

Denning Town Board Meeting Agenda

January 2nd, 2019



Call ORGANIZATIONAL MEETING to Order

Pledge of Allegiance.

Reading of Last Month's Minutes

Organizational Meeting Resolutions

Correspondence

Committee Reports:

- Highway- Supt. Of Highways Dan Van Sadars.
- Planning Board.

Order of Business:

- Review and adoption of policies for the year 2019.

SUPERVISOR COMMENTS

BOARD COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Next Meetings:

Business Meeting at the Denning Town Hall

6:00 PM Tuesday, January 8th, 2019

Regular Monthly Meeting at the Denning Town Hall

6:00 PM Tuesday, February 5th, 2019

The website is: www.denning.us

The public may now correspond with the Town of Denning at any of these e-mail addresses:

TownHall@Denning.us
Highway@denning.us

Supervisor@Denning.us
townclerk@denning.us

January 2, 2019 – Organizational Meeting

Resolution No. 1 of 2019 of the Town of Denning

New York State Town Law section 63 authorizes the Town Board to determine the rules of its procedure,

RESOLVED that all Town meetings and public hearings will be conducted in accordance with New York State Open Meetings Law, and in such spirit that the following rules be enacted:

1. That a majority of any convened Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. That the vote upon every question shall be taken by ayes and nays, and that the names of the members present and their votes shall be entered into the minutes.
3. That every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all of the members of the convened Board.
4. That public participation at all regular and special Town Board meetings will be limited to commentary during established intervals as documented in each meeting agenda.
5. That any person speaking to the Town Board at all regular or special Town Board meetings will only be heard at the consent of the Supervisor or presiding Public Officer, and that they will be required to address their remarks exclusively to the Town Board without engaging the public in debate.
6. That all interested persons will have the right to attend public hearings of the Town, participate freely and make inquiries relating to the purposes thereof.
7. That public participation at all public hearings will consist of commentary limited to the purpose of the hearing, being only directed towards the convening Town agency.
8. That votes will not be taken by any convened Board on any pending legislation, permit application, zoning variance application or appeal during any public hearing that is subject thereof.
9. That response to any public commentary at any public meeting or hearing will be at the discretion of the Supervisor, Chairman or Deputy of any convened Town agency, and that the presiding Public Officer shall have the authority to refer any questions to the Attorney for the Town, or to other Board members.
10. That these rules may be amended at any time during the calendar year by resolution of the Town Board.

January 2, 2019 – Organizational Meeting

Resolution No. 2 of 2019 of the Town of Denning

WHEREAS New York State Town Law sections 62 authorizes the Town Board to establish fixed days of each month for regular meetings, and

WHEREAS New York State Public Officers Law section 103(b) requires a public body to make all reasonable efforts to hold meetings in facilities that permit barrier free access to the physically handicapped,

NOW THEREFORE, be it **RESOLVED** that the regular Town Board meetings will, throughout the year 2019, be held each month, with the meeting location alternating between Denning Town Hall in Claryville and the Sundown Church Hall in Sundown, between the months of April and October by the following schedule:

Denning Town Hall in Claryville:

6:00 PM Tuesday January 2 (Organizational Meeting)
6:00 PM Tuesday February 5
6:00 PM Tuesday March 5
7:00 PM Tuesday May 7
7:00 PM Tuesday July 2
7:00 PM Tuesday September 3
6:00 PM Wednesday, November 6 NYS elections
6:00 PM Tuesday December 3

Sundown Church Hall in Sundown:

7:00 PM Tuesday April 2
7:00 PM Tuesday June 4
7:00 PM Tuesday August 6
6:00 PM Tuesday October 1

Be It Further, **RESOLVED** that the regular Business Town Board meeting will, throughout the year 2019, be held the on the second Tuesday of each month, at the Denning Town Hall in Claryville, at 6 pm, January 8, February 12, March 12, at 7 pm for April 9, May 14, June 11, July 9, August 13, September 10, and at 6pm October 8, November 12, December 11.

January 2, 2019 – Organizational Meeting

Resolution No. 3 of 2019 of the Town of Denning

WHEREAS New York State Town Law sections 64 (11) authorizes the Town Board to designate the official newspaper of the Town

And **WHEREAS** New York State Open Meetings Law, Public Officers Law section 104, requires notice of time and place of Town Board meetings to be given to the news media,

NOW THEREFORE, be it **RESOLVED** that the Ye Olde Tri-Valley Townsman, P.O. Box 232, Grahamsville, N.Y. 12740, is designated as the official newspaper of the Town of Denning, and

Further, be it **RESOLVED** that the public notices will also be published on the Town of Denning website address www.denning.us

January 2, 2019 – Organizational Meeting

Resolution No. 4 of 2019 of the Town of Denning

WHEREAS New York State Town Law sections 64 (11) authorizes the Town Board to designate the banks or trust companies in which all Town officers shall deposit all monies coming into their hands by virtue of their offices,

NOW THEREFORE, be it **RESOLVED** that Catskill Hudson Bank, NYS Route 55, Grahamsville, N.Y. 12740, be the designated depository bank for the Town of Denning, and

FURTHER WHEREAS Real Property Tax Law §996 authorizes the Denning Town Board to contract with a local bank for the collection of real property taxes, and

NOW THEREFORE BE IT RESOLVED, that the Town of Denning Town Board **HEREBY** authorizes the official bank of the Town of Denning which is the Catskill Hudson, the Grahamsville Branch (only) to collect taxes for the benefit of its residents.

SAID bank must follow the New York State rules as established in §996. And

WHEREAS New York State Law authorizes Town Board to set policy by resolution and **WHEREAS** the tax over payments cost the Town additional monies in refunding amounts.

THEREFORE BE IT RESOLVED the Denning Town Board **HEREBY** authorizes the Town of Denning Tax Collector to retain all over payments which are \$2.00 and less. And **FURTHER**

WHEREAS General Municipal Law § 85 authorizes municipalities to provide the imposition of a charge to any account where a tendered payment was dishonored (§ 5-328) by the bank or depository institution, the amount charged to the Town is to be included in the amount due, not to exceed \$20.00. And

WHEREAS New York State Law §4-34 authorizes such charges as "expenses incurred in the accomplishment of powers or duties", and

WHEREAS the Town Board agrees that mailing and other costs should not be borne by the residents,

THEREFORE, BE IT RESOLVED that the Town Board **HEREBY** approves the addition of all mailings and other costs incurred to be an additional charge for all returned payments.

NOW THEREFORE BE IT FURTHER RESOLVED the Town of Denning Town Board **HEREBY** approves and adopts the afore mentioned policy.

January 2, 2019 – Organizational Meeting

Resolution No. 5 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 118 authorize the Town Board to allow for advanced payments of claims,

NOW, THEREFORE, be it **RESOLVED** that throughout the year 2019, the Town Board authorizes the Supervisor to pay claims, in advance of audit, the bills submitted by health insurance providers, telephone, electric, gas, utility and cable companies, the municipal credit card, post office box fees as well as CHIPS and any other governmental program which may require proof of paid voucher if SAID payment is required by the program.

January 2, 2019 – Organizational Meeting

Resolution No. 6 of 2019 of the Town of Denning

WHEREAS New York State Town Law sections 116 authorizes the Town Board to establish the amount to be allowed for the use of personal vehicles in the performance of official duties,

And **NOW THEREFORE**, be it **RESOLVED** that throughout the year 2019, the rate for financial reimbursement of personal vehicles use during the performance of official duties will be equal to 54.5 cents per mile.

January 2, 2019 – Organizational Meeting

Resolution No. 7 of 2019 of the Town of Denning

WHEREAS New York State Town Law Public Officers Law sections 87 (b) (iii) authorizes the Town Board to establish fixed charges for document photocopies resulting from requests for records,

And **WHEREAS** New York State Town Law section 64 subsection 1(a) describes the use of petty cash fund for the purpose of making change when such is required in the performance of official duties,

NOW THEREFORE, be it **RESOLVED** that throughout the year 2019, the Town Clerks Office shall charge a standard fee of 25 cents per copied page up to 8 1/2 by 14 inches, plus all applicable postage charges for the cost of mailing requested documents delivery.

BE IT FURTHER RESOLVED that the collection of all receipts resulting from charges for document copies and mailing be conferred upon the Town Clerk as income through petty cash account.

WHEREAS the Town of Denning Town Board is authorized by New York State Town Law article 6 to set policy to benefit the Town, and

WHEREAS the Town Clerk has requested a Freedom of Information policy pertaining to employees and officials be made in addition to the current form request now being used, and

WHEREAS it has been urged to adopt this policy as recommended by the Association of Towns.

THEREFORE, any Town Official or Employee seeking information under the FOIL policy for his or her official duty charge shall not be required to submit a FOIL request.

However, when applied for private use, the FOIL request form must be submitted as well as the copy fee previously approved.

NOW THEREFORE BE IT FURTHER RESOLVED that the Town of Denning Town Board **HEREBY** reaffirms Said Policy.

January 2, 2019 – Organizational Meeting

Resolution No. 8 of 2019 of the Town of Denning

And **WHEREAS** New York State Town Law section 20 2 (b) authorizes the Town Board to employ an attorney to render professional services and provide legal advice to the Town, at the fee of \$150.00 per hour.

NOW THEREFORE, be it **RESOLVED** that Rod Futerfas, Attorney at Law, of the firm Wapner, Koplovitz & Futerfas, 239 Wall Street, Kingston, N.Y. 12401 be retained as Attorney for the Town of Denning.
(General Fund Appropriations Code A1420.4)

January 2, 2019 – Organizational Meeting

Resolution No. 9 of 2019 of the Town of Denning

WHEREAS New York State Uniform Fire Prevention and Building Code authorizes the Town Board to appoint a Code Enforcement Officer for the Town,

And **WHEREAS** Article 6 of the Zoning Law of the Town of Denning authorizes the Town Board to appoint a Code Enforcement Officer to enforce the provisions of the Zoning Law and the International Building Code.

NOW THEREFORE, be it **RESOLVED** that Karl von Hassel, 524 County Highway 3, Flieschmanns, N.Y. 12430, be appointed as Code Enforcement Officer for the Town of Denning, with an annual salary of \$7,752.00 to be drawn from Safety Inspection Personal Services.

(General Fund Appropriations Code A3620.1)

BE IT FURTHER RESOLVED the Town of Denning Town Board **HEREBY** adopts and approves of the proposed 2019 Building Fee Schedule.

January 2, 2019 – Organizational Meeting

Resolution No. 10 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 29(15) allows for the Town Board to authorize the Town Supervisor to designate a bookkeeper for the Town,

NOW THEREFORE, be it **RESOLVED** that Cindy Mickelson, PO Box 251, Grahamsville, NY, 12740, be appointed as bookkeeper of the Town of Denning, with an annual salary of \$10,000.00 to be drawn from Supervisor Personal Services.
(General Fund Appropriations Code A1220.1)

January 2, 2019 – Organizational Meeting

Resolution No. 11 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 42 authorizes the Town Board to establish the office of Deputy Supervisor,

and **WHEREAS** New York State Town Law section 42 authorizes the Town Supervisor to appoint the Deputy Supervisor to serve at the pleasure of the Supervisor,

NOW THEREFORE, be it **RESOLVED** that the position of Deputy Supervisor be established, and that Councilman Gregory Vurckio, be appointed as Deputy Supervisor for the Town of Denning.

January 2, 2019 – Organizational Meeting

Resolution No. 12 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 32 (2) authorizes the Town Board to establish the office of Deputy Town Superintendent of Highways, and

WHEREAS New York State Town Law section 32 (2) authorizes the Town Highway Superintendent to appoint Robert Totten as the Deputy Highway Superintendent to serve at the pleasure of the Town Highway Superintendent,

NOW, THEREFORE, be it **RESOLVED** that the position of Deputy Highway Superintendent which was established previously and is a non competitive class of civil service for the Town of Denning, with an annual salary of \$1,894.00, to be drawn from Superintendent of Highways Personal Services.
(General Fund Appropriations Code A5010.1)

January 2, 2019 – Organizational Meeting

Resolution No. 13 of 2019 of the Town of Denning

WHEREAS New York State Public Health Law section 4121 and 4123 authorizes the Town Board to appoint a Registrar of Vital Statistics,

NOW, THEREFORE, be it **RESOLVED** that Joy Monforte, 75 Woodfield Road, Grahamsville, NY 12740, serving as Denning Town Clerk, be appointed as Registrar of Vital Statistics with an annual salary of \$50,000, to be drawn from Registrar of Vital Statistics Personal Services.
(General Fund Appropriations Code A4020.1)

January 2, 2019 – Organizational Meeting

Resolution No. 14 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 27 authorizes the Town Board to determine the salaries of town officers and employees, and

WHEREAS New York State Public Officers Law section 9 provides for the designation of order in which two or more appointed deputies may act, and

WHEREAS, under Civil Service Law §41 Deputies of principal executives fall within the exempt class of civil service only when they are authorized by law to act generally for and in place of their principals; and

WHEREAS Public Officers Law section 10 and 25 require the taking of oath of office by all town officers,

NOW, THEREFORE, be it, RESOLVED that Tammy Beck, Denning, NY 12740, be appointed as First Deputy Town Clerk/Tax Collector and as Records Management Technician for the Town of Denning, with an annual salary of \$5,812.00 to be drawn from Town Clerk Personal Services, and
(General Fund appropriations code A1410.1)

BE IT FURTHER RESOLVED that a Second Deputy Town Clerk/Tax Collector, may be appointed, at any time.

NOW THEREFORE BE IT FURTHER RESOLVED that the Deputy to the Town Clerk/Tax Collector be required to take and subscribe a constitutional Oath of Office to be filed with the Town Clerk as well as a Confidentiality Oath to be on file in the Office of the Town Clerk.

January 2, 2019 – Organizational Meeting

Resolution No. 15 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 27 authorizes the Town Board to determine the salaries of town officers and employees, and

WHEREAS New York State Civil Service Law sections 35 and 40 establish jurisdictional classification of positions, with provisions for a definition of noncompetitive classification of employment positions subject to Town Council appointment,

NOW THEREFORE be it **RESOLVED** that Tammy Beck be appointed as Clerk to the Justice Court with an hourly wage of \$13.53 not to exceed \$4,045.00 yearly, to be drawn from Justice Personal Services.

(General Fund Appropriations Code A1110.1)

January 2, 2019 – Organizational Meeting

Resolution No. 16 of 2019 of the Town of Denning

WHEREAS New York State Arts and Cultural Affairs Law section 57.07 authorizes the Town Supervisor to appoint a Local Historian,

NOW, THEREFORE, be it **RESOLVED** that Tom McGee, 5444 Red Hill Road, Claryville, NY 12725, be appointed as Historian for the Town of Denning.

January 2, 2019 – Organizational Meeting

Resolution No. 17 of 2019 of the Town of Denning

WHEREAS New York State Agriculture & Market Law section 114 authorizes the Town Board to appoint a Dog Control Officer for the Town,

NOW, THEREFORE, be it **RESOLVED** that Archie Ackerley Jr., 26 Schultz Road, Claryville, New York, 12725, be appointed as Dog Control Officer for the Town of Denning, with an annual salary of \$630.00, to be drawn from Control of Dogs Personal Services.

(General Fund Appropriations Code A3510.1)

January 2, 2019 – Organizational Meeting

Resolution No. 18 of 2019 of the Town of Denning

WHEREAS Town Law § 20(1)(a) and (b) authorizes the Town Board to appoint employees it deems necessary for the proper conduct of the affairs of the Town,

NOW THEREFORE BE IT RESOLVED to appoint Scott Mickelson who resides at 455 Yeagerville Road, Napanoch, NY to the position of Town of Denning Recycling Manager, at a salary of \$15.14 per hour to be drawn from Refuse and Garbage Personal Services. (General Fund Appropriations Code A8160.1)

January 2, 2019 – Organizational Meeting

Resolution No. 19 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 267 and 271 require annual appointments to the Town Planning Board and Zoning Board of Appeals with designated terms of office on a calendar year basis, and

WHEREAS Local Law No.3 of 2001 of the Town of Denning requires an annual appointment to the Town Board of Ethics with designated terms of office on a calendar year basis, and

WHEREAS Public Officers Law section 10 and 25 require the taking of the Oath of Office by all town officers,

NOW, THEREFORE, be it **RESOLVED** that a review of remaining terms of office for members of the Town Planning Board, Zoning Board of Appeals and Board of Ethics be announced on an annual basis at the Town Board organizational meeting.

Further, **RESOLVED** that all newly appointed members be required to take and subscribe a constitutional Oath of Office to be filed with the Town Clerk, and that each member shall be notified of appointment and duration of term in writing by first class mail no later than 10 business days following the annual organizational meeting.
And

NOW, THEREFORE, BE IT RESOLVED that these residents are Board appointed or reappointed to said Boards:

- | | |
|--|---------------------|
| Planning Board (7 Year Term)
Anthony Carminati (Re-Appointment) | - expire 12/31/2025 |
| Zoning Board of Appeals (5 year term)
John Barnum (Re-Appointment) | - expire 12/31/2024 |
| Board of Ethics (3 Year Term)
William Leudemann (Re-Appointment) | - expire 12/31/2022 |

January 2, 2019 – Organizational Meeting

Review of remaining terms:

Planning Board (7 year term)

Katherine Parr	- expire 12/31/2020
Joe Sibiga	- expire 12/31/2021
Stephen E. Bobik	- expire 12/31/2022
Anthony Carminati	- expire 12/31/2025
Travis Coddington	- expire 12/31/2024
Chris McInerney	- expire 12/31/2023
Jerry Huncosky	- expire 12/31/2019

Zoning Board of Appeal (5 year term)

Frances Chiwiwi	- expire 12/31/2021
Mark Boncek	- expire 12/31/2022
John Barnum	- expire 12/31/2024
Archie Ackerley	- expire 12/31/2023
Pauline Leverich	- expire 12/31/2020

Board of Ethics (3 year term)

Jane Carminati	- expire 12/31/2020
William Leudemann	- expire 12/31/2022
Jeanne Kepley	- expire 12/31/2021

Board of Assessment Review

(October 1st to September 30th - 5 year term)

Russell Betters	- expire 9/30/2022
Casey Witthohn	- expire 9/30/2023
Nancy Parrow	- expire 9/30/2019

January 2, 2019 – Organizational Meeting

Resolution No. 20 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 27 authorizes the Town Board to determine the salaries of town officers and employees,

NOW, THEREFORE, be it **RESOLVED** that the following salaries be fixed for the listed town officers and employees for the Fiscal Year 2019 and as approved in the adopted 2019 Budget.

Town Officers:

Town Officers:

Supervisor	\$ 15,500.00
Councilpersons (4) each	1,500.00
Superintendent of Highways	50,508.00
Deputy Superintendent of Highways	1,894.00
Town Clerk/ Tax Collector	27,500.00
First Deputy Town Clerk/ Tax Collector	5,812.00
Town Justice	7,000.00
Assessor	13,491.00
Code Enforcement/Building Inspector	7,752.00
Bookkeeper	10,000.00
Dog Control	630.00
Registrar of Vital Statistics	50.00
Recycling Manager	\$ 15.14 per hour
Clerk to Justice Court	13.53 per hour
Court Security Officer	15.30 per hour
Records Management/ IT Tech	25.00 per hour
House Cleaning	\$1,404.00 Annually
New Position	\$13.53 per hour

Highway Employees:

Laborer	\$ 21.01 per hour
Starting Salary	19.22 per hour
Heavy Equipment Operator Class B	21.76 per hour
Starting Salary	20.00 per hour
Heavy Equipment Operator Class A	22.46 per hour
Starting Salary	21.29 per hour
Foreman	\$ 23.83 per hour

January 2, 2019 – Organizational Meeting

Resolution No. 21 of 2019 of the Town of Denning

WHEREAS Public Officers Law section 11 (2) authorizes the Town Board to approve the procurement of a blanket undertaking from any duly authorized corporate surety covering Officers, Clerks and Employees of the Town, And

WHEREAS the Town Clerk / Tax Collector / Bookkeeper as well as any Officers and Employees of the Town of Denning will properly account for and pay over any and all monies received in the course of fulfilling Said person(s) duties.

NOW, THEREFORE, be it **RESOLVED** that the public officers bond issued by National Grange Mutual with coverage of \$10,000 for Public Officials and \$800,000 excess for Tax Collectors be procured from Mike Preis, Inc. at the annual premium of \$475.00 to be drawn from Unallocated Insurance.
(General Fund Appropriations Code A1910.4).

January 2, 2019 – Organizational Meeting

Resolution No. 22 of 2019 of the Town of Denning

WHEREAS New York State has eliminated dog licensing responsibilities as of January 1, 2011 and

WHEREAS the Town is now required to set licensing fees and collect a fee for the New York State Animal Population Control Fund. And

WHEREAS many licenses are renewed by mail with its added cost.

NOW THEREFORE BE IT RESOLVED that **SAID** licensing fees shall include the \$1 and \$3.00 fee as required by New York State. And

WHEREAS New York State mandates a \$7.50 difference between the two licenses.

NOW THEREFORE BE IT FURTHER RESOLVED that the Town of Denning **HEREBY** sets the following dog licensing fees for the year 2019:

Spayed and Neutered fee \$5.00

Unaltered fee \$12.50

January 2, 2019 – Organizational Meeting

Resolution No. 23 of 2019 of the Town of Denning

WHEREAS the Town of Denning Town Board feels that a liaison to the Town’s Planning Board is a benefit to the Town as a Whole,

NOW THEREFORE BE IT FURTHER RESOLVED that Councilman Mike Dean be re-appointed SAID liaison to the Denning Planning Board.

January 2, 2019 – Organizational Meeting

Resolution No. 24 of 2019 of the Town of Denning

WHEREAS New York State Town Law section 27 authorizes the Town Board to determine the salaries of town officers and employees, and

WHEREAS New York State Civil Service Law sections 35 and 40 establish jurisdictional classification of positions, with provisions for a definition of noncompetitive classification of employment positions subject to Town Council appointment,

NOW THEREFORE be it **RESOLVED** that Mr. Matt Woods and or Mr. Scott Mickelson be appointed to the position of Court Security Office to the Justice Court (which was established in July of 2017), with an hourly wage of \$15.30, to be drawn from Justice Personal Services.

(General Fund appropriations code A1110.1)