

Town of Denning – Town Board Meeting

Meeting called to order at 7:01 p.m. by Supervisor Bruning,
Held on Tuesday, September 1, 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, resolutions # 40, 41 and resolution 2 from the Planning Board. The minute book was signed prior to the opening of the meeting.

Pledge of Allegiance

Supervisor Bruning calls the PUBLIC HEARING to order for the proposed repealing of Local Law #4 of 2004 and the passage of Local Law #1 of 2009. He reads Local Law # 1 of 2009 and explains the reasons, history, including notification from Ulster County behind this proposed law. Supervisor Bruning states the Town needs to know where, when and who is logging. The Town Board wants notification of any logging done in the Town. The Town does not have a "grip" on loggers. The Town needs to make sure loggers have an insurance policy in case of any damage done to the Town infrastructure. If no insurance they must have a bond.

- Resident Ed Mues asks if there is anyway of enforcing the law.
- Supervisor Bruning yes the code enforcement officer will issue a stop work order. This will also help deter timber thieves.
- Supervisor Bruning stated the Town needs to back up and get this under control.
- Resident Dave Brooks reads last paragraph of the current law and asks if it is necessary to repeal the law now?
- Supervisor Bruning explains the history of how the Town got to this point from the start in Sundown (a logging job where the adjoining property owners where notified) to the notification from Ulster County stating the Town Zoning Law takes precedence, over the Timber Harvesting law. NYSDEC wrote to the Town after someone sent them the Timber Harvesting up date, informing the Town of its (the DEC's) job to enforce logging laws. Notification is a simple process.
- Resident Ed Mues states a consulting forester will get you the maximum money and oversees the logging operation.
- Supervisor Bruning remarks he does not feel the Town should force property owners to use a forester.
- Resident John (no last name given) says it sounds like you are saying there should be notification and is it question of language? Why not leave the law in place?
- Supervisor Bruning a logger does not have to follow the law.
- Resident Tony Carminati asks if the zoning law protects the Town?
- Supervisor Bruning responds yes but not as much as I would like.
- Discussion opened on the zoning law currently being worked on by the citizen advisory committee.
- Resident Ed Mues a public hearing should be during the months when property owners are here.
- Supervisor Bruning states we notify as much as we can, we do not hide information.

- Resident Ed Mues suggests a monthly newsletter mailed to all property owners keeping them informed.
- Supervisor Bruning notices are posted on all Town bulletin boards, on the website or published in the Townsman.
- Resident Ed Mues not everyone is online or reads the Townsman.
- Supervisor Bruning comments that if they were really interested they would find out and they can always call Joy.

At 7:31 p.m. the motion to close the public hearing and move to the Board Meeting by Councilman Scott Mickelson, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried by a 4 to 0 vote.

Reading of last months' minutes by Town Clerk Joy Ann Monforte. Resident and Planning Board member David Brooks the section of the MOA is paragraph 67 not 57.

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

Correspondence read by Supervisor Bruning

- o Board of Elections letter HAVA estimated cost for 2010 is \$7,240.
- o Attorney Brian Edwards for Grahamsville Fire District has sent a letter increasing the Sundown Fire Protection Districts coverage cost to \$8,000.00 from \$6,500.00. Supervisor Bruning asks for anyone's thoughts on this proposal. Open discussion follows. The Board authorizes the Supervisor to agree to the new fee.
- o Ulster County Board of Elections revised polling sties for the 9-15-09 primary is at Town Hall.
- o Ulster County has proposed a new law regarding the licensing of contractors. A 2-year license is \$750.00 feels the 27-page law would cause problems, getting someone from Sullivan County to do work here. Will write and let the County know it would not be good for Denning residents.
- o Asks residents who got a stream survey to please fill them out and return, as it may be important.

Highway Report by Supervisor Bruning

- ❖ Superintendent Dan Van Saders wife, Jody fell and may have broken her ankle. Dan will not make the meeting he is at Harris with her.
- ❖ He comments he has taken a ride to view the work done in Sundown on the stream and feels a good job was done.
- ❖ Resident Russ Better comments it is like a park.
- ❖ Brief discussion on the Balace Bridge ramp guardrail, Bill does not feels it can be widened.
- ❖ Resident Dave Brooks with a truck and trailer it is hard to make the turn.
- ❖ Supervisor Bruning informs the public that Superintendent Dan Van Saders has been told he can purchase \$150,00.00 of black top for Peekamoose Road. The County has offered use of trucks, crew and paver. Further stating that if the road is not completed this year it will be done next.
- ❖ Engine went in the 1 ton and Dave's truck is back.

Code Enforcement – No Report

Highway Equipment Planning- No Report

Planning Board – Supervisor Bruning reads Resolution #2 of 2009.

- Supervisor Bruning reads from the notice regarding the City purchase of the former Margaret Warren property that the owner is removing the “dilapidated house and garage.”
- Supervisor Bruning asks resident Dave Brooks on what basis should he challenge the purchase of the property?
- Resident Dave Brooks replies it is an improved lot with a well and septic. The CWC will review it for free.
- Resident Jackie Totten comments that a dwelling brings in more tax revenue.
- Open discussion follows on the 480, the Fischer Act which was in effect until 1974 vs. 480A.
- Supervisor Bruning states that for some reason the entire property is in 480, which is a lifetime tax exemption. The purchase by the City would put it back on the tax rolls.
- Resident Ed Mues asks what the procedure is for a sale, asking if it is an auction because Judd Hirsch offered a large amount of money for the land.
- Supervisor Bruning responds no it isn’t an auction. The Town, the Planning Board or the City cannot tell a property owner whom to sell to or what to do with their property.
- Resident suggests using the CWC attorney to make sure property goes back on the tax rolls.
- Resident Jackie Totten asks if the City can sell to a non-profit or turn over to the State and does the State pay as much as the City does?
- Supervisor Bruning: State land has a lower assessment.
- Supervisor Bruning asks Dave Brooks on what basis he should challenge this purchase?
- Dave Brooks responds it is improved property.
- Resident John commented on the spirit of the MOA continuing with the DEP is buying up so many parts of the Town map.
- Supervisor Bruning will find out if the property comes out of 480.

Resolution # 40 of 2009 read by Supervisor Bruning
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, 2nd 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.

Resolution # 41 read by Supervisor Bruning.
He gives back ground on alternates and its restrictions explaining why the Town will not appoint any alternates at this time, also it must be done by local law.

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 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried by a 4 to 0 vote.

Supervisor Comments:

- Y Band- has spoken with Marge Gallagher from County Executive Mike Hiens office and she has submitted a \$4,000,000. 00 proposal to the State for all of the Towns of Denning, Hardenburgh and small parts of Shandaken and Olive. Time Warner would not do it. This new proposal would place 20 foot poles around town using a repeater method. The Town should know by late October or November.
- Supervisor Bruning asks Councilmen Mike Dean and Paul Schoonmaker if they are available for the Claryville Court annual Audit for Friday. Response yes.
- Supervisor informs the residents of and error by the County in which the residents will pay double in fire tax this year. Prior to the State property being included in the fire district the State paid 25% now it is 47%.
- He asks for Board comments.

Councilman Comments:

- Councilman Kevin Smith comments he will speak with Highway Superintendent Dan Van Sadars for the crew receiving NIMS 100 training.
- Supervisor Bruning remarks he feels the public hearing last weekend for the sub-division regulations went very well.

Public comments:

- Resident Jackie Totten comments that she spotted a sheriff going past her house heading into Sundown.
- Resident Russ Betters asks if the amount from Board of Elections is for 2 or 1 polling sites?
- Supervisor Bruning responds he does not know, it does not say.
- Brief Discussion follows.
- Resident Ed Mues asks about bridge 100 by Town Hall.
- Supervisor Bruning states he has been told it would start at the end of 09 but he has not called because the County has been so helpful lately. He will call when the current cooperative jobs are completed.

- Resident Jackie Totten remarks the County has done an excellent job but the guardrail by the dug way is done to the pavement.
- Discussion opened on this and Peekamoose road.
- Resident John requests marker for U.C. Route 42 (sic) 47 thru Frost Valley Road to Big Indian, people are always lost.
- Resident George Elias opens discussion on historical marker colors in Catskill Park. The Town will wait it purchase until the State decide on what color is permissible.

Motion to adjourn at 8:54 p.m. by Councilman Scott Mickelson, 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 Business Meeting

Held on Tuesday, September 8, 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, Kevin Smith and
Scott Mickelson

Also Present: Highway Superintendent Dan Van Sadlers

Guest: The Honorable Judge Follander

Re: the Court budget for 2010. He proposes increasing the salaries from \$4,150 for the justice and \$1,200 for court clerk, using the monies from the consolidation savings. Explaining the increase in sophistication of the court administration, as well as the commitment to and time of. Suggests an increase in justice salary of \$2,500 to \$3,000 with the remainder of the eliminated justice position monies to go to the clerk. Stating the court clerk is a non-benefited job. Further stating, the court has a proud history. The salary should reflect the dignity of the office.

- Brief discussion on the savings to the Town due to the consolidation of courts. Supervisor Bruning remarks Mrs. Vurckio was the unpaid court clerk for her husband for years.

Highway Vouchers presented (see warrant # 9)

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 # 9)

Motion to approve and pay general vouchers by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith, All in favor. Motion carried by a 4 to 0 vote.

Correspondence: read by Supervisor Bruning

- A letter from NYMIR with a check for \$1, 331.70, which the Town will receive for the next 3 years.
- Town Court Audited as per the 2008 requirement.
- Reads the response letter to the Planning Board regarding Resolution #2 of 2009. After a call from the Supervisor for any reason to challenge purchase. The Town Board agrees with and authorizes the Supervisor to send the letter to Planning Board. Councilman Paul Schoonmaker remarks the letter is very well done.
- Discussion opened on the Claryville Fire District.
- The tentative date for the budget workshop is set following next business meeting.

Motion to adjourn at 8:24 p.m. by Councilman Kevin Smith, 2nd by Councilman Mike Dean, All in vote.

Respectfully Submitted by Joy Ann Monforte, Town Clerk