

Town of Denmark

Minutes

June 13, 2016: Minutes of June 13, 2016

Body:

June 13, 2016

The regular monthly meeting of the Denmark Town Board was held June 13, 2016 at the Town Municipal Building. Supervisor Fleming called the meeting to order at 6:00pm with the Pledge of Allegiance.

Present were:

Supervisor: Thomas Fleming
 Councilmen: James Der
 Frank Fazio
 Peter Jones

David Thoma

Superintendent: Patrick Mahar
 Assessor: William Vargulick
 Budget Officer: Sharon Fleming exits at 7:15pm
 Town Clerk: Prudence Kunert

Also present: Matt Cooper of Bernier, Carr and Associates (exits at 6:13pm), Norman Barkley (exits at 6:02pm), Village of Copenhagen Mayor Scott Alexander (arrives at 6:09pm), Klaire Sullivan, Madison Furgison, Theron Lauber, Kyle Bates and Derrick Lehman. Mr. Lauber, Mr. Bates and Mr. Lehman leave at 7:00pm.

Supervisor Fleming asked if any of the public present would like to speak. Mr. Norman Barkley Jr asked the Town Board to consider again lending its support to the 6th Annual MyKayla Lynn Benson Memorial Scholarship Walk. He presented the Town Board with a letter outlining the route on NYS Rt 410 from the Castorland Fire Station to Happy Hollow Campgrounds.

Councilman Fazio offered Resolution 19-2016 as follows:

Resolution 19-2016: Town of Denmark Town Board support of the MyKayla Lynn Benson Memorial Scholarship Walk".
Be It Resolved, that the Town of Denmark Town Board expresses its support for the "MyKayla Lynn Benson Memorial Scholarship Walk".

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

Resolution 19-2016 is adopted 6/18/2016.

Mr. Barkley exits the meeting at 6:02pm.

Councilman Der made a motion to approve the amended agenda 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
 Councilman Jones Aye

SUPERVISOR'S REPORT:

Update on Water District Project –Matt Cooper of Bernier, Carr and Associates update on applications and grant possibilities. EFC Grant application has been submitted but the date for applications was pushed out 2 months so this will affect the award date.

More documents will need to be signed for applications.

Councilman Fazio offered Resolution 20-2016

Resolution 20-2016: Town Board authorizes Supervisor Fleming to execute documents for the Rural Development Loan and Grant Process.

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

Resolution 20-2016 is adopted 6/18/2016.

Mayor Scott Alexander enters the meeting at 6:09pm.

Discussion was held on the need to notify the Public of the Town Board’s intent to file funding applications. Councilman Fazio made a motion to publish Public Notice – Intent to file an Application with USDA, Rural Development, and Rural Utilities Service. 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

Clerk Kunert will send a legal to the Watertown Times.

Discussion was held on the contract amendment submitted by Bernier, Carr and Associates and the letter that accompanied the proposal (text follows):

June 13, 2016
 Water District No. 1 Improvements and Extension
 Project No. 2009-114
 Amendment No. 3 – Owner/Engineer Agreement
 Dear Mr. Fleming:

We have prepared an Amendment to our Agreement for continued performance of professional services in conjunction with the Town of Denmark Water District No. 1 Improvements and Extension. Thank you for selecting Bernier, Carr & Associates (BCA) to assist you on this project. We have prepared Amendment No. 3 to include all professional services that will be required to complete the project, however, performance of each service must be authorized by the Town. At this time, the Town has authorized BCA to proceed with the Study, Funding Assistance, and Permits. Attached is amended Appendix 1 to Exhibit C. If this proposal satisfactorily sets forth your understanding of the arrangement between us, we would appreciate your signing of the (5) five enclosed originals of this Amendment; keeping (1) for your files, and returning (4) four to our office. Again, thank you for selecting our firm for this project. We look forward to the continued opportunity of working with the Town.
 Very truly yours,
 Bernier, Carr & Associates, Engineers, Architects, and Land Surveyors, P.C.
 Matthew J. Cooper, P.E.
 Principal / Engineer

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 August 20, 2009.

C. 4.08 Summary of Payments to ENGINEER

A. The compensation provisions of this Exhibit C are summarized as follows:

Description of Services Basis	Original	Amendment	Amendment	Amendment
		Contract	No. 1	No.
2. <u>No. 3</u> <u>Payment</u>				
1. Study and Report Phase Complete	\$4,000.00		\$4,000.00	
\$5,500.00	\$5,500.00		Lump Sum	
2. Basic Services				
a. Final Phase Documents				
\$107,500.00	Lump Sum			
	Completed and Submitted to			
	Owner and Agency – 50%			
b. Final Design Phase Complete – 20%				
\$43,000.00	Lump Sum			
c. Contracts Awarded – 10%				
\$21,500.00	Lump Sum			

d.	Construction Phase Periodic Payments				
\$32,250.00	Lump Sum				
	(Aggregate)-15%				
e.	Construction Phase Complete – 5%				
\$10,750.00	Lump Sum				
3. Resident Project Representative					
\$198,000.00	Hourly				
4. Additional Services					
a.	Aerial Photography				
\$13,310.00	Hourly				
b.	Photo Control				
\$2,500.00	Hourly				
c.	Mapping				
\$15,000.00	Hourly				
d.	Property Survey				
\$2,500.00	Hourly				
e.	Verification of existing conditions				
\$8,000.00	Hourly				
f.	Archeological Survey				\$4,000.00
	Hourly				
g.	District Formation Assistance			\$5,000.00	Hourly
h.	Subsurface Investigation			\$15,000.00	Hourly
i.	ROW Assistance			\$15,000.00	Hourly
j.	Permits	\$ 4,000.00	\$4,000.00	\$20,000.00	Hourly
k.	Funding Assistance		\$8,000.00	\$60,000.00	Hourly
l.	Construction Stakeout			\$2,000.00	Hourly
m.	Start up			\$2,000.00	Hourly
n.	Record Drawings			\$5,000.00	Hourly
o.	Reimbursable Expenses	\$ 500.00	\$1,000.00	\$1,000.00	\$5,690.00
	Hourly				
TOTAL ESTIMATED		\$ 4,500.00	\$9,000.00		\$ 18,500.00
\$593,500.00	Contract Amount				

Amendment No. 3
June 13, 2016

After discussion of the proposed amendment Councilman Der offered a Resolution 21-2016.

Resolution 21-2016: Town Board authorizes Supervisor Fleming to execute documents on behalf of the Town of Denmark Water District #1 for the Amended Contract to include Appendix 1 as presented.

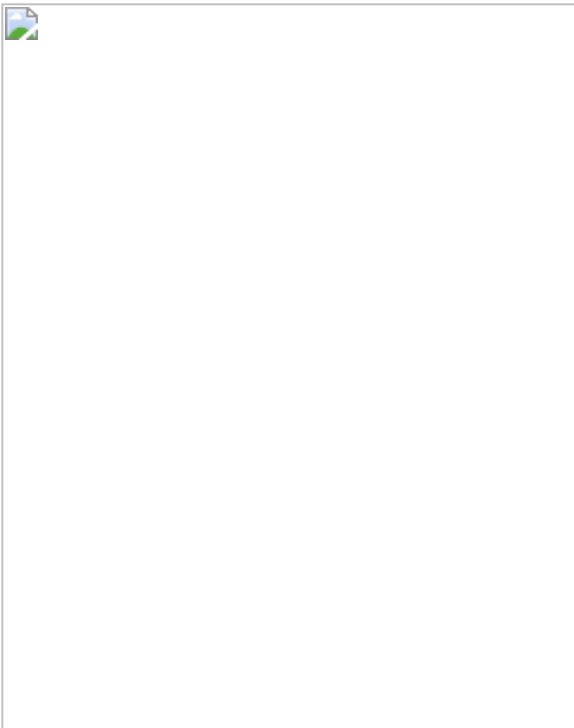
The Resolution was seconded by Councilman Thoma.

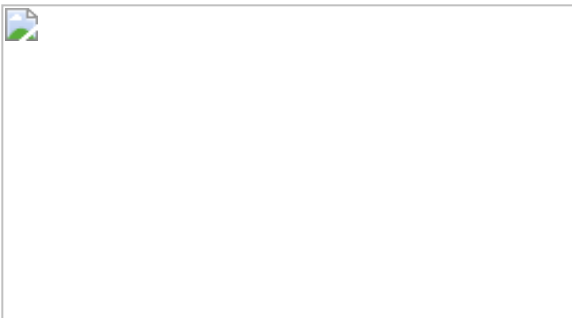
Vote recorded as follows:

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

Resolution 21-2016 is adopted 6/18/2016.

The Town Board reviewed the proposed INTERMUNICIPAL AGREEMENT BETWEEN THE Town of Denmark, New York AND THE Village of Copenhagen, New York RELATED TO A CERTAIN WATER STORAGE TANK.







Councilman Fazio offered a Resolution 22-2016.

Resolution 22-2016: Town Board authorizes Supervisor Fleming to execute the IMA with the Village of Copenhagen related to a Certain Water Tower on behalf of the Town of Denmark as presented.

The Resolution was seconded by Councilman Der

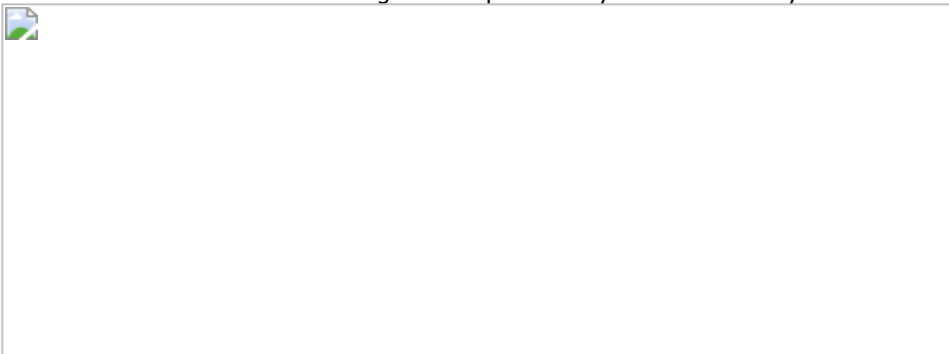
Vote recorded as follows:

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

Resolution 22-2016 is adopted 6/18/2016.

Mr. Cooper exits the meeting at 6:13pm.

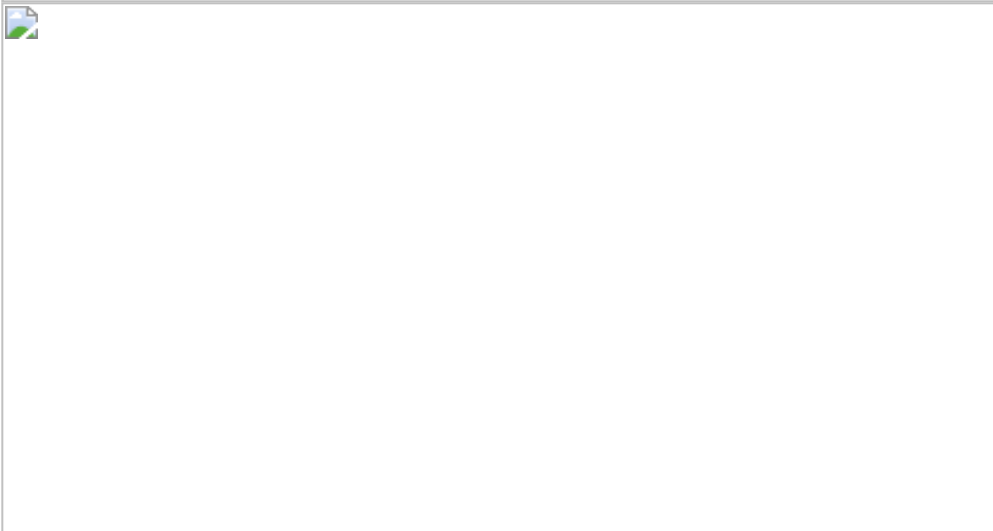
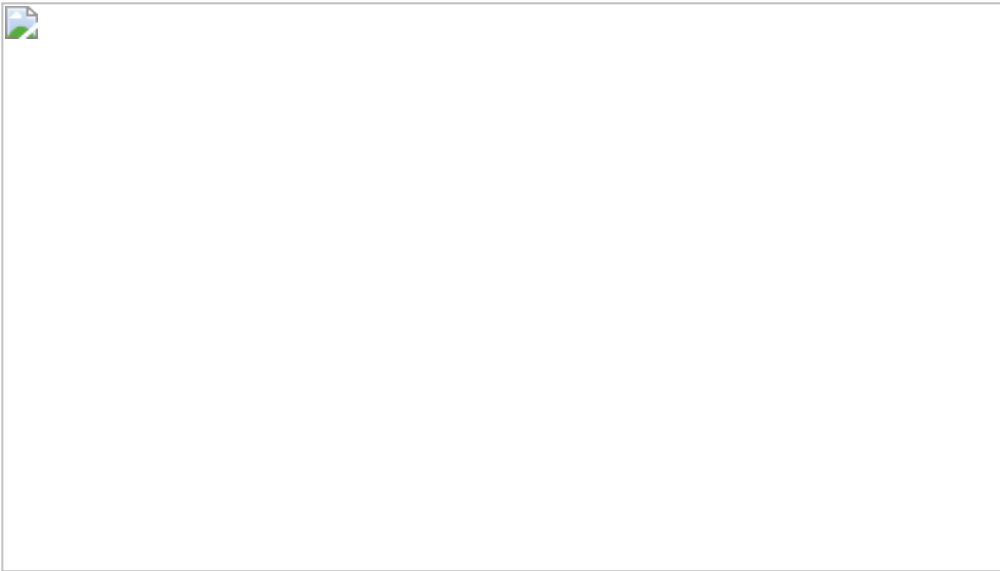
Discussion was held on the Lease Agreement provided by the Lewis County Humane Society.











After review of the document Councilman Fazio offered Resolution 23-2016

Resolution 23-2016: Town Board authorizes Supervisor Fleming to execute the Lease Agreement with the Lewis County Humane Society as presented.

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 23-2016 is adopted 6/18/2016.

Discussion of Employee health insurance was held. Normally Town Employees receive \$300 or \$600 on an EBS card to cover the deductible on the plan or qualified other health expenses.

Councilman Thoma made a motion to enter into an Executive Session to discuss the medical expenses of a particular employee.

Councilman Jones noted that he would be abstaining from the discussion. 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	Abstains

At 6:20pm all people present except the Town of Denmark Town Board left the meeting room.

At 6:27pm Councilman Fazio made a motion 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	Abstains

The meeting was reopened at this time.

Councilman Thoma offered Resolution 24-2016.

Resolution 24-2016: Town Board authorizes Supervisor Fleming to execute a Memorandum of Understanding between The Town of Denmark and Dennis Rennie.

1. The Town agrees to fund the Health Savings Account of Dennis Rennie with all sums remaining to be paid to such account during the balance of fiscal year 2016 for the Town and to fund those remaining amounts immediately.

2. Employee agrees that should employment with the Town terminate prior to the end of fiscal year 2016, Employee shall reimburse to the Town all amounts contributed to the Health Savings Account for that portion of the year that would not otherwise have been earned.

(Example: If employee terminates employment November 30, 2016 Health Savings Account contribution for December will be refunded to Town).

3. All parties and the Union agree that this is a one-time exception to the Union contract and does not constitute a past practice nor obligate the Town to make similar accommodations for other employees.

4. The Parties to this agreement and the Union agree that no other employee may file a grievance against the Town based upon the accommodation for this Employee or of the failure to provide a similar accommodation to other employees.

5. Except as modified specifically herein for Employee all other terms of the collective bargaining agreement shall remain in full force and effect.

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	Abstains

Resolution 24-2016 is adopted 6/18/2016.

Supervisor Fleming will contact the Town Attorney to have a document prepared for this matter.

Councilman Fazio made a motion to approve the minutes of the May 9, 2016 meeting. 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

Motion passed.

HIGHWAY ABSTRACT: Highway Abstract #626 was read aloud by Ms. Kunert and each purchase was explained by Supt. Mahar; Claim #99-115, Total with paid prior \$12,520.09. Councilman Der asked if all Highway Employees had attended the defensive driving class. Supt. Mahar responded that they had.

Councilman Thoma made a motion to pay Highway Abstract #626 as presented. 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	Motion passed

GENERAL ABSTRACT: General Abstract #584 was read aloud by Ms. Kunert. She gave an explanation of each claim #105-118. Abstract totaled \$1934.30, paid prior total \$857.53, Total with paid prior \$2,791.83. Councilman Der made a motion that Abstract #584 be paid as read. 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

WATER BILLS: Ms. Kunert read aloud Water District #1, Abstract #27, claim 11 totaling \$68.00.

Councilman Der made a motion, seconded by Councilman Thoma to pay Water District # 1 Abstract #27 as read.

Vote recorded as follows:

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

COMPTROLLER'S REPORT: Mrs. Fleming provided the Town Board with copies of her monthly Budget Officer's Report and a financial report for April 2016.

PUBLIC COMMENT: Mayor Alexander asked the Town Board to discuss the bill that the Village of Copenhagen received for the hours and equipment provided by the Town for the "Spring Clean-up". The Village was billed \$2,613.37 in an invoice dated 5/24/2016. Discussion was held.

Supt. Mahar created the bill and another for the Village of Castorland for their clean-up day. It was his understanding that the Town of Denmark no longer wished to provide this service for no charge as concerns have been raised by Town Residents about the fairness of providing a service to Village Residents but not those outside of the Villages. Mayor Alexander asked if the Town Board was aware that the Villages were being billed. Town Board members were not involved in the billing as that is the responsibility of the Highway Supt.

Councilman Thoma asked if the Villages had been notified of the billing before the clean-up. Supt. Mahar reported that they had not. Mayor Alexander explained that this was an unplanned expense. Councilman Thoma asked about the tipping fees and Supt. Mahar explained that they are paid by the Villages. Councilman Jones asked if the Village would budget for this going forward. Mayor Alexander explained that the Village would have to investigate other options to see if any lower cost alternative could be found. He indicated that he fully understood the concerns about providing services fairly.

Councilman Thoma made a motion to discard the invoices for 2016 clean-up expenses.

Discussion continued. Concern was expressed for billing procedures for winter plowing. Mrs. Fleming had erroneously left out billing the Villages annually for snow plowing for several years and as a result the Villages did not pay. Councilman Thoma noted that with no invoice they would not be able to pay as their payable practices were similar to the Towns and they could not pay without a bill. Councilman Thoma noted that these are separate issues and should not be comingled.

Councilman Thoma made a motion to discard the invoices for 2016 clean-up expenses. Councilman Fazio seconded his motion.

Vote recorded as follows:

Councilman Der	No	
Councilman Fazio	Aye	
Supervisor Fleming	No	
Councilman Thoma	Aye	
Councilman Jones	No	Motion defeated.

Councilman Der asked if the Village would be willing to compromise. Mayor Alexander indicated that was possible.

Councilman Der made a motion to table further discussion for one month to allow for discussion with the Village of Copenhagen and Castorland. That motion was seconded by Councilman Jones.

Vote recorded as follows:

Councilman Der	Aye
Councilman Fazio	No

Councilman Der expressed concern about sound issues. Mr. Mahar explained that the review is still taking place and the Planning Board can make stipulations to the permit if approved. At this time the application is still not complete.

There being no more business before the Board, Councilman Thoma made a motion to adjourn the meeting. 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

Motion passed.

Meeting adjourned at 7:32pm.

Next regular meeting scheduled for July 11, 2016 at 6:00pm.

Town Clerk
Prudence L. Kunert

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