

Town of Denning – Town Board Meeting

Meeting called to order at 7:01p.m. by Supervisor Brooks.

Held on Tuesday, September 2nd, 2014 at the Denning Town Hall.

Present: Supervisor Brooks

Councilmen: Mike Dean, Kevin Smith, Gregory Vurckio and

Councilman Paul Schoonmaker

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 No. 54 thru 57 of 2014 as well as their copy of the NYS Comptrollers pamphlet titled the Update.

Pledge of Allegiance

The Public Hearing for Local Law No. 1 of 2014 opened by Supervisor Brooks informing the public of the reasoning behind this local law, and how the approval resolution will be rescinded if the Town stays' under the 2% Tax Cap; the STAR rebate tied to the Cap would be \$12 per household. Stating he will do his best but that it will be difficult.

- Councilman Mike Dean remarks everything has gone up by more than 2%.
- Supervisor Brooks replies yes, electric, heating, fuel and health insurance to name a few.
- He explains this rebate is also tied to "Shared Services" but he is not concerned with that aspect as the Town has agreements with and has worked with other municipalities.
- Supervisor Brooks asks for any further comments or questions, there is none. Therefore he requests a motion to exit the Public Hearing and enter in the regularly scheduled meeting.
- Motion by Councilman Mike Dean, 2nd by Councilman Kevin Smith. All in favor, Motion carried by a 4 to 0 vote.

Reading of last month's minutes by Town Clerk Joy Monforte.

Motion to adopt and approve as read by Councilman Mike Dean, 2nd by Councilman Kevin Smith. All in favor. Motion carried by a 4 to 0 vote.

Correspondence – Supervisor Brooks

- The monthly donation from the Frost Valley YMCA in the amount of \$8,500.00 has been received and is gratefully acknowledged.
- The Saw Mill Road paperwork has been signed and is now at the NYSDoT for approval, which usually takes 2 weeks, and then Ulster County will go out for bid. The County is bringing riprap for the town to place at this site.
- Brief discussion regarding the project delay.

Highway Report by Highway Superintendent Dan Van Sadlers

- Wild Meadow Road graded and repaired the dug-way.
- Red Hill Knolls has been patched and ditch cleaned.
- The 2008 is back in the shop for transmission repairs. He has been trying to get a hold of the International truck rep in regards to an extended warranty with the minimum extension of the total time the truck has been out of service.
- Repaired spots on New Road Hill with rock.

- The insulation process has been started; the break-room has been sprayed.
- He has called for another dumpster, it should arrive Thursday.
- Spoke with Sullivan County Paving and it will be a 1-day project, with the road remaining open.

Code Enforcement – No Report

Planning Board Report- Councilman Mike Dean

- Spoke with K. Parr who informed him the sub-division for the Zitanze property has been put on hold for a month.
- Supervisor Brooks remarks the J. Hirsch issue is being worked on.

Resolution No. 54 of 2014

WHEREAS the Town of Denning Justice Court is soliciting the Denning 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 Denning 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 2015.

Motion to adopt and approve by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith.

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 55 of 2014

WHEREAS New York State Town Law section 113 authorizes the Town Board to transfer monies and unexpended balances, and

WHEREAS a grant was procured thru the aid of NYS Senator John Bonacic and

WHEREAS Resolution No. 46 of 2014 placed Said grant monies in A5132.4 Highway Repairs and

WHEREAS the Town of Denning desires to be able to track costs incurred thru SAID grant, and

NOW THEREFORE BE IT RESOLVED that the Town Board **HEREBY** rescinds Resolution No. 46 of 2014 and

WHEREAS this grant money is to be added to the 2014 Town of Denning Budget

NOW THEREFORE BE IT RESOLVED that the Town Board **HEREBY** authorizes Supervisor Brooks to increase A 3089 Other General Government Revenue State Aid Received by \$50,000.00 and to increase A 5132.2 Garage Repairs Equipment by \$50,000.00.

Motion to adopt and approve by Councilman Kevin Smith,
2nd by Councilman Gregory Vurckio.

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 56 of 2014

A Resolution in Support of the defeated County Resolution No. 224 of July 15, 2014, Authorizing Ulster County to Pay for the Cost of Election Expenses

WHEREAS, Ulster County Resolution No. 410 of December 6, 2006 authorized the County of Ulster to charge back the towns and the City of Kingston for the cost of elections; and

WHEREAS, the Help America Vote Act, or HAVA, mandated that all states and localities upgrade many of their election procedures, including their voting machines, registration processes and poll worker training; and

WHEREAS, the increased costs associated with elections have proven to be a substantial expense and burden on the Town of Denning; and

WHEREAS, the financial burden is expected to escalate, as future costs associated with repair and/or replacement of the new electronic voting machines could be cumbersome; and

WHEREAS, pursuant to New York State Election Law, Article 4, Section 4-136, "... the expenses of providing polling places, voting booths, supplies thereof, ballot boxes and other furniture for the polling place for any election, including the storage, transportation and maintenance of voting machines, appliances and equipment or ballot counting devices, and the compensation of the election officers in each election district, **shall be a charge upon the county in which such election district is situated...**;" and compensation of the election officers in each election district, shall be a **charge upon the county in which such election district is situated...**;"and

WHEREAS, New York State Election Law, Article 3, Section 3-226 states that "All Voting machines, and appliances and equipment relating to or used in the conduct of elections shall be in the **care, custody and control of the board of elections,**" **and therefore, not the responsibility of the local municipalities; and**

WHEREAS, the Town of Denning has no say in the increases in the chargeback pricing rates; and

WHEREAS, the Town of Denning has no ultimate authority as to who is hired by the county to be local election workers; and

WHEREAS, the Town of Denning has no authority for election worker compensation rates;

WHEREAS, in a reasoned September 23, 1992 opinion to Broome County, the New York State Comptroller said, in part, " there is no requirement that the chargeback should appear in a city, town, or village budget",

WHEREAS, the county does not charge back for services it renders from the Sheriff' s Office, Weights and Measures, Emergency Services, District Attorney' s Office, or the other county departments, and

WHEREAS, the Town has become a " middleman" in the election process rather than an active participant with any authority of home rule; and

WHEREAS, this chargeback is no less than an "**unfunded mandate**" from the County to the Town of Denning; and

WHEREAS, County Resolution No. 224, although defeated, would have directed the cost of election expenses be borne by Ulster County, and not billed to its municipalities, effective January 1, 2015; and

WHEREAS, the Town of Denning Town Board supports the passage of Said Resolution; now, therefore, be it

RESOLVED that the Town of Denning Town Board hereby supports the passage of Said Resolution and respectfully requests that the Ulster County Legislature RECONSIDER and pass Said resolution; which had been amended to allow a phasing in of elections costs thereby not creating a fiscal difficulty for Ulster County and

BE IT FURTHER RESOLVED that the Town Clerk send a certified copy of this resolution to the Ulster County Legislature and Ulster County Executive within ten (10) days.

Motion to adopt and approve by Councilman Gregory Vurckio, 2nd by Councilman Mike Dean.

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 57 of 2014

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

WHEREAS a PUBLIC HEARING was held on Tuesday, September 2nd, 2014 regarding Local Law No. 1 of 2014, and

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. 1 of 2014 titled: Tax Cap Override.

Motion to adopt and approve by Councilman Gregory Vurckio, 2nd by Councilman Paul Schoonmaker.

Roll Call Vote:

Councilman Mike Dean AYE
Councilman Paul Schoonmaker AYE
Councilman Kevin Smith AYE
Councilman Gregory Vurckio AYE
Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Supervisor Comments:

- ❖ Informs the Board he is not done reading the new proposed zoning yet but it looks good and he may have it for them next week.
- ❖ The Supervisor requests that Councilmen Dean and Schoonmaker meet with Highway Superintendent Van Saders to come up with some ideas to save money on the highway budget.
- ❖ Supervisor Brooks asks the Town Clerk if the Logging Notification form is on the Town's website? She responds yes under links and permits.
- ❖ Resident Russ Betters inquires if it is the owners or loggers responsibility?
- ❖ Response by Councilman Mike Dean, the loggers, he further asks who has been chasing the loggers down?
- ❖ Supervisor Brooks responds he and Highway Superintendent Van Saders.
- ❖ Discussion opened on the enforcement of the logging notification and the Zoning Law requirements.
- ❖ Councilman Mike Dean remarks the COE has issued Stop Work orders in the past and is required to do so by our Zoning Law.
- ❖ Supervisor Brooks informs the Board that he has spoken with CEO Von Hassel and he does not feel it is his job, however he will speak with him again.
- ❖ Supervisor Brooks gives an update on the A133 Audit, which is in progress.

Councilman Comments:

- Councilman Paul Schoonmaker inquires if a decision has been made if hoppers will be purchased by the Town's?
- Response by Supervisor Brooks, not as of yet, he will know more at the next UC Supervisor's meeting.
- Councilman Mike Dean comments that R&R costs have risen by more than 2%.
- Councilman Gregory Vurckio submits for Town Board review and approval an updated proposed fee schedule. He remarks he and Councilman Smith who worked on the project tried to be fair and to create revenue for the Town.
- Discussion follows.
- Councilman Mike Dean comments I see no reason we could not adopt this, this evening.
- Supervisor Brooks responds that they, Councilmen Vurckio and Smith, have done a great job but he would like time for review, he will call for a vote next week.
- Discussion opened on cost of insulation at the highway barn, the remaining funds from the grant will be used to replace rotted sills and inefficient windows.
- Councilman Smith has spoken with Lt. Polacco and he will come in October to do the NIMS IS 200, it is a full day class.

Resident Comments:

- George Elias inquires why the cardboard bin is always full commenting that a commercial venture should have its own refuse plan in place as a cost of doing business.
- He also states that the Code Enforcement Officer should submit a monthly report for the meetings.
- Further stating that he attended the Neversink Association meeting this past weekend and the speaker informed everyone present that the Town of Denning is being looked at by national organizations for its recreation.
- Discussion opened on the Blue Hole with Supervisor Brooks informing all present that the UC Sheriffs wrote 25 parking tickets this weekend.
- Supervisor Brook comments that after April's meeting with the Dec and further meetings with enforcement he had thought everything was covered, the management plan will go into effect next year. This is an election year; money is being spent in high visibility areas.
- Mr. Elias states that talking to the DEC is a total waste of time.
- Councilman Mike Dean informs the public that the Frost Valley YMCA does not bring anything to our R&R site.
- Discussion opened by Mr. Elias on historical markers.
- The Town Board confirms the need for the property owner's approval before placement.
- Russ Betters comments the nicer the sign the quicker it grows legs.
- Mrs. Carol Gridley- Smythe submits to the Board a copy of her new book titled "Images of America Around Neversink from the Rondout Reservoir to Neversink Reservoir."
- She informs the Board that her mother taught school in this very building, the "Dewittville School" and that her heart was always in the Town of Denning. Her new book has 50 images from Denning, Sundown and Claryville. She, her mother, always considered Denning to be a special place.
- Supervisor Brooks and the Town Board thank her for her generous gift.
- Mr. Elias comments the tannery chimney in Denning behind the Bruning house has just fallen down.
- Resident Russ Better remarks that he did not see the DEC this weekend and that the DEP drive past people double-parked. Further he stopped them, to inform them about the alleged pedophile camping at a pull off past the swimming hole and they didn't do anything.

Supervisor Brooks asks for any further business, there is none.

Motion to adjourn at 8:17 by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried by a 5 to 0 vote.

Respectfully Submitted by Joy Monforte, Town Clerk 09-04-2014

Next meeting: Wednesday, September 10th, 2014 Town Hall.

Town of Denning – Town Business Meeting

Held on Tuesday, September 8th, 2014 at the Denning Town Hall.

Called to order at 7:00 p.m. by Supervisor Brooks.

The Minute book is signed prior to the commencement of the meeting.

Present: Supervisor Brooks

Councilmen: Mike Dean, Kevin Smith, Gregory Vurckio, and Paul Schoonmaker and Highway Superintendent Dan Van Saders.

The Town Clerk presents to the Board a copy of the agenda,
The Supervisor submits the Budget vs. Actual thru August 2014 and
the proposed updated Zoning Law.

Pledge

Guest: CFD Commissioner Anthony Carminati

He requests the Town consider plowing the truck house only.

- He submits to the Town Board the increased rent proposal for the truck house.
- Highway Superintendent Vans Saders wants to go on record that he is not in favor of the Town being responsibility, he does not want to be in the middle, he remarks he must work with emergency services. He comments he plowed for 7 years and it was nothing but problems especially since plowing was in the budget. Snow falls off the roof and freezes in front of the truck house doors.
- Town Board discussion follows.
- The Town Board backs Highway Superintendent Vans Saders.
- The Town Board thanks for his efforts on behalf of the taxpayers.

Pre-Paid Highway Vouchers presented by Highway Superintendent Van Saders. (see Warrant # 9PP, voucher #25-27)

CDPHP Universal Benefits, Inc. DA9060.8 \$3683.97

Trust & Agency Acct. DA9030.8 \$728.27

Trust & Agency Acct. DA9030.8 \$756.44

Motion to approve and pay pre-paid highway fund vouchers by Councilman Mike Dean, 2nd by Councilman Gregory Vurckio, All in favor. Motion carried by a unanimous 5 to 0 Roll Call vote.

The warrant is in the amount of \$5,168.68.

Highway Vouchers presented by Highway Superintendent Dan Van Saders. (see Warrant # 9 voucher #148-157)

Advance Auto Parts DA5130.4 \$226.90

Callanan Industries Inc. DA5110.4 \$656.74

Callanan Industries Inc. DA5110.4 \$1185.29

Callanan Industries Inc. DA5110.4 \$656.74

Callanan Industries Inc. DA5110.4 \$3548.64

HO Penn Machinery Inc. DA5130.4 \$463.22

Prestige Towing DA5130.4 \$400.00

Tractor Supply DA5130.4 \$59.99

Truck Pro DA5130.4 \$157.50

Heritagenergy DA5110.4 \$1876.63

Motion to approve and pay highway fund vouchers by Councilman Kevin Smith, 2nd by Councilman Paul Schoonmaker, All in favor.

Motion carried by a unanimous 5 to 0 Roll Call vote.

The warrant is in the amount of \$9,231.65.

Pre-Paid General Vouchers presented by Supervisor David Brooks.
(See Warrant #9PP, voucher #63-72)
Central Hudson A8160.4 \$91.62 A1620.4 \$250.42 A5132.4 \$195.58
CDPHP A9060.8 \$3286.34
Cornerstone Tel. A1110.4 \$49.29 A1620.4 \$87.37 A5132.4 \$79.59
Foamco Inc. (deposit) A5132.2 \$500.00
MVP Healthcare A9060.8 \$546.20
Time Warner Cable A1670.4 \$64.98 \$64.98
Trust & Agency Acct. A9030.8 \$148.87 \$704.10
Motion to approve and pay pre-paid general fund vouchers by
Councilman Gregory Vurckio, 2nd by Paul Schoonmaker, All in favor.
Motion carried by a unanimous 5 to 0 Roll Call vote.
The warrant is in the amount of \$6,069.74.

General Vouchers presented by Supervisor David Brooks.
(See Warrant #9, voucher #195-208)
Tammy Beck (Reimbursement) A1110.4 \$8.57 A1410.4 \$17.14
Tammy Beck (Petty Cash Reimbursement Court) A1110.4 \$9.80
David Brooks (Reimbursement Map) A1220.4 \$108.00
Central Hudson A5182.4 \$98.96
Foamco Inc. A5132.2 \$16876.00
Cindy Michelson (Reimbursement) A1220.4 \$490.30
Joy Monforte (Reimbursement) A1410.4 \$113.46
NY Municipal Insurance A1990.4 \$1000.00
Office of the State Comptroller A1110.4 \$145.00
Quill A1110.4 \$76.65 A1620.4 \$58.32
River Valley Radio A1650.4 \$283.00
UCRRA A8160.4 \$3329.88
Carl Landon A1670.4 \$225.00
Carl Landon A8020.4 A500.00
Motion to approve and pay general fund vouchers by Councilman Paul
Schoonmaker, 2nd by Councilman Mike Dean, All in favor. Motion
carried by a unanimous 5 to 0 Roll Call vote.
The warrant is in the amount of \$22,840.08.

Supervisor Brooks requests the Town Board review the proposed
updated zoning law. He informs the Board that a public hearing will be
held. He explains the 1 acre Hamlet, 5 acre Rural, and 10 acre
Provincial Districts. A listing of parcels in all districts and in the
Watershed MOA Districts is included. Councilman Mike Dean suggests
that the proposed zoning be submitted to the Planning Board for
review as well.

Councilman Paul Schoonmaker opens a discussion on the lack of
incentive and lack of penalty if a logging notification is not filed.
Brief discussion follows.

Supervisor Brooks informs the Town Board he would like to change
insurance brokers. The insurance coverage and company would
remain the same. Marshall & Sterling is an insurance brokerage
whereas Ulster is a bank. They, Ulster Insurance, do not respond to
phone calls. The cost of the policy is going up 14%.
Supervisor Brooks requests authorization to change firms. Town
Board agrees.

Supervisor Brooks opens a discussion on dental insurance, he gives
Highway Superintendent Van Sadlers the information.

Highway Superintendent Van Saders informs the Board that Scott's shed needs a replacement window. Supervisor Brooks opens a discussion on the grant monies remaining. Highway Superintendent Van Saders informs the Board he requested a quote from Stokes painting for the

Highway Budget discussion opened pertaining to money in fund balance, patching, grading, fuel costs, CHIPS work to be done and FEMA funds received. Supervisor Brooks remarks that he doesn't know if it is wise to go into fund balance and then if there is an emergency no funds are available.

Discussion on doing both Van Aken and Sugarloaf roads, Councilman Vurckio suggests just patching Van Aken Road saying the Callanan bid could be 2100 tons it is an estimate and \$3.00 a ton more.

Highway Superintendent Van Saders is informed by the Board that he has to keep track of the paving project and not to go over the CHIPS allocated funds. The Town will not be able to pave Van Aken Road due

Councilman Schoonmaker inquires as to the SEQR status being done by Carl Landon. Supervisor Brooks responds he hasn't called him yet.

Supervisor Brooks calls for any further comments or remarks.

Motion to adjourn at 8:43 by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried 5 to 0 votes.

Respectfully Submitted by Joy Monforte, Town Clerk
September 11th, 2014

Next meeting: Tues., October 7th, 2014 at the Sundown Church Hall.