

# Town of Denmark

## Minutes

### September 12, 2016: Minutes

#### Body:

September 12, 2016

The regular monthly meeting of the Denmark Town Board was held September 12, 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 enters at 6:15pm  
 David Thoma  
 Peter Jones

Superintendent: Patrick Mahar  
 Assessor: William Vargulick  
 Budget Officer: Sharon Fleming  
 Town Clerk: Prudence Kunert  
 Deputy Clerk: Katrina Souva  
 Town Attorney: Mark Gebo (leaves at 6:37)

Also present: Lewis County Legislator Craig Brennan (leaves at 7:00pm) Deb Der (exits at 6:37pm reenters at approximately 6:50pm), Sandy Jones and Roger Burriss, Shelter Manager at Lewis County Humane Society (leaves 6:37pm)

Supervisor Fleming asked if any of the public present would like to speak. No comments were made.

Councilman Der made a motion to approve the amended agenda prepared by Clerk Kunert. The motion was seconded by Councilman Jones.

Vote recorded as follows:

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

Clerk Kunert presented the Town Board with a sample of a letter that she had prepared after she was asked to do so by Supervisor Fleming. Supervisor Fleming had asked that she draft a letter with EDU rates and send it to the prospective users in the Water District Expansion on his behalf. After consulting with Bernier, Carr and Associates Town Clerk Kunert drafted a letter on her own stationary for the Town Board's consideration. She chose to draft the letter as hers because it does not include the EDU information that was specifically requested by Supervisor Fleming. Ms. Kunert contacted Bernier, Carr and Associates and spoke with Rachel Bernatt as Matt Cooper is out of town. Ms. Bernatt did not believe an EDU amount should be cited in the letter because changes to the number of actual EDU at 1 or .5 would impact the final amount that needs to be charged. We also know at this time what the full amount of the loan is (\$600,000.00) but not what the schedule of annual payments may be. Even though the loan is 0% interest that does not mean the payment will be the same every year.

In the letter she outlines the funding that has been received for the project. She explains that until the map of parcels is finalized EDU and OM costs cannot be calculated, an average user rate is identified as being approximately \$700.00-\$800.00 per year and she explains that if a residence is physically connected to the water district it cannot also be using a private well, per NYS Department of Health. Discussion was held about the letter. Suggestions were made about the letters wording. The letter was intended by the Clerk to be informational to assure that all potential users had the same information. Supervisor Fleming has been trying to contact each potential user personally but due to time constraints is unable to do so. Discussion was held on having another meeting to discuss concerns of the public. The Clerk suggested that the Public Hearing required by the district formation process would be an opportunity for the public to voice concerns. Mr. Gebo noted that the district could be reduced in size after a Public Hearing but could not be increased. All potential parcels would need to be identified in the notice of the Public Hearing. Discussion continued. Supervisor Fleming has continued to contact potential users to get a more solid number of the people who plan to hook up. He has met with Donald Carroll and Brock Smykla of County Rt 194 and Phil Eggleston of NYS Rt 12. Supt. Mahar and Supervisor Fleming went to the Tom Carroll farm to stake out the land that the Town plans to purchase for the water tower site. He has also asked the Clerk to send a scan of the map showing the tower location to Merrell and Merrell as they will be representing the seller in this matter.

Discussion of the Clerk's letter continued. Clerk was asked to include definition of EDU and O&M and to clarify that no O&M charge would be incurred for parcels not "hooked" to the system. Supt. Mahar volunteered to be listed as a point of contact in the letter as he is the

Water Supt and could better answer questions about the lines and connections. The Clerk thanked him for his assistance and will redraft the letter tomorrow.

Councilman Thoma made a motion that the Clerk send the letter as long as it reflects the changes suggested by the Town Board. His motion was seconded by Councilman Fazio.

Town Board Vote recorded as follows:

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

Motion carried.

Supervisor Fleming provided the Town Board with an update on the progress of the Copenhagen Wind Farm. He was contacted over the weekend and the project appears to be delayed for another year. OWN has encountered an issue with the power infrastructure and until it can be remedied by National Grid the projected power cannot be transmitted. OWN may still proceed with some tree clearing over the winter.

Lewis County IDA will be holding a Public Hearing at the Town of Denmark on September 19, 2016 on the Copenhagen Wind Farm, LLC.

Discussion of this information was held. Councilman Der exited the meeting at 6:27pm and returned at 6:29pm.

Roger Burriss, Shelter Manager at Lewis County Humane Society spoke to the Town Board about the needs of the Lewis County Shelter moving forward. The kennels are 30 years old and are unsafe for animals with health issues or behavioral problems. An area needs to be developed for families to interact with the animals as part of the adoption process. A classroom for in service training is needed. The overall project is expected to cost \$30,000.00. The SPCA is a non-profit organization. Their monies are limited to the contract amounts with the towns they serve and donations. Mr. Burriss hopes that the Town of Denmark will consider a monetary sum to help with the renovations. Mr. Gebo suggested to the Town Board that if they choose to allocate monies they do an addition to the contract to assist with capital needs of the shelter as municipalities are barred from donating public funds. Legislator Brennan asked Mr. Burriss to send information to the Lewis County Legislators for their consideration as well.

Supervisor Fleming thanked Mr. Burriss for the work that the shelter does for the town.

Mr. Gebo, Mr. Burriss and Debra Der exit the meeting at 6:37pm.

Mrs. Fleming the Town Budget Officer informed the Town Board that Justin Hall, Town of Denmark Dog Control Officer has requested a salary of \$3200.00 for 2017.

Further discussion was held on shelter needs. After discussion Mrs. Fleming was asked to make \$1000.00 available in the 2017 budget for an addition to the contract to assist with capital needs of the shelter.

#### LEWIS COUNTY LEGISLATOR'S REPORT- Craig Brennan

Lewis County is developing their 2017 budget at this time. Although it is expected that they will stay under the NYS Tax Cap they will be considering a local law in the event it needs to be exceeded. The funding at County level is being bolstered by the fact that Lewis County General has been able to pay back some of the funds extended to them by the County and are expected to continue to do so.

Leg. Brennan is excited about the work being done by the Lewis County Industrial Development Agency (IDA) and the attention being given to Lewis County as a prospective home to private industry. The IDA continues to work with KRAFT to encourage them to stay in Lewis County.

Jefferson Community College will be building a satellite campus in Lewis County on the former Seeber Farm. Technical programs will be offered to adults and will be tailored to the needs of Lewis County industries. Room will be provided in the building that will function as vendor exhibit areas for equipment.

Plans for a commercial park are progressing. The mixed public and private use facility would be located off NYS Rt 26 behind Lewis Lanes. The first building proposed would house a DMV office and an office for NYRCIL (Northern Regional Center for Independent Living). Developments in Lyons Falls have led to the creation of 17 jobs and a microbrewery has worked with the IDA in expanding their production.

Councilman Thoma asked if anything is happening in the Town of Denmark.

Leg. Brennan spoke about a potential for a new business in Copenhagen pressing apples, a possible trail system for the south side of Deer River beginning on Mill Street and extending to Kings Falls. There is also interest in the railroad tracks in Deer River for a potential site for high speed rail testing.

Supt. Mahar asked who would be responsible for trail maintenance and Mr. Brennan suggested that grants may be available to cover those expenses. Mr. Brennan stressed the need for Lewis County Towns and Villages to work together with the County on these projects. He stated that Lewis County is a great place to live and has a lot to offer residents. Higher percentages of people are responding more and more favorably in polls conducted annually by JCC.

Leg. Brennan exited the meeting at 7:00pm.

**SUPERVISOR'S REPORT:**

Supervisor Fleming asked the Town Board to consider Reappointment of Byron Thompson to the Town of Denmark Board of Assessment Review for a five year term, October 1, 2016 – September 30, 2021. Councilman Thoma made that motion, seconded by Supervisor Fleming.

Town Board Vote recorded as follows:

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

The budget for 2017 was discussed. Mrs. Fleming has run the calculations for the tax cap and the Town tax cap is 1% not the .6% that was previously discussed by the media. Discussion was held on the projected fund balance. At this time an accurate number cannot really be derived with 4 months left in the fiscal year. Councilman Der asked if \$62,000.00 could be used from those funds to keep the budget under the tax cap. Mrs. Fleming offered to check those figures and report back.

**BUDGET OFFICER REPORT:** Mrs. Sharon Fleming gave copies of her Town Budget Officer's Report for August 2016 and the financial report for August 2016.

After review of the documents Councilman Thoma made a motion to accept the reports as presented. The motion was seconded by Councilman Fazio.

Vote recorded as:

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

Mrs. Fleming left the meeting at 7:14pm.

**SUPERVISOR'S REPORT** continued:

The contract for uniforms and rugs was discussed. The current contract with G&K is in place until February. Supt. Mahar suggested that the town advertise for bids in December to be opened and awarded in January with new contract in place when the current expires.

Discussion was held on the number of rags and uniforms. Councilman Thoma asked Supt. Mahar to put together information on those needs for the Town Board to consider. Supt. Mahar agreed to compile the information for the Town Board.

Councilman Fazio made a motion for the approval of minutes from August 8, 2016 monthly meeting as recorded by Ms. Kunert. The 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.

Councilman Fazio made a motion for the approval of minutes from August 18, 2016 Special Meeting as recorded by Councilman Der. The 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.

**HIGHWAY ABSTRACT #629, Claim #153-169, Total \$42,601.48** was reviewed by the Town Board.

Councilman Fazio made a motion that the bills be paid as presented. 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.

Supervisor Fleming asked if any of the public present wished to comment. No comments at this time.

**TOWN CLERK REPORT:**

Ms. Kunert provided the Town Board with copies of her report for August 2016 in their board packets prior to the meeting. There were no questions.

Ms. Kunert provided copies of a letter of resignation from Tamara Montalvo from her position on the Town of Denmark Planning Board effective September 30, 2016 received via email that morning. Discussion was held on finding a replacement for Ms. Montalvo.

Ms. Kunert spoke to the Town Board about the audit progress of Diane Mahar. Mrs. Mahar continues to work on the 2016 documents but has noted 3 abstract totals that are incorrect due to Board action transferring claims from General to Water that were placed in error by Clerk Kunert.

Councilman Fazio made a motion to amend the total of General Abstract 583. Total without paid prior should be \$3298.32, with paid prior \$4254.16. The 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

Councilman Fazio made a motion to amend the total of Water Abstract 25 to \$404.85. This 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 Fazio made a motion to amend the total of Water Abstract 28 to \$527.34. This 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

**GENERAL ABSTRACT #587, Claim #151-166, Abstract \$9004.12, paid prior total \$494.93, Total with paid prior \$9499.05** was reviewed by the Town Board. Councilman Fazio made a motion that the bills be paid as presented. 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.

**WATER DISTRICT #1 ABSTRACT #30, Claim #17, Total \$84.60** was reviewed by the Town Board. Councilman Fazio made a motion that the bills be paid as presented. 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.

**ASSESSOR REPORT:** The Town of Denmark inventory is currently at 100% according to the State. Mr. Vargulick reported that he is concerned about some of the data for the Village of Castorland. He believes that due to the trend of sales this year he may need to trend those parcels slightly lower in 2017.

At 7:36pm Sharon Fleming reentered the meeting.

Discussion was held on a future town wide revaluation.

**BUDGET OFFICER:** At this time more of the 2017 budget was discussed. Based on the approximate budget of 2017 Mrs. Fleming advised keeping 10% in reserves for potential problems.

Discussion was held on the tax cap. Clerk Kunert provided Town Board members with a copy of proposed local law #1 of 2016, **A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c** for their consideration at the direction of Supervisor Fleming.

Discussion was held.

Councilman Der made a motion that the Town of Denmark Town Board hold a Public Hearing of proposed local law #1 of 2016, **A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c** on October 10, 2016 at 7:00pm. 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 Kunert will advertise the Public Hearing.

Mr. Vargulick spoke to the Town Board about the ongoing litigation with WGS Housing on their Assessment challenge. No new developments at this time.

#### **OLD BUSINESS:**

Letter from County of Dutchess dated 7/8/16 was tabled at the August 8, 2016 meeting. No action taken.

Councilman Der exited the meeting briefly at 8:56pm.

The annual audit of Town Justices Kiernan and Taylor for 2015 conducted by Councilman Jones was discussed.

Councilman Der reentered the meeting at 8:59pm

Councilman Jones came in over a period of 2 days for a total of nearly four hours to audit the court processes on behalf of the Town of Denmark Town Board. He reviewed the procedures for receiving tickets, processing tickets and processing payments. He also reviewed the securing of court checks and monies, receipt books and case files. The Justice Cash books were examined by the Town Board and signed through December 2015.

#### **Councilman Fazio offered the following:**

**Resolution 25-2016: Acknowledging that the required examination of the Town of Denmark Justice Kiernan and Justice Taylor has been completed for the year 2015. Seconded by Councilman Thoma.**

Vote recorded as:

Councilman Der	Aye	
Councilman Fazio	Aye	
Supervisor Fleming	Aye	
Councilman Thoma	Aye	
Councilman Jones	Aye	<b>Resolution 25-2016 is adopted 9/12/2016.</b>

#### **NEW BUSINESS:**

A brief discussion of the Village of West Carthage Solar Law was held. Members would like to have more time for review.

Letter from NYS Dept of Taxation and Finance dated 8/9/16 – Town of Denmark equalization rate is 100, no action.

Letter from the LaBerge Group dated 8/19/16 – Congratulations on Water Grant and offer for free consultation, no action.

Letter from NYS DOT dated 8/19/2016 – funds available for transportation-related projects and programs including bicycle, pedestrian, multi-use paths or projects, no action.

Email from First Niagara Leasing, Inc., 8/31/16- Apply remaining balance of \$5,103.00 to next annual payment? Supt. Mahar explained that the total cost of the snowplows was less than anticipated. Supervisor Fleming made a motion that the \$5,103.00 remaining balance of funds be applied to the next loan payment. 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.

Ms. Kunert will notify First Niagara.

A letter from Lewis County IDA dated 9/1/16, meeting at Town of Denmark on September 19, 2016, no action.

A letter from John Drewes dated 9/1/16 was provided to all Town Board members prior to the meeting for their review. Supervisor Fleming will respond in writing to Mr. Drewes explaining that Denmark has deferred to Lewis County for enforcement of these issues.

A letter from Lewis County Real Property dated 9/9/2016, Exemption Impact Report was provided to the Town Board members for their information.

A letter and email from Riverside Cemetery Association dated September 12, 2016, release funds budgeted for 2016 and requesting \$500.00 for 2017 was discussed. The funds were discussed last September and were adopted into the 2016 Budget. Councilman Der asked that Mr. Gebo be contacted to ensure that the monies can be given to the Association legally. The Clerk will contact Mr. Gebo and get an opinion on this matter.

Additionally, the Association has asked that future monies be paid on January 1<sup>st</sup>. Discussion was held. This is not possible because the fiscal year begins that day and tax monies need to be collected at least in part before the monies can be disbursed.

#### **HIGHWAY SUPT. REPORT**

Supt. Mahar updated the Town Board on recent activities of the department. Halifax Road has been crack sealed. This road is not scheduled to be repaved for another 5 or 6 years. Wilson Road, Mud Street and Hayes Road have all been chip sealed. Roberts Road has been patched in places. The department is currently working with other towns in the County on projects.

**OTHER BUSINESS:**

Building safety was discussed. The Clerk was asked to investigate the costs of adding additional cameras and the price of a personal panic button.

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

Vote recorded as:

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

Motion passed.

Meeting adjourned at 8:29pm

**Next regular meeting October 10, 2016.**

Prudence I. Kunert  
Town of Denmark Clerk

---

© 2021 Town Of Denmark, Lewis County  
Printed On December 01, 2021