

# Town of Denning – Town Board Meeting

January Organizational Meeting:

Meeting called to order at 7:04 p.m. by Supervisor Bruning,

Held on Wednesday, January 2, 2013 at the Denning Town Hall.

Present: Supervisor Bruning

Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith, and  
David Brooks

Also present: Highway Superintendent Dan Van Sadlers and  
Code Enforcement Officer Karl Von Hassel

The Town Clerk Cash Book was unanimously reviewed, accepted and signed as well as the minute book prior to the commencement of the Organizational Meeting.

The Town Clerk gave the Board members their copy of the agenda and Resolutions 1-22 of 2013 as well as the updated procurement policy, Sexual Harassment and Ethics Law hand out including the signature receipt page and the building fee schedule for 2013.

Pledge of Allegiance

All resolutions are read by Supervisor Bruning:

## Resolution No. 1 of 2013 of the Town of Denning

New York State Town Law section 63 authorizes the Town Board to determine the rules of its procedure,

**RESOLVED** that all Town meetings and public hearings will be conducted in accordance with New York State Open Meetings Law, and in such spirit that the following rules be enacted:

1. That a majority of any convened Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. That the vote upon every question shall be taken by ayes and nays, and that the names of the members present and their votes shall be entered into the minutes.
3. That every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all of the members of the convened Board.
4. That public participation at all regular and special Town Board meetings will be limited to commentary during established intervals as documented in each meeting agenda.
5. That any person speaking to the Town Board at all regular or special Town Board meetings will only be heard at the consent of the Supervisor or presiding Public Officer, and that they will be required to address their remarks exclusively to the Town Board without engaging the public in debate.
6. That all interested persons will have the right to attend public hearings of the Town, participate freely and make inquiries relating to the purposes thereof.
7. That public participation at all public hearings will consist of commentary limited to the purpose of the hearing, being only directed towards the convening Town agency.
8. That votes will not be taken by any convened Board on any pending legislation, permit application, zoning variance application or appeal during any public hearing that is subject thereof.
9. That response to any public commentary at any public meeting or hearing will be at the discretion of the Supervisor, Chairman or Deputy of any convened Town agency, and that the presiding Public Officer shall have the authority to refer any questions to the Attorney for the Town, or to other Board members.
10. That these rules may be amended at any time during the calendar year by resolution of the Town Board.

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 David Brooks	AYE
Supervisor Bruning	AYE

Following a Unanimous Roll Call Vote.

### Resolution No. 2 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law sections 62 and 63 authorizes the Town Board to establish fixed days of each month for regular meetings,

And **WHEREAS** New York State Public Officers Law section 103(b) requires a public body to make all reasonable efforts to hold meetings in facilities that permit barrier free access to the physically handicapped,

**NOW THEREFORE**, be it **RESOLVED** that the regular Town Board meetings will, throughout the year 2013, be held each month, with the meeting location alternating between Denning Town Hall in Claryville and the Sundown Church Hall in Sundown, between the months of April and November by the following schedule:

#### **Denning Town Hall in Claryville:**

7:00 PM Wednesday January 2  
7 :00 PM Tuesday February 5  
7:00 PM Tuesday March 5  
7:00 PM Tuesday May 7  
7:00 PM Tuesday July 2  
7:00 PM Tuesday September 3  
7:00 PM Wednesday November 6  
7:00 PM Tuesday December 3

#### **Sundown Church Hall in Sundown:**

7:00 PM Tuesday April 2  
7:00 PM Tuesday June 4  
7:00 PM Tuesday August 6  
7:00 PM Tuesday October 1

Further, **RESOLVED** that the **regular business** Town Board meeting will, throughout the year 2013, be held at 7:00 PM on the second Tuesday of each month, at the Denning Town Hall in Claryville, excluding Election Day. January 8, February 12, March 12, April 9, May 14, June 11, July 9, August 13, September 10, October 8, November 12, December 10.

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

Roll Call Vote:

Councilman Mike Dean	AYE	Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE	Councilman David Brooks	AYE
Supervisor Bruning	AYE		

Motion carried following a unanimous roll call vote.

### Resolution No. 3 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law sections 64 (11) authorizes the Town Board to designate the official newspaper of the Town

And **WHEREAS** New York State Open Meetings Law, Public Officers Law section 104, requires notice of time and place of Town Board meetings to be given to the news media,

**NOW THEREFORE**, be it **RESOLVED** that the Ye Olde Tri-Valley Townsman, PO Box 232, Grahamsville, N.Y. 12740, is designated as the official newspaper of the Town of Denning, and

**Further**, be it **RESOLVED** that the public notices may also be published on the Town of Denning website address [www.denning.us](http://www.denning.us)

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

#### Resolution No. 4 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law sections 64 (11) authorizes the Town Board to designate the banks or trust companies in which all Town officers shall deposit all monies coming into their hands by virtue of their offices,

**NOW THEREFORE**, be it **RESOLVED** that Catskill Hudson Bank, 4 Schumway Road, Suite 3, Neversink, N.Y. 12765, be the designated depository bank for the Town of Denning.

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

#### Resolution No. 5 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law section 118 authorize the Town Board to allow for advanced payments of claims,

**NOW, THEREFORE**, be it **RESOLVED** that throughout the year 2013, the Town Board authorizes the Supervisor to pay claims, in advance of audit, the bills submitted by health insurance providers, telephone, electric, gas, utility and cable companies, as well as post office box fees.

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

#### Resolution No. 6 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law sections 116 authorizes the Town Board to establish the amount to be allowed for the use of personal vehicles in the performance of official duties,

And **NOW THEREFORE**, be it **RESOLVED** that throughout the year 2013, the rate for financial reimbursement of personal vehicles use during the performance of official duties will be equal to 56.5 cents per mile.

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

#### Resolution No. 7 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law Public Officers Law sections 87 (b) (iii) authorizes the Town Board to establish fixed charges for document photocopies resulting from requests for records,

And **WHEREAS** New York State Town Law section 64 subsection 1(a) describes the use of petty cash fund for the purpose of making change when such is required in the performance of official duties,

**NOW THEREFORE**, be it **RESOLVED** that throughout the year 2013, the Town Clerks Office shall charge a standard fee of 25 cents per copied page up to 8 1/2 by 14 inches, plus all applicable postage charges for the cost of mailing requested documents delivery.

Further, **RESOLVED** that the collection of all receipts resulting from charges for document copies and mailing be conferred upon the Town Clerk as income through petty cash account.

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 David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

#### Resolution No. 8 of 2013 of the Town of Denning

And **WHEREAS** New York State Town Law section 20 2 (b) authorizes the Town Board to employ an attorney to render professional services and provide legal advice to the Town, at the fee of \$150.00 per hour.

**NOW THEREFORE**, be it **RESOLVED** that Rod Futerfas, Attorney at Law, of the firm Wapner, Koplovitz & Futerfas, 239 Wall Street, Kingston, N.Y. 12401 be retained as Attorney for the Town of Denning.

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 David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 9 of 2013 of the Town of Denning

**WHEREAS** New York State Uniform Fire Prevention and Building Code authorizes the Town Board to appoint a Code Enforcement Officer for the Town,

And **WHEREAS** Article 6 of the Zoning Law of the Town of Denning authorizes the Town Board to appoint a Code Enforcement Officer to enforce the provisions of the Zoning Law and the International Building Code.

**NOW THEREFORE**, be it **RESOLVED** that Karl Von Hassel, 524 County Highway 3, Halcott Center, N.Y. 12430, be appointed as Code Enforcement Officer for the Town of Denning, with an annual salary of \$6,887.00 to be drawn from Safety Inspection Personal Services. (General fund appropriations code A3620.1)

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 10 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law section 29 (15) allows for the Town Board to authorize the Town Supervisor to designate a bookkeeper for the Town,

**NOW THEREFORE**, be it **RESOLVED** that Cindy Mickelson, PO Box 251, Grahamsville, NY, 12740, be appointed as bookkeeper of the Town of Denning, with an annual salary of \$8,609.00 to be drawn from Supervisor Personal Services.  
(general fund appropriations code **A1220.1**)

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 David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 11 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law section 42 authorizes the Town Board to establish the office of Deputy Supervisor,

and **WHEREAS** New York State Town Law section 42 authorizes the Town Supervisor to appoint the Deputy Supervisor to serve at the pleasure of the Supervisor,

**NOW THEREFORE**, be it **RESOLVED** that the position of Deputy Supervisor be established, and that Councilman Mike Dean, be appointed as Deputy Supervisor for the Town of Denning. And

**WHEREAS** the Town of Denning Town Board feels that a liaison to the Town's Planning Board is a benefit to the Town as a Whole,

**NOW THEREFORE BE IT FURTHER RESOLVED** that Councilman Mike Dean be a appointed SAID liaison to the Denning Planning Board.

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

Resolution No. 12 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law section 32 (2) authorizes the Town Board to establish the office of Deputy Town Superintendent of Highways,

and **WHEREAS** New York State Town Law section 32 (2) authorizes the Town Highway Superintendent to appoint the Deputy Highway Superintendent to serve at the pleasure of the Town Highway Superintendent,

**NOW , THEREFORE,** be it **RESOLVED** that the position of Deputy Highway Superintendent be established for the Town of Denning, with an annual salary of \$1,721.00, to be drawn from Superintendent of Highways Personal Services.

(general fund appropriations code **A5010.1**)

and, **FURTHER,** be it **RESOLVED** that Robert Totten be appointed to fill the position of Deputy Highway Superintendent for the Town of Denning.

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

Resolution No.13 of 2013 of the Town of Denning

**WHEREAS** New York State Public Health Law section 4121 and 4123 authorizes the Town Board to appoint a Registrar of Vital Statistics,

**NOW , THEREFORE,** be it **RESOLVED** that Joy Ann Monforte, 75 Woodfield Road, Grahamsville, NY 12740, serving as Denning Town Clerk, be appointed as Registrar of Vital Statistics with an annual salary of \$10.00, to be drawn from Town Clerk Personal Services.

(general fund appropriations code **A1410.1**)

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE

Councilman David Brooks            AYE  
Supervisor Bruning                 AYE  
Motion carried following a unanimous roll call vote.

**Resolution No.14 of 2013 of the Town of Denning**

**WHEREAS** New York State Town Law section 27 authorizes the Town Board to determine the salaries of town officers and employees,

and **WHEREAS** New York State Public Officers Law section 9 provides for the designation of order in which two or more appointed deputies may act,

and **WHEREAS** Public Officers Law section 10 and 25 require the taking of oath of office by all town officers,

**NOW, THEREFORE**, be it, **RESOLVED** that Tammy Beck, 4071 Red Hill Road, Grahamsville, NY 12740, be appointed as First Deputy Town Clerk/Tax Collector and as Records Management Technician for the Town of Denning, with an annual salary of \$5,660.00, to be drawn from Town Clerk Personal Services.

(general fund appropriations code **A1410.1**)

and **Further RESOLVED** that Carl Landon, of Red Hill Road, Claryville, NY be appointed second Deputy Clerk and Information Services Technician of the Town of Denning,

and **Further RESOLVED** that the First and Second Deputy to the Town Clerk be required to take and subscribe a constitutional oath of office to be filed with the Town Clerk as well as a Confidentiality Oath to be on file in the Office of the Town Clerk.

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

Roll Call Vote:

Councilman Mike Dean            AYE  
Councilman Paul Schoonmaker   AYE  
Councilman Kevin Smith         AYE  
Councilman David Brooks        AYE  
Supervisor Bruning               AYE

Motion carried following a unanimous roll call vote.

**Resolution No. 15 of 2013 of the Town of Denning**

**WHEREAS** New York State Town Law section 27 authorizes the Town Board to determine the salaries of town officers and employees,

and **WHEREAS** New York State Civil Service Law sections 35 and 40 establish jurisdictional classification of positions, with provisions for a definition of noncompetitive classification of employment positions subject to Town Council appointment,

**NOW THEREFO** be it **RESOLVED** that Linda Bruning be appointed as Clerk to Justice Court with an annual salary of \$2,573.00, to be drawn from Justice Personal Services. And

(general fund appropriations code **A1110.1**)

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 David Brooks            AYE  
Supervisor Bruning                    AYE  
Motion carried following a unanimous roll call vote.

**Resolution No.16 of 2013 of the Town of Denning**  
**WHEREAS** New York State Arts and Cultural Affairs Law section 57.07 authorizes the Town Supervisor to appoint a Local Historian,

**NOW, THEREFORE,** be it **RESOLVED** that Carl Landon, 5224 Red Hill Road, Claryville, NY 12725, be appointed as Historian for the Town of Denning.

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

Roll Call Vote:  
Councilman Mike Dean                AYE  
Councilman Paul Schoonmaker    AYE  
Councilman Kevin Smith            AYE  
Councilman David Brooks           AYE  
Supervisor Bruning                   AYE  
Motion carried following a unanimous roll call vote

**Resolution No.17 of 2013 of the Town of Denning**  
**WHEREAS** New York State Agriculture & Market Law section 114 authorizes the Town Board to appoint a Dog Control Officer for the Town,

**NOW, THEREFORE,** be it **RESOLVED** that Archie Ackerly Jr., 26 Schultz Road, PO Box 47, Claryville, New York, 12725, be appointed as Dog Control Officer for the Town of Denning, with an annual salary of \$571.00, to be drawn from Control of Dogs Personal Services.  
(general fund appropriations code **A3510.1**)

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 David Brooks           AYE  
Supervisor Bruning                   AYE  
Motion carried following a unanimous roll call vote.

**Resolution No.18 of 2013 of the Town of Denning**  
**WHEREAS** Town Law § 20(1)(a) and (b) authorizes the Town Board to appoint employees it deems necessary for the proper conduct of the affairs of the Town,

**NOW THEREFORE BE IT RESOLVED** to appoint Scott Mickelson who resides at 455 Yeagerville Road, Sundown, N.Y. 12740 to the position of Town of Denning Recycling Manager, at an salary of \$13.76 per hour to be drawn from Refuse and Garbage Personal Services.  
(General Fund Appropriations Code A8160.1)

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 David Brooks           AYE  
Supervisor Bruning                   AYE  
Motion carried following a unanimous roll call vote.



Resolution No.19 of 2013 of the Town of Denning

**WHEREAS** New York State Town Law section 267 and 271 require annual appointments to the Town Planning Board and Zoning Board of Appeals with designated terms of office on a calendar year basis,

and **WHEREAS** Local Law No. 3 of 2001 of the Town of Denning requires an annual appointment to the Town Board of Ethics with designated terms of office on a calendar year basis,

and **WHEREAS** Public Officers Law section 10 and 25 require the taking of oath of office by all town officers,

**NOW, THEREFORE**, be it **RESOLVED** that a review of remaining terms of office for members of the Town Planning Board, Zoning Board of Appeals and Board of Ethics be announced on an annual basis at the Town Board organizational meeting.

Further, **RESOLVED** that all newly appointed members be required to take and subscribe a constitutional oath of office to be filed with the Town Clerk, and that each member shall be notified of appointment and duration of term in writing by first class mail no later than 10 business days following the annual organizational meeting. And

**NOW, THEREFORE**, be it **RESOLVED** that these residents are Board appointed or reappointed to said Boards:

**Planning Board (7 Year Term)**

Dennis Deyo (Re-appointment) expire 12-31-2019

**Zoning Board of Appeals (5 year term)**

Mark Boncek (Re-appointment) expire 12-31-2017

**Board of Ethics (3 Year Term)**

Scott Mickelson (Re-appointment) expire 12-31-2015

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 David Brooks AYE

Supervisor Bruning AYE

Motion carried following a unanimous roll call vote.

Review of remaining terms:

**Planning Board ( 7 year term )**

Katherine Parr - expire 12/31/2013

Joe Sibiga - expire 12/31/2014

Stephen E. Bobik - expire 12/31/2015

Carl Landon- Chairman - expire 12/31/2016

Greg Vurckio - expire 12/31/2017

Jennifer Snyder - expire 12/31/2018

Dennis Deyo - expire 12/31/2019

**Zoning Board of Appeal ( 5 year term )**

William Leudemann	- expire 12/31/2015
Frances Chiwiwi	- expire 12/31/2016
Mark Boncek	- expire 12/31/2017
Anthony Deserto	- expire 12/31/2013
Archie Ackerley	- expire 12/31/2014

**Board of Ethics ( 3 year term )**

Katherine Parr	- expire 12/31/2014
Scott Mickelson	- expire 12/31/2015
Frank Comando	- expire 12/31/2013

**Board of Assessment Review (October 1st to September 30th - 5 year term)**

Russell Betters	- expire 10/01/2017
James Hlinican	- expire 10/01/2013
Mary Ackerley	- expire 10/01/2014

**Resolution No.20 of 2013 of the Town of Denning**

**WHEREAS** New York State Town Law section 27 authorizes the Town Board to determine the salaries of town officers and employees,

**NOW, THEREFORE**, be it **RESOLVED** that the following salaries be fixed for the listed town officers and employees for the Fiscal Year 2013:

**Town Officers:**

Supervisor	\$ 12,000.00
Councilpersons (4) each	1,500.00
Superintendent of Highways	45,500.00
Deputy Superintendent of Highways	1,721.00
Town Clerk/ Tax Collector	19,289.00
First Deputy Town Clerk/ Tax Collector	5,660.00
Second Deputy Town Clerk	00.00
Town Justice	6,176.00
Clerk to Justice Court	2,573.00
Assessor	12,968.00
Code Enforcement/Building Inspector	6,887.00
Bookkeeper	8,609.00
Records Management	2,000.00
Town Historian	00.00
Dog Control	571.00
Registrar of Vital Statistics	10.00
Recycling Manager	13.70 per hour
House Cleaning	\$1,376.00 Annually

**Highway Employees:**

Laborer	19.09 per hour
Heavy Equipment Operator Class B	19.77 per hour
Heavy Equipment Operator Class A	20.42 per hour
Foreman	21.05 per hour

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

**Roll Call Vote:**

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll

Resolution No. 21 of 2013 of the Town of Denning

**WHEREAS** Public Officers Law section 11 (2) authorizes the Town Board to approve the procurement of a blanket undertaking from any duly authorized corporate surety covering Officers, Clerks and Employees of the Town, And

**WHEREAS** the Town Clerk / Tax Collector, as well as any Officers and Employees of the Town of Denning will properly account for and pay over any and all monies received in the course of fulfilling Said person(s) duties.

**NOW, THEREFORE**, be it **RESOLVED** that the public officers bond issued by National Grange Mutual with coverage of \$10,000 for Public Officials and \$800,000 excess for Tax Collectors be procured from Mike Preis, Inc. at the annual premium of \$475.00 to be drawn from Unallocated Insurance. (general fund appropriations code **A1910.1**).

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

Resolution No.22 of 2013 of the Town of Denning

**WHEREAS** New York State has eliminated dog licensing responsibilities as of January 1, 2011 and

**WHEREAS** the Town is now required to set licensing fees and collect a fee for the New York State Animal Population Control Fund.

**NOW THEREFORE BE IT RESOLVED** That **SAID** licensing fees shall include the \$1 and \$3.00 fee as required by New York State.

**BE IT FURTHER RESOLVED** that the Town of Denning **HEREBY** sets the following dog licensing fees for the year 2013:

Spayed and Neutered fee \$3.00  
Unaltered fee \$10.50

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 David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll call vote.

**Review of the Procurement Policy:**

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 David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll

**Review of the Sexual Harassment Policy:**

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll

**Review of the Ethics Law hand out.**

**Review of the Building Fee Schedule:**

Supervisor Bruning inquires about the fossil fuel or heating system fee and ask if this pertains to outdoor boilers?

Response from COE Von Hassel not for place inserts.

Councilman Dave Brooks inquires about the fee for additions.

COE Von Hassel explains the fee amount.

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

Roll Call Vote:

Councilman Mike Dean	AYE
Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE
Councilman David Brooks	AYE
Supervisor Bruning	AYE

Motion carried following a unanimous roll

Motion to adjourn the Organizational Meeting and open the Town Board Meeting at 7:36 pm by Councilman Paul Schoonmaker, 2<sup>nd</sup> by Councilman Dave Brooks, All in favor. Motion carried by a 4 to 0 vote.

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

The Town Clerk is asked to read the section pertaining to retirement hours and asked to clarify wording by Councilman Mike Dean; the cleaner is part time, the Highway Superintendent and Town Clerk are both full time.

Motion to adopt and approve as read and clarified by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Paul Schoonmaker. All in favor. Motion carried by a 4 to 0 vote.

Correspondence – by Supervisor Bruning

- A letter from resident Chris McInerney inquiring as to a position on the planning board.
- Brief discussion on vacancy and Katherine Parr's appointment.
- COE end of the year report.
- COE Von Hassel adds that he has spoken with the owner of the collapsed barn on Schultz Road and they will take it down.
- A letter from UCRRA regarding the amendment to the flow control law; fees will remain the same for 2013.
- A check from Ulster County mortgage tax in the amount of \$6,640.74 for the period from April 2012 to September 30, 2012. Previously received \$10,631.07 for a total of \$17,471.84 budgeted \$5,000. Supervisor Bruning remarks between sales and mortgage tax we are ahead.
- Safety Net has been moved to the County level and they will be paying 33% next year with and increase the next 3 years until paying 100% in the final and third year. Received 2 checks for the 21% reimbursement this year, had the Clerk call for clarification.

Highway Report by Highway Superintendent Dan Van Sader

- Highway Superintendent Dan Van Saders requests permission to get a quote for a spare plow; with 2 trucks down for repair the department is in

need of a spare. The Town Board approves and authorizes him to get quotes.

- He also request authorization to call for a repair for the light by the Highway Superintendents office, which is not working properly. The Town Board authorizes the repair.
- Two snow storms.
- Minor ice events.
- Sand and salt on order.
- The 2004 International has a turbo malfunction and the 55- has an injection failure, both are being repaired.
- Supervisor Bruning asks if the Highway Superintendent has heard from FEMA yet, response no.
- Highway Superintendent Van Sadere informs the Board that he has received a packet of pictures from a third adjuster regarding Peekamoose Road; he is going thru the close out process for the third time. The adjusters are being sent to other locations before it can be officially closed. He had the first closing on October 22.
- Highway Superintendent Vans Sadere will see if Art Snyder of UC Emergency Management can be of any assistance.
- Supervisor Bruning informs the Board of the NYMIR inspection, the inspector was very pleased; he even inspected the R&R Center.

#### Code Enforcement – COE Von Hassel

- Officer Karl Von Hassel has sent letters to an unsafe structure located at 1558 Denning Road he is seeking Town Board approval to issue tickets as they have not responded and the building is unsafe and unfit for habitation.
- Following a brief discussion the Town Board approves.
- Supervisor Bruning informs the Board that he has delivered the tickets to the Wild Cat Road property and they are due in Town Court next Tuesday.

#### Planning Board Report- Councilman Mike Dean

- Supervisor Bruning asks the Town Clerk about the FOIL request for the Kimball Parker property. She informs the Board of the entire history request for the property including historical aspects. The sub division has not been approved.
- Town Clerk Joy Monforte also informs the Board of a FOIL request in regards to the Carol Ramsey property which had been approved for a sub division already.

#### Supervisor Comments:

- Informs the Board that he is playing phone tag with Planner Alan Sorenson, he will have a price for them at next weeks meeting.
- Meeting with attorney on January 8<sup>th</sup> at 1:30 pm at the Town Hall.
- Supervisor Bruning asks COE Von Hassel if someone applies for a building permit for an extension to a barn would they have to say what it is for?
- COE looks at his 2012 report and informs the Board that the extension to the barn was small and completed last year. Further that a microbrewery will be a separate building; he has the hand drawings of the project.
- Councilman Mike Dean inquires if a new permit was issued in November or December for a barn.
- COE Von Hassel responds no, there was a permit for an open pavilion.
- Councilman Mike Dean anything in October, response from COE Von Hassel is no.
- Councilman Mike Dean: a silo drawing has been submitted to the Planning Board.
- COE Von Hassel responds that no that will be enclosed in a fireproof building.
- Supervisor Bruning asks if Councilman Dave Brooks has sent out the mailers yet?

- COE Von Hassel new flood maps with changes are due in May.
- Councilman Dave Brooks remarks he needs help with the mailing; this is a lot of work.
- Councilman Kevin Smith comments he will take a day off and help. Also that a public hearing would be more cost effective, he has a concern with mail fraud, stating any mailing must be numbered.
- Supervisor Bruning asks how much parking do they have to have for 99 people?
- COE Von Hassel shows supervisor Bruning and the Board the hand drawing of the microbrewery site.
- Councilman Paul Schoonmaker remarks the guy from Greenville Road project had to have a specific number of sites pertaining to the size of the building. This building is 36x60.
- Councilman Kevin Smith no one will recognize the Town being in a pristine environment.
- Councilman Dave Brooks states he still feels that the only way is to put regulations in the zoning.
- Councilman Kevin Smith how do you put something in zoning most people don't want?
- Councilman Dave Brooks informs the Board that BYOB in a restaurant is illegal according to a call he made to the NYS Liquor Authority.
- Councilman Kevin Smith I don't believe that you regulate what people doesn't want.
- Councilman Dave Brooks I really feel that the only way is to regulate this in the zoning.
- Supervisor Bruning comments he was told that this is not a ZBA issue by UC Planner Dennis Doyle, but a planning board issue.
- COE Von Hassel remarks he would not issue a permit, as zoning does not permit it, they would then go to the ZBA. Further that the flood maps may be available for review in May then there is a 3-month reviewing period.
- Supervisor Bruning if is in the zoning laws or not they go to the ZBA and ask for a variance, if the variance is granted then it would require a Special Permit.
- Councilman Dave Brooks if it is in the zoning then you would have rules and regulations to enforce compliance.
- Councilman Kevin Smith we cannot forget about people who pay taxes and sleeps here.
- Supervisor Bruning a public hearing on whether to allow it or not in the zoning law. Then they go to the ZBA and get variance.
- Councilman Paul Schoonmaker asks if the ZBA can say no if the public doesn't want it at a public hearing.
- Councilman Dave Brooks the Town Board must formally adopt and approve the proposed zoning law.
- Supervisor Bruning agrees with Dennis Doyle it should go to the planning board and they hold a hearing.

Board Comments:

- Councilman Dave Brooks reminds the Board that if it is not in the zoning then there are no rules.
- Supervisor Bruning comments it should not go to the ZBA.
- Councilman Kevin Smith asks where does the public come in?
- Councilman Dave Brooks asks if the Board wants to hold off on any kind of mailing?
- Supervisor Bruning remarks he is not sure if it will accomplish anything, it is a lot of work and is expensive.
- Supervisor Bruning remarks a public hearing should be held on whether or not to put it in the zoning.
- Councilman Dave Brooks just like adult entertainment we had to put it in the zoning, this is the same idea. The Hamlet District is your social center, that is where things are supposed to happen.

- Councilman Kevin Smith states; once it is there it is there forever. They still have not done the 7 things they were supposed to do between their neighbors.
- Supervisor Bruning will call around to get help with the issue.
- Councilman Dave Brooks states that the only way to truly regulate it is to put it in the zoning law.
- Councilman Kevin Smith doesn't waste the public's time if you are going to do it anyway.
- Councilman Dave Brooks remarks the Planning Board may send it to Kingston for review.
- Councilman Mike Dean checks the minutes of the Planning Board and informs the Board that at the last meeting they approved the Carol Ramsay sub division and that Kimball Parker still has not come before the Board.
- Councilman Kevin Smith asks if it had to go to the ZBA or Planning Board would they have to hold a public hearing and go with the popular opinion whichever way it goes?
- Supervisor Bruning, they can say no but must have concrete reasons.
- Councilman Kevin Smith; peace and quiet, out of character for the Town and we do not have a police force.
- Supervisor Bruning remarks he will call the Association of Towns to see if they have an expert from a procedural point of view.
- Councilman Kevin Smith what about what the community wants?
- Supervisor Bruning remarks to Councilman Smith that he thinks he would be surprised at the support this has.
- Councilman Dave Brooks if they were talking about putting it next to me then I would want rules and regulations and leave it up to volunteer boards.

Public comments: None

Motion to adjourn at 8:45 by Councilman Paul Schoonmaker, 2<sup>nd</sup> by Councilman Mike Dean, All in favor. Motion carried 4 to 0 vote.

Respectfully Submitted by Joy-Ann Monforte

Town Clerk

January 7th, 2013

Next meeting: Tuesday, January 8<sup>th</sup>, 2013 at the Denning Town Hall.