

Town of Denning – Town Board Meeting

Meeting called to order at 6:05 p.m. by Supervisor Brooks.
Held on Tuesday, July 3rd, 2018 at the Denning Town Hall.

Present: Supervisor Brooks

Councilmen: Kevin Smith, Gregory Vurckio, Paul Schoonmaker and Mike Dean.

ABSENT: Highway Superintendent Dan Van Saders

The Town Clerk Minute Book was signed prior to the meetings commencement.
The Town Clerk gave the Board members their copy of the agenda and Resolutions No. 37 and 38 of 2018.

Pledge of Allegiance

Public Hearings for the creation of the Claryville Community Waste Water Septic District and Local Law No. 1 of 2018 the Sewer Use Law opened by Supervisor Brooks.

- Supervisor Brooks introduces John Mathiesen of the CWC, Jim Gillespie and Chris Yacobucci from Lamont Engineers, attorney Kevin Young (joined the meeting during Mr. Mathiesen's summary of events and background information).
- Mr. Mathiesen's gives the background history since the inception and prevue of the CWC, and of the MOA of 1997.
- Mr. Mathiesen's also informs the residents of the Town, the Town is listed as No. 20 of 22 on the listing for septic systems. He also discusses the background of the Claryville-Denning Community System and the decisions made.
- The Town will receive funding from the CWC for the operation and maintenance of the district. He explains the options of systems available.
- Mr. Jim Gillespie of Lamont Engineers discusses the perk tests being done.
- Jim Sheeley is the contractor and will go back thru everyone's yard to remove the rocks left and seed the areas which were dug up.
- Mr. Gillespie explains he hopes to get replacements installed by Oct./Nov. if not it will be next spring.
- Attorney Kevin Young remarks that 12 are failing in Denning and in need of immediate replacement.
- Mr. Jim Gillespie, the CWC did the inspections and pump outs, some properties do not have a tank just a cess pool.
- Resident Bill Bruning is concerned his systems has issues. Discussion follows.
- Engineer Chris Yacobucci offers to stop and look after the meeting.
- Resident George Elias asks what happens if a lot is to small for a system?
- Engineer Jim Gillespie replies the owners would need a legal agreement, although they have not run into that yet.
- Tom Matthews asks what size is needed for a three-bedroom house and what happens with bedroom additions? Response a three-bedroom house is one thousand gallons tank.
- Chris Yacobucci replies must be included with the additions thru the Code Enforcement Officer.
- Supervisor Brooks comments we will have a septic use law.
- Chris Yacobucci informs all present the initial cost of a septic is not the Districts cost or obligation just as it is currently.
- Resident Jim Brady asks about the holes on Town property?
- Engineer Jim Gillespie responds they are looking at pumping around the other side of the building.
- Jim Brady states water runs through there, and an enormous amount of water comes off the mountain.
- Jim Gillespie, remarks all NYCDEP regulations are followed. Lamont Engineers will do a borrow pit test on material on site and then again when it is delivered.
- Discussion on driving on a leach filed, which is not recommended.
- No garbage disposal is permitted in the District; they clog leach fields.
- Supervisor Brooks calls for further comments on the proposed Sewer District.
- ---There is none. ---
- Attorney Kevin Young speaks briefly on the District and Sewer Use Law.
- Mr. Young explains the permissive referendum procedure, the vote per property owner, one per corporation and in the case of multiply owners one per property.
- The funds given to the Town for operation and maintenance of the District can only be invested in a manner approved by NYS.
- He explains the Town Board at budget time will create a budget for the District.
- The possible cost of system is sixty thousand dollars, if you get your toilet plugged you do not call the Town.

- Mark Boncek asks what happens when the funds run out?
- Mr. Young replies the Town Board was adamant that the District would dissolve.
- Mr. Young states the Town Board was also adamant that no fees would be charged, they made him remove that section from the law, however that could change with a different Town Board.
- Supervisor Brooks remarks there had been discussion on expanding the District however we did not want that, as the CWC is still responsible for septic's outside of the District.
- George Elias asks about systems being flooded?
- Chris Yacobucci replies all systems are designed for the 100-year floodplain.
- Thomas Matthews asks what is the method of stopping someone who did something wrong?
- Mr. Young replies it is a code violation.
- Supervisor Brooks remarks; he knows he said it would be out to a vote, however with twelve systems failing he decided to peruse a permissive referendum. Further stating; there is no down side, the Town will hire a local contractor, the Town can hire the CWC to inspect, no fee for the District, when the money is expended the District will dissolve, the Town Board in the future can amend any of this though.
- Supervisor Brooks call for further comment or questions?
- Tom Matthews asks who does a report every year?
- Mr. Young replies it's the Town's money.
- Resident Andrea Adams asks about investment of funds.
- Supervisor Brooks and Mr. Young responds the Town may only invest in a specific manner as approved by NYS.
- Resident George Elias thanks everyone for their efforts on this "monumental thing."
- Supervisor Brooks remarks and thanks attorney Kevin Young saying you have been involved prior to the MOA.
- Supervisor Brooks thanks John Mathiesen, who has been a huge help and in taking matters before the CWC Board.
- Supervisor Brooks thanks both Jim Gillespie and Chris Yacobucci for their great work and in keeping everyone informed.
- Jim Gillespie comments contractor Jim Sheeley will be back around smoothing out the test holes, remove rock and seeding.

Where Upon a Motion to Adjourn both Public Hearings; for the creation of the Claryville Community Waste Water Septic District and for Local Law No. 1 of 2018 the Sewer Use Law at 7:02 pm is made by Councilman Gregory Vurckio, 2nd by Councilman Mike Dean. All in favor. Motion carried by a 4 to 0 vote.

Supervisor Brooks calls for a vote pertaining to Resolutions No. 37 and No. 38 of 2018.

Resolution No. 37 of 2018

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DENNING FOR
ESTABLISHMENT OF WASTEWATER DISPOSAL DISTRICT
AFTER PUBLIC HEARING**

WHEREAS, on May 1, 2018 the Town Board of the Town of Denning, New York (the "Town"), duly adopted a resolution accepting and adopting the materials needed for the formation of the Wastewater Disposal District, including a description of the proposed district, reciting that the cost of the formation of the Wastewater Disposal District will be fully subsidized by the City of New York, through the Community Wastewater Management Program and directing a copy of the Engineer's Report and Plan, Service Area Map and a detailed explanation of the costs to each residential and non-residential landowner to be placed in the Town Clerk's office and made available for public inspection,

WHEREAS, the Town Board did, on May 1, 2018 duly adopt a resolution specifying that said Town Board shall meet at the Town Hall, Town of Denning, New York on the 3rd day of July, 2018, for the purpose of conducting a public hearing on such proposal to establish the wastewater disposal district with the specified improvements and to hear all persons interested in the subject thereof concerning the same,

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did at, the time and place specified in said order, duly meet and consider such

proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all of the property and property owners, within the proposed Wastewater Disposal District are benefitted thereby.
- (3) That all of the property and property owners benefitted are included within the proposed Wastewater Disposal District.
- (4) It is in the public interest to establish the proposed Wastewater Disposal District as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Wastewater Disposal District as hereinafter described to be known as **“Claryville-Denning Septic Maintenance District”** more particularly described in the Service Area Map identifying the boundaries of the proposed wastewater disposal district which includes the Tax Map Numbers of the parcels that will be included in the proposed wastewater disposal district, a copy of which is on file in the Town Clerk’s office, and be it

FURTHER RESOLVED, that the following improvements in said district were financed by the City New York through the Community Wastewater Management Program. The Town will not incur any expense in the formation of the proposed district and the construction of the public improvements, if any, to be constructed within the district will be funded through the Community Wastewater Management Program.

FURTHER RESOLVED, the cost for any expansion of a resident’s septic system and any new systems will be financed by that property owner(s), and be it

FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Town Law Article 7 and Town Law § 209-e(3).

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 3rd day of July, 2018.

Joy Ann Monforte, Town Clerk

Resolution No. 38 of 2018

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DENNING
ADOPTING THE CLARYVILLE-DENNING SEPTIC MAINTENANCE DISTRICT
SEWER USE LAW**

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 Identified Community No. 20 of the list of 22 communities 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 construction of the Community Wastewater Treatment System, the Town desires to implement a Sewer Use Law governing the use of and connection to the Town's Community Wastewater Treatment System; 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 proposed Claryville-Denning Septic Maintenance District Sewer Use Law; and

WHEREAS, the Town Board noticed a Public Hearing held on the **3rd day of July, 2018 at 6:00 P.M.** to provide the public with an opportunity to comment on the proposed Sewer Use Law.

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

1. The Town Board has previously determined that the Sewer Use Law will not have a significant impact on the environment and are consistent with the prior SEQRA findings for this project; and

2. That Sewer Use Law being Local Law No. 1 of 2018, is hereby adopted and the Town Clerk (or Town’s Special Counsel) is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

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

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 Gregory Vurckio	AYE
Supervisor David Brooks	AYE		

Motion carried following a unanimous roll call vote.

Signed this 3rd day of July, 2018.

Joy Ann Monforte, Town Clerk

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

Motion to adopt and approve as read by Councilman Kevin Smith, 2nd by Councilman Gregory Vurckio. 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.
- NYS has dropped the Town of Denning’s Equalization Rate to 16%. This will mean an increase in school taxes. Places are being sold above assessment value.
- Supervisor Brooks says unfortunately there is very little to be done.

- A letter is read from Assessor Michael Sommer resigning effective today, 7-3-18.
- Supervisor Brooks will call and speak with him.
- Notification from MVP the increase in health insurance will be 11.69%, the Town is now over the Tax Cap. He comments this is unsustainable.
- A letter from Judge Follender making the Town use of the NYS SEI program official.
- Supervisor Brooks reads a request from the Delaware Liquor License Service requesting if the Town Board has any objection to the combining of the Claryville Art Galley and the Claryville Brewery.
- Supervisor Brooks explains that for a floor plan change Town Board approval is required.
- Resident Lucy Smalls asks if this is an increase in foot print or capacity and she is told no.
- Supervisor Brooks replies they are basically adding a doorway.

Motion to approve of the Blue Hill Lodge application request by Councilman Gregory Vurckio, 2nd by Councilman Mike Dean, All in favor. Motion carried.

Highway Report by No Report

- Supervisor Brooks comments he is hoping to have the 284 Agreement.

Planning Board Report- by Liaison Councilman Mike Dean

- No new business before the Board.
- The planning board sent their letter of recommendation to the ZBA regarding the Barnes Road sub division.
- After the meeting they viewed the site on Barnes Road.

Supervisor Comments:

- Informs the Town Board UCCRA wants to change the rules and regs., they want our metal now.
- Councilman Dean asks if they would charge us a pull charge?
- Supervisor Brooks responds probably.
- Supervisor Brooks informs those present he went to the Blue Hole Saturday and Sunday, the ranges turned away 850 + on Sunday and 550+ on Saturday.
- The road was open, although there were some upset people.
- Supervisor Brooks informs all that work will begin on July 9th on Frost Valley Road, the S turn project.
- Supervisor Brooks states the Sundown Rondout Stream Project, from M. Vaia's to the the bridge, and the raising of the Town Hall will go before the CWC next week.

Supervisor Brooks calls for Councilmen Comments:

- ❖ Councilman Vurckio says he walked to the Blue Hole, Saturday and Sunday as well, and he comments it was very nice.
- ❖ Supervisor Brooks replies he feels the permit system will help.
- ❖ Councilman Paul Schoonmaker thanks both Councilman Vurckio and Supervisor Brooks for all of their efforts on behalf of the Town and it resident to resolve the Blue Hole problem.
- ❖ Councilman Kevin Smith asks if there is any zoning news?
- ❖ Supervisor Brooks replies he, the planner, is busy with the CF grant applications but will get to us and plans to be done in October.

Supervisor Brooks call for Public Comment:

- Resident George Elias asks about the ash bug and asks if we should be concerned?
- Councilman Mike Dean replies yes, to save a tree a poison must be injected under the bark and it is extremely expensive. He says there are hardly any left.
- Supervisor Brooks informs all that Central Hudson is coming to trim the power lines and they will be cutting ten-foot perimeter.
- Resident Paul Hnatiw inquires as to the status of the issue on White House Road?
- Supervisor Brooks, he was given forty-five days to remedy the situation and it is almost up.
- Mr. Hnatiw ask what is the next step?
- Supervisor Brooks responds the Code Enforcement Officer said they will be given a ticket and taken to court.
- Resident Hnatiw also remarks he spoke with Ranger Kreft who told him NYS has lost the battle.

- Discussion opened on people picking up wood and aiding in the spread, however the quarantine has been lifted.
- Resident Lucy Small asks if Supervisor Brooks can help mediate with the Blue Hill Lodge for their lighting. It shines directly in their bedroom windows and house.
- The florescent lighting is very bright and on a good portion of the night.
- Supervisor Brooks will check with the planning board as to see what lighting was approved.
- Issue of garbage on Greenville Road raised and discussed.

Supervisor Brooks call for any further comments or discussion. There is none.

Motion to adjourn 7:47 by Councilman Gregory Vurckio, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, July 10th, 2018

Next Meeting: Tuesday, July 10th, 2018 at 7 pm at the Denning Town Hall.

Town of Denning – Town Business Meeting

Meeting held on Tuesday, July 10th, 2018 at the Denning Town Hall.
Called to order at 7:00 p.m. by Supervisor David Brooks.

Present: Supervisor David Brooks

Councilmen: Mike Dean, Paul Schoonmaker, Gregory Vurckio, and Kevin Smith

Late: Highway Superintendent Dan Van Sadlers

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

The Town Clerk gave the Board members their copy of the agenda, Resolution No. 39 of 2018 and the Budget vs. Actual thru June, 2018.

Pledge of Allegiance

Supervisor Brooks requests a motion to enter into Executive Session for a personnel matter.

Motion made by by Councilman Gregory Vurckio, 2nd by Councilman Kevin Smith, All in favor. Motion carried by a 4 to 0 vote.

- Supervisor Brooks gives the background of the issue.
- Town Board discussion ensues.
- Town Board decides to send a registered disciplinary letter to the employee.

Motion to adjourn Executive Session by Councilman Mike Dean, 2nd by Councilman Gregory Vurckio, All in favor. Motion carried by a 4 to 0 vote.

Highway Superintendent Van Sadlers arrives and opens a discussion on his proposed 284 Agreement.

- Discussion follows.

Motion to accept and approve by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith. All in favor. Motion carried 4 to 0 vote.

Highway Superintendent Van Sadlers informs the Town Board; NYMIR has totaled the damaged pickup truck. The Town will receive a check for \$11,016.00. The truck will be picked up and auctioned tomorrow.

Highway Pre Pay Vouchers presented by Superintendent Van Sadlers.

(see Warrant #7PP, voucher #20-21)

MVP Healthcare, Inc. DA9060.8 \$7,706.51

Trust & Agency Account DA9030.8 \$680.47

Motion to approve and pay Highway Pre Paid Vouchers by Councilman Gregory Vurckio, 2nd by Councilman Paul Schoonmaker. All in favor. Motion carried 4 to 0.

Highway Vouchers presented by Superintendent Van Sadlers.

(see Warrant #7, voucher #109-121)

Advance Auto DA5130.4 \$164.99

Callanan Industries DA5110.4 \$169.85, \$736.44

Fleet Pride DA5130.4 \$178.96

Hoffman Equipment DA5130.4 \$400.72.

Home Depot Credit Serv. DA5130.4 \$198.95

HO Penn Machinery Co. DA5130.4 \$2,746.03

Mombaccus Excavating Inc. DA5130.4 \$583.81

Monticello Black Top DA5110.4 \$2,800.50

Gary Myers Excavation DA5110.4 \$1,400.00

Shakelton Auto & Truck Center DA5130.4 \$411.62

Superior Building Blue Tarp DA5150.4 \$19.98

Zanetti's Service Center DA5130.4 \$210.00

Discussion and explanation on bills held over from last month.

Motion to approve and pay Highway Fund vouchers by Councilman Mike Dean, 2nd by Councilman Gregory Vurckio. All in favor. Motion carried by a 4 to 0 vote.

Discussion opened on the extended warranty and issue with the Freightliner.

Superintendent Van Sadlers leaves as the highway portion has concluded.

General Pre Pay Vouchers presented by Supervisor Brooks.
(see Warrant #7PP, voucher (#39-46)
Central Hudson A1620.4 \$129.32, A5132.4 \$251.77, A8160.4 \$44.48
Dept. of Treasury IRS A9060.8 \$21.51
MVP Health Care Inc. DA9060.8 \$5,702.17
TWC A1620.4 \$195.34, A5132.4 \$148.65
Trust & Agency Acct. DA9030.8 \$609.06, \$289.55.
Motion to approve and paid General Fund Pre Pay vouchers by Councilman Kevin Smith, 2nd by Councilman Mike Dean, All in favor. Motion carried by a 4 to 0.

General Vouchers, presented presented by Supervisor Brooks.
(see Warrant #7, vouchers 98-108)
Central Hudson A5182.4 \$102.34
Gnome Home Inc. A1355.4 \$39.00, A8010.4 \$21.00
International Code Council A3620.4 \$135.00
Carl Landon A1460.4 \$299.17
MVP Healthcare A9060.8 \$55.00
Joy Monforte A1410.4 \$54.50
NYSDEC Reg. 3 A5132.4 \$300.00
NYSTCA A1410.4 \$75.00
Office of the Comptroller A690 \$25.00
UCRRA A8160.4 \$2,205.23
Karl Von Hassel A3620.4 \$519.00
Motion to approve and pay General Fund vouchers by Councilman Mike Dean, 2nd by Councilman Gregory Vurckio, All in favor. Motion carried by a 4 to 0 vote.

Councilman Vurckio opens a discussion on TWC/Spectrum costs.

Resolution No. 39 of 2018

WHEREAS New York State Real Property Tax Law §§ and New York State Municipal Home Rule of Law §authorizes the Town Board to appoint an assessor for the Town, and

WHEREAS New York State law requires town assessors to be trained and certified.

NOW THEREFORE be it RESOLVED that Michael B. Sommer, residing at 28 Cooper Street, Accord, NY 12404, be appointed as Sole Assessor for the Town of Denning, for a remainder of term appointment of office from July 10th, 2018 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)

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

Motion to adopt and approve by Councilman Kevin Smith,
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.

Supervisor Comments:

- Supervisor Brooks informs the Town Board that he did call UCRRA and they did find florescent bulbs in the trash dumpster, the Town must pay \$5.00 per bulb. He urges all residents to recycle bulbs and rechargeable batteries at Home Depot or other stores which accept them.
- Supervisor Brooks informs the Board, Senator Bonacic, called personally, to inform the Town it has been awarded \$50,000.00 for the backhoe.
- Supervisor Brooks and the Town of Denning Town Board thanks Senator Bonacic for all of his efforts and aid he has put forth for the Town. He will be greatly missed.
- Councilman Mike Dean opens a discussion on issues with the grader.
- Supervisor Brooks was unaware of any issues until recently and has told Superintendent Van Saders to call a mechanic and get it repaired, before more problems arise.

- Supervisor Brooks informs the Board the Town has been awarded funding from the CWC, as he just found out, he will get more info, report next month.
- Discussion on various issues the CWC grants were awarded for; such as the Rondout Stream Restoration Project as well as the feasibility study for elevating the Town Hall out of the flood zone.

Councilman Comments: See above.

Supervisor Brooks call for any further comments or discussion. There is none.

Motion to adjourn at 9:02 by Councilman Mike Dean, 2nd by Councilman Gregory Vurckio. All in favor. Motion carried by a 4 to 0 roll call.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, July 11th, 2018.

Next Meeting: Tuesday, August 7th, 2018 at 6 pm at the Sundown Church Hall.