

Town of
Denmark

Minutes**December 11, 2017: December 11, 2017 Regular Meeting****Body:**

A regular monthly meeting of the Town of Denmark Town Board was held on Monday, December 11, 2017. Supervisor Fleming opened the meeting at 6:00pm with the Pledge of Allegiance.

Present were:

Councilman Der

Councilman Fazio (exits at 7:14pm, reenters at 7:16pm)

Supervisor Fleming

Town Clerk Prudence Greene (leaves room for a few moments at 7:25pm to get oath form)

Highway Supt. Patrick Mahar

Budget Officer Sharon Fleming

Assessor William Vargulick (exits at 7:25pm)

Absent Councilmen:

Councilman Jones

Also present were the following: Mark Richardson of Solitude Solar (exits at 6:09pm), Deb Der (exits at 6:09pm reenters at 6:10pm), Matt Cooper and David Powers of Barton & Loguidice (both exit at 7:08pm), Fred Wadsworth (exits at 6:59pm), Dennis and Paula Rennie (both exit at 7:03pm), Tom Beyer (exits at 7:29pm), Scott Doyle, Dawson Moser (exits at 7:08pm) and Kevin Townsend (enters at 6:15pm and exits at 6:35pm).

Councilman Fazio made a motion to accept the amended agenda as prepared by Town Clerk Prudence Greene. His motion is seconded by Councilman Der.

Vote recorded as:

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

Councilman Der made a motion to accept the minutes of the November 9, 2017 Town Board meeting as prepared by Town Clerk Prudence Greene. His motion was seconded by Supervisor Fleming.

Vote recorded as:

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

Discussion items:

Mark Richardson of Solitude Solar was in attendance. His company is pursuing installation of a commercial solar project on the East Road in the Town of Denmark. Mr. Richardson was here to introduce himself to the Town Board and to give them information from NYSERDA entitled a "Solar Pilot Toolkit" (SUN-GEN-pilotk-fs-1-v1 7/17). This document developed by NYSERDA is to help municipalities navigate through PILOT negotiations for these types of projects. He also wanted to introduce himself to the Town Board and answer any questions the Board had. He explained that a 2.7 megawatt array is being reviewed by the Town of Denmark Planning Board. The project has been referred to Lewis County Planning for the 239 L & M process and will be on their agenda December 14, 2017. He has also spoken to the Lewis County IDA about a possible PILOT and wants to include the Town and school district in those discussions. The Town Board had no questions at this time. Mr. Richardson exited the meeting at 6:09pm.

Deb Der exited the meeting at 6:09pm.

SUPERVISOR'S REPORT: Supervisor Fleming asked Matt Cooper to update the Town Board on the Water District #1 Capital Project.

Deb Der reentered the meeting at 6:10pm.

Mr. Cooper reported that he expects the closing for the EFC funding to be held in late January 2018. After that is secured the Town will be reimbursed some costs from early in the project that were not recouped from the LGE grant.

Kevin Townsend entered the meeting at 6:15pm.

Mr. Cooper provided the following documents to the Town Board:

Mr. Cooper also provided information on the draws that have already been processed:

Payment request #5 for LGE will be completed by Barton & Loguidice this week. Once completed it will need the Supervisor's signature and then the Clerk will be asked to mail it.

The project has been put back out for bid. The bid opening will be 12/21/17 at 4:00pm at the Town municipal building. Once we enter the construction phase of the project, contractor bills will need to be submitted much more frequently and the turn around on those reimbursement monies from EFC will be approximately 7 days. The last draw from LGE may necessitate the Capital Fund needing to borrow monies from the general fund as these draws can take months to be processed by LGE and the contractor agreements will have a stipulation for payment in 30 days. That money would be paid back to the general fund when the LGE payment is received.

Discussion was held on the effects of Hurricane Harvey on the pricing of materials. Discussion was also held on supporting documentation for the district formation process and SEQR process in 2010.

DISCUSSION ITEM: Kevin Townsend of Eastern Shore Assoc. was present to discuss a Cyber Breach Liability Policy being offered by NYMIR. The coverage would cost the Town of Denmark \$346.50 annually and would cover the Town in the event of a hacking, phishing scheme, or a "Trojan" email scheme. After discussion Councilman Fazio made a motion that the Town of Denmark purchases the additional coverage as presented. His motion as seconded by Supervisor Fleming.

Vote recorded as follows:

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

Mr. Townsend exits the meeting at 6:35pm.

HIGHWAY ABSTRACT: Town Board members were provided Highway Abstract 645, Claims 196-218, Total \$26,282.44 by Town Clerk Greene in the emailed board packet on Friday, December 8, 2017. Councilman Fazio asked Supt. Mahar a question about claim 210, Supt. Mahar explained that the purchase was of safety jackets for the Highway Department. Councilman Fazio made a motion that the bills be paid as presented. His motion was seconded by Councilman Der.

Vote recorded as follows:

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

Supervisor Fleming asked about the bill for the first aid cabinet. Supt. Mahar explained that the cabinet contains items that expire and have to be replaced from time to time.

GENERAL ABSTRACT: Town Board members were provided General Abstract 602, Claims 209-229, by Town Clerk Greene in the emailed board packet on Friday, December 8, 2017. One additional claim (voucher 2030) was added on 12/11/2017. It is a claim by ZEO Woodruff for reimbursement of his October and November mileage in the amount of \$78.75. The updated totals are: Total **\$5236.60** paid prior \$458.73, total with paid prior **\$5,695.33**. Councilman Fazio made a motion that the bills be paid as presented. His motion was seconded by Councilman Der.

Vote recorded as follows:

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

WATER CAPITAL PROJECT: Town Board members were provided Water District #1 Capital Fund Abstract# 8 claim 15-17 , Total \$8,674.00, Paid Priors \$21,627.05, total with paid priors \$30,301.05 by Town Clerk Greene the emailed board packet on December 9, 2017. Councilman Der made a motion that the bills be paid as presented. His motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

BUDGET OFFICER'S REPORT: Sharon Fleming provided the Town Board with her report of November 2017 and the November Financial Report. She also provided a copy of the Property Tax cap report that was submitted to the NYS Comptroller. As projected during 2018 Budget development the Town of Denmark is \$106,083.00 under the cap amount.

After review of accounts Mrs. Fleming recommended the following budget transfers to cover overages within certain accounts.

After discussion Councilman Fazio offered Resolution 49-2017 as follows:

Resolution 49-2017: It is hereby resolved by the Town of Denmark Town Board that authorization be given to Supervisor Fleming to make the following budget transfers:

From Account	To Account	Amount of Transfer
A1010.13	A1920.2	\$99.00
A5132.4	A1430.1	\$1870.00
DB5110.20	DB5110.41	\$1000.00
SW1 8340.4	SW1 8310.4	\$100.00

The resolution was seconded for adoption by Councilman Der.

Vote recorded as follows:

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

Resolution 49-2017 adopted 12/11/2017.

Mrs. Fleming will be meeting with the accounting firm of Croniser, Lawrence & Philippe CPAs LLP about their prospective appointment as Town of Denmark Budget Officer for 2018.

She also reported that the early payoff of two (2) existing bonds for the construction of the municipal building and highway garage were made by Supervisor Fleming on 11/27/2017 as directed by the Town Board at the 11/9/2017 meeting.

She noted that Town Clerk Greene had increased her insurance coverage to the Family Plan during open enrollment on November.

Mrs. Fleming also noted that upon her review of the November Highway Abstract she found that Voucher 200 had been reported incorrectly and should be \$10,092.15. She recommended changing the total of Highway Abstract 645 to a total of \$16,320.04.

Discussion was held on the final payout to Mr. Dennis Rennie who retired from the Town of Denmark Highway Department on October 5, 2017. Mrs. Fleming was not advised of the pending retirement and had paid the insurance on Mr. Rennie through November. Mr. Rennie had secured other insurance effective October 1st and did not give permission for the withholding of his insurance contribution from his final payout. He had 200 hours of time banked at the time of his retirement which equals \$3932.00 in salary. When advised of the insurance issue, Mr. Rennie contacted the Teamsters Insurance fund and was able to have the November monies reversed to the Town.

Discussion was held on the matter of the final payout. After discussion Councilman Fazio made a motion that Dennis Rennie be paid \$3332.00 for his final payout as a Town of Denmark Highway Employee with any appropriate deductions for FICA and Social Security being withheld from that amount. His motion was seconded by Councilman Der.

Vote recorded as follows:

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

Dennis and Paula Rennie exited the meeting at 7:03pm.

Councilman Der asked Mrs. Fleming about the reimbursement of attorney fees by the Copenhagen Wind Project. She reported that all monies have been reimbursed through November of 2017.

The October 2017 reports of the Budget Officer had been tabled to this meeting. After discussion Councilman Fazio made a motion, seconded by Councilman Der to accept the reports of October 2017 and November 2017 as prepared by Mrs. Fleming.

Vote recorded as follows:

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

Dawson Moser, Mr. Cooper and Mr. Powers exited the meeting at 7:08.

ASSESSOR'S REPORT: Mr. Vargulick spoke to the Town Board about a new directive from the State of New York. If a Town has decided to opt out of the RPTL 487 Solar and Wind Energy Systems Exemption they must also consider opting out of the new Chapter 336 of 2017 that expands these exemptions to the following:

- Micro-hydroelectric energy systems
- Fuel cell electric generating systems
- Micro-combined heat and power generating systems

-electric energy storage systems

If the Town Board wishes to opt out of these additional exemptions it will require a local law be developed and adopted. The new chapter regulations go into effect January 1, 2018.

Discussion was held on the assessment of commercial solar projects and the potential for a PILOT agreement.

Councilman Fazio exited the meeting at 7:14pm.

Discussion of solar assessment continued. Councilman Der asked about the solar project in the Town of Watertown on County Rt 67, Brookside Drive, and Mr. Vargulick explained that the Town of Watertown is opted in to the RPTL 487 exemption so it is difficult to compare.

Councilman Der pointed out that the land, if used for commercial solar, would no longer be classified as agricultural, it would be commercial and suggested that it should be assessed as commercial.

Councilman Fazio reentered the meeting at 7:16pm.

Discussion of assessing commercial solar continued. Mr. Vargulick will continue to reach out to other assessors in the State to investigate values of these projects.

TOWN CLERK'S REPORT: Clerk Greene provided copies of her monthly report to the Town Board in her email 12/8/2017. There were no questions.

Clerk Greene provided the Town Board with copies of the 2017 election results. The following were elected to positions:

Name	Position	Term
James Der	Town of Denmark Supervisor	1/1/2018 – 12/31/2021
Prudence Greene	Town of Denmark Town Clerk / Collector	1/1/2018 – 12/31/2021
Scott Doyle	Town of Denmark Councilperson	1/1/2018 – 12/31/2021
Peter Jones	Town of Denmark Councilperson	1/1/2018 – 12/31/2021
Patrick Mahar	Town of Denmark Supt. of Highways	1/1/2018 – 12/31/2021

Clerk Greene has completed the oaths of office for each of the individuals named above and will be providing them for signatures in the coming days.

Clerk Greene reported that she had received a letter of resignation from Planning Board member Clifford Lehman effective December 6, 2017. Discussion was held. Mr. Thomas Beyer of Castorland is interested in the position vacated by Mr. Lehman. Mr. Beyer spoke to the Town Board and Councilman Fazio made a motion that Thomas Beyer be appointed to the Town of Denmark Planning Board to fulfill the unexpired term of Clifford Lehman effective 12/11/2017 – 12/31/2017. His motion was seconded by Supervisor Fleming.

Vote recorded as follows:

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

Mr. Vargulick exited the meeting at 7:25pm.

Clerk Greene was asked to prepare an oath of office for Mr. Beyer’s appointment so he could sign it. She left the meeting for less than one minute at 7:25pm to retrieve the oaths from her office. She prepared it and administered the oath during the meeting.

After completing the oath of office Mr. Beyer exited the meeting at 7:29pm.

Clerk Greene reported that she has received the Certificate of Liability Insurance for the Missing Link Snowmobile Club effective 4/23/2017 – 4/22/2018.

ZONING AND PLANNING: Town Board members were provided copies of the November Zoning Report and the minutes of the December 5, 2017 Planning Board minute in the board packet emailed to them on December 8, 2017 by Clerk Greene.

NEW BUSINESS: The following items were provided by Clerk Greene in the board packet emailed to them on December 8, 2017:

-Letter from Scott Clemons regarding DCO, discussion was held. Supervisor Fleming will speak to DCO Schantz about the concerns raised by Mr. Clemons. Supt. Mahar will create business cards for DCO Schantz to further identify him as the Town of Denmark DCO.

-Discussion was held on the Town of Denmark accounts controlled by outgoing Supervisor Fleming.

Councilman Der offered the following Resolution 50-2017:

Resolution 50-2017: Being as the terms of the Town of Denmark Supervisor Thomas W. Fleming and Deputy Supervisor James S. Der end on the 31st day of December, 2017 the Town of Denmark Town Board hereby adopts Resolution 50 of 2017 to remove Mr. Thomas W. Fleming and Mr. James S. Der as a signers for the following Town of Denmark bank accounts effective December 31, 2017:

- XXXXX0113 Town of Denmark Trust & Agency
- XXXXX0006 Town of Denmark Highway Checking
- XXXXX0048 Town of Denmark General Checking
- XXXXX7079 Town of Denmark Water District #1 Checking
- XXXXX1773 Town of Denmark Capital Fund
- XXXXX1932 Town of Denmark Money Market

The resolution was seconded for adoption by Councilman Fazio.

Vote recorded as follows:

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

Resolution 50-2017 adopted 12/11/2017.

-Clerk Greene drafted a letter to be delivered to Community Bank, N.A about the powers granted to Budget Officer Sharon Fleming to inquire about supervisor accounts as follows:

To Whom It May Concern:

We, the Town Board of the Town of Denmark, would like to remove the permissions previously granted to Sharon V. Fleming to ask questions about bank statements, balances of accounts and cleared transactions previously granted by this Board for the following Town of Denmark Accounts effective December 31, 2017:

- XXXXX0113 Town of Denmark Trust & Agency*
- XXXXX0006 Town of Denmark Highway Checking*
- XXXXX0048 Town of Denmark General Checking*
- XXXXX7079 Town of Denmark Water District #1 Checking*
- XXXXX1773 Town of Denmark Capital Fund*

*Thank you for your assistance in this matter.
Sincerely,
Thomas W. Fleming*

Councilman Fazio made a motion that the letter be signed by Supervisor Fleming and delivered by the Clerk to Community Bank, N.A. His motion was seconded by Councilman Der.

Vote recorded as follows:

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

Clerk Greene reported that the Lewis County Legislators adopted the Notice of Dog Quarantine order on December 5, 2017. The order shall be in effect December 15, 2017 – May 15, 2018.

A letter was received by Clerk Greene on the day of the meeting (12/11/2017) from Ag& Markets dated 12/8/2017 - DCO services "Satisfactory". This was not included in the emailed Board Packet but each member was provided with a copy at the meeting.

SUPT. OF HIHWAY REPORT: Supt. Mahar spoke to the Town Board about a new turnaround for snowplows and school buses on the Zecher Road. Supt. Mahar has sent the following to the landowner of the parcel he considers most suitable. The letter was as follows:

After discussion with Mr. Levesque, one of the four owners of the property, it became clear that the owners do not wish to do a permanent easement. They will entertain an agreement with a shorter term. Supt. Mahar asked Attorney Gebo to draft a License Agreement for an initial term of 12/15/17 – 4/1/2019.

This agreement is currently being reviewed by the landowners.

Supt. Mahar noted to the Town Board that two of the LED lights on the exterior of the garage have been replaced. Supt. Mahar also recommends placing another light on the garage at the end facing Miller Road to allow for better lighting of the lower parking area.

A new timer has been ordered to replace the existing timer for the exterior lights on the upper parking lot. The Justices had tried to adjust it to coincide with the earlier darkness this fall and it is not functioning correctly.

OTHER BUSINESS: Deb Der asked if the Town had considered a magnetic truck decal for the DCO. This idea was discussed.

Supt. Mahar noted that in the future when a Highway Employee leaves he will refer them to the Supervisor so issues like the ones faced by Mr. Dennis Rennie can be avoided.

Supt. Mahar took a moment to thank Supervisor Fleming on his 12 years of service to the Town of Denmark as its Supervisor.

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

Vote recorded as follows:

Vote recorded as follows:

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

Meeting adjourned at 8:51pm.

Organizational Meeting of the Town of Denmark Town Board will be held

Tuesday, January 2, 2018 at 9:00am.

Prudence Lyn Greene
Town of Denmark Town Clerk

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