

TOWN OF DENNING – TOWN BOARD MEETING

September 10th, 2024

Pledge of Allegiance

Present: Supervisor David Brooks
Councilmen: Kevin Smith, Scott Mickelson, Mike Dean
Highway Superintendent Leonard Johnson
Absent: Councilman Gregory Vurckio
Public Present: Travis Coddington

Public Hearing called to order at 6:02 pm by Supervisor Brooks.
Held on Tuesday, September 9th, 2024

The Public Hearing regarding Local Law No. 1 of 2024 Tax Levy Override is opened by Supervisor Brooks. Supervisor Brooks states that this law is a budgetary tool and Denning has used it every year since he has been Supervisor. It is put in place at this time in case it is needed during the Budget adoption process. Supervisor Brooks explains that it may be needed in case costs go above what is expected as the Budget is being created and costs, such as that for Health Insurance, is more expensive than anticipated. It is getting more and more difficult to stay under the tax cap with rising costs. Supervisor Brooks asks if there are any questions or comments regarding Local Law #1 of 2024. There are none.

Motion to adjourn the Public Hearing at 6:06 pm made by Councilman Scott Mickelson and Seconded by Councilman Mike Dean.

Regular Town Board Meeting is called to order at 6:06 pm by Supervisor Brooks.

The Town Clerk provided all Board members with a copy of the Agenda and Resolution Nos. 51, 52 and 53, and the Budget vs. Actual through August 2024.

The Town Clerk Minute Book was signed prior to the meeting commencement. Motion to adopt last months' minutes as presented by Town Clerk Nancy Parrow made by Councilman Kevin Smith, and seconded by Councilman Scott Mickelson.

Roll call vote:

Councilman Mike Dean AYE Councilman Kevin Smith AYE
Councilman Gregory Vurckio Absent Councilman Scott Mickelson AYE
Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Correspondence – by Supervisor Brooks:

- Email received from NYMIR regarding 10/3/24 Training Webinar for Workplace Harassment/Discrimination Prevention and Workplace Violence Prevention. Discussion follows.
- Renewal information email received regarding Delta Dental Insurance. It is noted that there is no increase in rates for 2025.
- Email from Ulster County regarding the Hazard Mitigation Plan and request for Resolution.
- Thank You letter received from the Daniel Pierce Library thanking the Denning Town Board for their Pumpkin Party Booklet ad donation.
- Email update regarding Broadband services for underserved areas in Denning. Margaretville Telephone Company applied for grant with help from Ulster County - proposing a point-to-point fiber network.
- Check received from NYS for Supplemental Aims - \$6,426.00.
- Email from UCCRA with 2025 Proposed Budget Information. Tipping fees will be increased \$20 per ton. Everything else is the same. Supervisor Brooks informs the Board that Town of Wawarsing is fighting the proposed new landfill location. Discussion follows.
- Highway Superintendent Leonard Johnson forwarded a Shared Services Agreement with the Town of Fallsburg. Board all in Favor. Waiting for shared services agreement with Neversink.
- Letter from Ulster County Self-Insurance with cost for 2025 Budget information- \$13,474.23. Substantial increase from 2024.
- Request from Denning Justice Court regarding 2024/2025 JCAP Grant requests. The Board unanimously agrees that funding for a replacement generator servicing the Justice Court and Town Hall should be requested. The Town Clerk is requested to contact Power Generator Services, LLC for price quotes for the grant application.

- Check from Ulster County for the additional 1% sales tax for 2023 in the amount of \$13,687.75. The County also provided documentation regarding the proposed renegotiation of the sales tax sharing agreement in February of 2026 possibly based on population of Towns. At the 2020 Census Denning's population is 493, the 2nd smallest Ulster County Town. Discussion follows.
- Check received from the Frost Valley YMCA for the June 2024 donation (which was inadvertently missed previously) The Denning Town Board expresses its ongoing gratitude to CEO Riel Peerbooms, and the Frost Valley Board of Trustees for their continued support.
- Estimate received from pest control company for racoon/rat and other pest issues at the Town Barn and Town Hall. \$399.00 Initial set up and \$85.00 per month. They offer a warranty. The Board approves a one-year trial period.

Highway Report - Highway Superintendent Leonard Johnson reports:

- Chip sealed Brooks Hill Road and VanAken Road in Sundown.
- Cut gras and brush on Brooks Hill, VanAken, Dymond, Whitehouse and Raymond George Roads in Sundown.
- Started grass and brush cutting on Peekamoose Road.
- Maintenance and cleaning at Town Barn
- Hauled millings to Dinch Road.
- Researching for truck to replace Ford 550. Ford stated it needs \$21,000 worth of work. Will take it for a second opinion at Strictly Ford in Bullville. Received one estimate. Superintendent Johnson states It is running fine at this time.
- Checked roads after recent storm.
- Checked on the new truck (International) at Arkel Motors. Discussion follows.
- New Tractor is working fine and maintenance has been good. No issues
- Requests Town Board approval to look into getting a Buffalo Turbine. \$6,500.00 estimate.
- Approximately \$122,000 for chip sealing. May be able to do a bit more paving depending on weather and Lyle at Ulster County and Preston at Neversink being available.

Planning Board Report - by Liaison, Councilman Kevin Smith:

- Councilman Smith reports that although he was unable to attend the August Planning Board meeting, planning board member Katherine Parr took notes for him.
- Yaquby, Plank and Ellis Short Term Rental (STR) applications received final approval. Nicolleti STR was postponed as the applicant did not attend the August meeting. A new STR application was submitted by resident Shannon McGarity – 24 Woodfield Road.
- The Planning Board is having continued discussions regarding the STR applications and issues with the Ulster County Planning Board.
- Travis Coddington attends the Town Board Meeting to speak to the Board regarding Planning Board matters. He states that the Planning Board is asking the Town Board to review capping the number of STR's in Denning. He believes the last census stats show 172 dwellings in Denning. Many are second homes. Suggests that the Town Board may want to consider: 1. changing the land status of approved STRs to commercial property. 2. Limiting a resident to one STR in Town as a few residents have multiple properties operating as STRs. 3. More enforcement of the current zoning law. Supervisor Brooks does state that Denning has approximately 30 STRs according to Ulster County report that he received. Discussion follows.

Highway Pre-Pay Vouchers presented by Hwy. Super. Johnson.
(See Warrant #9 Pre-Pay, Voucher Nos. 25 - 27)

MVP Health Care, Inc.	9PP-25	DA90608 · Health Ins.	-13,545.76
Trust & Agency Account - FICA	9PP-26	DA90308 · Social Security/Medicare	-879.16
Trust & Agency Account - FICA	9PP-27	DA90308 · Social Security/Medicare	-764.38
Grand Total:			-15,189.30

Highway Vouchers presented by Hwy. Super. Johnson.
(See Warrant #9, Vouchers Nos. 90 - 102)

Arkel Motors	90	DA51304 · Machinery Contr	-525.00
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Bottini Fuel Corporation	91	DA51104 · Maint Of Streets - Contr	-2,870.00
Glenco Supply Inc.	92	DA51104 · Maint Of Streets - Contr	-755.00
Home Depot Credit Services	93	DA51304 · Machinery Contr	-57.74
Joe's Small Engine	94	DA51304 · Machinery Contr	-353.95
Kenco Work & Play Outfitter	95	DA51104 · Maint Of Streets - Contr	-471.78
North East Parts Group	96	DA51304 · Machinery Contr	-687.68
NY Labor Law Poster Service	97	DA51104 · Maint Of Streets - Contr	-99.50
Romeo Ford	98	DA51304 · Machinery Contr	-378.00
Schmidt's Rentals	99	DA51304 · Machinery Contr	-35.98
Suit-Kote Corporation	100	DA51122 · Perm Improv-HW Equip,Cap Outlay	-19,505.88
Sullivan Overhead Doors	101	DA51304 · Machinery Contr	-331.44
United Ag & Turf	102	DA51404 · Brush and Weeds Contra	-693.00
		Grand Total:	-26,764.95

General Pre-Pay Vouchers presented by Supervisor Brooks.
(See Warrant #9 Pre-Pay, Vouchers Nos. 54 - 61)

Charter Communications	9PP-54	A1620.4 · Buildings-Contractual	-171.12
Central Hudson	9PP-55	A8160.4 · Refuse & Garbage-Contractual	-43.20
	9PP-56	A1620.4 · Buildings-Contractual	-210.40
	9PP-57	A5132.4 · Highway Garage-Contractual	-368.84
		Total Central Hudson:	-622.44
Elan Financial Services	9PP-58	A1620.4 · Buildings-Contractual	-35.98
MVP Health Care Inc.	9PP-59	A9060.8 · Health Insurance	-11,066.66
TRUST & AGENCY ACCOUNT - FICA	9PP-60	A9030.8 · Social Security	-728.33
TRUST & AGENCY ACCOUNT - FICA	9PP-61	A9030.8 · Social Security	-279.34
		Grand Total:	(12,903.87)

General Vouchers, presented by Supervisor Brooks.
(See Warrant #9, Voucher Nos. 117 - 128)

Central Hudson	117	A5182.4 · Street Lighting - Contractual	-175.05
Charter Communications	118	A5132.4 · Highway Garage-Contractual	-133.97
ES11, LLC	119	A1670.4 · Central Data Processing Contrac	-225.00
Jonathan Follender, Reim.	120	A9060.8 · Health Insurance	-557.10
Language Line Services	121	A1110.4 · Town Justice-Contractual	-13.50
Joy Ann Monforte, Reimbursement	122	A9060.8 · Health Insurance	-1,983.77
NYSATRC Membership	123	A1410.4 · Town Clerk-Contractual	-25.00
Office of the State Comptroller	124	A690 · Overpayment & Clearing Account	-10.00
QUILL CORP	125	A1620.4 · Buildings-Contractual	-69.99
	126	A3620.4 · Safety Insp. - Contractual	-80.51
	126	A1620.4 · Buildings-Contractual	-563.94
		Quill Corp. Total:	-714.44
UCRRA	127	A8160.4 · Refuse & Garbage-Contractual	-2,829.12
YE OLDE TRI-VALLEY TOWNSMAN	128	A1355.4 · Tax Assessor-Contractual	-31.00
	128	A8020.4 · Planning-Contractual	-46.00
		Townsmen Total:	-77.00
		Grand Total:	(6,743.95)

Capital Vouchers, presented by Supervisor Brooks.
(See Warrant #9, Voucher Nos. None.)

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

Resolution No. 51 of 2024

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 Prep-Pay Warrant No. 9-PP, Voucher Nos. 25 - 27.
Highway Fund Warrant No. 9, Voucher Nos. 90 - 102.
General Fund Pre-Pay Warrant No. 9-PP, Voucher Nos. 54 - 61.
General Fund Warrant No.9, Voucher Nos. 117 - 128.
Capital Fund Sewage Disposal Vouchers Warrant No. 9 Vouchers - None.

WHEREUPON the Resolution was put to a vote, and recorded as follows: Motion to adopt and approve by Supervisor David Brooks, 2nd by Councilman Mike Dean
Roll Call Vote:

Councilman Mike Dean AYE	Councilman Scott Mickelson AYE
Councilman Kevin Smith AYE	Councilman Gregory Vurckio Absent
Supervisor David Brooks AYE	

Motion carried following a unanimous roll call vote.

Resolution No. 52 of 2024

WHEREAS General Municipal Law 3c allows an override to the tax levy limit; and

WHEREAS, the Town of Denning Town Board has intentions of fulfilling its financial obligations; and

WHEREAS the Tax Override Law is a budgetary tool authorized and mandated for use by New York State; and

WHEREAS a PUBLIC HEARING was held on Tuesday, September 10th, 2024 regarding Local Law No. 1 of 2024; and

WHEREAS any and all interested person(s) were heard,

NOW THEREFORE BE IT RESOLVED the Town of Denning Town Board **HEREBY** adopts Local Law No. 1 of 2024 titled: Tax Levy Limit Override, which is to take effect immediately upon filing with the New York State Secretary of State; and

FURTHER BE IT RESOLVED that if SAID Tax Cap Override is not needed then Local Law No. 1 of 2024 will be **RESCINDED**, by resolution as required by New York State law.

WHEREUPON the Resolution was put to a vote, and recorded as follows: Motion to adopt and approve by Councilman Scott Mickelson, 2nd by Councilman Kevin Smith
Roll Call Vote:

Councilman Mike Dean AYE	Councilman Scott Mickelson AYE
Councilman Kevin Smith AYE	Councilman Gregory Vurckio Absent
Supervisor David Brooks AYE	

Motion carried following a unanimous roll call vote.

Resolution No. 53 of 2024

WHEREAS the Denning Town Board recognizes the threat that natural hazards pose to people and property within the Town of Denning; and

WHEREAS the County of Ulster, with the input and assistance from the Towns, has prepared a multi-hazard mitigation plan, hereby known as Ulster County NY 2024 Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the Ulster County NY 2024 Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long term risk to people and property in the Town of Denning from the impacts of future hazards and disasters; and

WHEREAS adoption by the Town of Denning Town Board demonstrates their commitment to hazard mitigation and achieving the goals outlined in the Ulster County NY 2024 Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF DENNING, COUNTY OF ULSTER, STATE OF NEW YORK THAT:

Section 1. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

DULY ADOPTED by vote of All in favor and None against, and None abstaining this 10th day of September, 2024.

By: Supervisor David Brooks

Attest By: Councilman Mike Dean

Approved as to form by: Councilman Scott Mickelson

WHEREUPON the Resolution was put to a vote, and recorded as follows: Motion to adopt and approve by Councilman Mike Dean, 2nd by Councilman Scott Mickelson
Roll Call Vote:

Councilman Mike Dean AYE

Councilman Scott Mickelson AYE

Councilman Kevin Smith AYE

Councilman Gregory Vurckio Absent

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Supervisor Comments – Supervisor Brooks reports:

- There is no update on the Sundown Stream Project at this time.
- He spoke to DEC regarding spraying the Peekamoose Road delineator posts. It is too difficult for the Town tractor to do that mowing.
- He is holding out hope for the communication tower projects. Brooks Hill Road is still viable with Verizon. It is not going to happen this year. Radio and Cell. Emergency services will benefit. Other locations are Sagandorf's and the YMCA.
- Claryville Fire Department septic district issue reported and Koberlein is coming to fix it tomorrow.
- J-Cap grant finalization for signature and submission by the end of September.
- He has received no information regarding the bank merger issue. School taxes are required to be mailed in or paid in person only at the Wayne Bank in Liberty.
- Supervisor Brooks requests input from the Board Members present regarding setting the date for the 2025 Budget Workshop. After short discussion it is decided that the 2025 Budget Workshop will be held following the next Town Board Meeting on October 8, 2024.

Supervisor Brooks calls for Councilmen Comments:

- Councilman Vurckio is Absent.
- Councilman Scott Mickelson reports that there is currently one matter that was rescheduled for the next Court date of September 18th. He also asks if anyone heard anything about a NYS wood burning law which he heard was supposed to be signed by the Governor on October 1st. No one else has heard anything about this matter.
- Councilman Mike Dean reports there has been no frost yet in his area despite the very cool temperatures and that he has no further comments.
- Councilman Kevin Smith has no further comments.

Supervisor Brooks calls for Public Comments:

- There are no Public Comments.

Supervisor Brooks asks if there are any further comments from the Councilmen. There are none. He then asks if there are any further comments from the Public present. There are none.

Motion to adjourn the meeting at 7:39 pm made by Councilman Scott Mickelson and seconded by Councilman Mike Dean. All in Favor. Motion Carried.

Respectfully submitted by Nancy Parrow, Town Clerk, September 17th, 2024.

Next Town Board & Business Meeting will be held on Tuesday, October 8th, 2024 at 6 pm, immediately followed by the 2025 BUDGET WORKSHOP Meeting, at the Denning Town Hall, Claryville, NY