

Denning Town Board Meeting Agenda

May 1st, 2018



Call to Order

Pledge of Allegiance.

Guest: Lamont Engineers & Attorney Kevin Young for the CCWP

Guest: Judge Jonathan Follender

COMMITTEE REPORTS:

- ⇒ Highway – Supt. of Highways Daniel Van Sadlers.
- ⇒ Planning Board by Liaison Councilman Mike Dean

Order of Business:

- Resolution No. 32 of 2018 Consideration of the Septic Main. District
- Resolution No. 33 of 2018 Consideration of the Sewer Use Law
- Resolution No. 34 of 2018 SEQR Adoption

SUPERVISOR COMMENTS

BOARD COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Next Meetings:

Business Meeting at the Denning Town Hall

7:00 PM Tuesday, May 8th, 2018

Town Board Meeting at the Sundown Church Hall

7:00 PM Tuesday, June 5th, 2018

Claryville Community Waste Water Plan Meetings, all to be held at the Town Hall

Tuesday, March 6th at 6pm Review and Start the SEQR Process

Tuesday, April 10th at 7pm Review and Discuss the Sewer Use law.

Tuesday May 1st at 7pm Complete the SEQR Process, adopt the Engineers Report and Schedule a Hearing for the SMD creation.

-No June Meeting-

Tuesday July 3rd at 6 pm Hold the Public Hearing the SMD Creation.

The website is: www.denning.us

The public may now correspond with the Town of Denning at any of these

e-mail addresses:

townhall@denning.us

supervisor@denning.us

[Highway @denning.us](mailto:Highway@denning.us)

townclerk@denning.us

Denning Town Board Business Meeting
May 1st, 2018
Resolution No.32 of 2018

**A RESOLUTION FOR CONSIDERATION OF THE CLARYVILLE-DENNING
SEPTIC MAINTENANCE DISTRICT AND SCHEDULING A PUBLIC HEARING**

WHEREAS, New York City ("NYC") provided funding for the Community Wastewater Management Program ("CWMP"), to be administered by the Catskill Watershed Corporation ("CWC"), which is intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

WHEREAS, the Hamlet of Claryville, Town of Denning ("Town"), is one of twenty-two (22) communities identified in the MOA as lacking community wide wastewater treatment; and

WHEREAS, the Town entered into the Participating Community Agreement with CWC for the study, planning, design and construction of a sewage collection system and/or the creation of a septic maintenance district in the Hamlet of Claryville in the Town of Denning (the "Project"); and

WHEREAS, as part of the Study Phase of the Project, the Town and its Project Engineer established, with the New York City Department of Environmental Protection and CWC, that the Town should create a septic maintenance district for certain Town residents located in the Hamlet of Claryville, to be known as the Claryville-Denning Septic Maintenance District; and

WHEREAS, the Town will not incur any cost from the formation of the septic maintenance district, which cost is being fully subsidized by CWC through the CWMP; and

WHEREAS, the Project Engineer and Special Counsel have prepared materials needed for the formation of that septic maintenance district and has filed those materials with the Town Board for its review and consideration.

NOW BE IT RESOLVED:

1. The Board accepts and adopts the following materials prepared by Project Engineer and Special Counsel with regard to the formation of the Claryville-Denning Septic Maintenance District, and directs that same be appended the minutes of this meeting:

- a. District Formation Summary Report prepared by Young, Sommer, LLC and Lamont Engineers. The Report contains a summary of the septic maintenance district and implementation plan which explains the assumed schedule for the repair and replacement of septic systems in the district, provides an opinion of probable costs for operation and maintenance of septic systems in the district, references and incorporates a proposed Sewer Use Law that contains certain restrictions and allows the Town

Board (in their sole discretion) to assess an annual sewer rent, as needed to replenish the Septic Maintenance District Fund;

- b. Engineer's Report and Plan entitled "Preliminary Engineer's Report Community Wastewater Management Program for the Hamlet of Claryville, Town of Denning, Ulster County, and the Town of Neversink, Sullivan County, May 2017" prepared for the Town of Denning and the Town of Neversink by Lamont Engineers detailing the wastewater needs of the Hamlet of Claryville and delineating the service area for septic maintenance districts in Denning and Neversink.
- c. Service Area Map identifying the boundaries of the proposed Claryville-Denning Septic Maintenance District which includes the Tax Map Numbers of the parcels that will be included in the proposed Sewer district.

2. The costs of forming the district. The Town will not incur any expense in the formation of the proposed district. The operation and maintenance of the septic systems will be funded by the Septic Maintenance District Fund. The money allotted to the fund will be invested by the Town in accordance with § 4-67 in New York State General Municipal Law. The income gained each year from this fund will be used for operation, maintenance and repair/replacement of the systems within the Septic Maintenance District.

3. A copy of the Engineer's Report and Plan, Service Area Map and opinion of probable cost shall be placed in the Town Clerk's office and made available for public inspection.

4. That the Town Board shall meet at the Town Hall, Denning, New York, on the 3rd day of July, 2018 at 6:00 P.M., for the purpose of conducting a public hearing on the proposal to establish said septic maintenance district at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

5. That the Town Clerk is hereby authorized and directed to publish a copy of this order in the Ye Olde Tri Valley Townsman, the official Town newspaper and post a copy of the same on the signboard of the Town, in the time and manner required by law.

Whereupon, the Resolution was put to a vote, recorded as follows:

Motion to adopt and approve by Councilman Mike Dean,

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.

Joy Ann Monforte, RMC
Town Clerk

Denning Town Board Business Meeting
May 1st, 2018
Resolution No. 33 of 2018

**A RESOLUTION FOR CONSIDERATION OF THE CLARYVILLE-DENNING
SEWER USE LAW AND SCHEDULING A PUBLIC HEARING**

WHEREAS, New York City ("NYC") provided funding for the Community Wastewater Management Program ("CWMP"), to be administered by the Catskill Watershed Corporation ("CWC"), which is intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

WHEREAS, the Hamlet of Claryville, Town of Denning ("Town"), is one of twenty-two (22) communities identified in the MOA as lacking community wide wastewater treatment; and

WHEREAS, the Town entered into the Participating Community Agreement with CWC for the study, planning, design and construction of a sewage collection system and/or the creation of a septic maintenance district in the Hamlet of Claryville in the Town of Denning (the "Project"); and

WHEREAS, in connection with the establishment of the proposed Claryville-Denning Septic Maintenance District, the Town desires to implement a Sewer Use Law regulating the use of individual septic systems. (REMOVED)The Claryville-Denning Septic Maintenance District Sewer Use Law also includes a Sewer Rent Law that would require a property owner to pay a sewer rent when and if one is ever assessed; and

WHEREAS, the Town Board is considering forming a septic-maintenance district for the planned service area; and

WHEREAS, the Town's special counsel has prepared a proposed Claryville-Denning Septic Maintenance District Sewer Use Law; and

WHEREAS, the Town Board has reviewed and modified the Claryville-Denning Septic Maintenance District Sewer Use Law; and

NOW THEREFORE, BE IN RESOLVED, that the proposed law is ready for consideration by the Town Board; and

BE IT FURTHER RESOLVED, that the Town will hold a Public Hearing for consideration of the Claryville-Denning Septic Maintenance District Sewer Use Law at the Town Hall, located at 1567 Denning Road, Claryville, NY 12725, on the 3rd day of July, 2018 at 6 P.M.

Whereupon, the Resolution was put to a vote, and after AMENDMENT, recorded as follows:

Motion to adopt and approve by Supervisor David Brooks,
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.

Joy Ann Monforte, RMC
Town Clerk

Denning Town Board Business Meeting
May 1st, 2018
Resolution No. 34 of 2018

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DENNING DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE ENVIRONMENT FROM THE DESIGN, CONSTRUCTION AND OPERATION OF THE WASTEWATER MANAGEMENT PROJECT IN THE HAMLET OF CLARYVILLE, TOWN OF DENNING

WHEREAS, the Town Board of the Town of Denning previously entered into an agreement (the Agreement) with the Catskill Watershed Corporation (CWC) to participate in the Community Wastewater Management Program, which program will provide for the design and construction of a wastewater management project in the Hamlet of Claryville, Town of Denning; and

WHEREAS, the CWC through the Program, will provide full funding for the wastewater management project through a block grant; and

WHEREAS, CWC's consultant for the Program, Lamont Engineers, has prepared a Preliminary Engineer's Report for the Hamlet of Claryville, Final Issue dated May 2017, evaluating various alternative methods for managing the wastewater needs of the Hamlet of Claryville, such report marking the end of the Study Phase of the project; and

WHEREAS, the Town has reviewed the Preliminary Engineer's Report prepared by Lamont Engineers; and

WHEREAS, based upon its review of the Preliminary Engineer's Report and consultation with the Town's Special Counsel, the Town Board agreed to proceed to the Pre-Construction phase of the Project as set forth in Section 2.05 of the Agreement, such schedule to be agreed upon by the Town and CWC; and

WHEREAS, the Town Board of the Town of Denning sought and obtained lead agency status and commenced coordinated review of this action pursuant to the requirements of the State Environmental Quality Review Act, 6 NYCRR Part 617; and

WHEREAS, the Town of Denning, pursuant to 6 NYCRR Part 617, conducted coordinated review and sought input from various involved and interested agencies on its designation as lead agency.

WHEREAS, the Town Board has had meetings with the public and other agencies on this project and reviewed the extensive documentation prepared by the engineers and others for this project and have taken a hard look at all of the potential environmental impacts;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF DENNING, ULSTER COUNTY, NEW YORK:

The Town Board of the Town of Denning, as lead agency, for purposes of compliance with SEQR, 6 NYCRR Part 617, adopts the Negative Declaration attached hereto for the above-referenced project including, but not limited to, the formation and implementation of the septic maintenance district, the adoption of local laws related thereto, the acquisition of property and easements related thereto, the execution of construction agreements related thereto for the Hamlet of Claryville in the Town of Denning.

The Town Board hereby authorizes the Town Supervisor to execute any and all documents for the Hamlet of Claryville on behalf of the Town as may be necessary to complete the SEQRA process.

Whereupon, the Resolution was put to a vote, recorded as follows:

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.

Signed this 2nd day of May, 2018.

Joy Ann Monforte, RMC
Town Clerk