

Town of Denmark

Minutes

January 30, 2017: Special Meeting January 2017

Body:

A Special Meeting of the Town of Denmark Town Board was held Monday, January 30, 2017 at 6:00pm at the Town of Denmark Municipal Building. Notice of the meeting was posted on the Town Clerk's bulletin board and the Town of Denmark website. Media notice was given to the Watertown Daily Times and Lowville Journal & Republican on January 24, 2017.

Supervisor Fleming called the meeting to order at 6:00pm with the Pledge of Allegiance.

Town Board members present were:

Councilman Der
Councilman Fazio
Supervisor Fleming
Councilman Jones

Absent Town Board member:

David Thoma

Also present:

Town Clerk Prudence Greene
Supt. Pat Mahar
Town Attorney Mark Gebo
Sandra Jones
Eric Pond, VP of Barton & Loguidice
Matt Cooper Senior Managing Engineer at Barton & Loguidice

Supervisor Fleming asked Mr. Cooper to introduce Mr. Pond, Vice President of Barton & Loguidice to the Town Board. Mr. Pond has been with the firm for 17 years. The firm opened an office in Watertown, NY 4 years ago and they have hired Mr. Cooper.

Mr. Pond on behalf of Barton & Loguidice provided the Town Board with an engineering proposal for the expansion of Town of Denmark Water District #1 prior to the meeting.

Discussion was held on the previous contract with BCA for their services on this project. Supervisor Fleming reported that he had spoken to Kris Dimmick in October 2016 instructing him to stop work on the project. On January 9, 2017 the Town Board of the Town of Denmark voted to end its contract with BCA and they were notified in writing. Currently billing is being disputed by the Town.

Attorney Mark Gebo has been contacted by BCA about the billing but nothing has been resolved at this time.

At this time a discussion was held on the engineering services proposal that was submitted by Barton & Loguidice. Mr. Cooper noted that the current proposal takes into account the work completed by BCA by October and the billing balance of \$7400 due at that time. There is no net increase in the cost of the project if the Town adopts the proposal as outlined.

Further discussion was held. The Watertown office of Barton & Loguidice would oversee the project. They would oversee grant funding issues and submission of design for the project. Mr. Gebo also reviewed the proposal prior to the meeting and found the contract to be a standard form of contract.

(This is Appendix 1 to EXHIBIT C, consisting of 1 page, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated January 30, 2017)

Summary of Fees & Reimbursable Expenses Schedule

Description of Service	Amount	Basis of Payment
1. Basic Services		
a. Preliminary Design Phase	\$ 75,000.00	Lump Sum
b. Final Design Phase	\$ 100,000.00	Lump Sum
c. Bidding Phase	\$ 25,000.00	Lump Sum
d. Construction Phase	\$ 37,500.00	Lump Sum
e. Post-Construction Phase	\$ 12,500.00	Lump Sum
2. Resident Project Representative	\$170,000.00	Hourly
3. Additional Services:		
a. ROW Assistance	\$ 14,000.00	Hourly
b. Permits	\$ 14,000.00	Hourly

c. Funding Assistance	\$ 15,000.00	Hourly
d. Start up	\$ 2,000.00	Hourly
e. Record Drawings	\$ 5,000.00	Hourly
f. Reimbursable Expenses	\$ 10,000.00	Hourly

4. Subconsultants

a. Subsurface Investigation	\$ 15,000.00	Hourly
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TOTAL ESTIMATED CONTRACT AMOUNT \$495,000.00

Reimbursable Expenses are subject to review and adjustment per Exhibit C. Rates and charges for Reimbursable Expenses as of the date of the Agreement are delineated in the "Barton and Loguidice, DPC, Billing Rates Schedule for 2017" attached hereto.

Discussion was held on the contract and fees schedule as outlined above. Mr. Pond explained that if the Town Board authorizes the contract it will be sent to EFC for their review and approval.

Discussion was further held on the billing from BCA. Town Board members are concerned about the billing and when the work was done in relation to the conversation between Supervisor Fleming and BCA in October 2016 telling BCA to stop working on the project. The timeframe for the expansion of Town of Denmark Water District #1 was discussed. Mapping, boring, permitting and easements will need to begin as soon as possible so that the construction season of 2017 can be captured. Mr. Pond noted that some wetlands will need delineation. Mr. Gebo noted that his office has not received any information on the easements from BCA at this time. If the contract is approved Mr. Cooper will put together a timeline for the Town Board.

Councilman Jones asked about the payment schedule. The payments would be progress based with the understanding that grant monies need to be received by the Town to pay these bills.

Councilman Fazio made a motion that the Town of Denmark authorize Supervisor Fleming to sign the agreement with Barton & Loguidice for their services as outlined in Appendix 1 above. His motion was seconded by Supervisor Fleming.

Vote recorded as follows:

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

Barton & Loguidice will begin notifying the concerned agencies of the new contract. Clerk Greene was asked to notify EFC of the hiring of Barton & Loguidice.

Councilman Der voiced his concerns about waiting for BCA to make a move on the billing. Mr. Gebo suggested that the Town Board invite them to open discussions.

Town Board members are all in receipt of proposed Town of Denmark Local Law 1-2017, An Amendment to the Town of Denmark Zoning Law, a local law amendment to Section 1025 (B) to clarify those provisions by eliminating the residency requirement on waivers under this section. After brief discussion Councilman Der made a motion to hold a Public Hearing of proposed Local Law 1-2017 and to send it to the Lewis County Planning Board for their comment as part of the General Municipal Law Article 12B, Section 239-1 and 239-m process. His motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

Discussion was held on the Court Bailiff. Mr. Duane St Louis is the current Bailiff and the Justices and Court Clerk are very pleased with his performance of his duties in that position. Mr. St Louis is currently unavailable due to an injury he sustained at his full time position with the NYS Dept of Corrections and Community Supervision. This leaves the Court with no Bailiff. This is an issue because during Court the Court Clerk and Justices are not available to sign in defendants and other attendees or perform magnetometer screening leading to a decreased level of safety. Justice Kiernan asks that Joseph E. Greene be considered for an appointment as Town of Denmark Bailiff to fill in when Mr. St Louis is unavailable. Mr. Greene is also an employee of NYS Dept of Corrections and Community Supervision and he has had training to correctly screen court attendees with a magnetometer and provide a level of security to the Court.

After brief discussion Councilman Fazio made a motion that Joseph E. Greene be appointed as an additional Court Bailiff to the Town of Denmark Town Court when Bailiff St Louis is unavailable term of 11 months, February 1, 2017 – December 31, 2017, pending approval of the NYS Dept of Corrections and Community Supervision. His salary to be based on a calculation of the number of court nights worked per quarter multiplied by \$46.44 (1,672.00 total annual salary divided by 4 = 418.00, 418.00 divided by 9 court sessions = 46.44). The motion was seconded by Councilman Der.

Vote recorded as follows:

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

There being no more business before the Town Board Councilman Fazio made a motion that the meeting be adjourned. His motion was seconded by Councilman Jones.

Vote recorded as follows:

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

Meeting adjourned at 6:37pm.
Next regular meeting February 13, 2017.

Town Clerk Prudence L. Greene

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