

# Denning Town Board & Business Meeting Agenda

August 11<sup>th</sup>, 2020



Call to Order

Pledge of Allegiance.

Opening of Public Hearing for: Local Laws No. 1 & 2

Acceptance and Approval of Last Month's Minutes

Correspondence

Committee Reports:

- Highway- Supt. Of Highways Dan Van Saders.
- Planning Board – Liaison Councilman Kevin Smith

## **Order of Business:**

- Audit of Highway and General Vouchers.
- Resolution No. 45 of 2020 Approval of Payments for Hwy. & General Vouchers.
- Judge Follender.
- Resolution No. 46 of 2020 Adoption of Local Law No. 1 of 2020. Titled: Waiver of CEO/Zoning/Flood Plain Mgr. Residency Requirement
- Resolution No. 47 of 2020 Adoption of Local Law No. 2 of 2020 Titled: Tax Levy Override.
- Resolution No. 48 of 2020 Resolution to Limit Tobacco Use in the Town of Denning.

SUPERVISOR COMMENTS

BOARD COMMENTS

PUBLIC COMMENTS will be restricted to agenda items only and those comments received by legal notice deadline for inclusion.

ADJOURNMENT

Next Meeting:

Town Board & Business Meeting to be held at the Denning Town Hall at 6:00 PM Tuesday, September 8<sup>th</sup>, 2020

The Town website is: [www.denning.us](http://www.denning.us)

The public may now correspond with the Town of Denning at any of these e-mail addresses:

supervisor@denning.us    highway @denning.us  
townclerk@denning.us    townhall@denning.us

Denning Town Board-Business Meeting  
August 11<sup>th</sup>, 2020  
Resolution No. 45 of 2020

**WHEREAS** New York State General Municipal Law Sections 103 and 104-4 permit the pre-audit function of vouchers, as a form of internal controls in the checking of claims and supporting documentation. And

**WHEREAS** the Sections 118 and 119 of New York State Municipal Law also authorize the auditing authority to approve of Said vouchers. AND

**WHEREAS** the Office of the New York State Comptroller Division of Local Governments and Accountability: Budgets and Finances also approves of this method.

**NOW THEREFORE BE IT RESOLVED** that the Town of Denning Town Board **HEREBY** approves of and authorizes payment of the following Warrants:

Highway Fund Warrant No. 8 Prep Pay Vouchers #26-28.

Highway Fund Warrant No. 8 Vouchers #87-92.

General Fund Pre- Pay Warrant No. 8 Vouchers #54-61.

General fund Warrant No. 8 Vouchers #111-124.

Capital Sewage Disposal Vouchers Warrant No. 8 - #4-4

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

Motion to adopt and approve by Councilman Kevin Smith,

2<sup>nd</sup> 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.

Denning Town Board-Business Meeting  
August 11<sup>th</sup>, 2020  
Resolution No. 46 of 2020

**WHEREAS** New York State Town Law section § 27 and Public Officers Law § 3 require town officers and those positions “which involve some exercise of independent judgment and can make decisions that are binding on the town” to be residents of the town. And

**WHEREAS** “towns can use their home rule authority to adopt a local law to expand the residency requirement of appointed officers”.

**WHEREAS** the Town of Denning Town Board desires to be in full compliance of both laws. And

**WHEREAS** a PUBLIC HEARING was held on Tuesday, August 11<sup>th</sup>, 2020 regarding Local Law No. 1 of 2020, and

**WHEREAS** any and all interested person(s) were heard.

**NOW THEREFOE BE IT RESOLVED** the Code Enforcement / Zoning Officer / Flood Plan Manager, be a resident of New York State. And

**BE IT FURTHER RESOLVED** the Town of Denning Town Board **HEREBY** adopts Local Law No. 1 of 2020 titled: Waiver of Residency Requirement for the Code Enforcement / Zoning Officer / Flood Plan Manager, which is to take effect immediately upon filing with the New York State Secretary of State.

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

Motion to adopt and approve by Councilman Gregory Vurckio,  
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.

Denning Town Board-Business Meeting  
August 11<sup>th</sup>, 2020  
Resolution No. 47 of 2020

**WHEREAS** General Municipal Law 3c allows an override to the tax levy limit, and

**WHEREAS**, the Town of Denning Town Board has intentions of fulfilling its financial obligations, and

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

**WHEREAS** a PUBLIC HEARING was held on Tuesday, August 11<sup>th</sup>, 2020 regarding Local Law No. 2 of 2020, and

**WHEREAS** any and all interested person(s) were heard,

**NOW THEREFORE BE IT RESOLVED** the Town of Denning Town Board **HEREBY** adopts Local Law No. 2 of 2020 titled: Tax Levy Limit Override, which is to take effect immediately upon filing with the New York State Secretary of State. And

**FURTHER BE IT RESOLVED** that if SAID Tax Cap Override is not needed then Local Law No. 2 of 2020 will be **RESCINDED**, by resolution as required by New York State law.

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

Motion to adopt and approve by Councilman Paul Schoonmaker,  
2<sup>nd</sup> 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.

Denning Town Board-Business Meeting  
August 11<sup>th</sup>, 2020  
Resolution No. 48 of 2020

**WHEREAS** Municipal Home Rule Authority § 6 is granted by New York State, which authorizes Towns in the State of New York, for the protection and enhancement of its environment, as well as, the well-being of its residents and employees.

**WHEREAS** the Town of Denning Town Board recognizes that tobacco and vaping use on Town Property is a serious public health issue in New York State. And

**WHEREAS**, New York State adopted legislation that bans the use of tobacco and/or vaping on grounds and facilities owned, leased or controlled by the State;

**NOW THEREFORE BE IT RESOLVED** that no smoking signage shall be placed on and around all areas. This policy applies to all employees, visitors or vendors and this policy shall be added to section 907 of the Town of Denning Employee Handbook.

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

Motion to adopt and approve by Councilman Mike Dean,  
2<sup>nd</sup> 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.