

Town of Olive  
County of Ulster  
State of New York  
Monday, March 11, 2024

Minutes of the audit meeting of the Town of Olive Town Board, held Monday, March 11, 2024 7 pm Bostock Road, Shokan, NY 12481.

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

Recording Secretary: Dawn Giuditta, Town Clerk

Others present: Brian Burns, Highway Superintendent; Simon Strauss, OCAC; Leslie Zucker, AWSMP; Adam Doan, Ulster County Soil & Water Conservation District, AWSMP; Heidi Emrich, Environmental Planner with Ulster County Department of Environment; Jeff Baker, Legal Counsel for the Coalition of Watershed Towns; Allyson Phillips, Young Sommer LLC; Jason Merwin Executive Director CWC; Nick Warner, Lamont Engineer

Town Supervisor Jim Sofranko called the meeting to order at 6:58 pm.

The Town Board audited the monthly bills and reviewed the agenda for the Tuesday night's meeting.

**Presentation on Streamside Acquisition Program (SAP): (#15-24)**

Leslie Zucker from the Ashokan Watershed Stream Management Program (AWSMP) and Adam Doan, Ulster County Soil & Water Conservation District were in attendance to present the NYSDEP Streamside Acquisition Program. The Streamside Acquisition Program acquires vacant streamside lands with no residential structures on the land. The object is to tighten focus on stream buffers, floodplains, wetlands and reservoir lands. The program does not operate in designated hamlets unless the town requests it. The program is for willing seller basis only and pays fair market value plus incentives. It will configure subdivisions. This Program will not be fully up and running until approximately 2026. The framework for program implementation:

- Step 1- Identify a project
- Step 2 – Design Project and Approve
- Step 3- Implement

The program presentation is available in the Town Clerk's Office and on the Town website: [townofolive.org](http://townofolive.org) located under General Announcements.

**Presentation on Land Acquisition Program (LAP):**

Jeff Baker, Legal Counsel for the Coalition of Watershed Towns and Heidi Emrich, Ulster County Department of Environment were present to give an update on the NYCDEP Land Acquisition Program. Heidi Emrich provided maps of the Hamlet of Shokan which included properties owned by NYCDEP. It was recommended that the Town expand the hamlet boundaries to include the whole sewer district so the NYCDEP cannot purchase without town approval within the sewer district. Mr. Baker suggested the Town Board look at the data and decide what the town might want to allow the NYCDEP to acquire. The Town Board should make a decision in the next couple of months.

On a **Sofranko/Edinger** motion, the Town Board went into executive session to get legal advice on the Shokan Sewer District from Allyson Phillips, Young Sommer, LLC. Supervisor Sofranko requested that Jason Merwin, Executive Director of the Catskill Watershed Corporation and Nick Warner, Engineer for Lamont Engineering (Project Engineer), also attend since their presence and input was necessary for the attorney to provide legal advice and counsel to the board. The board went into executive session at 8:25 pm.

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


On a **Read/Kelder** motion, the Town Board adjourned from executive session at 9:35 pm.

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

The Town Board members were given reports from Marlies Rosier, Bookkeeper, Statement of Expenditures, Encumbrances & Appropriations (1/31/2024) (**#14-24**).

No further pertinent business needing to be discussed the meeting adjourned on a **Boggess/Edinger** motion at 9:36pm.

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



Dawn Giuditta, Town Clerk

Town of Olive  
County of Ulster  
State of New York  
Tuesday, March 12, 2024

Minutes of the regular meeting of the Town of Olive Town Board, held Tuesday, March 12, 2024 7 pm Bostock Road, Shokan, NY 12481.

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

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Brian Burns, Highway Superintendent, Gene Sorbellini, Buildings & Recreation Director; Timothy Cox, Town Justice

On a **Boggess/Edinger** motion, the Town Board approved the February minutes.

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

**Approve Payment of Audited Bills:** On a **Sofranko/Read** motion, the Town Board approved the following budget modifications:

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

**General Fund:**

- Transfer \$2,750 from A9060.8 Health Insurance to:
  - A200.2 Payroll Account to fund HSA’s (Smith)      \$2,750
- Transfer \$6,000 from Reserve T-Tax/Consultant Fund to:
  - A8010.4 Zoning – Contractual      \$6,000
  - (Resolution #6 of 2024)
- Transfer \$4,972 from A8010.4 Zoning – Contractual to:
  - A1990.4 Contingent Account      \$4,972
  - (to reverse February budget modification)
- Transfer \$5.00 from 1990.4 Contingency to:
  - A1375.4 Credit Card Fees      \$5.00
- Increase A3089 State Aid, Other \$54,000.00
  - Increase A8010.4 Zoning – Contractual      \$54,000
  - (State Grant for Phase 2 of the Comprehensive Plan)
- Increase A2705 Gifts and Donations \$18,000
  - Increase 7110.4 Parks – Contractual      \$18,000
  - (SMIP Grant for Boiceville Riparian Area Management Plan)

**Approve the following vouchers for payment:** On a **Sofranko/Boggess** motion the Town Board approved the payment of the following vouchers.

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

General Fund Vouchers #96-#149	\$59,272.78
Highway Fund Vouchers #57-#94	\$46,918.05
Special Lighting #2	\$ 83.94

Cash Received:

January Interest Received:	\$23,781.94
January Cash Received:	\$5,416,048.38

**Additional Business:**

On a **Sofranko/Read** motion, the Town Board adjourned into executive session at 7:07 pm to discuss the work history and possible disciplinary procedure against an employee.

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

On a **Boggess/Edinger** motion, the Town Board adjourned form executive session at 7:10 pm.

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

On a **Sofranko/Boggess** motion, the Town Board made a motion to approve the use of the disciplinary procedure set forth in the collective bargaining agreement to pursue discipline against the employee discussed in executive session.

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

On a **Sofranko/Edinger** motion, the Town Board appointed Carol LaMonda to the Board of Assessment Review with a term to expire on 9/30/2026.

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

On a **Sofranko/Kelder** motion, the Town Board awarded the construction bid for the Cold Storage Garage to Rozell Industries in the amount of \$1,518,116.00 with \$20,000 allowance.

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

- Bid #1 Barone Construction Group, Inc. (BCG) - \$1,710,000 with \$20,000 Allowance
- Bid #2 Jersen Construction Group, LLC - \$1,591,000.00 with \$20,000 Allowance
- Bid #3 Rozell Industries Inc. - \$1,518,116.00 with \$20, 000 Allowance

Town of Olive

Resolution #7 of 2024

Transfer of Reserve Funds to Pay for Construction of the Cold Storage Garage

WHEREAS, the Town of Olive in Resolution #16 of 1996 established Capital Reserve Fund L Building Improvements pursuant to Section 6-c of the NYS General Municipal Law to provide funding for building improvements; and

WHEREAS, the 2015 Town of Olive Facility Needs Assessment report prepared by the LaBerge Group established the Cold Storage building located at 45 Watson Hollow Road, West Shokan is in poor condition with significantly rusting column base plates and is inadequately sealed with water infiltration into the building; and

WHEREAS, the Town of Olive Building Committee has recommended replacing and enlarging the Cold Storage Building due to its poor condition and the need to free up existing garage space in the Town Office facility for a future office renovation; and

WHEREAS, the Town Board of the Town of Olive, in Resolution #19 of 2023 at its November 14, 2023 meeting, voted to authorize the expenditure of \$800,000 in Capital Reserve Funds for the construction of a new Cold Storage Garage at the West Shokan facility; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Olive approves transfers of up to \$800,000 from Reserve Fund L Building Improvements into account A9950.9 Transfer to Capital Projects Fund for the replacement and construction of a new Cold Storage Garage in West Shokan; and

FURTHER RESOLVED, Resolution #7 of 2024 is subject to permissive referendum pursuant to Section 6-c of the General Municipal Law.

**AND MOVES ITS ADOPTION**

Motion made by: Board Member Kelder  
Seconded By: Board Member Boggess

<b>A Vote was Duly Taken:</b>	Aye	Nay
Jim Sofranko, Supervisor	<u>  X  </u>	_____
David Edinger, Board Member	<u>  X  </u>	_____
Andrew Boggess, Board Member	<u>  X  </u>	_____
Scott Kelder, Board Member	<u>  X  </u>	_____
Victoria Read, Board Member	<u>  X  </u>	_____

Dated this 12<sup>th</sup> day of March, 2024

  
Dawn Giuditta, Town Clerk

On a **Sofranko/Edinger** motion, the Town Board authorized the Supervisor to sign a contract amendment with LVDV Operations to allow the use of subcontractors for administrative bookkeeping purposes.

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

On a **Read/Edinger** motion, the Town Board authorized the Supervisor to sign a contract with the Town of Saugerties for the use of their dog kennel when deemed necessary by the Town of Olive Dog Control Officer.

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

On a **Boggess/Sofranko** motion, the Town Board authorized the Highway Superintendent to purchase a Felling trailer for \$39,807.00

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

On a **Read/Edinger** motion, the Town Board authorized the Highway Superintendent to place a bid advertisement to purchase a used paver and roller.

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

On an **Edinger/Read** motion, the Town Board authorized the Highway Superintendent to place an advertisement on Auctions International to sell the following: 1 - 1990 Chevy Kodiak Chip Truck, 1- 1988 Interstate Equipment Trailer, and other miscellaneous stock such as a Husqvarna tiller, Ford tailgate...

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

On a **Sofranko/Edinger** motion, the Town Board closed the public hearing on the applicability of the Town Zoning Laws to Ulster County's Public Safety Radio Tower.

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

#### Town of Olive

#### Resolution #8 of 2024

Determining Applicability of the Town's Zoning Laws to Ulster County's Proposed Public Safety Radio Tower in the Town

WHEREAS, Ulster County desires to construct a public safety radio tower ("PSRT") on property owned by the Tonche Mountain Association located at Pitcairn Estates/Mtn. Road in Olive New York, noted on the tax map as parcel SBL 37.1-5-12.412 consisting of approximately 35.3 acres of which the County is proposing to lease approximately 1.8 acres ("Project Site"); and

WHEREAS, the Ulster County proposal includes the construction of a 135 foot guyed tower and a 75' by 50' compound area with improvements to the existing access road, and

WHEREAS, the tower design provides for the ability to co-locate up to two (2) cellular carriers on the proposed tower, and

WHEREAS, there is an existing eighty (80') foot guyed tower that currently existing on the site and the County has explored additions to that tower concluding that even with additions to the structural strength of the tower the needed county communication facilities could not be supported, resulting in the need for a new tower; and

WHEREAS, the existing tower will be dismantled upon completion and activation of the new tower; and

WHEREAS, the Project Site resides in the Town of Olive Conservation Residential (CR) Zoning District; and

WHEREAS, under the Town Zoning Laws the proposed PSRT project is undefined as a permitted use given the Chapter 146 Section 4 of the code defines a telecommunication system as being of a commercial nature and such definition is not consistent with the purpose of Project; and

WHEREAS, while the County proposal includes the future siting of up to two (2) cellular carriers the proposed height of the tower is controlled by the County's communication needs and no additional height is attributable to the cellular carriers; and

WHEREAS, Ulster County has requested that the proposed PSRT project on lands it is proposing to lease be granted immunity from the Town of Olive Planning and Zoning requirements including but not limited to Chapter 146 - Telecommunications of the Town Code, claiming exemption under New York common law; and

WHEREAS, pursuant to the decision of the New York Court of Appeals in *Matter of County of Monroe*, 72 N.Y.2d 338 (1988), a common law "balancing of public interests" is required to determine whether Ulster County would be immune from the zoning and land use regulatory jurisdiction of the Town and its agencies ("*Monroe Inquiry*"); and



**Town of Olive**  
**Resolution #9 of 2024**  
Transfer of Reserve Funds for Computers

**WHEREAS**, the Town Board of the Town of Olive in Resolution #15 of 1996 established Reserve Fund K –Office and Computer Equipment for the acquisition of equipment for the town offices; and

**WHEREAS**, the Town of Olive Building Clerk has formally requested the acquisition of one Dell desktop computer and one desktop scanner; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Olive approves a transfer of funds not exceeding \$1,611.25 from Reserve Fund K, Office and Computer Equipment, to be allocated as follows:

A03620.2 – Safety Inspection - Equipment      1,611.25

**FURTHER RESOLVED**, Resolution #9 of 2024 is subject to permissive referendum pursuant to Section 6-c of the General Municipal Law.

**AND MOVES ITS ADOPTION**

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

**A Vote was Duly Taken:**

	Aye	Nay	Absent
Jim Sofranko, Supervisor	_X_	_____	_____
David Edinger, Board Member	_X_	_____	_____
Andrew Boggess, Board Member	_X_	_____	_____
Scott Kelder, Board Member	_X_	_____	_____
Victoria Read, Board Member	_X_	_____	_____

Dated this 12<sup>th</sup> day of March, 2024

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

**Committees, Commission, Department Reports:**

**Parks & Recreation – Scott Kelder, Liaison**

The ad for a part-time seasonal Ranger position has been put on the Website and face book page. Spring Soccer has been canceled, hopefully the program will continue in the fall. Youth basketball will conclude soon. Baseball is underway and the school will be using Davis Park. Parks should be up and functioning by mid-April weather permitted.

**Highway Superintendent- Brian Burns**

The Town didn't make out to bad in the wind storm, West Shokan got the worse of it. The guys have been working on nuisance trees and brush and getting ditch work done. Old cold storage building being removed between 18<sup>th</sup> and 25<sup>th</sup>. The department is in good shape going into April. The Highway guys have moved all equipment out of cold storage building and the vehicles are sitting out.



**Police Department- Drew Boggess, Liaison (#16-24)**

February 2024 stats – 388  
Arrests- 0  
Tickets- 5

**Town Clerk- Dawn Giuditta (#17-24)**

February- \$39,341.14  
February Tax Collection- \$620,015.42

**Olive First Aid Unit- Virginia Wiswall, Chief (#18-24)**

Total calls February 2024- 30  
Olivebridge- 10 Shokan- 4 Boiceville- 4 West Shokan- 6 West Hurley- 3 Shandaken-1  
Samsonville-1 Woodstock- 1

**Conservation Advisory Council- Vikki Read, Liaison**

The Council suggested a code change for Chapter 17 Conservation Advisory Council, but asked it to be tabled until next month.

**Zoning Committee- Drew Boggess, Liaison**

The local law for amending the subdivision code has been sent to the attorney for review. The Committee hopes to introduce it in April and will send it to the County for comment.

**Comprehensive Plan Committee- Drew Boggess, Liaison**

The Committee will be meeting on 3/28/24 and will be focusing on housing.

**Boiceville Committee- Jim Sofranko, Liaison**

We have the greenlight on the grant and Barbara Restivo as subcontractor.

The Boiceville Sewer District Monthly Operating Report for February 2024 was received from Barry Ruland, Chief Operator and are available in the Town Clerk’s office. (#19-24)

On a **Sofranko/Boggess** motion, the meeting adjourned at 8:03 pm in memory of Wesley Buley, Lorraine Levine, Anthony J Ferrara, Ramona Fradon & Nancy Brew-Schwall.

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

  
Dawn Giuditta, Town Clerk

Town of Olive  
County of Ulster  
State of New York  
March 26, 2024

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Minutes of the Special Meeting of the Town Board held on March 26, 2024 at 7 pm at the Town Hall on Bostock Road in Shokan, NY.

Members Present: Drew Boggess, Board Member  
Scott Kelder, Board Member  
Victoria Read, Board Member

Members Not Present: Jim Sofranko, Supervisor (Sick)  
David Edinger, Board Member

Recording Secretary: Dawn Giuditta, Town Clerk

This special meeting was called by the Town Board for the purpose of dedicating the Tongore Field in Olivebridge in the name of retired Supervisor Berndt J Leifeld Sr.

There were many old time residents in attendance: John Parete, Former Ulster County Legislator; Lee Denman, Former Supervisor & Town Clerk; Linda Burkhardt, Former Councilwoman; Bruce LaMonda, Former Councilman; Ron Wright, Former Councilman & Town Justice; Jimmy Fugel, Former Highway Superintendent; George Hass, Former Police Chief; Beverly Stein, Former Secretary to the Supervisor; Recreation Committee Members: Craig Grazier, Brittany Burgher, Lori Matteson, Bill Melvin, Rob Shultis; Gene Sorbellini, Buildings & Recreation Facilitator; Amanda Winne, Deputy Town Clerk; Christopher Winne, Fire Chief; Ed Kahil, Planning Board Member; Sean Ryan, Police Chief; John Ingram, Code Enforcement Officer & Asst. Bldg. Inspector; Dom Covello, Bldg. Inspector.

Deputy Supervisor Drew Boggess called the meeting to order at 7:07 pm and gave a brief review of Bert's accomplishments during his tenure as Supervisor. He stated that Bert was instrumental in acquiring the Tongore Field from Mr. Golden to begin with and that it is rumored that Bert was the longest sitting Supervisor in NYS history. Gene Sorbellini, Recreation Director also gave a speech stating how the Recreation Committee came together with some help from the Town Clerk's office to make the recommendation to the Town Board to rename Tongore Field in honor of Bert.

The Tongore Field will now be dedicated to Berndt J Leifeld Sr. and new signs will be put in place stating the follow:

Leifeld Park  
Tongore  
Olivebridge NY  
Dedicated to  
Berndt J Leifeld Sr.

For his 40 Years of Faithful and dedicated  
Service to the Town of Olive  
3/26/2024

All pertinent business having been completed the meeting adjourned for cake and coffee at 7:23 pm on a **Read/Boggess** Motion. Aye: Boggess, Kelder, Read Nay: Absent: Edinger and Sofranko

  
Dawn Giuditta, Town Clerk

