

Town of Denning – Town Board Meeting

Held on Tuesday, March 4, 2008 at the Denning Town Hall.
Meeting called to order at 7:05 p.m. by Supervisor Bruning,

Present: Supervisor Bruning

Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith and
Scott Mickelson

Also present: Highway Superintendent Dan Van Sadlers

The Town Clerk gave the Board members the agenda, Resolution 54 thru 60 of 2007, and 2 master bid fact sheets for the materials bid opening.

The February meeting minutes were signed prior to the opening of the meeting.

Pledge of Allegiance

Reading of last month's minutes by Town Clerk Joy Ann Monforte.

Clarification by Highway Superintendent Dan Van Sadlers, the warranty is for the 2008 truck, currently in the fleet.

Motion to adopt as read and amended by Councilman Mike Dean, 2nd by Councilman Scott Mickelson, All in favor. Motion carried by a 5 to 0 vote.

Correspondence read by Supervisor Bruning

Letter to the Town Clerk from the City of Kingston inviting an official from the Town to attend a prevailing wage seminar.

Letter from the New York State Comptroller stating the Town's share of court fines is \$170.00 out of \$1,655 received.

Ulster County Housing consortium final draft available for review.

Letter from the office of Real Property Service; the Town Residential Assessment Ratio is 11.67%.

Highway Report by Superintendent Dan Van Sadlers

3 storms, 21" of snow.

Road maintenance report given.

2008 4-wheel drive has been repaired.

Met with the DEP in Sundown, they are interested in making it a model project. Highway Superintendent Van Sadlers has informed them the Town is on a deadline and has 2 jobs ready to go out for bid. The DEP said it may have "enhanced program monies."

Supervisor Bruning remarks he had a conference call with the DEP and Neversink Supervisor Greg Goldstein at which they gave a 2010 study date.

The new roller has been ordered total cost is \$17,500 including the trailer with a 2 to 3 week delivery date.

Code Enforcement Report by Supervisor Bruning

Supervisor Bruning went with Code Enforcement Officer Von Hassel to inspect a collapsed building on Denning Road, a notice has been sent to the owner.

Councilman Mike Dean asks if a notice was sent to Bill Leudemann.

Supervisor Bruning responded yes; presently Bill is dealing with insurance issues.

Further stating that Karl has been kept very busy at the YMCA they have a lot going on up there.

Refuse & Recycling Report by Supervisor Bruning
Ed is having trouble with the power to his shed.
Councilman Paul Schoonmaker inquires as to the problem
Supervisor Bruning responds there is a short, the breaker keeps tripping.

Highway Equipment Report
Supervisor Bruning ask if the truck has been ordered.
Superintendent Van Saders responds yes.

Planning Board - No Report

Highway Material Bids opened and read by the Town Clerk
(See Addendum to the minutes).
-9 Bids received from E. Tetz & Sons, Bruce G. Donohue, Woodbourne
Lawn & Garden, Mombaccus Excavating, Crystal Falls Farm, C.K. and
K. Trucking, Werlau Enterprise, Callanan Industries and Horn Beck
Trucking.
Bids referred to Highway Superintendent Van Saders for review.

Resolution# 54 of 2007 read by Supervisor Bruning (Highway Fiscal
Transfer)
Motion to approve and adopt by Councilman Mike Dean, 2nd by
Councilman Kevin Smith, All in favor.

Resolution# 55 of 2007 read by Supervisor Bruning (Highway Fiscal
Transfer)
Motion to approve and adopt by Councilman Paul Schoonmaker, 2nd by
Councilman Kevin Smith, All in favor. Motion carried by a 5 to 0 vote.

Resolution# 56 of 2007 read by Supervisor Bruning (CHIPS)
Motion to approve and adopt by Councilman Scott Mickelson, 2nd by
Councilman Paul Schoonmaker, All in favor. Motion carried by a 5 to 0
vote.

Resolution# 57 of 2007 read by Supervisor Bruning (Fiscal Transfer)
Motion to approve and adopt by Councilman Scott Mickelson, 2nd by
Councilman Kevin Smith, All in favor. Motion carried by a 5 to 0 vote.

Resolution# 58 of 2007 read by Supervisor Bruning (Court Fiscal
Transfer)
Motion to approve and adopt by Councilman Scott Mickelson, 2nd by
Councilman Kevin Smith, All in favor. Motion carried by a 5 to 0 vote.

Resolution# 59 of 2007 read by Supervisor Bruning (Elections Fiscal
Transfer)
Motion to approve and adopt by Councilman Mike Dean, 2nd by
Councilman Paul Schoonmaker, All in favor. Motion carried by a 5 to 0
vote.

Resolution# 60 of 2007 read by Supervisor Bruning (Insurance Fiscal
Transfer)
Motion to approve and adopt by Councilman Paul Schoonmaker, 2nd by
Councilman Scott Mickelson, All in favor. Motion carried by a 5 to 0
vote.

Councilman Paul Schoonmaker asks if these fiscal transfers are to
straighten out last years budget.

Supervisor Bruning responds yes and then continues the Budget Summary Report:

\$46,038.62 general – under budget for the entire year.

Unappropriated general balance is \$233,690.36

Capital Reserves\$317,257.85

Highway over budget due to snow removal and machinery but after FEMA the Unappropriated fund balance is \$481,725.51

Highway equipment reserve is \$47,687.30.

After all of the figures are done he will give the Board a copy.

4.4% interest is down to 2.7% interest this week. CD's are 2.6%.

Money recouped from the State for the fire districts is \$102,285.84 in Claryville and \$3,694.66 in Sundown, State total is \$105,980.

Town insurance proposal from Mike Pries Insurance given to Board members by Supervisor Bruning. He has increased the coverage on Town Hall and added the new truck. Even with 2 claims there has been a 4% reduction in premiums for a 2008 total of \$18,360.30.

Supervisor Comments:

Mileage- he explained the Town would pay excess mileage. Patricia Matero said she spoke with Greg Smith of the Association of Towns, when Supervisor Bruning spoke with him, he said he totally misunderstood her. He also spoke with Jim Cole of the Association of Towns who said it would be a gift of public funds. Bottom line we are not going to pay her to go to work.

Councilman Paul Schoonmaker says you said you spoke with 3 people – you named 2.

Bill Bruning I didn't get his name he was with the legal department but basically what he said is it is up to the Town. Law states if you don't pay mileage then you must provide a car. He said you should have a resolution.

Councilman Mike Dean-we shouldn't pay if we don't have to.

Councilman Kevin Smith asks Bill if he has something in writing?

Supervisor Bruning responds no I don't have to I am following the law.

Councilman Paul Schoonmaker remarks it seems fair. To pay excess mileage.

Supervisor Bruning states he will call her tomorrow, she needs to redo her voucher. We paid the one so she owes us money. What I also might do is require the Tax Collector to collect at the Town Hall.

The Town Clerk remarks that won't work.

Town Board comments.

Councilman Mike Dean informs the Board he has called Ross Electric to give them the go ahead in the spring, installing the generator.

Councilman Paul Schoonmaker called the senior planner for Hudson Valley Greenway giving an overview of the requested resolution.

Further stating he feels that this is a controversial issue with Board members and the Town has not gotten anything out of it. The Town can get out of the Greenway at any time with a resolution. The Town could be a member until 2011.

Supervisor Bruning comments we have not gotten anything out of this.

Councilman Paul Schoonmaker remarks no they haven't, he had thought they could help with a park or with the store.

Councilman Mike Dean - we could stay in until 2011.

Councilman Scott Mickelson – it hasn't done anything for us.

Councilman Kevin Smith- no they haven't done anything to change my mind.

Town Board votes to go for the 2009 option, vote is 5 to 0, motion carried.

Councilman Paul Schoonmaker ask if anyone had seen the letter from James Tesidico pertaining to the New York State Property Payer Protection Act.

Read by Supervisor Bruning it places a spending cap at 4%.

Board tables' issue for now, Supervisor Bruning will take the letter to the Ulster County Supervisor's Association meeting.

Councilman Kevin Smith - at the Advisory Committee meeting last night, driveway regulations where discussed. Highway Superintendent Van Sadars has given him the proposed driveway regulations. Next meeting is April 7th and the public hearing will be April 12th at 9 a.m. at the Claryville Fire Hall.

Board Comments: See Above

Public comments:

Mrs. Charlotte Brooks – I guess you know why I am here.

Supervisor Bruning- Paul said to pay by voucher, which I do not have.

Councilman Paul Schoonmaker I said as a contractor.

Councilman Kevin Smith- we can put this issue to rest.

Mr. Clayton Brooks – this way there is no misunderstanding.

Supervisor Bruning – no, but I don't agree with it. I feel it is a gift of public monies. From now on anybody else - the hour they leave here they are off the health insurance & the payroll. I am going to say this one more time I would pay your health insurance until the end of October if you trained Patricia Matero.

Mrs. Charlotte Brooks – asks the Town Clerk to read the end of last months' minutes.

Read by Clerk.

Brief discussion follows.

Tax Collector Patricia Matero presented Supervisor Bruning with the 2 checks for February tax monies collected, \$29,000.00 and \$336.46 in penalties prior to the meeting.

Motion to adjourn at 9:01 p.m. by Councilman Kevin Smith, 2nd by Councilman Paul Schoonmaker. All in favor. Motion carried by a 5 to 0 vote.

Respectfully by Joy Ann Monforte, Town Clerk

*****PLEASE NOTE RESOLUTION # 24 OF 2008 *****

(MARCH 12, 2008 AUDIT MEETING)

RESCINDING APPROVAL OF THE APPROVED MINUTES AS PUT FORTH BY SUPERVISOR BRUNING.

Town of Denning – Town Audit Meeting

Held on Tuesday, March 11, 2008, at the Denning Town Hall.

Called to order at 7:04 p.m. by Supervisor Bruning

Minute book signed before the start of the meeting.

Town Clerk gives the Board Resolution #24.

*****PLEASE NOTE RESOLUTION # 24 OF 2008 *****

(MARCH 12, 2008 AUDIT MEETING)

RESCINDING APPROVAL OF THE APPROVED MINUTES AS PUT FORTH BY SUPERVISOR BRUNING.

Present: Supervisor Bill Bruning

Councilmen: Mike Dean, Paul Schoonmaker, and Kevin Smith.

Councilman Scott Mickelson -late

Also Present: Highway Superintendent Dan Van Saders

Supervisor Bruning reads the end of the Februarys' minutes, he states " I did not say that". Further stating he called the Association of Towns explaining the reading and approval of the minutes, he says they told him to put a resolution to the Board for approval to rescind the minutes so they could be corrected.

- ❖ Councilman Kevin Smith states you did say that.
- ❖ Bill Bruning – no I didn't I wouldn't call Cindy before a meeting there wasn't any check.
- ❖ Councilman Kevin Smith that is what you said, I remember you said that.
- ❖ Supervisor Bruning asks Councilman Mike Dean if he remembers.
- ❖ Councilman Mike Dean- no I don't but apparently Kevin does.
- ❖ Town Clerk raises her hand and states Bill you did and further I did you a favor and didn't put the entire remarks in, I didn't want to inflame the situation further. You made the comment "I didn't say when or how much. "
- ❖ Discussion follows, including comments from the audience.
- ❖ Mrs. Charlotte Brooks – it's not right just because Bill doesn't like it.
- ❖ Mr. Frank Matero – if you take the minutes back is Charlotte going to be paid?
- ❖ Bill Bruning this doesn't have anything to do with that.
- ❖ Councilman Kevin Smith states, "for the record, those are accurate minutes."
- ❖ Bill Bruning – I didn't say that, "when would I have spoken with Cindy, I want it taken out.
- ❖ Councilman Paul Schoonmaker – we have to make a motion to have it taken out?
- ❖ Bill Bruning – no we don't, now I need a motion to approve the minutes as amended.

Motion to approve and adopt the corrected minutes as insisted by Supervisor Bruning by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker. Vote is not unanimous a 2 to 1 vote.

Mileage discussion opened by Supervisor Bruning regarding Tax Collector Patricia Matero.

- ❑ Tax Collector Patricia Matero states she feels she is entitled to mileage, she is using her personal vehicle to transports Town business as the bank and post office are closed when she goes

by. She reads an excerpt from a printed e mail from the Comptrollers Office.

- ❑ Bill Bruning - I understand any additional mileage on your vehicle should be paid for.
- ❑ Mr. Frank Matero – the Town is getting a free ride, which is not fair. She is not a Good Samaritan. You send her a mileage check, you approved her voucher and now you want her to send the money back.
- ❑ Tax Collector Patricia Matero polls the Board.
- ❑ Councilman Mike Dean I agree with what Bill said.
- ❑ Councilman Kevin Smith – I understand what you are saying. If you quit your job or changed it you would be entitled.
- ❑ Councilman Scott Mickelson – the way I understand it the law is over and above your work.
- ❑ Tax Collector Patricia Matero - I have it in writing, and have spoken with other supervisors who said I would be entitled.
- ❑ Councilman Kevin Smith – that’s why I asked if Bill had anything in writing. We need a medium.
- ❑ Supervisor Bruning – I don’t understand why you are saying you fell like you are being penalized. The purpose of mileage is to reimburse costs.
- ❑ Resident Frank Matero – she is paid to do a job, if she lived in Frost Valley, you would pay mileage.
- ❑ Charlotte Brooks suggests a split trip, paying 1 way.
- ❑ Frank Matero this is contingent upon your job being there.
- ❑ The Town Board and Supervisor agree to Charlotte’s suggestion.

Highway Vouchers presented (see warrant # 3 voucher # 41-79)
Motion to approve and pay highway vouchers by Councilman Mike Dean, 2nd by Councilman Scott Mickelson. All in favor. Motion carried by a 5 to 0 vote.

General Vouchers presented (see warrant # 3 voucher #48- 77)
▪ Supervisor Bruning further continues discussion on voucher #49 of warrant/abstract #3 - which was held to the end.
▪ Charlotte Brooks responds.

Motion to approve and pay general vouchers by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith. All in favor. Motion carried by a 5 to 0 vote.

Councilman Mike Dean informs the Board of damage done to Deputy Highway Superintendents Totten `s personal vehicle during the past storm. Deputy Highway Superintendents Totten `s truck was damaged when a rock hit it while he was checking a slide on Raymond George Road. The Councilman asked if his truck is covered by NYMIR?

- Supervisor Bruning will check with Dave Bodenstein on Thursday, there may be a deductible.
- Councilman mike dean says he told him to come up with an estimate.

Resident Frank Matero asks about fuel for the Town trucks.
- Discussion follows on jelling and additives.

Motion to adjourn at 8:38 p.m. by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker. All in favor. Motion carried by a 5 to 0 vote.

Respectfully by Joy Ann Monforte, Town Clerk