

Town of Denning – Town Board Meeting

Meeting called to order at 7:02 p.m. by Supervisor Bruning,
Held on Wednesday, November 5, 2008 at the Denning Town Hall.

Present: Supervisor Bruning

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

Also present: Highway Superintendent Dan Van Saders

The Town Clerk gave the Board members the agenda, resolutions # 42 and 43, the 2008 Preliminary Budget, the Procurement Policy for review and the Watershed pamphlet the "Advocate". The Board, prior to the meeting being called to order, signed the minute book.

The Pledge of Allegiance

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

- Correction by Councilman Mike Dean- the Horseshoe Gun Club is on Wild Meadow Road not Willowemoc.

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

The Public Hearing on the proposed Timber Harvesting Law is opened at 7:10 p.m.

- Supervisor Bruning begins reading the proposed law. He comments on the equivalent damage done by logging trucks under and above the board footage in the law.
- In regards to page 2 section 3 D resident Jackie Totten asks what the procedure is now? Further commenting that the Town has bought 2 pick up trucks and that the Highway Superintendent should know what is going on- what the condition is of Town roads at all times as stated in New York State law.
- Supervisor Bruning responds possibly yes he should.
- Councilman Mike Dean comments on the current law limits vs. the proposed new law limits.
- Supervisor
- Bruning there are 2 sentences in here protecting our Town infrastructure.
- Councilman Mike Dean that was the purpose.
- Open discussion follows.
- Supervisor Bruning comments that this law protects the trees and streams more than our infra-structure.
- Resident Paul Nasierowski follows up on that comment and asks about the Town Clerk knowing dates.
- Discussion on page 3 section 4 information for hand out by the Town Clerk.
- Supervisor Bruning section 5 of page 3 who is going to measure?
- Resident Jackie Totten remarks that taxes are already paid on the wood and permit fees have a way of being increased. She strongly feels that we are hurting the future of our children. The DEC and the rangers are out there overseeing everything. States" you're making it very hard for our children."
- Resident Paul Nasierowski comments he would rather see selective replanting of hard woods in the law. There are State programs to help with the costs.

- Resident Jackie Totten that information should be out there for the public.
- Supervisor Bruning page 3 section 6 # 7 is workman's comp a requirement of the Town? What if a person does not want to sign a consent form? Does that mean they don't get a permit? Our Code Enforcement Officer has to have written consent but that is to the resident's advantage, inquires as to the advantage here. Further commenting he hates to see government get in peoples backyards.
- Resident Jackie Totten believes it should be between the owner and the logger.
- Supervisor Bruning agrees with her commenting he is looking at this law as a property owner.
- David Brooks comments he feels that this law is less restrictive then the current one.
- Resident Jackie Totten feels that if someone does not like what is being done with a property then they should have bought it.
- Dan Van Sadlers asks if the forester has to be insured and asks if \$125.00 is enough to cover the fee?
- Supervisor Bruning refers page 4 section 6 C- he questions what is a "good faith effort". Page 4 section 7 the title is guidelines but E states it is required; F is an oversight under the guideline title.
- Councilman Mike Dean suggests getting rid of both laws stating that the new notification form is all that is really needed.
- David Brooks remarks that the law is no good without a forester.
- He asks Councilman Mike Dean if liability insurance would cover Town roads? Response yes.
- Councilman Scott Mickelson recommends the Town consult the Attorney for the Town.
- Supervisor Bruning comments that he told Alden (planning board chair) most people are concerned with the trees, the hills and the valleys but is it something you can govern?
- David Brooks my concern was that anyone could cut firewood.
- Supervisor Bruning the Town infra-structure is our concern. The DEC can write tickets, we can't. We have to protect the Town financially.
- Discussion follows.

Supervisor Bruning calls the Public Hearing to a close at 8:32 p.m.

Correspondence read by Supervisor Bruning

- NYNMIR inspection letter.
- Charge back from HAVA has been decreased after urging by the U.C. Supervisors Association to \$789,897.00.
- NYMIR rate decrease.
- A letter from the NYS Comptroller regarding the NYS Retirement System.

Highway Report by Superintendent Dan Van Sadlers

- Raked, rolled and made run offs on roads.
- Truck repair, maintenance and warranty work done to fleet.
- Closing in of breezeway and the fuel tanks.
- Branches and limbs down due to snow storm.
- Wash-out on Denning Road.
- Emergency FEMA repair work on the S turn on Sugarloaf Road will not make it thru the winter without.

- Septic system has been pumped out again; the top is in danger of collapsing. Dave is doing the repairs.
- Supervisor Bruning we have a real problem in that the tank is on Joan Smalls' property. Discussion follows.
- Councilman Paul Schoonmaker asks if there is an easement with drainage rights?
- The Town Clerk is instructed to locate the deed for the highway dept.

Code Enforcement Report- No Report

Refuse & Recycling Report- No Report

Highway Equipment Planning Report - No Report

Planning Board Report by member David Brooks

- Final plat for a sub division was signed and the Chairman should have sent it to Kingston for comment.
- Alden also wants to do alternative energy requirements such as wood burning outdoor furnaces.
- The Town Board informs him that they chose not to look into a law for outdoor boilers.

Resolution # 42 read by Supervisor Bruning ("Cold War Exemptions")

WHEREAS Town of Denning Town Board has been elected to provide for the well being of the Town of Denning Residents and

WHEREAS the County of Ulster has passed a law pertaining to the "Cold War Veterans" and

WHEREAS Section 458-b of the New York State Real Property Tax Law authorizes municipalities to establish maximum exemption amounts.

FURTHER, BE IT KNOWN THAT Section 458-b of the Real Property Tax Law authorizes a limited exemption from real property taxes for residential real property owned by veterans who rendered service to the United States during the "Cold War."

NOW THEREFORE BE IT REOLVED that the Town of Denning Town Board

HEREBY introduces A Local Law to Provide For An Exemption From Real Property Taxes For Real Property Owned By Veterans Who Rendered Military Service To The United States During The "Cold War."

TO BE ENACTED by the Town of Denning Town Board, following a PUBLIC HEARING the date of which date will be set at the Town Board following passage and consideration of this Resolution.

Motion to approve and adopt by Councilman Mike Dean, 2nd by Councilman Kevin Smith. Motion carried by a 5 to 0 vote.

Resolution No. 43 of 2008

WHEREAS the City of New York Department of Environmental Protection has decided to open properties owned by them to the public- Public Access Areas (PAA), And

WHEREAS the Town of Denning does not wish to open PID 3010, 3015, and 3079 as a Public Access Area and that PID 1180 and 1181 should remain open as a hiking area only as requested by the Town Residents.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Denning

HEREBY requests the City of New York Department of Environmental Protection designate PID's 3010, 3015, and 3079 as closed to Public Access and PID's 1180 and 1181 be opened to the public for hiking only.

Motion to approve and adopt by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith. Motion carried by a 5 to 0 vote.

Review of the Town's Procurement Policy.

Motion to approve and adopt Councilman Scott Mickelson, 2nd by Councilman Mike Dean, all in favor. Motion carried by a 5 to 0 vote.

Supervisor Comments: None

Board and Public Comments:

- Councilman Paul Schoonmaker: the tree falling on the shoulder of Denning Road making for a dangerous situation. He thanks Highway Superintendent Dan Van Sadlers for a job well done by Rob Totten.
- Councilman Scott Mickelson; the County has done work on Yeagerville Road and it is better.
- Resident Paul Nasierowski asks for an update on stop signs.
- Supervisor Bruning says he does not know, Jackie got us a copy of the Sundown Church Hall deed but you can't read it.
- Discussion follows.
- Resident Paul Nasierowski asks if there is a stop sign on Brooks Hill Road.
- Resident Jackie Totten says that highway law 189 says that if the Town or County maintains a road then they can take the road over. Inquires if that will be a problem?
- Supervisor Bruning responds no he does not think so.
- Resident Paul Nasierowski asks Dan if there are dead trees leaning across a road with the possibility of coming down on power lines will the power company cut them.
- Response by Highway Superintendent Van Sadlers: you need a permit on State land and he had a conversation with Central Hudson Today about a joint effort on Peekamoose Road.

Motion to adjourn at 9:17 p.m. by Councilman Scott Mickelson, 2nd by Councilman Paul Schoonmaker, All in favor.

Respectfully Submitted by Joy Ann Monforte, Town Clerk