

# Town of Denmark

## Minutes

### February 13, 2017: February 13, 2017: Regular Meeting

#### Body:

The regular monthly meeting of the Town of Denmark Town Board was held February 13, 2017 at the Town of Denmark Municipal Building. The meeting was called to order at 6:00pm by Supervisor Fleming with the Pledge of Allegiance.

Present were the following:

Supervisor Fleming  
 Councilman Der  
 Councilman Fazio  
 Councilman Thoma  
 Councilman Jones  
 Supt. Mahar  
 Budget Officer Sharon Fleming  
 Clerk Prudence Greene  
 Deputy Clerk Katrina Souva  
 Assessor William Vargulick  
 Town Attorney Mark Gebo (leaves the meeting at 6:28pm)

Also present: Deb Der, Sandra Jones, Lewis County Leg. Craig Brennan, Matt Cooper of Barton & Loguidice and Scott Doyle.

The Town Clerk read aloud the notice for fuel bids as advertised. Bids were opened and received as follows:

Name	Depot	Fuel	Rack Price	Cents over rack
Philly Fuels Inc.	Maitland	87 Oct Unleaded	1.55	.18
		ULS Diesel	1.90	.18
		Heating Oil	1.63	.18
Glider Oil	Buckeye	87 Oct Unleaded	N/A	
		ULS Diesel	1.86	.18
		Heating Oil	1.70	.18
Christman Fuel	Maitland	87 Oct Unleaded	1.553	.19
		ULS Diesel	1.906	.11
		Heating Oil	1.635	.14
Simpson Fuels	Buckeye	87 Oct Unleaded	1.5190	.23
		ULS Diesel	1.7155	.23
		Heating Oil	1.66	.23

Councilman Thoma made a motion to table discussion until later in the meeting. His motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

Councilman Fazio made a motion to accept the amended agenda as prepared by Clerk Greene. The motion was seconded by Supervisor Fleming.

Vote recorded as follows:

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

Attorney Mark Gebo updated the Town Board on the Carroll Property purchase. He has still not had a response from the Village of Copenhagen Attorney. He will follow up for the March meeting.

Councilman Fazio made a motion to enter into an Executive Session for the purpose of Attorney Client Privilege. His motion was seconded by Councilman Thoma. At 6:06pm all present left the meeting except the Town of Denmark Town Board and Town Attorney

Mark Gebo and Matt Cooper of Barton & Loguidice both of whom were requested to stay by the Town Board.

At 6:21pm a motion was made by Councilman Fazio to exit the Executive Session. The motion was seconded by Councilman Thoma.

Vote recorded as follows:

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

All in attendance reentered the meeting.

Supervisor Fleming asked the Town Clerk to read aloud the Public Hearing Notice. Clerk read notice published in the Watertown Daily Times as follows:

**PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Denmark shall conduct a public hearing on Monday, February 13, 2017 at 6:10 p.m. at the Town Offices, 3707 Roberts Road, Carthage, New York to consider a local law amendment to Section 1025 (B) to clarify those provisions by eliminating the residency requirement on waivers under this section.

A copy of the proposed law is on file with the Town Clerk and may be inspected during normal business hours. All persons wishing to be heard on this issue should be present at the time and place aforesaid or have written comments submitted to the Town Board prior to that time and date. Any persons requiring special accommodations to attend and participate in such public hearing, should notify the Town Clerk at least three (3) business days prior to the hearing.

Dated: January 31, 2017

BY ORDER OF THE TOWN BOARD OF THE TOWN OF DENMARK

Prudence Greene, Town Clerk

Councilman Fazio made a motion to enter the Public Hearing of proposed local law 1-2017, a local law amendment to Section 1025 (B) to clarify those provisions by eliminating the residency requirement on waivers under this section. The motion was seconded by Councilman Thoma.

Vote recorded as follows:

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

Supervisor Fleming asked if anyone wished to comment. No comments. Clerk Greene reported that her office had not received any written comments from the public.

Councilman Der made a motion to close the hearing. His motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

Mr. Gebo noted that Lewis County has not yet responded to the 239 L & M REFERRAL RE: Review proposed text amendment to the Town of Denmark Zoning Law with regard to setback waiver language.

Councilman Der made a motion to table further discussion of proposed local law 1-2017, a local law amendment to Section 1025 (B) to clarify those provisions by eliminating the residency requirement on waivers under this section until the March 13, 21017 meeting. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

Mr. Gebo spoke to the Town Board about a proposed IMA between the Town of Denmark and Lewis County for plowing the roads to tower sites in the Lewis County Town of Denmark. Supt. Mahar had asked that he review it before the meeting. Discussion was held about concern about the lack rate of reimbursement for specific equipment and the standard of work. Clerk Greene was asked to send a letter to Lewis County asking for clarification of these matters.

Brief discussion was held on the Solar Moratorium. Councilman Der reported that no language has been completed yet for the local law.

Mr. Gebo exited the meeting at 6:28pm.

Discussion of the fuel bids began. Supervisor Fleming was concerned that different racks are being used. Supt. Mahar pointed out that the diesel price is lowest through Simpson Fuels. Discussion continued of rack prices and cents over rack prices.

Councilman Der asked Supt. Mahar if he was happy with the service from Simpson's currently. Supt. Mahar reported that he is satisfied with Simpson Fuels currently. The Town is on an automatic fill and they have responded on weekends to deliver if the Town becomes low on fuel.

Councilman Der made a motion that the 12 month bid for fuel be awarded to Simpson Fuels. His motion was seconded by Councilman Jones.

Vote recorded as follows:

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

The Town Clerk was asked to notify the bidders of the Town Board decision.

Councilman Fazio made a motion to accept the minutes of the 1/9/2017 Town Board meeting as prepared by Prudence Greene. The motion was seconded by Councilman Thoma.

Vote recorded as follows:

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

Councilman Der made a motion to accept the minutes of the 1/30/2017 Town Board Special meeting as prepared by Prudence Greene. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

**HIGHWAY ABSTRACT:** Highway Abstract 634, Claims 20-33, Bills totaling \$16,629.10 was discussed. Councilman Der asked questions about Voucher #27 to Terry Groff for towing services in the amount of \$850.00. Supt. Mahar explained that this was due to a sander going off the Old State Road during a storm.

Councilman Thoma made a motion to pay the bills as presented. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

**GENERAL ABSTRACT:** General Abstract 592, Claims 23-46 totaling \$6,015.76, paid prior totaling \$606.12, total \$6,621.88 was discussed. Supervisor Fleming questioned Voucher #33, Kimball Plumbing & Heating in the amount of \$750.00 for the work on both boilers. He asked why they are both on the General Abstract. Supt. Mahar explained that the work is building maintenance and therefore a general expense not a highway expense.

Councilman Thoma made a motion to pay the bills as presented. The motion was seconded by Councilman Jones.

Vote recorded as follows:

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

**WATER DISTRICT #1 ABSTRACT:** Water Abstract 35, Claim 2, totaling \$910.16 was reviewed by the Town Board.

Councilman Thoma made a motion to pay the bills as presented. The motion was seconded by Councilman Jones.

Vote recorded as follows:

Councilman Der	Aye
Councilman Fazio	Aye
Supervisor Fleming	Aye
Councilman Thoma	Aye

Councilman Jones Aye

**SUPERVISOR'S REPORT:** Supervisor Fleming asked Councilman Der to report on the work session held with the Town of Denmark Planning Board. Councilman Der reported that the meeting was held but another will be needed. Discussion was held on potential setbacks for solar development and language to ensure proper inspection by Lewis County of electrical lines.

Mrs. Fleming noted that the Tug Hill Commission will have a session on Solar Laws at the March 30, 2017 conference.

Mr. Vargulick asked the Town Board to decide on the exemptions for Solar by the time the 6 month Town of Denmark solar moratorium expires. He noted that currently the Village of Castorland and Copenhagen Central School both offer the exemption. Councilman Der asked what the assessment would be based on. Mr. Vargulick explained it would be based on kilowatt production and would be a full exemption for 15 years. Further discussion was held on uses for solar; electricity and water heating, the improvement of property vs. structural damage to a roofing system, the lack of sales data to provide consumer opinion about the improvement, and changing technology.

Councilman Fazio made a motion to hold a work session to discuss solar development with the Town of Denmark Planning Board after the conclusion of their regular business at the Town of Denmark Planning Board meeting to be held March 7, 2017. His motion was seconded by Supervisor Fleming.

Vote recorded as follows:

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

Councilman Fazio exits the meeting at 6:52pm

**BUDGET OFFICER'S REPORT:** Sharon Fleming presented the Town Board with her monthly Budget Report, Financial Report for January 2017. Councilman Thoma asked about the \$6,689.51 received from Lewis County. Leg. Brennan explained this is a onetime payment sent to the Towns if Lewis County has not utilized all of its revenue in a budget year.

Councilman Fazio reenters the meeting at 7:01pm

Discussion was held on a check received from NYS in the amount of \$67,800.00. Mrs. Fleming was unsure of what the money was for and in error deposited it into the Highway Account at Community Bank. She has realized her error and the money will be transferred into a new account for the Water District Expansion monies if the Town Board authorizes an account to be opened. She also reported that all of the 2017 tax money has been received from the Town Clerk and monies have been invested.

Councilman Der offered a resolution as follows which was seconded for adoption by Councilman Fazio.

**Resolution 12-2017; to allow Supervisor Fleming to open a new account and utilize Community Bank as depository for funds for Town of Denmark Water District Capital Fund Account with Deputy Supervisor David Thoma as an additional authorized signer.**

Vote recorded as follows:

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

Councilman Thoma made a motion to accept the reports of Budget Officer Sharon Fleming. The motion was seconded by Councilman Der.

Vote recorded as follows:

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

**LEWIS COUNTY LEGISLATOR'S REPORT:** Leg. Brennan spoke to the Town Board about concerns of Fort Drum regarding additional Wind Projects. There is an issue with the interference caused by these projects and the radar systems utilized by the base. Fort Drum has been able to mitigate this to some degree but concern about future projects continues. Discussion was held on the prospect of negatively impacting the base and the needs of the Town for these types of revenue producing projects. Leg. Brennan cautioned the Town Board that Fort Drum should be a partner in new developments that could impact them.

Mr. Brennan also updated the Town Board about the project to build a satellite facility for JCC in Lewis County. The building would house the Cooperative Extension Offices and also provide adult education tailored to the needs of Lewis County businesses.

Discussion was held on the Governors continued attempts to promote municipal dissolutions at the local level.

**CLERK REPORT:** Clerk Greene had prepared and distributed her Clerk Reports of January 2017 and Tax Collection January 2017 prior to the meeting. No questions were asked by the Town Board.

**ASSESSOR'S REPORT:** Mr. Vargulick reported that he has heard nothing further from WGS about the assessment challenge at this time. He spoke to the Town Board about advice he has received from NYS about assessment of tillable agriculture acres. The State is advising that these be raised based in large part on the Marks Farm purchases. At this time no decision has made.

Mr. Doyle asked why these sales would not be included as they are the currently driving the market here. Discussion was held on the potential impact of this increase on farmers; it would raise the value of these acres significantly. The increase would mostly be mitigated by the Ag Exemptions and no real tax increase would result for those farms enrolled in the program. However, there might be some shock among those farms if they suddenly are told their property values have increased dramatically.

Mr. Brennan and Mr. Cooper exit the meeting at 7:25pm.

**ZONING AND PLANNING:** the Town Board was provided with copies of the January 2017 Zoning Report and the minutes of the Town of Denmark Planning Board meeting held February 7, 2017.

**NEW BUSINESS:** The Town Board was provided copies of all documents.

One year and three year building code inspection reports dated 1/11/17

STAT Communication inspection –dated 1/17/17. Inspection was conducted and all detectors in working order on that date.

NYS Liquor Authority 30-Day Advanced Notice for Carlowden Country Club dated 1/5/17. New application.

Notice of Liquor License for Cedars Golf Course dated 1/3/17.

AED Quote was discussed. Deputy Clerk Katrina Souva has been overseeing this project. She has received a quote in the amount of \$937.00. The machine is designed for use by the average person and requires no training. The machine will talk a user through the process. This item will be for the municipal building and is required by law.

Letter from Town of Denmark Court dated 2/9/17. Councilman Jones will be contacting the Court to arrange for the Audit.

Letter from Lewis County IDA- updating Uniform Tax Exemption Policy (UTEP) Letter from Town of Denmark Court dated 2/9/17.

Letter from Lewis County Treasures dated 1/31/17, 2016 Town share of mortgage Tax \$35,621.79.

Letter dated 2/6/17 from NYS Dept of Ag and Markets. Requesting review of dog monies to department for 2016. Town of Denmark Dog License monies total for 2016 included.

Letter dated 2/8/17 from Copenhagen Fire Department for their annual banquet April 15, 2017.

Letter dated 2/9/17 from Young Energy Services, LLC in regards to Carthage Paper Makers Mill Project Relicensing.

Letter submitted by Councilman Thoma stating his intention to retire from the Town of Denmark Town Board before the expiration of his term on June 30, 2017.

Discussion was held and Mr. Doyle thanked Councilman Thoma for his many years of service.

**HIGHWAY SUPT REPORT:** Supt. Mahar discussed with the Town Board the contract for the Highway Employees uniforms. Two quotes have been received as follows:

G&K \$138.00 per week

U-First \$59.51 per week

After discussion Councilman Jones made a motion that the Town of Denmark contract with U-First for the Highway Uniforms and municipal building rugs and that Supervisor Fleming sign the contract for the shortest term allowable under the quote. His motion was seconded by Councilman Der.

Vote recorded as follows:

Councilman Der Aye

Councilman Fazio Aye

Supervisor Fleming Aye

Councilman Thoma Aye

Councilman Jones Aye

Discussion was held on the medicine cabinet supplies and a quote he has gotten from G&K Services for \$11.00 per week to oversee the cabinets. Discussion was held. Councilman Der made a motion to accept the G&K contract for \$11.00 per box per week. Councilman Fazio seconded the motion.

Vote recorded as follows:

Councilman Der Aye

Councilman Fazio Aye

Supervisor Fleming Aye

Councilman Thoma Aye

Councilman Jones Aye

Discussion was held on the replacement of the broken Key Boy system on the fuel island. He has not received the new estimate yet. The crews are doing well with logging usage and a camera is monitoring the use as well.

Discussion was held on the possibility of NYS DOT wanting to add an additional plow to the current contract they have to use the Town of Denmark Garage Facility. If this were to happen Supt. Mahar suggests that the Town Board should consider a new cold storage building. The current building is in disrepair and we are currently storing some equipment in the Town of Harrisburg.

Clerk Greene thanked Supt. Mahar for his efforts and those of the Highway Dept to get the lower level security cameras operational. She is very pleased with the new security.

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

Vote recorded as follows:

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

Meeting adjourned at 8:02pm.

**Next regular meeting of the Town of Denmark Town Board will be held  
Monday, March 13, 2017 at 6:00pm.**

Prudence Lyn Greene  
Town of Denmark Town Clerk

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