



# Denning Town Board Meeting Agenda

September 1, 2009

PUBLIC HEARING CALL TO ORDER: PUBLIC COMMENT OF LOCAL LAW #1 OF 2009

Call Meeting to Order.

Pledge of Allegiance.

Reading of Last Month's Minutes.

CORRESPONDENCE.

COMMITTEE REPORTS:

- ⇒ Highway – Supt. of Highways Daniel Van Saders.
- ⇒ Code Enforcement Officer.
- ⇒ Highway Equipment Planning.
- ⇒ Planning Board; Resolution No. 2 of 2009 from the Denning Planning Board

## Order of Business

- ❖ Resolution No. 40 Adoption of Local Law # 1 of 2009
- ❖ Resolution No. 41 of 2009 Planning Board Appointment

SUPERVISOR COMMENTS

BOARD COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Next Meeting: Business Meeting at the Denning Town Hall  
7:00 PM Tuesday, September 8, 2009.

Republican and Independent Party Primary September 15, 2009  
At the Denning Tow Hall form 12 noon to 9 P.M.

Monthly Board Meeting at the Sundown Church Hall  
7:00 PM Tuesday, October 6, 2009

The public may now correspond with the Town of Denning at [www.Denning.us](http://www.Denning.us)  
The e-mail addresses are: [TownHall@Denning.us](mailto:TownHall@Denning.us) [Supervisor@Denning.us](mailto:Supervisor@Denning.us) and  
[Highway@Denning.us](mailto:Highway@Denning.us)

Resolution # 40 of 2009  
Denning Town Board Meeting  
September 1, 2009

## Resolution for the Adoption of Local Law # 1 of 2009

**WHEREAS** it is the intention of the Denning Town Board to bring all of the Local Laws for the Town into compliance with one another, and

**WHEREAS** Local Law #2 of 2004, Timber Harvesting Ordinance is in direct conflict with the Town Zoning Law which does take precedence, and

**WHEREAS** the Town of Denning has held the required public hearing at which and all interested person(s) was heard, and

**WHEREAS** New York State Town Law Section 130 authorizes the Town Board to repeal an ordinance or local law

**NOW THEREFORE BE IT RESOLVED** the Denning Town Board adopts **SAID** resolution and **HEREBY** confirms the passage of Local Law # 1 of 2009.

Motion to adopt and approve by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Kevin Smith.

### 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>	_____

Local Law # 1 of 2009 carried by a unanimous 5 to 0 vote.

# Town of Denning Planning Board

## Resolution # 2 of Year 2009

August 13, 2009

Property being purchased by the DEP. - Town SBL: 58-1-23 - (DEP ID #5458).

**Whereas**, Section 67 of the MOA clearly states that the DEP does not have the authority to purchase improved property; and

**Whereas**, the property of the Rondout-Esopus Land Conservancy Inc. SBL: 58-1-23 DEP ID# 5458 contains within its 70 acres a portion of land that has a habitable dwelling a well and septic system, ie: improved property; and

**Whereas**, the DEP if it buys this land will not be in accordance with Section 67 of the MOA; and

**Whereas**, the property the DEP will have purchased will then be assessed at a rate far lower than the current assessment of the three acres containing improvements; and

**Whereas**, this will constitute a reduction of tax revenue to the town; and

**Whereas**, this sets an unfortunate precedent allowing the DEP to purchase improved property at will; and

**Whereas**, the Catskill Watershed Corporation, through the good offices of their attorney Tim Cox, has informed us that \$30,000 has been set aside for each town in the Watershed, including Denning, to litigate precisely this sort of acquisition by the DEP.

Now, **Therefore be it Resolved** by the Town of Denning Planning Board, that we strongly encourage the Town of Denning Town Board to exercise its right and duty to protect the citizens of Denning from further incursions into their tax revenue by the DEP and to prevent this harmful precedent from being set.

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**Notes:** an excerpt from section 67 of the MOA as follows;

“If the City is interested in a parcel that contains a habitable dwelling, the parcel must be subdivided so that the City only takes title to the portion of the parcel without the habitable dwelling. The subdivided parcel containing the dwelling must include an adequate area for a septic field, reserve area and well.”

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As read by Mr Thayer. Mr. Brooks motioned to accept this resolution and send it on to the Town Board, Mrs. Ackerley seconded, all in favor. \* Passed by majority vote of the Planning Board. August 13, 2009.

Resolution # 41  
Denning Town Board Meeting  
September 1, 2009

**WHEREAS** New York State Town Law section 267 authorizes the Town Board to appoint members to the Planning Board, And

**WHEREAS** New York State Town Law § 64, Subdivision 5 confers specific authority on Town Boards to fill vacancies in Town Offices.

**NOW THEREFORE BE IT RESOLVED** that Mr. Paul Krickhahn is **HEREBY** appointed to fill the vacancy on the Planning Board for the term ending 12-31-2012. And

**BE IT FURTHER RESOLVED** the newly appointed member be required to take and subscribe a constitutional oath of office to be filed with the Town Clerk, and that the member shall be notified of appointment and duration of term in writing by first class mail no later than 10 business days from SAID appointment, in accordance with resolution # 19 of 2009.

Motion to adopt and prove by Councilman Scott Mickelson 2<sup>nd</sup> by Councilman Paul Schoonmaker, All in favor. Motion carried by a 4 to 0 vote.

Resolution # 42  
Denning Business Meeting  
September 8, 2009

**WHEREAS**, the Grahamsville Fire District has furnished fire protection for the Town of Denning Sundown Fire Protection District for many years; and

**WHEREAS** the Town of Denning desires to continue its contract with the Grahamsville Fire District for fire protection services for an additional term of five (5) years:

**NOW THEREFORE BE IT RESOLVED** that the Town Supervisor is **HEREBY** authorized to execute an agreement on behalf of the Town of Denning for provision of fire protection services to the Town of Denning Sundown Fire Protection District on the terms and conditions described in the agreement.