

# Town of Denning – Town Board Meeting

Meeting called to order at 7:06 p.m. by Supervisor Bruning,  
Held on Tuesday, February 5, 2013 at the Denning Town Hall.

Present: Supervisor Bruning

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

Also present: Highway Superintendent Dan Van Sadlers

The Town Clerk Minute Book was signed prior to the commencement  
of the meeting.

The Town Clerk gave the Board members their copy of the agenda and  
Resolutions 25-32 of 2013 as well as correspondence to the  
Supervisor.

Pledge of Allegiance

Reading of last month's minutes by Town Clerk Joy-Ann Monforte.  
Amended by Councilman Dave Brooks who said at the prior meeting "if  
they were talking about putting it next to me then I would want rules  
and regulations and **not** leave it up to volunteer boards."

Motion to adopt and approve as read and amended by Councilman  
Mike Dean, 2<sup>nd</sup> by Councilman Paul Schoonmaker. All in favor. Motion  
carried by a 4 to 0 vote.

Correspondence –Supervisor Bruning

- A letter from the NYMIR representative, he had no  
recommendations for the Town.
- A letter gratefully acknowledged which included the monthly  
donation from the Frost Valley YMCA.
- A thank you from the Time and the Valley Museum for the recent  
donation along with a reminder that Town of Denning residents  
are admitted free the 1<sup>st</sup> Saturday of the month from May to  
October.

Highway Report by Highway Superintendent Dan Van Sadlers

- The Clair Road close out is in Albany.
- Peekamoose Road final close out was held. No date for check.
- Attended the kick off meeting for Hurricane Sandy.
- Plow has been installed.
- Supervisor Bruning asks about the old plow, response it is at the  
highway garage.
- 550 back then broke down again an injector problem.
- Discussion on injector problem and replacement of.
- Councilman Dave Brooks ask what happens when light goes on?
- Highway Superintendent Dan Van Sadlers the truck won't run at  
all.
- Ice jam up by Mike Dean on Frost Valley property is a concern  
and will be watched.
- Councilman Dean remarks that Hurricane Sandy changed the  
course of the river.
- Superintendent Van Sadlers will show FEMA, that site as well as  
the site by New Hill Road.

Code Enforcement – No Report

Planning Board Report- Councilman Mike Dean

- Tom Matthews submitted another site plan for the Blue Hill Lodge for review and they (the Planning Board) ok'd a 36x60 addition for the barn.
- The Blue Hill Lodge has applied for a Special Permit for the manufacture of beer.
- The public hearing will be February 23, 1013 at the Fire House.
- Supervisor Bruning states they will need a whole different permit to actually drink beer. The permit is for manufacturing not public access.
- Councilman Dean continues: that they have reviewed the parking and there will be 32 spots in the back of the barn.
- No silo, a 1 story building behind the barn.
- Supervisor Bruning- no seating for people, the permit application is to manufacture beer.

Resolution No. 25 of 2013

WHEREAS New York State Town Law section 113 authorizes the Town Board to transfer monies and unexpended balances and adjust budget accounts when necessary, and

WHEREAS some accounts were under expended and others over expended, the Town of Denning Town Board

HEREBY authorizes the Town Supervisor to make the following adjustments to the 2012 Town Budget Accounts:

GENERAL:

Increase A1410.4 Town Clerk Personal from \$24,459.00 to \$24,469.00

A1410.2 Town Clerk Equipment -0- to \$100.00

Decrease A1410.4 Town Clerk Contractual Expense from \$5,000.00 to \$4,890.00

Increase 1460.4 Records Mgnt-Contractual from \$1950.00 to \$2,450.00

Increase A1620.1 Buildings Personal Services from \$1,346.00 to \$1,350.00

Increase A1650.4 Central Comm. System Contractual from \$1,500.00 to \$2,310.00

Increase A7840.4 Museum Contractual Expense from -0- to \$1,000.00

Increase A8020.4 Planning Contractual from \$1,500.00 to \$6,050.00

Decrease A6140.4 Social Services Home Relief from \$10,000.00 to \$5,450.00

Increase A9010.8 NYS Retirement System from \$16,615 to \$21,115.00

Decrease A9060.8 Health Insurance from \$90,000.00 to \$89,500.00

Decrease A1990.4 Contingency Account from \$6,500.00 to \$186.00

Motion to adopt and approve by Councilman Dave Brooks, 2<sup>nd</sup> 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. 26 of 2013

**WHEREAS** New York State Real Property Tax Law authorizes the Town Board to appoint an assessor for the Town,

**NOW THEREFORE** be it RESOLVED that Michael B. Sommers, residing at 28 Cooper Street, Accord, NY 12404, be appointed as Sole Assessor for the Town of Denning, with a 6 year term of office from October 1, 2013 to September 30, 2019, with an annual salary to be determined by the Denning Town Board and to be drawn from Assessors Personal Services.

(General Fund Appropriations code A1355.1)

Motion to adopt and approve by Councilman Mike Dean, 2<sup>nd</sup> 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. 27 of 2013

**WHEREAS** New York State Highway Law section 285-a authorizes the Town Board to transfer monies and unexpended balances, and

**WHEREAS** the Revenue Anticipation Note that was obtained to pay for the repair of Peekamoose Road after Hurricane Irene became due in October 2012, and

**WHEREAS** the interest due was not in the 2012 Budget, the Town of Denning Town Board

**HEREBY** authorizes the Town Supervisor to establish a budget in the amount of \$13,125.00 to cover the cost of one-years interest by creating account DA9730.7 Bond Anticipation – Interest for \$13,125.00. Monies are to be taken from unexpended Unappropriated Fund Balance and added to DA9999 Appropriated Fund Balance.

Motion to adopt and approve by Councilman Mike Dean, 2<sup>nd</sup> 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. 28 of 2013

WHEREAS New York State Highway Law section 285-a authorizes the Town Board to transfer monies and unexpended balances, and

WHEREAS Account DA 5110.4 Maintenance of Streets- Contractual was over expended in 2012 by \$25,276.65, and

WHEREAS other accounts were under expended the Town of Denning Town Board

HEREBY authorizes the Town Supervisor to make the following adjustments to the 2012 Highway Budget

Increase the budget amount for Account DA 5110.4 Maintenance of Streets Contractual to \$135,276.65, and decrease

Account DA 5110.1 Maintenance of Streets –Personal Services from \$146,676.00 to \$139,399.35.

Account DA 5130.2 Machinery Equipment from \$15,00.00 to -0-

Account DA 5142.1 Snow Removal – Personal Services from \$120,462.00 to \$116,462.00.

Motion to adopt and approve by Councilman Paul Schoonmaker, 2<sup>nd</sup> 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.

Resolution No. 29 of 2013

WHEREAS New York State Highway Law section 285-a authorizes the Town Board to transfer monies and unexpended balances, and

WHEREAS Account DA 5130.4 Machinery Contractual and Account DA 9060.8 Health Insurance are over expended in the 2012 Budget, and

WHEREAS Account DA5142.4 Snow Removal Contractual was under expended, the Town of Denning Town Board

HEREBY authorizes the Supervisor to make the following adjustments to the 2012 Highway Budget:

Increase Account DA 5130.4- Machinery Contractual from \$55,000.00 to \$72,487.97 and increase Account DA 9060.8 Health Insurance from \$50,000.00 TO \$52,095.00.

Decrease Account DA 5142.4 Snow Removal Contractual from \$90,000.00 to \$70,417.03.

Motion to adopt and approve by Councilman Kevin Smith, 2<sup>nd</sup> 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. 30 of 2013

WHEREAS New York State Highway Law section 285-a authorizes the Town Board to transfer monies and unexpended balances, and

WHEREAS monies that were received from FEMA for prior years expenditures were utilized to complete FEMA work in the year 2012 the Town of Denning Town Board

HEREBY authorizes the Town Supervisor to make the following adjustments to the 2012 Highway Budget.

Increase the budgeted amount for Account DA 2701- Refunds Prior Years Expenditures to \$346,859.77 and

Increase the budgeted amount for Account DA 8760- Emergency Disaster Work, Contractual to \$ 346,859.77

Motion to adopt and approve by Councilman Mike Dean, 2<sup>nd</sup> 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. 31 of 2013

WHEREAS New York State Highway Law section 285-a authorizes the Town Board to transfer monies and unexpended balances, and

WHEREAS the budget amount for the NYS Retirement System is not sufficient, the Town of Denning Town Board

HEREBY authorizes the Town Supervisor to make the following adjustment to the 2012 Highway Budget:

Increase the budgeted amount for Account DA 9010.8- NYS Retirement System from \$37,310.00 to \$54,343.50.

Increase the budgeted amount for Account DA 9999 – Appropriated Fund Balance by \$17,033.50 with monies to be taken from Unappropriated-Unexpended Fund Balance.

Motion to adopt and approve by Councilman Dave Brooks, 2<sup>nd</sup> 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. 32 of 2013

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Denning Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the Town of Denning hereby supports the passage of said Bills and respectfully requests that the State

Representatives who represents constituents in the Town of Denning support the passage of said Bills.

Copies of this resolution to be forwarded to Senator John Bonacic, Assemblywoman Tenney and Sponsor of this bill Assemblyman Michael Kearns.

Councilman Mike Dean comments he sees no reason not to adopt this.

Councilman Paul Schoonmaker remarks he is ok with it.

Motion to adopt and approve by Councilman Paul Schoonmaker, 2<sup>nd</sup> 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.

Supervisor Comments:

- Informs the Board that the Town of the split for the NYS Retirement split.
- Non-binding meeting the 22<sup>nd</sup> he and Mike Dean will attend, meeting with attorney prior to.
- Received notice from Dave Sheeley that Bridge 100 was to be put off until 2014, he said there were easement problems.
- Supervisor Bruning informs the Board that he told him (Dave Sheeley), he had been told that last year by Ed Pine and that that was not true. He wanted to know what the problem was, and no one would answer him. Has been playing phone tag with UC Executive Aid Bob Sudlow who said the money had been spent on Hurricane Irene. Supervisor Bruning remarks that that was unacceptable and he had been promised the bridge would be done this year. He in turn promised the residents of the Town of Denning. The Town of Denning residents as well as the residents of Sullivan County are complaining and he will give them Mike Hein and Bob Sudlow's phone numbers for all complaints.
- Bob Sudlow has since called back and informed him that the bridge will start in March.
- Supervisor Bruning informs the Board that he has called Brenda Parks of Time Warner and she has not heard anything yet.
- Clair Road funding split resolved and he asks the Board to sign the voucher for Kingston Equipment as they have been waiting for payment.
- Streetlights have been fixed.
- Re-issued to Whipple and Maxwell/Kessler. The latter being served by the Ulster County Sherriff.
- Councilman Dave Brooks informs the Board that Carl Landon will do SEQR for the \$1400 or \$1600 he quoted.
- Supervisor Bruning informs Councilman Brooks that he wants a start and end date from Carl.
- Discussion on Sorenson and Shuster reviewing the zoning law, Supervisor Bruning remarks he doesn't want and doesn't think it is right for the zoning advisory committee to have to go thru the whole thing again.
- Councilman Brooks states that Mr. Landon will start in March.
- Councilman Paul Schoonmaker asks if Mr. Gilmour was supposed to do this? Response from Councilman Brooks, yes.

Board Comments:

- Councilman Mike Dean comments it looks like the Special Permit will be issued.
- Councilman Kevin Smith states the hearing is on the 23<sup>rd</sup>.
- Supervisor Bruning asks if there was a written application.
- Councilman Kevin Smith legal notice said microbrewery.
- Supervisor Bruning remarks he wants to look at the plan - the plan he saw had seating for 90 people.
- The legal notice in the Tri Valley Townsman is read by Councilman Smith and discussed for language used, by the Board.
- Councilman Kevin Smith remarks that most people don't know about it and further comments that they are planning huge weekend weddings this summer.

Public comments:

- Resident Russ Betters asks who Bob Sudlow is?
- Supervisor Bruning responds he Mike Hein's right hand man in transportation.
- Resident Russ Betters remarks that ATT will be going up on the tower in Neversink.
- Resident Russ Betters also asks if the bond interest is covered by FEMA? Highway Superintendent Van Sadlers remarks it was not in the closeout figure.
- Resident Russ Betters, further, they have a continuing problem with Verizon in Sundown- even after the power comes back on we still do not have phones. Verizon must physically come out to get the phone up and working.
- Resident Russ Betters the UCDPW is having equipment problem also, they are using the old Walter to plow roads and he can barely make the hill by my house and he stops at the top.
- Councilman Paul Schoonmaker opens a brief discussion on the UC Legislature and Town of Shandaken resolution against Governor Cuomo's gun law.
- Also a brief discussion on the "Vampire Act", no laws passed between 9 pm and 9 am.

Motion to adjourn at 8:38 by Councilman Paul Schoonmaker, 2<sup>nd</sup> by Councilman Mike Dean, All in favor. Motion carried 4 to 0 vote.

Respectfully Submitted by Joy-Ann Monforte, Town Clerk

Town Clerk

February 7<sup>th</sup>, 2013

Next meeting: Tuesday, February 12th, 2013 at the Denning Town Hall