

Town of Denning – Town Board Meeting

Meeting called to order at 7:02 p.m. by Supervisor Bruning,
Held on Tuesday, September 4, 2012 at the Denning Town Hall.

Present: Supervisor Bruning

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

Recording Secretary: Joy-Ann Monforte

Also present: Highway Superintendent Dan Van Sadlers

The Town Clerk gave the Board members their copy of the agenda,
resolutions No. 40- 42, copy of the zoning and the CWT meeting
minutes for May, June and July.

Pledge of Allegiance

Guests: Introduction of the Town Board and Town Clerk to U.C. Chair
Terry Bernardo and District 22 Legislator John Parete by Supervisor
Bruning.

Chair Terry Bernardo informs those present she is attending a Town
Board meeting in each of the Towns in Ulster County. She wants to
put a face on the Ulster County Legislature.

- States that Supervisor Bruning is very active in the County
Supervisors Association.
- Has put together an email listing of all of the newspaper articles
in NYS pertaining to government.
Contact her if anyone wants to opt in to receive. She wants to
keep constituents and legislator updated with legislative updates
and keep it personal. She feels communication is the key.
- 9 legislative truths in taxation called the 9 for 90. 90% of taxes
are mandates. The truth in taxation law will allow these
mandates to be on the tax bill. She requests feedback.
- Comments it is a pleasure to work with Legislator John Parete.
He is now on the Olympic Regional Development Authority. This
appointment was made by the Governor and confirmed by the
Senate. She is very happy that John Parete volunteered and she
was able to help with and attend his appointment during this
complicated process.
- Legislator John Parete states we all moan and groan about
government but last year government worked, every level
responded quickly. However everyone knows the well is dry
and everyone would like something.
- He can be found at the Boiceville Inn if anyone needs or wants to
talk to him.
- Supervisor Bruning opens a discussion on UCRRA (Ulster County
Resource Recovery Agency) and Safety Net.
- John Parete the BOE (Board of Elections) is an unfunded
mandate.
- The RRA is 21 million in debt and has always run in the red.
Tens years ago the UC Legislature rolled the bonds over until
2028.
- Flow control has been discussed for the RRA and states that that
is an unfunded mandate.
- Flow control will raise rates.
- He remarks he will try to have a meeting at the Boiceville Inn
with Supervisor to discuss this further.
- He has a list of large taxpayers, which would become exempt,
ie: NY City, the railroad, Central Hudson and Pyramid Mall.

Those folks are making money and they are part of an orderly system of waste management.

- He states that non-profits and tax exempt properties could be made to pay in the current law.
- Chair Terry Bernardo states she is desperately seeking input from Supervisors and that the Legislature is aggressively seeking to sell the RRA assets.
- Supervisor Bruning asks about flow control in regards to Waste Management. Discussion continues.
- Discussion opened on Safety Net by Chair Terry Bernardo; under discussion now is a freeze of 2012 costs which would come out of the sale tax revenue. However 2 towns are not on board with this plan. Supervisor Bruning confirms that he is in agreement with this option.
- Chair Bernardo had put together a commission to resolve and make recommendation however for political reasons it had been downgraded to a joint committee.
- Chair Bernardo informs those present of the NYS split for Safety Net costs which are now a 70/ 30. The first year NYS gave the money from the previous 50/50 split.
- Chair Bernardo states that the job of the legislature is to set policy, pass laws and fees.
- Chair Bernardo remarks that the charter form of government has been very expensive for the County. The UC Comptroller office now has a budget of \$800,000.00.
- Legislator John Parete gives the history of the former 33 legislators.
- Councilman Mike Dean asks if Supervisor Bruning wants to discuss Peekamoose Road with Legislator John Parete. Supervisor Bruning responds he already has.

Public Hearing Called to Order at 8:47 pm.

Proposed Local Law No 2 of the Tax Cap Override of 2012.

- The entire law was read by the Supervisor.
- Supervisor Bruning states he believes even with the insurance cost increase that he will be under the cap but would like to be prepared, rather than have to scramble later.
- Supervisor Bruning call for public comment.
- There is none.

Motion to adjourn the Public Hearing at 7:51 p.m. by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Vote carried 4 to 0.

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 Dave Brooks, All in favor. Motion carried by a 4 to 0 vote.

Correspondence: Supervisor Bruning

- A letter from resident Carol Lasco, thanking the Board for their efforts, she doesn't want to see a "tourist town", appreciation for the aid of Recycling Manager Scott Mickelson, and the work done by the Town Clerk. She also states that Carl Landon's website is an informative site. She requests that faded Town of Denning signs be replaced if possible with brighter signs.
- Supervisor Bruning asks about the press release regarding tax collection consolidation from U.C. Comptroller Elliot

Auerbach. The Town Clerk / Tax Collector responds with an opinion from the NYS Comptrollers Office at a clerks conference which stated that NYS Law did not provide for the tax collector to assign tax collection to a third party. Further, payment is made promptly to the Supervisor, that would now be done at the control of the county.

- A letter from Planning Board Chair Carl Landon regarding a property on Wild Cat Road, to be discussed at next weeks meeting.
- Informs those present that health insurance will be going up due to the Affordable Health Care Act. The Board must discuss participants aid in defraying costs.

Highway Report by Superintendent Dan Van Saders

- ❑ Raymond George Road was blacktopped over the replaced 60" pipe.
- ❑ Black topped the FEMA repaired spots on Denning Road.
- ❑ FEMA checks are starting to come in.
- ❑ Patch repair work done on Sugarloaf and Red Hill Knolls Roads.
- ❑ The Town Board thanks Frost Valley YMCA who donated 90 tons of material for Rudolph Road repair; Sheeley donated hauling services for 40 tons.
- ❑ Councilman Dave Brooks inquires if Baker Brothers was the low bidder for the Clair Road project.
- ❑ Superintendent Dan Van Saders responds that it looks like it – he has a meeting on Thursday to review the bid.
- ❑ Sweeper at Zanetti's for repair.
- ❑ Superintendents truck at M&M for transmission warranty repair work.
- ❑ Speed sign placed by Bailey's and a stop sign at the bottom of Brooks Hill Road.

Code Enforcement Report by Supervisor Bruning

- The letter from the planning board has been faxed to COE Von Hassel.

Planning Board Report – Councilman Mike Dean

- Kimball Parker still has not appeared before the Board, they will not approve a sub division without him appearing. Supervisor Bruning asks if the City is aware of this? Response, yes.
- The Planning Board has approved the site plan for the prayer and meditation building of Ken Kobayashi on Greenville Road. He will cut 3 acres out for the sub division and apply for tax exemption.
- Pigeon Brook logging notification.
- Application of Michael Bull to combine 2 properties.

Resolution No. 40 of 2012

WHEREAS the Town of Denning Town Board wishes to record its deep sorrow over the passing of retired Justice William Vurckio; and

WHEREAS William Vurckio was first elected as Town Justice on November 7, 1989 and was re-elected until he retired on July 20th, 2009. And

WHEREAS he has served the Town of Denning faithfully and conscientiously for twenty years, and

WHEREAS he had performed his duties with fairness and dedication.
And

WHEREAS he was a long standing member of the Ulster County Magistrates and past President who was "highly thought of by his fellow magistrates."

WHEREAS he was a leader in his community, a friend and mentor to all.

WHEREAS he was dedicated to aiding the Town of Denning Seniors Citizens. And

WHEREAS he also aided the Sundown Methodist Church in whatever capacity was needed.

NOW THEREFORE BE IT RESOLVED that the Town of Denning Town Board **HEREBY** expresses it's deep appreciation for William Vurckio's service and extend to his family its deep Sorrow.

FURTHER BE IT RESOLVED that the Town Clerk is **HEREBY** directed to spread this resolution upon the pages of the official record of the Town and to publish this resolution in the official newspaper.

FURTHER the Town Clerk is directed to forward a copy of **SAID** Resolution No. 40 of 2012 to the family of Mr. William Vurckio.

Motion to adopt and approve by Councilman Paul Schoonmaker, 2nd by Councilman Dave Brooks.

Roll Call Vote:

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

Motion carried following a unanimous roll call vote.

Resolution No. 41 of 2012

Whereas, the Town of Denning Town Board has intention of fulfilling its financial obligations, and

Following a PUBLIC HEARING regarding Local Law #2 of 2012, Where any and all interested person(s) where heard,

NOW THEREFORE BE IT RESOLVED the Town of Denning Town Board **HEREBY** adopts Local Law No. 2 of 2012 An Override of the Tax Levy Limits.

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
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 42 of 2012

WHEREAS New York State Real Property Law Section 5-23 grants the Town Board the right to appoint a Board of Assessment Review, and **WHEREAS** the appointment of Russell Betters is to expire on September 30, 2012,

NOW THEREFORE BE IT RESOLVED that Russell Betters be re-appointed to the Town of Denning Board of Assessment Review for the 5-year term as required by New York State Law, to expire September 30, 2017.

Motion to adopt and approve by Councilman David Brooks, 2nd by Councilman Paul Schoonmaker.

Roll Call Vote:

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

Motion carried following a unanimous roll call vote.

Supervisor Comments:

- ❖ Supervisor Bruning comments on that the bid where opened for the Clair Road/ Nancy Watson Project. Baker was the lowest bidder.
- ❖ Superintendent Van Sadlers has a meeting on Thursday to review and confirm the amount of material is correct and available, that they did not under bid.
- ❖ MVP health insurance cost is out of site.
- ❖ Spoke with Carl Landon about postponing the outreach meeting on Saturday - he is concerned that not enough people are aware and will participate. He has requested a postcard mailing to residents. Supervisor Bruning says he will not do that and create a precedent.
- ❖ Councilman Kevin Smith asks if the firehouse is available on the 22nd and what about the people who made plans to be hear.
- ❖ The Board will go ahead with Saturday's Public Outreach Hearing.
- ❖ Brian Hartnet has made a new sign for meeting room entrance exactly like the old one.
- ❖ Monthly check from the YMCA for \$8,500.00 received today.
- ❖ Councilman Dave Brooks acknowledges the gift with thanks.
- ❖ FEMA check in the amount of \$98,000.00 also received today.
- ❖ The DEP/Stream Management program has been looking at the slide spots in Town for next year's projects.
- ❖ Supervisor Bruning remarks every bit helps. The DEP has been very kind to the Town of Denning and we have a good relationship with them. Brief discussion follows.
- ❖ Campsite discussion opened and Supervisor Bruning remarks he has spoken with Ranger Rob Dawson and he has taken good care of the Peekamoose Campground.
- ❖ Discussion follows.
- ❖ Resident Linda Comando suggests making it from free to pay like other campgrounds.
- ❖ Brief discussion on signage-Superintendent Van Sadlers remarks that the signage budget is exhausted for this year.
- ❖ Brief discussion opened on the tire trailer, it has been called in and will be returned.

Board Comments:

- Councilman Mike Dean asks if we need to send anything to the Y in regards to their donation for Rudolph Road? Supervisor Bruning responds no.
- Councilman Paul Schoonmaker comments a nice job was done repaving parts of Denning Road.
- Councilman Kevin Smith comments a public hearing held by the Town Board still has to happen.
- Councilman Dave Brooks will get a hold of Carl Landon to discuss the meeting also stating that Mr. Landon should be reimbursed for all of his efforts and work done on the new zoning.
- Supervisor Bruning responds he has retyped the entire law and we would still be where we were without him.
- Councilman Kevin Smith informs the Board that the Town is now up to date with NIMNS for this year.

Public comments:

- Resident Russ Better informs the Board that Paul Nasierowski is ill or he would have attended the meeting.

Supervisor Bruning thanks U.C. Legislative Chair Bernardo for coming.

Motion to adjourn at 8:47 p.m. by Councilman Dave Brooks, 2nd by Councilman Kevin Smith, 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 11, 2012 at the Denning Town Hall.
Called to order at 7:04 p.m. by Supervisor Bruning

Minute book signed prior to the opening of the meeting.

The Supervisor presents to the Board a copy of the Budget vs. Actual thru August 2012.

The Town Clerk presents the Board with the Agenda and Resolutions No.43 and 44 of 2012.

Present: Supervisor Bruning

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

Recording Secretary: Joy-Ann Monforte

Also present: Highway Superintendent Dan Van Saders

Highway Vouchers presented (see warrant # 9, voucher# 194-214)

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

General Vouchers presented, (see warrant #9, voucher # 178-198)

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.

Resolution No. 43 of 2012

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 2012.

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

Roll Call Vote:

Councilman Mike Dean AYE

Councilman Paul Schoonmaker AYE

Councilman Kevin Smith AYE

Councilman David Brooks AYE

Supervisor Bruning AYE

Motion carried following a unanimous roll call vote.

Resolution No. 44 of 2012

WHEREAS New York State General Municipal Law **§103 §5-33** requires all municipalities to seek bids and accept the lowest price bid. And

WHEREAS the Town of Denning Town Board has actively sought and received 4 bids for the Clair Road / Nancy Watson project. And

WHEREAS Kingston Equipment / Baker Brothers was the lowest bidder. And

WHEREAS the engineer for the project has recommended SAID bidder.

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

HEREBY accepts and approves of the bid from Kingston Equipment / Baker Brothers.

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

Roll Call Vote:

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

Motion carried following a unanimous roll call vote.

Discussion on funding concerns regarding the above resolution as well as one word change to the Notice of Award. Supervisor Bruning will not sign yet. Supervisor Bruning does not have a problem as long as Kathleen Capella does not have one.

Councilman Comments:

Councilman Mike Dean opens a discussion on the letter from Planning Board Chair Carl Landon regarding a property on Wild Cat Mtn. Road which the Code Enforcement Officer has issues with. The property owner's partner produced a license stating he was a small engine repair business. Further stating he will not clean up the property as he needs it for his business. Supervisor Bruning went to the Planning Board Chair to ask if a Special Use Permit was issued. Response, No. He does not have a Special Use Permit and must get one from the Zoning Board of Appeals. Further none have been issued in Town in years. Mike Dean may be the last one to get one for his now closed saw mill. The Board decides that Supervisor Bruning should write a letter informing him, he needs a Special Use Permit and to make an appointment to get one from the Zoning Board of Appeals within 60 days.

Councilman Kevin Smith opens a discussion on garbage disposal by a commercial business.

Councilman Brooks inquires as to how many loads per week, we should check with Site Manager Scott Mickelson.

Supervisor Bruning remarks he already has and was told 8 bags per week.

Councilman Kevin Smith wants to know how many commercial businesses with out of Towner's garbage.

Discussion on previous years parties held by the owner on his property in an adjoining Town.

Councilman Mike Dean states if we start charging for garbage then it should be by the lb.

Councilman Dave Brooks remarks garbage and road maintenance are all people get for their tax dollars.

Councilman Dave Brooks states that after he has the Zoning straightened out, he will take a ride to Margaretville, the CWC is starting new programs pertaining to Flood Mitigation.

Small talk follows.

Supervisor Bruning tells the Town Clerk she does not need to stay. She replies the meeting is still going on there has been no adjournment.

Motion to adjourn at 9:05 p.m. by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor.

The meeting continues unrecorded after adjournment.

Respectfully Submitted by Joy Ann Monforte, Town Clerk