

Town of
Denmark

Minutes**May 09, 2016: Minutes of May 9, 2016****Body:**

May 9, 2016

The regular monthly meeting of the Denmark Town Board was held May 9, 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

Superintendent: Patrick Mahar
Assessor: William Vargulick exits at 7:01pm reenters at 7:05pm
Budget Officer: Sharon Fleming
Town Attorney: Mark Gebo exits at 6:46pm

Absent:
Councilmen: David Thoma
Town Clerk: Prudence Kunert

Also present: Matt Cooper of Bernier, Carr and Associates (exits at 6:29pm), Mike Sullivan, Linda Garrett, Darlene Rowsam, Debra Der and Mayor Scott Alexander.

Supervisor Fleming asked if any of the public present would like to speak. A discussion of a Tug Hill Land Trust project with Mike and Joyce Sullivan was led by Linda Garrett. The Town Board is being asked to consider a resolution showing their support. Questions were asked about taxation and future development. Tax assessment would not be affected. Wind turbines would be allowed under the preexisting agreement Copenhagen Wind. It is the intention of this project that the land be farmed and conserved it would not be available for commercial use or for a housing subdivision. After consideration Councilman Fazio offered the following resolution, seconded by Councilman Der.

Resolution 18-2016: Farmland Implementation Grants project; Tug Hill Tomorrow Land Trust as the applicant.

WHEREAS, Mike and Joyce Sullivan are the owners of the Flat Rock Farm, consisting of approximately 494 acres in tax parcels 110.00-02-07.210;-10.00;-08.100;-07.230;-07.100;-18.000;-09.110 in the Town of Denmark, Lewis County (the "Property"); and

WHEREAS, Tug Hill Tomorrow Land Trust is a New York not-for-profit corporation to accept, purchase, and hold conservation easements under section 170(h) of the Code and Treasury Regulation Section 1.170A-14(c); and

WHEREAS, the Property is located entirely within Lewis County's Agricultural District 6 created pursuant to Article 25-AA of the New York State Agriculture and Markets. It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies of the local and state economies and as an economic and environmental resource of major importance; and

WHEREAS, the Property is located within Lewis County, which adopted an Agricultural Enhancement Plan in 2004; and

WHEREAS, the Property consists primarily of productive agricultural land. The Property, which is 494 acres, contains 300 acres in active crops and livestock production, 27 acres of prime soils and 296 acres of soils of statewide importance as defined by the U.S. Department of Agriculture's Natural Resource Conservation Service; and

WHEREAS, Tug Hill Tomorrow Land Trust determined that accepting this easement on the Property will enhance the long-term agricultural values of the Property and forward it's mission of protecting the wildlands, working forests and farms of the Tug Hill region and surrounding areas, and to promote appreciation of the region's natural and cultural heritage, for present and future generations; and

WHEREAS, Flat Rock Farm and Tug Hill Tomorrow Land Trust agree the purpose of the agricultural easement will be to perpetually conserve viable agricultural land by preventing the conversion for non-farm uses. In achieving such prevention, the Property shall be forever reserved for continued agricultural use; and

NOW THEREFORE BE IT RESOLVED, that Denmark Town Board passed a resolution on May 9, 2016 at a regular Town Board meeting to endorse the submission of an application for a Farmland Implementation Program Grant for the Flat Rock Farm by Tug Hill Tomorrow Land Trust. If funded this grant will provide funding from the NYS Department of Agriculture and Markets to purchase the development rights (Agricultural conservation easement) on the Flat Rock Farm.

By order of the Town Board of the Town of Denmark by the following vote thereon:

Motion made by: Councilman Fazio, seconded by: Councilman Der

Vote recorded as follows:

Councilman Der Aye
Councilman Fazio Aye
Supervisor Fleming Aye

Councilman Thoma Absent
Councilman Jones Aye

Resolution18-2016 adopted May 9, 2016.

Councilman Fazio made a motion to appoint Sharon V Fleming to take the minutes of the May 9, 2016 meeting as Town Clerk Prudence Kunert is unavailable. The motion was seconded by Councilman Der.

Vote recorded as follows:

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

Motion passed.

Councilman Der made a motion, seconded by Councilman Fazio to Approval of Minutes from the April 11, 2016 meeting.

Vote recorded as follows:

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

Motion passed.

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 Absent
Councilman Jones Aye

Motion passed.

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. We are still waiting for finalization of district boundaries and creation of district. We have Shared Service Grant paperwork for Supervisor Fleming to sign. Bernier, Carr and Associates would like to be considered for reimbursement of their expenses. They will be billing for time spent working on funding applications and other billable hours. The grant monies can be applied to expenses dating from the last 2 years.

Councilman Der made motion to pay Bernier, Carr & Associates as presented by Matt Cooper when funding becomes available. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

Motion passed.

Further discussion held on grant monies. Councilman Jones asked about dates for a response on the applications. Mr. Cooper explained that the awards should be announced in August. If project happens ground would not be broken until next spring at the earliest.

The proposed IMA with Village of Copenhagen was discussed. Comments from Village were received by Mr. Gebo's office today. No changes have been made by the Village.

Old Business:

Copenhagen Wind Project update from Mr. Gebo. The Cultural Mitigation Agreement revisions have still not been received by his office. No action has happened in regards to the Road Use Agreement. The Planning Board is still reviewing the Special Use Application and Copenhagen Wind is expected to bring additional materials to the next Planning Board meeting. PILOT agreement is still not finalized. Joan McNichol, Lewis County Attorney, contacted Mr. Gebo about the PILOT negotiations.

Mr. Cooper asked about the roads in the Road Agreement and whether Village roads would also be included. He has concern about Cataract Street in the Village which will be repaired later this year. Discussion was held. A complete list of roads has not yet been presented. Mr. Gebo commented that there is potential for village streets to be utilized but until that information is provided by OWN Energy/Copenhagen Wind, there is no certainty. Discussion was held on the probability that Washington Street, which becomes Plank Road, and Mechanic Street may be used.

Matt Cooper exits the meeting at 6:29 PM.

HIGHWAY BILLS: Supt Mahar asked the Town Board to consider payment of a claim from G&K Services that arrived after Clerk Kunert had prepared the abstract. The total of the claim is \$585.80 for uniform expenses. Councilman Fazio made a motion to pay the claim as presented which was seconded by Councilman Der.

Vote recorded as follows:

Councilman Der Aye

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

Mrs. Fleming read aloud Highway Abstract #625, Claim 78-98 totaling \$4763.91. Superintendent Mahar explained each claim. Councilman Jones asked a question about claim #91 to MJL Crushing in the amount of \$590.21. Supt. Mahar explained that the town provides the gravel for new driveway where they meet the road so it meets standards. Property owners are responsible for any culverts needed for their own driveways. Councilman Der made a motion, seconded by Supervisor Fleming to pay Highway Abstract #625 as presented.

Vote recorded as follows:

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

GENERAL BILLS: Mrs. Fleming read aloud General Fund Abstract #583, claims 87-104 totaling \$6404.44 with \$955.82 additional paid prior (one utility bill from National Grid) bringing the total to \$7360.26.

Discussion was held on claim #89 to Thomas Fleming in the amount of \$624.96 this was for the purchase of printer ink and Quickbooks renewal fee. Councilman Fazio made a motion, seconded by Councilman Jones to pay General Abstract #583 as presented.

Vote recorded as follows:

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

WATER BILLS: Mrs. Fleming read aloud Water District #1, Abstract #26, claim 7-10 totaling \$1101.80.

Discussion was held on leaks that have been fixed and one remaining next to master meter on NYS Route 12. Councilman Jones made a motion, seconded by Councilman Der to pay Water District # 1 Abstract #26 as read.

Vote recorded as follows:

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

Town Comptroller, Sharon V. Fleming, asked that the board consider changing the total of April 2016 abstract #582 to \$9431.59 to reflect an error on claim #73 to Hrabchak and Gebo, which reduces that claim on the general abstract by \$545.41 and a change to water abstract #25 adding a claim #6 to Hrabchak and Gebo in the amount of \$253.41 to bring that abstract total to \$404.85. Councilman Fazio made a motion that the corrections be made as noted by Mrs. Fleming, seconded by Councilman Der

Vote recorded as follows:

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

Councilman Fazio made a motion to un-table and approve the March 2016 reports. The motion was seconded by Councilman Der.

Vote recorded as follows:

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

Councilman Der made a motion seconded by Councilman Fazio to accept the April 2016 reports.

Vote recorded as follows:

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

CLERK REPORT: Clerk Kunert provided the Town Board with copies of the April 2016 Clerk's report and Tax Collector's Report in their board packet.

Attorney Gebo exits the meeting at 6:46 PM.

Councilman Der made a motion to accept the Clerk's Report. The motion was seconded by Councilman Fazio.
Vote recorded as follows:

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

ASSESSOR REPORT: Mr. Vargulick was present and discussed with the Town Board a discussion that has begun on the assessment of railroad tracks in the town. Peter E. Gores of the Genesee Valley Transportation Company Inc. stopped to see Mr. Vargulick and discuss the assessments of the five parcels in the Town of Denmark. Currently the tracks are controlled by the IDA. The railroad company would like to resume discussions on the assessment. The taxable status date of March 1st has passed and the tentative roll has been completed. A reduction of the assessment, if any, will ultimately be decided by the Board of Assessment Review.

Councilman Der discussed information he had received several years ago when he attended a meeting about the railroad tracks and their future. There seems to be confusion over who ultimately decides the fate of the tracks. Some believe that because the tracks are "abandoned" that the land should revert to the parcels they were taken from. The IDA has interest in repurposing the track for use for a trail system. Additionally the federal government still believes these tracks to be in good enough condition that they should remain part of working rail system. A lot questions remain unanswered about the ownership and future of the tracks. If control of the tracks is given to GVT Rail Systems it would return to the tax roll. Currently it is untaxed because it is under IDA control. The town only receives moneys when the track is in use as it was recently when it was used to store railroad cars.

Assessor Vargulick exits the meeting at 7:01 PM

ZONING AND PLANNING: Members were provided with copies of ZEO Woodruff's Report for April 2016.

NEW BUSINESS: Clerk Kunert provided the Town Board with the following in their board packets:

- Letter 4/13/16 – NYS Dept of Ag & Markets - Shelter still not compliant, no contract with West Turin, Lyonsdale, Leyden, and Wilna
- Planning and Zoning Toolbox Workshop Notice, May 25, 2016
- Black River Watershed Conference, June 8, 2016

Assessor Vargulick reenters the meeting at 7:05 PM.

-Mrs. Der brought to the town board's attention a conference being sponsored by Tug Hill on May 18th.

Discussion of railroad continues. Mr. Vargulick explained that even if he reduces the assessment it is actually a gain for town tax revenue because the tracks are currently untaxed under IDA control as part of roll section 8, it currently only pays a fee based on usage.

Councilman Der discussed the Water Fund Resolution made last month. The monetary number to be paid back from the Water District to the General Fund does not include time spent by the Highway Department Employees working on leaks or repairs for the Water District. Mrs. Fleming explained that the Clerk's Office had tracked expenses back in 2012 so they were included but no amount was ever discussed for any other employees. Councilman Der is concerned about the General Fund being used to pay the wages, benefits etc for time spent on the Water District. Supt. Mahar noted that highway employees are used for general fund issues ex. lawn mowing and that is never tracked or recouped into highway funds. Councilman Der pointed out that the building maintenance would be a town-wide expense, the Water District is not. Discussion was held. Supt. Mahar will begin tracking the time spent by Highway Employees on the water district. Discussion was held on a rate for those hours, it would need to be based on the hourly wage+ benefits.

HIGHWAY SUPT. REPORT: Supt. Mahar reported

Trucks were sold through Auctions International and a check will be coming to the Town. A brief discussion was held on where those monies should go. The lease payment was paid using highway fund accounts and Supt. Mahar would like the Town Board to consider putting some money back in them from the sale proceeds.

The profiler will be here May 18th for the Wilson Road. Discussion was held.

Supt. Mahar talked to MJL crushing about 4inch stone that they are willing to sell at 250.00 per ton it is usually 475.00. He would like to purchase some for further work on the Wilson Road and to stockpile for future needs. The Mud Street bridge will need re-decking soon. Supt. Mahar is looking for a railcar to set in place there as a bridge.

OTHER BUSINESS: Supervisor Fleming and Supt. Mahar talked about the trip they took to Illinois to view the aqua store tanks. They toured the manufacturing plant.

Mayor Alexander noted that Cataract Street will be closed on May 23rd for culvert replacement.

Councilman Jones asked if any updates are available on the accidents involving snowplows in February. Supt. Mahar explained that it is in the hands of the insurance company. He has no further information.

Councilman Der suggested that additional items be placed on the agenda allowing for public comment, perhaps adding an agenda item in the middle and at the end of the meeting. Discussion held.

Discussion held about Mud Street. Question was asked if it might ever be paved. Currently no power on that road and there is no known interest in building on it at this time so no need to pave it at this time.

Councilman Jones discussed the Alcohol Policy of the Town of Denmark. He discussed the need for testing as outlined in the policy that was adopted in 2008.

There being no more business before the Board, Councilman Fazio made a motion to adjourn the meeting. The motion was seconded by Councilman Der.

Vote recorded as follows:

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

Motion passed.

Meeting adjourned at 7:34pm.

Next regular meeting scheduled for June 13, 2016 at 6:00pm.

Sharon V. Fleming

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