

Town of Denning – Town Board Meeting

Meeting called to order at 7:01 p.m. by Supervisor Bruning,
Held on Tuesday, July 7, 2009 at the Denning Town Hall.

Present: Supervisor Bruning

Councilmen: Mike Dean, Paul Schoonmaker and Kevin Smith.

And Councilman Scott Mickelson

Also present: Highway Superintendent Dan Van Sadlers

The Town Clerk gave the Board members their copy of the agenda,
resolution # 35. The minute book was signed prior to the opening of
the meeting.

Pledge of Allegiance

Reading of last months minutes by Town Clerk Joy Ann Monforte.
Motion to adopt and approve as read by Councilman Mike Dean 2nd by
Councilman Scott Michelson. All in favor. Motion carried by a 4 to 0
vote.

Correspondence read by Supervisor Bruning

- A letter from Senator Bonacic regarding the response to the
resolution to keep the community work crews available. The
response is not positive, however a crew will work out of Eastern
and Sullivan prisons.
- MVP informing the Town that it will not be proceeding with the
mid year rate increase.
- NYCDEP is purchasing land on Greenville Road.

Highway Report by Superintendent Dan Van Sadlers

- ❖ Cold patch on Whitehouse Road.
- ❖ Grading of Dinch, Red Hill and Rudolph Roads.
- ❖ Millings put down on Red Hill.
- ❖ Ditch cleaned Round Pond and Wildcat Roads.
- ❖ Siding on the highway barn addition.
- ❖ The permit has been received for the Peekamoose Stream
project with a tentative start date at the end of July.
- ❖ Mowing has started in Sundown.
- ❖ One truck sent to Hardenburgh and one to aid Ulster County with
work on Yeagerville Road.
- ❖ Supervisor Bruning informs all present that he and
Superintendent Dan Van Sadlers have been doing research for
various types of road projects including work to be done on
Peekamoose.
- ❖ Resident Russ Betters comments that there is a real speeding
problem on Peekamoose especially between 7 to 7:30 am and 4
to 4:30 pm. Supervisor Bruning will speak with the U.C. Sheriffs
Office.
- ❖ Councilman Kevin smith remarks that there is also a speeding
problem on Denning Road.
- ❖ Brief discussion opened on speeding.

Code Enforcement – No Report

Highway Equipment Planning- Councilman mike Dean

- Has found an ad for a 2007 GMC pick up the right size and is
brand new. Superintendent Dan Van Sadlers will call the
company in Maryland tomorrow.

Planning Board – Supervisor Bruning

- Examines the Application Form for Site Plan Review left on the Town Clerks desk. Councilman Mike Dean remarks he was at the planning board meeting and this form was not discussed at the meeting. Supervisor Bruning states he agreed to keep the planning board informed, not to give them approval.

Resolution # 35 of 2009

RETENTION OF LEVER VOTING MACHINES

WHEREAS, for many decades New York State has used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so; and

WHEREAS, the continued use of lever voting machines is in the best interest of public and should be permitted to be used in future general elections; and

WHEREAS, the elimination of lever voting machines, as required by statute, is costly to taxpayers, will result in another burden upon the local taxpayer and will be confusing to the voting public, without adequate time and education,

NOW THEREFORE BE IT RESOLVED, that the Town of Denning hereby request the United States Congress, Governor of New York, New York State Legislature and New York State Board of Elections to enact laws, rules and regulations and take all other needed actions to specifically authorize the continued use of lever voting machines.

MOTION TO ADOPT AND APPROVE FOLLOWING A ROLL CALL VOTE:

	AYES	NAYS
SUPERVISOR BRUNING	___X_	_____
COUNCILMAN DEAN	___X_	_____
COUNCILMAN SMITH	___X_	_____
COUNCILMAN MICHELSON	___X_	_____
COUNCILMAN SCHOONMAKER	___X_	_____

Motion carried by a unanimous 5 to 0 roll call vote.

Supervisor Comments:

Read Judge Vurckio's resignation letter effect July 20, 2009 Supervisor Bruning asks the Board if it should accept it. Motion to accept will accept with **REGRET** by Councilman Paul Schoonmaker 2nd by Councilman Mike Dean, All in favor. Motion carried by a 5 to 0 vote.

- Stating he has started doing research and spoken to David Dellehunt a Judge who is the Special Counsel to the Town and Village Courts in the Third Judicial District.

- Option 1) Appointing someone to replace him for the remainder of term. They must attend school for 4 weekends in Syracuse and pass a test. However school will not be held until the end of November. No one can sit on the bench unless they are a lawyer until the class and test have been taken and passed. This is a mandatory requirement. Therefore due to time schedule Board will not appoint anyone.
- Option 2) Do away with 1 judge seat. According to the Association of Towns it can be done by a resolution with a 30-day window for a petition for a referendum. The resolution must be done at the end of a 4 -year term. 5% of the registered voters must be on the petition for a permissive referendum. It is possible to have a candidate run and a referendum to abolish the seat at the same time.
- Spoke with Judge Follender: caseload in 2006 where 36, 2007 caseload 76, in 2008 the case load was 57. A lot of the cases are parking tickets on Peekamoose Road. Other legislation, which looks like it will pass, is the choice of going before a judge who is a lawyer for a criminal procedure instead of a lay judge.
- Supervisor Bruning asks if we should consolidate courts?
- Open discussion follows.
- Cost effective.
- Residents present agree with consolidation.
- Councilman Mike Dean states 1 judge may be the way to go but would like more time to think about it.
- Discussion on judge from Sundown and a Claryville judge. There are no separate judicial districts; it is the Town of Denning.
- Supervisor Bruning tells Superintendent Dan Van Saders to tell the highway crew job well done; the highway dept. really looks good.
- Next meeting with the DEP is a Public Meeting scheduled for Saturday, July 25.
- No news on the sawmill property.
- Consolidation of voting districts update; they are now telling me they don't know what the parameters are for consolidating polling places.
- Dave Gilmour wants a Public Hearing for August 1 for the zoning/sub-division regulations. Supervisor Bruning has asked him to come to a meeting to bring the Board up to date. Planner Gilmour will come to the next meeting.
- Received signed contract from NYS for the grant. He informs the Clerk and Highway Superintendent they may purchase the desired equipment but to keep track for the paperwork.
- Supervisor Bruning asks anyone with any thoughts to please contact him at home or at the Town Hall.

Councilman Comments:

- Paul Schoonmaker ask if everyone has received the arts letter from Dutchess County, Supervisor Bruning responds yes and it is posted in Town Hall.
- Supervisor Bruning requests Councilman Schoonmaker give an update on a breakfast meeting with Senator Bonacic in Kingston. The Senator gave an update on the happenings in Albany. Councilman Schoonmaker states that he, the Senator, was told to do the job he was elected for or not to expect to be re-elected.
- Councilman Kevin Smith informs all present that he has a meeting with the U. C. Sheriff regarding NIMS and he is

very pleased with the compliance of the Town of Denning using the Town as a roll model.

- Supervisor Bruning states that Kevin is doing a great job and because of this FEMA cannot cut us off. Further informing residents that if you are not in compliance FMEA does not have to give you any aid.

Public comments:

- Resident George Elias remarks that the material gathered last year has been entered on the computer.
- Inquires as to how the Board feels about placing markers in locations of interest. Commenting that Denning was the official Town center of Denning with a post office. They are still thinking of possible sights in Sundown, having considered the Devils Pulpit however they feel a marker would not remain there long.
- Supervisor Bruning asks the Board how they feel about the suggestion, spending a few dollars.
- Brief discussion ensues with the Board agreeing. The Elias's will get prices.
- Resident Russ Betters informs the Board the sign in Olive pointing to Sundown is missing, it was at 28A and County 46. Supervisor Bruning will take care of it.
- Resident George Elias asks about the new sign at the top of New Road Hill Yukon Pines nailed to tree? Does anyone know who put it there?
- Highway Superintendent Van Sadlers responds yes the Bayeans'; everyone has their name nailed to a tree there.
- Supervisor Bruning asks resident Russ Better what he thinks? He responds the day of the "lawyer judge is coming."
- Resident Will Puricz asks if anyone is aware of the hate crime law? It will be taking away our first amendment right, stating the Constitution is what made this country great. Continuing "The BAR Association swears an oath to the BAR Association."

Motion to adjourn at 8:17 p.m. by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Vote carried 4 to 0.

Respectfully Submitted by Joy Ann Monforte, Town Clerk

Town of Denning – Town Audit Meeting

Held on Tuesday, July 14, 2009 at the Denning Town Hall.

Called to order at 7:00 p.m. by Supervisor Bruning

Minute book signed prior to the opening of the meeting.

Present: Supervisor Bill Bruning

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

Late: Councilman Scott Mickelson

Also Present: Highway Superintendent Dan Van Saders

Planner Dave Gilmour has been invited by Supervisor Bruning to give an update to the Board on the proposed Sub Division regulations.

Mr. Gilmour opens with it has been an 18- month process.

- The group has been diligent and thorough, meeting monthly.
- April 08 Public Hearing to get the peoples interest and comments.
- Then driveway standards where posted. The driveway standards are important because they achieve flexibility.
- The plan has been on the website for 9 months.
- Would like to set hearing date for the 3rd edit, ready for public comment, would like to see plan on the website and notice to the public. The plan has been sent to Ulster County Planning for review.
- Plans to review a 2nd draft of the zoning code in about a month will then request public input.
- Asks for questions or comments.
- Aspects of the road law have been taken out of zoning, minimum highway standards.
- Sub division to public, then zoning, highway to public, plans to have document ready for approval by late October.
- Supervisor Bruning ask about outdoor boilers, wind generators and Timber Harvesting. Mr. Gilmour replies that standards are to be kept simple; minimum lot size, seasonal use for outdoor boilers.
- Suggests standards for wind generators for home and moderate use, with industrial use being prohibited.
- Discussion as to Timber Harvesting, the problem Supervisor Bruning states is that the zoning law over rides the Timber Harvesting law according to Ulster County. Further following heated discussions we are at the point where notification and proof of insurance would be preferred to be a part of the zoning law.
- Brief discussion follows.
- Preliminary Zoning Public Hearing date is October 17th.
- Supervisor Bruning asks him about the budget, Mr. Gilmour responds it is tight he is burning about \$3,000 a month.
- After a brief discussion the Town Clerk is directed to have 25 copies printed for public inspection.
- Town Board thanks Dave for coming.
- Mr. Gilmour asks for and recommends to the Board that they set the fees yearly.
- A lot line adjustment is not a sub division and recommends a small fee. A 5-lot sub division would not be minor.
- Dave Gilmour asks what the basis would be for fees.
- Supervisor Bruning remarks the Board would ask the planning Board for their recommendation.

- Mr. Gilmour asks if instead of land dedicated for recreation the Board would prefer a fee base instead.
- The Board responds yes.
- Next committee meeting is Monday the 20th of July.

Highway Vouchers presented (see warrant # 7)

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

General Vouchers presented, (see warrant # 7)

Motion to approve and pay general vouchers by Councilman Mike Dean, 2nd by Councilman Scott Mickelson, All in favor. Motion carried by a 4 to 0 vote.

Resolution # 36

WHEREAS the Town of Denning Justice Court has solicited the Town Board for support in the application of a grant from the New York State Justice Court Assistance Program,

NOW THEREFORE, be it **RESOLVED** that the Town Board hereby supports the application of the Denning Justice Court to the New York State Justice Court Program for funding in the fiscal year of 2009.

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

Resolution # 37

WHEREAS, New York State Town Law 60-a.2 authorizes the Town Board to reduce the number of Town Justices by the adoption of a resolution, subject to permissive referendum, and

WHEREAS, the Town Board has determined that it will be in the best interests of the Town to reduce to one justice, and

WHEREAS, one of the Justices of the Town has resigned effective July 20, 2009, and

WHEREAS, his term of office will expire on December 31, 2009.

NOW THEREFORE BE IT RESOLVED that the Town of Denning will reduce the number of Town Justices from the current number of two (2) to one (1) effective January 1, 2010, and

NOW THEREFORE BE IT RESOLVED that the resolution will not take effect until thirty days after its adoption, or if subjected to permissive referendum until it is approved by the affirmative vote of a majority of the qualified electors of the Town.

FURTHER BE IT RESOLVED that **SAID** resolution is published in the official newspaper of the Town of Denning Ye Olde Tri Valley Townsman.

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.

Resolution #38

WHEREAS, Judge William Vurckio has been employed by the Town of Denning since 1989; and

WHEREAS, Judge Vurckio and his wife Constance have faithfully and conscientiously served the Town of Denning and its citizens for twenty years; and

WHEREAS, Judge Vurckio has requested retirement from his position as a Justice effective July 20, 2009; and

WHEREAS, Judge William Vurckio and his wife Constance acting as his Court Clerk received consistent recognition for their roles as leaders and mentors throughout their careers and have left a lasting mark on our community; and

WHEREAS, the Town Board, by this resolution, wishes to express its great appreciation to both Judge Vurckio and his wife Constance for meritorious service, loyalty and dedication to the Town of Denning and its citizens.

NOW THEREFORE, the Denning Town Board does **HEREBY** commend Judge William Vurckio and Mrs. Constance Vurckio for valuable service and expresses its sincere thanks on behalf of the Town of Denning.

MOTION TO ADOPT AND APPROVE FOLLOWING A ROLL CALL VOTE:

	AYES	NAYS
SUPERVISOR BRUNING	<u> X </u>	_____
COUNCILMAN DEAN	<u> X </u>	_____
COUNCILMAN SMITH	<u> X </u>	_____
COUNCILMAN MICKELSON	<u> X </u>	_____
COUNCILMAN SCHOONMAKER	<u> X </u>	_____

The Town Clerk inquires if the Board will be available August 1st in honor of the Honorable William and Constance Vurckio.

Yes, the time will be 11 am at the Sundown Church Hall.

The Clerk further suggests repealing the Timber Harvesting Law prior to the start of budget hearings and as a prelude to adoption of the 2009 Zoning Law. Especially as the current law and zoning law are in conflict. The Public Hearing for SAID hearing is set for September 1st, 2009 prior to the start of the regularly scheduled Board meeting.

Supervisor Bruning inquires if the Board would approve of expenditure to pave in front of the Refuse and Recycling Center Building.

The Board agrees, 3 estimates to be provided for consideration.

Meeting adjourned at 8:50 p.m.

Respectfully Submitted by Joy Ann Monforte, Town Clerk