

# Town of Denmark

## Minutes

### June 12, 2017: June 12, 2017 Regular Meeting

#### Body:

A regular monthly meeting of the Town of Denmark Town Board was held on June 12, 2017. Supervisor Fleming opened the meeting at 6:00pm with the Pledge of Allegiance. Supervisor Fleming reminded those present that a Public Hearing of proposed local law 3-2017, Prior Notice Law, would be held at 7:00pm.

Present were:

Councilman Der

Councilman Fazio

Supervisor Fleming

Attorney Mark Gebo (exits at 6:

Clerk Greene (exits 6:27pm reenters 6:29pm)

Assessor Vargulick (arrives 6:22pm leaves at 7:36pm)

Absent:

Councilman Thoma

Councilman Jones

Highway Supt. Patrick Mahar

Others present included Matt Cooper of Barton and Loguidice and David Powers of Barton and Loguidice , Deb Der, Frank Pace of Lewis County Planning and Community Development (exits at 6:40pm)

Councilman Fazio made a motion to accept the amended agenda. His motion was seconded by Councilman Der .

Vote recoded as:

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

#### SUPERVISOR'S REPORT:

Discussion was held between the Town Board and Attorney Mark Gebo about possible changes to the Town of Denmark Water Law. The Town Board was provided with copies of the current law and suggestions made by Mr. Gebo by the Town Clerk.

A brief discussion was held on proposed local law 3-2017, Prior Notice Law.

Mr. Gebo updated the Town Board in regards to the purchase of the Carroll property (1 acre and right-of-way for new water tower for Water District #1 expansion project). A closing date has still not been set.

Councilman Der updated those present on the work that has been done on the possible amendment to the Town of Denmark Zoning Law in regards to solar regulation. Mr. Der asked that the Clerk email a copy of the document to Mr. Gebo for him to put into final form.

Mr. Cooper of Barton and Loguidice introduced his associate David Powers of that same firm. Mr. Powers has been going to all of the residences in the expansion project to discuss the hook-ups and new lines. He has been unable to meet with several of the owners and Clerk Greene has sent a letter to those owners asking them to contact Mr. Powers.

Mr. Cooper and Mr. Gebo updated the Town Board on the recent activities and projected timeline moving forward. Mr. Cooper provided the following summary to the Town Board:

Assessor Vargulick enters the meeting at 6:22pm.

Discussion was held on the possibility of holding an easement signing night in July. Mr. Gebo and Mr. Cooper would be present and the landowners would be invited for a short presentation and question / answer session. A notary would be available to witness the signatures. All easements would have to be secured by the Town before the project can commence.

Discussion was held on the applications for draws of the funding monies. Councilman Der made Resolution 27-2017 and it was seconded by Councilman Fazio as follows:

**Resolution 27-2017: Town of Denmark Supervisor Fleming be authorized to sign any and all documents pertaining to the request for reimbursements from EFC and LGEG for the Water District #1 Capital Project.**

Vote recorded as:

Councilman Der	Aye
Councilman Fazio	Aye

Supervisor Fleming	Aye
Councilman Thoma	Absent
Councilman Jones	
Absent	

**Resolution 27-2017 adopted 6/12/2017.**

Discussion was held on the costs of district repairs over the last several years. Mr. Cooper explained that these are maintenance costs not project costs.

Clerk Greene exited the meeting at 6:27 and reentered at 6:30pm.

Frank Pace of Lewis County Planning and Community Development was present to discuss the Governor's requirement that all counties in NYS submit a Shared Services Plan to the State by 9/15/2017. The new County Manager, Ryan Piche, will be starting in late June. He will be contacting the Town Supervisors to convene the panel and scheduling the three (3) mandatory public hearings.

Mr. Pace exited the meeting at 6:40pm.

Discussion was held on the upcoming Planning Board meetings to be held June 20, 2017 and July 3, 2017.

Clerk Greene provided the Town Board with copies of the letter of resignation submitted by Councilman David Thoma

May 29, 2017. Mr. Thoma is resigning from his positions as Town Councilman and Deputy Supervisor effective June 29, 2017.

Councilman Fazio offered Resolution 27-2017 which was seconded by Councilman Der as follows:

**Resolution 28-2017: With deep regret the Town of Denmark Town Board does hereby accept the resignation of Councilman David W. Thoma from the Town of Denmark Town Board effective June 29, 2017.**

Vote recorded as:

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

**Resolution 28-2017 adopted 6/12/2017.**

Councilman Fazio offered Resolution 28-2017 which was seconded by Councilman Der as follows:

**Resolution 29-2017: With deep regret the Town of Denmark Town Board does hereby accept the resignation of Councilman David W. Thoma as the Town of Denmark Deputy Supervisor effective June 29, 2017.**

Vote recorded as:

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

**Resolution 29-2017 adopted 6/12/2017.**

Supervisor Fleming offered Resolution 29-2017 which was seconded by Councilman Fazio as follows:

**Resolution 30-2017: It is hereby resolved by the Town of Denmark Town Board that Do to the receipt of Deputy Supervisor David W. Thoma's resignation the Town of Denmark Town Board hereby takes action to remove Deputy Supervisor David W. Thoma as an additional authorized signer for the Town of Denmark Community Bank Accounts as follows; Town Highway Accounts, Town General Accounts, Trust & Agency Accounts, and Town of Denmark Water District 1 Account effective June 29, 2017.**

Vote recorded as:

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

Councilman Jones Absent

**Resolution 30-2017 adopted 6/12/2017.**

Supervisor Fleming mad a motion to appoint James Der as the Town of Denmark Deputy Supervisor. His motion was seconded by Councilman Fazio.

Vote recorded as:

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

Councilman Fazio made Resolution 31-2017, seconded by Supervisor Fleming as follows:

**Resolution 31-2017: The Town of Denmark Board hereby makes a resolution adding Deputy Supervisor James Der as as an additional authorized signer for the Town of Denmark Community Bank Accounts as follows; Town Highway Accounts, Town General Accounts, Trust & Agency Accounts, and Town of Denmark Water District 1 Account effective June 29, 2017.**

Vote recorded as:

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

**Resolution 31-2017 adopted 6/12/2017.**

Discussion was held on the vacancy of Councilman Thoma's seat. After a brief discussion the Town Board took no action to fill the seat, the position will be filled as a result of the November Election and the newly elected person will take office January 1, 2018.

Councilman Fazio made a motion to accept the minutes of the May 8, 2017 Town of Denmark Board meeting as prepared by Deputy Clerk Katrina Souva. His motion was seconded by Supervisor Fleming.

Vote recorded as:

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

Councilman Fazio made a motion to accept the minutes of the May 15, 2017 Town of Denmark Special Board meeting as prepared by Clerk Prudence Greene. His motion was seconded by Councilman Der.

Vote recorded as:

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

**ABSTRACTS:**

**Highway Abstract 639, Claims 82-102, totaling \$23,900.47** was provided to the Town Board prior to the meeting. Discussion was held on claim 102, G&K Services in the amount of \$1594.49. This claim has been under review for two (2) months and the Town Board is still not satisfied with the final total. G&K has responded to the Town Board request that the uniforms be turned over to the Town and will do so once the bill is paid in full. **After discussion Clerk Greene was asked to remove the claim from the abstract bringing the total of Abstract 639 to \$22,305.98.**

Vote recorded as:

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

**General Fund Abstract 596, Claims 104-119, totaling \$5,988.04** was provided to the Town Board prior to the meeting. After review Councilman Fazio made a motion that the General Abstract 596 be paid as presented. His motion was seconded by Councilman Der.

Vote recorded as:

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

**Public Hearing:**

At this time (7:00pm) Councilman Fazio made a motion to open the Public Hearing for proposed Local Law 3-2017 – Prior Notice Law. His motion was seconded by Councilman Der. Supervisor Fleming asked Clerk Greene to read aloud the legal notice she had published in the Lowville Journal & Republican

The Town of Denmark Town Board will hold a Public Hearing of proposed Local Law 3-2017, an amendment of Local Law 1-1981 providing Written Notification of Defects and Obstructions on Town Highways and Sidewalks in the Town of Denmark on June 12, 2017 at 7:00pm. A copy of the proposed Local Law 3-2017 is available for public review in the Town Clerk’s Office during regular business hours. Any persons wishing to comment in writing should submit their written comments to the Town Clerk by 4pm on Thursday, June 8, 2017.

Any persons requiring special accommodations to participate in such hearing, should contact the Town Clerk at least three (3) business days prior to the meeting.

Dated: May 22, 2017

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF DENMARK  
Prudence L. Greene, Town Clerk

Clerk Greene reported that her office had not received any written comments on this matter.

No comments were made by those present.

Councilman Der made a motion at 7:03pm to close the Public Hearing for proposed Local Law 3-2017 – Prior Notice Law. His motion was seconded by Councilman Fazio.

Vote recorded as:

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

Councilman Der made the following resolution, seconded by Supervisor Fleming:

**Resolution 32-2017: Adoption of Local Law 3-2017, Prior Notice Law Providing Notification of Defects and Obstructions on Town of Denmark Highways and Sidewalks:**

Article 1. - Statement of Authority. The Town Board of the Town of Denmark, pursuant to the authority granted it under Town Law, Section 65-a and Municipal Home Rule Law, Sections 10 and 20, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Denmark finds it is necessary to control its liability for highways, bridges, streets, sidewalks, crosswalks, and culverts. It is proposed that the Town Board do so by providing that prior notice must be provided to the Town of any such defects or obstructions to enable the Town to have a reasonable time to correct such situations before it would be responsible. It is the purpose of this local law to accomplish the same.

Article 3 - Enactment. The Town Board of the Town of Denmark hereby enacts as follows:

No civil actions shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice or electronic notice, i.e. voicemail, email or fax, of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonable, safe within a reasonable time after the receipt of such notice.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices received pursuant to this local law and subdivision 2 of Section 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this local law and subdivision 2 of Section 65-a of the Town Law, to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

This local law shall supersede in its application to the Town of Denmark subdivisions 1 and 3 of section 65-a of the Town Law.

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

Vote recorded as:

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

Councilman Jones Absent

**Resolution 32-2017 adopted 6/12/2017.**

Clerk Greene will file the law with the Secretary of State.

**Abstracts Continue:**

**Water District #1 Abstract 39, Claim 10-11, Totaling 802.49, one (1) paid prior to US Postmaster in the amount of \$147.00, total with paid prior \$949.49** was provided to the Town Board prior to the meeting. Councilman Der made a motion to pay as presented. His motion was seconded by Councilman Fazio.

Vote recorded as:

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

**Water District #1 Capital Fund Abstract 2, Claim by Barton & Loguidice 4 invoices (88713, 89532, 89948 and 89999 totaling \$16,004.97.** Discussion was held. Mr. Cooper and Supervisor Fleming have submitted a payment request form to the NYS Local Government Efficiency Grant for reimbursement. The funds have not yet arrived. Discussion was held. Councilman Der made a motion to approve this claim and to pay this claim when the money has been received from the Local Government Efficiency Grant. His motion was seconded by Councilman Fazio.

Vote recorded as:

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

**Budget Officer's Report:** Members were provided at the meeting with the reports of the Budget Officer, Sharon Fleming who was unable to attend the meeting. Councilman Fazio made a motion to table the reports to the July 10, 2017 meeting and his motion was seconded by Councilman Der.

Vote recorded as:

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

The Town Board reviewed the information submitted by Mrs. Fleming about the Water District #1 Abstract approved in May 2017 and Councilman Fazio made Resolution 33-2017, seconded by Councilman Der as follows:

**Resolution 33-2017:** The Town of Denmark Town Board resolves to correct Water District #1 Abstract 38, Claim number 7 to Hrabchak and Gebo from 1607.40 to \$950.00 Totaling \$14,447.22 due to a billing error.

Vote recorded as:

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

**Resolution 33-2017 adopted 6/12/2017.**

**Assessor Report:** Mr. Vargulick reported that the BAR held the annual Grievance Meeting on May 26, 2017.

Mr. Vargulick spoke to the Town Board about a possible Revaluation being scheduled for 2018. A revaluation has not been conducted in the Town since 2013.

Mr. Vargulick spoke to the Town Board about an upcoming conference he would like to attend. Councilman Fazio made a motion that the Town of Denmark pay for 1/3 of the reasonable expenses for Mr. Vargulick to attend the conference at Cornell in July 2017. His motion was seconded by Councilman Der.

Vote recorded as:

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

**Clerk's Report:** Town Board members were sent the May 2017 Clerks Report, the 2017 Tax Collectors Report prior to the meeting for their review.

Discussion was held on the Deputy Clerk budget line. Due to the major increase of work in the Clerk's Office this year Clerk Greene asked that the Town Board consider moving an additional \$4000.00 into line A1430.1 bringing the total to \$13,400.00 for 2017. At this time less than \$3000.00 remains and Clerk Greene is concerned that it will not be enough to staff her office effectively for the remainder of the year if the workload continues. Mrs. Greene noted that the salary line for the Deputy Clerk was lowered in 2014 and that she has never

fully utilized the entire budgeted line in the last three years. This year is different in her opinion. The additional responsibilities that the Town Board has asked her to take on in regards to the NYMIR Audit findings and Capital Project, are reducing the time she has available to do other parts of her job. She is particularly concerned about the Capital Project and the time that will need to be spent on it. If no increase is made in this budget line the extra duties assigned to the Clerk by the Town Board may have to be reconsidered. The Town Board took no action.

**Zoning and Planning:** The Town Board was provided with the ZEO Report from May 2017 and the Planning Board minutes of June 6, 2017 prior to the meeting for their information and review.

**New Business:**

The Town Board reviewed the financial forms submitted by Riverside Cemetery in anticipation of the payment of monies budgeted for 2017. Town Board members asked that Mr. Alexander attend the July 10, 2017 meeting to further answer questions.

Town Board members were provided copies of the Jefferson County Dept of Planning, letter dated June 1, 2017, reauthorization of 2018-2020 Federal Awards prior to the meeting. No action.

Town Board members were provided copies of the Application of Atlantic Wind LLC under Article 10 for the Deer River Wind Energy Project prior to the meeting. No action.

Town Board members were provided copies of the Application of Atlantic Wind LLC under Article 10 for the Deer River Wind Energy Project, dated 6/5/17 procedural conference prior to the meeting. No action.

Councilman Fazio made a motion to adjourn the meeting. His motion was seconded by Councilman Der.

Vote recorded as:

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

Clerk Greene pointed out that no Dog Control Officer had been appointed.

Councilman Fazio made a motion to recind the prior motion to adjourn the meeting. His motion was seconded by Councilman Der.

Vote recorded as:

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

Discussion was held on the applicants for the DCO position. Supervisor Fleming made a motion that Thomas Schantz be appointed as Town of Denmark DCO from 7/1/2017 – 12/31/2017 to fulfill the appointment of Justin Hall who has resigned effective 6/30/2017 for the remaining salary of \$1600.00 for the year. His motion was seconded by Councilman Der.

Vote recorded as:

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

Clerk Greene was asked to notify the unsuccessful candidates by mail of the Town Board decision and to notify Mr. Schantz of his appointment. She will also begin the paperwork for his appointment (oath of office, policy review, local law review, ticketing procedure, rabies vaccination, equipment ordering, etc.) and the process of notifying police agencies, public health and civil service.

Being as there was no further business before the Board Supervisor Fleming made a motion to adjourn the meeting. His motion was seconded by Councilman Der.

Vote recorded as:

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

Meeting adjourned at 7:51pm.

Next regular meeting will be held July 10, 2017.

Prudence Greene  
Town of Denmark Clerk

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