

# Town of Denning – Town Board and Business Meeting

Meeting called to order at 10:06 a.m. by Supervisor Brooks.  
Held on Tuesday, July 14<sup>th</sup>, 2020 at the Denning Town Hall.

Present: Supervisor Brooks

Councilmen: Kevin Smith, Paul Schoonmaker, Mike Dean, Gregory Vurckio.

Also present: Hwy. Super. Van Sadlers

The Town Clerk Minute Book was signed prior to the meetings commencement.

The Town Clerk gave the Board members their copy of the agenda, Resolutions No. 40 thru 44 of 2020 and the Budget vs. Actual thru June 2020, along with the 2020 Ulster Directory, and the proposed Local Laws No. 2 and No. 3.

Supervisor Brooks commences a roll call of those in attendance. Supervisor Brooks asks several times, if anyone, on the conference call in, would like to be recognized?  
No one responds.

Pledge of Allegiance

Supervisor Brooks asks if everyone has reviewed the minutes, All have, he requests a Motion to adopt and accept last months' minutes.

Motion by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Kevin Smith. All in favor.

Correspondence – read by Supervisor Brooks.

- ❖ A resignation letter from Mrs. Pauline Leverich, from the ZBA for health and personal concerns.
- ❖ A letter from the DEP, the Rondout Neversink Stream Mngt Program is doing a stream bank stabilization project at Clothes Pond for \$647,984, Le Fever is the winning bidder.
- ❖ An email from Mr. Paul Hnatiw regarding the additional parking of unregistered vehicle on a White House Road property, in which he requests it be placed in the official minutes of the meeting. (copied as written.)
- ❖ Supervisor Brooks asks if Mr. Hnatiw is on the conference call in, there is no response, he reads Mr. Hnatiws' email.

"Supervisor Brooks'

I regret that I will not be able to personally participate in today's town board meeting via video/phone chat. I would like the following statement to be entered in the minutes of the board meeting.

For over 2 years now I have brought to the attention of the town board the illegal storage of over 20 unregistered vehicles on Mr Floyd Van Wagners' property at 153 White House Rd, Sundown NY12740.

The town board did recognize that there was a problem and after numerous requests from both the town and the code enforcement officer for Mr VanWagner to remove the vehicles, the requests fell on deaf ears as the vehicles were not removed. The town board then directed the problem to the town justice, who heard the case, and after almost 1 1/2 years dismissed the case without removal of the vehicles. What was not known is that the judge in this case was having Sunday dinner with Mr Van Wagners mother during the time this case was before him. By all rights the judge, Follander, should have recused himself but failed to do so.

The problem still exists, and has gotten worse as Mr Van Wagner has added to the collection of his un-registered vehicles by having another vehicle on his property.

The town board has not acted on the complaint any further than giving the case to a judge who should never have heard this case in the first place.

I have asked the town board on many occasions what they intended to do about the problem, and all I have heard so far is " I don't know".

Well, I have suggested several solutions in the past, including having the property condemned until the area is cleaned up, to both the board and the code enforcement officer.

AGAIN, the problem still exists, and I invite members of the board to take a ride up to 153 White House Rd and look at the problem themselves, you can see the vehicles from your vehicle without setting foot on Mr Van Wagners property.

I hope that the town board takes this complaint seriously and acts on it soon.

Respectfully submitted,  
Paul Hnatiw  
Sundown NY"

- ❖ Supervisor Brooks remarks, he had cleaned up some of the vehicles, the Judge had dismissed the tickets. He asks the Town Board for ideas, saying we have a written compliant.
- ❖ Discussion follows.
- ❖ The Supervisor will notify Code Enforcement Officer, Mr. Karl von Hassel to do an onsite inspection and issue what ever citations he feels is necessary.
- ❖ Councilman Dean comments there is no other option.

Highway Report by Highway Superintendent Dan Van Sadars.

- He has met with the Stream Program regarding several projects: a tree slide on Wild Cat Mtn. Road, an issue at the property border for NYS and the Frost Valley YMCA, saying the stream will never go back in the original channel with the huge amount of material in there now.
- Graded Coons, Dinch, Wild Meadow Roads.
- Loader back in service.
- The 04' is in the shop with an oil pressure issue.
- NYS trucks are parking at the highway barn and leaving material to be used for the new fire tower parking lot, on the Y storage lot.
- Supervisor Brooks asks if he will begin chip sealing in a few weeks and what roads will be chipped sealed, response yes, he will do Denning and Red Hill Roads.
- Hwy. Super. Van Sadars opens a brief discussion on storage of the material while chipping.
- Hwy. Super. Van Sadars asks if the storage building project is being done this year.
- Supervisor Brooks replies yes, there is a new representative, as Neil the previous representative was furloughed, due to Covid 19 cut backs, however, the project is back on track and will move forward with the foundation bidding.
- Supervisor Brooks thanks Hwy. Super. Van Sadars for working with the crew, rolling the patches and lifting their spirits.

Planning Board: No Report by Liaison, Councilman Kevin Smith

- The meeting had been cancelled due to the Covid -19, as is this month.

All of the vouchers have been audited and signed by the Councilmen, as presented by Supervisor Brooks and/or Hwy. Super. Van Sadars.

Highway Pre Pay Vouchers presented by Hwy. Super. Van Sadars.

(see Warrant #7 Pre-Pay, voucher #21-25)

Healthcare Reimbursement Acct. DA9060.8 \$2,500.00

MVP Healthcare, Inc. DA9060.8 \$11,275.81

Trust & Agency Acct. A9030.8 \$766.80, \$766.10, \$904.56.

Highway Vouchers presented by Hwy. Super. Van Sadars.

(see Warrant #7, voucher #72-86)

Advance Auto DA5130.4 \$1,239.80.

Bottini Fuel Corp. DA5110.4 \$368.27.

Buddenhagen's Ford DA5130.4 \$94.39.

Callanan Industries DA5110.4 \$1,931.46.

Fleetpride DA5130.4 \$186.5.

Home Depot Credit DA5130.4 \$171.24, \$106.44.

HO Penn Machinery Co. DA5130.4 \$325.44.

Hudson River Truck & Trailer DA5130.4 \$358.63.

Liberty Home & Garden DA5110.4 \$89.95

Liberty Trading Post DA5130.4 \$55.79.

Montage Enterprises DA5140.4 \$696.60.

North East Parts Group DA5130.4 \$1,017.39.

Superior Building Supply DA5110.4 \$74.97.

Tractor Supply Co. DA5130.4 \$16.99.

General Pre Pay Vouchers presented by Supervisor Brooks.

(see Warrant #7PP, voucher (#42-52)

Central Hudson A8160.4 \$34.33, A1620.4 \$127.53, A5132.4 \$292.35,  
A5132.4 \$124.65.

Healthcare Reimbursement Acct. A9060.8 \$2,500.00.

MVP Health Care DA9060.8 \$8,059.68, \$71.50.

Time Warner Cable A1620.4 \$208.00, A5132.4\$158.57

Dept. of the Treasury A9060.8 \$29.64

Trust & Agency Acct. DA9030.8 \$307.43, \$729.86, \$260.00.

General Vouchers, presented by Supervisor Brooks.

(see Warrant #7, vouchers (93-109)

Bottini Fuel Corp. A1620.4 \$228.89

Central Hudson A5182.4 \$121.31.

Grahamsville First Aid A4540.4 \$ 4,811.50.

Home Depot A8160.4 \$470.86, A1620. 299.00

Carl Landon A1460.4 \$149.75.

Richard Lowe A8160.4 \$2,529.19

Cindy Mickelson A1220.4 \$55.00, \$484.89.

Joy Monforte T.C. Petty Cash Reimbursement A1410.4 \$ 25.32

Joy Monforte A1410.4 \$56.80.

MVP Health Care DA9060.8 \$8,059.68, \$71.50.

NYSTC Assoc. A1410.4 \$75.00.

Prestige Towing & Recovery A8160.4 \$250.00

Quill A1110.4 \$261.54, A5132.4 \$46.64

Spectrum A5132.4 \$160.49.

UCRRA A8160.4 \$2642.14, \$3,796.37.

Karl von Hassel A3620.4 \$411.00.

WLG A1620.4 \$2.50.

Capital Vouchers, Sewage Disposal, presented by Supervisor Brooks.

(see Warrant #C7, vouchers (1-3)

Delaware Bulldozing Corp. A8130.4 \$ 500.00, \$19,549.35.

Sheeley Oil Excavating A8130.2 \$816.00.

Resolution No. 40 of 2020 read by Supervisor David Brooks.

**WHEREAS** New York State General Municipal Law Sections 103 and 104-4 permit the pre-audit function of vouchers, as a form of internal controls in the checking of claims and supporting documentation. And

**WHEREAS** the Sections 118 and 119 of New York State Municipal Law also authorize the auditing authority to approve of Said vouchers. AND

**WHEREAS** the Office of the New York State Comptroller Division of Local Governments and Accountability: Budgets and Finances also approves of this method.

**NOW THEREFORE BE IT RESOLVED** that the Town of Denning Town Board **HEREBY** approves of and authorizes payment of the following Warrants:

Highway Fund Warrant No. 7 Prep Pay Vouchers #21-25.

Highway Fund Warrant No. 7 Vouchers #72-86.

General Fund Pre- Pay Warrant No. 7 Vouchers #42-53.

General fund Warrant No.7 Vouchers #93-110.

Capital Sewage Disposal Vouchers Warrant No. 7 Vouchers #1-3

**Whereupon**, the Resolution was put to a vote, and recorded as follows:

Motion to adopt and approve by Councilman Paul Schoonmaker,

2<sup>nd</sup> by Councilman Mike Dean. Roll Call Vote:

Councilman Mike Dean AYE Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.  
Supervisor Brooks requests' Judge Follender join in the conversation as he had requested to be placed on the agenda, there is no response.

Resolution No. 41 of 2020 read by Supervisor David Brooks.

**WHEREAS** New York State Archives has updated the MU1 Retention Schedule, previously adopted and utilized by the Town of Denning and

**WHEREAS** the Denning Town Clerk, as the Records Management Officer, has requested this resolution, as it is necessary, to maintain order of the Town of Denning records, and to apply for a New York State Archive grant, you must adopt the MU1 Retention Schedule.

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of Town of Denning that *Records Retention and Disposition Schedule MU-1*, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Records Retention and Disposition Schedule MU-1* after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

**Whereupon**, the Resolution was put to a vote, and recorded as follows:

Motion to adopt and approve by Councilman Gregory Vurckio,

2<sup>nd</sup> by Councilman Kevin Smith. Roll Call Vote:

Councilman Mike Dean AYE Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Resolution No. 42 of 2020 read by Town Clerk Joy Monforte.

**WHEREAS** New York State Town Law section § 27 and Public Officers Law § 3 require town officers and those positions "which involve some exercise of independent judgment and can make decisions that are binding on the town" to be residents of the town. And

**WHEREAS** "towns can use their home rule authority to adopt a local law to expand the residency requirement of appointed officers". And

**WHEREAS** the Town of Denning Town Board desires to be in full compliance of both laws.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Denning **HEREBY** sets August 11<sup>th</sup> 2020, providing the meeting is held that day, depending on the Governors Executive Order, as the date for the public hearing for Local Law No. 1 of 2020. Titled: Waiver of Residency Requirement for the Code Enforcement / Zoning Officers/Flood Plan Mgr. scheduled to start prior to the scheduled Town Board / Business meeting at the Denning Town Hall to commence at 6 pm.

**Whereupon**, the Resolution was put to a vote, and recorded as follows:

Motion to adopt and approve by Councilman Paul Schoonmaker,

2<sup>nd</sup> by Councilman Mike Dean. Roll Call Vote:

Councilman Mike Dean AYE Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Resolution No. 43 of 2020 read by Town Clerk Joy Monforte

**WHEREAS** New York State Town Law §64-3 permits local governments to adopt laws concerning the property, affairs or government of the Town, and General Municipal Law 3c allows an override to the tax levy limit. And

**WHEREAS** the Tax Override Law is a budgetary tool authorized and mandated for use by New York State, And

**WHEREAS** the Town of Denning Town Board intends to keep its financial obligations.

**NOW THEREFORE BE IT RESOLVED** that the Town of Denning Town Board **HEREBY** approves Resolution No. 43 of 2020 formally introducing Proposed Local Law No. 2 of 2020, Titled: Tax Levy Limit Override.

**BE IT FURTHER RESOLVED** that a Public Hearing be held on Tuesday, August 11<sup>th</sup>, 2020, providing the meeting is held that day, depending on the Governors Executive Order, prior to the start of the regularly scheduled Town Board / Business meeting at the Denning Town Hall to commence at 6 pm.

**Whereupon**, the Resolution was put to a vote, and recorded as follows:

Motion to adopt and approve by Councilman Paul Schoonmaker,

2<sup>nd</sup> by Councilman Kevin Smith. Roll Call Vote:

Councilman Mike Dean AYE Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Resolution No. 44 of 2020 read by Supervisor Brooks, he gives the background and explanation of the accounting purposes, accounting requirements and the fiscal responsibility of the resolution.

**WHEREAS** New York State Town Law § section 113 Authorizes the Town Board, by resolution, to transfer surplus monies, contingent appropriations and unexpended balances. And

**WHEREAS** the the Town of Denning had previously created the Claryville Community Septic Maintenance District which is in need of the necessary budget code and the budget line is in need of a fiscal transfer.

**NOW THEREFORE BE IT RESOLVED** that the Town of Denning Town Board **HEREBY** authorizes the Supervisor to perform the following Codes Appropriation for the year 2020, for SAID District.

To increase Revenue A3990 Sewer Capital Project and to increase Expense A8130.2 Sewage Treatment and Disposal, Capital Outlay in the amount of \$\$148,268.75

**NOW THEREFORE BE IT FURTHER RESOLVED** "the balance of appropriations which are not encumbered lapse at the close of the fiscal year, except that an appropriations for the capital purpose continues in force until the purpose for which it was made has been accomplished or abandoned." per New York State Law § 111.

**Whereupon**, the Resolution was put to a vote, and recorded as follows:

Motion to adopt and approve by Councilman Gregory Vurckio,

2<sup>nd</sup> by Councilman Mike Dean. Roll Call Vote:

Councilman Mike Dean AYE Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Supervisor Comments:

- Supervisor Brooks informs the Town Board, the check to settle the 2020 Tax Warrant has been received from Ulster County, and the Town has been made "whole".
- No Parking signage, installed at Biscuit Brook.
- Supervisor Brooks informs the Board, he is again, pushing to close the Blue Hole, as it is uncontrollable again, with huge masses of people, trash, traffic and people in the stream, all the way, to the lower field.
- The stream stewards are doing a good job but are telling people to come back during the week when no permit is needed, there is also no one on duty there during the week, to count the amount of people.
- NYS has stopped over time, and the lack of personnel is an issue.
- He expects emergency rules and regs to be issued this week but as always he is trying to get coolers, food, and alcohol banned, as he and Councilman Vurckio

have, in years past. There have been 3 vehicle accidents either coming from, to or near the Blue Hole in the past week.

- Councilman Schoonmaker inquires if there are any issues with the fire tower?
- Supervisor Brooks replies the porta potties have been removed, due to lack of payment. The fire tower committee has decided not to man the tower due to possible volunteer exposure to the virus.
- Councilman Schoonmaker opens a discussion on the NYS area on Claryville Road which is now a problem, for residents.
- Brief discussion follows. Supervisor David Brooks is meeting with Chris Matthews, the Town of Neversink Supervisor, along with other NYS officials for a resolution.
- Supervisor Brooks remarks it is a never ending battle with the DEC and DEP.
- Supervisor Brooks informs the Board he is trying to work with Spectrum for a build out in the areas that don't have broadband in Town, especially if school is to be online. Further commenting, we should get a break in our school taxes for that.
- Supervisor David Brooks thanks the "founding fathers" and the CWC for the funds CCWSD.
- Supervisor Brooks opens a brief discussion on the new parking lot and trail for the fire tower on Denning Road.
- Supervisor Brooks opens a discussion on his previous discussion with Judge Follender: the Judge wants a No Parking sign at Biscuit Brook, which has been done, he also wants a raise in salary for both; he the court clerk, which will be decided at budget time.
- Supervisor Brooks states he has concerns about the Town not receiving the AIM funding, if we do not, that is a \$95,000.00 hit. He further states, that due to our budgeting we are not in as bad of shape as other Towns, but he will not commit to raises and other budget issues yet.
- The Judge also wants a bus. In his, Supervisor Brooks, previous discussions with UC, they had suggested bundling with the Sullivan County bus system, however he preferred keeping the funds in UC, for revenue, sales tax, etc. He will push again when UCAT is running a full schedule.

Supervisor Brooks calls for Councilman Comments:

- Councilman Vurckio; Monday is the next CWT meeting and it will be held in the new building.
- Councilman Schoonmaker comments he commends Richard for his work, painting the R&R Center, he likes his enthusiasm.

Supervisor Brooks call for further Councilman comments, there is none

Supervisor Brooks call for any further comments, topics or questions? There is none.

Supervisor Brooks calls for public comment? There is none.

Supervisor Brooks requests a Motion to enter into Executive Session for Personnel Reasons at 10:47.

**Whereupon**, the Motion was moved by, put to a vote, and recorded as follows:

Motion to adopt and approve by Councilman Mike Dean,

2<sup>nd</sup> by Councilman Kevin Smith. Roll Call Vote:

Councilman Mike Dean AYE Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote, following which Supervisor Brooks ends the conference call.

# Town of Denning – Town Board Executive Session

Session called to order at 10:47 a.m. by Supervisor David Brooks.  
Held on Tuesday, July 14<sup>th</sup>, 2020 at the Denning Town Hall.

Present: Supervisor Brooks

Councilmen: Kevin Smith, Paul Schoonmaker, Mike Dean, Gregory Vurckio.

Also present: Hwy. Super. Van Saders

Supervisor Brooks informs the Board of the temporary, seasonal hire, for mowing and the salary issue.

Hwy. Super. Van Saders apologizes for causing the issue, however, he submits the qualifications and accreditation, of the hire. He also forgot the new hire salary line.

Discussions opened by Supervisor Brooks on the salary, title, mechanical skill, length of time for mowing work, set salary or hourly wage, finishing for this year, setting a precedent, seeking Shared Services with Ulster County, advertising for the seasonal temporary position, adding position to the organizational job title list, budget cost and budget uncertainties.

The Town Board unanimously agrees to continue, as is, for this year, following a roll call vote:

Councilman Mike Dean	AYE	Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE	Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE		

Hwy. Super. Van Saders is instructed to call Ulster County, to inquire, if they could mow; Dymond and Peekamoose Roads, under Shared Services.

Supervisor Brooks offers to call the employee, however, Hwy. Super. Van Saders replies he will do it, who is to be given a firm completion date, per the Town Board.

Motion to adjourn the Executive Session at 11:07 by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Gregory Vurckio, All in favor. Motion carried.

Supervisor Brooks call for any further comments, topics or questions? There is none.

Motion to adjourn the regular Town Board / Business Meeting at 11:09 by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Paul Schoonmaker, All in favor. Motion carried.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, July 14<sup>th</sup>, 2020

Next Meeting: Tuesday, August 4<sup>th</sup>, 2020 at 6 pm at the Denning Town Hall.

