

# Town of Denning – Town Board and Business Meeting

Meeting called to order at 6:04 p.m. by Supervisor Brooks.  
Held on Tuesday, August 11<sup>th</sup>, 2020 at the Denning Town Hall.

Present: Supervisor Brooks

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

Also present: Hwy. Super. Van Sadlers

The Town Clerk Minute Book was signed prior to the meetings commencement.

The Town Clerk gave the Board members their copy of the agenda, Resolutions No. 45 thru 48 of 2020 and the Budget vs. Actual thru July 2020, along with correspondence.

Pledge of Allegiance

Public Hearing for Local Law No. 1 of 2020 opened by Supervisor Brooks

Supervisor Brooks explains the reasons for Local Law No. 1 of 2020.

- The waiving of residency requirement, New York State would like to have all CEO be a resident of the Town they are appointed to.
- Supervisor Brooks remarks we have not had a CEO, who was a resident in years, if ever.
- He calls for any further questions or comments, there is none.

Supervisor Brooks requests a motion to adjourn the public hearing for Local Law No. 1 of 2020 and to open the public hearing for Local Law No. 2.

Motion to adjourn the public hearing for local law no 1 and open the public hearing for local law no. 2 by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Gregory Vurckio, All in favor, Motion carries.

Public Hearing for Local Law No. 2 of 2020, the Tax Levy Override.

Supervisor Brooks explains this is a budgetary tool, which he has not had to use yet. However, if NYS withholds the AIM revenue, we will have issues.

- He reminds everyone that the AIM payment was taken away from every other Town, except for Denning and one other town, as it is more that 2% of the Town's budget.
- Supervisor Brooks call for further questions or comments? No one responds.

Supervisor Brooks requests a motion to close, the public hearing for Local Law No. 2

Motion to adjourn the public hearing for local law no. 2 by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Kevin Smith, All in favor, Motion carries.

July's Minutes are read by Town Clerk Joy Monforte

Supervisor Brooks calls for questions or amendments? There are none.

Motion to adopt and approve of last months' minutes, by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Paul Schoonmaker. All in favor.

Correspondence – read by Supervisor Brooks.

- ❖ A request from CEO von Hassel to increase the fees for various extra footage to twenty dollars to aid in covering department costs.
- ❖ Supervisor Brooks inquires if the Board would prefer to do it now or wait until the Organizational Meeting in January?
- ❖ Councilman Dean replies, he sees no reason to wait, Town Board agrees.

Supervisor Brooks requests a Motion to adopt and approve of the fee increase.

Motion to adopt and approve of the increase in fees by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Paul Schoonmaker. All in favor.

- ❖ Supervisor Brooks opens a discussion on the estimate to replace three panels and the angle bottom on each of the four doors, of the R & R Transfer Station building, cost is \$3,185.00.
- ❖ The estimate is reviewed by the Town Board and discussion follows.
- ❖ Councilman Vurckio suggests seeking an alternative deicer than salt to aid in impeding the deterioration of the metal doors. Brief discussion follows.
- ❖ The Town Board determines the estimate is acceptable and approves.
- ❖ Supervisor Brooks reads a letter of support for the broadband build out in Denning, from the TVCSD BoE President Poley, the letter stating that as much as 20% of the students in Town do not have access broadband.
- ❖ Discussion follows. Supervisor Brooks remarks he has spoken with Mr. Egan, the Spectrum representative, who has not heard of any funding for a build out.

- ❖ Supervisor Brooks states he will use the letter in his efforts for a build out and that it is good to have school board support.

Highway Report by Highway Superintendent Dan Van Saders.

- Tropical storm resulted in a power outage, some trees tops down.
- A total of four inches of rain.
- Patch work done on Red Hill Knolls and Wild Cat Roads.
- Graded the back side of Red Hill Road.
- The 04' has an air compressor problem, which was the prior issue and is being repaired.
- Hwy. Super. Van Saders informs the Board the County is putting shock crete on the County bridge by Scofield's.
- Hwy. Super. Van Saders asks if the storage building project is being done this year.
- Supervisor Brooks remarks yes, if the building can be done this year. He requests, Councilman Vurckio takes the lead, saying he does not want the slab done, just to sit thru out the winter.
- New steps at the R&R Transfer station and all of the steps have been painted by Rich, the public seems to like the yellow stairs better.
- Supervisor Brooks suggests going out to bid for the existing wood pile at the highway barn. Brief discussion follows, the Town Board agrees to seeking bids.
- Supervisor Brooks opens a discussion on accepting used tires and opens a discussion on cost.
- He requests Councilman Smith take the lead, making arrangements for pick up.
- Supervisor Brooks will get the Board members the current pricing. Discussion follows.
- The tires will be stored in the emptied wood shed, to keep them out of the weather. Cost will be determined by the price guidelines.
- Hwy. Super. Van Saders informs the Board the mowing was completed under schedule and sweeping was done as well.
- Hwy. Super Van Saders informs the Board he has hopefully resolved the tax issues on the billing from Home Depot, Advance Auto and Northern.

Planning Board: No Report by Liaison, Councilman Kevin Smith

- The meeting had been cancelled due to the Covid -19, as is this month.
- Supervisor Brooks remarks he will be getting in touch with Chairman Sibiga, to see about using the meeting times for training.

All of the vouchers have been audited and signed by the Councilmen, as presented by Supervisor Brooks and/or Hwy. Super. Van Saders.

Highway Pre Pay Vouchers presented by Hwy. Super. Van Saders.

(see Warrant #8 Pre-Pay, voucher #26-28)

MVP Healthcare, Inc. DA9060.8 \$11,275.81

Trust & Agency Acct. A9030.8 \$757.42, \$900.90.

Highway Vouchers presented by Hwy. Super. Van Saders.

(see Warrant #8, voucher #87-93)

Bottini Fuel Corp. DA5110.4 \$953.99.

Callanan Industries DA5110.4 \$3,843.55.

Fleetpride DA5130.4 \$2,289.84.

Home Depot Credit DA5130.4 \$171.24, \$106.44.

Mombaccus Excavating DA5110.4 \$598.03.

North East Parts Group DA5130.4 \$243.82

Superior Building Supply DA5110.4 \$74.97.

Tractor Supply Co. DA5130.4 \$131.94.

General Pre Pay Vouchers presented by Supervisor Brooks.

(see Warrant #8PP, voucher (#54-61)

Central Hudson A8160.4 \$37.08, A1620.4 \$155.58, A5132.4 \$281.71,

MVP Health Care DA9060.8 \$8,059.68.

Time Warner Cable A1620.4 \$210.88.

Trust & Agency Acct. DA9030.8 \$21038, \$764.48, \$260.00.

General Vouchers, presented by Supervisor Brooks.

(see Warrant #8, vouchers (111-124)

Blue Tarp A8160.4 \$312.93.

Central Hudson A5182.4 \$124.08.  
Gnome Home Inc. A1355.4 \$20.00.  
Carl Landon A1460.4 \$151.25.  
Liberty Iron Works A8160.4 \$2,900.00.  
Quill A1110.4 \$22.80, \$77.28, \$350.18, A1460.4 \$87.13, A220.4 \$52.88.  
Schwab, Inc. A1410.4 \$130.98  
Spectrum A5132.4 \$160.49.  
UCRRA A8160.4 \$2642.14, \$3,736.21.

Capital Vouchers, Sewage Disposal, presented by Supervisor Brooks.  
(see Warrant #C8, vouchers (4)  
Lamont Engineering A8130.4 \$2,135.83.

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

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.

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.

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.

Judge Follender has not arrived, as per his request to be placed on the agenda.

Supervisor Comments:

- Supervisor Brooks informs the Town Board, the Sundown Stream Project will be in the original channel and the plan is now in the DEP's hands for review.
- The Boy Scouts in Grahamsville have requested a site to build returnable shed to hold bottle, can and plastic, as an Eagle Scout Project. Discussion follows.
- Hwy. Super. Van Saders recommends looking at the UCRRA contract, as they use the returnable's as a revenue stream.
- Supervisor Brooks comments he recalls they can not be taken out of the dumpster once put in.
- Supervisor Brooks informs the Board, he would like to cancel the meetings in Sundown this year and go to a once a month schedule due to Covid-19.
- He states it is easier to clean and sanitize here than at the Church Hall.
- Town Board discussion follows and the Town Board and public agrees.

Supervisor Brooks calls for Councilman Comments:

- Councilman Vurckio; Monday is the next CWT meeting and in the new building. Last week he "Zoomed" the meeting, he could not hear and if he had not, they would not have had a quorum.
- Councilman Dean asks if anyone has applied for the open ZBA position?
- Supervisor Brooks has not had a chance to check the files and will do so next week.
- Councilman Dean asks for the business card form the highway dept. with the employee contact numbers.
- Councilman Dean opens a brief discussion on a stipend payment for the CCWSD, he thanks for Supervisor Brooks doing all of the work involved.
- Councilman Smith agrees, Councilman Dean remarks I told him, his budget wouldn't pass without it, it is built into the funds from the CWC.
- Supervisor Brooks informs the Board that with the Town Clerks aid, he is in the process of creating a spread sheet for tracking of expenditures and work done.
- Councilman Smith inquires if there has been anytime for the zoning update, another year is passing. Supervisor Brooks not yet, I have been very busy.

Supervisor Brooks call for further Councilman comments, there is none

Supervisor Brooks call for any further comments, topics or questions? There is none.

Supervisor Brooks calls for public comment?

- ❖ Resident Margaret Seiler Brock, introduces herself and opens a discussion on the "Blue Hole West" swimming hole, saying they will be attending the Town of Neversink meeting. Jenny Lee has press packet put together and is attending as well.
- ❖ Supervisor Brooks explains the Town of Neversink Town Board will be submitting a resolution to the NYSDEC to have the same rules and regs as the Blue Hole. He has helped Supervisor Chris Matthews, facilitate meetings, contacts and discussion on the rules and regs and the issues, as this affects our residents as well.
- ❖ She also comments she has been working with Jenny Lee on the broadband issue and is the person to get the TVCSD letter of support.
- ❖ Supervisor Brooks thanks her and Jenny Lee for all of their efforts.
- ❖ Resident Joe Comando opens his remarks by saying he was elected by the members of the Sundown Watch to come and speak to the Town Board.
- ❖ Mr. Joseph Comando; the problems with the Blue Hole have spilled over onto private property. Garbage, burn outs and speeding 75/80 mph on Sundown roads. Trash thrown out of moving vehicles, food as well. Garbage left on residents' cars. Fecal matter is left on the ground. He has had a bottle of urine thrown at him.
- ❖ Supervisor Brooks urges Mr. Comando to call him and he will call law enforcement.
- ❖ Mr. Comando states the Rangers are busy an are doing everything they can.
- ❖ There is rampant drug use, MS 13 and other gangs are in the area. The visitors are getting violent, he has called the NYSP and they have told him they are 40 minutes out, from responding. He firmly believes some one will get hurt.
- ❖ Mr. Comando comments he has had rocks thrown at him. He further states that cars are pulling in driveways and seem to be "casing" the homes and properties.
- ❖ He feels burglaries will be next.

- ❖ Supervisor Brooks informs the public of his meeting at the Blue Hole last week with the DEC Region 3 Director Kelly and the Natural Resources Director.
- ❖ He is pushing for a plan to close the Blue Hole, unfortunately that would be for everyone, including locals. Supervisor Brooks points out:
  - He is in favor of closing the Blue Hole until a plan is implemented.
  - Even if it means declaring it will become an intensive use area.
  - He is constantly putting pressure on the DEC.
  - More porta potties and dumpsters are not helping.
  - Ranger Kreft requested assistance from the Sullivan County Sheriffs, who did not help, and DEP flat out refused!
  - This entire situation goes against everything in the NYSDEC Unit Mngt. Plan.
  - This is a Priority 1 Area for the NYCDEP, going directly into the Rondout. Claryville, Blue Hole West, is in Priority Area 4.
- ❖ Resident Joe Comando comments if you close it, they will just find another spot.
- ❖ Supervisor Brooks agrees but says the whole Corridor must be closed, the vegetation will take a year, minimum, to grow back, tree roots are showing.
- ❖ Mr. Comando, the rangers are understaffed and over worked.
- ❖ Mrs. Brock asks if the Stewards are of any help?
- ❖ Supervisor Brooks responds yes, they picked up 75 bags of garbage last Monday. The problem is they are telling everyone turned away on a weekend to come back during the week, when no permit is required.
- ❖ 1,000 people a day are turned away on a weekend.
- ❖ Mr. Comando suggests photos of license plates, and then sending them tickets.
- ❖ Brief discussion follows.
- ❖ Mr. Comando comments he remembers the first FEMA flood plain meeting, they said we are here to help you, not buy you out, he now says he wonders about that statement, because it seems like they are trying to get us out.
- ❖ Supervisor Brooks says he remembers that remark.
- ❖ Brief discussion follows.

Supervisor Brooks call for further Councilman comments, there is none.

Supervisor Brooks call for any further comments, topics or questions? There is none.

Supervisor Brooks calls for public comment? There is none.

Motion to adjourn the regular Town Board / Business Meeting at 7:29 by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Mike Dean, All in favor. Motion carried.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, August 12<sup>th</sup>, 2020

Next Meeting: Tuesday, September 8<sup>th</sup>, 2020 at 6 pm at the Denning Town Hall.

