

# Town of Denmark

## Minutes

### January 18, 2016: January 2016 - Regular Meeting

#### Body:

January 18, 2016

The reorganizational meeting of the Denmark Town Board was held January 18, 2016 at the Town Municipal Building. The meeting was rescheduled twice due to inclement weather. Supervisor Fleming called the meeting to order at 6:30pm with the Pledge of Allegiance.

Present were:

Supervisor: Thomas Fleming  
 Councilman: James Der  
 Councilman: Frank Fazio (enters at 6:31pm, exits at 7:12pm, reenters at 7:15pm)  
 Councilman: David Thoma

Superintendent: Patrick Mahar  
 Town Clerk: Prudence Kunert

Town Attorney: Mark Gebo  
 Town Assessor: Bill Vargulick  
 Town Comptroller: Sharon Fleming (enters at 6:42pm)

Others present included: Peter and Sandy Jones, Matt Cooper (exits at 6:45pm) and Debra Der.

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

Vote recorded as follows:	Councilman Der	Aye	
	Councilman Fazio	Absent	
	Supervisor Fleming	Aye	
	Councilman Thoma	Aye	Motion carries.

Councilman Fazio enters the meeting at 6:31pm.

#### OLD BUSINESS:

Wind Project- Discussion was briefly held on the Copenhagen Wind Project Road Agreements. The agreement is still being reviewed by Lewis County. Supt. Mahar reported that he has been contacted about possible haul routes for construction. The list of roads is still being developed.

Water District Project- Matt Cooper spoke to the Town Board about the funding applications and the funding process. He is also still receiving resident questions and data. Discussion was held on the IMA being negotiated between the Town of Denmark and the Village of Copenhagen. The point currently in question is the amount the Town of Denmark would be liable for in the event that the increased pressure caused by the higher elevation of the new tank causes infrastructure issues for the Villages' existing lines. The Village has requested that \$50,000.00 the Town originally offered \$10,000.00. Discussion was held on the impact of this money on the project costs and user rates. After consideration, Councilman Thoma suggested a \$30,000.00 repair cap be established within the IMA. Discussion was held. Councilman Fazio made a motion that the Town of Denmark Town Board offer a \$30,000.00 cap on repair costs to the Village of Copenhagen water line infrastructure within the framework of the IMA. The motion was seconded by Councilman Der.

Vote recorded as follows:	Councilman Der	Aye	
	Councilman Fazio	Aye	
	Supervisor Fleming	Aye	
	Councilman Thoma	Aye	Motion carries.

Discussion was held on the Town Board potentially meeting with the Village Board. No action taken.

Councilman Fazio made a motion to accept the minutes of the 12/14/15 meeting prepared by Clerk Kunert. The motion was seconded by Councilman Thoma.

Vote recorded as follows:	Councilman Der	Aye	
	Councilman Fazio	Aye	
	Supervisor Fleming	Aye	
	Councilman Thoma	Aye	

Councilman Der made a motion to accept the minutes of the 12/21/15 meeting prepared by Clerk Kunert. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

**HIGHWAY BILLS:** Clerk Kunert read aloud Highway Abstract #621 totaling \$8,167.44. Superintendent Mahar explained each claim. Discussion was held on claim #17, Central Petroleum for \$151.80. A statement has been received but not the invoice. Discussion was also held on Claim #3, Alcohol Substance Abuse Plus, this is the annual fee for testing. Councilman Fazio made a motion to pay the abstract as presented excepting Claim # 17 to Central Petroleum which the Town Board authorizes be paid after documentation is received. The motion was seconded by Councilman Thoma.

Vote recorded as follows:

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

Motion passed.

**GENERAL BILLS:** Clerk Kunert read aloud General Fund Abstract #579 totaling \$6,109.92. Discussion was held about claim #19, US Postal Service. Clerk reported that she cannot get receipt for claim until check is furnished for payment. She will attach the receipt to the voucher when she gets the stamps.

Councilman Fazio made a motion, seconded by Councilman Der to pay General Abstract #579 as read.

Vote recorded as follows:

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

Motion passed.

**SUPERVISOR'S REPORT:** Discussion was held on Planning Board vacancy. No action.

Discussion was held on the salaries for the Town Clerk, Court Clerk and Highway Supt. for 2016. At the December 21, 2015 meeting the Town Board authorized an overpayment to each of these positions allowing the regular 2 week pay periods even though the monies available in the 2015 Budget were exhausted due to a miscalculation of the pay periods. The Town Board discussed the matter with Attorney Gebo.

Councilman Fazio made a motion that Attorney Gebo draft proposed Local Law 1 of 2016 to adjust the 2016 salaries of the Town Highway Supt., the Town Clerk and Court Clerk to allow for the overage payment to be recouped by the Town of Denmark while paying them at the bi-weekly payment originally calculated within the 2016 Budget. The motion was seconded by Councilman Der.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio		Aye
Supervisor Fleming		No
Councilman Thoma		Aye

Motion passed.

Councilman Sullivan has submitted his letter of resignation dated 1/11/2015, effective immediately. Councilman Fazio made a motion that the resignation of Councilman Sullivan be accepted with "Deep Regret". The motion was seconded by Councilman Der.

Vote recorded as follows:

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

Motion passed.

Discussion was held on appointing a new Councilman. Peter Jones spoke to the Town Board about his desire to be appointed. He did disclose that he has a brother in law and cousin whom both work in the Town Highway Dept. Additionally he has a financial interest in Copenhagen Wind as the lines will cross his property and he has a letter on file with the Village of Copenhagen regarding the Stoddard Road wells on his own farms water supply. He has a great deal of respect for Councilman Sullivan and the Town of Denmark Town Board and would be honor to serve as a member of that body.

At 7:20pm, Councilman Fazio made a motion that Peter T. Jones be appointed to the Town of Denmark Town Board until December 31, 2016 to fill the unexpired term of Councilman Sullivan until a general election can be held on November 8, 2016 and then the winner of that election would fulfill the unexpired term until December 31, 2017. The motion was seconded by Supervisor Fleming.

Vote recorded as follows:

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

Motion passed.

Councilman Thoma asked the Councilman Jones be provided with the materials for the meeting. Clerk gave materials available to Councilman Jones.

**COMPTROLER REPORTS:** Mrs. Fleming provided Town Board members with copies of her December 2015 report. She also provided a copy of the refund check and statement from Ambit Energy in the amount of \$326.71. A copy of the Financial Report for December 2015 was provided as well as the Budget Vs. Actual for 2015. She reported that she will be meeting with an Accountant to complete the W-2s and begin the Annual Report.

Councilman Thoma made a motion to accept the reports as presented. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

Councilman Der	Aye	
Councilman Fazio		Aye
Supervisor Fleming		Abstains

Councilman Thoma Aye  
Motion passed.

Councilman Jones Aye

**CLERK REPORT:** Ms. Kunert provided the Town Board with copies of December 2015 Clerk Report in their board packet. There were no questions.

**ZONING AND PLANNING:** Town Board members were provided with copies of the December Zoning Report and the minutes of the January 5, 2016 Planning Board minutes in their board packet.

Discussion was held on the Planning Board vacancy. Councilman Fazio made a motion to appoint Debra Der to a seven (7) year term as a member of the Town of Denmark Planning Board effective January 18, 2016 – December 31, 2022. The motion was seconded by Councilman Thoma.

Vote recorded as follows:

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

**NEW BUSINESS:**

Councilman Thoma offered **Resolution 1-2016:** 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. The Resolution was seconded by Councilman Fazio.

Vote recorded as follows:

		Councilman Der	Aye
		Councilman Fazio	Aye
		Supervisor Fleming	Aye
		Councilman Thoma	Aye
Councilman Jones	Aye	<b>Resolution adopted 1/18/16</b>	

**Councilman Fazio offered Resolution 2-2016:** 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. Kunert to utilize Community Bank for Town Clerk Account, Town Tax Collection Account and Town DECALS Account with Deputy Clerks Lori L. Wheeler and Katrina B Souva authorized as signers and depositors.

- 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

The Resolution was seconded by Councilman Der.

Vote recorded as follows:

		Councilman Der	Aye
		Councilman Fazio	Aye
		Supervisor Fleming	Aye
		Councilman Thoma	Aye
Councilman Jones	Aye	<b>Resolution adopted 1/18/16</b>	

**Councilman Fazio offered Resolution 3-2016:** Authorizing Supervisor Thomas Fleming to invest Town of Denmark monies in an interest bearing account as an investment measure. The Resolution was seconded by Councilman Thoma.

Vote recorded as follows:

		Councilman Der	Aye
		Councilman Fazio	Aye
		Supervisor Fleming	Aye
		Councilman Thoma	Aye
Councilman Jones	Aye	<b>Resolution adopted 1/18/16</b>	

**Councilman Fazio offered Resolution 4-2016:** Establishing that the 2016 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 10<sup>th</sup> at 6:00pm. The Resolution was seconded by Councilman Der.

Vote recorded as follows:

		Councilman Der	Aye
		Councilman Fazio	Aye
		Supervisor Fleming	Aye
		Councilman Thoma	Aye
Councilman Jones	Aye	<b>Resolution adopted 1/18/16</b>	

**Councilman Der offered Resolution 5-2016:** That the Lewis County Journal and Republican and / or the Watertown Daily Times shall be the official newspapers for the Town of Denmark. Councilman Thoma seconded the Resolution.

Vote recorded as follows:

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

Councilman Jones Aye **Resolution adopted 1/18/16**

**Councilman Der offered Resolution 6-2016:** The Town of Denmark Board resolves that Town Employees and Officials be reimbursed at a rate of \$0.45 per mile for travel in personal vehicles for official Town of Denmark business. The Resolution was seconded by Councilman Fazio.

Vote recorded as follows:

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

Councilman Jones Aye **Resolution adopted 1/18/16**

**Councilman Der offered Resolution 7-2016:** 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). This Resolution was seconded by Councilman Thoma.

Vote recorded as follows:

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

Councilman Jones Aye **Resolution adopted 1/18/16**

**Councilman Fazio offered Resolution 8-2016:** Town of Denmark Town Board hereby resolves that the following salaries shall be paid for 2016:

<u>Position and Name (elected)</u>	<u>Annual Salary</u>	<u>Frequency of payment</u>
Supervisor Fleming	\$ 3,121.00	monthly
Councilman Thoma	\$ 2,196.00	monthly
Councilman Sullivan	\$ 2,196.00	monthly
Councilman Fazio	\$ 2,196.00	monthly
Councilman Der	\$ 2,196.00	monthly
Town Justice Kiernan	\$13,260.00	monthly
Town Justice Taylor	\$ 4,430.00	monthly
Town Clerk / Tax Collector Kunert	\$26,010.00	bi-weekly
Highway Supt. Mahar	\$44,574.00	bi-weekly

<u>Position and Name (appointed)</u>	<u>Annual Salary</u>	<u>Frequency of payment</u>
Town Comptroller Fleming	\$10,690.00	monthly
Court Clerk Kunert	\$10,200.00	bi-weekly
DCO Hall	\$ 2,400.00	monthly
Assessor Vargulick	\$18,040.00	semi-annually
ZEO Woodruff	\$15.00 per hour	monthly
Deputy Clerk at a rate of	\$15.00 per hour	bi-weekly
Court Bailiff	\$1,622.00	quarterly
Water Clerk Kunert	\$357.00	
Water Administrator	\$624.00	
Health Officer Dr. Scott	no salary	

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 \$300.00 annually and the other 2 members shall be paid \$125.00 annually.

<u>TOD Highway Department</u>	<u>hourly rate</u>	<u>Frequency of Payment</u>
Working Supervisor (1)	\$20.12	bi-weekly
MEO (5)	\$19.37	bi-weekly

The Resolution was seconded by Councilman Thoma.

Vote recorded as follows:

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

Councilman Jones Aye **Resolution adopted 1/18/16**

Discussion was held on the letter from Town of Denmark Justices Taylor and Kiernan- 2015 records ready for audit and review. Councilman Fazio volunteered to review the records of the Justices and report back to the Town Board.

A brief discussion was held on a letter from Seaway Valley Prevention Council postmarked 1/5/16. Councilman Thoma made a motion to table further discussion of this item to the February 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	Motion passed.	

A discussion was held on a letter from North Country Regional EMS Council postmarked 12/23/15. Supt. Mahar explained that Lewis County Search and Rescue is attempting to get a Certificate of Need (CON) for all of Lewis County through NYS DOH. Croghan has decided to contract with LCSR and sell them there equipment. No action.

Town Board members reviewed a notice from NYS Div of Alcohol and Beverage Control , Ceder’s Golf Course renewing liquor license, dated 1/4/16. No action.

Discussion of a letter from NYS Assoc of Towns, dated 12/30/2015, letter about Annual Meeting and Training School to be held 2/14/16 -2/17/16 in New York City. Councilman Thoma suggested that the Town Board consider budgeting monies next year to allow attendance to the conference. No action.

Discussion was held on the signers for the Town Highway Accounts, Town General Accounts, Trust & Agency Accounts, and Town of Denmark Water District 1 Account. Clerk Kunert pointed out that after reviewing the State Comptroller’s Website and Town Law manual it became clear that only the Supervisor and Deputy Supervisor should be signers. If the Town Board wishes to have an additional signer they may be able to assign that function in a limited way. Attorney Gebo added that a Comptroller can be a signer but that the position of Comptroller would have to be legally created. Town Law provides for the Supervisor to be the financial officer of the Town and that responsibility cannot simply be passed onto someone else. After discussion it was decided that Attorney Gebo would research this issue further and bring more information to the Town Board.

Ms. Kunert provided the Town Board with a ciopy of the letter she received from the Lewis County Treasurer documenting the mortgage tax in 2015 was \$32,402.57 and has been paid to the Town Supervisor as of the 31<sup>st</sup> of December, 2015.

Discussion was held on Attorney Gebo’s attendance at Town Board meetings. Councilman Thoma and Councilman Der felt it is important to have him here particularly as issue come up with the possible expansion of the Water District.

**HIGHWAY REPORT:** Supt. Mahar provided the Town Board with copies of the plow bids received from TENCO Industries for \$113,967.00 with additional option of Hydraulically Extendable Push Arms \$1,701.00 and Viking Clves for \$115,964.00. After discussion sm made the recommendation to the Town Board that the TENCO Bid be accepted. Attorney Gebo asked if a Bond Resolution had been adopted by the Town Board. It has not. Attorney Gebo asked if the financing was to be in installments. Supt. Mahar responded that it was to be financed over seven (7) years.

Councilman Der made a motion to accept the TENCO Bid for three (3) units at \$113,967.00 each. Councilman Fazio seconded the motion.

Vote recorded as follows:		Councilman Der	Aye
		Councilman Fazio	Aye
		Supervisor Fleming	Aye
		Councilman Thoma	Aye
Councilman Jones	Abstains	Motion passed.	

**Councilman Der offered the following Resolution 9-2016 with Councilman Fazio offering the 2<sup>nd</sup>:**

**BOND RESOLUTION DATED JANUARY 18, 2016**

**AUTHORIZING THE ISSUANCE OF SERIAL BONDS, A STATUTORY INSTALLMENT BOND OR A PURCHASE INSTALLMENT AGREEMENT FOR THE PURCHASE OF THREE TEMPCO PLOW UNITS AND BOXES FOR WESTERN STAR 4700SB PLOW TRUCKS NOT TO EXCEED \$341,901.**

BE IT RESOLVED, by the Town Board of the Town of Denmark, Lewis County, New York, as follows:

Section 1. The Purchase of Three Tempco Plow Units and Boxes for Western Star 4700SB Plow Trucks, for the Town of Denmark is hereby authorized at a maximum cost of \$341,901.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid Tempco Plow Units and Boxes is fifteen (15) years; pursuant to Section 11.00 (a)(28) of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107(d)(3)(d) of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is by the issuance of Serial Bonds, a Statutory Installment Bond or Purchase Installment Agreement not exceeding \$341,901 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law. Such financing shall be repaid over a period in excess of five (5) years.

Section 4. The faith and credit of the Town of Denmark, Lewis County, New York is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable.

Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether to manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bond are to be executed in the name of the Town by the facsimile signature of its Town Supervisor), including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

Such obligations are authorized for an object of purpose for which said Town is not authorized to expend money, or

The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit of proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same be published in full in Watertown Daily Times, the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is subject to permissive referendum, pursuant to Section 35.00(a) of the Local Finance Law.

Section 9. This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

A Roll Call vote was conducted by Clerk Kunert as follows:

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

The resolution was thereupon declared duly adopted as Resolution 9-2016.

**Councilman Der offered the following Resolution 10-2016 with Councilman Fazio offering the 2<sup>nd</sup>:**

RESOLUTION DATED JANUARY 18, 2016

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS, A STATUTORY INSTALLMENT BOND OR A PURCHASE INSTALLMENT AGREEMENT FOR THE PURCHASE OF THREE WESTERN STAR 4700SB PLOW TRUCKS NOT TO EXCEED \$321,255.**

BE IT RESOLVED, by the Town Board of the Town of Denmark, Lewis County, New York, as follows:

Section 1. The purchase of Three Western Star 4700SB Plow Trucks, for the Town of Denmark is hereby authorized at a maximum cost of \$321,255.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid plow trucks is fifteen (15) years; pursuant to Section 11.00 (a)(28) of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107(d)(3)(d) of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is by the issuance of Serial Bonds, a Statutory Installment Bond or Purchase Installment Agreement not exceeding \$321,255 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law. Such financing shall be repaid over a period in excess of five (5) years.

Section 4. The faith and credit of the Town of Denmark, Lewis County, New York is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable.

Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether to manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bond are to be executed in the name of the Town by the facsimile signature of its Town Supervisor), including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

Such obligations are authorized for an object of purpose for which said Town is not authorized to expend money, or

The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit of proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same be published in full in the Watertown Daily Times, the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is subject to permissive referendum, pursuant to Section 35.00(a) of the Local Finance Law.

Section 9. This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

A Roll Call vote was conducted by Clerk Kunert as follows:

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

The resolution was thereupon declared duly adopted as Resolution 10-2016.

Councilman Der offered Resolution 11-2015, seconded by Councilman Fazio that the Town of Denmark owned 2001 Volvo, 2008 International and 1995 Ford Plow trucks be declared as surplus equipment.

A Roll Call vote was conducted by Clerk Kunert as follows:

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

The resolution was thereupon declared duly adopted as Resolution 11-2016.

Discussion was held on the Intermunicipal Agreement with Lewis County For The Control Of Snow And Ice On Certain Lewis County Highways. The agreement in the past has been for a period of 1 year but has now been extended to a four (4) year agreement.

**Resolution 12-2016: Intermunicipal Agreement with Lewis County For The Control Of Snow And Ice On Certain Lewis County Highways**

Resolution 12-2016 was made by CouncilmanThoma and seconded by Supervisor Fleming that the Town of Denmark enter into the following Intermunicipal Agreement with Lewis County:

INTERMUNICIPAL AGREEMENT

FOR CONTROL OF SNOW AND ICE ON CERTAIN COUNTY ROADS

THIS AGREEMENT, made as of this 22<sup>nd</sup> day of December, 2015, by and between the COUNTY OF LEWIS, a Municipal Corporation of the State of New York, (hereinafter referred to as "COUNTY"), and the Town of Denmark, Lewis County, New York (hereinafter referred to as "TOWN").

WITNESSETH:

WHEREAS, the TOWN has the necessary machinery and equipment to exercise snow control upon certain COUNTY Roads in said TOWN, and it will be beneficial to the COUNTY for said work to be performed by the TOWN; and

WHEREAS, the TOWN is willing to perform the snow control on the terms and conditions hereinafter set forth;

NOW, THEREFORE, pursuant to GML Article 5-G and in consideration of the mutual covenants herein contained, it is agreed between the parties hereto as follows:

- (1) The TOWN shall, from January 1, 2016 through December 31, 2019, furnish all necessary machinery, labor, materials, tools and equipment and perform all necessary work for the removal of snow and ice and for sanding and otherwise treating the roads with abrasives for the purposes of removing the danger of snow and ice from the following designated County Roads, located in the TOWN. Said work shall include removing snow and ice and sanding the entire width of the surface of the pavement and from the shoulders of the road in order to retard the buildup of drifts. All work shall be performed by the TOWN in accordance with rules and regulations as may be made by the Lewis County Superintendent of Highways for normal snow removal operations.

The TOWN WILL PLOW the following COUNTY roads:

County Route 12, Station Road 0.80 miles  
 County Route 16, Plank Road 1.40 miles  
 County Route 55, Deer River Road 4.70 miles  
 County Route 13, Limburg Forks Road 2.00 miles  
 County Route 19 East Road 4.43 miles  
 County Route 15 Washington Street .55 miles  
 Total: 13.88 miles

Per mile	2016 - \$5,500.00	Total	2016 - \$76,340.00
	2017- \$5,555.00		2017 - \$77,103.40
	2018 - \$5,610.55		2018 - \$77,874.43
	2019 - \$5,666.66		2019 - \$78,653.24

FURTHERMORE, per Resolution No. 402 – 2001 – Parking Lot Agreement, the COUNTY shall pay the TOWN for the removal of snow and ice on the designated parking lot consisting of n/a @ 2.2 cents per sq. ft. = \$ 0, to be paid in full on or before February 15, each year of the contract.g

(2) For the above-described snow control work, the COUNTY will pay to the TOWN on or before the 15th day of February, for each year of the contract one-half of the sum as calculated in Paragraph “1” above, the balance to be paid within thirty (30) days of receipt by the Lewis County Highway Department of a DETAILED cost per mile report in regards to the total county miles plowed as stated above. This report shall cover the time period:

- Year one – from the first snow in the fall of 2015 through the disappearance of snow in the spring of 2016.
- Year two– from the first snow in the fall of 2016 through the disappearance of snow in the spring of 2017
- Year three – from the first snow in the fall of 2017 through the disappearance of snow in the spring of 2018
- Year four – from the first snow in the fall of 2018 through the disappearance of snow in the spring of 2019

(3) The TOWN shall, through its TOWN Highway Superintendent, promptly notify the said County Highway Superintendent of any action, proceeding, claim, or demand against the TOWN arising from or out of the manner of performance of the functions under this Agreement.

(4) The TOWN shall maintain the following insurance covering the TOWN and the COUNTY but only as it applies to the liability under this contract.

- A. General Liability Insurance (including Completed Operations and Umbrella coverage) with a combined single limit of \$1 million.
- B. Auto Liability Insurance with a combined single limit of \$1 million.
- C. Workers' Compensation coverage as provided for under the Workers' Compensation Law.

The TOWN shall furnish the COUNTY with proof of insurance in such form as may be acceptable to the County Attorney, naming the COUNTY as an additional co-insured as provided above.

Each insurance policy required by this contract shall be endorsed to state the coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after 60 days' prior written notice by certified mail, return receipt requested, to the COUNTY's County Manager. Any insurance coverage replaced or renewed during the contract will be evidenced by a new Certificate of Insurance.

The TOWN's insurance coverage or self-insurance deductible shall be deemed primary insurance with respect to the COUNTY, its officials, employees, or volunteers. The COUNTY's insurance coverage shall be deemed excess of the TOWN's insurance or self-insurance/deductible and shall not contribute with it with respect to any of the activities or functions contemplated by this Agreement.

(5) Subject to provision and limits of Paragraph 5 of this Agreement, the TOWN agrees to defend, indemnify and hold harmless the COUNTY, its officers, employees, agents and/or servants against any claim, liability, loss, damage or expense (including defense costs) arising from or occasioned by the manner of performance or nonperformance of the activities or functions under this Agreement.

(6) COST ALLOWANCES: The base NYSOGS contract price of road salt

A. Road Salt. The base NYSOGS contract price of road salt for the year 2016 is \$61.71 per ton. Each January 1<sup>st</sup> in the years 2017, 2018 and 2019 the NYSOGS contract price for road salt shall be compared to the 2016 base price. For each \$10.00 per ton difference between the two prices, the payment per mile shall be increased by \$100.00 per mile for that year. If the price difference is less than \$10.00 per ton, there shall be no adjustment.

B. Diesel Fuel. The base NYSOGS contract price of ULSD-2D will be determined on January 1, 2016. Each January 1<sup>st</sup> in the years 2017, 2018 and 2019 the NYSOGS contract price for ULSD-2D shall be compared to the 2016 base price. For each \$0.50 cent difference between the two prices, the payment per mile shall be increased by \$100.00 per mile for that year. If the price difference is less than \$0.50, there shall be no adjustment.

(7) This agreement shall be deemed executor only to the extent of annual funds appropriated by the Lewis County Board of Legislators and made available for the purposes of the Agreement.

IN WITNESS WHEREOF, the COUNTY has caused this Agreement to be signed by its County Highway Superintendent, pursuant to Resolution # 476 of its County Legislature duly adopted and the TOWN has caused the same to be executed by its Town Supervisor, pursuant to Resolution of its Town Board.

TOWN OF DENMARK.

The Resolution 12-2016 was seconded by Councilman Der.

Vote recorded as follows:

Councilman James Der	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilman Frank Fazio	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Supervisor Thomas Fleming	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilman David Thoma	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilman Peter Jones	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Supt. Mahar informed the Town Board that another agreement should be forthcoming for the plowing to the tower on Hayes Road.

Discussion was held on the Agreement for the Expenditure of Highway Moneys. This information is required to be filed with the Lewis County Highway Department annually. Superintendent Mahar has completed item 1 and 2(a) for its submission.

**Resolution 13-2016: Resolution of the Town Board of the Town of Denmark for the Agreement for the Expenditure of Highway Moneys**

Councilman Thoma made a resolution that the Town of Denmark adopt the following:

AGREEMENT between the Town Superintendant of the Town of Denmark , Lewis County, New York, and the undersigned members of the Town Board.



Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

- 1. GENERAL REPAIRS. The sum of \$190,463.00 shall be set aside to be expended for primary work and general repairs upon 35 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
- 2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvements of town highways: VARIOUS ROADS.

The Resolution 13-2016 was seconded by Councilman Der.  
Vote recorded as follows:

Councilman James Der	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilman Frank Fazio	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Supervisor Thomas Fleming	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilman David Thoma	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilman Peter Jones	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

A brief discussion was held on the agreement being pursued with the Town of Rutland for the sale of the Town of Denmark interest in the jointly owned crusher. No action.

Debra Der asked about the intentions of the Town Board to put address markers up for the municipal building. After discussion Supervisor Fleming made a motion, seconded by Councilman Thoma that 2 reflective address signs be purchased from the Copenhagen Fire Department for the municipal building.

Vote recorded as:

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

At 8:30pm, Councilman Thoma made a motion that the Town of Denmark Town Board meeting be adjourned. The motion was seconded by Councilman Der.

Vote recorded as:

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

**The next regular Town of Denmark Town Board meeting will be February 8, 2016 at 6:00pm.**

Prudence L. Kunert  
Town of Denmark Town Clerk