

**FLEMING TOWN BOARD MEETING
JULY 12, 2021**

Call to Order by Supervisor Don Oltz 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 Don Oltz
Councilwoman Maureen Riester
Councilman Russ Bell
Councilman David MacDonald
Councilwoman Karen VanLiew

also present: Town Attorney Michael D. Quill, Jr.

Motion to approve minutes from 6/14/2021 and 6/22/2021 as presented by Town Clerk Jo Anne Cox was made by Councilwoman VanLiew, 2nd by Councilman Bell. Ayes 5-0.

PUBLIC HEARINGS/SPECIFIC PRESENTATIONS:

- (a) Todd DuMond attended the meeting specifically to introduce his new Executive Assistant Katlyn Anderson. Todd also mentioned his Emergency Safety Plan was close to being complete and should be finalized next week after meeting with the Fire Department Chiefs. He then will work with the D.E.C. on the truck washing situation.
- (b) Motion to open the Public Hearing for the continuation of the Lincoln Dairy Special Use Permit was made by Councilman Bell, 2nd by Councilwoman VanLiew. Ayes 5-0. Sean Gleason and Mike Morgia addressed the Board. They also attended the Planning Board Meeting. Sean stated they should have a signed TAP Agreement by the end of this week. Mike has already met with Scott Kehoe to start the Emergency Safety Plan process. Supervisor Oltz said we have received a letter from the County Planning Board with approval to go ahead with the project. Motion to close the Public Hearing was made by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 5-0. This was approved on the following roll call:

| | |
|----------------------|-----|
| Councilwoman Riester | Yes |
| Councilman Bell | Yes |
| Councilman MacDonald | Yes |
| Councilwoman VanLiew | Yes |
| Supervisor Oltz | Yes |

Motion to accept the Short Environmental Assessment Form Part 2-Impact Assessment as presented by Supervisor Oltz was made by Councilman MacDonald, 2nd by Councilman Bell. This was approved on the following roll call:

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|----------------------|-----|
| Councilwoman VanLiew | Yes |
| Councilman MacDonald | Yes |
| Councilman Bell | Yes |
| Councilwoman Riester | Yes |
| Supervisor Oltz | Yes |

Motion to accept a Negative Declaration was made by Councilman Bell, 2nd by Councilwoman VanLiew. This was approved on the following roll call:

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|----------------------|-----|
| Councilman Bell | Yes |
| Councilwoman Riester | Yes |
| Councilwoman VanLiew | Yes |
| Councilman MacDonald | Yes |
| Supervisor Oltz | Yes |

Motion to approve the Lincoln Dairy Special Use Permit with 9 stipulations (attached) was made by Councilwoman VanLiew, 2nd by Councilman MacDonald. This was approved on the following roll call:

| | |
|----------------------|-----|
| Councilman Bell | Yes |
| Councilwoman VanLiew | Yes |
| Councilman MacDonald | Yes |
| Councilwoman Riester | Yes |
| Supervisor Oltz | Yes |

OLD BUSINESS:

- (a) Motion to award Mulvaney Construction Inc the contract for town hall renovations at a price of \$85,717.50 was made by Councilman Bell, 2nd by Councilwoman VanLiew. This was approved on the following roll call:

| | |
|----------------------|-----|
| Councilwoman Riester | Yes |
| Councilman Bell | Yes |
| Councilman MacDonald | Yes |
| Councilwoman VanLiew | Yes |
| Supervisor Oltz | Yes |

NEW Business:

- (a) Motion to set a Public Hearing for August 9th for a Special Use Permit for David Wilczek of 4881 State Rte 34 to install a greenhouse to raise vegetables to sell produce at Farmer Markets was made by Councilwoman VanLiew, 2nd by Councilman MacDonald. Ayes 5-0.
- (b) Motion was made by Councilwoman Riester to appoint John Yurco Alternate ZBA Member, 2nd by Councilwoman VanLiew. Ayes 5-0.
- (c) Motion was made by Councilman Bell to hire Michael Charles as part-time, Seasonal Laborer at a rate of \$17.00 per hour retroactive to 7/6/2021, 2nd by Councilman MacDonald. Ayes 5-0.
- (d) Motion was made by Councilman Bell to support an Emerson Park Consolidated Funding Application letter, 2nd by Councilwoman Riester. Ayes 5-0.

Councilwoman VanLiew addressed her concerns on the approval of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites. A Public Hearing is required. Todd Du Mond asked to speak. He let the Board know as an FYI he has had a permit to grow Industrial Hemp for five years now and that farms can already do this as a crop to sell. He knows it is a different situation but wasn't sure if the Town was aware of what farms can do. Mike Quill stated this Local Law would be for the selling only. We will set a Public Hearing at the next Board Meeting.

BUILDING CODES OFFICER-HAROLD GILFUS: Harold submitted his monthly report.

ZONING OFFICER-BILL GABAK: Absent

ASSESSOR-JEFF BARTHOLOMEW: Absent but submitted a monthly report.

UTILITIES DEPARTMENT-JOHN CARTER: Absent. Supervisor Oltz stated Civil Service meets Thursday and by Friday the Town should be able to offer Alvin Howell the position of Water & Sewer Maintenance Mechanic.

HIGHWAY/RECYCLING-KERRY SMITH: Absent. Supervisor Oltz relayed Mike Charles started 7/6/2021. Chris is back to work and Dwight Wilde will start the 26th.

Supervisor Oltz mentioned he will be posting a notice of what is acceptable at the Recycling Center. There has been some controversy recently on what we can accept.

Motion to accept the Town Clerk's Report was made by Councilman MacDonald, 2nd by Councilman Bell. Ayes 5-0.

Motion to accept the Supervisor's Report was made by Councilwoman VanLiew, 2nd by Councilman Bell. Ayes 5-0.

BILLS FOR PAYMENT:

| | | |
|---------------------------|-------------|--|
| General Fund | \$15,245.18 | Motion to accept made by Councilman Bell, 2 nd by Councilman MacDonald. Ayes 5-0. |
| Highway Fund | \$9,068.52 | Motion to accept made by Councilwoman VanLiew, 2 nd by Councilman Bell. Ayes 5-0. |
| Sewer Fund | \$3,359.48 | Motion to accept made by Councilman MacDonald, 2 nd by Councilman Bell. Ayes 5-0. |
| Water District #1 | \$16,741.29 | Motion to accept made by Councilman Bell, 2 nd by Councilwoman VanLiew. Ayes 5-0. |
| Refuse Fund | \$25.00 | Motion to accept made by Councilwoman VanLiew, 2 nd by Councilman Bell. Ayes 5-0. |
| Special Lighting District | \$174.70 | Motion to accept made by Councilman Bell, 2 nd by Councilman MacDonald. Ayes 5-0. |

Motion to adjourn was made by Councilwoman Riester at 7:05 p.m., 2nd by Councilman Bell. Ayes 5-0.

Respectfully Submitted,
Fleming Town Clerk

LINCOLN DAIRY SUP

1. The project shall, at all times, be operated in accordance with the terms of this Special Use Permit approval, as well as all applicable laws and regulations, including NYSEG requirements.
2. The Applicant shall be responsible for the operation of the anaerobic digester and biogas upgrading system to be constructed on the property, including routine operations, preventative and corrective maintenance and routine monitoring.
3. In the event the Project is completed prior to the completion of the distribution pipeline by NYSEG, the Applicant shall continue to treat biogas in its existing, on-site cogeneration system. If NYSEG is unable to complete the distribution pipeline, the Applicant shall be required to obtain amended special use permit approval to allow the Project to use compressed renewable natural gas and rely upon trucking for transportation of the renewable natural gas product.
4. Only manure from Lincoln Dairy may be used in digester. No foreign products may be used in the digester, i.e. food waste.
5. The applicant shall execute a Natural Gas Tap Agreement with NYSEG and submit a copy of same to the Town of Fleming Code Enforcement Office.
6. The Applicant shall execute an Emergency Response Plan ("ERP") to the Town of Fleming Code Enforcement Office and area first responders, including the fire departments.
7. Any amendments to the Project's proposed facilities shall require further review by the Town Board for a determination as to whether this Special Use Permit requires modification.
8. Applicant shall reimburse the Town for any and all expenses incurred as a result of the review, approval and implementation of the Project.
9. In the event the Applicant fails to comply with the terms set forth herein, this Special Use Permit shall be revoked upon resolution of the Town Board.