

Town of Denning – Town Board Meeting

Meeting called to order at 6:07 p.m. by Supervisor Brooks.
Held on Tuesday, April 12th, 2022 at the Denning Town Hall.

Present: Supervisor David Brooks

Councilmen: Kevin Smith, Paul Schoonmaker, Mike Dean - Gregory Vurckio was absent.
Highway Superintendent Daniel Van Saders was absent.

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

The Town Clerk provided all Board members a copy of the Agenda and Resolutions No. 36 thru 39 of 2022, as well as the Budget vs. Actual through March 2022.

Pledge of Allegiance

Motion to adopt last months' minutes as presented by Town Clerk Nancy Parrow made by Councilman Mike Dean, 2nd by Councilman Kevin Smith.

Roll call vote:

Councilman Mike Dean	AYE	Councilman Kevin Smith	AYE
Councilman Gregory Vurckio	Absent	Councilman Paul Schoonmaker	AYE
Supervisor David Brooks	AYE		

Motion carried following a unanimous roll call vote.

Five Sealed Highway Bids were unsealed, reviewed for completeness of documentation; and read by Town Clerk, Nancy Parrow. The Bids are from: 209 Sand & Gravel, Woodbourne Lawn and Garden, Inc., Mombaccus Excavating, E.Tetz & Sons, and Schaefer Enterprises. As Highway Supervisor Daniel Van Saders is absent from tonight's meeting, Proposed Resolution No. 39 of 2022-Highway Material Bid Acceptance is tabled by the Town Board until the May 10th meeting for the acceptance of said Bids.

Correspondence – by Supervisor Brooks

- Supervisor Brooks received the contract from the Catskill Watershed Corporation (CWC) in regard to the inspection and pump-out of 13 systems in the Claryville Septic Maintenance District. Supervisor Brooks contacted the CWC directly and pointed out that the agreement had been that all 45 systems in the District would be taken care of this May, as many had already gone over the recommended 3 to 4 year inspection dates. The CWC emailed a corrected contract to Supervisor Brooks with the correct number of systems (45) to be inspected for the agreed upon sum not to exceed \$6,400.00. Supervisor Brooks further states that thereafter a staggered inspection and pump-out schedule would be established for the District.
- Supervisor Brooks informs the Board that he received an email stating that the AIMS (Aid and Incentives for Municipalities) FY 2022 Enacted Budget AIM & AIM-Related Revenue Sharing for the Town of Denning is in the amount of \$91,858.00.
- Supervisor Brooks received an email from Andrew Emrich at Ulster County confirming that the Sundown Bridge Project is progressing, HVB Construction is preparing for construction, the County is working to finalize Right of Way matters, and the pre-construction meeting is scheduled for April 14th, and he believes construction will start in early May, 2022.
- Supervisor Brooks informs the Board that he has reviewed the Shared Services Agreement between the Town of Denning and the Town of Neversink for the term January 1, 2022 to December 31, 2023 (2 years). Supervisor Brooks asks for a Motion to accept and sign said Agreement. Motion to accept and sign made by Councilman Kevin Smith, 2nd by Councilman Mike Dean
- Roll Call Vote:
- Councilman Mike Dean AYE Councilman Paul Schoonmaker AYE

- Councilman Kevin Smith AYE Councilman Gregory Vurckio Absent
- Supervisor David Brooks AYE
- Motion carried following a unanimous roll call vote.

Highway Report: by Supervisor Brooks in the absence of Highway Superintendent Van Saders
 Supervisor Brooks reports:

- Quotes are coming in on the proposed new truck. International approximately \$125,000.00 - Mac approximately \$194,000.00. No estimate yet from Freightliner. Supervisor Brooks reminds the Board that the plow, sander and additional equipment will add approximately \$100,000.00 or more to that amount. We have been informed that if/when the truck is ordered it will be over a year until it is received. All companies are backed up due to current circumstances. Kenworth was discussed, but due to its double frame it is not optimal. The truck will require a heavier front end to accommodate the plow and wing weight.
- No blacktop bids received. A brief discussion regarding cost and possible delivery surcharges follows.
- Road sweeping in Town has been ongoing on all Town Roads with the warmer temperatures and rainy weather. Everything is looking good.
- The Freightliner and the Ford-550 are in the shop waiting on parts. Discussion follows regarding the cost and availability of parts and delays in service.
- Foamco is scheduled to come Thursday May 14th to estimate repairs regarding the rodent (racoons) issue at the Highway breakroom. Closed cell foam will be used.
- The remainder of the camera system will be installed this Friday, April 15th at the Highway Garage and R&R Center complex.

Planning Board Report - by Liaison, Councilman Kevin Smith
 Councilman Smith reports:

- The Russian Mule Brewery was awarded a permanent and non-transferrable permit of operation.
- The Planning Board is now going to refer any questions regarding the summer music at the Russian Mule Brewery and Event Center to the Town Board.
- Planning Board Chairman Joe Sibiga has invited Ken Kobayashi to the April Planning Board Meeting to advise the Board of present project status.
- There was no appearance and no information regarding the Rudolph Farm property at the March meeting.

Highway Pre-Pay Vouchers presented by Supervisor Brooks.
 (see Warrant #4 Pre-Pay, voucher #'s 9-13)

Health Care Reimbursement Acct	4PP-9	DA90608 · Health Ins.	-5,000.00
MVP Health Care, Inc.	4PP-10	DA90608 · Health Ins.	-10,595.68
Trust & Agency Account - FICA	4PP-11	DA90308 · Social Security/Medicare	-1,129.82
Trust & Agency Account - FICA	4PP-12	DA90308 · Social Security/Medicare	-1,069.48
Trust & Agency Account - FICA	4PP-13	DA90308 · Social Security/Medicare	-889.07
		Grand Total	-18,684.05

Highway Vouchers presented by Supervisor Brooks.
 (see Warrant #4, voucher #'s 30-47)

American Rock Salt Company LLC	30	DA51424 · Snow Removal-Contractual	-6,454.00
Bottini Fuel Corporation	31	DA51424 · Snow Removal-Contractual	-3,562.85
Buddenhagen's Ford	32	DA51304 · Machinery Contr	-765.03

Liberty Trading Post	33	DA51304 · Machinery Contr	-43.99
Campbell Supply Company	34	DA51304 · Machinery Contr	-21.87
FleetPride	35	DA51304 · Machinery Contr	-181.63
H.O. Penn Machinery Co.Inc.	36	DA51304 · Machinery Contr	-929.10
Home Depot Credit Services	37	DA51304 · Machinery Contr	-308.67
Johnson's Signs & Tees	38	DA51104 · Maint Of Streets - Contr	-590.03
Kimball Midwest	39	DA51304 · Machinery Contr	-122.90
Liberty Iron Works	40	DA51304 · Machinery Contr	-69.00
Mombaccus Excavating, Inc.	41	DA51424 · Snow Removal-Contractual	-2,063.92
North East Parts Group	42	DA51304 · Machinery Contr	-272.60
Prestige Towing & Recovery, Inc.	43	DA51304 · Machinery Contr	-450.00
The Rental Center of Monticello	44	DA51304 · Machinery Contr	-14.70
Robert Green Auto & Truck Inc.	45	DA51304 · Machinery Contr	-454.20
T & T Sales	46	DA51304 · Machinery Contr	-368.67
T & T Sales	47	DA51304 · Machinery Contr	-164.92
		Total 46 and 47	-533.59
		Grand Total	-16,838.08

General Pre-Pay Vouchers presented by Supervisor Brooks.
(see Warrant #4 Pre-Pay, voucher #'s 17-27)

Cardmember Service	4PP-17	A1670.4 · Central Data Process Contrac.	-70.46
Central Hudson	4PP-18	A8160.4 · Refuse & Garbage-Contrac.	-43.78
Central Hudson	4PP-19	A1620.4 · Buildings-Contractual	-369.89
Central Hudson		A5132.4 · Highway Garage-Contract.	-633.14
Central Hudson-Total 4PP-19			-1,003.03
HealthCare Reimbursement Acct	4PP-20	A9060.8 · Health Insurance	-5,000.00
MVP Health Care Inc.	4PP-21	A9060.8 · Health Insurance	-9,609.04
Charter Communications	4PP-22	A1620.4 · Buildings-Contractual	-182.93
Charter Communications	4PP-23	A5132.4 · Highway Garage-Contract.	-141.86
Trust & Agency Acct. – FICA	4PP-24	A9030.8 · Social Security	-321.53
Trust & Agency Acct. – FICA	4PP-25	A9030.8 · Social Security	-725.40
Trust & Agency Acct. – FICA	4PP-26	A9030.8 · Social Security	-268.49
Trust & Agency Acct. – FICA	4PP-27	A9030.8 · Social Security	-268.49
		Grand Total	-17,635.01

General Vouchers, presented by Supervisor Brooks.
(see Warrant #4, voucher #'s 45-64)

Association of Towns	45	A1410.4 · Town Clerk-Contractual	-15.00
Bottini Fuel	46	A1620.4 · Buildings-Contractual	-708.43
	47	A5132.4 · Highway Garage-Contractual	-1,232.47
		Total 46 and 47	-1,940.90
Central Hudson	48	A5182.4 · Street Lighting - Contractual	-13.75
Cindy Mickelson, Reim.	49	A1220.4 · Town Supervisor-Contractual	-58.00
ES11, LLC	50	A1670.4 · Central Data Processing Contrac	-145.00
Jonathan Follender, Reim.	51	A9060.8 · Health Insurance	-232.00
	52	A9060.8 · Health Insurance	-318.00
	53	A9060.8 · Health Insurance	-494.00
		Total 51, 52 and 53	-1,044.00

Grahamsville First Aid Squad	54	A4540.4 · Emergency Services-Contractual	-2,405.75
Ketchum Mfg. Co., Inc.	55	A1410.4 · Town Clerk-Contractual	-147.00
MVP Select Care Inc.	56	A9060.8 · Health Insurance	-30.00
Mark Moore	57	A5132.4 · Highway Garage-Contractual	-450.00
Office of the State Comptroller	58	A690 · Overpayment & Clearing Account	-220.00
	59	A690 · Overpayment & Clearing Account	-360.00
		Total 58 and 59	-580.00
QUILL CORP	60	A1620.4 · Buildings-Contractual	-593.95
	61	A1110.2 · Town Justice - Equipment	-1,654.04
		Total 60 and 61	-2,247.99
Sullivan Overhead Doors	62	A5132.4 · Highway Garage-Contractual	-2,226.61
Ulster County Information Services	63	A1410.4 · Town Clerk-Contractual	-100.00
UCRRA	64	A8160.4 · Refuse & Garbage-Contractual	-1,920.30
		Grand Total	-13,324.30

Supervisor Brooks inquires if the Councilmen are satisfied with the audit of the vouchers. The Councilmen respond in the affirmative.

Resolution No. 36 of 2022

WHEREAS New York State General Municipal Law Sections 103 and 104-4 permit the pre-audit function of vouchers, as a form of internal controls in the checking of claims and supporting documentation. And

WHEREAS the Sections 118 and 119 of New York State Municipal Law also authorize the auditing authority to approve of Said vouchers. And

WHEREAS the Office of the New York State Comptroller Division of Local Governments and Accountability: Budgets and Finances also approves of this method.

NOW THEREFORE BE IT RESOLVED that the Town of Denning Town Board HEREBY approves of and authorizes payment of the following Warrants:

Highway Fund Pre-Pay Warrant No. 4PP voucher Nos. 9-13.
 Highway Fund Warrant No. 4 voucher Nos. 37 - 47.
 General Fund Pre-Pay Warrant No. 4PP voucher Nos. 17- 27.
 General Fund Warrant No. 4 voucher Nos. 45-64.
 Capital Fund Sewage Disposal Warrant No. 4 voucher Nos. - None.

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

Motion to adopt and approve made 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 Gregory Vurckio	Absent
Supervisor David Brooks	AYE		

Motion carried following a unanimous roll call vote.

Resolution No. 37 of 2022

OPPOSING THE POTENTIAL BAN ON WOOD BURNING IN NEW YORK AS PROPOSED BY THE CLIMATE ACTION COUNCIL

WHEREAS on July 18, 2019, the Climate Leadership and Community Protection Act (Climate Act) was signed into law in New York State, and is considered among the most ambitious climate laws in

the world and requires New York to reduce economy-wide greenhouse gas emissions 40% by 2030 and no less than 85% by 2050 from 1990 levels, and

WHEREAS Senate bill S6599 and Assembly Bill A8429, "An act to amend the environmental conservation law, the public service law, the public authorities law, the labor law, and the community risk and resilience act, in relation to establishing the New York State climate leadership and community protection act" was passed by the Senate and Assembly and signed by the Governor, and

WHEREAS, The Climate Action Council is researching ways to limit greenhouse gas emissions and achieve the goals of The Climate Act; and in a draft plan, members of the advisory panel to the Climate Action Council describe scenarios where wood consumption decreases within that time frame, and this could mean a potential future ban on wood-burning stoves, and in an additional reduction effort, the possible elimination of natural gas hookups, and

WHEREAS, winters in Upstate New York are long and cold, and many people in the Town of Denning and other rural communities rely on wood-burning stoves for heat, and taking away an affordable heating source could be detrimental to many families who depend on burning wood as the sole source of heat in their homes, and

WHEREAS, a ban on wood burning would have a major impact on many Town of Denning households who rely on wood burning stoves for cooking, and cost-effective energy for heat and hot water,

NOW, THEREFORE, BE IT RESOLVED that the Town of Denning Town Board opposes the potential ban on wood burning in New York State as proposed by the Climate Action Council, and

BE IT FURTHER RESOLVED the Climate Actions Council will hold a 120-day public comment period, beginning January 1st, 2022, and will hold at least six (6) public hearings across the State, both in-person and virtual, and the Town of Denning Town Board encourages Denning citizens to voice their concerns at

www.nyserda.seamlessdocs.com/f/DraftScopingComments

or email scopingplan@nyserda.ny.gov

or by mail to: Draft Scoping Plan Comments, NYSERDA, 17 Columbia Circle, Albany, New York 12203-6399, and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to New York State Climate Action Council Co-Chairs, DEC Commissioner Basil Seggos and NYSERDA President and CEO Doreen M. Harris; Governor Kathy Hochul, Senator Michael Martucci, Senator Michelle Hinchey, and Assemblyman Brian Miller.

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

Motion to adopt and approve made by Councilman Paul Schoonmaker, 2nd by Councilman Mike Dean
Roll Call Vote:

Councilman Mike Dean	AYE	Councilman Paul Schoonmaker	AYE
Councilman Kevin Smith	AYE	Councilman Gregory Vurckio	Absent
Supervisor David Brooks	AYE		

Motion carried following a unanimous roll call vote.

Resolution No. 38 of 2022

WHEREAS New York State Law §113 authorizes the Town Board by resolution to transfer surplus monies, contingent appropriations and unexpended fund balances.

And **WHEREAS** the Town of Denning is in need of a budgetary transfer for the 2022 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Town of Denning Town Board authorizes the Supervisor to do the following transfers in the General Fund, to decrease A1460.4 Records Management Contractual Expense in the amount of \$3,500.00, and to increase A1670.4 Central Data Processing Contractual Expense in the amount of \$3,500.00.

Whereupon, the Resolution was put to a vote, and recorded as follows:
Motion to adopt and approve made 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 Gregory Vurckio	Absent
Supervisor David Brooks	AYE		

Motion carried following a unanimous roll call vote.

Resolution No. 39 of 2022 – Acceptance of bids

The Resolution was Tabled by Supervisor David Brooks until Town Clerk Nancy Parrow and Highway Superintendent Van Sadlers process the submitted bids for presentation to the Board at the May 10th Town Board meeting.

Supervisor Comments:

- Supervisor Brooks informs the Board that Blue Hole in Sundown is status quo at this time. The installed delinear posts made it through the winter in good shape, and the same rules and regulations apply this coming season regarding permits being required by all visitors. Supervisor Brooks states that Bill Rudge has retired and Jeff Rider has taken his place; also that Rob Morse is retiring on the 28th of this month. Supervisor Brooks also states that The DEC is in the process of making regulation changes regarding the swimming hole area by the old 4-H property in Claryville and the Sullivan County Sheriff will be towing cars when necessary. The DEC is utilizing the rules and regulations developed by the Town of Denning and the DEC for the Peekamoose Blue Hole to be implemented at this site.
- Supervisor Brooks reports that a meeting has been scheduled on the Sundown Stream Project for April 18th at the Town Hall. When the 60% plan was completed it was never received or reviewed by the DEP, so when the 90% plans were completed, the DEP had 96 review points that had to be addressed. However due to changes in personnel, Supervisor Brooks feels that this project will not be started until next year. He is hopeful however that the Peekamoose Road will be shored up this summer.
- Supervisor Brooks reports that at the recent CWC Annual Meeting there was no DEP Commissioner or Deputy Commissioner present. He believes that this is the first time in 25 years that this has occurred. This was a troubling fact noted by many attendees.
- Supervisor Brooks informs the Board that the DEP is set to cut the amount of sewage being accepted at the DEP septic plants in half. The EPA is very upset, and this is not good news in light of the Town's pump-out for the Claryville Septic District scheduled for May.
- Denning resident Jenny Lee has advised Supervisor Brooks that she was appointed to a committee with Ulster County Comptroller, March Gallagher, to push to finish the Broadband build-outs in the underserved communities in Ulster County including Denning.

Supervisor Brooks calls for Councilmen Comments:

- Councilman Vurckio is Absent.
- Councilman Paul Schoonmaker has no Court report. The next Court date is April 20th.
- Councilman Mike Dean advises the Board that he was contacted by Craig Dobbs with a complaint about too much salt being used on the local roads. It is killing trees and ruining his truck and tractor. Councilman Dean advised Mr. Dobbs to write a letter. Supervisor Brooks and Superintendent Van Sadlers had a discussion with Mr. Dobbs regarding the fact that the safety of our roads is of prime importance and Denning utilizes winter safety measures by

“shooting” road temperatures during snow and/or ice situations and plows and puts sand and salt down when and where necessary - as does the County and the State.

- Councilman Dean also reported that on April 2nd the State Parking Lot at the Firetower Trailhead on Denning Road was full and there were 5 cars parked along the roadway. Rocks at the edges of the road in that area make parking hazardous. Discussion followed as that particular parking area cannot be increased in size. There was also an issue recently on the Dinch Road access where the Highway Department was working as a car was trying to descend the hill. The travelers were advised not to try it as the road was very soft and they probably wouldn't make it back out. Further discussion followed regarding the widely advertised DEC Firetower Challenge.
- Councilman Dean also asked about Shared Services with Ulster County or another Town regarding tar patch sealing of blacktop roads. There are many cracks noted due to recent winter weather. Supervisor Brooks notes that he wants to ask about the Ulster County vacuum truck to clean the stormwater maintenance tanks at the Highway Garage at this time while the water is flowing. Councilman Dean will discuss these matters with Highway Superintendent Van Saders.
- Councilman Kevin Smith reports that the Planning Board again discussed the summer music at the Russian Mule. The Planning Board has referred the matter to the Town Board as they are concerned and hope to head off any problems. Supervisor Brooks will reach out to the owner to discuss.

Supervisor Brooks call for Public Comment:

- Kim Noble is present to discuss the summer music with the Russian Mule. She states she is representing about 8 residents who cannot be present at the mid-week evening Town Board meeting. They are aware that this area of Denning is mixed residential and business. In August of 2018 these residents requested that amplified entertainment be kept inside with doors and windows closed to control the noise issue. COVID happened in 2020 through 2021 and any gatherings needed to be outdoors when possible so the noise complaints were suspended. Ms. Noble states the residents are now reiterating their request that music and entertainment be kept inside so the surrounding residents have peaceful and quiet enjoyment of their properties. Supervisor Brooks asks if any residents have contacted the owners directly regarding the matter. Discussion follows.
- Travis Coddington is also present to discuss summer music at the Russian Mule. Discussion continues regarding acceptable decibel levels, hours of operation, and the fact that the Valley does naturally amplify sound – unfortunately. It is noted that music events usually end around 8 pm, and special events are usually wrapped up by 10 pm. Supervisor Brooks again states that he will reach out to the owner to discuss the matter.
- Travis Coddington requests information regarding sales tax in Ulster County benefitting the Town of Denning. Supervisor Brooks assures him that Denning receives a percentage of all sales tax on purchases made in Ulster County, even online purchases.
- Travis Coddington also presents a complaint regarding the overnight lighting at the County Highway building in Sundown. Supervisor Brooks states that the lighting issue is a Planning Board matter and Mr. Coddington, as a Denning Planning Board member, can contact Ulster County and register a complaint regarding the lighting issue.

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

Motion to adjourn at 7:20 pm by Councilman Mike Dean, 2nd by Councilman Paul Schoonmaker, All in favor. Motion carried.

Respectfully Submitted by Nancy Parrow, Town Clerk, April 12, 2022.

Next Town Board & Business Meeting: Tuesday, May 10th, 2022 at 6 pm at the Denning Town Hall.