

Town of Denning – Town Board Meeting

Meeting called to order at 7:00 p.m. by Supervisor Bruning,
Held on Tuesday, June 4th, 2013 at the Sundown Church Hall.

Present: Supervisor Bruning

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

ABSENT: 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,
Resolution No. 39 of 2013 and the correspondence to the Supervisor.

Pledge of Allegiance

Reading of last month's 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 –Supervisor Bruning

- The monthly donation from the Frost Valley YMCA in the amount of \$8,500.00 has been received and is gratefully acknowledged.
- A note from John Wellington regarding the property behind the Town Hall; he explains he has asked Ulster County for the procedure to turn the property over to the Town.
- Supervisor Bruning explains that it is 2.5 acres, he (John Wellington) originally wanted to sell it to the Town and Supervisor Bruning told him no since it totally worthless to him, he should turn it over to the Town, he (Supervisor Bruning) told him he would not spend one dime on this property, not even to surveying it. Remarking this all came about as a result of the County wanted to buy a few feet for the new bridge.
- Resident Russ Better's suggests he turn it over to Ulster County who would then have to build a wing wall to protect the Town Hall.
- Councilman Mike Dean states this property may be a deterrent to the Town in regards to liability.
- An email from the 142 District Assemblyman Michael Kerns requesting the Town Board pass a resolution condemning the actions of Democratic Leader Sheldon Silver's handling and cover up of the recent sexual harassment of women workers by Assemblyman Lopez who resigned before he was removed from office, this includes information on the various payout by Leader Silver for other cases of sexual harassment.
- Supervisor Bruning reads a sample resolution, which the Town Board agrees to and further to pass on to Senator John Bonacic and Assemblywoman Tenney. The Town Clerk is ordered to have the resolution ready next weeks meeting.
- FEMA news release President Obama has signed legislation to increase payments from 75% to 90% for cost incurred by local and State governments for Hurricane Sandy.

- Email from Congressman Chris Gibson Office that they are pursuing our claim with FEMA for repayment of Hurricane Irene damage, (for which the Town has not yet been reimbursed.)

Highway Report by Supervisor Bruning

- The issues with resident Lillian Scoles have been resolved and she is happy.
- FEMA will be sending a Progress Payment in the amount of \$724,787.59 in 7 to 14 days due to the effort by Congressman Chris Gibson, Supervisor Bruning will call to thank him when the payment is received.
- Supervisor Bruning reports that he and Highway Superintendent Van Sadlers will sit down soon to make a list of work to be done and how to use the CHIPS money, which would be reimbursed in the 3rd quarter.

Code Enforcement – Supervisor Bruning

- Still working on the Wild Cat Road situation, looks like the people will wind up being in Court on June the 11th.
- The Whipple `s have come in for their Demo Permit.
- New flood plain maps have been received along with a DVD.
- Ulster County has offered to make a list of the new properties, which have been put in the flood plain.
- Mark Vain of the DEP has offered to try to do an overlay of the maps with the flood plain and the property.

Planning Board Report- Councilman Mike Dean

- Councilman Mike Dean reports no business at the last meeting.

Culvert Bid Opening:

1 Bid received from Woodward's Concrete Products in the amount of \$34,880.00 this bid excludes curb walls, railing or setting.

- Supervisor Bruning informs those present that the Stream Management Program will pay for the project except for paving and guiderails.
- He informs those present that this used to be a 16-foot bridge.
- Councilman Brooks inquires if they will pay for the setting of the culvert?
- Response from Supervisor Bruning is yes.
- Motion to accept and approve of SAID Bid by Councilman Kevin Smith, 2nd by Councilman Paul Schoonmaker, Motion carried following a unanimous Roll Call 4 to 0 vote. Highway Superintendent Van Sadlers will be ordered to order the culvert.

Resolution No.39 of 2013

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e (1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; **Now therefore Be It RESOLVED**, that the Town Board of the

Town of Denning, County of Ulster designates Joy Ann Monforte, in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at *P.O. Box 277, Claryville, N.Y. 12725* and email at townhall@denning.us.

BE IT FURTHER RESOLVED, that the Town Board **hereby** directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

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.

Supervisor Comments:

- Informs the Board of paperwork received from UCRRA in regards to a contract extension until December of 2014, if the Town does not sign; the Town must come up with an alternative plan.
- Councilman Paul Schoonmaker remarks I thought there was a law that garbage was to stay in the County?
- Supervisor Bruning responds yes.
- Brief discussion follows; the Town Board authorizes Supervisor Bruning to sign the extension.
- Supervisor Bruning informs the Board and residents that he will meet with Brenda Parks of Time Warner Cable to review the Broadband maps.
- Supervisor Bruning asks Councilman Brooks for his report on the Best Value Law.
- Councilman Brooks' responds that he does not think it applies to the Town as it involves service contracts only.
- Supervisor Bruning asks Councilman Brooks how the zoning map is coming?
- Councilman Brooks responds that he and Carl Landon met with Ben Snyder of the Frost Valley YMCA and he had the maps done and done very well, unfortunately old GIS information from Ulster County was used.
- Mr. Landon called Ulster County, which sent the current GIS information however Ben is moving. YMCA Director Jerry Huncosky has told him that they will be hiring someone to fill (Ben's) position, so the map is currently a work in progress.
- Councilman Paul Schoonmaker opens a discussion on the Town signs at the Town lines and the "mangy look" of the sign on Denning Road.
- Brief discussion follows; he (Councilman Schoonmaker) will look into getting new signs for the entryways into Town.
- Councilman Dean opens a discussion on a dead end sign needed for Balace Road; the Town will look into all of the dead end roads to make sure there are dead end signs.

Board and Resident Comments:

- Resident Greg Vurckio inquires how the CHIPS funding correlates to the amount of work to be done on the roads?
- Councilman Brooks responds not much for paving.

- Brief discussion on cost of black top and various paving methods.
- Supervisor Bruning responds that Highway Superintendent Van Saders has all of the exact figures as to what it will take to get work done.
- Supervisor Bruning remarks there are 52 miles of roads in the Town of Denning.
- Resident Grace Rivera inquires as to the status of the Ed Mues lawsuit as she has not heard anything lately.
- Supervisor Bruning responds that you won't either.
- Resident Jeanne Kepley remarks "that the culvert is really good for you guys but that it will really screw us if something gets stuck in it." She asks if there is any way to build a wall before Mark's, along the rivers edge to divert the water? Further commenting that if she builds a wall, it would flood her neighbor (Mark) out.
- Supervisor Bruning suggests that she speak with Karen Rauter of the Stream Program.
- Resident Jeanne Kepley inquires who Mark Vain is and what happened to removing the rock from the river?
- Supervisor Bruning responds he is Karen's boss as to removing the rock, he has no faith that that will ever be done.
- Resident Jeanne Kepley states that she wants to make sure that the 15th is the limit and not 1 hour more for the clean up of the property next to her, as they are starting so late.
- Supervisor Bruning guarantees her that if it is not completely cleaned up on the 15 they will get a letter on the 16th to appear before the Judge.
- Brief discussion opened on wing wall as suggested by Resident Russ Betters.
- Supervisor Bruning welcomes snowbirds George and Helen Elias back from Florida.

Public Comments: See Above

Motion to adjourn the Town Board meeting at 8:18 pm by Councilman Dave Brooks, 2nd by Councilman Mike Dean.

All in favor. Motion carried 4 to 0 vote.

Respectfully Submitted by Joy-Ann Monforte, Town Clerk

June 5th, 2013

Next meeting: Tuesday, June 11th, 2013 at the Denning Town Hall

Town of Denning – Town Business Meeting

Held on Tuesday, June 11, 2013 at the Denning Town Hall.

Called to order at 7:01 p.m. by Supervisor Bruning

Minute book signed prior to the opening of the meeting.

The Town Clerk presented to the Board a copy of the agenda and Resolution No. 40 of 2013. The Supervisor submitted the Budget vs. Actual thru May 2013.

Present: Supervisor Bruning

Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith,

ABSENT: Councilman David Brooks

Also present: Highway Superintendent Dan Van Saders

Pledge of Allegiance

Highway Vouchers presented (see Warrant # 6, voucher (#123-144)

Motion to approve and pay highway fund vouchers by Councilman Mike Dean, 2nd by Councilman Kevin Smith, All in favor. Motion carried by a unanimous 3 to 0 Roll Call vote with 1 absentee.

The warrant is in the amount of \$ 28,448.88

General Vouchers presented, (see Warrant # 6, voucher (#149-174)

- Confirmation Motion to approve and pay general fund vouchers by Councilman Kevin Smith, 2nd by Councilman Mike Dean, All in favor. Motion carried by a unanimous 3 to 0 Roll Call vote with 1 absentee.

The warrant is in the amount of \$ 13,628.09

Motion carried following a unanimous 3 to 0 roll call vote with 1 absentee.

Resolution No.40 of 2013

WHEREAS, In 2006 Sheldon Silver agreed to pay out \$500,000 to settle a lawsuit of a woman who was sexually assaulted by Sheldon Silver's Chief Counsel because Sheldon Silver chose not to properly investigate the allegations of sexual assault; and

WHEREAS, In August 2012 a group of former female staffers of Vito Lopez's accused the Democratic Assemblyman of sexually harassing them in various ways; and

WHEREAS, Sheldon Silver helped coordinate payments of over \$100,000, partially taxpayer money, in an effort to cover up looming accusations of sexual harassment against Vito Lopez in 2012; and

WHEREAS, In December 2011 and January 2012 Sheldon Silver failed to refer allegations of sexual harassment to the authorized legislative committee, jeopardizing the safety of and respect for female employees; and

WHEREAS, The accusations and the findings of a *Joint Commission on Public Ethics* report prompted Lopez's fellow Democrats in the Assembly to call for him to step down -- but he didn't do so until May 20, 2013 after the rest of the Assembly threatened to expel him from their ranks; and

WHEREAS, Sheldon Silver's chose not to take prompt action to protect female staffers from sexual harassment, intimidation, inappropriate touching, and verbal abuse; and

WHEREAS, Sheldon Silver's actions placed these women and all women staffers in the New York State Assembly in a dangerous work environment which was degrading to women; and

WHEREAS, Sheldon Silver's actions were aimed at covering up illegal activity, rather than bringing a sexual predator to justice and stopping the abuse of women;

NOW THEREFORE LET IT BE RESOLVED, That the Town of Denning demands Sheldon Silver immediately resign as Speaker of the New York State Assembly or be removed by vote or otherwise from this office as Speaker by the members of the Assembly.

Copies of this resolution to be forwarded to New York State Senator John Bonacic; New York State Assemblywoman Claudia Tenney and Assemblyman Michael P. Kearns, of the 142 District.

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

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

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

Motion carried following a unanimous roll call vote with one absentee.

Supervisor Bruning informs the Town Board that he has met with Brenda Parks of Time Warner Cable regarding Broadband for the grant awarded amount of 10 miles in the Town of Denning. Commenting that to do Sundown at this time would take 5 miles of the award and Ms. Parks was unsure if they could go thru Town of Neversink as the award is for the Town of Denning only. A possibility for cable is to run from the Town Hall up Red Hill Road around Red Hill Knolls Road and doing Porcupine and Kawlija Roads. Woodfield Road would not be done, as it is private road. This grant is for residential properties only. Supervisor Bruning also states that this is all preliminary. Further commenting that Time Warner Cable already has a construction crew lined up.

Supervisor Bruning opens a discussion on CHIPS money in the amount of \$234,747.58.

- Highway Superintendent Van Sadlers gives the Town Board the cost estimates for doing Whitehouse, Peekamoose, Wildcat, Voss, and the bottom of Taylor Road, New Road Hill and Red Hill Knolls Roads.
- Supervisor Bruning has spoken with Auditor Teri Lockhart who has informed him that the cleanest way to fund the CHIPS projects is for the Highway to borrow from the General Fund and then the CHIPS reimbursement must used to reimburse the General Fund directly. He further states that he must be

assured that the work will be completed for repayment of the CHIPS money.

- Councilman Paul Schoonmaker remarks he hopes we do not have any FEMA emergency work come up and need to be done. He asks about the New Road Hill project.
- Superintendent Van Saders remarks that is a FEMA project and would originally come out of his budget, however weather is always a factor. He comments that Whitehouse Road is ready for shimming.
- Supervisor Bruning asks about the culvert project he is concerned about the amount of work, which needs to be done this summer, it would have to be a very productive summer.
- Councilman Paul Schoonmaker asks about the time estimate for the projects, the Highway crew would only have 4 months for all of this work also depending on the weather.
- Highway Superintendent Van Saders states we can put chip gates on our trucks to control things better. He asks if the Councilman have any ideas?
- Supervisor Bruning asks if all of the roads where work is to be done are eligible for CHIPS money?
- Highway Superintendent Van Saders responds yes.
- Councilman Mike Dean questions how long before the road can be done again, what is the CHIPS requirement?
- Highway Superintendent Van Saders responds 10 years.
- Supervisor Bruning comments he read that that is being reviewed.
- Supervisor Bruning asks if anyone has any issues with loaning the Highway Fund money from the General Fund?
- Highway Superintendent Van Saders asks what would happen if we had an epic disaster?
- Supervisor Bruning this transfer is the cleanest way.
- Councilman Mike Dean inquires as to the cost of a bond.
- Supervisor Bruning explains the interest is at 1.75% plus the cost of a bond attorney and it would take a month.
- Highway Superintendent Van Saders remarks that he has money in Maintenance of Streets.
- Supervisor Bruning remarks that the funds in Maintenance of Bridges would pay for the paving and guiderail cost of the culvert project.

Very brief discussion on who will be mowing this year.

Supervisor Bruning opens a discussion on an offer from Larry Cole to sell his 1-acre parcel next to his home for the cost of his purchase, \$20,000.00 to the Town for use for highway material storage.

Supervisor Bruning also informs the Councilmen as to Councilman Kevin Smith offer to sell his grandmothers home on $\frac{3}{4}$ of an acre to the Town for storage which borders the Town Highway property in the back. Discussion follows on the closeness of the property to the Town Barn and the fact the fact that the house would have to be taken down and a storage building built. He would maintain a ROW to his new home further back on the hill. Councilman Smith remarks that the price could be discussed at a later date and invites the Board to walk the lot.

Discussion on the size of Larry Cole's property and the water, which runs thru it.

Supervisor Bruning asks if there is any other business?
Councilman Mike Dean inquires about the proposed amendments to
the Unsafe Buildings Law?
Supervisor Bruning responds we will do that at the next meeting.

Motion to adjourn at 8:12 by Councilman Mike Dean, 2nd by
Councilman Paul Schoonmaker, All in favor.
Motion carried 3 to 0 vote.

Respectfully Submitted by Joy-Ann Monforte, Town Clerk
June 12th, 2013.

Next meeting: Tuesday, July 2nd, 2013 at the Denning Town Hall.