

Town of Denmark

Minutes

May 08, 2017: May 8, 2017 Regular Meeting

Body:

A regular monthly meeting of the Town of Denmark Town Board was held on May 8, 2017. Supervisor Fleming opened the meeting at 5:59pm with the Pledge of Allegiance.

Present were:

Councilman Der
 Councilman Fazio
 Supervisor Fleming
 Councilman Thoma
 Councilman Jones
 Highway Supt. Mahar
 Clerk Greene (exits 6:27pm)
 Deputy Clerk Souva
 Budget Officer S. Fleming (exits 6:28-6:33pm)
 Assessor Vargulick (arrives 7:30pm)

Others present included Matt Cooper of Barton and Loguidice, Deb Der, Sandy Jones (exits 6:31-6:33pm), Lois Aubin (exits 6:27pm) and Scott Starr, Vice President, Business Development, at Dynamic Energy (exits 6:27pm).

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

Vote recoded as:

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

The minutes of the April meeting held by the Town Board were provided to Board members prior to the meeting by Clerk Greene. Councilman Fazio made a motion to approve the minutes of April 10, 2017. His motion was seconded by Councilman Der.

Vote recoded as:

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

ABSTRACTS:

Highway Abstract 638, Claims 68-81, totaling \$5155.77 was provided to the Town Board prior to the meeting. Clerk Greene noted the addition of bill for MJL Crushing (Claim #76) that was received that day.

Councilman Thoma made a motion that the bills be paid as presented. His motion was seconded by Councilman Jones.

Vote recoded as:

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

General Abstract 595, Claims 88-103, totaling \$2754.10 paid prior \$955.04, Total \$3709.14 was provided to the Town Board prior to the meeting.

Councilman Der made a motion that the bills be paid as presented. His motion was seconded by Supervisor Fleming.

Vote recoded as:

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

Councilman Jones Aye

Water District #1 Abstract 38, Claim 7-8, Total \$15,104.62 was provided to the Town Board prior to the meeting. Budget Officer Fleming questioned where funds would be taken from as the Water District account did not have that amount available and she noted the increase in attorney fees this year. It was also noted that monies would be coming in due to payment of Water District spring water bills. The Water District account has \$6110.73 with \$3113.00 being received from the Clerk's office for water bill payments received in April.

Councilman Thoma offered the following Resolution #18 of 2017:

Resolution 18-2017: Authorization for Town of Denmark Budget Transfer as follows:

From	To	Amount
A5050 Inter-fund transfer	SW1-5050	\$7,000.00

The Resolution was seconded by Councilman Fazio.

Vote recoded as follows:

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

Resolution adopted 5/8/2017.

Councilman Jones suggested researching Water District bills and expenses for the last 1-2 years before next meeting. Clerk Greene will be compiling these already from 2009 to present for EFC reimbursement for the town.

Councilman Thoma made a motion to that the bills be paid as presented. His motion was seconded by Councilman Fazio.

Vote recoded as:

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

Councilman Der asked Highway Supt. Mahar if he had any bills to be added to the reimbursement amount, including Highway department employee's time. Highway Supt. Mahar had none to add.

Budget Officer's Report: Mrs. Fleming provided the Town Board with copies of her monthly report for April and the financial report for April. Mrs. Fleming reported that there was an error with a deposit into the Water District account in the amount of \$2.00, bank read check wrong. She tried to resolve the issue with the bank with no success since she is not an authorized signer on the accounts. She suggested that in the future, giving authority to budget officer to discuss accounts would be helpful. Mrs. Fleming also made the suggestion to move funds in amount of \$20,600.00 from General Fund to Water District Capital Project Fund for the purchase of the Carroll property. This will include the purchase price of \$20,000.00 and possible closing cost fees up to \$600.00.

Councilman Der asked why this would not come out of water district monies since it will be owned by the Water District. It was clarified this was going to be for the Water District Capital Project Fund account.

Councilman Fazio offered the following Resolution #19 of 2017:

Resolution 19-2017: Authorization for Town of Denmark Budget Transfer as follows:

From	To	Amount
A5050 Interfund transfer	H5031 Interfund transfer Capital Fund WD	\$20,600.00

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 5/8/2017

Councilman Jones asked if the discrepancy of the \$2.00 in deposit can be taken care of and Mrs. Fleming stated it would have to be by someone with a signature card.

Councilman Thoma made a motion to accept the reports as presented by Mrs. Fleming. Councilman Der seconded the motion.

Vote recorded as:

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

PUBLIC COMMENT:

Scott Starr of Dynamic Energy, out of Saratoga, NY area, has a proposed project within the Town. The proposal will be ready in a couple weeks to present to the planning board. They have received one million in funding from NYSERDA and utility studies have shown to be feasible for solar. Mr. Starr stated he was here just as an introduction and would follow up with formal presentation at a later date. Supervisor Fleming asked if the project was with Thomas Sullivan and Mr. Starr confirmed they had a purchase offer with the Sullivan's. Lois Aubin also confirmed it was with her brother's property. Mr. Starr explained they would produce about 2000 kilowatts and be using approximately 12 acres of the parcel's 18 acres for the array.

Clerk Greene, Scott Starr and Lois Aubin exited the meeting at 6:27pm.

Budget Officer Mrs. Fleming exited the meeting from 6:28-6:33pm to make copies for the board. Sandra Jones exited meeting from 6:31-6:33.

Based on NYMIR's recommendation, a proposed update to Local Law 1-1981, prior notice law, was drafted and was reviewed by the Town of Denmark Town Board. Brief discussion held.

Councilman Fazio offered the following Resolution #20 of 2017: **Resolution 20-2017: To schedule a Public Hearing on June 12, 2017 at 7pm for the purpose of hearing public comment on Local Law 3-2017, the proposed update to Local Law 1-1981, providing for written notification of defects and obstructions on Town highways and sidewalks in the Town of Denmark.**

The Resolution was seconded by Councilman Der.

Vote recorded as:

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

Resolution adopted 5/8/2017

The Town Clerk's office will advertise.

Councilman Der was asked to update the Town Board on the work for solar regulations. He reported that it was progressing. They had only a few things to talk to Attorney Gebo about and they will be getting a form together for consideration. Some of regulations include limiting setbacks, location of free standing units in regards to residence (not in front of home) and mounted units. Larger projects must meet requirements/criteria. There was discussion on the possible requirement of only a certain percentage of parcel acreage be used for solar development. Discussion was also held on the effect solar development will have on property values and the lack of information available for this. Also mentioned was specific requirements written in the law for the decommissioning of units.

Supervisor Fleming made a motion, seconded by Councilman Jones, that the Town Board holds a work session with the Planning Board at the conclusion of the Planning Board's regular meeting, June 6th, 2017 at 7pm for the purpose of continued development of Solar Regulation.

Councilman Jones asked about what type of revenue would be generated for the town and Councilman Der answered that there would be fees for permits as well as the assessed tax value of the units. Councilman Der also stated that Lewis County had passed the same laws as New York State for Uniform Building and Safety Codes for solar.

Fuel bids received in April were reviewed by the Town Board. Discussion was held about lowest price over rack and contract requirements including automatic delivery.

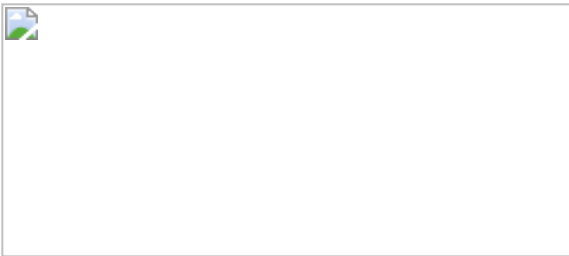
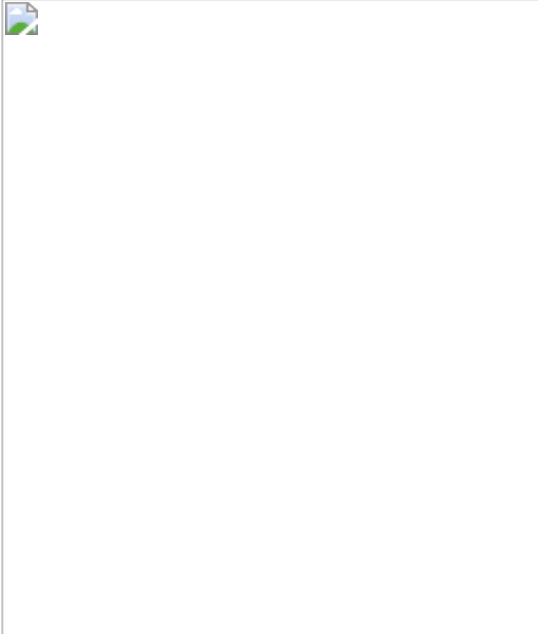
Councilman Jones made a motion that the 12 month bid beginning June 1, 2017 be awarded to Philly Fuels. His motion was seconded by Councilman Thoma.

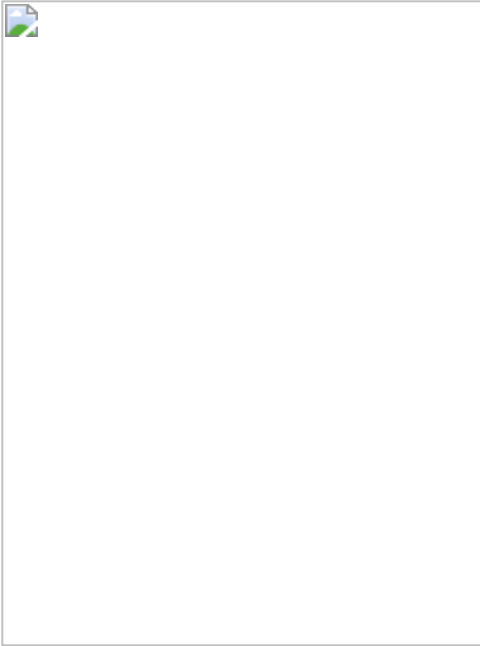
Vote recorded as follows:

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

The Town Clerk's office was asked to notify the bidders of the Town Board decision.

The IMA with the Village of Copenhagen for the expansion of Town of Denmark Water District #1 was signed by Copenhagen Mayor Scott Alexander on April 24, 2017. A copy of the IMA was received in Board packet May 4, 2017 for review. Document follows.





Councilman Der offered Resolution #21 of 2017. **Resolution 21-2017: Authorizing Supervisor Fleming to sign the IMA between the Town of Denmark and the Village of Copenhagen related to the extension of Water District #1.**

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 5/8/2017.

SUPERVISOR’S REPORT: Mr. Gebo provided a preliminary Amendment to Engineering Agreement #4 to the Town Board just prior to this meeting.

Matt Cooper of Barton & Loguidice, formerly of BCA, reviewed the agreement and offered some suggestions such as clarifying that BCA did preliminary design work not final and that B&L would be picking up where BCA left off and providing the final design. Mr. Cooper will contact Mr. Gebo.

Mr. Cooper also stated that B&L has provided an amendment (Engineering Agreement- Amendment No. 1) to reduce their Preliminary Design Fees by \$50,000.00 in consideration of the use of mapping and preliminary design documents prepared by Bernier, Carr & Associates and provided to B&L.

Councilman Der offered the following Resolution #22 of 2017: **Resolution 22-2017: Authorization for Town of Denmark Town Supervisor Fleming to sign Amendment to Owner-Engineer Agreement Amendment No. 4 once approved and finalized by Mark Gebo and Matt Cooper.**

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 5/8/2017.

The Town Board was provided with a letter from the Association of Towns for Countywide Shared Services Plan and Deputy Clerk Souva read aloud similar article in Tug Hill Commission newsletter. The Associations of Towns attorneys will be presenting seminars and a video version of the seminars on the AOT’s website. Discussion was held in regards to what can be shared and what penalties are if we don’t share. The seminar dates and times were provided.

Councilman Fazio offered a Resolution adopting the proposed Local Law 2 of 2017 as follows: **RESOLUTION 23-2017: A local law to change Section 1025 (B) of the Town of Denmark Zoning Law.**

Local Law No. 2 of the year 2017

A local law to change Section 1025(B) of the Town of Denmark Zoning Law.

Article 1. - Statement of Authority. The Town Board of the Town of Denmark, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Denmark hereby finds that certain language regarding setback waivers in Section 1025(B) of the Zoning Law as it relates to wind towers are confusing as it requires an owner to actually reside in a residence to grant a waiver. Granting a waiver based on residency is difficult as it could change over time. It is the purpose of this amendment to clarify those provisions by eliminating the residency requirement.

Article 3. - Enactment. The Town Board of the Town of Denmark does hereby amend the second sentence of Section 1025(B) of the Town of Denmark Zoning Law and as amended restates the second sentence of Section 1025(B) as follows:

“The owner of a residence may consent, in writing, to vary this distance, but in no event may a wind power generating facility be closer than the distance calculated in paragraph 1(A) above.”

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.

His motion for adoption was seconded by Councilman Der.

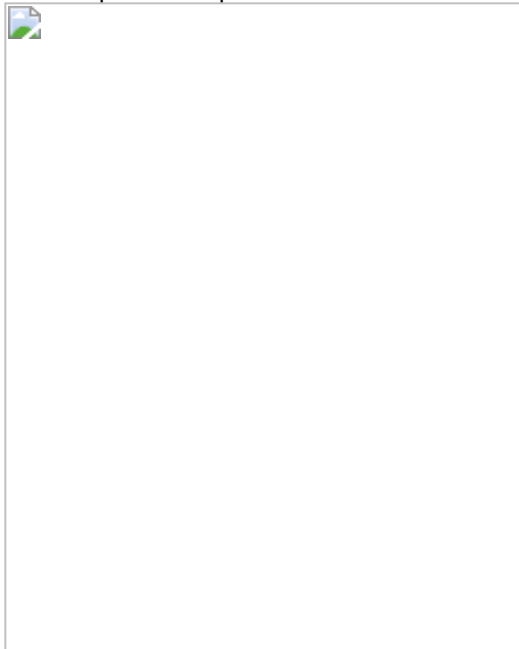
Vote recorded as follows:

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

Resolution 23-2017 and Local Law 2-2017 adopted 5/8/2017.

The Town Clerk will file with the Secretary of State.

Matt Cooper of B&L provided the Town Board with an update of the Water District #1 Improvements and Extension project including:



NYSEFC- Preparing for EFC loan closing including Town Clerk researching bills and expenses for Water District back to 2009. Process may possibly not be completed until September.

MWBE Utilization Plan- 26% of contracts have to be awarded to minority/women business owners. This is required and the Town has to comply. Town Clerk will be the Town Minority Officer and will handle required paperwork. B&L will assist with paperwork and contractor enforcement.

LGEG (Local Government Efficiency Grant) - Clarification of why first payment of funds was less than anticipated.

B&L Agreement- Amendment #1 to reduce their preliminary design fee by \$50,000.00.

Councilman Fazio offered the following Resolution #24 of 2017: **Resolution 24-2017: Authorizing Town of Denmark Town Supervisor Fleming to sign B&L Engineering Agreement- Amendment 1 reducing Preliminary Design Fees by \$50,000.00 in consideration of the use of mapping and preliminary design documents prepared by BCA and provided to B&L.**

The Resolution was seconded by Councilman Thoma.

Vote recorded as follows:

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

Resolution 24-2017 adopted 5/8/2017.

BCA Agreement-Amendment #4- Discussed earlier in meeting.

Engineering Design- Sorting out some missing information. Borings at tank site and along water line will begin within the next 2 weeks as well as foundation recommendations for tank base.

Permits are being worked on for Wetlands, NYSDOT and Joint Permit (Army Corp of Engineers and NYS DEC).

Easements-Maps will be prepared by B&L for main and service lines. Door to door interviews will help to identify any conflicts with digging areas. Once maps are completed and sent to residents, there will be an easement signing session with a notary at the Town building. Then will have to go door to door with a notary to get remainder of signatures. If resident will not sign the easement for a lateral, they will still be charged an EDU and if they wanted to be added at a later date, it would be at their own expense. If it is for a main, the Town may have to do eminent domain for an easement, not for property. This would be in particular for Route 12 between Roberts Rd and the Number 3 Rd.

Budget- Will need to update budget but there is still approximately \$140,000.00 in contingency.

Schedule- Looking to put bids out mid- summer. Late- summer start with the majority completed by late fall with restoration work into the spring. Mr. Cooper will draft a letter to be sent out to residents about project.

Councilman Jones asked about giving notice to residents about doing borings on their properties. Mr. Cooper stated the boring sites are within Right of Way and permission is not required but would help eliminate calls.

Supervisor Fleming stated Ned Merrell wanted to clarify that the adjoining Carroll's property would not be charged an EDU. They are aware that they are not included in the Water District and would be responsible for all costs if they wanted to be added on at a later date. Discussion was held on materials used for lines and the water tank and the benefits of each. Bids can be specific for materials or not but contractor still has to meet requirements.

Supervisor Fleming provided the Town Board with proposed changes to Local Law 2-2011, A Local Law Establishing Town of Denmark Water District #1 Water Law. Councilman Fazio made a motion, seconded by Supervisor Fleming to table this until next month for review.

Vote recorded as:

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

ASSESSOR: Assessor Vargulick was in attendance with the tentative Assessment Roll today and also will be on Saturday. He had one person attend. Grievance day is May 26, 2017. Mrs. Der commented that Assessment Board of Review has training the next day and Scott Doyle needed to go. Mrs. Jones asked if anything has been received from NYS about assessments of solar. Mr. Vargulick said more information, including property sales, is needed and he hasn't received anything.

CLERK REPORT: Clerk Greene provided the Town Board with the April 2017 Clerk Report and Tax Collector Report. Deputy Clerk Souva reported that 88% of Town taxes had been collected.

ZONING AND PLANNING: Clerk Greene provided copies of the April Zoning Report and the Planning Board minutes of 5/2/17.

NEW BUSINESS:

A letter dated 4/19/17 was received from Benetech, Inc. offering a payroll and workforce management service. No action.

A letter dated 4/20/17 was received from Lewis County Youth Bureau about 2017 summer recreation funding. Discussion held about lack of summer recreation programs in Town. No action.

HIGHWAY SUPT. REPORT: A quote summary from Nortrax, Inc. for a John Deere 624K-II Loader was provided to the Town Board by Supt. Mahar. The quote included the trade in of Town of Denmark 2015 John Deere 624K Loader with a balance of \$10,481.43 with trade in. Councilman Fazio asked if any funds left in account. Supt Mahar said there were since the budgeted plow truck loan payments had been lowered with First Niagara Bank's selling to Key Bank. Councilman Jones asked what kind of warranty with new truck. Supt Mahar believes 2 years. Supt Mahar said the bucket will be kept.

Councilman Der questioned if the loader would have to be qualified as surplus. Mr. Gebo will be contacted about this and a special meeting will be held if declaration needs to be made.

Councilman Der offered the following Resolution #25 of 2017. **Resolution 25-2017: Authorization to purchase John Deere 624K-II Loader for \$165,481.43 with trade in of Town of Denmark 2015 John Deere 624K Loader for \$155,000.00 with balance due of \$10,481.43.**

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 25-2017 adopted 5/8/2017.

The Highway Dept will be working on resurfacing 1.5 miles on Roberts Rd, Miller Rd and adding a 2.5 inch lift on Old State Rd from Carlowden to Halifax to prevent rain runoff onto Makuch property. Discussion was held on drainage in that area. Supt Mahar also mentioned an employee is having difficulties getting personal medical records from their provider and he may need to talk to Mr. Gebo. He also has a call into Terry Clark, Lewis Co. Workman's compensation, to get more information.

PUBLIC COMMENT: Mrs. Der presented the Town Board with a color coded Zoning map printed by Lewis County Real Property Tax Mapping that shows property lines and roads within the Town of Denmark.

Councilman Der made a motion, seconded by Councilman Thoma, to accept the map as the official map.

Vote recorded as follows:

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

Supt Mahar will not be at June Town Board meeting due to Highway school and July meeting due to vacation.

Councilman Der asked Supt Mahar about his need for a new truck as Highway Supt. Supt Mahar said not yet as one of the Town trucks is starting to have issues.

Being as there was no further business before the Town Board Councilman Fazio made a motion to adjourn the meeting. His 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

Meeting adjourned at 8:09 pm.

Work Session June 6, 2017 at 7:00 pm
 Town Board Meeting June 12, 2017 at 6:00 pm

Katrina Souva
 Town of Denmark Deputy Town Clerk