

# Town of Denning – Town Board Meeting

Meeting called to order at 7:00 p.m. by Supervisor Brooks.  
Held on Tuesday, May 1<sup>st</sup>, 2018 at the Denning Town Hall.

Present: Supervisor Brooks

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

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 and Resolutions No. 32 thru 34 of 2018.

Pledge of Allegiance

Correspondence – Supervisor Brooks

- The monthly donation from the Frost Valley YMCA in the amount of \$8,500.00 has been received and is gratefully acknowledged.
- In response to a letter sent to PSC, regarding electric cost and price increase, the Town has received notification; the electric flat rate charge is decreasing.

Highway Report by Superintendent Dan Van Saders

- Brush cut and storm clean up, hazard trees are being cut on Red Hill and New Road Hill Roads.
- Sweeping has also started.
- F550 had warranty work done replaced the exhaust saving \$6,500.00.
- Clean up and undercoating on trucks began.
- Split the salt bid up, next year have ordered 450 treated salt and 450 tons untreated.
- Supervisor Brooks asks which treatment he went with and by how much did the Town go over the allotment? Response magnesium chloride from the NYS bid, we went over our allotment by 20 or 30%.
- Problem with the road and culvert between Van Etten's and the NYS campground.
- Met with Supervisor Brooks yesterday to inspect and review the issue.
- Councilman Gregory Vurckio asks if we can get financial aid from Soil & Water? Brief discussion follows.
- Supervisor Brooks informs the Board that he and Highway Superintendent have a meeting the the NYSDEC in the morning.
- Highway Superintendent Van Saders informs the Board he wants to dig down and replace the pipe with heavy pipe, use square rocks from Schaefer and push the road closer to the bank.
- Until repairs are completed the road will be down to one lane.
- Supervisor Brooks has spoken with NYS; trees need to come down.
- Councilman Vurckio inquires if this can be done on a weekend? Brief discussion follows.
- Highway Superintendent Van Saders informs the Board he has put a crew together to patch pot holes. Now using cold patch and the roller. Peekamoose is the Ulster County prevue.

Planning Board Report- Councilman Mike Dean

- A proposed sub division on Barnes Road forwarded to the ZBA.
- Will Illing submitted a proposed sub division of 10.71 acres for the Kobayashi property.
- Supervisor Brooks inquires as to the location of the acreage, if it is in front?
- Councilman Dean responds there is some road footage.

Supervisor Brooks welcomes guest's; attorney Kevin Young and Lamont Engineer James Gillespie.

Claryville Community – Denning Septic Maintenance Sewer Use Law and update on the SEQR process.

- Mr. Gillespie gives the Board an update on the SEQR process, all the Town is doing is replacing existing septic's, this is a Type II action.
- Sixteen in the first year, then replacement as needed, going forward.
- Changes in the septic user law:
- Ulster County Health Dept. added to all pertinent sections as per the Boards request.

- Biggest issue is the brewery, large scale industrial/commercial system may require special treatment, this has been addressed in the usage law under domestic waste, will handle provided the sewage is brought to domestic waste quality.
- Vacant lots will be as they are now, the owner will install the initial septic.
- For property owners who do not want to be in the "district", they may join after Town Board approval.
- Block grant investment options discussed, per General Municipal Law §11. No decision made.
- Public works pertains to a public structure; after the initial installment, the new system does not have to be prevailing wage.
- Supervisor Brooks opens a discussion on section 404-parcels outside of the "district", he states there is no need for parcels outside of the "District" to be able to join, as they are still under the CWC replacement policy.
- Attorney Kevin Young; if they do join, they would have to pay to join as much as \$80,000.00.
- Attorney Kevin Young opens a discussion on rent charged in the "District".
- Supervisor Brooks does not want a rental fee, when the funds are expended he wants the district to dissolve. He states the fiscally responsible people will need to be elected and that it is not the Towns responsibility after the funds are expended.
- A survey of the Town Board members is commenced and it is unanimous the Town Board wants the district to dissolve after funding is expended.
- Mr. Young remarks the law can be amended, he will change the verbiage that the intent is that a sewer rent not be imposed.
- Mr. Gillespie comments there may be years when no systems are installed, just a pump out and inspection is done.
- Councilman Paul Schoonmaker states he is uncomfortable with a fee being charged and opens a discussion on O&M costs. He questions the time and work involved for the Town.
- Mr. Young explains the process; the Town Supervisor will receive the initial call; he will then call a contractor. The CWC can be contracted with, for the inspections with pump outs being done thru them as well. Next, the request goes to the Town Board for approval of the replacement.
- Lamont is under contract to design all septic's and the CWC can schedule all of the pump out and inspections.
- Councilman Schoonmaker states section 501 says they will notify owners to the extent that is practical, he would like that removed, and for it to read they will notify property owners. The Town Board concurs.
- Mr. Young will remove the verbiage.
- Resident Russ Betters asks if Denning and Neversink is together, response no.
- Mr. Jim Gillespie remarks the pump outs and inspection will restart next week. Further commenting, soil testing to be done in 2-3 weeks. So that designs can begin, they will restore the site and seed.
- A letter will be sent to all of the property owners notifying them of the public hearing, date and time. At that time a decision to to hold a referendum will be made.
- Discussion opened on time of the Hearing with both public hearings to be held; therefore, the decision is made to start at 6pm.
- Supervisor Brooks thanks both attorney Kevin Young and Lamont engineer James Gillespie for attending and making the changes requested.

Resolution No.32 of 2018

**A RESOLUTION FOR CONSIDERATION OF THE CLARYVILLE-DENNING SEPTIC MAINTENANCE DISTRICT AND SCHEDULING A PUBLIC HEARING**

**WHEREAS**, New York City ("NYC") provided funding for the Community Wastewater Management Program ("CWMP"), to be administered by the Catskill Watershed Corporation ("CWC"), which is intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

**WHEREAS**, the Hamlet of Claryville, Town of Denning ("Town"), is one of twenty-two (22) communities identified in the MOA as lacking community wide wastewater treatment; and

**WHEREAS**, the Town entered into the Participating Community Agreement with CWC for the study, planning, design and construction of a sewage collection system and/or the creation of a septic maintenance district in the Hamlet of Claryville in the Town of Denning (the "Project"); and

**WHEREAS**, as part of the Study Phase of the Project, the Town and its Project Engineer established, with the New York City Department of Environmental Protection and CWC, that the Town should create a septic maintenance district for certain Town residents located in the Hamlet of Claryville, to be known as the Claryville-Denning Septic Maintenance District; and

**WHEREAS**, the Town will not incur any cost from the formation of the septic maintenance district, which cost is being fully subsidized by CWC through the CWMP; and

**WHEREAS**, the Project Engineer and Special Counsel have prepared materials needed for the formation of that septic maintenance district and has filed those materials with the Town Board for its review and consideration.

**NOW BE IT RESOLVED:**

1. The Board accepts and adopts the following materials prepared by Project Engineer and Special Counsel with regard to the formation of the Claryville-Denning Septic Maintenance District, and directs that same be appended the minutes of this meeting:

- a. District Formation Summary Report prepared by Young, Sommer, LLC and Lamont Engineers. The Report contains a summary of the septic maintenance district and implementation plan which explains the assumed schedule for the repair and replacement of septic systems in the district, provides an opinion of probable costs for operation and maintenance of septic systems in the district, references and incorporates a proposed Sewer Use Law that contains certain restrictions and allows the Town Board (in their sole discretion) to assess an annual sewer rent, as needed to replenish the Septic Maintenance District Fund;
- b. Engineer's Report and Plan entitled "Preliminary Engineer's Report Community Wastewater Management Program for the Hamlet of Claryville, Town of Denning, Ulster County, and the Town of Neversink, Sullivan County, May 2017" prepared for the Town of Denning and the Town of Neversink by Lamont Engineers detailing the wastewater needs of the Hamlet of Claryville and delineating the service area for septic maintenance districts in Denning and Neversink.
- c. Service Area Map identifying the boundaries of the proposed Claryville-Denning Septic Maintenance District which includes the Tax Map Numbers of the parcels that will be included in the proposed Sewer district.

2. The costs of forming the district. The Town will not incur any expense in the formation of the proposed district. The operation and maintenance of the septic systems will be funded by the Septic Maintenance District Fund. The money allotted to the fund will be invested by the Town in accordance with § 4-67 in New York State General Municipal Law. The income gained each year from this fund will be used for operation, maintenance and repair/replacement of the systems within the Septic Maintenance District.

3. A copy of the Engineer's Report and Plan, Service Area Map and opinion of probable cost shall be placed in the Town Clerk's office and made available for public inspection.

4. That the Town Board shall meet at the Town Hall, Denning, New York, on the 3<sup>rd</sup> day of July, 2018 at 6:00 P.M., for the purpose of conducting a public hearing on the proposal to establish said septic maintenance district at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

5. That the Town Clerk is hereby authorized and directed to publish a copy of this order in the Ye Olde Tri Valley Townsman, the official Town newspaper and post a copy of the same on the signboard of the Town, in the time and manner required by law.

**Whereupon**, the Resolution was put to a vote, 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.

Resolution No. 33 of 2018

**A RESOLUTION FOR CONSIDERATION OF THE CLARYVILLE-DENNING  
SEWER USE LAW AND SCHEDULING A PUBLIC HEARING**

**WHEREAS**, New York City ("NYC") provided funding for the Community Wastewater Management Program ("CWMP"), to be administered by the Catskill Watershed Corporation ("CWC"), which is intended to fund the planning, design and construction of community septic systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

**WHEREAS**, the Hamlet of Claryville, Town of Denning ("Town"), is one of twenty-two (22) communities identified in the MOA as lacking community wide wastewater treatment; and

**WHEREAS**, the Town entered into the Participating Community Agreement with CWC for the study, planning, design and construction of a sewage collection system and/or the creation of a septic maintenance district in the Hamlet of Claryville in the Town of Denning (the "Project"); and

**WHEREAS**, in connection with the establishment of the proposed Claryville-Denning Septic Maintenance District, the Town desires to implement a Sewer Use Law regulating the use of individual septic systems. (REMOVED)The Claryville-Denning Septic Maintenance District Sewer Use Law also includes a Sewer Rent Law that would require a property owner to pay a sewer rent when and if one is ever assessed; and

**WHEREAS**, the Town Board is considering forming a septic-maintenance district for the planned service area; and

**WHEREAS**, the Town's special counsel has prepared a proposed Claryville-Denning Septic Maintenance District Sewer Use Law; and

**WHEREAS**, the Town Board has reviewed and modified the Claryville-Denning Septic Maintenance District Sewer Use Law; and

**NOW THEREFORE, BE IN RESOLVED**, that the proposed law is ready for consideration by the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town will hold a Public Hearing for consideration of the Claryville-Denning Septic Maintenance District Sewer Use Law at the Town Hall, located at 1567 Denning Road, Claryville, NY 12725, on the 3<sup>rd</sup> day of July, 2018 at 6 P.M.

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

Motion to adopt and approve by Supervisor David Brooks,  
2<sup>nd</sup> by Councilman Gregory Vurckio. 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.

Supervisor Brooks, thanks Councilman Paul Schoonmaker, for catching the need to remove the sentence mentioned in the resolution no. 33 above.

Resolution No. 34 of 2018

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DENNING DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE ENVIRONMENT FROM THE DESIGN, CONSTRUCTION AND OPERATION OF THE WASTEWATER MANAGEMENT PROJECT IN THE HAMLET OF CLARYVILLE, TOWN OF DENNING**

**WHEREAS**, the Town Board of the Town of Denning previously entered into an agreement (the Agreement) with the Catskill Watershed Corporation (CWC) to participate in the Community Wastewater Management Program, which program will provide for the design and construction of a wastewater management project in the Hamlet of Claryville, Town of Denning; and

**WHEREAS**, the CWC through the Program, will provide full funding for the wastewater management project through a block grant; and

**WHEREAS**, CWC's consultant for the Program, Lamont Engineers, has prepared a Preliminary Engineer's Report for the Hamlet of Claryville, Final Issue dated May 2017, evaluating various alternative methods for managing the wastewater needs of the Hamlet of Claryville, such report marking the end of the Study Phase of the project; and

**WHEREAS**, the Town has reviewed the Preliminary Engineer's Report prepared by Lamont Engineers; and

**WHEREAS**, based upon its review of the Preliminary Engineer's Report and consultation with the Town's Special Counsel, the Town Board agreed to proceed to the Pre-Construction phase of the Project as set forth in Section 2.05 of the Agreement, such schedule to be agreed upon by the Town and CWC; and

**WHEREAS**, the Town Board of the Town of Denning sought and obtained lead agency status and commenced coordinated review of this action pursuant to the requirements of the State Environmental Quality Review Act, 6 NYCRR Part 617; and

**WHEREAS**, the Town of Denning, pursuant to 6 NYCRR Part 617, conducted coordinated review and sought input from various involved and interested agencies on its designation as lead agency.

**WHEREAS**, the Town Board has had meetings with the public and other agencies on this project and reviewed the extensive documentation prepared by the engineers and others for this project and have taken a hard look at all of the potential environmental impacts;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF DENNING, ULSTER COUNTY, NEW YORK:**

The Town Board of the Town of Denning, as lead agency, for purposes of compliance with SEQRA, 6 NYCRR Part 617, adopts the Negative Declaration attached hereto for the above-referenced project including, but not limited to, the formation and implementation of the septic maintenance district, the adoption of local laws related thereto, the acquisition of property and easements related thereto, the execution of construction agreements related thereto for the Hamlet of Claryville in the Town of Denning.

The Town Board hereby authorizes the Town Supervisor to execute any and all documents for the Hamlet of Claryville on behalf of the Town as may be necessary to complete the SEQRA process.

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

Motion to adopt and approve by Councilman Gregory Vurckio,

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.

Supervisor Brooks and the Town Board thank both, Mr. Young and Mr. Gillespie, for attending and for all of their input, as well as amendments made.

Supervisor Comments:

- Resident Russ Betters suggest sending the notice to the property owners directly. Supervisor Brooks responds good idea.
- Supervisor Brooks informs the Town Board he has contacted two planners and is waiting for a cost amount.
- Supervisor Brooks also informs the Board the \$50,000.00 check for the grant obtained from Senator Bonacic for the truck purchase has been received.
- Supervisor Brooks remarks he is still plugging away at the Blue Hole, the State now wants changes to the elevated platform, to be completed by 7-4-18.
- Supervisor Brooks asks Highway Superintendent Van Saders about a tire recycling trailer, a smaller one than last time.
- Highway Superintendent Van Saders will check into it.
- Councilman Paul Schoonmaker comments he is glad the sewer rent section is being taken out of the sewer use law. Brief discussion on septic design at Blue Hill Lodge.
- Supervisor Brooks remarks to get the septic district up and running will be a lot of work thru the first couple of years but once it gets going it is a good thing.
- Councilman Mike Dean remarks he has looked thru the town law book for investing and suggests the Board get someone to come and talk to them about it.
- Supervisor Brooks and the Town Board agrees.
- Councilman Kevin Smith asks about the zoning time frame.
- Supervisor Brooks informs he received the needed information from Carl today, and it has been sent to both planners for an estimate.
- Resident Russ Betters requests the sign for the Peekamoose Road work be placed far enough out, so people are not turning around there or in driveways.
- Resident Tony Carminati requests reflector be installed on the first curve on Red Hill Road, a driver cannot see where the pavement ends. Also, the chevrons at cherry tree turn are all missing but one, he asks they be replaced.
- Highway Superintendent Van Saders will take care of it.
- Supervisor Brooks thanks Tony and his wife Jane for cleaning along Red Hill Road.
- Mr. Carminati replies no problem, we cleaned from our house to Jean's old place. He informs the Board and Highway Superintendent of an old pipe along the roadway, they noticed during cleaning.

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

Motion to adopt and approve as read by Councilman Paul Schoonmaker, 2nd by Councilman Kevin Smith. All in favor. Motion carried by a 4 to 0 vote.

Supervisor Brooks calls for Councilmen Comments: See Above.

Supervisor Brooks call for Public Comment: See Above.

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

Motion to adjourn 8:34 by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Paul Schoonmaker, All in favor, with one absentee. Motion carried.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, May 8<sup>th</sup>, 2018

Next Meeting: Tuesday, May 8<sup>th</sup>, 2018 at 7 pm at the Denning Town Hall

## Town of Denning – Town Business Meeting

Meeting held on Tuesday, May 8<sup>th</sup>, 2018 at the Denning Town Hall.

Called to order at 7:00 p.m. by Supervisor David Brooks.

Present: Supervisor David Brooks

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

ABSENT: Highway Superintendent Dan Van Sadlers

The Town Clerk Minute Book was signed prior to the commencement of the Town Board Meeting.

The Town Clerk gave the Board members their copy of the agenda and the Budget vs. Actual thru April, 2018.

Pledge of Allegiance

Highway Pre Pay Vouchers presented by Supervisor Brooks.

(see Warrant #5PP, voucher #13-15)

MVP Healthcare, Inc. DA9060.8 \$7,706.51

Trust & Agency Account DA9030.8 \$744.31, \$842.3

Motion to approve and pay Highway Pre Paid Vouchers by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Paul Schoonmaker. All in favor. Motion carried 4 to 0 vote

Highway Vouchers presented by Supervisor Brooks.

(see Warrant #5, voucher #74-83)

All Gas DA5130.4 \$216.00

Arkel Motors Inc. A5130.4 \$336.30

Fleet Pride DA5130.4 \$3,739.93

Hudson River Truck 7 Trailer DA5130.4 \$208.00

Kimball Midwest DA5130.4 \$114.36

Paraco DA5142.4 \$1,741.62

Lacal Equipment, Inc. Da5140.4 \$1,167.60

Liberty Iron Works DA5130.4 440.00

Mombaccus Excavating Inc. DA5142.4 \$1,493.11

Shakelton Auto & Truck Center DA5130.4 \$149.06

Superior Blue Tarp Financial DA5130.4 \$4.03

Motion to approve and pay Highway Fund vouchers by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Kevin Smith. All in favor. Motion carried by a 4 to 0 vote.

General Pre Pay Vouchers presented by Supervisor Brooks.

(see Warrant #5PP, voucher (#23-29)

Central Hudson A1620.4 \$233.49, A5132.4 \$296.26, A8160.4 \$45.06

MVP Health Care Inc. DA9060.8 \$5,702.17

TWC A1620.4 \$193.35, A5132.4 \$147.31

Trust & Agency Acct. DA9030.8 \$240.88, \$661.17

Motion to approve and paid General Fund Pre Pay vouchers by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Gregory Vurckio, All in favor. Motion carried by a 4 to 0 vote.

General Vouchers, presented presented by Supervisor Brooks.

(see Warrant #5, vouchers 70-80)

Central Hudson A5182.4 \$104.66

Gnome Home Inc. A1410.4 \$36.00

Grahamsville First Aid Squad A4540.4 \$2,405.75

Paraco A1620.4 \$406.30

Carl Landon A1460.4 \$293.75

MVP Healthcare A9060.8 \$55.00

Quill.Com A1110.4 \$34.99, A1110.2 \$3,218.99, \$882.92, \$1614.05

UCRRA A8160.4 \$1,724.13

Motion to approve and pay General Fund vouchers by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Kevin Smith, All in favor. Motion carried by a 4 to 0 vote.

Supervisor Comments:

- Discussion opened by Supervisor Brooks regarding a grant application received from Senator Bonacic.

- Discussion follows on what to apply for: backhoe, roller, grader, a truck is not needed at this time. Also included is various maintenance and improvements for Town buildings.
- Supervisor Brooks remarks an equipment application and the reimbursement of, is the most expedient way to move forward.
- The Town Board unanimously approves applying for funding for a backhoe.
- Discussion opened on auction of equipment of the pick up and the GMC. If the purchase of a backhoe is approved, the old one could go out to auction, as well.
- Supervisor Brooks comments Superintendent Van Sadlers is undecided as to the GMC truck going to auction, he may keep it to use for black topping, this summer.
- Supervisor informs the Board, with this grant, the grants awarded to the Town is a total of \$300,000 in four and a half years from Senator Bonacic.
- Supervisor Brooks submits for Town Board review; a notice from the NYCDEP, they are purchasing 93 acres in Ladleton. A copy has been submitted to the planning board, as this is a sub divide they must go thru the process. The current owner will retain 17.42 acres.
- Discussion opened on DEC progress at the Blue Hole.
- Supervisor Brooks informs the Board he has spoken with a planner who's estimate for the zoning and sub division is starting at \$10,000.00 with a \$750.00 fee to meet with the zoning committee to see why they have come up with what is in there. He has not heard from the other planner yet, however, we did have a problem emailing the documents, that was rectified.
- Councilman Vurckio opens a discussion on the remaining funds needed for payment of the backhoe.
- Supervisor Brooks responds; general funds.
- Councilman Schoonmaker inquires when the equipment will go out for bid?
- Supervisor Brooks responds when Superintendent Van Sadlers decides.
- Supervisor Brooks comments he does not have delivery date on the new pickup.

Councilman Comments: See Above.

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

Motion to adjourn at 8:06 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, May 9<sup>th</sup>, 2018.

Next Meeting: Tuesday, June 5<sup>st</sup>, 2018 at 7 pm at the Sundown Church Hall.