Town of Denning - Town Board Meeting

Meeting called to order at 7:06 p.m. by Supervisor Bruning, Held on Wednesday, December 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 Highway Superintendent Dan Van Saders

The minute book is signed prior to the opening of the meeting.

The Town Clerk gave the Board members their copy of the agenda, proposed zoning law, CWC August meeting minutes and Code Enforcement Officer Von Hassel's Annual Report thru November to the Supervisor.

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

Correspondence: read by Supervisor Bruning

- A notification of the Town share of sales tax; \$29,927.98 year to date, budgeted \$15,000.00.
- COE Annual Report, available in the Town Clerk's Office for review.

Highway Report by Superintendent Dan Van Saders

- Have completed most of Hurricane Sandy's clean up.
- Assisted Ulster County by spreading crusher run on the washed out turn on Frost Valley Road, which the County provided.
- □ The crew has been called out for three weather events.
- Close out for Denning Road.
- Peekamoose Road close out delayed as the examiner was moved to N.J.
- Applied for FEMA monies in regards to Hurricane Sandy.
- Karen Rauter has asked for the Town's aid in storing some 10 to 15 rolls of banking material. The Town will store at the rented Stone Barn.
- □ Front tires replaced on 2004 International.
- Patching done on the roadway depression by Paul Nasierowski's home.
- Councilman Dave Brooks inquires if the Clair Road project is completed?
- Highway Superintendent Dan Van Saders responds yes.
- Discussion opened on payment to Baker Brothers. The NRCS will do a direct payment to them and the DEP will pay them directly. They would then wait on the last check from the Town. This was not the original payment agreement, must have full payment made by the Town for FEMA reimbursement.

Code Enforcement Report by Supervisor Bruning

- Called the Attorney for the Town Rod Futerfas in regards to Wildcat Rd. property. The COE will issue tickets to appear in court as the next step.
- The condemned property across the street from the Town Hall has until the middle of the month.

Planning Board Report -No Report

 Councilman Mike Dean was unable to attend the meeting due to illness. The minutes where not in his folder.

Supervisor Comments:

- ❖ Squared away the MVP overpayment, getting a refund check in the amount of \$8,441.56.
- Sent a letter to Alan Sorenson for a quote to do the SEQR, the letter requested a response by today and have not receive one as of yet.
- UCRRA update on flow control; this is still being discussed as an option and unsure what this program would do to the Town's cost.
- ❖ Spoke with Attorney Adam Rod; the Court requires that the parties in a litigation action have a Non-binding Litigation meeting, to work things out before trial; this will be held Friday, January 11, 2013 in Latham, NY. He and Councilman Mike Dean will attend. Will set up a strategy meeting with Attorney Rod before hand for the Council to attend.
- ❖ Retirement hours reviewed for credit: Town Councilman 3.13 days per quarter, Town Justice 6. 9 days per quarter, Assessor 6 days per month, Bookkeeper 5 days per month, cleaner, Highway Superintendent and Town Clerk are full time.
- ❖ Supervisor Bruning asks if this is agreeable to the Town Board?
- ❖ All of the Councilman give their confirmation.
- ❖ Supervisor Bruning will do a resolution affirming the retirement credits listed for next week.
- ❖ He will check on the Assessor's days per month.
- Proposed zoning law discussion opened.
- Councilman Kevin Smith; the public has not weighted in on the microbrewery. The whole public process has been avoided.
- Supervisor Bruning wants the Zoning Advisory Committee to hold a public hearing on microbreweries.
- ❖ Councilman Dave Brooks informs the Board that the Town Board needs to hold a public hearing on the Zoning Law.
- Supervisor Bruning remarks that if we accept this as it is, it is as if we are saying we are accepting a major change and I don't want to do that.
- Councilman Kevin Smith this could change the character of the Town forever.
- ❖ Supervisor Bruning, I don't feel that at a Town Board level we should accept this without a public hearing and input.
- Councilman Mike Dean agrees and remarks the public hearing should only be on the proposed new section.
- Supervisor Bruning wants the verbiage under section 520-A "aside from the normal trash disposal." removed; the Town Refuse & Recycling Center is not set up to handle this type of establishment period.
- Supervisor Bruning remarks this is a major change to the zoning law. He also opens a discussion on parking and lack of parking as the last event held, people parked on the road.
- ❖ Councilman Brooks states then their permit is not renewed.

- ❖ Councilman Kevin Smith states that once it is issued the permit will not be discontinued.
- ❖ Councilman Smith agrees stating yes, they also parked in Mrs. Smalls field, they parked across driveways; continuing that he is unsure if they had her permission. There was one lane open on the road.
- The possibility and the zoning classification of tours and tasting brought up.
- Councilman Paul Schoonmaker remarks they will be doing tasting and if you know what is going to happen you can better prepare for it.
- ❖ Councilman Mike Dean this is not a small operation.
- ❖ Councilman Kevin Smith this will be nuisance to property owners. This not Woodstock, we do not have a police force and this is not the prevue of the DEP police.
- Councilman Dave Brooks confirms with Supervisor Bruning that he wants the Advisory Committee to hold the public hearing instead of the Town Board?
- Supervisor Bruning affirms yes, because they put that section in there not the Town Board. If the Committee wants it in there they should hold it.
- ❖ Councilmen Kevin Smith and Mike Dean agree with the response.
- Councilman Paul Schoonmaker opens a discussion on the damage at the bottom of New Road Hill.
- Highway Superintendent Van Saders remarks the cribbing is exposed and trees are slumping down the bank.
- Councilman Paul Schoonmaker inquires if Karen Rauter and her team do the repair?
- Highway Superintendent Van Saders remarks he will show FEMA and comments it will probably not be done until spring.
- ❖ The Town Board opens a discussion on the bridge by the Cole residence. The DEP may pay for the project as it protects emergency services. The Town Board believes this will aid in reducing flooding on Denning Road.
- Resident Russ Betters inquires about the budget.
- ❖ Supervisor Bruning the Town was under the 2% cap.
- Resident Russ Betters also inquires about Ulster County taking over Safety Net.
- ❖ Supervisor Bruning responds that it is over a three-year period. Many towns have not paid their Safety Net bill and want Ulster County to take over the program as it brings towns over the 2% budget tax cap. The Town has paid its bill and will be getting a check for the 21%, which the County will be paying for this year.
- Discussion opened on the amounts paid by other municipalities.
- Resident Russ Betters inquires if there is a process in place now for the microbrewery application.
- Supervisor Bruning responds yes, if it is an accepted use you will need a Special Permit, currently it is not an accepted use.
- Councilman Dave Brooks responds that currently an applicant must go to the Zoning Board of Appeals and needs a Special Permit.
- Resident Russ Betters comments that if they approve then you must give them a permit.
- Councilman Kevin Smith there had been a brief discussion of a moratorium but it hasn't gone anywhere.
- Supervisor Bruning comments that the public should decide one way or the other.
- ❖ Councilman Kevin Smith remarks that people have rights.

- ❖ Councilman Pauls Schoonmaker asks if you can legally stop it?
- Both Supervisor Bruning and Councilman Kevin Smith respond if the public doesn't want it. Councilman Smith; look at Town of Neversink.
- ❖ Councilman Kevin Smith if everyone wants it then it is.
- ❖ Councilman Paul Schoonmaker remarks that there must be more than 20 people at the public hearing.
- Discussion opened on refuse fees and the amount charged by Jim Taylor's gasification plant. He (Jim Taylor) stated at a Supervisor's Meeting that he would consider building a small plant in Ulster County.

Town Board Comments: See Above

Public Comments: See Above

Meeting is adjourned at 8:15 p.m. by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor, Motion carried by a 4 to 0 vote.

Respectfully submitted by Joy Ann Monforte,

Town Clerk December 5, 2012

Next meeting: Tuesday, December 11, 2012 at the Denning Town Hall.

Town of Denning - Town Business Meeting

Held on Tuesday, December 11, 2012 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.

The Supervisor presented the Board with the Budget vs. Actual thru November of 2012

Present: Supervisor Bruning

Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith,

and David Brooks

Recording Secretary: Joy-Ann Monforte

Also present: Highway Superintendent Dan Van Saders

Highway Vouchers presented (see warrant #12, voucher#270-287) Discussion on various bills submitted and diesel inspection of a Town truck. The warrant is in the amount of \$13,499.04

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

General Vouchers presented, (see warrant #12, voucher #266-297) Brief Town Board discussion for pulled voucher No. 279 unemployment insurance payment. Discussion on the \$1,000.00 donation to the Time and the Valley Museum, voucher is approved. The warrant is in the amount of \$19,182.74

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

Supervisor Bruning informs the Town Board:

- Supervisor Bruning inquires if January 8th is the best date and asks what time would be best to meet with the Attorney prior to the tentative January 11th, Non Binding Arbitration Meeting? Brief discussion follows; Board will meet at 1:30 pm.
- That a check in the amount of \$8,441.56 was received for the over payment to MVP insurance.
- YMCA has sent a check for tire recycling in the amount of \$578.00.

Councilman Paul Schoonmaker inquires about the code violation situation on Wild Cat Mtn. Road if tickets have been issued by the COE? Supervisor Bruning gives an update on the situation, tickets are pending. Supervisor Bruning explains that he told the COE a ticket does not have to be written on a ticket and that COE Von Hassel is in the process of writing Said tickets now.

Councilman Paul Schoonmaker also inquires if anyone has called about the streetlights by the firehouse being out? Discussion follows, he, (Councilman Paul Schoonmaker) will call Central Hudson.

Councilman Dave Brooks opens a discussion on a proposed mailing to the residents asking if they support small wineries and breweries. He does not want to hold a public hearing in the winter when a lot of residents could not attend. Councilman Kevin Smith remarks; make them plural; wineries or microbreweries.

Councilman Paul Schoonmaker remarks, you would have a greater response (with a mailing) that way.

Councilman Dave Brooks, I am hoping for a good response.

Supervisor Bruning asks what happens if 60% say no.

Councilman Dave Brooks then we leave the zoning as it is.

Supervisor Bruning ok, leave it as it is, then they go the Zoning Board of Appeals (ZBA) or wherever they have to go.

Councilman Dave Brooks the Planning Board would follow the decision of the ZBA. Whatever the ZBA says goes.

Councilman Paul Schoonmaker inquires about putting the question on ballot as a referendum.

Councilman Kevin Smith asks what is the point of the ZBA if they get approval anyway?

Supervisor Dennis Doyle of U.C. Planning told him this is a Planning Board decision not ZBA. The ZBA deals with lot lines adjustments.

Supervisor Bruning wants to know if the ZBA would have to honor the survey?

Councilman Kevin Smith also asks if they have to follow the results? Councilman Dave Brooks, before the Planning Board issues a Special Permit they would hold a Public Hearing.

Supervisor Bruning remarks it could go either way.

Councilman Dave Brooks this is a Town wide issue.

Supervisor Bruning don't get me wrong I am for the survey.

Councilman Dave Brooks the Zoning Advisory Committee would take the response and put it in the zoning or not.

Councilman Dave Brooks that is why we made it an annual permit. Councilman Kevin Smith they don't follow the Planning Board now, there are no screenings (plantings) as they where ordered to do, what makes you think they will follow the rules and once a permit is issued, it is hard to rescind.

Supervisor Bruning states he will call the Attorney for the Town Rod Futerfas.

Councilman Dave Brooks informs the Board that he spoke with him a month ago and he thought to regulate it.

Supervisor Bruning would like to ask if the majority of the people say no, could we say no?

Councilman Dave Brooks the ZBA doesn't have any training.

Supervisor Bruning according to U.C. Planner Dennis Doyle most Town ZBA's don't have there training.

Councilman Kevin Smith if zoning is not to protect the community then what is it for?

Supervisor Bruning if the survey comes back no and Planning Board says no, then are you prepared for a lawsuit?

Councilman Kevin Smith; people have the right to peace, quiet and privacy, they should have a say.

Supervisor Bruning supposed the survey comes back yes, you would have a hell of a time denying it, if it comes back no.

Councilman Kevin Smith (cuts in with) asks the attorney. How is it that Neversink does not allow alcohol?

Supervisor Bruning the Town of Neversink held a vote.

Councilman Dave Brooks the question on the survey is simple - does the community want it in the zoning or as a non-allowable use.

Supervisor Bruning be more specific – the survey should say small-scale wineries and breweries be allowed to operate under a Special Permit.

Councilman Kevin Smith-some people doesn't think this (micro-breweries) is possible in the Town of Denning. Allow it in the Town of

Denning or not.

Councilman Dave Brooks if it is in the regulations then you have control. If it is not in the zoning then they go to the ZBA. Supervisor Bruning opens a brief discussion on waiting until November.

Councilman Mike Dean if you wait - we should put a moratorium in. Supervisor Bruning - go ahead with the zoning law, put a moratorium in place until a public referendum in November.

Supervisor Bruning will talk with Rod Futerfas and see what he says. Councilman Dave Brooks remarks I understand your point; this is to protect the whole Town.

Supervisor Bruning again states that U.C. Planner Dennis Doyle said this is a Planning Board issue.

Councilman Dave Brooks then it has to be in the zoning law, with regulations so the Planning Board has guidelines to follow.

Supervisor Bruning the Planning Board would have to hold a public hearing, can the Planning Board not issue a Special Permit if the people doesn't want it?

Councilman Dave Brooks I want to put something in the zoning to protect the whole Town.

Councilman Kevin Smith asks how it is that the Town of Neversink does not allow the sale the alcohol; we should contact Town of Neversink Supervisor Mark McCarthy.

Supervisor Bruning remarks, I think a resident has to come in with a signed petition to get this on the ballot.

Councilman Dave Brooks will find out what the Town of Neversink law states.

Supervisor Bruning a lot of work to do a mailing.

Councilman Kevin Smith people love the pristine, peace and quiet. At the Zoning Advisory Committee Public Hearing people stated they didn't come here to support tourism.

Motion to adjourn at 8:17 p.m. by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor. Motion carried by a 4 to 0 vote.

Respectfully Submitted by Joy Ann Monforte,

Town Clerk December 12th, 2012

Next meeting: Wednesday, January 2, 2013 at the Denning Town Hall.