

Town of Denmark

Minutes

April 11, 2016: Minutes of April 11, 2016

Body:

April 11, 2016

The regular monthly meeting of the Denmark Town Board was held April 11, 2016 at the Town Municipal Building. Supervisor Fleming called the meeting to order at 6:03pm with the Pledge of Allegiance.

Present were:

Supervisor: Thomas Fleming
Councilmen: James Der
Frank Fazio

Absent Councilmen David Thoma
Peter Jones

Superintendent: Patrick Mahar
Town Clerk: Prudence Kunert
Assessor: William Vargulick
Budget Officer: Sharon Fleming exits 6:43 enters 6:45
Town Attorney: Mark Gebo exits at 6:43 pm

Also present: Debra Der, Darlene Rowsam (exits at 6:29 reenters at 6:30), LCSR Nick Astafan, Aaron Boulio (exits at 6:27 reenters at 6:30), Matt Cooper of Bernier, Carr and Associates (enters at 6:26 exits at 6:43pm)

Supervisor Fleming asked if any of the public present would like to speak. No public comment was given.

Councilman Fazio made a motion to accept the amended agenda. The motion was seconded by Councilman Der

Vote recorded as follows:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Absent
Councilman Jones Absent Motion passed.

SUPERVISOR'S REPORT: A brief discussion was held about NYS Retirement. A resolution was offered by Councilman Fazio and its adoption was seconded by Supervisor Fleming.

Resolution 16- 2016; Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Be it resolved that the Town of Denmark, Location Code 30727 hereby establishes the following standard work days for these titles and will report the officials to the NYS and Local Retirement System based on their record of activities:

Councilman David Thoma	standard work day 6 hours	Reg #3016777-9	term 1/1/14-12-31-17	1 day
per month				
Court Clerk Prudence Kunert	standard work day 6 hours	Reg # 6062618-1	term 1/1/15 – 12/31/18	5.77 days per month

Vote recorded as follows:

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

Resolution16-2016 adopted April 11, 2016.

Clerk Kunert will post the resolution for 30 days and then send the required documents to the NYS Retirement System.

OLD BUSINESS: There was a brief update on the status of the Cultural Mitigation and Road Agreements being developed in regards to the Copenhagen Wind Farm. The agreements are still not complete. No action.

A motion was made by Councilman Der to approve the minutes of the March 14, 2016 meeting as prepared by Clerk Kunert. Motion was seconded by Councilman Fazio.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

HIGHWAY BILLS: Clerk Kunert read aloud Highway Abstract #624, Claim 60-77 totaling \$23,677.19. Superintendent Mahar explained each claim. Discussion was held on tires, Claim 74 to Tracey Road Equipment \$7,152.00 and windshield replacement, Claim 61 to 1st Class Auto Glass \$84.00.

Councilman Fazio made a motion, seconded by Councilman Der to pay Highway Abstract #624 as presented.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

GENERAL BILLS: Clerk Kunert read aloud General Fund Abstract #582, claims 65-86 totaling \$9,153.43 with \$981.57 additional paid prior (one utility bill from National Grid) bringing the total to \$10,135.00.

Councilman Fazio made a motion, seconded by Councilman Der to pay General Abstract #582 as presented.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

WATER BILLS: Clerk Kunert read aloud Water District #1, Abstract #25, claim 3-5 totaling \$151.44. Discussion was held on a suspected water leak between Cty Rt 194 and River Road. Supt Mahar reported that the leak has been greatly reduced.

Councilman Fazio made a motion, seconded by Councilman Der to pay Water District # 1 Abstract #25 as read.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

COMPTROLLER'S REPORT: Town Comptroller, Sharon V. Fleming, provided the Town Board with copies of her monthly Budget Officer's Report, an updated Budget Vs. Actual for fiscal year 2015, a financial report for March 2016 and the 2016 1st Quarter Report. Councilman Der made a motion to table the approval of these reports to the May 9, 2016 meeting. The motion was seconded by Councilman Der.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

CLERK REPORT: Clerk Kunert presented the Town Board with copies of the March 2016 Clerk's report and Tax Collector's Report. Councilman Der made a motion to accept the Clerk's Report. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

ASSESSOR REPORT: Mr. Vargulick was present and discussed with the Town Board NYS's plan to change the STAR Credit. If implemented new STAR recipients would be given a personal tax exemption when they file income taxes each year instead of a reduced tax bill for school taxes.

Matt Cooper enters meeting at 6:26pm

WATER DISTRICT 1, Funding Update: The following document was provided by Mr. Cooper



The funding scenarios were discussed. Mr. Cooper explained that the applications would be submitted by the end of the week.

Public Hearing: At 6:30pm Supervisor Fleming asked Clerk Kunert to read aloud the legal notice for the scheduled hearing. She read aloud the following which was published on the Town of Denmark website and advertised in the Watertown Daily Times:

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Denmark shall conduct a public hearing on Monday, April 11, 2016 at **6:30 p.m.** at the Town Offices, 3707 Roberts Road, Carthage, New York to consider a local law to increase the EDU rate by \$80.00 to an annual rate of \$350.00 per year for water users in the Town of Denmark Water District #1. 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 21, 2016 BY ORDER OF THE TOWN BOARD OF THE TOWN OF DENMARK

Clerk Kunert reported that her office had not received any written comments or calls on this matter.

At 6:32pm Councilman Fazio made a motion to close the Public Hearing. The motion was seconded by Councilman Der.

Councilman Der made a motion that the Town of Denmark adopts an annual EDU rate of \$350.00 annually for the Users of Water District #1. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

Discussion was held on the debt owed by Water District #1 to the General Fund of the Town of Denmark. The following resolution was offered by Councilman Der, who moved its adoption, seconded by Councilman Fazio, to wit:

Resolution 17- 2016; Water Inter Fund Resolution

WHEREAS, the Town of Denmark has heretofore created a Special Improvement District known as Town of Denmark Water District #1; and

WHEREAS, in connection with such District and the initial funding of studies and other work for such District and its creation, it was necessary to incur certain expenses prior to the District being fully funded; and

WHEREAS, the Town provided such funding from its General Fund in the amount of \$28,564.59; and

WHEREAS, the Water District has been repaying the General Fund as sums become available in its budget; and

WHEREAS, to date the General Fund has been repaid the sum of \$3,632.14 leaving a balance still due of \$24,932.45;

Now, Therefore, Be It,

RESOLVED, that the Town Board does hereby acknowledge that Water District #1 is indebted to the General Fund in the sum of \$28,564.59 less the \$3,632.14 which has been repaid leaving a balance of \$24,932.45 plus interest, be it further

RESOLVED, that Water District #1 is to repay the General Fund the above referenced sum, with interest as funds become available in the Water District budget to do so.

Vote recorded as follows:

Councilman Der	Aye
Councilman Fazio	Aye
Supervisor Fleming	Aye

Councilman Thoma Absent
 Councilman Jones Absent

Resolution 17-2016 adopted 4/11/2016

Discussion was held on the latest draft of a possible IMA between the Town of Denmark and the Village of Copenhagen regarding a Water Tank. The following is the latest draft:

INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF DENMARK, NEW YORK AND THE VILLAGE OF COPENHAGEN, NEW YORK RELATED TO A CERTAIN WATER STORAGE TANK

THIS AGREEMENT, made and entered into as of the ____ day of _____, 2016, between the Town of Denmark, New York, a municipal subdivision of the State of New York situate in the Lewis County with an address of 3707 Roberts Road, Carthage, New York 13619, (hereinafter referred to as "Denmark") and the Village of Copenhagen, a Municipal Subdivision of the State of New York situated in Lewis County with an address of 9915 State Route 12, Copenhagen, New York 13626, (hereinafter referred to as "Copenhagen").

WITNESSETH:

WHEREAS, the Town of Denmark has previously formed Water District No. 1 in said Town (hereinafter referred to as the "Water District"), and WHEREAS, Copenhagen now provides water from a certain facility owned by Copenhagen to the Water District pursuant to an Intermunicipal Agreement between Copenhagen and Denmark dated June 4, 2013, and

WHEREAS, it has been determined that in order to provide sufficient and good water service in the Water District, it is necessary to replace a water storage tank (hereinafter referred to as "Water Storage Tank"), now located in the Water District and serving the Water District, and Copenhagen, and

WHEREAS, Denmark and Copenhagen have deemed it in the best interests of the citizens of Denmark and Copenhagen to replace said Water Storage Tank, and WHEREAS, The Village Board of the Village of Copenhagen did on the 24th day of September, 2015, adopt a Resolution authorizing the Mayor of the Village to enter into an agreement authorizing the Village to pay a portion of the cost of the construction of said Water Storage Tank, and

WHEREAS, the Town Board of the Town of Denmark did on the 12th day of October, 2015, adopt a Resolution entitled "A Resolution Authorizing the Supervisor of the Town of Denmark to enter into an Agreement with the Village of Copenhagen for the construction of a Water Storage Tank",

NOW, THEREFORE, IT IS AGREED

1. The Town of Denmark will install, at its own cost and expense, a Water Storage Tank to be located within the Water District for the use of the Water District, and the Village of Copenhagen jointly. As part of this project, Denmark shall be responsible to connect the new Water Storage Tank to the Village's Distribution System and to disconnect the existing Water Storage Tank once the new Water Storage Tank is in service.
2. In the event any infrastructure within Copenhagen is damaged, either on connection or as a result of increased pressure from the new Water Storage Tank, the Town shall be responsible for the cost of the repairs of the same up to a maximum sum of Thirty Thousand Dollars (\$30,000). Such repairs are to be made within two (2) months from the date maximum pressure is instituted at the new Water Storage Tank.
3. The existing Water Storage Tank once disconnected from the Water Distribution System, shall remain the property of the Village of Copenhagen.
4. The cost of the installation of said Water Storage Tank and the connection of said Water Storage Tank to the system now serving the Water District shall be the primary cost and expense of the Town of Denmark.
5. During the time that the Town of Denmark owes any indebtedness secured by said Water Storage Tank to any financing entity providing funds for the construction and installation of said Water Storage Tank, then during that period of time, said Water Storage Tank shall be owned by the Town of Denmark.
6. At the payment in full of all financing related to the construction and installation of said Water Storage Tank, the Town of Denmark shall transfer ownership of said Water Storage Tank to the Village of Copenhagen.
7. During the time that any indebtedness is owed to any financing entity by the Town of Denmark for the construction and installation of said Water Storage Tank, the Town of Denmark shall be solely responsible for all repairs and maintenance of said Water Storage Tank. Thereafter, it shall be the sole responsibility of the Village of Copenhagen.
8. Said Water Storage Tank shall be used jointly for the purposes of the Town of Denmark Water District and Village of Copenhagen within the boundaries of the Village of Copenhagen.
9. The Village of Copenhagen shall pay to the Town of Denmark, the sum of \$7,500 per year as and for a contribution to the cost of the construction and installation of said Water Storage Tank. Said sum shall be paid no later than the 1st day of March of each year after the construction of said WaterStorage Tank for the period that the Town owes indebtedness on the tank not to exceed thirty eight (38) years.
10. Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated in writing by either party hereto:

To Town of Denmark, 3707 Roberts Road, Carthage, NY 13619

To Village of Copenhagen, PO Box 237, Copenhagen, NY 13626

11. No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

12. This Agreement is intended to supplement, but not replace, the prior Intermunicipal Agreement (IMA) dated June 4, 2013. Except as specifically modified herein, the prior IMA shall remain in full force and effect.

13. This Agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

14. This Agreement is governed by the laws of the State of New York.

15. Headings in this Agreement are for convenience only and shall not be used to interpret or construe provisions.

16. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

17. This Agreement shall be binding upon the parties and their respective legal representatives, successors, and assigns.

IN WITNESS WHEREOF, the Town of Denmark has caused its corporate seal to be affixed hereto and these presents to be signed by the Town Supervisor Fleming, duly authorized to do so, and to be attested to be Town Clerk Prudence Lyn Kunert, and the Village of Copenhagen has caused its corporate seal to be affixed hereto and to be signed by its Mayor, Scott L. Alexander and attested to by its Village Clerk, Suzette Parker, the day and year first above written.

The Town Board had no other additions or revisions they wish to make at this time. Attorney Gebo will send the IMA to the Village of Copenhagen for their review.

Discussion was held on the number of parcels being projected by Bernier, Carr and Associates for the expansion. Supervisor Fleming voiced his concern that landowners might combine existing parcels and reduce the # of EDU's to something less than the 77.5 currently projected. Attorney Gebo explained that if that happens before funding a recalculation of user costs would need to be done to ensure that the costs stay under the "Comptroller Number". If it

happens after the project is completed the EDU would need to be adjusted to allow for revenue collection that would allow the needed funds.

Mr. Gebo, Mr. Cooper and Mrs. Fleming exited the meeting at 6:43pm.

LCSR Member Nick Astafan updated the Town Board on the negotiations being held with Carthage Ambulance for coverage of the North West corner of Denmark. If LCSR has an ambulance in the area, either here at the Town Building or roving in the area they will respond as they have the NYS DOH Certificate for the entire Town of Denmark. If no LCSR ambulance is in the area then Carthage Ambulance will be dispatched to calls on the Limburg Forks Rd, Deer River Road from Deer River to the intersection of Limburg Forks Road and NYS Rt 26 from the County Line to Deer River Rd. Carthage Ambulance will also be the full time responder to the Zecher Road.

Mrs. Fleming reentered the meeting at 6:45pm.

Councilman Fazio had concerns about response time in winter to the Village of Copenhagen. Mr. Astafan and Mr. Mahar (also a member of LCSR) explained that the Certificate of Need, CON, is held by LCSR for the Town including both villages.

Councilman Fazio asked if the Copenhagen Central Bus garage is still being utilized by LCSR. Mr. Astafan explained that when staffing is available it is.

ZONING AND PLANNING: Members were provided with copies of ZEO Woodruff's Report for March 2016.

NEW BUSINESS: Clerk Kunert provided the Town Board with the following:

Email request from Lewis County asking for Town of Denmark support for letter to Mohawk Networks LLC – Broadband Service, Councilman Fazio made a motion that the Town of Denmark submit a letter of support as requested. The motion was seconded by Councilman Der.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

A letter from NYS DOT dated 3/16/16- No speed change on NYS Rt 26 between West Carthage and Deer River was read aloud by Ms. Kunert.

A letter from Lewis County Treasurer, Patricia O'Brien, about two parcels up for tax auction in the Town of Denmark was read aloud by Ms. Kunert.

A notice of an upcoming Land Use Planning Workshop, April 19, 2016 at JCC Jules Center was discussed.

A letter from the NYS Association of Towns was read aloud. The materials are available in the Town Clerk's Office for review by the Town Board if they wish.

Discussion was held on the 1st Annual CNY DCO/ACO Conference June 6 and June 7, 2016. DCO Hall is interested in attending. After discussion Councilman Der made a motion, seconded by Supervisor Fleming to pay the registration fee of \$50.00 and the expenses of DCO Hall so he can attend the conference.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Absent	
Councilman Jones	Absent	Motion passed.

The Town Board members were each provided with a copy of a letter from G&K Services- 3/29/16 explaining a new \$3.00 charge for restocking certain garments effective 4/28/16.

HIGHWAY SUPT. REPORT: Supt. Mahar reported to the Town Board that the Highway Department has collected the roadside tallies and snowmobile signs in the town. They have begun spring sweeping and soon will be painting the plows. The two trucks declared as surplus have been listed for sale. He has not received any bids for the 2014 F-250.

Discussion was held on the new 2017 Western Star Model 4700SB Highway Trucks. One of the trucks was built 8 inches short of the specs. The manufacturer will be correcting this issue and certifying the weld. Discussion was held.

Councilman Der donated 911 marker signs for the Town Municipal Building and asked Supt. Mahar to place them by the roadside

OTHER BUSINESS: Darlene Rowsam asked if the Town of Denmark will be providing any services to the Village of Copenhagen for a spring cleanup. Supt. Mahar reported that at this time the Town Highway Dept will not be providing equipment or manpower for the cleanup. It is his understanding that the Village will handle this alone this year.

There being no more business before the Board, Councilman Fazio made a motion to adjourn the meeting. The motion was seconded by Councilman Der.

Vote recorded as follows:

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

Motion passed.

Meeting adjourned at 7:10pm.

Next regular meeting scheduled for May 9, 2016 at 6:00pm.

Prudence L. Kunert
Town Clerk

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