

Town of Denning – Town Board Meeting

Meeting called to order at 7:03 p.m. by Supervisor Bruning,
Held on Tuesday, April 5, 2011 at the Sundown Church Hall.

Present: Supervisor Bruning

Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith, and
David Brooks

Also present: Highway Superintendent Dan Van Sadlers

The Town Clerk gave the Board members their copy of the agenda,
and resolutions # 26 thru 28 of 2011 as well as the newsletter the
Watershed Currents, the Coalition of Watershed Town minutes from
January, the cover letter from the Michele Yost of the Coalition of
Watershed Town regarding the land acquisition program.

Pledge of Allegiance

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

Motion to adopt and approve as read by Councilman Kevin Smith, 2nd
by Councilman Paul Schoonmaker, All in favor.

Motion carried by a 4 to 0 vote.

Correspondence by Supervisor Bruning:

- A notice from New York City of their intent to purchase 6.4 acres
near Red Hill Road.
- A letter from Mary Ackerley resigning from the Planning Board
effective immediately.
- A letter from Greg Vurckio requesting a position on the Planning
Board when one became open.
- Census population explosion from 511 to 551 according to the
2010 census.

Highway Report by Superintendent Dan Van Sadlers

- Have exhausted the winter budget, spoken with Supervisor
Bruning today and we will move other road maintenance
monies over.
- Worked with the Town Clerk on the truck bid which is to be
opened next week.
- Repaired the shoulder washout sections of Sugarloaf Road.
- Have received various inquires on the truck for bid.
- Historical sign markers to be posted next week.
- Lighting upgrade complete.
- Started sweeping the roads.
- Supervisor Bruning remarks he and Dan spoke today and
Dan will make up a list of projects and cost idea to be
completed.

Code Enforcement – No Report

Highway Equipment Planning- See Above

Planning Board Report – Councilman Mike Dean

- Discussed mentioned purchase of land by New York City. There
is concern regarding the Right of Way. The Town Board reviews
the accompanying map.
- Supervisor Bruning states there is a section of the MOA which
states the City will allow utilities across their land.

- o Councilman Mike Dean informs all that he has finished all of his logging jobs in Town of Denning.

Supervisor Bruning asks for a motion to accept Mary Ackerley resignation letter. Motion made by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker. All in favor. Motion carried by a 4 to 0 vote.

Motion to accept Greg Vurckio's request to fill the Planning Board position by Councilman Paul Schoonmaker, 2nd by Councilman Mike Dean. All in favor. Motion carried by a 4 TO 0 vote.

Resolution # 26 of 2011

WHEREAS New York State General Municipal Law section 103 requires municipalities to go to bid and accept the lowest bid price, And

WHEREAS following careful consideration by the Town of Denning Highway Superintendent and the Town Board.

NOW THEREFORE be it **RESOLVED** The Town of Denning **HEREBY** accepts the following bids:

Bruce Donohue Trucking: #1 and #2 Stone Mix (Ton) Low Abrasion (Bridgeville), Quarry Rubble, Screenings (Bridgeville), #1 Stone Low Abrasion, #1 ST Stone Low Abrasion (Kingston), #2 Stone Low Abrasion (Bridgeville), #45 Stone Low Abrasion (Bridgeville), Cold Patch and Snow & Ice Control No Clay or Organics.

E.Tetz & Sons: Delivered; Quarry Rubble, Screenings, Crusher Run, Tail Gate Spread, Dumped Rip Rap, Flat Bed Rip Rap.

C.K. & K. Trucking: Gabians, #1A Stone Low Abrasion, #2 Stone Low Abrasion, Sand, Snow & Ice Control No Clay or Organics, and Tailings.

Deckelman: Gabians, Sand, Snow & Ice Control No Clay or Organics, Item #4 from Ledge Rock, Dumped Rip Rap, and Flat Bed Rip Rap.

209 Sand & Gravel: Sand Snow and Ice Control No Clay or Organics, and Bank Run.

Heritagenergy: Kerosene and #2 Heating Oil.

Motion to adopt and approve by Councilman Kevin Smith, 2nd by Councilman Mike Dean.

Roll Call Vote:

Councilman Mike Dean AYE

Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE

Councilman David Brooks AYE

Motion carried following a unanimous roll call vote.

Resolution # 27 of 2011

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. Greg Vurckio is **HEREBY** appointed to fill the vacancy on the Planning Board for the term ending 12-31-2017.

Motion to adopt and approve by Councilman Paul Schoonmaker, 2nd by Councilman Mike Dean.

Roll Call Vote:

Councilman Mike Dean AYE

Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE

Councilman David Brooks AYE

Motion carried following a unanimous roll call vote.

Resolution # 28 of 2011

WHEREAS New York State Town Law section 103 authorizes the Town Board to transfer monies and unexpended balances, And

WHEREAS the Denning Justice Court applied for a grant from the New York State Unified Court System, And

WHEREAS the Denning Justice Court was awarded a grant in the amount of \$1,289.97, the Town of Denning Town Board

HEREBY authorizes the Town Supervisor to increase Account A3089 State Aid - Justice Court Assistance to \$1,289.97 and Account A1110.2 Municipal Court-Equipment Budget amount to \$1,289.97.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker.

Roll Call Vote:

Councilman Mike Dean AYE

Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE

Councilman David Brooks AYE

Motion carried following a unanimous roll call vote.

Supervisor Comments:

- ❖ Received a thank you from March Gallagher regarding the email I sent her about Wi Band, she will check into it.
- ❖ Fountain Spatial zoning map, we spent \$6,625 for the map. Councilman Dave Brooks remarks we made changes to the map, which Dave Gilmour was supposed to have had them correct. Supervisor Bruning ask what else the committee would like to see. Councilman Dave Brooks states they where also to include a list of hamlet SBL's. Supervisor Bruning will speak with Mr. Gilmour after seeing the map.
- ❖ All of you have a copy of an email sent by Michele Yost of the CWT; it contains 3 parts. One is a copy of a letter, which would be sent to all hamlet residents, a copy of the public hearing notice and a copy of the resolution.

- ❖ The Town has a choice to enlarge the hamlet or to do this; which is not allowing the City to purchase conservation easements in the Hamlet District. He states he made the decision to do this believing this is the better option for the Town. We can also rescind the resolution from 2001, which allows the City to purchase smaller under 10 acre parcels. That would be done by resolution.
- ❖ Councilman Mike Dean asks if there is a time frame? Supervisor responds yes it must be done by June 22.
- ❖ Tim Cox from the CWT has offered to come and address residents if the Board chooses. The Town is telling the City what it can do.
- ❖ Supervisor Bruning asks the Board to review for next week.
- ❖ Supervisor Bruning informs the Board he met Doug Hamilton the new Red Hill Fire Tower Coordinator. He was concerned about access and Bill assured him the Town had no issue with the access road from Red Hill remaining closed except for maintenance.
- ❖ Brief discussion follows.
- ❖ A meeting with the zoning committee for April 12th to see if we can wrap it up.

Board Comments:

- Councilman Paul Schoonmaker ask if we are going to give up on getting a response from the Public Service Commission? He is disappointed that our elected officials have not responded.
- Brief discussion on cell towers.
- Councilman Dave Brooks attended the CWC Annual meeting and passes out the Annual Report for 2010 to the Board. The City has spent \$6.4 million on septic systems in the Watershed.

Public comments:

- None.

Motion to adjourn at 8:00 p.m. by Councilman Dave Brooks, 2nd by Councilman Mike Dean, 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, April 12, 2011 at the Denning Town Hall.
Called to order at 7:06 p.m. by Supervisor Bruning

Minute book signed prior to the opening of the meeting.
The Supervisor presented the Budget vs. Actual for the month of March 2011.

Present: Supervisor Bruning
Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith,
and David Brooks
Also present: Highway Superintendent Dan Van Saders

Truck Bid Opening: 3 received:
Pete Smith \$753.50, Fred Schussler \$1,033.00 and Denis Deyo for \$1,401.01.
Discussion follows on the received bids amounts and condition of the truck.

Motion to accept the bid submitted by Denis Deyo made by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker.

Roll Call Vote:

Councilman Mike Dean AYE
Councilman Paul Schoonmaker AYE
Councilman Kevin Smith AYE
Councilman David Brooks AYE

Motion carried following a unanimous roll call vote.

The Town Clerk is directed to notify and accept payment from Mr. Deyo.

Highway Vouchers presented (see warrant # 4, voucher #60-86)
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 # 4, voucher # 67-87)
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.

Supervisor Bruning opens the discussion on the proposed resolution and public hearing date regarding New York City's purchase of land and the purchase of conservation easements in the hamlet districts. Discussion follows. The Clerk is asked if she can get all the material copied and mailed to hamlet property owners by the end of next week. She responds yes. The public hearing date is set for May 10, 2011 at 7 PM and written comments must be received by 5 P.M. on May 9, 2011.

The information is written into Resolution No. 29 of 2011. The Board reviews the letter to residents and public hearing notice. Following passage of SAID resolution the Clerk is directed to notify the residents.

RESOLUTION No. 29 of 2011
April 12, 2011
TOWN OF DENNING

WHEREAS, on December 24, 2010, the New York State Department of Environmental Conservation (“DEC”) issued a Water Supply Permit to the New York City Department of Environmental Protection (“DEP”) which authorizes DEP (and/or its agents) to purchase land in fee and to purchase conservation easements within the New York City Watershed West-of-Hudson River subject to certain restrictions with a duration of 10 years (with a one five year renewal for a total duration of 15 years). A copy of the Water Supply Permit (Permit No. 0-9999-00051/00001) is available at <http://www/dec/ny/gov/permits/70361.html>.

WHEREAS, under Special Condition 1 of the permit, DEP’s acquisition of land in fee and conservation easements under this permit is limited to a cap of 105,043 acres;

WHEREAS, there is no time limit on the City’s Land Acquisition Program (i.e., the Land Acquisition Program can be renewed in 15 years for an additional period of 15 years and renewal thereafter);

WHEREAS, as a willing buyer offering to pay fair market value with no mortgage contingency or real estate commission, DEP’s Land Acquisition Program has been very successful in purchasing land and conservation easements throughout the watershed;

WHEREAS, there is a concern that the City’s Land Acquisition Program will continue until there is no remaining developable land for purchase;

WHEREAS, DEP is not allowed to purchase land or conservation easements outside of its City boundaries for water quality protection without obtaining approval from DEC under Article 15, Title 5 of the New York State Environmental Conservation Law;

WHEREAS, the Water Supply Permit issued by DEC limits the type of land eligible for City purchases such that there must be a significant water quality benefit to the purchase and the program must not have a significant adverse impact on the community’s ability to survive and prosper;

WHEREAS, in the Water Supply Permit, DEC has sought to balance the need for future generations to have access to developable land by restricting from land eligible for acquisition, certain parcels, which from an environmental, social and economic perspective, should be preserved for future residential or commercial development (e.g., access to sewer or other utility infrastructure, road frontage, flat lands, in the hamlet, proximity to the hamlet, dry soils suitable for septic system);

WHEREAS, Special Conditions 7, 8 and 9 of the Water Supply Permit restricts eligibility for land acquisition to land that (i) has certain surface water features and/or steep slopes, (ii) are greater than 10 acres and (iii) are vacant. Subject to certain exemptions, parcels that do not meet that criteria are ineligible for acquisition;

WHEREAS, once the City purchases the land and/or the conservation easement, the land becomes forever limited as open space and prohibited from residential and/or commercial development by future generations;

WHEREAS, in order to protect the land that is most amendable for development, Special Condition 10 of the Water Supply Permit identifies areas where the City may not purchase in fee or conservation easements: The 1997 Designated Hamlet Areas;

WHEREAS, Special Condition 2 of the Water Supply Permit provides as follows:

The City's LAP, the City's Watershed Regulations, and the other programs and conditions contained in the Watershed MOA, when implemented in conjunction with one another, are intended to protect water quality while allowing existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each of the Watershed communities. The City's land acquisition goals recognize the importance of ensuring that the availability of developable land in the Watershed will remain sufficient to accommodate projected growth without adverse effects on water quality and without substantially changing future population patterns in the Watershed communities.

WHEREAS, the determination whether the 1997 Designated Hamlet Area is needed to ensure the availability of developable land to accommodate anticipated necessary growth within the community is in the nature of a local land use determination to be made by the Town Board;

WHEREAS, the Water Supply Permit allows the local municipality to determine whether the 1997 Designated Hamlet area should be preserved for future generations (rather than eligible for purchase by the City);

WHEREAS, under Section 18-39(a)(3) of the New York City Watershed Rules and Regulations, the parcels within the 1997 Designated Hamlet Area are allowed to construct impervious surfaces within 100 feet of a water course subject to an individual stormwater permit from DEP;

WHEREAS, the Town has or will send written notice to all property owners (based upon the current assessment roll) within the 1997 Designated Hamlet Area notifying them of the opportunity to provide written comment and to provide testimony at a public hearing on the Town's decision whether such areas are eligible (or ineligible) for City Land Acquisition;

NOW THEREFORE BE IT RESOLVED,

1. The Town will conduct a public hearing on May 10, 2011 at the Denning Town Hall at 7 P.M. to solicit public comment as set forth above.
2. The Town Board instructs the Town Clerk to notify all property owners (based on the most recent assessment roll) within the 1997 Designated Hamlet by letter of the opportunity to submit comments and appear at a hearing regarding the above.
3. Public comments may be submitted in writing or at the hearing. All written public comment must be received by 5:00 PM on May 9, 2011.

Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman David Brooks.

Roll Call Vote:

Councilman Mike Dean AYE

Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE

Councilman David Brooks AYE

Motion carried following a unanimous roll call vote.

Discussion opened on the zoning updates. The committee will meet next Monday to review driveway standards, Councilman Dave Brooks informs the Board. Discussion on map changes and updating the correct data, as road names are wrong, spelled incorrectly and some

parcels where incorrect. Supervisor Bruning will call Planner Dave Gilmour.

Motion to adjourn at 8:22 p.m. by Councilman Paul Schoonmaker, 2nd by Councilman Mike Dean, All in favor.

Respectfully Submitted by Joy Ann Monforte, Town Clerk