

Town of Denning – Town Board Meeting

Meeting called to order at 7:04 p.m. by Supervisor Bruning,
Held on Tuesday, August 5, 2008 at the Sundown Church Hall.

Present: Supervisor Bruning

Councilmen: Mike Dean, Kevin Smith and Paul Schoonmaker.

ABSENT: Scott Mickelson.

Also present: Highway Superintendent Dan Van Sadlers

The Town Clerk gave the Board members the agenda, copy of
Resolution #36 and the councilmen's mail.

Pledge of Allegiance

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

Motion to adopt as read by Councilman Mike Dean, 2nd by Councilman
Paul Schoonmaker, All in favor. Motion carried by a 4 to 0 vote.

Correspondence read by Supervisor Bruning

- Letter from the Catskill Watershed Corp. increasing to \$30,000 from \$20,000 the amounts of monies the Town is eligible for to review NYC DEP land purchases. Resolution is included, after discussion the resolution will be presented at next week's meeting.
- Letter from James Hanson an aide to Governor Paterson regarding NY Property Tax Cap and school tax legislation.
- A packet from the NYS Attorney General's Office with information and a request to legislate outdoor wood burning furnaces. After discussion the Board declines the option.
- Letter from the unified court system – towns do not have to hire an auditor. Having received a checklist Councilmen Dean and Schoonmaker will audit the court books with accountant Lisa Cutten.
- Memo from UC Board of Elections; District # 2 Sundown has been closed and moved to District # 1 in Claryville. Supervisor Bruning asked Ed Mues to open the transfer station that day to save people a trip.
- Resident Frank Comando states the Democratic Chairman John Parete has said he will consider having Sundown vote at the school using their machines to save them the drive.
- Open Discussion follows.
- Supervisor Bruning will discuss a bus from Sundown on election day with legislator Brian Shapiro. Asks if there is any interest in a bus from Sundown and Claryville to Ellenville. Brief discussion follows.
- Resident Jackie Totten asks about the town road from Sundown to Claryville, commenting that we can join our town and not leave the county to get to the other side. Asks about the road from Balace Bridge over the mountain.
- Discussion follows.
- Supervisor Bruning remarks " let's move on."

Highway Report by Superintendent Dan Van Sadlers

- Finished ditch cleaning on Kawlija, New Road, sections of Red Hill and Rudolph Roads.
- Patched spots on Red Hill and Peekamoose Roads.
- Roller was picked up after many weeks of repair.

- 2008 truck towed to Arkel Motors and is now back, problem with the electrical system.
- White Ford truck at Aero Trucking to correct a steering binding problem under load.
- Mowing has been started: Sundown and Red Hill loops including Sugarloaf Roads.
- Chip sealing scheduled to begin on Monday for Denning Road.
- FEMA road shoulder restoration project began on Friday August 1st.
- Second FEMA project ready to go out to bid.
- Meet with Jim Brady to discuss the issues discussed at last months meeting. Rob Totten came up the idea of a catch basin. It is working and Mr. Brady is satisfied. He said to forget about the lilacs.
- Discussion on FEMA project behind Davies.
- Superintendent Van Saders will inspect the site.
- Central Hudson has approached the Town in regards to a joint effort to trim trees on Sugarloaf. Superintendent Van Saders will pursue the project.

Code Enforcement- Supervisor Bruning

- States he has spoken with Karl Von Hassel about the camping trailers, we do not have a law against campers. However it may be a health department issue due to water and septic.

Refuse & Recycling Report by Supervisor Bruning

- Record garbage bill this month.

Highway Equipment Report by Superintendent Van Saders

- Ulster County will help with the chip sealing on Monday if we are down a truck.
- The loader is getting older the Town may want to consider planning for a replacement; the loader is on the schedule list.

Planning Board – No Report

Resolution # 36 read by Supervisor Bruning (Texting While Driving)

Town of Denning

Town Board Meeting

August 5, 2008

Resolution # 36 of 2008

In Support of NYS Assembly Bill No. A07299B and NYS Senate Bill No. S03195C to Prohibit Text Messaging While Operating a Motor Vehicle.

The Laws and Rules Committee (Chairman Bischoff and Legislators Decker, Rodriguez, Shapiro, Cummings, Maloney and Roberts) offers the following:

WHEREAS, Section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion, and

WHEREAS, there have been instances throughout the State of New York where operators of motor vehicles are text messaging while driving, and

WHEREAS, the Ulster County Legislature feels that the New York State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving, and

WHEREAS, bills have been proposed in the State Assembly (Bill No. A07299B) and the Senate (Bill No. S03195C) to prohibit operators of motor vehicles from using a mobile telephone for writing, sending or reading a text message while such vehicle is in motion, and

WHEREAS, the Ulster County Legislature supports NYS Assembly Bill No. A07299B and NYS Senate Bill No. S03195C and feels that this proposed legislation is desirable to avoid further accidents.

RESOLVED, the Ulster County Legislature hereby memorializes the NYS Assembly, the NYS Senate and the NYS Governor to enact legislation to prohibit text messaging while operating a motor vehicle, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor David Paterson, New York State Comptroller's Office, Senate Majority Leader Dean G. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader [Ron Canestrari](#), Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Thomas Kirwan and the New York State Association of Counties, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to the Charlie Markel, Councilmember, Town of Cheektowaga, and the Town Clerk of towns in Ulster County requesting them to support this resolution, and approve its adoption.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried by a 4 to 0 vote.

Supervisor Comments:

- Generator has been installed at the town hall.
- Stream project update with the Town of Neversink and the DEP. Sent a copy of the contract to the Attorney for the Town and he had several comments. The DEP can cancel the contract at any time with 30 days written notice, he felt that since the Towns would be hiring staff and leasing a vehicle they should have the same 30-day option included in those contracts. The attorney feels the DEP should accept more responsibility. Supervisor Bruning now thinks that the Supervisor Goldstein is pulling back from the project. Supervisor Bruning will contact him and discuss the situation.
- Received a call from Legislator Don Gregorious regarding a call he received from a resident about Yeagerville Road. Supervisor Bruning informed him he had already spoken with Road Commissioner Sheeley about the condition of the road.

Councilman Comments:

- Councilman Mike Dean informs the residents of a meeting with Ulster County attended by the supervisor, highway superintendent and himself regarding the Town tasking over winter maintenance of county roads in our Town.
- Open discussion follows.
- Supervisor Bruning states we had a lot of questions and concerns; the county has not gotten back to us.

- Resident Tony Carminati asks why it can't be contracted out?
- Answer it is not legal.
- Resident Jackie Totten states our taxes will go up. Several years ago the town had a situation where the county damaged a town road and had to pay \$38,000.
- Supervisor Bruning injects it was over \$40,000.
- Resident Totten continues they will come after us for money if we damage a road. If the money runs out the town taxpayer will have to pick up the cost. You were elected to take care of the taxpayers and taxpayer money.
- Supervisor Bruning says you are exactly right. Continues with discussion bringing up maintenance of the county building in Sundown.

Public Comments:

- Resident George Elias informs the Board and residents of the meeting and plans to save Denning's history. Scanning will be done on August 21st at the Neversink Town Hall between 9 and noon. The material will be returned that day. He asks all residents to bring their material. The next step will be taking oral histories.
- Supervisor Bruning tells every one of residents Scott Paul's pictures of the # 1 schoolhouse on Red Hill with a war bond banner from WWI.
- Resident Jackie Totten states that if the Town takes over county roads the men hired should be residents from the Town and if no one is hired it should be advertised. She further asks if the county can abandon a road.
- Supervisor Bruning says first he agrees with her about the hiring and no he doesn't think so - you can only abandon a road by disuse.
- Resident Bill Van Aken brings up Peekamoose Road being a county road.
- Supervisor Bruning responds he has read correspondence going back to 1975.
- Resident Van Aken then remarks the FEMA road shoulder restoration project should go another 400 feet up to avoid future problems and flood his field. He continues with comments his survey map.
- Superintendent Van Sadlers responds that he can only do the work approved by FEMA.
- Resident Van Aken requests that his comments be put in the minutes; a 400- foot extension on the project would safeguard the future.
- Resident Linda Comando raises the issue of the stop signs on Greenville and Peekamoose/ Sundown Roads. She inquires who did that?
- Supervisor Bruning responds the county did. After the last meeting I called Kingston about the safety issue.
- Open discussion follows.
- Supervisor Bruning remarks someone said we should tear it up.
- Resident Jackie Totten comments it should be made into a perfect T with a guide-rail.
- Resident Catherine Parr feels that Bill Van Aken is being tuned out and suggests a small meeting between the resident, road commissioner and supervisor.
- Supervisor Bruning remarks he spoke over me. The restoration project is to help people get out if they need to. It is possible it

may wash out further up yes, maybe it will. I am not arguing with that. We are doing the project that FEMA has financed.

- Resident Catherine Parr asks if this project will affect Mr. Van Aken' property.
- Supervisor Bruning responds that not even the engineer can see how this project will affect his property.
- Resident Van Aken brings up his project map.
- Superintendent Van Sadlers remarks he has told Bill the project was extended and the jog taken out.

The minute book was signed at the close of the meeting.

Motion to adjourn at 8:29 p.m. by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried by a 4 to 0 vote.

Respectfully Submitted by Joy Ann Monforte, Town Clerk

Town of Denning – Town Audit Meeting

Held on Tuesday, August 12, 2008, at the Denning Town Hall.

Called to order at 7:07 p.m. by Supervisor Bruning.

The Town Clerk was arrived late. She gave the Board resolution # 37 and a cover letter with pamphlet from the Coalition of Watershed Towns regarding the work they have done and the
The minute book was signed prior to the meeting being called to order.

Present: Supervisor Bill Bruning

Councilmen: Paul Schoonmaker, Kevin Smith.

Absent: Councilmen Mike Dean and Scott Mickelson.

Also Present: Highway Superintendent Dan Van Saders

Bids for the 1996 Ford truck opened, 4 bids where received:

- 1) Mr. Morton Delozier \$950.00
- 2) Zanetti's Service Center \$960.00
- 3) P. D. Smith Enterprises \$1553.00
- 4) Mr. Ed Bailey \$100.00

The Town Board reviews the bids and accept the bid from P. D. Smith Enterprises.

Highway Vouchers presented (see warrant # 8)

Motion to approve and pay highway vouchers by Councilman Kevin Smith, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried by a 3 to 0 vote. Absent: Councilmen Mike Dean and Scott Mickelson.

General Vouchers presented, (see warrant # 8)

Motion to approve and pay general vouchers by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith, All in favor. Motion carried by a 3 to 0 vote. Absent: Councilmen Mike Dean and Scott Mickelson.

The Supervisor presents the Board members with the Budget vs. Actual until August.

Town of Denning

Town Audit Meeting

August 12, 2008

Resolution # 37 of 2008

Titled: AUTHORIZATION FOR EXECUTION OF CHANGE ORDER TO LOCAL CONSULTATION ON LAND ACQUISITION CONTRACT WITH THE CATSKILL WATERSHED CORPORATION

WHEREAS, the Town of Denning is a signatory to the 1997 New York City Watershed Memorandum of Agreement (watershed MOA); and

WHEREAS, under paragraph 148 of the Watershed MOA, the Catskill Watershed Corporation (CWC) administers the Local Consultation on Land Acquisition Program which provides reimbursement costs actually incurred by a Town or Village to review, assess, and comment on submissions provided by the New York City Department of Environmental Protection (NYCDEP) regarding lands or conservation easements in the Town or

Village which NYCDEP seeks to acquire under its land acquisition program, and

WHEREAS, the Town of Denning previously executed an agreement with the CWC to provide for reimbursement of eligible costs under the Local Consultation on Land Acquisition Program; and

WHEREAS, pursuant to the 2008 Filtration Avoidance Determination, the maximum amount of reimbursement under the Local Consultation on Land Acquisition for eligible costs was increased up to \$30,000 for each Watershed Town and Village, and

WHEREAS, the Town of Denning has reviewed the proposed order to the Local Consultation on Land Acquisition Contract between the Town and the CWC increasing the total amount of funding to \$30,000.

NOW THEREFORE BE IT RESOLVED the Denning Town Board HEREBY authorizes the Supervisor to execute the Change Order to Local Consultation on Land Acquisition Program contracted with CWC and to submit invoices to CWC from time to time as the Town incurs expenses which may be eligible for reimbursement under the contract.

Motion to adopt and approve by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith. Absent Councilman Mike Dean and Scott Mickelson. All in favor. Motion carried by a 3 to 0 vote.

Discussion opened by Highway Superintendent Dan Van Sadlers for the enclosing of the breezeway garage doors.

Motion to adjourn at 8:15 p.m. by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith, All in favor.

Respectfully Submitted by Joy Ann Monforte, Town Clerk