

# Town of Denning – Town Board Meeting

Meeting called to order at 7:07 p.m. by Supervisor Bruning,  
Held on Tuesday, September 3rd, 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 Saders

The Town Clerk gave the Board members their copy of the agenda,  
Resolutions 43 and 44 of 2013 as well as correspondence to the  
Supervisor.

Pledge of Allegiance

Reading of last month's minutes by Supervisor Bruning.

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

Correspondence –Supervisor Bruning

- The monthly donation from the Frost Valley YMCA in the amount of \$8,500.00 has been received and is gratefully acknowledged.
- The Supervisor reads a resignation letter from the Justice Court Clerk Linda Bruning.
- Supervisor Bruning declines to read a letter submitted by Judge Follender at this time.
- Supervisor Bruning reads an email from Bill and Mary Buchen requesting to be placed on the agenda for this evening to make a broadband presentation. (Map available for viewing in the Town Clerk's Office).

Supervisor Bruning introduces Sullivan County Soil and Water Stream Program Coordinator Karen Rauter who gives a presentation on current and up coming programs, including a new component.

- Mrs. Rauter's gives an overview of the end of the 1<sup>st</sup> contract.
- Supervisor Bruning inquires as to how much is left?
- Mrs. Rauter's responds that we still have to pay the summer (stream program) bills but should have \$100,000.00 to jump start projects next year.
- Mrs. Rauter's explains that the new FEMA map could be used by engineers for flooding and elevation. Stating that for every foot your home is raised above the 100-year flood stage your flood insurance will decrease.
- The map can be used for modeling so that tools may be used more efficiently.
- Supervisor Bruning asks if a resident can prove that their home is already above the flood level, if the insurance will be lower.
- Mrs. Rauter's, responds yes, but you would need an elevation certificate from a surveyor.
- Mrs. Rauter's remarks that there is a 4% chance of a 25-year flood every year, it is prudent to plan for other than a 100-year flood.
- Continues that bank erosion, flood turbidity and water quality issues are applications for her program.
- Supervisor Bruning inquires if they are looking at the result of programs down stream as well as upstream?
- Mrs. Rauter's responds yes and we are looking for substantial projects.

- Supervisor Bruning asks if they would ever come to the conclusion to dredge the river?
- Mrs. Rauter's responds yes, if it is a scientific solution. They are doing that in Phoenicia with NYSDEC permission as a pilot project. Not every landowner is onboard with dredging or other projects, multiply land owners make things complicated.
- Mrs. Rauter's explains that analysis may explain that there is nothing that you can do to elevate the flooding.
- Mrs. Rauter's explains that the new FEMA map could be used by engineers for flooding and elevation. Stating that for every foot your home is raised above the 100-year flood stage your flood insurance will decrease.
- The map can be used for modeling so that tools may be used more efficiently.
- Supervisor Bruning asks if the data will be used for other projects.
- Mrs. Rauter responds yes, we now have the funds to do analysis and planning over the winter and then do the project next year.
- Supervisor Bruning thanks Mrs. Rauter for coming and giving an insightful presentation.

#### Highway Report by Highway Superintendent Dan Van Sadlers

- New Road Hill has been shimmed.
- Repaired Kawlija Road and turn around, redirected the water away from the Scoles residence.
- Hot patch on Peekamoose Road
- 2008 is back from Arkel Motors.
- Spring problems on both the 2002 and 2004 trucks.
- The culvert for the Denning Road project near the Claryville Fire House is expected for delivery tomorrow.
- Will do the job next week after confirming that all materials have been delivered.
- 1 lane will remain open for the 2-day job. School buses and safety vehicle as well as residential traffic will be possible.
- FEMA- held another meeting last week because the person was qualified to do geo-textile work.
- Highway Superintendent Van Sadlers comments that with the fall season we are running out of time to do the project and will remove trees, fill in lower area and put barrels. Hoping that will relieve stress for the winter.
- Supervisor Bruning asks if there has been any word on Peekamoose Road?
- Highway Superintendent Dan Van Sadlers responds no.

#### Code Enforcement – No Report

#### Planning Board Report- Councilman Mike Dean

- Logging notification on the West Branch.
- The Frost Valley YMCA is replacing the laundry on the main campus in the same location.
- Jerry Huncosky and Michael Bull were at the last planning board meeting discussing their present situation.
- Supervisor Bruning remarks he hopes the planning board stays out of the Kimball Parker proposal.
- Councilman Dean states there are problems with the right of way, property line issues and have not been approved.

Resolution No. 43 of 2013 read by Supervisor Bruning  
**WHEREAS** section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town auditing boards and,

**WHEREAS** such records were provided and audited by the Town of Denning Audit Board, the Town of Denning Town Board,

**HEREBY** has reviewed and accepted the audit results submitted by the Auditing Board, for the years 2011 and 2012.

Motion to adopt and approve by Councilman Dave 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. 44 of 2013 read by Supervisor Bruning  
**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 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. 44 of 2013 formally introducing Proposed Local Law No. 1 of 2013, Titled: An Override of the Tax Levy Limits.

**BE IT FURTHER RESOLVED** that a Public Hearing be held on Tuesday, September 10<sup>th</sup> 2013 prior to the start of the regularly scheduled Town Board meeting.

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.

Supervisor Bruning introduces resident Mr. Bill Buchen who does a presentation of the proposed cable lay out for Time Warn Broadband.

- Opening remarks: he feels the Town is well run. Roads are great. He gives his background in architectural designs with an exhibit of his work.
- Saying he took the 911 maps after speaking Supervisor Bruning and did a survey of the linear mileage.
- Voss road and Wild Cat Mtn. Road is 3.0 miles of public utilities, with 30 domiciles.
- Red Hill to Sugarloaf Road is 4.1 linear mileage of public utilities

- poles and 44 taxpaying domiciles.
- Sugarloaf Road to Porcupine Road is 2.5 linear miles of public utilities with 25 domiciles.
- Porcupine and Kawlija Roads are 2 linear miles of public utilities and 42 taxpaying domiciles.
- This is a total of 12 miles of roadway.
- The map he provides is color-coded and has each domicile marked.
- Stating he is lobbying to get cable on Voss Road but wanted to give an honest, accurate survey.
- Supervisor Bruning states he will give this map to Time Warner Cable Representative Brenda Parks.
- Resident Naja Azur remarks that Mr. Buchen was very conservative in his count of domiciles.
- Resident Mary Buchen asks if it is 125 homes or a certain amount of miles?
- Supervisor Bruning responds that this is good info and that he told (Brenda Parks) that Time Warner is getting a grant to pay for 75% of the cost of this project- they have to pay for 25%, they could possibly a grant do more.
- Resident Mary Buchen comments that Patti Candelari mentioned a grant?
- Supervisor Bruning responds yes but that was a commercial grant intended for a commercial properties.
- Discussion opened on Sundown and the 5 miles thru the Town of Neversink without cable.
- Supervisor Bruning and the Town Board thank the Buchen's for their detailed analysis of the pole linear mileage map.

#### Supervisor Comments:

- Supervisor Bruning informs the Town Board of the updating of the Ulster County Hazardous Mitigation Plan and that the Town of Denning has previously been left out and we must make certain that we are in the plan to be eligible for any upcoming funding.
- The kick-off meeting is October 3<sup>rd</sup> at 9:30 am in the Ulster County Legislative Office.
- Discussion follows.
- Councilman Dave Brooks volunteers to attend and Councilman Paul Schoonmaker volunteers to attend and be the designated alternate so that Councilman Kevin Smith does not need to take days off from work.
- Supervisor Bruning informs the Board that Karen Rauter has spoken with the right person because the check for the Clair Road project is in the pipeline.
- Supervisor Bruning remarks that dealing with Ulster County is very frustrating.
- He also informs the Board that he does not know what will happen with Kessler matter as the trial is scheduled for next week. Remarking the Town must now pay the Attorney for the Town Rod Futerfas to come to the Town for this trial.
- Councilman Paul Schoonmaker asks what the story is with the court clerk and should the Board do a thank you resolution.
- Supervisor Bruning responds that, that is not necessary and gives a background summation of the difference of opinions over scheduling which lead to the resignation of the court clerk.
- Supervisor Bruning states that Judge Follender will submit his choice for court clerk.

- Brief discussion opened on the Time Warner Franchise Agreement; the background of Fred Ahrens with this cable company, cable on private roads and the fact that the franchise agreement states there will not be cable installed on any private roads.

Board Comments: See Above

Public Comments: See Above

Motion to adjourn at 8:39 by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Paul Schoonmaker, All in favor. Motion carried 4 to 0 vote.

Respectfully Submitted by Joy Ann Monforte, Town Clerk

Next meeting: Tuesday, September 10th, 2013 at the Denning Town Hall

# Town of Denning – Town Business Meeting

Held on Tuesday, September 10th, 2013 at the Denning Town Hall.  
Called to order at 7:04 p.m. by Supervisor Bruning

The Minute Book was signed prior to the opening of the meeting.  
The Town Clerk presented to the Board a copy of the agenda,  
resolution No. 45 and 46 of 2013 and general vouchers to the  
Supervisor.

Present: Supervisor Bruning  
Councilmen: Mike Dean, Paul Schoonmaker, David Brooks and  
Councilman Kevin Smith  
Also present: Highway Superintendent Dan Van Sadlers

Public Hearing for Local Law No.1 of 2013 called to order: the  
proposed local law is reviewed and Supervisor Bruning calls for public  
comment.

There is none from resident Russell Betters.

Motion to adjourn the public hearing at 7: 14 pm by Councilman Kevin  
Smith and 2nd by Councilman Mike Dean, All in favor. Motion carried  
by a 4 to 0 vote.

Highway Vouchers presented (see Warrant # 9, vouchers (#203-230)  
Supervisor Bruning asks Highway Superintendent Van Sadlers about  
the culvert, who responds that it has been delayed a day because of  
anticipated weather; he did not want to leave the road open with rain  
coming.

Motion to approve and pay highway fund vouchers by Councilman Mike  
Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Motion  
carried by a unanimous 4 to 0 Roll Call vote.

The warrant is in the amount of \$.

General Vouchers presented, (see Warrant # 9, vouchers (#229-254)  
Discussion opened by Councilman Dave Brooks on the fees charged by  
the Attorney for the Town Rod Futerfas and when the charges for the  
trial earlier today would be charged.

Supervisor Bruning comments that he was glad that Attorney Futerfas  
came for the trial earlier today and it was money well spent; it  
reinforces the COE office.

Councilman Brooks it reinforces the Planning Boards as well.

Resident Russ Betters informs the Board that Brenda Parks of Time  
Warner Cable has been let go. Discussion follows on contact person  
for Time Warner Cable. He (Russ Better) will get contact info for the  
Town Board as everything is now out the northern office.

Brief discussion on the budget overage for the Records Management  
line and the cost per hour for chargers there for computer work and  
record management.

Supervisor Bruning asks when it was decided to pay \$15.00 per hour.  
The Town Clerk responds she is unsure.

Motion to approve and pay general fund vouchers by Councilman Paul  
Schoonmaker, 2nd by Councilman Dave Brooks, All in favor. Motion  
carried by a unanimous 4 to 0 Roll Call vote.

The warrant is in the amount of \$.

Resolution No. 45 of 2013

Whereas, the Town of Denning Town Board has intention of fulfilling its financial obligations, and

Following a PUBLIC HEARING regarding Local Law No. 1 of 2013,  
Where any and all interested person(s) where heard,

NOW THEREFORE BE IT RESOLVED the Town of Denning Town Board  
HEREBY adopts Local Law No. 1 of 2013 An Override of the Tax Levy  
Limits.

Motion to adopt and approve by Councilman Mike Dean, 2nd 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. 46 of 2013

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 THEREFORE be it RESOLVED that Tammy Beck be appointed as  
Clerk to Justice Court as a remainder of term appointment to be  
drawn from Justice Personal Services. And  
(general fund appropriations code A1110.1)

Motion to adopt and approve by Councilman Dave Brooks, 2nd 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.

Councilman Mike Dean remarks about the lack of a bill from Ulster  
Insurance charging \$3.00 per insured member.

Supervisor Bruning informs the Town Board that he has spoken with  
Joyce Polacco from RSS Agency about it and it is a legitimate charge,  
further she will make her insurance proposal presentation next week  
along with Sprague and Killeen Co. for the health insurance.

Discussion opened Councilman Brooks on the mapping for the  
proposed Zoning Law changes. Brooks and Brooks had offered at  
Planning Board meeting to do the zoning map to be paid for by grants,  
he will follow up.

Discussion opened for a NIMS update. Councilman Kevin Smith remarks the Town is good to 2014 and it has quieted down, Sargent Polacco has said changes may in the works.

Supervisor Bruning confirms with Councilman Brooks that he will be attending the Hazardous Mitigation Plan, which is to be held by Ulster County.

Supervisor Bruning informs the Town Board that NYS Ranger Rob Dawson stopped by the Town Hall and gave the improvements (that he suggested to his superiors at the NYSDEC) to Bill to inform the Board of: they are as follows:  
A larger parking area, guiderails to limit and restrict parking, signs to the Blue Hole and a porta pottie moved from the campground up to the swimming hole. Discussion follows with appreciation for the efforts and performance of Ranger Dawson and with regret of his leaving.

Motion to adjourn at 8:08 PM by Councilman Mike Dean, 2nd by Councilman Dave Brooks, All in favor.  
Motion carried by a 4 to 0 vote.

Respectfully Submitted by Joy Ann Monforte, Town Clerk on September 11th, 2013.

Next meeting: Tuesday, October 1st, 2013 at the Sundown Church Hall.