

Town of Denmark

Minutes

March 14, 2016: March 2016 - Regular Meeting

Body:

March 14, 2016

A meeting of the Denmark Town Board was held March 14, 2016 at the Town Municipal Building. Supervisor Fleming called the meeting to order at 6:00pm with the Pledge of Allegiance. The following people were present:

Supervisor:	Thomas Fleming	Superintendent:	Patrick Mahar
Councilman:	James Der	Town Clerk:	Prudence Kunert
Comptroller:	Sharon Fleming		
	(exits at 7:12pm)		
	David Thoma	Assessor:	William Vargulick
	Peter Jones	Town Attorney:	Mark Gebo
	(exits at 6:48pm)		

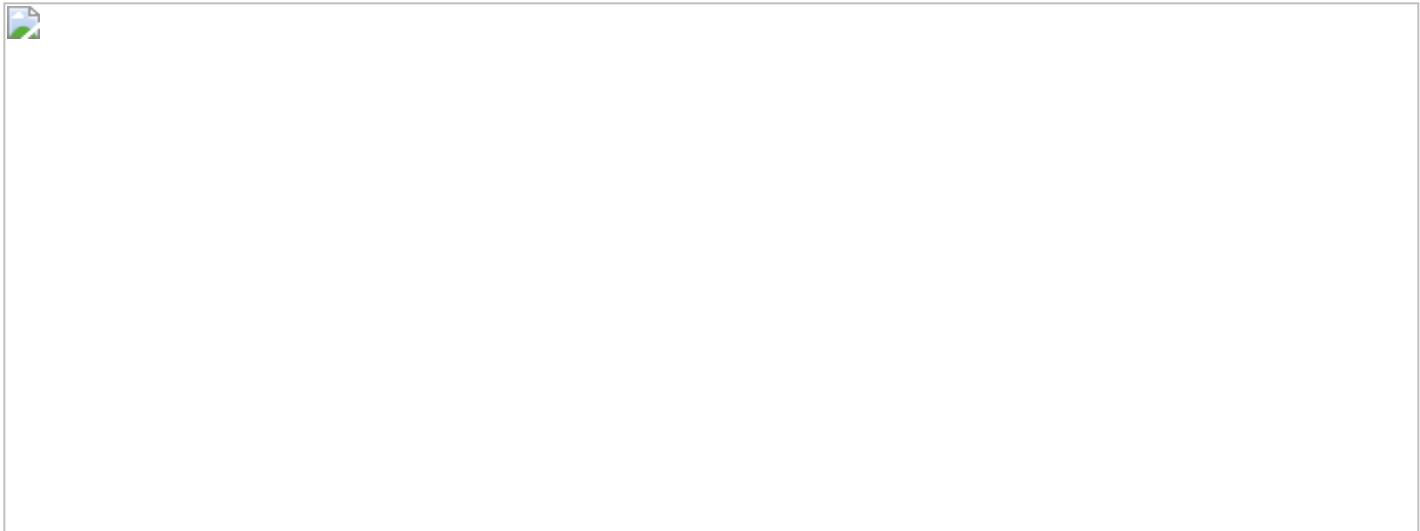
Also Present: Sandy Jones, Scott Alexander and Deb Der (exits at 6:48pm, reenters at 6:49pm)

Councilman Fazio made a motion to accept the amended agenda. 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.

SUPERVISOR'S REPORT:

Discussion of the table presented at the February 8, 2016 meeting by Matt Cooper of Bernier, Carr and Assoc was held



This information was also given to the Village of Copenhagen and they have not acted at this time. Discussions of reducing the kgal price of \$8.00 paid by the Town to the Village have yielded no results. Discussion was held on the continued efforts to find funding for the district.

Discussion was held on grant applications and after consideration the following resolution was offered by Councilman Fazio, who moved its adoption, seconded by Councilman Der, to wit:

BOND RESOLUTION DATED March 14, 2016

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND, IN THE TOWN OF DENMARK IN AN AMOUNT NOT TO EXCEED \$2,500,000, THE PROCEEDS OF WHICH ARE TO BE USED FOR THE CONSTRUCTION OF A NEW WATER DISTRIBUTION SYSTEM INCLUDING WATER MAINS, STORAGE TANK, SERVICE LATERALS, FIRE HYDRANTS AND VALVES AND OTHER APPURTENANT FEATURES TO BE KNOWN AS THE TOWN OF DENMARK ROUTE 12 WATER DISTRICT.

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

Section 1. The construction of a new water distribution system including water mains, storage tank, service laterals, fire hydrants and valves and other appurtenant features, is in the interest of the citizens of the Town of Denmark. The estimated cost of the installation of such water system in said District as determined by the engineers hired by the Town for such purposes is \$2,500,000.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid construction is forty (40) years, pursuant to subdivision 1 of paragraph (a) of section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107(d)(3)(a) of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is by the issuance of a serial bond not exceeding \$2,500,000 of said Town hereby authorized to be issued therefore, pursuant to the Local Finance Law, for a period in excess of five (5) years.

Section 4. The faith and credit of said Town of Denmark, Lewis County, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall become due and payable. Annual water rents shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

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 or 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, or 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 of the Local Finance Law.

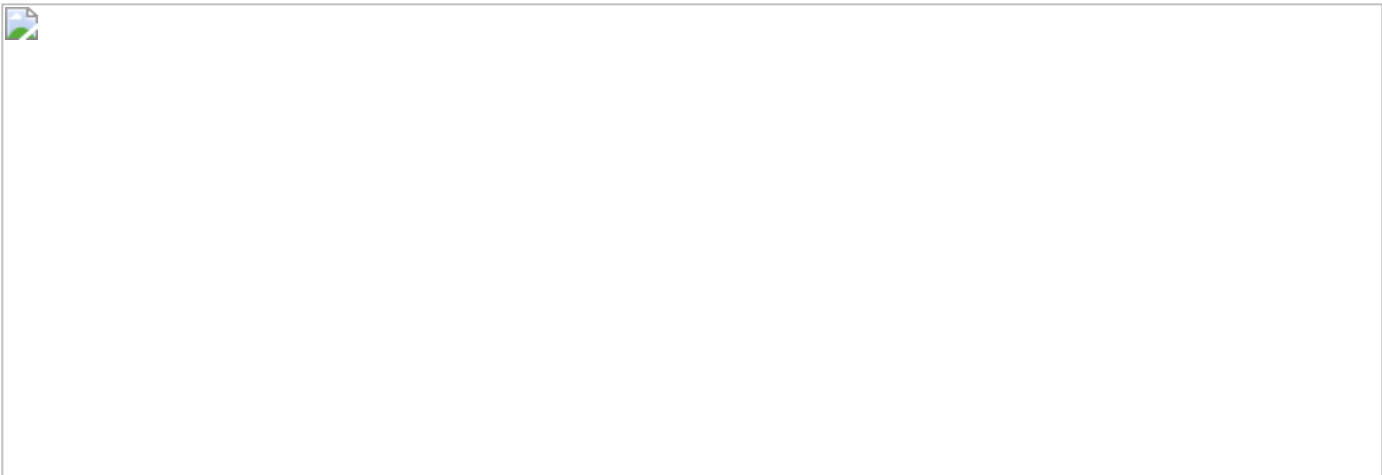
Section 9. This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect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

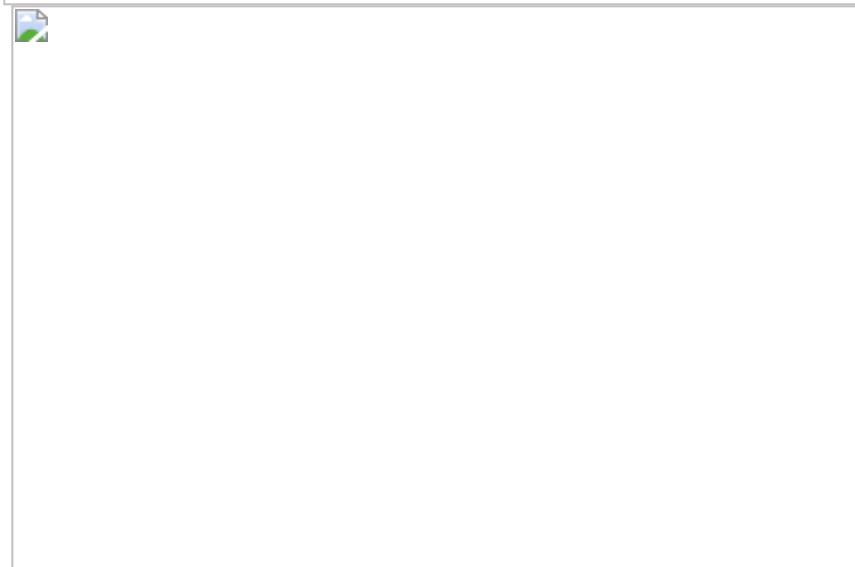
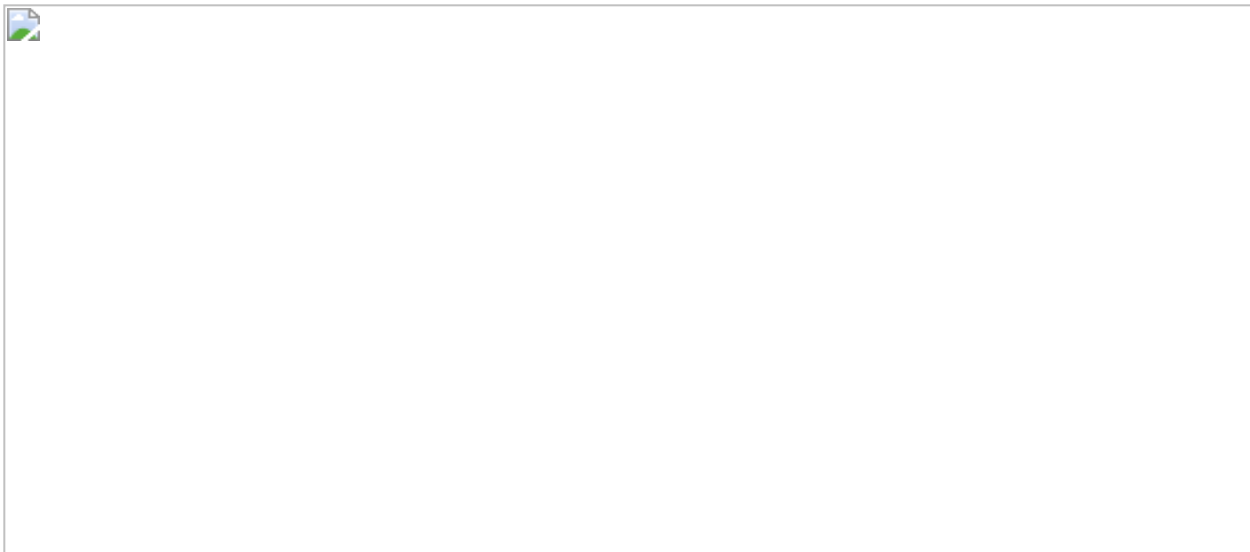
The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Thomas W. Fleming	Voting	Aye	
Councilman James Der	Voting	Aye	
Councilman Frank Fazio Jr	Voting	Aye	
Councilman David W. Thoma	Voting	Aye	_____
Councilman Peter T. Jones	Voting	Aye	

The resolution was thereupon declared duly adopted.

Discussion then turned to the income and expenses of the current Water District #1. The following were presented by Supervisor Fleming and Budget Officer Sharon Fleming to the Town Board:





Discussion was held on the imbalance between income and expenses. Supervisor Fleming stated his belief that the EDU rate should be increased to balance these monies.

After discussion Councilman Thoma made a motion that the Town of Denmark Town Board hold a Public Hearing at its next regular meeting on April 11, 2016 at 6:30pm to hear public comment on raising the EDU rate by \$80.00 to annual charge of \$350.00. The motion was seconded by Councilman Fazio.

Vote recorded as:

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

Discussion was held on Bond Counsel for the Water District. Town Attorney Mark G. Gebo asked the Town Board to consider his offer as follows (excerpt of letter dated 3/14/16 from Mark G. Gebo to Supervisor Fleming):



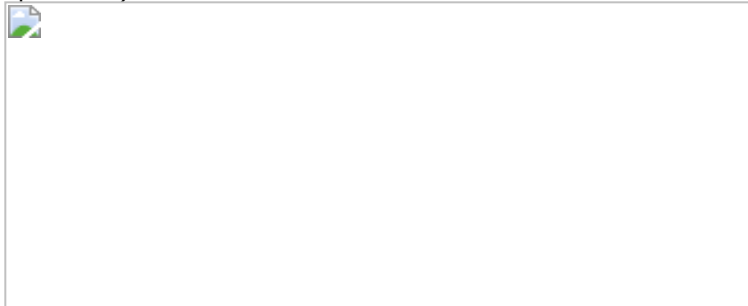
After consideration Councilman Fazio made a motion seconded by Councilman Der that the Town of Denmark appoint Mark G. Gebo as Water District 1 Bond Counsel as described above with a cap of \$5000.00.

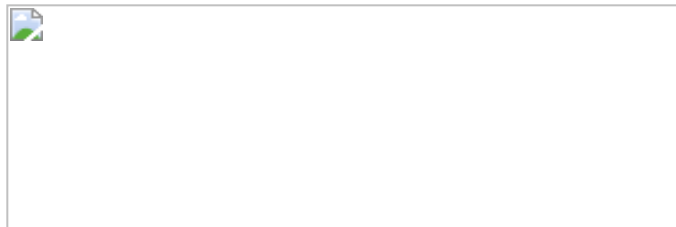
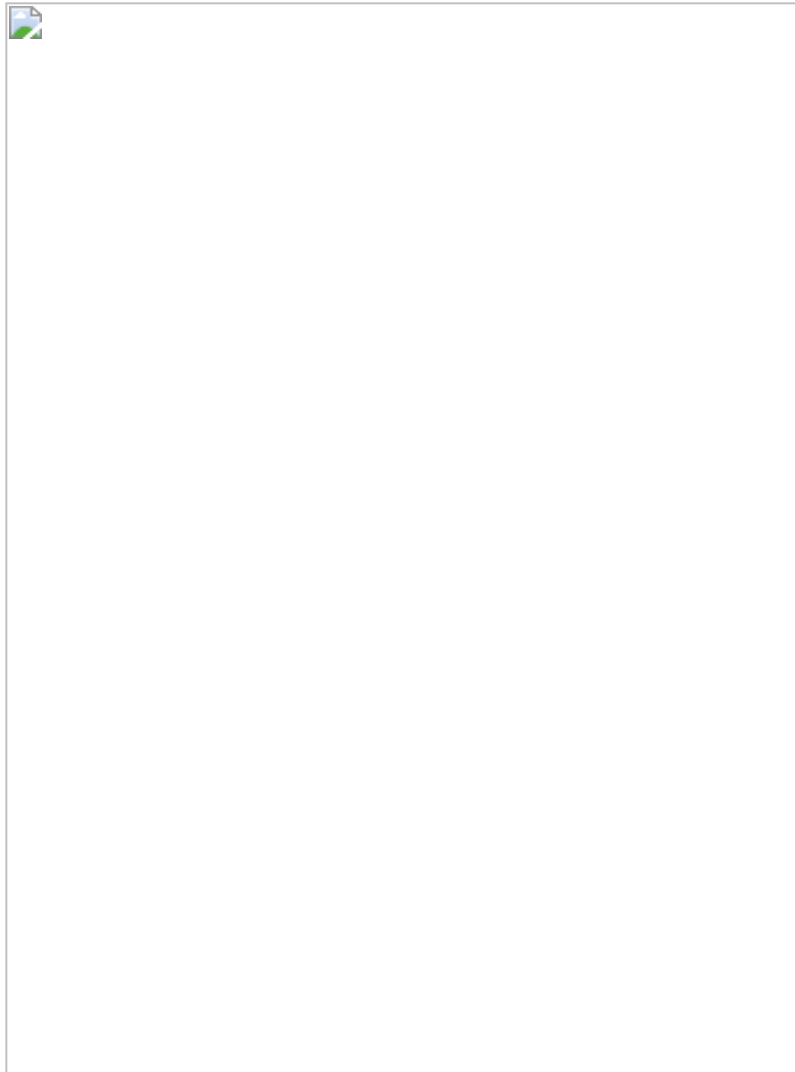
Vote recorded as:

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

Motion passed.

Discussion was held on the need for legal services for Water District 1. Mr. Gebo also submitted an agreement for the Town Board's consideration on this matter (excerpt follows):





Upon consideration of Mr. Gebo’s offer Councilman Fazio offered a Resolution as follows:

Resolution 14 -2016, Legal Services Agreement, Mark G. Gebo – Water District 1

That the Town of Denmark Town Board resolves to enter into an agreement for Legal Services with Mark G. Gebo for Town of Denmark Water District 1 whereby Mr. Gebo will perform those functions including, but limited to those in the agreement provided by him to the Town of Denmark Town Board with a cap for legal fees of no more than \$10,000.00.

Councilman Der offered a second to the adoption of this resolution.

Vote recorded as:

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

Resolution 14-2016 adopted

3/14/2016.

Discussion was held on the work being done by Bernier, Carr and Associates completing funding applications for Water District #1. Councilman Der offered a Resolution as follows:

Resolution 15- 2016; Funding Applications for Water District #1

Be It Resolved by the Town Board of the Town of Denmark that the Town of Denmark Town Board authorizes Town of Denmark Supervisor Thomas W. Fleming to sign funding applications on behalf of the Town of Denmark as completed by Bernier, Carr and Associates for the purpose of seeking monies through grant and low interest loan options to finance the improvements to the Town of Denmark Water District #1 The construction of a new water distribution system to be known as Water District #1, including water mains, storage tank, service laterals, fire hydrants and valves and other appurtenant features, is in the interest of the citizens of the Town of Denmark. Councilman Der's motion was seconded by Councilman Fazio.

Vote recorded as: Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye
Councilman Thoma Aye
Councilman Jones Aye **Resolution 15-2016 adopted 3/14/2016**

Discussion was held on Conference Attendance for Supervisor Fleming and Supt Mahar, May 4 and 5 2016 in DeKalb, Illinois (no expense to Town).

Discussion was held on the Comptroller / Budget Officer position. Mrs. Fleming has researched this matter with Civil Service and a Comptroller would be a Civil Service position. If created it would require an associates or higher degree in accounting. After discussion it was decided that the position would remain Budget Officer.

A brief discussion of the Bond on the town buildings was held. Supervisor Fleming has not yet found a rate that makes it worthwhile to refinance the existing bond.

Discussion was held on the estoppels notices published in Watertown Daily Times 2/24/16. Mr. Gebo will begin working on securing financing for the plows and trucks. Supt. Mahar suggested that First Niagara be contacted.

Brief discussion was held on the Copenhagen Wind Project. The Road Agreement is still incomplete at this time and has not been approved by Lewis County. Supervisor Fleming was notified that NYS will be increasing the amounts to be paid under the Cultural Mitigation Agreement. A new or amended agreement will be drafted for the Town Board's approval. Councilman Fazio made a motion to table these matters to the April 11, 2016 meeting. His motion was seconded by Councilman Thoma.

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

Discussion of proposed IMA with Town of Rutland for the sale from Denmark to Rutland of the jointly owned 1989 Portec 171-RV Crusher was held. The document has been revised as follows:

INTERMUNICIPAL AGREEMENT

This Intermunicipal Agreement is made the 14th day of March, 2016 by and between THE TOWN OF RUTLAND, NEW YORK, a Municipal Corporation organized and existing under the Laws of the State of New York with an office and place of business at 28411 New York State Route 126, Black River, New York 13612 (hereinafter referred to as "Rutland"), and the TOWN OF DENMARK, NEW YORK, a Municipal Corporation organized and existing under the Laws of the State of New York with an office and place of business at 3707 Roberts Road, Carthage, New York 13619, (hereinafter "Denmark").

WHEREAS, Rutland and Denmark have previously entered into that Municipal Cooperation Agreement related to the acquisition and operation of a certain 1989 Portec 171-RV with a serial number of 151-PRVE-213 portable feed plant with a 2036 Jaw Crusher serial number 3860 (hereinafter referred to as the "Crusher") for the mutual use and benefit of each Town pursuant to Municipal Cooperation Agreement dated as of January, 2013, and

WHEREAS, the Town of Rutland wishes to acquire and the Town of Denmark wishes to transfer said Crusher, and

WHEREAS, the parties have agreed as to a purchase price and transfer.

THEREFORE, the parties agree as follows:

1. The Town of Rutland shall purchase from the Town of Denmark the Crusher for a sum equal to \$17,500 of rock product which shall be paid in accordance with the attached Schedule A which has been made a part hereof as if fully set forth herein. A portion of the purchase price has been paid.
2. This Agreement also acts as a Bill of Sale by which the Town of Denmark hereby and in consideration for the amounts paid under Schedule A to the Town of Rutland, transfers all of the right, title and interest of the Town of Denmark in and to the Crusher to the Town of Rutland.
3. This Agreement also amends, supplements and closes out the aforementioned Municipal Cooperation Agreement dated as of January, 2013.
4. This Agreement has been approved by the Town Board of the Town of Rutland as of the day of December, 2015 and the Supervisor was authorized at said meeting to sign this Agreement.
5. This Agreement has been approved by the Town Board of the Town of Denmark as of the 14th day of December, 2015 and the Supervisor was authorized at said meeting to sign this Agreement.

Councilman Fazio made a motion that Supervisor Fleming be allowed to sign the IMA as presented. 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.

Councilman Thoma made a motion to approve the minutes of the February 8, 2016 meeting as prepared by Ms. Kunert with a single correction to the time the meeting was exited by Mark Gebo (written as 66:49pm change to 6:49pm). 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.

Mr. Gebo and Debra Der exited the meeting at 6:48pm.

HIGHWAY BILLS: Clerk Kunert read aloud Highway Abstract #623, Claim 39-59 totaling \$16,309.21. Superintendent Mahar explained each claim.

Debra Der reentered the meeting at 6:49pm

Discussion was held on the claim # 43, Lewis County \$1373.65. Supt. Mahar explained that this is an annual charge for the mapping program. Councilman Thoma made a motion, seconded by Supervisor Fleming to pay Highway Abstract #623 as read.

Vote recorded as follows:

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

GENERAL BILLS: Clerk Kunert read aloud General Fund Abstract #581, claims 44-64 totaling \$5,896.46 with \$1,015.28 additional paid prior (one utility bill from National Grid) bringing the total to \$6,911.74. Discussion was held on postage expenses. Ms. Kunert explained that all escrowed tax bills must have a receipt mailed to the owner and that all payers can request a receipt be mailed. All dog licenses are mailed monthly in addition to any other postage as may occur. Councilman Der will look into options for postage. Councilman Thoma made a motion, seconded by Councilman Fazio to pay General Abstract #581 as read.

Vote recorded as follows:

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

WATER BILLS: Clerk Kunert read aloud Water District #1 Abstract #24, claim 2 totaling \$25.00. Discussion was held on a suspected water leak between Cty Rt 194 and River Rd.

Councilman Fazio made a motion, seconded by Councilman Thoma to pay Water District # 1 Abstract #24 as read.

Vote recorded as follows:

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

COMPTROLLER / BUDGET OFFICER'S REPORT: Sharon V. Fleming provided the Town Board with copies of the February 2016 Financial Report, the monthly Budget Officer's Report and reported that the Annual Report for 2015 has been completed and submitted to the State. Clerk Kunert made copies and each Town Board member was supplied with one. She also noted that the Workers Comp and Fire District payments have been made.

Councilman Fazio made a motion, seconded by Councilman Thoma to accept the reports.

Vote recorded as follows:

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

CLERK'S REPORT: Clerk Kunert had provided each Town Board member with a copy of her report for February 2016 in the Board packet for their review prior to the meeting. She also provided copies of the year to date tax collection report to each member. Ms. Kunert asked the Town Board to consider allowing her to attend the NYS Clerk's Conference in April 2016. After discussion Councilman Fazio made a motion that the Town of Denmark pay the necessary expenses for her to attend. 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	Motion passed.

ASSESSOR REPORT: Mr. Vargulick was present if the Town Board had any questions. None were asked.

ZONING and PLANNING REPORT: ZEO Woodruff provided a copy of his February 2016 report. Planning Board minutes of the March 1, 2016 meeting were given to Board Members.

OLD BUSINESS: None

NEW BUSINESS: Letter from Lewis County Board of Elections- Dates for use 4/19/16, 6/28/16, 9/13/16 and 11/8/16 was discussed, information only. No action.

Letter from Copenhagen Fire Department- Invitation to April 16, 2016 Annual Banquet was discussed. Board Members will notify Clerk if they plan to attend.

Letter from Town of Croghan – Invitation to 175th Anniversary Celebration, April 9, 2016 was discussed. No action.

Letter from Lewis County Office for the Aging, Mayors for Meals Program, an invitation to Elected Officials to participate in Meal Delivery on March 24, 2016 was discussed. No action.

Letter from NYS Dept of Ag & Markets, dated 2/22/16 – Inspection Report of Lewis County Humane Society was discussed. This letter was to notify Town Board of failure of the Humane Society kennel. Several towns do not have contracts on file with the Society. Denmark is in compliance. No action.

Letter from Snow Belt Housing, dated 3/4/16 – requesting letter of support from the Town of Denmark Town Board for its application for funding of the owner occupied rehabilitation program was discussed. Councilman Fazio made a motion that a letter of support be sent. The motion was seconded by Councilman Thoma.

Vote recorded as follows:	Councilman Der	Aye	
	Councilman Fazio	Aye	
	Supervisor Fleming	No	
	Councilman Thoma	Aye	
	Councilman Jones	Aye	Motion passed.

Letter from LCSR, Inc – dated 3/10/16, Meeting April, 4, 2016 @ 7pm was discussed. Town Board members were invited to the meeting to discuss the coverage of the Town of Denmark by LCSR. Councilman Der and Councilman Fazio will try to attend.

HIGHWAY SUPT. REPORT: Superintendent Mahar reported that 2 of our snowplows were involved in accidents in February. The first on February 13th occurred on Deer River Road and resulted from a wing clipping a car. No tickets were issued. Scott Alexander asked if the driver of the plow had been drug and alcohol tested. He was not tested as it is not required. The second accident, February 14th, involved a plow sliding onto NYS Rt 26 and striking a tractor trailer. The snowplow driver was ticketed at the scene but the case has not been adjudicated at this time. There was damage to the tractor trailer. The insurance company has been notified and has indicated they may not pay the claim due to the snowplows status as an emergency vehicle. Scott Alexander asked if the driver of the plow had been drug and alcohol tested. He was not tested as it is not required; a field test was conducted by the NYS Trooper who responded. Mr. Alexander asked if any damage had occurred to the plow truck. Supt. Mahar estimated it to be less than \$500.00 and it has been repaired.

Supt. Mahar also reported on the advocacy day he attended in Albany. Budget is still being developed at the State level but funds for bridges and culverts may be included. A "Pave NY" initiative is being discussed also.

Discussion was held on replacing the 2014 F-250. Nick Nortz in Lowville quoted a price of \$29,399 for a new 2016. The 2017 model will be aluminum driving the cost up by approx \$4,000.00. After discussion Councilman Der made a motion seconded by Councilman Jones to declare the Town of Denmark 2014 F-250 pickup truck as surplus equipment.

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

Supervisor Fleming asked the Town Board to set a date for the 2016 Road Inspection. After discussion it was decided that the inspection would be held on March 19, 2016 at 10:00am.

Being as there was no more business before the Board Councilman Thoma made a motion, seconded by Councilman Fazio to adjourn the meeting.

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

Meeting adjourned at 7:45pm.

Next meeting of the Town of Denmark Town Board will be April 11, 2016

Prudence L. Kunert

Clerk

Town of Denmark Town

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