#### Town of

# **Denmark**

**Minutes** 

## April 10, 2017: April 10, 2017 Regular Meeting

### **Body:**

A regular monthly meeting of the Town of Denmark Town Board was held on April 10, 2017. Supervisor Fleming opened the meeting at 6:00pm with the Pledge of Allegiance.

Present were:
Councilman Der
Councilman Fazio
Supervisor Fleming
Councilman Jones
Highway Supt. Mahar
Clerk Greene
Deputy Clerk Souva
Budget Officer S. Fleming

Absent:

Councilman Thoma

Assessor Vargulick

Others present included Eric Pond of Barton and Loguidice, Deb Der, Sandy Jones, Castorland Mayor Mark Moshier (exits at 6:33pm), Village Clerk Donna Loucks (exits at 6:33pm), Copenhagen Mayor Scott Alexander (exits at 7:04pm), Tom and Virginia Sullivan (exit at 7:15pm), Danixsa Thompson (exits at 7:04pm), Kay Catlin (exits at 6:33pm), and David Sullivan (exits at 7:15pm), Scott Doyle entered the meeting at 7:33pm.

Councilman Fazio made a motion to accept the amended agenda as presented by Clerk Greene. His motion was seconded by Councilman Der.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

The minutes of the March meetings held by the Town Board were provided to Board members prior to the meeting by Clerk Greene.

Councilman Der made a motion to approve the minutes of March 13, 2017. His motion was seconded by Councilman Jones.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Councilman Fazio made a motion to approve the minutes of March 23, 2017. His motion was seconded by Councilman Der.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Councilman Jones made a motion to approve the minutes of March 28, 2017. His motion was seconded by Councilman Fazio.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

**ABSTRACTS:** 

**Highway Abstract 637, Claims 50-67, totaling \$11,635.73** was provided to the Town Board prior to the meeting. Councilman Jones asked about claim #52, Burrville Power Equipment for \$656.02. Supt. Mahar explained that the purchase was of a power sweeper and brushes for roadside sand cleanup.

Councilman Fazio made a motion that the bills be paid as presented. His motion was seconded by Supervisor Fleming.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

**General Abstract 594, Claims 66-87, totaling \$6,539.55 paid prior \$528.24, Total \$7,067.79** was provided to the Town Board prior to the meeting. Clerk Greene provided an updated copy for each Board Member as two bills had come in late and were added. They were claims by DCO Justin Hall for mileage and the Lewis County Humane Society for boarding of stray dogs. Councilman Jones asked about the fees for the Humane Society. Clerk Greene explained that the Town is charged \$10.00 per day per dog for up to 10 days as per the contract. If a dog is redeemed by its owner they pay \$10.00 per day and that is deducted from the Town's bill.

Councilman Der made a motion that the bills be paid as presented. His motion was seconded by Councilman Fazio.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Water District #1 Abstract 37, Claim 6, Total \$1,607.40 was provided to the Town Board prior to the meeting.

Councilman Der made a motion that the bills be paid as presented. His motion was seconded by Councilman Fazio.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

**Water District Capital Project Abstract #1, Claim #1, Total \$64,500.00** was provided to the Town Board. Discussion was held on the claim. Currently not enough grant money has been received by the Town to pay this claim. The project is at a standstill because the maps will not be provided by BCA to the Town until the bill is paid. Budget Officer Fleming discussed the amount of money invested by the Town currently in the money market accounts and short-term CDs. Discussion was held about the Town loaning money to the Water District Capital Fund until funding arrives.

Councilman Fazio made a motion that Supervisor Fleming be allowed to sign a settlement agreement with BCA after review by the Town Attorney Mark Gebo. Councilman Jones seconded the motion.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Councilman Der made a motion to pay Water District Capital Project Abstract #1, Claim #1, Total \$64,500.00 if the settlement agreement is signed between the Town of Denmark and BCA.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Councilman Fazio offered the following Resolution #15 of 2017:

Resolution 15-2017: Authorization for Town of Denmark Budget Transfer as follows: General Fund:

From To Amount

A9901.9 Unapprop-Unreserved Fund H1440.0 Capital Fund Water District #1 \$64,500.00

The Resolution was seconded by Supervisor Fleming.

Vote recorded as follows:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Resolution adopted 4/10/2017.

Supervisor Fleming asked Eric Pond to update the Town Board on the project. Mr. Pond reported that a subcontract has been negotiated for the soil borings and work should begin within two (2) weeks. Wetland mitigation will also begin soon. Mr. Pond will be following up with Attorney Mark Gebo about the short term financing being secured.

**Budget Officer's Report:** Mrs. Fleming provided the Town Board with copies of her monthly report for March, the financial report for March and a budget vs. actual for the 1<sup>st</sup> quarter of 2017. She also provided the Town Board with a statement from AMBIT Energy for the energy credit the Town received.

After review Councilman Fazio made a motion to accept the reports as presented by Mrs. Fleming. Councilman Der seconded the motion.

Vote recoded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Abstains
Councilman Thoma Absent
Councilman Jones Aye

#### **PUBLIC COMMENT:**

Mayor Mark Moshier and Clerk Donna Loucks of the Village of Castorland were in attendance to discuss the plowing bill received by Castorland. Initially they were shocked at the amount of the charge and the increase for next year. It was noted by Mrs. Loucks that \$2000.00 seemed high for 1.9 miles of road but after further review and consultation on the prices others are paying locally, they are satisfied that the Town is being reasonable. Supt. Mahar noted that County pays \$5600.00 per mile for plowing. Copenhagen Mayor Scott Alexander asked why Copenhagen pays more for winter plowing than Castorland does. Supt. Mahar explained that the town primarily sands in Castorland as Castorland DPW plows most streets. In Copenhagen the Village relies on the Town for both plowing and sanding.

Discussion turned to Village spring clean-up. Supt. Mahar intends to charge the same amount as last year for the Town services.

Councilman Der noted that the Town Board had to begin charging the Villages as expenses increased and it was noted by other Town residents that they were not being offered a cleanup day like the Village but they were paying for it through taxation.

Mrs. Loucks commended the Town Board for its work with the Village of Castorland.

**SUPERVISOR REPORT:** Brief discussion of the Lewis County effort to conduct a water study. Councilman Der moved for the adoption of the following Resolution. His resolution was seconded by Supervisor Fleming.

#### **RESOLUTION 16-2017: Consolidated Funding Application for Water Study**

WHEREAS, NYS Governor Andrew Cuomo, has created ten Regional Economic Development Councils; and

WHEREAS, as part of the Regional Economic Development strategy, a unified funding process, the Consolidated Funding Application has been developed and made available to distribute grant funds for job creation, infrastructure improvements and regionally significant economic development projects; and

WHEREAS, the Department of State of the State of New York has made funding available for 2017 Local Government Efficiency (LGE) Grant Programs to assist applicants in implementing plans to improve local government efficiency and cost savings, and

WHEREAS, the Town is a constituent member of the Central Lewis County Region, and

WHEREAS, the following communities in the Central Lewis County Region deem it advantageous to join together in seeking an Efficiency Implementation Grant from the Department of State, to wit: County of Lewis, Town of Lowville, Town of Watson, Town of Martinsburg, and Village of Lowville, and

WHEREAS, the County of Lewis will act as the lead applicant and all the other constituent municipalities will act as co-applicants in this application, and

WHEREAS, the application will seek \$330,000 in total monies, \$300,000 in a Consolidated Funding Application/Department of State LGE Grant, and \$30,000 from the County of Lewis for the creation of a Central Lewis County Regional Water Program,

NOW, THEREFORE, on a motion of Councilman Der seconded by Supervisor Fleming, it is

RESOLVED, that the Town of Denmark hereby agrees to act as a co-applicant with the County of Lewis as the lead applicant for a Consolidated Funding Application/Efficiency Implementation Grant from the Local Government Efficiency Grant Program administered by the New York State Department of State for the purposes of the Central Lewis County Regional Water Program Development, and it is further

RESOLVED, that the Supervisor is hereby authorized to execute all necessary Grant Application Documents for submission to the Consolidated Funding Application, Department of State Local Government Efficiency Grant Program.

#### Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Resolution 16-2017 adopted 4/10/2017.

Mayor Moser and Clerk Loucks left the meeting at 6:33pm.

Councilman Der was asked to update the Town Board on the work for solar regulation. Councilman Der reported that he had attended the Tug Hill Conference sessions on solar and found them to be very pro-solar but with very limited zoning recommendations. Concern remains about the eventual decommissioning of a commercial project if no language exists about this eventuality.

**ASSESSOR:** Mr. Vargulick spoke to the Town Board about his recent meetings with the State. He believes agricultural land values will remain the same this year. He is also working on cleaning up the rolls currently. Councilman Der asked if a reval might be needed in 2018. Mr. Vargulick explained that currently the Town Rolls are at 101.81% and there is no real advantage to doing a reval at this time.

**CLERK REPORT:** Clerk Greene provided the Town Board with copies of her March Clerk Report and Tax Collection report. Councilman Fazio made a motion to accept the Clerk Report for March 2017. His motion was seconded by Supervisor Fleming.

#### Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

The Clerk spoke to the Town Board about the Prior Notice Law. The current adopted law has been untouched since 1981 when it was adopted. NYMIR has recommended updating it to reflect changes in State Law. The Clerk provided copies of a new updated local law prepared by Attorney Gebo for the Town Board's consideration. Councilman Fazio made a motion to table further discussion until May 8, 2017. His motion was seconded by Councilman Der.

#### Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Proposed Local Law-Prior Notice tabled to 5/8/2017.

Councilman Fazio exited the meeting at 6:44pm.

Councilman Der asked about the expenditure of Budget Line A1430.1, Deputy Clerk Salary. Councilman Der had concerns about the amount used in the 1<sup>st</sup> quarter. Clerk Greene explained that this is by design. January, February and March are the busiest months of tax collection as well as the end of year and organizational pieces. Additionally the water project, NYMIR Audit and special meetings led to an increased work load this year. After March the Deputy Clerk will be working less often.

Councilman Fazio reentered the meeting at 6:46pm.

Discussion was held on the Audit findings of NYMIR. No formal letter has been received yet but the Clerk has begun addressing issues noted as follows:

Prior Notice Law- Reviewed by Town Attorney and new law drafted by his office for Town Board review at the request of the Clerk. I-9 forms have been downloaded and have begun to be completed by Employees for review. Town Board has designated Supt. Mahar as reviewer for Highway Dept Employees and Clerk Greene for all others.

Clerk Greene and Deputy Clerk Souva have re-indexed all Local Laws going back to 1961.

Clerk has begun updating language for the 2018 Fire Protection Contracts with the assistance of Supt. Mahar who is a member of the Copenhagen Fire Dept and drafted a Fire Contract used in the Town of Pinckney that NYMIR highly regards.

Clerk spoke to the Town Board about Town Policies for Harassment, Work Place Violence, and reporting procedures.

Deputy Clerk Souva has been reviewing information from NYMIR about the needed language for these policies.

Clerk Greene has reached out to the Town of Lowville to review their policies and training procedures.

Further discussion was held on policy review and development. The policies of the Town are adopted by the Town Board and are their responsibility. The Town Board approves them every year at its organizational meeting in January but no real review has been done of them since their development by then Deputy Clerk Greene at the direction of the Town Board years ago. Updated language is needed to conform to NYS laws and Workplace Violence Prevention Training is mandatory by State Law. No training has ever been given to anyone outside of the Highway Dept and all Town Employees whether elected, appointed or hired should be getting this training annually.

A major flaw in the current Harassment and Workplace Violence policies is the reporting piece. Currently there is only one person to report an incident to and then the incident is reported to the Town Supervisor. This could lead to an issue where the person receiving the report is the target of the harassment or is the accused harasser. An additional person should be named to receive the initial report and an alternate should also be named for the review of the complaint.

Clerk Greene was asked by the Town Board to continue to get information. Councilman Der asked that she send him information as she compiles it.

**ZONING AND PLANNING:** Clerk Greene provided copies of the March Zoning Report that she helped ZEO Woodruff compile and the Planning Board minutes of 4/4/2017 as provided by Planning Board Sec. Sandra Jones.

**HIGHWAY SUPT. REPORT:** Roadside cleanup / sweeping has begun. Highway Dept will be working on Roberts Road this year with more culvert replacement. Supt. Mahar intends to have a discussion with a landowner about a curve on Roberts Rd and the potential for straightening it out to a degree. Miller Rd and Station Rd will both be resurfaced.

Clerk Greene asked the Town Board if they intend to do a Road Inspection this year. No action taken by the Town Board.

Councilman Jones asked about the work on Roberts Rd. He is concerned about the wear and tear of town roads that will be caused by construction equipment used by the Wind Power Project. Supt. Mahar explained that borings will be done prior to the construction phase.

**PUBLIC COMMENT:** Mrs. Thompson asked about the Solar Moratorium. Supervisor Fleming and Councilman Der explained that the moratorium is in place and may be extended to allow the Town to implement regulations for solar in the Town of Denmark Zoning Law. This moratorium does not mean that land cannot be sold it means no solar development applications will be accepted during the moratorium. Councilman Jones noted that the Town Board is trying to get this right to prevent issues later.

At 7:04pm Mrs. Thompson and Copenhagen Mayor Scott Alexander exited the meeting.

# At 7:04 Clerk Greene read aloud the following as published: SPECIAL MEETING AND PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Denmark shall conduct a Public Hearing on Thursday, April 10, 2017 at 7:00p.m. at the Town Offices, 3707 Roberts Road, Carthage, New York to consider Local Law 1-2017 a six (6) month extension of Local Law 2-2016 placing a moratorium for a period of six (6) months on application or proceedings of application for Solar Energy Equipment/Systems to allow the Town Board to consider and implement sufficient regulations. A copy of the proposed Local Law 1-2017 is available for public review in the Town Clerk's Office during regular business hours. Any persons wishing to comment in writing should submit their written comments to the Town Clerk by 4pm on Thursday, April 6, 2017.

Any persons requiring special accommodations to participate in such hearing should contact the Town Clerk at least three (3) business days prior to the meeting.

Dated: March 23, 2017 BY ORDER OF THE TOWN BOARD OF THE TOWN OF DENMARK

Prudence L. Greene, Town Clerk

At 7:05pm Councilman Der made a motion to open the Public Hearing. His motion was seconded by Councilman Fazio. Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Questions were asked about the following:

- Q: Are you stopping current development? A: None currently as a result of current Moratorium, this local law would extend the moratorium.
- Q: Are other Towns doing this? A: Yes, local laws are being reviewed from Greig, Lowville and Webster.
- Q: Has the State offered any guidance? A: They are just positioned in favor of the solar development.
- Q: Will Ag districts play a role in allowable placement? A: The percentages of allowable development per site are being considered.
- Q: Are the newly designed "wall units" being considered as well as rooftop and freestanding panels? A: Does the "wall unit" change the footprint of the structure? A: We will look for more information on these.
- Q. How long would the moratorium be in place if extended? A. Another six months (October 2017) but could be rescinded sooner if Town Board wishes.

Being as there were no further comments or questions Councilman Der made a motion to close the Special Hearing at 7:13pm. His motion was seconded by Councilman Fazio.

Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Councilman Der offered a Resolution adopting the proposed Local Law 1 of 2017 as follows:

RESOLUTION 17-2017: Six (6) Month Extension of Local Law 2-2016 Moratorium on Solar Applications or proceedings
Local Law No. \_\_\_\_\_\_\_ of the year 2017

A local law Extension of Moratorium on applications or proceedings of applications for Solar Energy Equipment/Systems

Article 1. - Statement of Authority. The Town Board of the Town of Denmark, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Denmark has been made aware of interest in Solar Energy Equipment/Systems desiring to locate in the area. Currently, the Town of Denmark Code does not contain provisions for regulation of such facilities. The Town

previously adopted a local law to place a moratorium on applications or proceedings of applications for Solar Energy Equipment/Systems allow the Town Board to consider and implement sufficient regulations. It is the purpose of this local law to extend that moratorium a moratorium for a period of six months.

Article 3. - Enactment. The Town Board of the Town of Denmark does hereby enact as follows:

Section 1. Definitions

Solar Energy Equipment/System – Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

Section 2.

Commencing with the effective date of this local law and for a period of six (6) months thereafter, no person shall be allowed a permit to site or locate a Solar Energy Equipment/Systems as defined in this law within the Town of 0 Denmark nor shall any application for such a permit be processed.

<u>Article 4. - Severability.</u> If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

His motion for adoption was seconded by Councilman Jones.

Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Resolution 17-2017 and Local Law 1-2017 adopted 4/10/2017.

The Town Clerk will notify the Secretary of State.

David Sullivan, Virginia Sullivan and Tom Sullivan exited the meeting at 7:15pm.

Clerk Greene was asked to read aloud the legal for Fuel Bids as was advertised.

Town Of Denmark NOTICE TO BIDDERS

Sealed bids for supplying ULS Diesel, Unleaded Gasoline (87 Octane) and Heating Oil for the period June 1, 2017 to May 31, 2018 to locations in the Town of Denmark will be received by the Town of Denmark Clerk until 4:00 pm on Thursday April 6, 2017. Bids will be opened and publicly read during the regular Board Meeting at the April 10<sup>th</sup> meeting at 7:00 PM.

All bids shall be contained in sealed envelopes, distinctly marked "Fuels BID" and addressed to:

Prudence L Greene Town of Denmark Town Clerk, 3707 Roberts Rd, Carthage, NY 13619

Bids shall be submitted on the official bid form available at www.townofdenmark.org the Town website or from the Town Clerk at the above address accompanied by the Statement of Service, Certificate of Non-Collusion, and, if required Authorization to Bid.

Town of Denmark reserves the right to reject any and/or all bids.

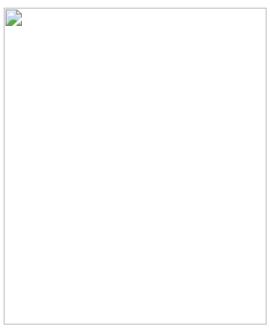
Prudence L Greene

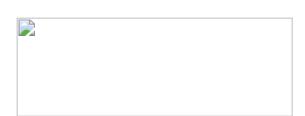
Town Clerk Town of Denmark

Councilman Fazio made a motion that the bids be opened. His motion was seconded by Councilman Jones. Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Clerk reported that four bids had been received as follows:





Brief discussion was held on the rack prices used by the bidders. Councilman Jones was unsure of how the rack rate could be different on the same day. Councilman Fazio noted that fuel prices can change hour by hour as per market influences.

Councilman Jones made a motion to table discussion of the received bids for one (1) month to allow the Town Board to review them. His motion was seconded by Supervisor Fleming. Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Clerk Greene was asked to email the bids to each member of the Town Board for their review.

Councilman Der made a motion that the Town Board holds a work session with the Planning Board at the conclusion of the regular business of the Planning Board at its May 2, 2017 meeting to further develop Solar Regulations. His motion was seconded by Councilman Fazio.

Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye
Clerk Greene will notify the media.

**PUBLIC COMMENT:** Sandra Jones asked if the Towns plan to loan money to the Water Project might impact funding. Mr. Pond explained that this is how things keep moving until that funding arrives. Once it is received the Town can be paid back.

Sandra Jones asked if the Clerk had provided the Town Board with the policies she referenced earlier in the meeting. Mrs. Greene explained that the Town Board is emailed the policies every January prior to the Organizational meeting and given a paper copy of them at the meeting. Additionally, the Town Board members all sign for the policies at the beginning of a term of office.

Scott Doyle entered the meeting at 7:33pm.

Sandra Jones asked why posting of Town meetings is not done differently. Clerk Greene explained that NYS Law requires publication of some items in the newspaper, if posted in Post Offices all three in the Town must be utilized, the Clerk's bulletin board is inside the building; Mrs. Greene does also post on the Town website and send notice to Linking Lewis County's website.

Supt. Mahar asked the Town Board to consider granting him the authority to negotiate the final G&K bill for uniforms. He is familiar with the products and the condition they were in prior to turn in and feels the amount being asked for is too high. Councilman Der asked if the Town Board should do this. Supt. Mahar explained they could but he is happy to help in this regard as he has such familiarity. Councilman Der made a motion that Supt. Mahar be given the authority to negotiate the final G&K bill for uniforms. His motion was seconded by Councilman Fazio.

Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Being as there was no further business before the Town Board Councilman Fazio made a motion to adjourn the meeting. His motion was seconded by Councilman Der.

Vote recorded as:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Aye

Meeting adjourned at 7:39 pm.

Work Session May 2, 2017 at 7:00pm Town Board Meeting May 8, 2017 at 6:00pm

Prudence L. Greene Town of Denmark Town Clerk

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