

# Town of Denmark

## Minutes

### January 09, 2017: January 9, 2017: Organizational Meeting

#### Body:

The organizational meeting of the Town of Denmark Town Board was held January 9, 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 (enters meeting at 6:20pm)

Budget Officer Sharon Fleming

Clerk Prudence Greene

Deputy Clerk Katrina Souva (exits meeting at 6:43, returns at 6:45, exits at 6:48, and returns at 6:53)

Assessor William Vargulick

Town Attorney Mark Gebo (leaves the meeting at 6:28pm)

Also present: Deb Der, Sandra Jones, Matt Cooper and Scott Doyle.

Councilman Fazio made a motion to accept the amended agenda as prepared by Clerk 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

Supervisor Fleming made a motion to enter into an Executive Session to discuss the employment of a particular person. His 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

Attorney Mark Gebo and Matt Cooper were asked by the Town Board to stay for the Executive Session. All others present left the meeting at 6:00pm.

Councilman Fazio made a motion at 6:20pm to exit the Executive Session. The 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

All present reentered the meeting including Supt. Mahar.

Supervisor Fleming made a statement on the record that he had asked Matt Cooper to attend the Town of Denmark meeting.

Councilman Thoma made a motion to terminate the contract between the Town of Denmark and Bernier, Carr and Associates for the expansion of Town of Denmark 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	Aye

Councilman Jones Aye

Councilman Fazio made a motion that the Town of Denmark seeks proposals from other firms for the expansion of Town of Denmark Water District #1. The 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

Attorney Gebo reported that he is still waiting for the Village of Copenhagen to comment on the proposed IMA for water supplied to the Town of Denmark Water District #1.

Supervisor Fleming asked for an update on the purchase of the Carroll property located off CTY Rt 194 that the Town wishes to purchase for the water tank. Mr. Gebo responded that the survey has been done by Bernier, Carr and Associates but the map did not include the right-of-way to the site. He has asked that the right-of-way be added to the map.

Assessor Vargulick asked Mr. Gebo to explain the solar / wind exemption that the Town could choose to offer. Mr. Gebo commented that this is a matter of preference for the Town Board and they could choose to offer it or not based on what the priority of the Town Board is. If they wish to encourage solar energy they could offer the exemption.

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

Councilman Fazio made a motion to accept the minutes of December 12 as prepared by Clerk 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

**HIGHWAY ABSTRACT:** Highway Abstract 633, Claims 1-19, Bills totaling \$17,258.42 was discussed. Councilman Jones asked questions about Voucher #1 to Alcohol Substance Abuse Plus in the amount of \$400.00. Supt. Mahar explained that this covers annual charges for administration. There are additional charges for tests. Councilman Jones noted that if the test results are positive it is paid by the employee.

Councilman Thoma made a motion to pay the bills as presented. The 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

**GENERAL ABSTRACT:** General Abstract 591, Claims 1-22 totaling \$5733.44, paid prior Totaling \$442.41, total \$6175.85 was discussed. Supervisor Fleming questioned the amount of the Voucher #1, Bach Environmental Inc. in the amount of \$430.00 for the work on the Gas Boy key system on the fuel island. He was concerned that this seemed to be a high price for the work done. Supt. Mahar explained that there are not many firms in the area that do this type of maintenance.

Councilman Fazio made a motion to pay the bills as presented. The 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

**WATER DISTRICT #1 ABSTRACT:** Water Abstract 34, Claim 1, totaling \$233.00 was discussed by the Town Board.

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

Supervisor Fleming asked if there was any comment from the public at this time. No comment was offered.

**SUPERVISOR'S REPORT:** Supervisor Fleming presented Clerk Greene with a letter from the EFC dated December 22, 2016 and signed by Sabrina M. Ty, President and CEO of NYS EFC and asked that she read it aloud. Clerk Greene read aloud the letter which explained that the Town of Denmark Water District #1 "...is eligible for a Drinking Water State Revolving Fund interest-free financing of \$1,000,000.00 for a term of up to 30 years for the project balance not funded with grant through the NY Water Grant Program." This eligibility will remain in effect through September 30, 2018.

Supervisor Fleming introduced Mr. Scott Doyle, a resident of the Town of Denmark who has expressed interest in being appointed to the Town of Denmark BAR.

After a brief discussion, Councilman Thoma made a motion to appoint Scott Doyle to the Town of Denmark BAR to fulfill the vacated term of Byron Thompson until 9/30/2021. The motion for appointment was seconded by Councilman Jones.

Vote recorded as follows:

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

**BUDGET OFFICER'S REPORT:** Sharon Fleming presented the Town Board with her monthly Budget Report, Financial Report for December 2016 and proposed budget transfers. She noted that she has not yet been notified by NYS of the amount of the Justice monies for November 2016.

Councilman Jones asked how much of an increase had been paid on the Town of Denmark insurance for the three new plow trucks. Mrs. Fleming did not have that information available at the meeting.

**Resolution 1-2017: Authorization for Town of Denmark Budget Transfers**

Councilman Fazio offered resolution 1-2017 that the Town of Denmark Budget Officer, Sharon V. Fleming, make the following transfers:

**General Fund:**

From		To		Amount
A1430.1	Deputy Clerk	A1910.1	Insurance	\$475.00
SWI 8340.4	Transmission & Dist	SWI9030.8	Social Security	\$0.05

Resolution 1-2017 was seconded by Councilman Der.

Vote recorded as follows:

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

**Resolution 1-2017 adopted 1/09/2017.**

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

Vote recorded as follows:

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

**CLERK REPORT:** Clerk Greene had prepared and distributed her reports of December 2016 and Fiscal Year 2016 prior to the meeting. She also provided the Town Board with a copy of a letter of thanks from the Riverside Cemetery Associations dated 12/2/2016 for the contribution of \$500.00 from the Town of Denmark.

**ASSESSOR'S REPORT:** Mr. Vargulick reported that Lewis County has decided to assign SBL #'s to split (sub-divided) parcels. Discussion was held on the difference between assigning SBL #'s and recording deeds.

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. He cautioned that in a commercial project the IDA could trump Town Law and grant an exemption. Councilman Der expressed his opinion that the Town Board needs to act on solar prior to the moratorium expiring.

**ZONING AND PLANNING:** the Town Board was provided with copies of the December Zoning Report and the 2016 Annual Report of Zoning prior to the meeting.

More discussion was held on the solar moratorium.

Councilman Der 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 February 7, 2017. 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 reports submitted by ZEO Woodruff. 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

**NEW BUSINESS:** The following matters were addressed as the annual organization of the Town of Denmark:

**Councilman Fazio offered Resolution 2-2017, seconded by Supervisor Fleming:**

**Resolution 2-2017: To re-adopt the existing Town of Denmark policies regarding Policies and Procedures for Purchases , Workplace Violence Prevention Policy & Incident Reporting, Town of Denmark Sexual Harassment Policy, Town of Denmark Code of Ethics, Town of Denmark Equal Opportunity Policy and the Town of Denmark Americans with Disability Act Policy.**

Vote recorded as follows:

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

**Councilman Fazio offered Resolution 3-2017, seconded by Councilman Der:**

**Resolution 3-2017: The Town of Denmark Board designates / approves the following:**

**-Supervisor Fleming to utilize Community Bank as depository for funds for Town Highway Accounts, Town General Accounts, Trust & Agency Accounts, and Town of Denmark Water District 1 Account with Deputy Supervisor David Thoma as an additional authorized signer.**

**- Clerk Prudence L. Greene to utilize Community Bank for Town Clerk Account, Town Tax Collection Account and Town DECALS Account with Deputy Clerk Katrina B Souva authorized as a signer and depositor.**

**- Town Justice Taylor to utilize Community Bank as depository for Town Justice monies**

**- Town Justice Kiernan to utilize Community Bank as depository for Town Justice monies**

Vote recorded as follows:

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

**Councilman Der offered Resolution 4-2017, seconded by Councilman Thoma:**

**Resolution 4-2017: Authorizing Supervisor Thomas Fleming to invest Town of Denmark monies in an interest bearing account as an investment measure.**

Vote recorded as follows:

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

**Councilman Fazio offered Resolution 5-2017, seconded by Councilman Thoma:**

**Resolution 5-2017: Establishing that the 2017 regular Town of Denmark Board meetings shall be held the 2<sup>nd</sup> Monday of each month at 6:00pm at the Town Municipal Building located at 3707 Roberts Road for every month except November when the meeting will be held on the 9th at 6:00pm.** Vote recorded as follows:

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

**Councilman Der offered Resolution 6-2017, seconded by Councilman Fazio:**

**Resolution 6-2017: That the Lewis County Journal and Republican and / or the Watertown Daily Times shall be the official newspapers for the Town of Denmark.** Vote recorded as follows:

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

**Councilman Fazio offered Resolution 7-2017, seconded by Councilman Der:**

**Resolution 7-2017: The Town of Denmark Board resolves that Town Employees be reimbursed at a rate of \$0.45per mile.** Vote recorded as follows:

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

**Councilman Der offered Resolution 8-2017, seconded by Councilman Fazio:**

**Resolution 8-2017: The Town of Denmark Town Board hereby resolves to approve a blanket undertaking bond covering all Town Employees as required by Section 25 of the Town Law; and it is further RESOLVED, that the Town Justices H. Raymond Taylor and Thomas Kiernan are specifically covered under said Blanket Undertaking, as required by Public Officers Section 11(2).** Vote recorded as follows:

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

**Councilman Fazio offered Resolution 9-2017, seconded by Supervisor Fleming:**

**Resolution 9-2017: Town of Denmark Town Board hereby resolves that the following salaries shall be paid for 2017:**

<u>Position and Name (elected)</u>	<u>Annual Salary</u>	<u>Frequency of payment</u>
<b>Supervisor Fleming</b>	<b>\$ 8,962.00</b>	<b>monthly</b>
<b>Councilman Thoma</b>	<b>\$ 2,196.00</b>	<b>monthly</b>
<b>Councilman Jones</b>	<b>\$ 2,196.00</b>	<b>monthly</b>
<b>Councilman Fazio</b>	<b>\$ 2,196.00</b>	<b>monthly</b>
<b>Councilman Der</b>	<b>\$ 2,196.00</b>	<b>monthly</b>
<b>Town Justice Kiernan</b>	<b>\$13,660.00</b>	<b>monthly</b>
<b>Town Justice Taylor</b>	<b>\$ 4,830.00</b>	<b>monthly</b>
<b>Town Clerk / Tax Collector Greene</b>	<b>\$26,790.00</b>	<b>bi-weekly</b>
<b>Highway Supt. Mahar</b>	<b>\$46,312.00</b>	<b>bi-weekly</b>

<u>Position and Name (appointed)</u>	<u>Annual Salary</u>	<u>Frequency of payment</u>
<b>Budget Officer Sharon Fleming</b>	<b>\$5,675.00</b>	<b>monthly</b>
<b>Court Clerk Prudence L. Greene</b>	<b>\$10,600.00</b>	<b>bi-weekly</b>
<b>DCO Justin Hall</b>	<b>\$ 3,200.00</b>	<b>monthly</b>
<b>Assessor William Vargulick</b>	<b>\$18,400.00</b>	<b>semi-annually</b>
<b>Court Bailiff Duane St. Louis</b>	<b>\$1,672.00</b>	<b>quarterly</b>
<b>Water Clerk Prudence Greene</b>	<b>\$700.00</b>	<b>quarterly</b>
<b>Water Administrator Patrick Mahar</b>	<b>\$1,200.00</b>	<b>quarterly</b>
<b>Health Officer Dr. Scott</b>	<b>no salary</b>	
<b>ZEO Lloyd Woodruff</b>	<b>\$15.25 per hour</b>	<b>monthly</b>
<b>Deputy Clerk Katrina Souva</b>	<b>\$15.25 per hour</b>	<b>bi-weekly</b>
<b>Internal Claims Auditor Diane Mahar</b>	<b>\$15.00 per hour</b>	

**Deputy Registrar**

**\$50.00**

**annually**

**The Chairman and Secretary of the Planning Board will be paid \$35.00 per meeting and the other 5 members shall be paid \$25.00 per meeting.**

**The Chairman of the Zoning Board of Appeals shall be paid \$200.00 annually and the other 4 members shall be paid \$100.00 annually.**

**The Chair of the Board of Assessment Review shall be paid \$400.00 annually and the other 2 members shall be paid \$125.00 annually.**

<b>TOD Highway Department</b>	<b>hourly rate</b>	<b>Frequency of Payment</b>
<b>Working Supervisor (1)</b>	<b>\$20.41</b>	<b>bi-weekly</b>
<b>MEO (5)</b>	<b>\$19.66</b>	<b>bi-weekly</b>
<b>Probationary</b>	<b>\$18.66</b>	<b>bi-weekly</b>

Vote recorded as follows:

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

**HIGHWAY SUPT REPORT:** Supt. Mahar discussed with the Town Board the towns need for 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. Budget Officer Fleming will review last year's payments to determine the amount spent.

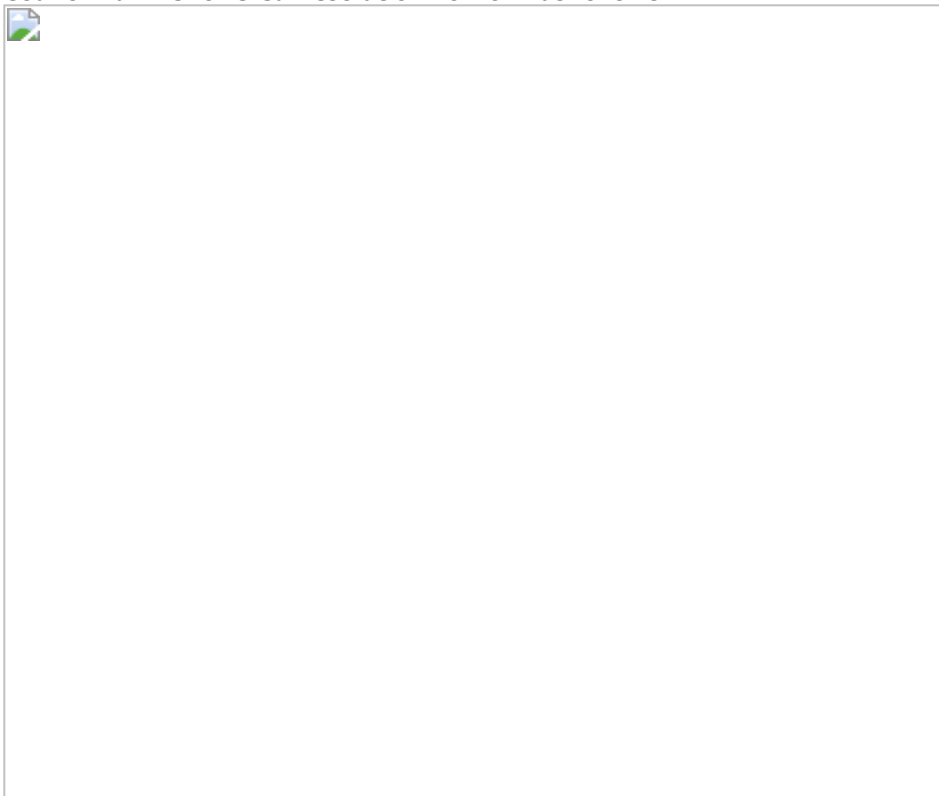
Discussion was held on the Highway Employees uniforms. Currently in the Teamster contract with the Town requires 2 winter parkas per employee. Additionally they are being provided pants, overalls and shirts. Supt. Mahar recommends that the Town Board consider putting this contract out to bid soon as the current contract expires in March 2017.

Discussion was held on the replacement of the broken Key Boy system on the fuel island. Bach Environmental has submitted an estimate for \$11,750.00 to replace the current system. Discussion was held by Town Board. Mr. Doyle asked if a log was being kept and if the batch inventory vs. usage were in agreement. Supt. Mahar responded that the men were logging use and batch inventories are being logged also. If audited a key system provides further evidence of oversight. Councilman Jones asked where money for this type of repair would come from and Supt. Mahar explained it would be from A5132.4 for general maintenance of the facility.

Discussion was held on overhead door repairs in the garage.

Discussion was held on the annual Section 284 Agreement.

**Councilman Der offered Resolution 10-2017 as follows:**



The resolution was seconded by Supervisor Fleming.

Vote recorded as follows:

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

**OPEN DISCUSSION:** Discussion was held on the current fuel bid between the Town of Denmark and Simpson Fuels.

**Councilman Jones offered Resolution 11-2017:** That the Town of Denmark Pursuant to provisions of the NYS General Municipal Law, Section 103, of the State of New York, the Town of Denmark will receive bids for FUEL: Unleaded gasoline (87 octane), ULS Diesel and Heating Oil to be delivered to the Town of Denmark Municipal Building, 3707 Roberts Road, Carthage, NY 13619. Bidders shall agree to honor the bid amount for twelve (12) calendar months. Prices are to be exclusive of any applicable taxes and shall include delivery.

The bid must include a breakdown of the cents over rack price for each product. Please indicate which rack price depot is being utilized. Unleaded gasoline capacity is 300 gallons and approximate annual usage of 2,800 gallons, ULS Diesel capacity is 3000 gallons approximate annual usage of 25,000 gallons, and heating oil capacity is 550 gallons with approximate annual usage of 7000 gallons. Delivery should be on an automatic basis.

Sealed bids must be received by the Town of Denmark Town Clerk no later than Thursday, February 9, 2017 at 4:00 pm.

The bids will be opened at 6:00pm, Monday, February 13, 2017 at the Town of Denmark regular monthly meeting.

The Resolution 11-2017 was seconded by Councilman Thoma.

Vote recorded as follows:

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

Supt. Mahar noted as a few issues with the snowplows that the Highway Dept continues to work on. He also noted issues with the in floor radiant heat in the garage. The floor is over 13 years old and in his opinion the Town should start to plan for replacement of the pumps.

Councilman Der brought up the issue with setbacks for non owner, occupied residences within the wind project overlay. Currently the Town of Denmark Zoning law requires the signature of owner occupied properties for any variances of setback distances. The law currently does not address the issue of tenants and who should sign for a variance. The tenant is the one effected but has no legal standing for the property and may leave. The owner of the property is not the effected party in the residence but is the owner. Councilman Der will contact Attorney Gebo to ask for his opinion.

There have been complaints about the hours being worked by the tree removal crews for Copenhagen Wind. Supt. Mahar has contacted the company and made them aware of resident concerns.

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 7:47pm.

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

Prudence Lyn Greene  
Town of Denmark Town Clerk