



Denning Town Board Meeting Agenda

January 2, 2008

CLOSE OUT MEETING FOR 2007 CALLED TO ORDER

Pledge of Allegiance.

Order of Business:

- ⇒ Resolution #51 (Fiscal Transfer- Audit)
- ⇒ Resolution # 52 (Fiscal Transfer- Planning)
- ⇒ Resolution # 53 (Fiscal Transfer- Highway)
- ⇒ Resolution #1-#22 (2008 Organizational Meeting)

Call ORGANIZATIONAL MEETING to Order

Organizational Meeting Resolutions.

Adjourn Organizational Meeting.

Call Regular Monthly Meeting to Order.

Reading of Last Month's Minutes.

CORRESPONDENCE.

COMMITTEE REPORTS:

- ⇒ Highway & Recycling – Supt. of Highways Daniel Van Saders.
- ⇒ Code Enforcement Officer.
- ⇒ Refuse & Recycling Planning.
- ⇒ Highway Equipment Planning.
- ⇒ Planning Board.

Order of Business:

SUPERVISOR COMMENTS

BOARD COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Next Meetings: Monthly Audit Meeting at the Denning Town Hall
7:00 PM Tuesday, January 8, 2008

Regular Monthly Meeting and Audit Meeting at the Denning Town Hall
7:00 PM Tuesday, February 12, 2008 (DUE TO THE PRESIDENTIAL PRIMARY)
The public may now correspond with the Town of Denning at www.Denning.us
The e-mail addresses are: TownHall@Denning.us and Highway@Denning.us

January 2, 2008 – Town Board Meeting

Resolution No. 51 of 2007 of the Town of Denning

WHEREAS The Town of Denning was required to have a single audit performed as a result of FEMA expenditures in 2006 in excess of \$500,000. And

WHEREAS the expense of conducting the audit was not budgeted, the appropriation for A1320.4, Independent Auditing must be increased by \$2,800.00 to be transferred from A1990.4 Contingency Account.

NOW THEREFORE BE IT RESOLVED that the Denning Town Board **HEREBY** authorizes the Town of Denning Supervisor to conduct SAID transfer.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Town Board Meeting

Resolution No. 52 of 2007 of the Town of Denning

WHEREAS the Town of Denning received a grant in the amount of \$15,000.00 for the purpose of updating its Master Plan and Zoning Laws,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to increase appropriations for A8020.4 Planning in the amount of \$15,000.00.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor

January 2, 2008 – Town Board Meeting

Resolution No. 53 of 2007 of the Town of Denning

WHEREAS New York State Highway Law section 285-A authorizes the Town board to transfer monies and unexpended balances, And

WHEREAS account DA5130.4 has been over expended and DA5110.1 was under expended the Town of Denning Town Board,

HEREBY authorizes the Town Supervisor to transfer \$15,000.00 from DA5110.1, Maintenance of Streets to DA5130.4 Machinery Contractual Expense.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 1 of 2008 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.

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Mike Dean, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 2 of 2008 of the Town of Denning

WHEREAS New York State Town Law sections 62 and 63 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 2008, 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 November by the following schedule:

Denning Town Hall in Claryville:

7:00 PM Tuesday January 2

7 :00 PM Tuesday February 12

7:00 PM Tuesday March 4

7:00 PM Tuesday May 6

7:00 PM Tuesday July 1

7:00 PM Tuesday September 2

7:00 PM Wednesday November 5

7:00 PM Tuesday December 2

(**DUE TO THE PRESIDENTIAL PRIMARY**)

Sundown Church Hall in Sundown

7:00 PM Tuesday April 1

7:00 PM Tuesday June 3

7:00 PM Tuesday August 5

7:00 PM Tuesday October 7

Further, **RESOLVED** that the regular bill auditing Town Board meeting will, throughout the year 2008, be held at 7:00 PM on the second Tuesday of each month, at the Denning Town Hall in Claryville.

January 8, February 12, March 11, April 8, May 13, June 10, July 8, August 12, September 9, October 14, November 11, December 9.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 3 of 2008 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, PO Box 232, Grahamsville, N.Y. 12740, is designated as the official newspaper of the Town of Denning,

Further, **RESOLVED** that the public notices may also be published in the Sullivan County Democrat and the Kingston Freeman.

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

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Mike Dean, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 4 of 2008 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, Neversink, N.Y. 12765, be the designated depository bank for the Town of Denning,

Motion to approve and adopt by Councilman Scott Mickelson and 2nd by Councilman Mike Dean, All in favor.

January 2, 2008 – Organizational Meeting

Resolution No. 5 of 2008 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 2008, the Town Board authorizes the Supervisor to pay claims, in advance of audit, the bills submitted by health insurance providers, telephone, electric, gas utility companies and post office box fees.

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Paul Schoonmaker, All in favor

January 2 2008 – Organizational Meeting

Resolution No. 6 of 2008 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 2008, the rate for financial reimbursement of personal vehicles use during the performance of official duties will be equal to 50.5 cents per mile.

Motion to adopt and approve by Councilman Kevin Smith, 2nd by Councilman Paul Schoonmaker, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 7 of 2008 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 2008, 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.

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.

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 8 of 2008 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 appointed as Attorney for the Town of Denning.

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 9 of 2008 of the Town of Denning

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

And **WHEREAS** Article 6 of the Zoning Law of the Town of Denning authorizes the Town Board to appoint a Building Inspector to enforce the provisions of the Zoning Law,

NOW THEREFORE, be it **RESOLVED** that Karl Von Hassel, 524 County Highway 3, Halcott Center, N.Y. 12430, be appointed as Building Inspector and Code Enforcement Officer for the Town of Denning, with an annual salary of \$6,000.00 to be drawn from Safety Inspection Personal Services. (General fund appropriations code A3620.1)

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 10 of 2008 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 \$7,500.00 to be drawn from Supervisor Personal Services. (general fund appropriations code **A1220.1**)

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 11 of 2008 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 Mike Dean, be appointed as Deputy Supervisor for the Town of Denning.

Motion to adopt and approve by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith, All in favor

Resolution No. 12 of 2008 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 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 be established for the Town of Denning, with an annual salary of \$1,500.00, to be drawn from Superintendent of Highways Personal Services. (general fund appropriations code **A5010.1**)

and, **FURTHER,** be it **RESOLVED** that Robert Totten be appointed to fill the position of Deputy Highway Superintendent for the Town of Denning.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Scott Mickelson, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 13 of 2008 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 Ann Monforte, 75 Woodfield Road, Grahamsville, NY 12740, serving as Denning Town Clerk, be appointed as Registrar of Vital Statistics with an annual salary of \$10.00, to be drawn from Town Clerk Personal Services.

(general fund appropriations code **A1410.1**)

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 14 of 2008 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** Public Officers Law section 10 and 25 require the taking of oath of office by all town officers,

NOW, THEREFORE, be it, **RESOLVED** that Jean Switzler, 5224 Red Hill Road, Claryville, NY 12725, be appointed as First Deputy Town Clerk of the Town of Denning, with an annual salary of \$2,375.00, to be drawn from Town Clerk Personal Services.

(general fund appropriations code **A1410.1**)

and **Further RESOLVED** that Carl Landon, of Red Hill Road, Claryville, NY be appointed second Deputy Clerk of the Town of Denning,

and **Further RESOLVED** that the First and Second Deputy to the Town Clerk be required to take and subscribe a constitutional oath of office to be filed with the Town Clerk.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 15 of 2008 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 a position of Clerk to Justice Court be established for the Town of Denning, with an annual salary of \$1,200.00, to be drawn from Justices Personal Services. And
(general fund appropriations code **A1110.1**)

FURTHER, be it **RESOLVED** that Linda Bruning be appointed to said position of Clerk to Justice Court.

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Mike Dean, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 16 of 2008 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 Jean Switzler, 5224 Red Hill Road, Claryville, NY 12725, be appointed as Records Management Technician for the Town of Denning.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008– Organizational Meeting

Resolution No. 17 of 2008 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 Jean Switzler, 5224 Red Hill Road, Claryville, NY 12725, be appointed as Historian for the Town of Denning, with an annual salary of \$200.00 to be drawn from Historian Personal Services. (general fund code A7510.0)

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 18 of 2008 of the Town of Denning

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

NOW, THEREFORE, be it **RESOLVED** that Archie Ackerly Jr., 26 Schultz Road, PO Box 47, Claryville, New York, 12765, be appointed as Dog Control Officer for the Town of Denning, with an annual salary of \$500.00, to be drawn from Control of Dogs Personal Services.

(general fund appropriations code **A3510.1**)

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 19 of 2008 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 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:

Board of Ethics (3 year term)

Charles Piera - expire 12/31/2010

Zoning Board of Appeal (5 year term)

Mark Boncek - expire 12/31/2012

Planning Board (7 year term)

Alden Thayer- Chairman - expire 12/31/2014

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Paul Schoonmaker, All in favor.

January 2, 2008 – Organizational Meeting

Review of remaining terms:

Planning Board (7 year term)

Bill Van Aken	- expire 12/31/2013
Alden Thayer - chairperson	- expire 12/31/2014
Stephen E. Bobik	- expire 12/31/2008
Carl Landon	- expire 12/31/2009
Paul Krickhahn	- expire 12/31/2010
David Brooks	- expire 12/31/2011
Mike Larison	- expire 12/31/2012

Zoning Board of Appeal (5 year term)

William Leudemann	- expire 12/31/2010
Frances Chiwiwi	- expire 12/31/2011
Mark Boncek	- expire 12/31/2012
Anthony Deserto	- expire 12/31/2008
Carl Landon	- expire 12/31/2009

Board of Ethics (3 year term)

Jean Switzler	- expire 12/31/2008
Janet Dymond	- expire 12/31/2009
Charles Piera	- expire 12/31/2010

Board of Assessment Review (October 1st to September 30th - 5 year term)

Russell Betters	- expire 10/01/2012
Philip Galfano	- expire 10/01/2008
Frank Comando	- expire 10/01/2009

January 2, 2008 – Organizational Meeting

Resolution No. 20 of 2008 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 2008:

Town Officers:

Supervisor	\$ 12,000.00
Councilpersons (4) each	1,500.00
Superintendent of Highways	37,600.00
Deputy Superintendent of Highways	1,500.00
Town Clerk	13,850.00
First Deputy Town Clerk	2,375.00
Second Deputy Town Clerk	00.00
Tax Collector	5,000.00
Town Justices (2) each	4,100.00
Clerk to Justice Court	1,200.00
Assessor	11,300.00
Code Enforcement/Building Inspector	6000.00
Bookkeeper	7,500.00
Records Management	00.00
Town Historian	200.00
Dog Control	500.00
Registrar of Vital Statistics	10.00
Recycling Manager	12.00 per hour
House Cleaning	\$1,200.00 Annually

Highway Employees:

Laborer	16.64 per hour
Heavy Equipment Operator Class B	17.21 per hour
Heavy Equipment Operator Class A	17.79 per hour
Foreman	18.35 per hour

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Scott Mickelson, All in favor

January 2, 2008 – Organizational Meeting

Resolution No. 21 of 2008 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,

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 \$335.00 to be drawn from Unallocated Insurance. (general fund appropriations code **A1910.1**)

Motion to adopt and approve by Councilman Kevin Smith, 2nd by Councilman Paul Schoonmaker, All in favor

**PROPOSED RESOLUTION No. 22 of 2008
TOWN OF DENNING**

Application for the Local Technical Assistance Program (LTAP) (A Grant Program) Managed by the Catskill Watershed Corporation (CWC)

WHEREAS, the Town Supervisor of the Town of Denning (the “Supervisor”) has received an information sheet and application form for the Local Technical Assistance Program (LTAP), managed by the Catskill Watershed Corporation (CWC); and

WHEREAS, under the LTAP, grants have become available to encourage development of community planning initiatives in the West-of-Hudson Watershed and improve the quality of life and enhance water supply protection through long-term land use, zoning, pollution prevention and open space controls; and

WHEREAS, a large portion of the Town of Denning lies within the Neversink and Rondout Basin Watersheds; updating new land use laws will improve quality of life and enhance water supply protection; and, according to enabling statutes, the purpose of establishing an Official Map is “the conservation and promotion of public health, safety, and the general welfare,” this project falls within the intent of the LTAP; and

WHEREAS, receipt of such funds could underwrite continued work implementing the Town of Denning Comprehensive Plan by assisting completion of the update of Denning’s Subdivision and Zoning Codes, and providing planning to produce an Official Map of the Town of Denning;

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

The Supervisor is hereby authorized to execute any and all documents as may be necessary for the Town of Denning to apply for CWC LTAP grant funds, receive such funds if awarded, and to administer such grant.

Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Paul Schoonmaker, All in favor.