

# Town of Denning – Town Board Meeting

Meeting called to order at 7:02 p.m. by Supervisor Brooks.  
Held on Tuesday, April 2<sup>nd</sup>, 2019 at the Sundown Church Hall.

Present: Supervisor Brooks

Councilmen: Kevin Smith, Gregory Vurckio, Paul Schoonmaker and Mike Dean.  
And Highway Superintendent Dan 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, bid fact sheets, and resolution No. 36 and 37.

Pledge of Allegiance.

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

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

Correspondence – Supervisor Brooks

- The monthly donation from the YMCA in the amount of \$9,583.33 has been received and is gratefully acknowledged.

Highway Report: by Superintendent Dan Van Sadlers

- Brush cutting and mowing done on Peekamoose Road.
- Councilman Vurckio remarks the work done has opened up the road and looks nice.
- The Freightliner has a slow seal leak but it is the repair companies issue.
- Chipper has been cleaned and painted.
- Backhoe estimate in the works.
- Foamco has completed the lunchroom repair.
- Supervisor Brooks asks Hwy. Sup. Van Sadlers if he has checked into the grant and if not if would do so to see what the Town is able to utilize.
- Superintendent Dan Van replies he will.
- Supervisor Brooks comments the crew did a great job and Peekamoose Road looks really good.

Planning Board Report - by Liaison, Councilman Kevin Smith

- Councilman Smith informs the Board of a discussion held regarding Honzo Haven and the stairs, for the tea ceremony. The planning board did not approve and does not believe it is handicap accessible.
- John Hamilton wants to do non-conforming lots, as they could not come to a resolution, he has been sent to the ZBA.
- Russian Mule Brewery permit approved for the Blue Hill Lodge.
- Sub division of Sapadin property; 97 acres to NYCDEP and the owner will keep 13.72.
- Councilman Vurckio inquires as to the location of the property.
- Joint discussion follows.

7 Highway Material Bids opened and read by Town Clerk Joy Monforte:

WLG, 209 Sand & Gravel, Mombaccus, Schaefer Enterprises, E. Tetz & Sons, Callanan and Bruce Donohue Trucking. Bids under advisement, approving resolution next week.

Resolution No. 36 of 2019

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

**WHEREAS** the salary for foreman is in need of correction.

**NOW, THEREFORE**, be it **RESOLVED** that the following salary be fixed for the following employee for the Fiscal Year 2019 and as approved in the adopted 2019 Budget.

Foreman from \$ 23.83 per hour to \$23.85 per hour.

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

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

Resolution No. 37 of 2019

**WHEREAS** the Town of Denning Town Board wishes to record its deep sorrow over the passing of Mrs. Dorothy Conklin; and

**WHEREAS** Mrs. Conklin served as an Election Inspector for the Town of Denning for decades, ending in 2011, and

**WHEREAS** the Town of Denning Town Board is grateful for her contributions as an outstanding citizen to her community.

**NOW THEREFORE BE IT RESOLVED** that the Town of Denning Town Board **HEREBY** orders; Resolution No. 37 of 2019 entered into the official record of the Town and for a certified copy of this resolution be sent her family, in recognition of her service.

**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 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 Comments:

- Supervisor Brooks informs the Board that no changes will be made for the Blue Hole other than increasing the number of daily permits allowed by 10.
- He states he does not believe the the parking lot or walk way will be done this year and believes they are waiting the the new management plan to be approved.
- A new academy class this year and he is hopeful they will get additional help.
- The Sundown Bridge will not be done this year as UCDPW is behind on work, although they have secured funding for it.
- Met with Spectrum, they were not awarded any grants, further build out will be slow but he will continue to push for it.
- Sundown Creek meeting on April 12<sup>th</sup> with Councilman Vurckio, still on schedule although a design change is possible. He hopes to get the channel back where it should be.
- Septic's bids opened, low bidder is \$244,000.00, high bidder over \$500,000.00.
- Decision next week, bids currently under review by Lamont Engineers.
- Steel up on the CWC/NYDEP building, he feels it will be good for the organization and an increase in parking.
- Peter Lopez spoke of getting rid of the LAP Program and putting the funds toward flood mitigation.

Supervisor Brooks calls for Councilmen Comments:

- Councilman Schoonmaker gives a full update on court cases and the next court date is the 17<sup>th</sup> of April.
- Councilman Dean inquires as to when the Town will start crushing material?
- Hwy. Super. Van Saders replies it is still frozen.
- Councilman Dean asks how a long a highway employee is and when he will be back to work for his toe issue.
- Hwy. Super. Van Saders replies in another two weeks.

Supervisor Brooks call for Public Comment:

- Supervisor Brooks opens a discussion with Mr. Hnatiw of the issues on White House Road.
- The pictures submitted are atrocious and after receiving them, Supervisor Brooks went to view the site and found most removed.
- Mr. Hnatiw states he did remove some and the rest he threw over the bank. There are two batteries sitting on his property right across from my drive way along with a transmission fluid jug on its side. He is unhappy with the way the case is being handled by the court.

- Supervisor Brooks states the Town Boards only control is financial; the judge is an elected official.
- Mrs. Hnatiw comments he, the judge, should have recused himself. There are 22 vehicles at last count on the property.
- Mr. Hnatiw states he moves things around he does not remove them. He has a motor upside down; you can't say there aren't any fluids aren't coming out of it.
- Mr. Hnatiw again suggests involving the Attorney for the Town in the case.

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

Motion to adjourn 8:00 by Councilman Gregory Vurckio, 2<sup>nd</sup> by Councilman Mike Dean, All in favor.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, April 3<sup>rd</sup>, 2019

Next Meeting: Tuesday, April 9<sup>th</sup>, 2019 at 7 pm at the Denning Town Hall

# Town of Denning – Town Business Meeting

Meeting held on Tuesday, April 9<sup>th</sup>, 2019 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, Kevin Smith and Gregory Vurckio.  
Highway Superintendent Dan Van Sadars.

The Town Clerk Minute Book was signed prior to the start of the meeting.

The Town Clerk gave the Board members their copy of the agenda, and Resolutions No. 36A thru 39 of 2019. As well as, the Budget vs. Actual thru March 2019.

Pledge of Allegiance

Supervisor Brooks introduces attorney Kevin Young, Lamont engineers Jim Gillespie and Chris Yacobucci.

Jim Gillespie submits a packet for the Town Boards consideration and approval.

- Delaware Bulldozing is the low bidder; their credentials have been verified. Delaware Bulldozing has done 2300 septic's to date.
- In the packet is the letter of recommendation, a spread sheet with all of the bidders listed, and a Notice of Award, which is to be signed by the Supervisor pending Town Board approval.
- Construction could start at the end of May, the contractor needs to verify some piping measurements on a few properties.

Kevin Young asks Mr. Gillespie what the next step is?

- Mr. Gillespie replies once the Notice of Award is signed the contractor has 45 days to get all of his paperwork, insurance and bond in place.
- Lamont engineers will then review, after review a Notice to Proceed will be sent, then a pre-construction meeting will be held, the public is invited if they choose to attend.

Kevin Young asks who decides and if the order of replacement has been established?

Mr. Gillespie replies Lamont Engineering set the priority construction list. Lamont will also do the construction observation. The CWC may come, however the NYCDEP will be in attendance.

Brief discussion on the Ulster County Dept. of Health and their waiver for the DEP to be lead agency.

- Four inspections; septic tank, leach field, pumping station and final property restoration.
- Thirteen to be done this year, an average of 2 to 3 days per system, a few may take little longer.
- Payment: the contractor may submit a payment application to Lamont who will review, then the Town Board must approve, after which it would go to the CWC for final payment, 2 party check in the name of the contractor and the Town of Denning.

Mr. Kevin Yong reminds the Board of the 2020 budget for the District must be done this year, as well as the investment responsibilities. He suggests having a local contractor and engineer on call. Mr. Young reminds the Board this is their final opt out, after this the Town is committed.

Resolution No. 39 of 2019 read by Supervisor Brooks

## **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DENNING AUTHORIZING THE TOWN SUPERVISOR AND THE PROJECT ENGINEER TO AWARD CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER**

**WHEREAS**, the Town Board of the Town of Denning ("Town Board") previously entered into an agreement with the Catskill Watershed Corporation ("CWC") to participate in the Community Wastewater Management Program ("Program"), which provides for 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**, CWC's consultant for the Program, Lamont Engineers, has prepared a Preliminary Engineer's Report for the Hamlet of Claryville in the Town

of Denning, evaluating various alternative methods for managing the wastewater needs of the hamlet; and

**WHEREAS**, the Town Board of the Town of Denning, by resolution passed August 8, 2018, established the Claryville-Denning Septic Maintenance District ("District") to be funded through a block grant administered by CWC under the Program; and

**WHEREAS**, the Preliminary Engineering Report identified thirteen (13) septic systems in the District for replacement during the initial phase of design and construction; and

**WHEREAS**, the Town Board solicited bids to retain the services of contractors to replace the initial 13 septic systems in accordance with design plans prepared by CWC's consultant under the Program; and

**WHEREAS**, the Town has received the bids for the replacement of the initial 13 septic systems. By this resolution, the Town Board is authorizing the Supervisor, with assistance from the Project Engineer, to award the contracts to the lowest responsible bidder as set forth below;

**NOW BE IT RESOLVED**, that the Board authorizes the Project Engineer to issue letters of award to the following lowest responsible bidders:

<u>Project Component</u>	<u>Contractor</u>	<u>Bid Amount</u>
Contract No. 1 – General Construction \$274,140.00	Delaware Bulldozing Corp.	

**BE IT FURTHER RESOLVED**, that the Town Board authorizes Supervisor Brooks to work with the Project Engineer and the Project Attorney to negotiate with the respective lowest responsible bidders on the terms, conditions and final specifications of the Project, and to execute contracts with those bidders; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes Supervisor Brooks to execute all payment applications upon approval of the Project Engineer.

**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 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 and the Town Board thank both Lamont Engineers and attorney Kevin Young, for their hard work and efforts on behalf of the residents of the Town of Denning, in the Septic District.

Town Board discussion opened on pump outs – to be done in 2021.

Supervisor Brooks comments he would like to continue with Lamont Engineers as they know the District and the systems, also would like to contract with the CWC for inspections and pump outs.

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

(see Warrant #4 Pre-Pay, voucher #11-12)

MVP Healthcare Inc. DA9060.8 \$8,324.86

Trust & Agency Account DA9030.8 \$852.52, \$847.65.

Whereupon a Motion to approve and pay Highway Pre Paid Vouchers was made by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Gregory Vurckio. All in favor.

Highway Vouchers presented by Highway Superintendent Dan Van Sadars.

(see Warrant #4, voucher #50-62)

Apalachee Marine DA5142.4 \$2,705.75

Bottini Fuel Corp. DA5142.4 \$4,343.64

Case Tire Service. DA5130.4 \$1,049.70

Fleet Pride DA5130.4 \$735.96  
Hoffman Equip. DA5130.4 \$127.51  
Home Depot DA5130.4 \$71.04  
M&M Ford DA5130.4 \$172.83  
Osterhoudt Corp. DA5142.4 \$1,712.50, \$1,663.57  
Safelite Fulfillment, Inc. DA5130.4 \$377.97  
Shakelton Auto & Truck Center DA5130.4 \$1,206.44  
Tractor Supply DA5130.4 \$291.57  
Healthcare Reimbursement Act DA9060.8 \$5,000.00  
Whereupon a Motion to approve and pay Highway Fund vouchers by Councilman Paul Schoonmaker, 2<sup>nd</sup> by Councilman Mike Dean. Motion carried 4 to 0 vote.

Supervisor Brooks ask Hwy. Super. Van Saders how the grant is proceeding?  
Hwy. Super. Van Saders asks if the Town Board really wants more guard rails?  
Discussion follows. Hwy Super. Van Saders will check into it further.

Hwy Super Van Saders informs the Board the backhoe estimate will be available tomorrow, that is when the representative is coming, at 1 pm.

Hwy. Super. Van Saders opens a discussion on the salt bid for next year, last year used 900 tons, a 50/50 use of both. Discussion follows on white vs. green treated, also on cost difference between bid amount and if ordering over amount, along with the possibility they could cut the Town off. The Town must use 70% of what is ordered, he will order 960 tons for next year.

Councilman Mike Dean comments this is the lowest snow total since has started keeping records.  
Supervisor Brooks tells Hwy. Super. Van Saders Peekamoose Road looks good, it will help with line of site and keeping sun on the road.

Supervisor Brooks ask Hwy. Super. Van Saders if he has reviewed the hwy. material acceptance resolution and if he is satisfied it is correct and he is in agreement? Hwy. Super. Van Saders replies yes he has reviewed it and is satisfied. He and the Town Clerk looked it over.

Hwy. Super. Van Saders informs the Town Board of training taken by the highway crew pertaining to Dig Safe NY, you must call 811 or go on line for approval, prior to digging.

Hwy. Super. Van Saders informs the Town Board he is taking the next 2 weeks off prior to leaving the meeting, as his portion of the meeting has concluded.

General Pre Pay Vouchers presented by Supervisor Brooks.  
(see Warrant #4PP, voucher (#21-27)  
Central Hudson A1620.4 \$277.25, A5132.4 \$386.20, A8160.4 \$4235.  
MVP Health Care Inc. DA9060.8 \$6,111.92  
TWC A5132.4 \$158.62, A1620.4 \$203.02  
Trust & Agency Acct. DA9030.8 \$695.25, \$296.89, \$248.81  
Whereupon a Motion to approve and pay General Fund Pre Pay vouchers by Councilman Mike Dean, 2<sup>nd</sup> by Councilman Paul Schoonmaker, All in favor.

General Vouchers, presented by Supervisor Brooks.  
(see Warrant #4, vouchers #49-63)  
Tammy Beck Court Petty Cash Reimbursement A1110.4 \$17.66  
Bottini Fuel Corp. A5132.4 \$821.49, A1620.4 \$340.46  
Central Hudson A5182.4 \$120.51  
Foamco DA5132.4 \$  
Grahamsville First Aid Squad A4540.4 \$2,405.75  
Town of Kingston A1110.4 \$299.00  
Carl Landon A1460.4 \$229.58, \$257.08  
Looseleaf Law 11110.4 \$186.70, \$382.60  
Office of the Comptroller A690 \$88.00  
Perma Fix A5132.4 \$250.00  
Quill.com A1620.4 \$9.29, \$22.70, A1110.2 \$139.52, \$18.77, A1460.4 \$150.70, A3620.4 \$8.32, \$7.90, A5132.4 \$150.69  
UCRRA A8160.4 \$1,607.26  
Wapner, Koplovitz & Futerfas A1420.4 \$45.00

Healthcare Reimbursement Act A9060.8 \$5,000.00.

Whereupon a Motion to approve and pay General Fund vouchers by Councilman Paul Schoonmaker, 2<sup>nd</sup> by Councilman Mike Dean. Motion carried 4 to 0 vote.

Resolution No. 36A of 2019

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

**WHEREAS** the salary for foreman is in need of correction.

**NOW, THEREFORE**, be it **RESOLVED** that the following salary be fixed for the following employee for the Fiscal Year 2019 and as approved in the adopted 2019 Budget.

Foreman from \$ 23.83 per hour to \$23.87 per hour.

**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. 38 of 2019

**WHEREAS**, New York State General Municipal Law section 103 requires municipalities to go to bid and accept the lowest bid price, And

**WHEREAS**, following careful consideration by the Town of Denning Highway Superintendent and the Town Board. And

**WHEREAS**, New York State General Municipal Law § 103 (16) permits local governments to "piggy back" off of other municipal bids; for apparatus, materials, equipment supplies and to contract for additional services related to the afore mentioned off of any local, state, or federal government contract, so long as the contract was in a manner that is consistent with competitive bidding laws. And

**WHEREAS**, Town Law section § 5-36 E-1 authorizes Town Boards to waive Said bid if it is in the Town's best interest and accept the next lowest bid,

**NOW THEREFORE be it RESOLVED** The Town of Denning **HEREBY** accepts the following bids and the Town and any other municipality may "piggy back" on any Town of Denning bid or from any other municipal or other branches of government.

Bruce Donohue Trucking: # 1 Stone (Ton) Low Abrasion, #1 & # 2 Stone (Ton) Low Abrasion, #1A Stone (Ton) Low Abrasion, # 2 Stone (Ton) Low Abrasion, #45 Stone (Ton), Sand Snow & Ice Control (Ton) - No Clay, Item #4, Cold Patch (Ton).

Callanan: Delivered: Screenings (Ton), FOB: Blacktop Hot Mix Type 6 and Type 7

E. Tetz: Gabions (Ton), #1 Stone (Ton) Low Abrasion, #1A Stone (Ton) Low Abrasion, #1 & 2 Stone Mix (Ton) Low Abrasion #45 Stone (Ton), Item #4 (Ton) - Ledge Rock, Crusher Run Tailgate Spread (Ton), Crusher Run (Ton), Dumped Rip Rap (Ton), Flat Bed Rip Rap (Ton), Stackable Rock (Ton).

Mombaccus: Screenings (Ton) Gabions (Ton), #2 Stone (Ton) Low Abrasion, Item #4 (Ton) from Ledge Rock, Tailings (Ton), Crusher Run (Ton) Tail Gate Spread, Crusher Run (Ton), Flat Bed Rip Rap (Ton), Tailings (Ton), Bank Run (Ton), Slope Rock (Ton).

WLG - 209 Sand & Gravel: Sand- Snow & Ice Control (Ton) No Organics, Dumped Rip Rap (Ton), Tailings (Ton), Bank Run (Ton).

Schaefer Enterprises: Stackable Rock (Ton), Slope Rock (Ton).

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

Motion to adopt and approve by Councilman Kevin Smith,

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 Correspondence and Comments:

- Supervisor Brooks informs the Town Board; both he and Councilman Vurckio have meetings on Thursday morning with Stream Management and on Friday with the stake holders for the Sundown Stream Project.
- Councilman Kevin Smith asks Supervisor Brooks about the zoning amendment and if he has had a response from the planner?
- Supervisor Brook replies he has not and will call him again.
- Brief discussion on the zoning amendment.

Councilman Comments: There is none.

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

Motion to adjourn at 8:30 by Councilman Paul Schoonmaker, 2<sup>nd</sup> by Councilman Gregory Vurckio. All in favor. Motion carried by a 4 to 0 roll call vote.

Respectfully Submitted by Joy Monforte, RMC, Town Clerk, April 10<sup>th</sup>, 2019.

Next Meeting: Tuesday, May 7<sup>th</sup>, 2019 at 7 pm at the Denning Town Hall.