

**FLEMING TOWN BOARD MEETING
MAY 10, 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
Councilman Jim Young
Councilman Russ Bell
Councilwoman Karen VanLiew
Councilman David MacDonald
also present: Town Attorney Michael D. Quill, Jr.
Todd DuMond
Crystina Brooks

Motion to approve minutes from 4/12/2021 as presented by Town Clerk Jo Anne Cox was made by Councilman Young, 2nd by Councilwoman VanLiew. Ayes 5-0.

Motion to approve minutes from 5/5/2021 as presented by Town Clerk Jo Anne Cox was made by Councilman Bell, 2nd by Councilman Young. Ayes 5-0.

Supervisor Oltz mentioned Lincoln Dairy was not prepared to be on tonight's agenda regarding the Special Use Permit request.

PUBLIC HEARING: DuMond Farms Amended Special Use Permit

Motion was made by Councilman Bell to open the Public Hearing, 2nd by Councilman MacDonald. Ayes 5-0.

Supervisor Oltz introduced the completed Full Environmental Assessment Form. Motion to accept the Full Environmental Assessment Form was made by Councilman Young, 2nd by Councilman Bell. Ayes 5-0.

Don Bowen of 2090 Skillet Road took the podium to ask Todd DuMond questions regarding his request for an Amended Special Use Permit. Don's main concerns are increased noise and heavy truck traffic if hours were expanded to 24 hours a day 7 days a week. Todd explained hours already have been 24 hours a day 7 days a week. However, Shipping and Receiving are 5 days a week 6:30 a.m. to 5:30 p.m. and 7:00 a.m. to 12:00 p.m. on Saturday. No activity Sundays. Harvest Time 6:00 a.m. to 9:00 p.m. seven days a week.

Supervisor Oltz then addressed the Zoning Board of Appeals concerns:

- (a) The increase in truck traffic and use of jake brakes. Todd will speak with his drivers and remind them to only use jake brakes when necessary. He would also post a decibel sign within the facility.
- (b) Staging area during Harvest Time. Todd already has an expansion area $\frac{3}{4}$ done preparing for it.
- (c) Upgrades and maintenance of White Road. Todd will continue to work with Kerry Smith and do whatever he can for the Town.

- (d) Air quality concerns due to increase in propane and diesel fuel. Supervisor Oltz asked Mr. Bowen for his opinion. Don stated he had no concerns with air quality from the facility or the trucks.
- (e) The noise levels as a result of increased production and operating 24/7 Todd has already addressed with Mr. Bowen.
- (f) Noise levels within the plant. Todd stated they are continuously making improvements to help with the noise levels.

Crystina Brooks advised the board they met with the two Fire Chiefs on Wednesday regarding the scope of the Emergency Plan. They will be setting up further meetings to ensure it will cover all areas of the facility and meets the criteria of the Fire Departments.

Todd also mentioned he is currently working on a Water Application with the Town of Springport to install a fire hydrant to be shared with Lincoln Dairy. This will probably not happen until fall but feels it will be very beneficial to the Emergency Plan as well as the Fire Departments.

Motion to close the Public Hearing was made by Councilwoman VanLiew, 2nd by Councilman Bell. This was approved on the following Roll Call:

Councilman Young	Yes
Councilwoman VanLiew	Yes
Councilman MacDonald	Yes
Councilman Bell	Yes
Supervisor Oltz	Yes

Motion to approve **DuMond Farms Amended Special Use Permit** was made by Councilman Bell with the conditions described below, 2nd by Councilman Young. This was approved on the following roll call:

Councilwoman VanLiew	Yes
Councilman Bell	Yes
Councilman Young	Yes
Councilman MacDonald	Yes
Supervisor Oltz	Yes

1. Noise study to be continuous and make improvements whenever possible.
2. The Emergency Plan they will have 3 months to complete. They will work with both Fire Chiefs. The scope of the plan will cover all areas of the facility. The Town will require something in writing from both Fire Chiefs. Todd will touch base with Supervisor Oltz midway with the progress.
3. Delivery times will remain the same as previously stated: Shipping & Receiving 6:30 a.m. to 5:30 p.m. Monday-Friday. Saturday 7:00 a.m. to 12:00 p.m. No activity on Sunday. Harvest Time 6:00 a.m. to 9:00 p.m. seven days a week. The Board will be notified if there are changes.

NEW BUSINESS:

- (a) Motion was made by Councilman Young at the request of Bookkeeper Lisa Schiminske to make Matson & Kellogg the Insurance Broker for the Town Of Fleming, 2nd by Councilwoman VanLiew. This was approved on the following roll call:

Councilman Young	Yes
Councilman Bell	Yes
Councilman MacDonald	Yes
Councilwoman VanLiew	Yes
Supervisor Oltz	Yes

BUILDING CODES OFFICER-HAROLD GILFUS: Harold submitted his monthly report and briefly discussed the progress on the Rental Registry.

ZONING OFFICER-BILL GABAK: Absent

ASSESSOR-JEFF BARTHOLOMEW: Jeff stated the Assessment Roll has been filed and he is preparing for Grievance Day on May 25th.

UTILITIES-JOHN CARTER: John said the Water Department has been quiet. Pump Station #7 had issues over the weekend but are now fixed.

HIGHWAY/RECYCLING-KERRY SMITH: Absent

Requests & Comments of the Board: Councilman Young informed the Board of the Tire Round-Up for Cayuga County residents being held June 12th 8:30 a.m. until noon at the Cayuga County Soil & Water.

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

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

APPROVAL OF BILLS FOR PAYMENT:

General Fund	\$9,255.23	Motion to approve made by Councilman Young, 2 nd by Councilwoman VanLiew. Ayes 5-0.
Highway Fund	\$4,132.56	Motion to approve made by Councilwoman VanLiew, 2 nd by Councilman MacDonald. Ayes 5-0.
Water District #1	\$18,064.06	Motion to approve made by Councilman Bell, 2 nd by Councilwoman VanLiew. Ayes 5-0.
Sewer Fund	\$42,905.50	Motion to approve made by Councilwoman VanLiew, 2 nd by Councilman MacDonald. Ayes 5-0.
Refuse Fund	\$2,310.00	Motion to approve made by Councilman Bell, 2 nd by Councilwoman VanLiew. Ayes 5-0.
Lake Ave Lighting District	\$174.70	Motion to approve made by Councilman Young, 2 nd by Councilman MacDonald. Ayes 5-0.

Executive Session:

Motion to move into Executive Session to discuss an individual was made by Councilman Bell, 2nd by Councilman Young. Ayes 5-0. Motion to move back into Open Session was made by Councilman Young, 2nd by Councilman Bell. The Board will approach Dylan Smith about the possibility of working per diam.

Adjournment:

Motion to adjourn at 7:42 p.m. was made by Councilman Young, 2nd by Councilwoman VanLiew. Ayes 5-0.

Respectfully Submitted,
Fleming Town Clerk