

Town of Olive
County of Ulster
State of New York
Monday, February 10, 2025

Minutes of the public hearing pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York, held Monday, February 10, 2025 6:15 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: Simon Strauss, OCAC

Supervisor Sofranko called the meeting to order at 6:15 pm.

The Town Clerk ran the legal notice for 5 consecutive days on 1/27/2025-1/31/2025.

There was one resident in attendance.

Supervisor Sofranko opened the meeting, however; he adjourned the public hearing and gave the following explanation.

The reason for the adjournment is that there has been a voluntary conveyance of one of the outstanding pump station easements (the Lucky Petroleum easement). This easement has been signed and filed in the County Clerk's office. Therefore, there is no need for the Town to proceed with eminent domain against that property owner.

The remaining property owner (Olive Woods) has executed a contract to voluntarily convey the remaining pump station acquisitions that are needed for the project (two easements to construct pump stations #7 and #8 and fee title to a 0.16-acre parcel to construct pump station #6). At tomorrow night's Town Board meeting (2/11), the Town Board will consider a resolution to authorize the Town Supervisor to counter-sign the contract with Olive Woods. If the Town can close on these acquisitions prior to March 10, 2025, the public hearing will be cancelled. If the Town is not able to close on the Olive Woods acquisitions by March 10, 2025, the public hearing will resume on that date.

On a **Sofranko/Boggess** motion, the Board adjourned the meeting at 6:20 pm.

Aye: Boggess, Kelder, Edinger, Read and Sofranko

Nay:

Absent:

Dawn Giuditta, Town Clerk

Town of Olive
County of Ulster
State of New York
Monday, February 10, 2025

Minutes of the audit meeting of the Town of Olive Town Board Monday, February 10, 2025 7:00 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: Simon Strauss, OCAC

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

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

Presentation:

Glen Weinberg from Joule Assets was present to inform the Town Board on the process and timeline procedure to acquire bids from electric suppliers for Community Choice Aggregation. Mr. Weinberg was available to advise the Board on the Memorandum of Understanding which will set the benchmarks for RFP's. The town is currently in the middle of an outreach and education program which will end in March.

Board Member Edinger made a motion to authorize the Supervisor to sign the Memorandum of Understanding on 50% renewal with a benchmark of .0101/KWH it was seconded by Board Member Read.

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

The Town Board members were given the statement of Expenditures, Encumbrances & Appropriations reports (12/31//2024) from Marlies Rosier, Bookkeeper, (#11-25).

On a **Sofranko/Edinger** motion, the Town Board adjourned into executive session to discuss an employee under CBA. The Town Board included Nate Nicholson an HR Attorney; John Czajk, HR Attorney; Police Commission and Police Chief Ryan into the meeting.

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

Executive Session was adjourned on a **Boggess/Kelder** motion at 9:22 pm

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

On an **Edinger/Sofranko** motion, the Town Board meeting was adjourned at 9:23 pm

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

Dawn Giuditta, Town Clerk

Town of Olive
County of Ulster
State of New York
Tuesday, February 11, 2025

Minutes of the regular meeting of the Town of Olive Town Board, held Tuesday, February 11, 2025 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: Gene Sorbellini, Facilities Director

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

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

Correspondence: #12-25

On an **Edinger/Kelder** motion, the Town Board approved Chase Matteson as a new member of the Olive Fire Department.

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

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

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

Vouchers:

Highway Fund Vouchers	#06-25	\$18,380.78
General Fund Vouchers	#34-79	\$288,485.82
Special Lighting Voucher	#01	\$93.03
Capital Projects Voucher	#01-02	\$349,123.30

On a **Sofranko/Read** motion, the Town Board approved the following budget modifications.

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

Budget Modifications:

General Fund:

Increase A2705 Gifts and Donation	\$27,500
A1620.2 Buildings - Equipment	\$27,500

(NYSERDA Grant for Heating Upgrade @ American Legion Hall)

Supervisor Sofranko thanked the OCAC for their help in getting grant.

Cash Received:

December Interest Received:	\$14,705.54
December Cash Received:	\$189,824.65

Additional Business:

Supervisor Sofranko introduced to the Town Board Local Law #1 of 2025- Alarm Code and on a **Boggess/Edinger** motion set March 10th at 6:30 pm for the public hearing.

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

The Town Board rescheduled the public hearing of Eminent Domain for the Shokan Sewer District to March 10, 2025 at 6:15 PM.

On a **Sofranko/Read** motion, the Town Board awarded the proposal from HWS to install a heating/cooling system in the American Legion Hall for \$41,040.35 subject to final NYSERDA CEC grant approval. There was only one Request for proposal received for this project. **(#13-25)**

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

On a **Sofranko/Kelder** motion, the Town Board awarded proposal from ECS to install foam insulation and ceiling tiles in the Town Meeting Hall for \$43,420 subject to final NYSERDA CEC Grant approval.

Energy Conservation Services, Inc.	\$43,420.00
FOAMCO	\$49,000.00
Spray Foam Solutions, Inc.	\$50,385.00

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

On a **Boggess/Kelder** motion, the Town Board nominated Supervisor Sofranko for the CWC Board.

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

On an **Edinger/Sofranko** motion, the Town Board approved the use of the American Legion Hall by New Genesis on March 2nd.

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

On a **Boggess/Kelder** motion, the Town Board authorized the Supervisor to sign the Tax Software Access Agreement with Ulster County.

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

Update on the Town of Olive 2025 Local Flood Analysis Request for Proposals:

The Flood Committee is working with Ashokan Stream Management Program to put out Request for Proposals to do a Local Flood Analysis (LFA) on the Shokan and West Shokan areas. The original LFA did not include the Shokan area.

The Town Board discussed having a leash law in the parks. The Board decided to table the leash law until next month.

**Town of Olive
Resolution #3 of 2025**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF OLIVE DETERMINING SHOKAN SEWER PROJECT IS
EXEMPT FROM SITE PLAN REVIEW**

WHEREAS, the Town of Olive (“Town”) has entered into an agreement with the Catskill Watershed Corporation (“CWC”) which provides for the funding for the planning, design, construction and supervision of a sewage collection system and waste water treatment for the Hamlet of Shokan (“Sewer Project”); and

WHEREAS, **the CWC through the program, will provide full funding for the Sewer Project through a block grant; and**

WHEREAS, in order to proceed with planning, permitting and construction of the Project, the Town of Olive (“Town”) must complete necessary property acquisitions and prepare bids for construction of the Sewer Project; and

WHEREAS, pursuant to Chapter 155, Article IV, Section 155-17 of the Town of Olive Zoning Law (“Zoning Law”), common facilities and/or systems for public and private sewage disposal are permitted as of right in all zoning districts in the Town; and

WHEREAS, regardless, the Town’s special counsel for the Sewer Project has provided a legal opinion setting forth how, under the “balancing of public interests” test adopted by the Court of Appeals in the *Matter of County of Monroe v. City of Rochester*, the Town’s construction and operation of the Sewer Project may be immune from local land use regulation, including site plan review. (See *Matter of County of Monroe v. City of Rochester*, 72 NY2d 338 [1988]); and

WHEREAS, the Town Board has reviewed the legal opinion appended hereto and considered the relevant factors to determine if the Sewer Project should be immune from local land use regulation; and

WHEREAS, it is in the interest of the Town to proceed with permitting and construction of the Sewer Project as soon as practical so that the proposed sewer system and wastewater treatment can be put into operation as soon as possible.

NOW BE IT RESOLVED: The Town Board of the Town of Olive has considered the attached legal opinion and adopts the analysis and findings set forth therein. Based on the foregoing, the Town Board hereby determines a balancing of the relevant factors favors immunity, and therefore, the Sewer Project shall be exempt from local land use regulations, including site plan review.

AND MOVES ITS ADOPTION

Motion made by: Board Member Boggess

Seconded by: Board Member Edinger

	Aye	Nay	Abstain
Jim Sofranko, Supervisor	<u> X </u>	_____	_____
Drew 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>	_____	_____

Dated this 11^h Day of February, 2025

Dawn Giuditta, Town Clerk

**Town of Olive
Resolution #4 of 2025**

Resolution to Authorize the Acquisition of Property Interests for the Shokan Sewer District

WHEREAS, the Town of Olive (“Town”) has entered into an agreement with the Catskill Watershed Corporation (“CWC”) which provides for the funding for the planning, design, construction and supervision of a sewage collection system and waste water treatment for the Hamlet of Shokan; and

WHEREAS, the CWC, through its engineer, Lamont Engineers, P.C. (“Project Engineer”), has conducted extensive investigation, planning, and some design for the sewage collection system and evaluated the alternative treatment technologies; and

WHEREAS, in order to proceed with the planning and permitting for this project, the Town must acquire property for one of the pump stations (Pump Station # 6) and utility easements for two others (Pump Stations #7 and #8); and

WHEREAS, the Project Engineer has selected the location of the aforementioned pump stations that meet certain specified criteria regarding size, location, elevation, environmental, and availability, being a 0.16 acre parcel of vacant property referred to on the Tax Map of the County of Ulster and Town of Olive, as Tax Parcel No. 37.073-1-35 (“Parcel 1”) and portions of the Tax Parcel No. 37.3-3-13 (“Parcel 2”); and

WHEREAS, the Town intends to install sewer mains, pump station, backup generator and accessory equipment on the Parcel 1 and within identified easement areas of Parcel 2 and to connect the sewer mains to a sewer system that will discharge to the proposed new Shokan Waste Water Treatment facility; and

WHEREAS, the Town desires to acquire fee title to Parcel 1 and utility easements on Parcel 2 (hereinafter collectively referred to as the “Property Interests”); and

WHEREAS, the Town’s attorney has negotiated an agreement to purchase the Property Interests, subject to certain contingencies specified in the contract; and

WHEREAS, it is in the interest of the Town to proceed with this project.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF OLIVE, ULSTER COUNTY, NEW YORK:

1. Subject to final approval by the Town Board’s legal counsel, the Town Supervisor is authorized to execute, on behalf of the Town, a purchase and sale agreement with the property owner, Olive Woods, LLC, to acquire the Property Interests for the purchase price of \$38,700.00.
2. Upon the satisfaction of any contract contingencies, the Town Board hereby authorizes the Supervisor to proceed with closing on the Property Interests and to execute any and accept all documents as necessary to complete the purchase of the Property Interests.

AND MOVES ITS ADOPTION

Motion made by: Board Member Read

Seconded by: Board member Kelder

	Aye	Nay	Abstain
Jim Sofranko, Supervisor	<u> X </u>	_____	_____
Drew 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>	_____	_____

Dated this 11th Day of February, 2025

Dawn Giuditta, Town Clerk

**Town of Olive
Resolution #5 of 2025
Authorization for an Electrical Supply Agreement**

WHEREAS, the Town Board of the Town of Olive enacted Local Law No. 1 of the Year 2021 which is a Local Law to Establish a Community Choice Aggregation (CCA) Program; and

WHEREAS, the Town of Olive seeks to explore CCA as a potential opportunity for the energy consumers within the Town because of the potential benefits a CCA could produce for the residential and small business owners through the market power of aggregation; and

WHEREAS, these potential benefits include the provision of CCA conventional, 50% blended renewable, or 100% renewable electricity at stable prices which may be competitive to those charged by either Central Hudson as the default electricity supplier or third party Energy Service Companies (ESCOs); and

WHEREAS, the New York State Public Service Commission Order Authorizing CCAs specifically states that municipalities are permitted to engage a third party CCA Administrator to assist in the development and implementation of a CCA program, including the solicitation and management of energy supply agreements for CCA customers; and

WHEREAS, the Town of Olive, at its December 10, 2024 Town Board meeting, authorized Joule Assets as the CCA Administrator to assist its efforts to better understand, educate the public and develop a program to enable a CCA; and

WHEREAS, Joule Assets provided to the Town of Olive a Memorandum of Understanding for an Electrical Supply Agreement that specifies the pricing benchmarks the Town Board finds acceptable for 100% or 50% blended renewable electricity; and

WHEREAS, there is no cost to retain Joule until after Joule has obtained an Electrical Supply Agreement from a competitive supplier that is acceptable to the Town Board, and the Board is under no obligation to accept an Electrical Supply Agreement it finds unacceptable; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Olive hereby authorizes the Supervisor to execute the Electrical Supply Agreement with Joule Assets Inc. and a competitive supplier provided that competitive supplier meets the pricing benchmarks established by the Town Board at its February 10, 2025 workshop meeting as described in the Memorandum of Understanding for 50% blended electricity at \$0.101/kWh; and

BE IT FURTHER RESOLVED, the execution of the Electrical Supply Agreement is subject to the approval of the Town of Olive Attorney.

AND MOVES ITS ADOPTION

Motion made by: Board Member Edinger

Seconded by: Board Member Boggess

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

Dated this 11th day of February, 2025

Dawn Giuditta, Town Clerk

Committees, Commission, Department Reports:

Parks & Recreation- Scott Kelder Liaison

Olive resident Samantha Moses approached the committee to request permission to use the park on Sunday mornings from 10 am- 12 pm for ages 0-4 years sports program. She will not be charging any fee. It will not be a town sponsored program. It is looking like day camp will be drastically low on counselors. The salary is not up to par with positions they can get elsewhere. Basketball is going on, and softball is starting up. They are sending the guys to get pool certified.

Police Department- Sean Ryan, Police Chief (#14-25)

2025 Total- 383

January Calls- 383

5 tickets

Board Member Boggess commended the Olive Fire Department on their handling of a propane leak on Ridge Road.

Town Clerk- Dawn Giuditta (#16-25)

January- \$32,908.65

Total tax warrant- \$10,023,687.60

Total Taxes collected in January- \$8,167,096.81

Olive First Aid Unit- Chief Virginia Wiswall (#17-25)

January- 52

Olivebridge- 13 West Shokan- 6 Shokan- 19 Boiceville- 10 Glenford- 1 Phoenicia- 0 Shandaken- 0
West Hurley- 0 Samsonville-0 Ashokan-1 Krumville-1 Mount Tremper-1

Scenic Byway- David Edinger, Liaison

The committee is progressing slowly on a memorandum of expanding the byway.

Conservation Advisory Council (CAC) - Victoria Read, Liaison

The CAC discussed their priorities for the year ahead.

Coalition of Watershed Towns- David Edinger, Liaison

They are finalizing the Memorandum of Understanding.

Boiceville Committee- Jim Sofranko, Liaison

The town received a \$275,000 NOAH grant that is being reviewed. The Committee will keep going forward until they get official word to stop. The Capital Project might not happen but they are in 60% design.

Comprehensive Plan Committee- Drew Boggess, Liaison

The Committee is reviewing the draft Comprehensive Plan and correcting grammatical errors.

Zoning Committee- Drew Boggess, Liaison

The Committee is reviewing proposed changes in the Short Term Rental Law.

The Boiceville Sewer District Monthly Operating Report for January 2025 was received from Barry Ruland, Chief Operator and is available in the Town Clerk's office. (#18-25)

All pertinent business having been discussed the Town Board meeting adjourned at 7:55 pm on a **Sofranko/Boggess** motion in memory of Charles Fina, Robert Albrecht, and Jack Barnet.

Aye: Boggess, Kelder, Edinger, Read and Sofranko

Nay:

Absent:

DRAFT