

**FLEMING TOWN BOARD MEETING**

**OCTOBER 12, 2016**

Call to Order by Supervisor Gary B. Searing at 6:30 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 Jim Young  
Councilman Gerald Dudek  
Councilman David Ward  
Councilman Don Oltz  
also present: Attorney Michael D. Quill, Jr.  
Attorney Andrew Leja  
Brent Rosiek, Clark Patterson Lee

Approval of Minutes:

Motion to approve minutes from 9/12/2016 was made by Councilman Ward, seconded by Councilman Oltz. APPROVED AYES 5-0

Minutes from 9/15/2016 Councilman Dudek stated that he was not happy with how the changes in the scheduling of this meeting took place. He also objects to the phrase absent from the meeting. He feels the term excused would be more appropriate due to a conflict in his schedule preventing him from attending Thursday, but was available on the original date of Wednesday. With that said, the minutes from 9/15/2016 were approved on the following roll call:

Councilman Young	YES
Councilman Dudek	ABSTAIN
Councilman Ward	YES
Councilman Oltz	YES
Supervisor Searing	ABSTAIN

Motion to approve minutes from 9/26/2016 was made by Councilman Oltz, seconded by Councilman Dudek. APPROVED AYES 5-0

Presentation: Brent Rosiek of Clark Patterson Lee gave updates on the proposed Capitol Water Project Improvements with remaining money available.

Brent, after speaking with John Carter, gave his recommendation on how to address the low water pressure on Stone School and Silver Street Roads. He spoke on the hydraulic conditions and fire flow also.

The next topic was the Glanville Road water main proposal for engineering services. The board agreed to engage Clarke Patterson Lee to move forward at a cost of \$7000.00 for Survey & Mapping as well as Design & Approval Services. Motion to approve made by Councilman Young, seconded by Councilman Oltz. This was approved on the following roll call:

Councilman Young	YES
Councilman Dudek	YES
Councilman Ward	ABSTAIN
Councilman Oltz	YES
Supervisor Searing	YES

Brent spoke on the future water district feasibility for a water extension from Fleming Water District #6 to Springport Water District #2. He stated only one location would be feasible without grants. An income survey is recommended to see if areas are grant eligible. A proposal will be coming to the town to complete a survey as previously discussed. It generally takes up to three months to complete.

The Public to be Heard Forum was read by Town Clerk Jo Anne Cox.

Old Business: Attorney Andrew Leja spoke in regards to conflict of interest in representing the Town of Fleming concerning the APC Towers. Motion was made to allow the Supervisor to sign a waiver request excusing Attorney Leja as council. Attorney Michael Quill would serve as representation for the Town of Fleming. Motion was made by Councilman Young, seconded by Councilman Oltz. This was approved on the following roll call:

Councilman Young	YES
Councilman Dudek	YES
Councilman Ward	YES
Councilman Oltz	YES
Supervisor Searing	YES

New Business:

- (a) Motion was made by Councilman Young, seconded by Councilman Ward to create a new Local Law to amend and increase the non-compliance fee for transponders from \$50.00 to \$200.00. Per the attorney, he will create the local law and present it at the next town board meeting.  
APPROVED AYES 5-0
- (b) Motion was made by Supervisor Searing to remove a water unit from a non conforming lot owned by George Iocolano, Tax Map # 137.00-1-5.312, seconded by Councilman Dudek. This was approve on the following roll call:

Councilman Young	YES
Councilman Dudek	YES
Councilman Ward	YES
Councilman Oltz	YES
Supervisor Searing	YES

- (c) Motion was made by Councilman Young to approve adding a water unit to a new home on Ridge Road for Daniel Saxton, Tax Map# 142.00-1-10.12, seconded by Councilman Dudek. APPROVED AYES 5-0
- (d) Motion was made to approve the yearly Standard Workday Resolution for NYS Retirement by Councilman Ward, seconded by Councilman Oltz. APPROVED AYES 5-0

Building Code / Zoning Enforcement Officer-Don Bowen: Don submitted his monthly report stating he had to testify in Town Court in the Rosa matter and also attended the Town Planning Board meeting. Councilman Young commended Don on his conduct involving the court matter with the Rosa case. Councilman Ward asked about the West Lake Rd. mobile home park and Don stated it is currently at a standstill and that he would give the owner a follow up call. The board members gave Don approval to pursue the Swizdor property with the abandoned car on South Street Rd. He was told to take it to the next level.

Assessor-Fred Farrell: Fred spoke stating he inspected all sales for the month and commented on the inaccuracies. Supervisor Searing asked Fred about residents not receiving their refund checks. He stated they are being mailed but not consistently. He also mentioned regarding revaluation, Kelly Anderson would like to have a meeting after hours which would include Kelly, Tammy Schramm, Fred, Onea, Jeff Lowe and the entire board. Councilman Young would like it to be within two to three weeks.

Water / Utilities-John Carter: John had nothing new to report. Councilman Dudek asked him about the quality of the public drinking water. John stated it appears to now be fine. Supervisor Searing informed John the final walk thru with D.A Tarolli is scheduled for Thursday, October 13<sup>th</sup> and he would like John to ask Bob Oliver to be available.

Highway / Recycling-Kerry Smith:

- (a) Motion to approve Kerry to attend a Highway Workshop at CCE, 10/12/2016 at a cost of \$50.00 was made by Councilman Dudek, seconded by Councilman Young. APPROVED AYES 5-0
- (b) Motion to approve Kerry to attend Snow & Ice Control workshop, 10/21/2016 at a cost of \$35.00 was made by Councilman Dudek, seconded by Councilman Young. APPROVED AYES 5-0
- (c) Motion was made by Councilman Ward to approve a **Resolution to accept the additional 0.16 miles of Pinfeather Place to be placed on the town's road inventory**, seconded by Councilman Oltz. This was approved on the following roll call:

Councilman Young	YES
Councilman Dudek	YES
Councilman Ward	YES
Councilman Oltz	YES
Supervisor Searing	YES

Requests & Comments of the Board: Motion to appoint Lori Colbert to the Board of Assessment Review was made by Councilman Ward, seconded by Councilman Oltz. Lori would replace a board member whose term expired September 30<sup>th</sup>. Supervisor Searing commented he would like to meet her. Her appointment was approved on the following roll call:

Councilman Young	YES
Councilman Dudek	YES
Councilman Ward	YES
Councilman Oltz	YES
Supervisor Searing	YES

Councilman Oltz spoke on behalf of the Fleming Fire Districts #1 & #2. They would like it if their monthly reports were acknowledged at the board meetings and would also like the board to consider putting them on the Town website. Councilman Oltz then read each report.

Budget Transfers / Amendments: Motion to approve made by Councilman Dudek, seconded by Councilman Ward. APPROVED AYES 5-0

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

Supervisor's Report: Motion to approve made by Councilman Young, seconded by Councilman Dudek. APPROVED AYES 5-0

Approval of Bills for Payment:

General Fund	\$9,174.50	Motion to approve made by Councilman Ward, 2 <sup>nd</sup> by Councilman Oltz. APPROVED AYES 5-0
Highway Fund	\$926.15	Motion to approve made by Councilman Young, 2 <sup>nd</sup> by Councilman Dudek. APPROVED AYES 5-0
Sewer Fund	\$46,922.14	Motion to approve made by Councilman Oltz, 2 <sup>nd</sup> by Councilman Ward. APPROVED AYES 5-0
Refuse Fund	\$770.10	Motion to approve made by Councilman Dudek, 2 <sup>nd</sup> by Councilman Ward. APPROVED AYES 5-0
Special Lighting District	\$158.43	Motion to approve made by Councilman Young, 2 <sup>nd</sup> by Councilman Oltz. APPROVED AYES 5-0
Water District #1	\$58,667.46	Motion to approve made by Councilman Young, 2 <sup>nd</sup> by Councilman Dudek. APPROVED AYES 5-0

Executive Session: Motion to move into executive session regarding employment of a particular person was made by Councilman Ward, seconded by Councilman Oltz. APPROVED AYES 4-0 Councilman Young was excused at this time. No action Taken. Motion to move back into open meeting made by Councilman Oltz, seconded by Councilman Ward. APPROVED AYES 4-0

Adjournment: Motion for adjournment was made by Councilman Dudek, seconded by Councilman Oltz.  
The time was 8:00 p.m. APPROVED AYES 4-0

Respectfully Submitted,

Town Clerk