

## Town of Denning – Town Board Meeting

Meeting called to order at 6:00 p.m. by Supervisor Brooks.  
Held on Tuesday, August 6<sup>th</sup>, 2019 at the Denning Town Hall.

Present: Supervisor Brooks

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

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, a copy of the OGS bid for town hall security, the "Enhanced Septic" information, health insurance plans and increase, a sheet with the old and new permitted zoning schedule, as well as all correspondence to the Supervisor.

Pledge of Allegiance.

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 Paul Schoonmaker. All in favor. Motion carried by a 4 to 0 vote.

Correspondence – read by Supervisor Brooks

- The monthly donation from the YMCA in the amount of \$9,937.50 has been received and is gratefully acknowledged.
- A letter from ZBA Chairman Boncek regarding the resubmitting of a sub division on Barnes Road, outlining the procedure and noting the increase in parcel size, due to the new zoning.
- A thank you from Jessica Dymond, Daniel Pierce Library Director for the support.

Highway Report: No Report as Superintendent Dan Van Saders is absent.

Planning Board Report - by Councilman Kevin Smith.

- Todd Jennings has submitted an application for the Catskill Mtn. Race.
- The Planning Board will reach out to the Attorney for the Town.

Supervisor Brooks requests approval from the Town Board to purchase a security system from the OGS approved bid, there will be a change with the proposed entry door.

Motion to adopt and approve the purchase including revision by Councilman Kevin Smith, 2nd by Councilman Gregory Vurckio. All in favor. Motion carried by a 4 to 0 vote.

Supervisor Brooks submits to the Town Board an information packet from Lamont Engineers pertaining to "Enhanced Septic's", Lamont engineers and attorney Kevin Young will be attending next weeks meeting. Supervisor Brooks informs the Board this is new information, he is unaware of, and not previously informed of. The Town Board is in agreement with that statement.

Supervisor Brooks seeks Town Board approval to request bids for a 42 X 50 storage building and slab, with knee wall at the highway garage, to keep equipment out of the weather.

Motion to adopt and approve the bid requests Councilman Kevin Smith, 2nd by Councilman Gregory Vurckio. All in favor. Motion carried by a 4 to 0 vote.

Anri Vartanov has requested to be on the agenda to inform the Board and public of the upcoming Claryville Arts Festival to be held at the Blue Hill Lodge Event Center this fall. They have a logo and a two-day program, of which, he gives an over view. Supervisor Brooks thanks him for attending and letting them know.

Supervisor Brooks opens a discussion on the Blue Hill Lodge. He states both letters of complaint and support will be read by himself or Town Clerk Joy Monforte for the official record. Letters from: Kim Noble, Lucy Small, Troy Hill, Jerry Huncosky, Drue Pennella and Masha Protsak, and Frank Nicoletti are read for the official record in their entity. Supervisor Brooks asks Kim Noble if there are any new issues?

- Ms. Noble replies no, not since we spoke, stating she wants the Blue Hill to succeed, however, she feels a noise ordinance is needed. She thanks all who

have supported her and “trusts the Board” to get it done. She requests a public hearing for any noise ordinance.

- Supervisor Brooks states he wants this resolved and asks Frank Nicoletti to speak.
- Mr. Nicoletti responds with a review of circumstances that lead to the complaints and the steps taken to mediate the issues as soon as he is made aware of them. He states he want to address problems, promptly.
- Mr. Nicoletti replies to Ms. Small’s letter pertaining to the section on lighting saying he had thought that was all resolved. Supervisor Brooks and the Board agrees as she sent a letter thanking them for the quick resolution to the lighting issue and came to a meeting to thank them, as well.
- Ms. Small’s letter repeatedly asked “when will this stop” regarding the lighting issue, noise, and further development. She asks about the intentions of the owners and their actions.
- Ms. Noble states she resents being singled out as she is not the only complainant. Stating Mr. Smith and Lester complain as well.
- Lester informs those present he has spoken with Frank, Savannah and Willy and they have addressed the problem, he says as long as the doors are closed and it is quiet he does not care if they are open to three or four in the morning. Further remarking his peace and quiet is priceless to him.
- Mr. Nicoletti comments it is tough area to a make a living, you have to provide something for people to do.
- Patricia Eakins asks people to respect each other and set boundaries, she requests a noise ordinance saying it would govern all of us.
- Councilman Dean remarks with a noise ordinance you may not be able to mow your lawn or cut your grass early, as was proposed when an ordinance was discussed several years ago.
- Frank Comando say there is no definition of noise in NYS and the property value for everyone has increased due to Mr. Nicoletti’s investment.
- Linda Comando says the noise level could be louder here than in Sundown. She asks that people not forget the amount the business pays in sales tax, room tax, school and property tax.
- Mr. Kevin Smith remarks the fire house is becoming an issue as well, with the noise outside and he has gotten calls the one night from Wild Cat Road, about the music at the Blue Hill.
- Mr. Dave White and his wife Jenny from Round Pond comments he is speaking as a neutral party, this is a mixed use zoning area and submits that section 515 of the zoning law state 11 pm, which he feels is reasonable. Further commenting this is already in place. He continues saying Mr. Nicoletti has a large investment, the zoning permits a more arduous resolution for the property.
- Ms. Nobel complains the last three weeks, the people have been in the parking lot for forty-five minutes, party in the parking lot.
- Letters of support from Jerry Huncosky, Drue Pennella and Masha Protsak, reminding everyone of the services the Blue Hill provides, including the warm welcome they offer and a sense of community.
- Mr. Troy Hill’s letter requests a reasonable noise ordinance saying no amplified music after 10 or 11 pm.
- Mr. Nicoletti is willing and will tweak the hours as necessary, including the time it takes patrons to leave into consideration.

Supervisor Brooks informs the Board, the health insurance increase is a double digit at ten percent and since 2009 the cost increase has been one hundred thousand dollars for both budget lines. He requests the Town Board review, so a decision is made prior to budget time.

#### Supervisor Comments:

- Supervisor Brooks confirms for the Town Board the Town of Denning Town Hall Elevation Project is a template to be used through out the Watershed and that is the delay.
- The Sundown Stream Restoration Project update; the DEP is holding us up now, if no response by the end of August the plan will be submitted to the DEC and the Army Core of Engineers, so the plan can move forward.
- Supervisor Brooks opens a discussion on the Catskill Fire Tower Challenge; you get a patch and it has created road issues. The volunteers are ready to quit; they have broken visitor records several times this year. The volunteers are burying human waste. He has called the DEC and they have put a porta potty in place.

- Because of the increase in visitors we are having road issues, he wants Hwy. Super. Van Saders to install various road sign immediately.
- Supervisor Brooks informs the Board the price of garbage is increasing by 20%.
- Councilman Vurckio suggests sending a letter to Senator Metzger.
- Spectrum update: build out on Dymond and Raymond George Roads. Supervisor Brooks says everyone who wants cable must keep calling.
- There is a CDL driver shortage, they are bringing drivers in from India.
- Councilman Mike Dean asks if any response has been received from U.C. Exec. Pat Ryan on the matters discussed at last months meeting, which he attended?
- Supervisor Brooks responds no.
- Councilman Dean comments no response on veteran services or services for the elderly, then.
- Councilman Dean remarks he believes tonight's meeting went well.

Supervisor Brooks calls for Councilmen Comments: See above.

Supervisor Brooks call for Public Comment:

- Mr. Hnatiw opens a discussion on the White House Road problems, saying nothing has been moved, it appears the Judge doe not to resolve this problem.
- Supervisor Brooks asks if the vehicles are still there?
- Mr. Hnatiw replies, yes.
- Joint discussion follows.

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

Motion to adjourn 7:53 by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Mike Dean, All in favor.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, August 7<sup>th</sup>, 2019

Next Meeting: Tuesday, August 13<sup>th</sup>, 2019 at 6 pm at the Denning Town Hall

## Town of Denning – Town Business Meeting

Meeting held on Tuesday, August 13<sup>th</sup>, 2019 at the Denning Town Hall.  
Called to order at 6:02 p.m. by Supervisor David Brooks.

Present: Supervisor David Brooks  
Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith and Gregory Vurckio.  
Highway Superintendent Dan Van Sadere.

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. 48 of 2019, Local Law No. 3 of 2019 titled: Tax Levy Override and the Budget vs. Actual thru July 2019.

### Pledge of Allegiance

Highway Pre Pay Vouchers presented by Hwy Super. Van Sadere.  
(see Warrant #8 Pre-Pay, voucher #23-26)  
MVP Healthcare Inc. DA9060.8 \$8,324.86  
Trust & Agency Account DA9030.8 \$604.53, \$741.26, \$ 786.85.  
Whereupon a Motion to approve and pay Highway Pre Paid Vouchers was made by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Gregory Vurckio. All in favor.

Highway Vouchers presented by Highway Superintendent Dan Van Sadere.  
(see Warrant #8, voucher #106-123)  
Advance Pro DA5130.4 \$25.99  
All Gas & Welding A5130.4 \$66.63  
Bottini DA5110.4 \$1,903.20, \$2,079.79  
Buddenhagen's Ford, Inc. A5130.4 \$26.00  
Callanan DA5110.4 \$4,538.79, \$243.28, \$187.58.  
Case Tire DA5130.4 \$325.00  
Fleetpride DA5130.4 \$746.54  
Home Depot DA5130.4 \$79.92  
HO Penn DA5130.2 \$137,500.00  
Discussion on new backhoe, including warranty and extended warranty.  
Liberty Trading Post DA5130.4 \$46.89  
Montage Enterprises Inc. DA5130.4 \$132.86  
Pine Bush Equipment DA5130.4 \$703.08  
Shakelton Auto & Truck Center DA5130.4 \$233.37  
E. Tetz & sons DA5110.4 \$466.05  
Woods Repair DA5130.4 \$40.00  
Whereupon a Motion to approve and pay Highway Fund vouchers by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Paul Schoonmaker. Motion carried 4 to 0 vote.

Supervisor Brooks asks Hwy. Super. Van Sadere about the paving schedule and if the 4-foot culvert has been installed? Hwy. Super. Van Sadere replies not yet and he hopes to start paving next week.

Hwy. Super. Van Sadere leaves as his portion of the meeting has concluded.

General Pre Pay Vouchers presented by Supervisor Brooks.  
(see Warrant #8PP, voucher (#53-63)  
Central Hudson A1620.4 \$146.79, A5132.4 \$247.55, A8160.4 \$34.86.  
Healthcare Reimbursement Acct. A9060.8 \$5,000.00.  
MVP Health Care Inc. DA9060.8 \$7,306.20, \$60.50  
Office of the Comptroller A690 \$601.00  
TWC A1620. 4 \$204.51, A5132.4 \$159.63  
Trust & Agency Acct. DA9030.8 \$248.81, \$210.38, \$694.79, \$248.81.  
Whereupon a Motion to approve and pay General Fund Pre Pay vouchers by Councilman Paul Schoonmaker, 2<sup>nd</sup> by Councilman Kevin Smith, All in favor.

General Vouchers, presented by Supervisor Brooks.  
(see Warrant #8, vouchers #118-137)  
Archie Ackerley A3510.4 \$30.79  
Tammy Beck J.C. Petty Cash A1110.4 \$10.00

Central Hudson A5182.4 \$121.70  
Gnome Home Inc. A5010.4 \$18.75, A1320.4 \$42.00  
Carl Landon A1460.4 \$337.92  
Language Line Serv. A1110.4 \$9.06  
Cindy Michelson A1220.4 \$55.00  
TC Petty Cash Reimbursement c/o Joy Monforte A1410.4 \$20.08  
Mark Moore A1620.4 \$250.00  
MVP A9060.8 \$71.50  
Quill.com A1620.4 \$20.27, \$13.75, A1110.4 \$8.48, \$44.48, A5132.4 \$31.53,  
\$30.59.  
Spectrum A5132.4 \$159.63  
UCRRA A8160.4 \$2,864.03  
Wapner, Koplovitz & Futerfas A1420.4 \$120.00  
Woodbourne Lawn & Garden A1620.4 \$87.00  
Whereupon a Motion to approve and pay General Fund vouchers by Councilman  
Kevin Smith, 2<sup>nd</sup> by Councilman Mike Dean. Motion carried by a 4 to 0 vote.

Resolution No. 48 of 2019 read by Supervisor Brooks, he explains it is a  
budgetary tool which will be rescinded if not needed.

**WHEREAS** New York State Town Law §64-3 permits local governments to adopt  
laws concerning the property, affairs or government of the Town, and General  
Municipal Law 3c allows an override to the tax levy limit. And

**WHEREAS** the Tax Override Law is a budgetary tool authorized and mandated for  
use by New York State, And

**WHEREAS** the Town of Denning Town Board intends to keep its financial obligations.

**NOW THEREFORE BE IT RESOLVED** that the Town of Denning Town Board  
**HEREBY** approves Resolution No. 40 of 2019 formally introducing Proposed Local  
Law No. 3 of 2019, Titled: Tax Levy Limit Override.

**BE IT FURTHER RESOLVED** that a Public Hearing be held on Tuesday, September  
3<sup>rd</sup>, 2019 prior to the start of the regularly scheduled Town Board meeting at the  
Sundown Church Hall to commence at 6 pm.

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

Motion to adopt and approve by Councilman Kevin Smith,  
2<sup>nd</sup> 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.

Guests: Henry Lamont of Lamont Engineers and attorney Kevin Young regarding  
"Enhanced Septic Systems."

- ❖ Mr. Lamont gives hand outs to the Town Board regarding information on  
"Enhanced Treatment Systems." He also submits information on both  
issues before the Board, as well as, O&M Financial Analysis of  
Conventional Systems, a copy of the Preliminary Engineers Report for the  
Claryville CWMP, the Preliminary Engineers Report of probable cost, He  
states the verbiage in the previous engineering report called this a "pre-  
treatment system."
- ❖ The system in discussion violates the new 100 feet from well to septic  
rule. The Town is not required to install the enhanced system, discussion  
on cost and replacement cost as well as cost to the property owner follow.  
This is not required by the DEP, as they have already signed off on the  
system. Mr. Lamont then describes a variety of filters.
- ❖ Supervisor Brooks asks if the CWC will fund replacement of this system  
when the District dissolves?
- ❖ Mr. Kevin Young responds no one can answer thirty years in the future.
- ❖ Mr. Lamont states the cost has been included in the block grant, but the  
property owner will be responsible for replacing the peat system when the  
District dissolves.
- ❖ O&M and construction costs are estimated to increase by 3.33% each  
year.

- ❖ The budget is designed to replace every septic system once. There is \$10,000.00 for administrative costs; scheduling and confirming pump outs as well as repairs and going on inspections. The owners are responsible for any electric charges for pumps, which is estimated at \$25.00 per year, per pump.
- ❖ Discussion on investment of funds and the approved methods. There is no guarantee on rate of returns.
- ❖ Mr. Lamont gives the Board a copy of the Review of Capital Markets as of June 2019 and a copy of the Denning SMD financial analysis after inspections and bidding.
- ❖ Mr. Young remarks you must pre-plan. You will need to make a budget for next year, which opens a joint budgetary discussion. The Town Board voices concern the grant money will not be received by the new year and the projects which just came up will help in delaying the funds.
- ❖ Mr. Lamont confirms you may be able to make repairs instead of full replacements and that should always be considered as well.
- ❖ Mr. Young comments the property owners must also agree to the enhanced system and sign off.
- ❖ The Town Board agrees to the enhanced system, as the cost is already included in the block grant.
- ❖ In regards to the proposed enhanced system on Saw Mill, both Mr. Lamont and Supervisor Brooks will meet with the property owner to inform and discuss with him and to get his approval.
- ❖ Mr. Lamont submits to the Town Board a copy of an email to Supervisor Brooks with information on the proposed enhanced treatment.
- ❖ If the property owner agrees, it will require a change order for Delaware Bulldozing, they have given a price for the system, a copy of which is then submitted to the Board.
- ❖ The Town Board has previously given Supervisor Brooks authorization to sign any and all paperwork for the District, including change orders.
- ❖ Discussion opened on another system the Supervisor was informed of this afternoon. The previous property owner never responded to the communications about joining the District, so no inspection or perc test was done. A perc test and inspection will be done at the same time, once the new owner agrees. However, a design must be drawn, the CWC and DEP must approve. Mr. Lamont remarks we can always ask the DEP to expedite the request.

Supervisor Brooks and the Town Board thank both Mr. Henry Lamont and Mr. Kevin Young for attending, explaining and submitting an update as well as a plan to deal with both issues.

Supervisor Comments: See Above

Supervisor Brooks call for Councilman Comments: See above.

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

Motion to adjourn at 7:58 by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Paul Schoonmaker. All in favor. Motion carried by a 4 to 0 roll call vote.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, August 14<sup>th</sup>, 2019.

Next Meeting: Tuesday, September 3<sup>rd</sup>, 2019 at 6 pm at the Sundown Church Hall.