



Chairman **Alden Thayer**
phone contact (845) 985-2411 Fax(845) 985-0188
internet access www.Denning.us
internet contact TownHall@Denning.us

Town of Denning
1567 Denning Road
PO Box 277
Claryville, NY 12725

Town of Denning Planning Board – Resolution # 2 of Year 2009

August 13, 2009

Property being purchased by the DEP. - Town SBL: 58-1-23 - (DEP ID #5458).

Whereas, Section 67 of the MOA clearly states that the DEP does not have the authority to purchase improved property; and

Whereas, the property of the Rondout-Esopus Land Conservancy Inc. SBL: 58-1-23 DEP ID# 5458 contains within its 70 acres a portion of land that has a habitable dwelling a well and septic system, ie: improved property; and

Whereas, the DEP if it buys this land will not be in accordance with Section 67 of the MOA; and

Whereas, the property the DEP will have purchased will then be assessed at a rate far lower than the current assessment of the three acres containing improvements; and

Whereas, this will constitute a reduction of tax revenue to the town; and

Whereas, this sets an unfortunate precedent allowing the DEP to purchase improved property at will; and

Whereas, the Catskill Watershed Corporation, through the good offices of their attorney Tim Cox, has informed us that \$30,000 has been set aside for each town in the Watershed, including Denning, to litigate precisely this sort of acquisition by the DEP.

Now, **Therefore be it Resolved** by the Town of Denning Planning Board, that we strongly encourage the Town of Denning Town Board to exercise its right and duty to protect the citizens of Denning from further incursions into their tax revenue by the DEP and to prevent this harmful precedent from being set.

Notes: an excerpt from section 67 of the MOA as follows;

“If the City is interested in a parcel that contains a habitable dwelling, the parcel must be subdivided so that the City only takes title to the portion of the parcel without the habitable dwelling. The subdivided parcel containing the dwelling must include an adequate area for a septic field, reserve area and well.”

As read by Mr Thayer. Mr. Brooks motioned to accept this resolution and send it on to the Town Board, Mrs. Ackerley seconded, all in favor. * Passed by majority vote of the Planning Board. August 13, 2009.