

Town of Denmark

Minutes

November 10, 2016: November 10, 2016- Regular Meeting

Body:

November 10, 2016

The regular monthly meeting of the Denmark Town Board was held November 10, 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
Councilman:	James Der
	Frank Fazio
	David Thoma
	Peter Jones
Highway Supt.	Patrick Mahar
Comptroller:	Sharon Fleming
Town Clerk:	Prudence Greene
Deputy Clerk:	Katrina Souva
Assessor:	William Vargulick
ZEO:	Lloyd Woodruff (exits at 6:35pm)

Also present: Matt Cooper of Bernier, Carr & Associates (enters at 6:09pm, exits at 6:15pm)
Deb Der, Sandra Jones, Charles Haggett (exits at 6:37) and Glen Sarnowski (exits at 6:37)

There was no public comment.

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	
Deputy Supervisor Thoma	Aye	
Councilman Jones	Aye	Motion passed.

ASSESSOR REPORT: Mr. Vargulick spoke to the Town Board about the Aged Exemption currently in place in the Town. He offered a recommendation that the sliding scale amounts be raised to allow our low income seniors to retain the benefit even if there is a slight adjustment in the amount they receive for Social Security. Discussion was held and it was noted that this exemption has not been adjusted in several years.

Councilman Thoma offered the following resolution; his resolution was seconded by Councilman Jones.

Resolution 34-2016: Town of Denmark Town Board authorizes that the Aged Exemption sliding scale be adjusted to increase each level of income \$500.00.

Vote recorded as follows:

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

Resolution 34-2016 adopted November 10, 2016.

Assessor Vargulick also spoke to the Town Board about recent meetings he has attended in Lewis County. He has made adjustments to the railroad assessments to be more in line with other Lewis County Towns.

WATER DISTRICT #1 UPDATE: Mr. Cooper of Bernier, Carr and Associates spoke to the Town Board about the expansion plans. Currently he is reviewing the prior IMA's with the Village of Copenhagen to ensure that we are in compliance. It may be necessary to meet with the Village Trustee's to negotiate the needed language for the expanded district. Discussion was held on the timeline for funding. Supervisor Fleming is currently reviewing and preparing to sign paperwork for the Local Government Efficiency Grant monies. Mr. Cooper left the meeting at 6:15pm.

SUPERVISOR'S REPORT: Discussion was held on the current Emergency Order for Water District 1. Based on the fact that the Village plans to continue their Emergency Order Councilman Fazio offered the following resolution which was seconded by Councilman Jones.

Resolution 35-2016: Emergency Order for Water District #1

WHEREAS, the Town of Denmark Town Board on October 27, 2016 declared a State Emergency for mandatory conservation of water provided by the Town of Denmark Water District #1 users due to the lack of water supply being at an all-time low; and

WHEREAS, the declaration of a State of Emergency pursuant to Section 24 of the Executive of the State of New York must be renewed every five days, unless authorized by the Town Board by resolution to extend the declaration to every thirty (30) days; and

WHEREAS, it is more cost effective and efficiency of staff, to have the emergency declaration extended to thirty (30) days;

Now, Therefore, Be It,

RESOLVED, that the Town Board of the Town of Denmark does hereby declare a State of Emergency for mandatory conservation of water provided by the Town of Denmark Water District #1 users due to the lack of water supply being at an all-time low; effective November 26, 2016 and

It is further,

RESOLVED, that such State of Emergency may be renewed every thirty (30) days until the water emergency can be lifted.

Vote recorded as follows:

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

Resolution 35-2016 adopted November 10, 2016.

Discussion was held on the Zoning Applications that have been received from Copenhagen Wind. They have submitted 40 permits at this time. They paid the fees in a check for \$41,000.00, this included an overpayment of \$1000.00 that the Clerk will be refunding. ZEO Woodruff will be reviewing each permit and speaking to the landowners. He will be measuring the distances of the setbacks for each tower to ensure that they are in compliance with Town of Denmark Law. Driveway applications will be monitored and signed by Supt. Mahar. Discussion was held on the waiver process for structures within the project and on the Host Agreement payment timeline.

Discussion was held on ZBA member Robert Harding. Clerk Greene has tried to contact Mr. Harding throughout the fall for training opportunities by phone and mail. Neither method has been successful. Mr. Haggett of the ZBA has also tried to reach out to Mr. Harding with no results. Mr. Harding's home is now for sale and it is believed that he has left the Town of Denmark. Councilman Der made a motion that Mr. Robert Harding be removed from the Town of Denmark ZBA. The motion was seconded by Councilman Thoma.

Vote recorded as follows:

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

Mr. Glen Sarnowski was in attendance and asked that he be considered for the unexpired term of Mr. Harding. After discussion Councilman Fazio made a motion that Mr. Glen Sarnowski be appointed to the ZBA to fulfill the unexpired term of Robert Harding effective 11/10/2016 – 12/31/2018. The motion was seconded by Councilman Jones.

Vote recorded as follows:

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

Clerk Greene provided each member of the Town Board with a list of appointments for various Town positions that are due to expire 12/31/2016 for their information and review.

Clerk Greene provided copies of the proposed contract with the Teamster Union for the Town Board's review at the direction of Supervisor Fleming. Councilman Fazio made a motion that discussion of the contract be tabled to the December 12, 2016 meeting. His motion was seconded by Councilman Der.

Vote recorded as follows:

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

A motion was made by Councilman Fazio to approve the minutes of the October 10, 2016 regular meeting as prepared by Deputy Clerk Souva. The motion was seconded by Supervisor Fleming.

Vote recorded as follows:

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

A motion was made by Councilman Fazio to approve the minutes of the October 27, 2016 special meeting as prepared by Deputy Clerk Souva. The motion was seconded by Councilman Der.

Vote recorded as follows:

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

HIGHWAY ABSTRACT: Clerk Greene read aloud Abstract 631, Claims 183-207, totaling \$22,329.03 Superintendent Mahar explained each claim to the Town Board. Discussion was held on claim 184 and 197 these were for paving work. Councilman Fazio made a motion that the claims totaling \$22329.03 be paid as presented. Councilman Sullivan seconded the motion.

Vote recorded as follows:

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

GENERAL ABSTRACT: Clerk Greene read aloud General Abstract 589; Claims 185-205 totaling \$9,327.57 paid prior totaling \$1,194.89, total \$10,522.46. Councilman Fazio made a motion to pay General Abstract #589 as read. The motion was seconded by Councilman Thoma.

Vote recorded as follows:

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

WATER ABSTRACT: Clerk Greene read aloud Water District #1 Abstract 32; Claims 26-29 totaling \$879.81. Supt. Mahar explained claim #29 was wire used to power the pump needed to provide water to the Spaulding residence on River Road. Councilman Thoma made a motion to pay Water Abstract #32 as presented. The motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

At this time Supervisor Fleming asked if there was any member of the public who wished to speak. Mrs. Deb Der asked if a closed circuit camera system and monitor had ever been considered for the Town Clerk's safety. She suggested that a television monitor could be placed in the Clerk's Office with a slight delay so that she could view who is entering the building, particularly on the lower level and look at it when the door chimes. Discussion was held. Supt. Mahar will contact STAT to see what they would recommend for hardware. Mrs. Sandra Jones asked about the conference expenses of Supt. Mahar on the abstract.

BUDGET OFFICER'S REPORT: Mrs. Fleming provided the Town Board with her report of October 2016, an October 2016 Financial Report and a copy of the Tax Cap Summary. The reports were reviewed by the Town Board.

At this time Councilman Der noted it was 7:00pm. Supervisor Fleming asked the Clerk to read aloud the Public Hearing notice. Clerk Greene read the following:

Notice is hereby given that the Preliminary Budget for the Town of Denmark, Lewis County, New York for the fiscal year beginning January 1, 2017 has been filed in the Office of the Town Clerk at the Town Municipal Building, 3707 Roberts Rd, Deer River, New York where it is available for inspection by any person during office hours. Further notice is hereby given that the Town Board of the Town of Denmark will meet and review said preliminary budget and hold a public hearing thereon and concurrently a public hearing of the 2017 Fire Contract at the Town Municipal Building, 3707 Roberts Rd, Deer River, New York on the 10th day of November, 2016 at 7:00pm. At the conclusion of those Public Hearings another will be held for the purpose of considering a Local Law to place a moratorium for a period of six (6) months on applications or proceedings of application for Solar Energy Equipment / Systems to allow the Town Board to consider and implement sufficient regulations. Any person may be heard in favor or against any item or items therein contained. Any written comments must be submitted to the Town Clerk prior to that time and date for them to be presented to the Town Board at the time of the public hearing. Any persons requiring special accommodations to attend and participate in such public hearing should notify the Town Clerk prior to the hearing. Pursuant to section 113 of the Town Law, the proposed salaries of the following Town Officers are hereby specified as follows:

Supervisor	\$ 8,962.00
Town Budget Officer	\$ 5,675.00
Town Clerk	\$26,790.00
Highway Supt.	\$46,312.00
Councilman	\$ 2,196.00
Town Justices	\$13,660.00
	\$ 4,830.00

By order of the Town of Denmark Town Board.

Katrina B. Souva
Town of Denmark Deputy Clerk
Dated: October 19, 2016

Councilman Thoma made a motion that the Public Hearing of the proposed 2017 Budget be opened. His motion was seconded by Councilman Fazio.

Vote recorded as follows:

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

Clerk Greene stated that she had not received any written comments.

Mrs. Sandra Jones asked about employee raises. Mrs. Fleming explained that the employee salaries were all part of the budget and had been reviewed and developed by the Town Board as part of the budget process.

No further comments.

Councilman Fazio made a motion, seconded by Councilman Thoma to close the Public Hearing of the proposed 2017 Budget.

Vote recorded as follows:

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

Councilman Thoma offered a Resolution that the Town of Denmark Town Board adopts the proposed 2017 Town of Denmark Budget as the 2017 Town of Denmark Budget. The motion was seconded by Councilman Thoma.

Resolution 36-2016: Adoption of the Town of Denmark 2017 Budget



Vote recorded as follows:

	Councilman Der	No
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Aye	
Councilman Jones	No	

Resolution 36-2016 adopted November 10, 2016.

Councilman Thoma asked why votes were no on a budget developed by the Town Board. Councilman Der responded that the amounts could be decreased after the budget hearing. Councilman Jones also stated that he would have liked to review the salaries again. Councilman Thoma asked the Clerk what the vote had been on the preliminary budget and setting of the Public Hearing. Mrs. Greene responded that the vote had been 4-0 with Councilman Thoma absent.

Councilman Fazio made a motion to open the Public Hearing of the 2017 Fire Contracts. 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.

Clerk did not receive any written comments. No public comment was made.

Councilman Fazio made a motion to close the Public Hearing of the 2017 Fire Contracts. 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.

Councilman Thoma offered a Resolution that the Town of Denmark Town Board adopts the proposed 2016 Fire Contract as follows and it was seconded by Councilman Fazio.

Resolution 37-2016: Adoption of the Town of Denmark 2017 Fire Contracts

THIS AGREEMENT, made effective January 1, 2017, between the TOWN OF DENMARK, Lewis County, New York, party of the first part, herein after called the "Town", and the COPENHAGEN FIRE DEPARTMENT, INC., a corporation duly organized and existing under the laws of the State of New York, the VILLAGE OF COPENHAGEN and the VILLAGE OF CASTORLAND, municipal corporations situated in Lewis County, New York, and the VILLAGE OF WEST CARTHAGE, a municipal corporation situated in Jefferson County, New York, and duly organized and existing under the Laws of the State of New York, all the parties of the second part, herein after called the "Contractors".

WITNESSETH:

WHEREAS, there has been duly established in said Town of Denmark a fire protection district known as "DENMARK FIRE PROTECTION DISTRICT", hereinafter called the "District", embracing all the territory in said Town outside the boundaries of the incorporated Villages therein; and

WHEREAS, following a public hearing held on November 10, 2016 the Town duly authorized a contract with the Contractors for fire protection in the District; and

WHEREAS, this Contract has been duly authorized by the Contractors.

NOW, THEREFORE, the Town of Denmark does hereby contract with the Contractors to furnish fire protection for the District and the Contractors agree to furnish fire protection as follows:

The District shall be divided into three (3) zones as set forth on the annexed map, which is hereby incorporated in and made a part of this Agreement, said zones being designated by numerals I, II, and III. Copenhagen Fire Department, Inc. and the Village of Copenhagen in the case of Zone I. The Village of Castorland in case of Zone II, and the Village of West Carthage in case of Zone III, shall during the period of this agreement, be subject to call for attendance upon any fire occurring in the zone above assigned to it, and when notified of a fire therein shall respond and attend upon the fire with all possible speed and with suitable equipment and personnel, and shall proceed diligently to effect the extinguishment of the fire and the saving of life and property in connection therewith. Each of said Contractors shall also be subject to call for attendance upon any fire occurring in either of the Zones not assigned to it in Paragraph 1 above for purpose of assisting the Contractor which said Zone is assigned whenever such assistance is deemed necessary or advisable. This term of this agreement shall be for one (1) year, commencing January 1, 2017 and ending December 31, 2017. In consideration of furnishing such fire protection, the Contractors shall, for the term of this agreement, receive as follows, and the Town agrees to pay the same on or by February 15, 2017, to wit:

VILLAGE OF WEST CARTHAGE	\$ 8,750.00
VILLAGE OF COPENHAGEN & COPENHAGEN FIRE DEPARTMENT, INC.	\$22,000.00
VILLAGE OF CASTORLAND	\$22,000.00

All monies to be paid under any provision of this agreement shall be a charge upon the District to be assessed and levied upon taxable property of the District and collected with the Town Taxes.

IN WITNESS WHEREOF, the Town of Denmark has caused these presents to be signed by its Supervisor duly authorized to do so; Copenhagen Fire Department, Inc. has caused these presents to be signed by its duly authorized officer; the Village of Copenhagen has caused these presents to be signed by its Mayor; the Village of Castorland has caused these presents to be signed by its Mayor; and the Village of West Carthage has caused these presents to be signed by its Mayor, duly authorized to do so, the day and year first above written.

Vote recorded as follows:

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

Resolution 37-2016 adopted November 10, 2016.

Councilman Fazio made a motion to open the Public Hearing of proposed Local Law 2-2016 - Six (6) Month Solar Moratorium. 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	

Councilman Fazio asked why the Town of Denmark needs to do this. Councilman Der responded that it would allow time for the Town to address the issue in its Zoning Law.

No comments were received by the Town Clerk. No comments were made by the public present.

Councilman Der made a motion to close the Public Hearing. His motion was seconded by Councilman Fazio.

Councilman Der offered a Resolution that the Town of Denmark Town Board adopt Local Law 2-2016 - Six (6) Month Solar Moratorium as follows, his motion was seconded by Councilman Fazio.

Resolution 38-2016: Adoption of Local Law No. 2 of the year 2016 – Six (6) Month Solar Moratorium

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 has been made aware of interest in Solar Energy Equipment/Systems desiring to locate in the area. Currently, the Town of Denmark Code does not contain provisions for regulation of such facilities. It is the purpose of this local law to establish a moratorium for a period of six months on applications or proceedings of applications for Solar Energy Equipment/Systems allow the Town Board to consider and implement sufficient regulations.

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

Section 1. Definitions

Solar Energy Equipment/System – Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

Section 2.

Commencing with the effective date of this local law and for a period of six (6) months thereafter, no person shall be allowed a permit to site or locate a Solar Energy Equipment/Systems as defined in this law within the Town of Denmark nor shall any application for such a permit be processed.

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 follows:

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

Resolution 38-2016 adopted November 10, 2016.

BUDGET OFFICER'S REPORT (continued):

Councilman Fazio made a motion to accept the reports of the Town of Denmark Budget Officer, Sharon Fleming. His motion was seconded by Councilman Thoma.

Vote recorded as:

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

TOWN CLERK'S REPORT: Clerk Greene had provided a copy of her October 2016 report to the Town Board in the meeting packet. No questions. Councilman Fazio made a motion to accept the report. His 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.

Clerk provided the Town Board with copies of the financial report of Riverside Cemetery as per their request. Report was discussed.

Clerk informed the Town Board of the resignation of Byron Thompson from the Town of Denmark Board of Assessment Review. Councilman Thoma made a motion to accept the resignation. His 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.

Clerk Greene discussed with the Town Board a needed correction of Abstract #629, September 2016. Claim #164 – Metal Man Services in the amount of 577.80 was approved – typo led to check in the amount of 77.80 being sent. Check was returned to the Town and should be voided. Supt. Mahar has included the \$577.80 in this month's claim. Corrected abstract total of Highway Abstract 629 would be \$42,023.68. Councilman Der made a motion to correct the total of Highway Abstract 629 to \$42,023.68. His motion was seconded by Supervisor Fleming.

Vote recorded as:

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

Clerk Greene provided each member with a copy of the appointed officials list for terms expiring on December 31, 2016 for their information.

NEW BUSINESS: Town Board members were provided with the following correspondence received prior to the meeting:

- Letter dated 10/31/2016 from Carthage Specialty Paper, Notice of FERC Project No. 10887, information only
- Letter dated October 6, 2016 from Volunteer Transportation Center, Inc.
- Letter dated 10/7/2016 from Association of Towns - 2017 Training School
- Letter dated October 7, 2016 from ISO, information only
- Email from Jefferson County Dept of Planning – training on November 14, 2016

No action taken on these items.

HIGHWAY SUPT. REPORT: Supt. Mahar updated the Town Board on the activities of the Highway Dept. The roadside markers have been placed, plows are ready to go and they will be working with the Village of Copenhagen later this week.

Councilman Fazio made a motion to enter into an Executive Session to discuss a personnel matter. Councilman Der seconded the motion. Supt. Mahar was asked to remain. All others left the meeting at 7:33pm.

Vote recorded as:

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

Councilman Jones Aye Motion passed.

Councilman Fazio made a motion to exit the executive session at 7:57. His 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.

Clerk Greene reentered the meeting.
Councilman Fazio made a motion to adjourn the meeting at 7:59pm. His motion was seconded by Councilman Thoma.
Vote recorded as:

Councilman Fazio Councilman Der Aye
Supervisor Fleming Aye

Councilman Thoma Aye

Councilman Jones Aye Motion passed.

Next regular meeting of the Town of Denmark Town Board will be held December 12, 2016 at 6:00pm.

Town of Denmark Town Clerk
Prudence Lyn Greene