAS**, the Spectrum Act of 2012 (as amended by the FCC’s 2014 Report and Order) set timelines for municipalities in which to approve the filing of a collocation or modification application and timelines for notifications for requested documentation and decisions of applications and,

**WHEREAS**, the FCC in the September 27, 2018 Third Report and Order established a definition for “Small Wireless Facility”, “presumptively reasonable” ceilings for fees, and reasonable aesthetic requirements and,

**WHEREAS**, in 2018, the Federal Communication Commission (FCC) order on Small Wireless Facilities created timelines for local governments to act upon application for new collocated small wireless facilities and,

**WHEREAS**, The Town of Olive Town Board finds that wireless telecommunications facilities may pose a unique hazard to the health, safety, public welfare and environment of the Town of Olive and its inhabitants and,

**WHEREAS**, The Town of Olive Town Board also recognizes that facilitating the development of wireless service technology can be an economic development asset to the town and significant benefit to the town and its residents and,

**WHEREAS**, The Town of Olive Town Board, at its September 14, 2020 Town Board meeting, following the NYS State Environmental Quality Review (SEQR) process declared itself to be the Lead Agency of the proposed Local Law #2 of 2020, declared the proposed law to be a Type 1 Action, completed a Full Environmental Assessment of the proposed law, and made a Negative Declaration of the proposed law as having no significant adverse impact on the environment in the SEQR Determination of Significance.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Olive, Ulster County NY, acting pursuant to the authority granted by Telecommunications Act of 1996 and Article IX of the NYS Constitution adopts Local Law #2 repealing Chapter 146, Article II, of the Code of the Town of Olive in its entirety and replacing it with a new Chapter 146, Article II, of the Code of the Town of Olive entitled: ARTICLE II WIRELESS TELECOMMUNICATIONS FACILITIES.

**AND MOVES ITS ADOPTION**

Motion made by: **Board Member Boggess**

Seconded by: **Board Member Edinger**

**A Vote was Duly Taken:**

	AYE	NAY	ABSENT
Jim Sofranko, Supervisor	<u>  X  </u>	_____	_____
Andrew Boggess, Board Member	<u>  X  </u>	_____	_____
Scott Kelder, Board Member	<u>  X  </u>	_____	_____
David Edinger, Board Member	<u>  X  </u>	_____	_____
Victoria Read, Board Member	<u>  X  </u>	_____	_____

Whereupon, the motion was duly adopted.

Dated this 15<sup>TH</sup> day of September 2020

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Dawn Giuditta, Olive Town Clerk

TOWN OF OLIVE  
 ULSTER COUNTY, NEW YORK  
 RESOLUTION #19 OF 2020  
 FEE SCHEDULE FOR WIRELESS TELECOMMUNICATIONS FACILITIES

THIS RESOLUTION is made this 15<sup>th</sup> day of September, 2020, by the Board of the Town of Olive to establish fees for wireless telecommunications facilities both inside and outside the public rights-of-way.

Wireless Telecommunications Facilities Fees

Pursuant to Section 146-70 paragraph M of Local Law No. 2 of 2020 adopted September 15, 2020, the following fees are hereby established.

FEE SCHEDULE

Applications

Small Wireless Telecommunications Facility (Collocated)	\$500 for up to five (5) facilities \$100 for each additional facility thereafter
Small Wireless Telecommunications Facility (with new pole)	\$1,000.00
Non-Tower Wireless Telecommunications Facility	\$2,500.00
Communications Tower	\$5,000.00

Annual ROW Fees

Non-Tower Wireless Telecommunications Facility	\$500.00
Small Wireless Telecommunications Facility	\$270.00

**AND MOVES ITS ADOPTION**

Motion made by: **Board Member Boggess**

Seconded by: **Board Member Read**

**A Vote was Duly Taken:**

	AYE	NAY	ABSENT
Jim Sofranko, Supervisor	_X_	_____	_____
Andrew Boggess, Board Member	_X_	_____	_____
Scott Kelder, Board Member	_X_	_____	_____
David Edinger, Board Member	_X_	_____	_____
Victoria Read, Board Member	_X_	_____	_____

Whereupon, the motion was duly adopted.  
 Dated this 15<sup>TH</sup> day of September 2020

\_\_\_\_\_  
 Dawn Giuditta, Olive Town Clerk

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 Jim Sofranko, Supervisor

On a **Sofranko/Kelder** motion, the Town Board approved the cleaning bid from Kari Goodnow for \$220.00 a week. Only one bid was received.

**Aye:** Boggess, Kelder, Edinger, Read, and Sofranko

**Nay:**

**Absent:**

On a **Boggess/Sofranko** motion, the Town Board approved the appointment of Nicholas Burgher to the planning board with a term to expire 12/31/22. The Board requested the Town Clerk send a letter advising Mr. Burgher of his appointment.

**Aye:** Boggess, Kelder, Edinger, Read, and Sofranko

**Nay:**

**Absent:**

### **Committees, Commission, Department Reports:**

#### **Cable Franchise-**

Supervisor Sofranko has spoken with Kevin Egan, our Government Liaison who has moved to a different district. Jennifer Young is now our new representative. They are looking into doing some more build out in Olive.

#### **Parks & Recreation Committee-Scott Kelder, Liaison**

There was some pool vandalism. Someone threw planters, and other pool equipment into the pool. Gene Sorbellini was concerned about damages to the surface of the pool that may show up sooner or later. Gene is doing a cost assessment of any damages for the police.

The Committee is waiting to see what COVID 19 does to the fall sports schedule. Flag football and little league has been given approval to use the Olive facilities.

#### **Highway Superintendent-Brian Burns**

The highway department is doing a lot of crack sealing in the Olivebridge area. They have been doing culvert pipe replacement, ditching in town and doing some chip sealing on Brown Rd. Superintendent Burns has written another grant for a couple of crossings at Bostock Road and Red Maple Road for engineering and design in the amount of \$135,000. The CHIPS program has been cut by 20%, so revenue from these programs will be less for this year and next.

#### **Police Commission-Drew Boggess, Liaison (#104-20)**

Total Calls for August- 118

Traffic Tickets- 5

Arrests- 2 Animal Cruelty, reckless Endangerment, Reckless Driving, Various V&T

Police Task Force- The meetings do not need to be public. The Task Force received the policies and procedures from the police department, they are now on the Town's website. The Task Force has also received the NYS Police Reform and the Governor's guidelines.

#### **Town Clerk-Dawn Giuditta (#105-20)**

August Monthly Report- \$27,237.69

#### **Olive First Aid- (#106-20)**

August Calls – 46

Shokan-23    Olivebridge-9    Boiceville-7    Samsonville-1    West Shokan-4

Kingston-1    woodstock-1

#### **Scenic Byway-Drew Boggess, Liaison**

Pollinator Program went well and the comprehensive plan was submitted to the State for the combining of Catskill byway and Mountain Clove byway.

**Conservation Advisory Council- David Edinger, Liaison**

There is one maybe two positions available on the CAC. Still looking a Community Choice Aggregation (CCA) checking into some other towns to get a template. The Council is still looking into the solar code and working with the planning board.

**Technology Committee- David Edinger, Chairman**

The Committee should have the Technology Policy ready for review in two weeks and hopefully will have a new website by the end of the year.

**Zoning Committee- Drew Boggess, Chair**

The Committee will be meeting on Thursday. They are looking at about a dozen or so changes one of which will be short term rentals and accessory dwellings.

**Buildings and Grounds- Scott Kelder, Liaison**

The Committee will be meeting next week. Members of the Committee are Ronald Wright, Gene Sorbellini, Jimmy Henderson and Eric Matteson.

Gene Sorbellini commented that he was approached twice about maintaining of the Ashokan Rail Trail parking lot. He advised them that it was not the Town of Olive’s responsibility. He suggested that someone reach out to Chris White from Ulster County about the issue.

Barry Ruland, LVDV Operations Chief Operator sent the Town Board the Boiceville Sewer District Monthly Operating Report for June & July 2020. **(#107-20)**

The Meeting was adjourned on **Sofranko/Boggess** motion at 7:53 pm in memory of Gary Braverman and Charles Iwanowski.

**Aye:** Boggess, Kelder, Edinger, Read, and Sofranko                      **Nay:**                      **Absent:**

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Dawn Giuditta, Town Clerk