

**FLEMING TOWN BOARD MEETING  
MARCH 9<sup>TH</sup>, 2015**

Call to Order by Supervisor Gary B. Searing at 6:00 p.m. followed by the Pledge of Allegiance.

Roll Call by Town Clerk Jo Anne Cox found the following board members present:

Supervisor Gary B. Searing  
Councilman Gerald Dudek  
Councilman Ron LaVarnway  
Councilwoman Ellen DelloStritto  
Councilman Don Oltz

also present: Attorney Dale Yates  
Constable Alan Parsons  
Brent G. Rosiek of Clark Patterson Lee

Approval of Minutes: Motion was made by Councilman Dudek to approve minutes from February 9, 2015 as presented by Town Clerk Jo Anne Cox, seconded by Councilman LaVarnway. APPROVED AYES 5-0

Public Hearing: The Public Be Heard Forum was read by Town Clerk Jo Anne Cox.

- (a) Brent G. Rosiek of Clark Patterson Lee along with Supervisor Gary B. Searing addressed questions from the public regarding the minimum water charge & new water rate. George Hiza of 5589 West Lake Road and Nellie Diamond of 5040 State Rte 34 both had questions and concerns. Motion was made by Councilman LaVarnway to close the Public Hearing, seconded by Councilwoman DelloStritto. APPROVED AYES 5-0 Motion to approve Local Law No 1 of 2015 To Establish an Increased Water Rate and to Establish Minimum Usage was made by Councilman Oltz, seconded by Councilman LaVarnway. This was approved on the following roll call:

Supervisor Searing	YES
Councilman Dudek	YES
Councilman LaVarnway	YES
Councilwoman DelloStritto	YES
Councilman Oltz	YES

- (b) Christopher and Steven DePalma of Rosetta Estates LLC presented a conceptual plan to the Town of Fleming for the proposed use of Tax Map Parcel 129.00-1-29.91 located on Route 34, for construction and subsequent rental of self-storage units. The board asked numerous questions and upon reviewing the list of permitted uses and uses requiring a Special Use Permit in that district none would accommodate their proposal. Therefore, the board is willing to amend the Zoning Law for a Special Use Permit to be added after Attorney Andy Leja is

presented with all the proper documents and reviews. Don Bowen Zoning Officer will also be involved and will draft a letter to Christopher DePalma after which a Public Hearing will take place at the Town Board meeting in May.

Public Be Heard: Rick Nelson of 5072 West Lake Road spoke on the success of the Lake Day event on Saturday March 7th. He also thanked the Town of Fleming for their support in the Owasco Watershed Lake Association Enhanced Restoration Actions Program.

Old Business: Brent Rosiek of Clark Patterson Lee gave a short update on the status of the Water District Improvement project.

New Business:

- (a) Motion was made by Councilman LaVarnway to set new sewer rate at \$5.40 per 1000 gallons effective 4/1/2015, seconded by Councilwoman DelloStritto. APPROVED AYES 5-0
- (b) Motion was made to renew contract with Koester (sewer stations) at @1,486.00 by Councilman Oltz, seconded by Councilwoman DelloStritto. APPROVED AYES 5-0
- (c) Motion made on approval for Building Code Officer Don Bowen to attend the NYS Annual Building Conference on March 31-April 3 at a cost of \$360.00 by Councilman LaVarnway, seconded by Councilman Dudek. APPROVED AYES 5-0
- (d) Motion was made to appoint Jeff Schiminske a full member of the Planning Board and George Hiza as an alternate by Councilman LaVarnway, seconded by Councilman Oltz. APPROVED AYES 5-0
- (e) Motion was made to set Public Hearing for April 13, 2015 at 6:00 p.m. to modify a Special Use Permit for Fran Cunningham Jr. by Councilwoman DelloStritto, seconded by Councilman LaVarnway. APPROVED AYES 5-0
- (f) Motion was made to approve Bob Oliver to attend water class in Watkins Glenn on 4/2/2015 at a cost of \$25.00 by Councilman Dudek, seconded by Councilman Oltz. APPROVED AYES 5-0
- (g) Supervisor Searing announced he received a letter of resignation from Bob Delaney from the Board of Assessment Review. We will need to find a replacement by May.

Building Code/Zoning Enforcement Officer-Don Bowen: Don presented his monthly report. Don also met with perspective buyers for the West Lake Road mobile park and went over questions and concerns.

Highway/Recycling-Kerry Smith: Kerry reported he is still obtaining estimates for new windows that he would like installed this year; insulation for the building he will have in the 2016 budget. He also expressed the urgency for the Town Hall to have its own generator. Kerry also reported the harsh winter has caused us to spend more on fuel and salt.

Requests and Comments of the Board: None

Budget Transfers/Amendments: Motion to approve made by Councilman LaVarnway, seconded by Councilwoman DelloStritto. APPROVED AYES 5-0

Town Clerk's Report: Motion to approve made by Councilman LaVarnway, seconded by Councilman Dudek. APPROVED AYES 5-0

Supervisor's Report: Motion to approve made by Councilman LaVarnway, seconded by Councilwoman DelloStritto. APPROVED AYES 5-0

Approval of Bills for Payment:

General Fund	\$17,622.93	Motion to approve made by Councilman LaVarnway, 2 <sup>nd</sup> by Councilman Oltz. APPROVED AYES 5-0
Highway Fund	\$18,491.79	Motion to approve made by Councilman Oltz, 2 <sup>nd</sup> by Councilman LaVarnway. APPROVED AYES 5-0
Water District	\$35,372.74	Motion to approve made by Councilman LaVarnway, 2 <sup>nd</sup> by Councilwoman DelloStritto. APPROVED AYES 5-0
Sewer Fund	\$18,342.33	Motion to approve made by Councilman Dudek, 2 <sup>nd</sup> by Councilman Oltz. APPROVED AYES 5-0
Refuse Fund	\$2,230.25	Motion to approve made by Councilman LaVarnway, 2 <sup>nd</sup> by Councilwoman DelloStritto. APPROVED AYES 5-0
Special Lighting District	\$172.19	Motion to approve made by Councilwoman DelloStritto, 2 <sup>nd</sup> by Councilman LaVarnway. APPROVED AYES 5-0
Consolidated Water District	\$18,122.20	Motion to approve made by Councilwoman DelloStritto, 2 <sup>nd</sup> by Councilman LaVarnway. APPROVED AYES 5-0

Executive Session: Motion was made by Councilman LaVarnway to move into executive session, seconded by Councilman Oltz. No action was taken. Motion made to return to open meeting made by Councilman LaVarnway, seconded by Councilman Dudek. APPROVED AYES 5-0

Adjournment: Motion to adjourn was made by Councilman LaVarnway, seconded by Councilman Oltz. The time was 7:25 p.m. APPROVED AYES 5-0

Respectfully Submitted,

Fleming Town Clerk

