

# Town of Denning – Town Board Meeting

Meeting called to order at 7:04 p.m. by Supervisor Bruning,  
Held on Tuesday, July 2nd, 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 Saders

The Deputy Town Clerk gave the Board members their copy of the agenda and the prior franchise agreement as well as correspondence to the Supervisor.

Pledge of Allegiance

Public Hearing for the proposed Time Warner Cable Franchise opened at 7:05 p.m.

The Deputy Clerk handed a copy of the Time Warner Cable Franchise, for public to view.

The Supervisor read a correspondence from the Town's attorney, with his comments regarding the franchise agreement.

Members of the public inquired as to where the cable service will be provided.

Supervisor Bruning explained, that a NYS grant is paying for 10 miles of cable. The 10 miles of cable has to be connected to the existing cable. The grant is only for resident's not commercial properties. Time Warner Cable and the Town Board will jointly determine the exact location of where the cable will be run. This decision will be determined by the most populated area. The exact location of the cable is yet to be determined.

Mr. Les Stone inquired about the cost of running the cable per mile and if there is any other additional funding to provide more cable. The Supervisor replied \$28,000 per mile. (If the cable is hung on poles). He, Mr. Stone, further states that running the cable to the Frost Valley YMCA would still leave 3 miles of cable for residents. Mr. Stone also asks if the only determination to run the cable is population density? Supervisor Bruning responds yes, don't you think that is fair? The Supervisor also stated that before he signs any agreements he would like it stated in the contract that each following year Time Warner will add additional miles of cable.

The Supervisor stated that this is an existing grant from last year. Mrs. Patti Candelari informed the Supervisor that there is another grant for this year with an August 12<sup>th</sup> deadline. She handed the Supervisor the paperwork for it. The Supervisor thanked her and stated that he will look into it. He mentioned that the cable company is responsible for applying for the grant. He also commented that he has spoken with Brenda Parks, a representative for Time Warner Cable, and she is confident that NYS will offer more grants in the future.

Members of the public inquired about Verizon or another high-speed internet provider coming to Denning. The Supervisor commented that he spoke with Verizon and there reply to him was, "not in your lifetime."

Referring to the cable the Supervisor stated, "I'm going to do all that I can; to get all that I can."

Members of the public brought up discussion including raising taxes to pay for bringing cable to all properties in Denning, as well as running the cable in segments and whether Time Warner would match the grant. The Supervisor stated that he isn't sure if NYS law allows for raising taxes for this purpose. The Supervisor commented that at \$28,000 per mile the costs add up quickly, and he would like to see Time Warner invest money in running some cable through the Town, and not rely solely on grant funding.

Discussion followed on the pros and cons of cable vs. satellite.

The Supervisor noted that he has worked 3 months on the preliminary work on this project including a trip to Albany. He also noted that this is just a franchise agreement, Time Warner is not going to give specifics on where and when the cable will be run. This just allows Time Warner in Denning.

Motion to adjourn Public hearing at 7:51 p.m. by Councilman Dean, 2<sup>nd</sup> by Councilman Smith, All in favor. Motion carried 4 to 0 vote.

Reading of last month's minutes by Supervisor Bruning.

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

The Supervisor noted that the agenda had the wrong date for next month's meeting. It should state July 9<sup>th</sup> for the business meeting.

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.
- The Supervisor informs the Board of correspondence from Karen Router, informing him that NYS is giving Ulster County \$3,000,000.00 for community reconstruction.
- A response from Assemblywoman Claudia Tenney, in regards to a delay in the \$25,000.00 grant for the Clair Road project.
- The Ulster County Legislator News in regards to the Ulster County Legislator taking over Safety Net costs
- Neversink Rondout Stream Program invitation to a presentation of new flood plain maps.
- Check for Town's recycled metal in the amount of \$1,838.57.
- A response from the office of Congressman Chris Gibson in regard to FEMA project 2024709.
- FEMA sent 2 checks for the amounts of \$2,028.14 and \$632,054.09. The Supervisor noted that the sum that FEMA sent is not enough to repay the bond for repairing Peekamoose Road after Hurricane Irene. He continued that the bond has to be paid in full in one payment. He added that FEMA promised to pay \$724,787.00.

Highway Report by Highway Superintendent Dan Van Sadlers

- ❖ Ordered culvert pipe for installing by the Claryville Fire Department. The Highway Superintendent hopes to have the culvert in by the end of July while keeping the road open during the installation.
- ❖ Work started on White House Road is almost complete.
- ❖ The 2008 International truck is in the shop again for electrical problems. It is still under warranty as well as the tow.
- ❖ A FEMA project on Denning Road near New Road Hill. FEMA will be coming out to look over the project due to some

- discrepancies in the paperwork.
- ❖ The Highway Superintendent spoke with Mr. Tom Grocholl from Frost Valley YMCA about tree removal.
  - ❖ The Highway Superintendent noted that due to the lack of FEMA funding has made it difficult to finish projects. He is hoping to get money from Ulster County to finish Peekamoose Road.
  - ❖ Wildcat and Voss Road need work after the September 18<sup>th</sup> storm.
  - ❖ If funding and weather permit; work on New Road Hill and Red Hill Knolls will be started. This would use the CHIPS funding.
  - ❖ Will be ordering new entering the Town of Denning signs as well as dead end signs.
  - ❖ Thankful acknowledgment to Ulster County DPW for lending a couple of tandem trucks to help with the road repairs.

#### Code Enforcement – Supervisor Bruning

- The Whipple's still have a couple of cars left to remove.
- Still working on the Wild Cat Road situation, their Court date is July 9<sup>th</sup>.

#### Planning Board Report- Councilman Mike Dean

- . Mr. Kimball Parker finally appeared before the Planning Board for the preliminary to subdivide and sell to NYS DEP as well as to the Cyr's. A Public Hearing is forth coming.
- . Representatives for Mr. Judd Hirsch appeared before the Board for a lot line adjustment.
- . Mr. Jerry Huncosky submitted survey maps showing right of way for the Boards approval before building a road.
- . Attorney William Brenner appeared before the Board representing the Wildcat situation.

#### Supervisor Comments:

- ⤴ No Comments as everything has already been covered.

#### Board Comments:

- ⤴ Councilmen Brooks stated that they are still waiting for the new recruit at the YMCA to finish the maps.

#### Public Comments:

- Resident Steve Ellis inquired about the Whipple's septic leaking. The Supervisor responded that he spoke to the Whipple's, and it was a pipe that is cracked. The pipe will be cut off and then capped; so it shouldn't cause any problems.
- Discussion followed on future plans for the Whipple property, the new bridge by the Claryville Fire House and the funding for it, and cleanup of old guardrails laying waste in the stream on the West Branch.
- Members of the public inquired about new flood plain maps.
- Resident Russ Betters thanks the Town for their commitment to Peekamoose Road. Discussion followed on tree removal along roadways.

Motion to adjourn at 8:49 by Councilman Dean, 2<sup>nd</sup> by Councilman Schoonmaker, All in favor. Motion carried 4 to 0 vote.

Respectfully Submitted by Tammy Beck, Deputy Town Clerk

Next meeting: Tuesday, July 9, 2013 at the Denning Town Hall

# Town of Denning – Town Business Meeting

Held on Tuesday, July 9, 2013 at the Denning Town Hall.

Called to order at 7:07 p.m. by Supervisor Bruning

The Minute Book was signed prior to the opening of the meeting. The Town Clerk presented to the Board a copy of the agenda, resolution No. 41 of 2013 and general vouchers to the Supervisor. The Clerk also presented a printed email of the new proposed Town signs to Councilman Paul Schoonmaker from Highway Superintendent Dan Van Saders.

Present: Supervisor Bruning

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

Also present: Highway Superintendent Dan Van Saders

Resident Jeanne Kepley and Barbara Ackerly are invited by Supervisor Bruning to make their comments prior to the auditing of the vouchers.

- Mrs. Kepley inquires if Supervisor Bruning has spoken with Mr. Whipple; he has 2 cars there and has put items behind them, stating she realizes that Karl the COE had given them a few extra days.
- Supervisor Bruning responds he has called him every Monday and confirms with the Town Clerk that he has not returned his call this week. Further stating that he doesn't know if he can have Zanetti's tow the vehicles legally without the tiles. He will call the Sheriff's Office tomorrow and check. He will also call Mr. Whipple, after which he will call Mrs. Kepley.
- Mrs. Kepley tells him the tenants name is Thomas Sherwood and he has told her he is not coming back here, and has moved on. She informs him of where and when he can be reached.
- Mrs. Kepley also inquires about the culvert pipe by the firehouse, asking if a date has been determined.
- Highway Superintendent Dan Van Saders responds the pipe should be delivered in 3 weeks or so and a date will be determined at that time.
- Brief discussion on the new Bridge 100 by the Town Hall with Mrs. Kepley informing the Town Board that her neighbor across the street, Mrs. Leas has spoken with the property owner Mr. John Wellington and has made progress.

Highway Vouchers presented (see Warrant # 7, vouchers (#145-168))

- Councilman Kevin Smith has a question about the ice control; response from Highway Superintendent Van Saders is that it was used to harden the snowplow turn around on Kawlija Road.
- Councilman Dave Brooks inquires about the air conditioning on a voucher.
- Highway Superintendent Van Saders responds a light came on in Robbie's truck.
- Councilman Brooks also remarks that it was an expensive strap that was bought?
- Highway Superintendent Van Saders responds yes it was, they do not make them anymore for Dave's truck anymore.

Motion to approve and pay highway fund vouchers by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Kevin Smith, All in favor. Motion carried by a unanimous 4 to 0 Roll Call vote.

The warrant is in the amount of \$46,640.47

General Vouchers presented, (see Warrant # 7, vouchers (#175-198) Motion to approve and pay general fund vouchers by Councilman Kevin Smith, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried by a unanimous 4 to 0 Roll Call vote.  
The warrant is in the amount of \$13,506.73

Resolution No.41 of 2013

**WHEREAS** New York State Law section 113 (1)(a) authorizes the Town Board to transfer monies and unexpended balances by resolution from the General Fund, Town Wide to any Highway Fund, and

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

**WHEREAS** the Town of Denning has a rollover balance in their CHIPS Funding from 2012 in the amount of \$102,764.56 because there wasn't any CHIPS Highway work done in 2012, and

**WHEREAS** the Town of Denning has an allotment of \$131,938.02 for the year 2013, and

**WHEREAS** the Town of Denning total CHIPS allotment for Town highway work is now \$234,747.58, and

**WHEREAS** the funds are not available I the Highway Fund Balance to finance the CHIPS work, and

**WHEREAS** there is funds available in the General Fund, and

**WHEREAS** funds expended of CHIPS highway work in the Town will be reimbursed in December of 2013, the Town of Denning Town Board

**HEREBY** authorizes the Supervisor to loan \$234,748.58 to the Highway Fund from the General Fund Unexpended, Unallocated Fund Balance and increase the budgeted amount for Account DA3501-State Aid-Consolidated Highway to \$234,748.58 and Account DA5112-Permanent Improvement -Hwy Equip, Capital Outlay to \$234,748.58.

Motion to adopt and approve by Councilman David 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.

Supervisor Bruning informs the Town Board that a check for \$634,000.00 received from FEMA is not enough to pay for the note. He intends to pay it off this year. There is \$108,730.00 in the Equipment Reserve; he has a call in to Auditor Teri Lockhart to confirm it is legal to borrow from the fund to pay off the note. He is aware that if you plan to use it to purchase anything else you must have a public referendum. He remarks that another option is to pay off a portion and carry a new note \$100,000. He does not want to do that because of the fess and cost involved. The Town Board agrees.

Discussion opened by Supervisor Bruning and Highway Superintendent Van Saders on the condition of the road by New Hill. There is no funding for it and Highway Superintendent Dan Van Saders remarks that he is waiting for FEMA to come back out and write up a new description. He is hoping that cutting trees will relieve some of the stress on the bank.

- Town Board discussion follows.
- Councilman Dave Brooks asks if a bad storm can wash the road out?
- Highway Superintendent Van Saders responds he is concerned but cannot do a lot of work because of the pending FEMA inspection and lack of funds.
- Supervisor Bruning informs the Board that he and Councilman Mike Dean will meet with Brenda Parks of Time Warner Cable to review the proposed contract and the public comments.
- Councilman Dave Brooks inquires if the Town will receive a percentage?
- Supervisor Bruning will discuss it with her but is not overly concerned because according to an estimate the Town would receive \$30.00 a month.
- Supervisor Bruning opens a discussion with Councilman Paul Schoonmaker on the new proposed Town entryway signs.
- After a brief discussion the Town will order the brown signs with the slanted lettering as well as dead end road signs. Highway Superintendent Van Saders is ordered to proceed.
- Supervisor Bruning informs the Board that he has met with Republican Chairman Russ Betters yesterday and informed him that he will not be running this year for a new term.
- The Town Board thanks him for his devotion to the Town of Denning and all of his efforts on behalf of the Town. Commenting they will miss working with him.
- Councilman Dave Brooks asks about the status of the Wild Cat Road situation?
- Supervisor Bruning remarks he has turned everything over to the Attorney for the Town.

Motion to adjourn at 8:08 PM by Councilman Kevin Smith,  
2<sup>nd</sup> by Councilman Dave Brooks, All in favor.  
Motion carried by a 4 to 0 vote.

Respectfully Submitted by Joy-Ann Monforte, Town Clerk on  
July 10th, 2013.

Next meeting: Tuesday, August 6th, 2013 at the Sundown Church  
Hall.