

FLEMING TOWN BOARD MEETING

FEBRUARY 14, 2022

Call to Order by Supervisor Don Oltz at 6:30 pm followed by the Pledge of Allegiance.

Roll Call by Town Clerk, Anita Casper, found the following Board Members present:

Supervisor Don Oltz
Councilman David MacDonald
Councilwoman Maureen Reister
Councilwoman Karen VanLiew
Councilman Russ Bell via Zoom
Also present: Attorney Michael D. Quill, Jr.
David Wawrzaszek
Todd DuMond

Motion to approve minutes as presented by Town Clerk, Anita Casper, for 1/10/22 was made by Councilman MacDonald, 2nd by Councilwoman Reister. Ayes 5-0.

Public Hearings/Presentations:

- (a) David Wawrzaszek – David stated that he applied for a grant through the NYS Justice Court program to cover costs pertaining to building security and accessibility for handicapped persons. David received confirmation from NYS that the town of Fleming will be awarded \$27,995.00 to cover the cost of renovations done to the court and town office entrances. He will turn in the paperwork that needs to be completed and then to be sent back along with the receipts for the work that has been completed and then the town will receive reimbursement. Supervisor Oltz thanked David for his hard work in securing the grant.
- (b) Public Hearing DuMond Amended SUP – Motion to open a public hearing was made by Councilwoman Riester, 2nd by Councilwoman VanLiew. Ayes 5-0. Supervisor Oltz opened the floor for comments, also reached out to Don Bowen attending via Zoom for comment. No public comments were made, therefore, Supervisor Oltz called for a motion to close public hearing. Motion to close made by Councilwoman VanLiew, 2nd by Councilman MacDonald. Ayes 5-0. Supervisor Oltz asked if any members of the council had questions on the short form part 2 of the SEQR review regarding the DuMond Amended SUP. There were no questions from the council; motion to accept SEQR review short form part 2 was made by Councilman MacDonald, 2nd by Councilman Bell. This was accepted on the following roll call:

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| Councilman MacDonald | Yes |
| Councilman Bell | Yes |
| Councilwoman VanLiew | Yes |
| Councilwoman Reister | Yes |
| Supervisor Oltz | Yes |

Upon review of SEQR short form part 3 and after meeting with the property owner and going over the site, also being on a conference call with the owner and the DEC, Supervisor Oltz stated that he has determined, based on the information and analysis given in the SEQR, and letter of approval from the Town of Fleming Board of Appeals that the proposed action will not result in any significant adverse environmental impacts. Motion to approve was made by Councilman MacDonald, 2nd by Councilwoman VanLiew. Ayes 5-0. This was approved by the following roll call:

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| Councilman MacDonald | Yes |
| Councilman Bell | Yes |
| Councilwoman VanLiew | Yes |
| Councilwoman Reister | Yes |
| Supervisor Oltz | Yes |

Supervisor Oltz addressed Mr. Todd DuMond stating that this is the third amendment to the SUP and this amendment allows for the washing of trucks on your property with the following conditions: only the exteriors of the trucks owned by DuMond Farms are allowed to be washed, DuMond Farms is to follow all the provisions contained in the DEC letter dated December 16, 2021 and any violation of these provisions set forth herein will result in the termination of truck washing on the property. Supervisor Oltz asked Mr. DuMond if he had anything to add to this; he declined. Motion to accept “as is” was made by Councilwoman VanLiew, 2nd by Councilman Bell. This was accepted by the following roll call:

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| Councilman MacDonald | Yes |
| Councilman Bell | Yes |
| Councilwoman VanLiew | Yes |
| Councilwoman Reister | Yes |
| Supervisor Oltz | Yes |

Supervisor Oltz stated that this amendment to the SUP will be effective immediately.

- (c) DuMond update on business - Todd DuMond took the podium to present the following update for his business: Upon approval from the board 6 months prior, DuMond will be installing a new bin this summer. Hay barn renovation for offices has changed and expanded to 2 floors adding a conference room, public areas and the entire project being code compliant with respect to fire code, i.e. sprinkler system, and handicap accessible. It will be necessary for a water line to be brought in as well. This building will be used for educational purposes and demonstrations for the public, i.e. grammar school/high school students. Todd handed out a pictorial representation to all in attendance. Public space on the first floor will be large enough to accommodate 20-30 students/people. He will be adding four 15 foot wide sections to the original structure with the last one being used as outdoor space/pavilion. He stated a permit will not be necessary as it falls under agricultural. Harold Gilfus, Code Enforcement Officer, stated that a local ordinance requires a permit even for agricultural structure. Harold advised Todd that he will be subject to inspections as the building goes up. Also, that because the public will be using the facility, it is deemed an “Area of Assembly” and will require annual inspections for fire, codes etc. Projected date of completion of the structure is unknown at this time. Supervisor Oltz asked if Todd has applied to Springport for a water line and he replied he has been in contact only with Cayuga County regarding water and sewer is aware that he will need an 8 inch waterline. Todd also stated that Spruce Haven Farms may be interested in tying into the water line as he won’t be able to use all that an 8 inch water line will provide. Supervisor Oltz asked

Todd what the traffic situation will be at the farm since there will be added production from the installation of the new bin. Mr. DuMond responded that the number of trucks will not increase, but there will be more trucks at one time. He stated they are approved for 16 ton per day and should not go over that amount. However, Todd stated that they had a “record” day this past year as they received 97 trucks in one day. DuMond stated his “ultimate goal” is to put in a driveway off of Skillet Road so that the trucks come in off Skillet Road and go out on White Road which would make a much longer line for the trucks so they are not on the road. Supervisor Oltz told him that he needs to meet with him and Highway Superintendent, Kerry Smith, to discuss the maintaining of the roads as they are not constructed to handle that amount of weight and use, i.e. 97 trucks per day. Supervisor Oltz brought up the fact that there were 4 fires in 3 months at the farm and asked Mr. DuMond what he was doing to address and correct this situation. He responded that he is not positive what is causing the fires in the bins but feels it has to do with the process of drying the soybeans. The bins have been cleaned out and the dryer is temporarily disconnected. He will be meeting with the Fleming Fire chiefs on Wednesday, February 16, 2022 and invited Mr. Oltz to be present at that meeting. DuMond will be implementing more training for his employees with regard to the operation and cleaning of the dryers. Highway Superintendent, Kerry Smith, asked Todd about the shut-off valves on the propane tanks and the general safety precautions associated with the tanks. Todd stated that the propane tanks on his farm have valves and safety precautions that exceed what is required.

New Business

- (a) Motion was made to approve contract renewal with Corrpro (Stone School water tank only) for \$860 by Councilwoman Reister, 2nd by Councilman MacDonald. Ayes 5-0.

BUILDING CODES OFFICER – HAROLD GILFUS: Harold submitted his monthly report. Harold explained new NYS Energy Code for new builds that requires an air pressure test per Supervisor Oltz’s request.

ZONING OFFICER – BILL GABAK: Bill gave a verbal report on his monthly activities stating he received 2 applications within zoning compliance and 2 that were not in compliance. Representatives for the Dollar General to be built on Route 34 South will attend the general zoning board hearing on 2/17/22. The large sailboat has been removed from a residence on South Street Road.

ASSESSOR – TAMMY SCHRAMM: Tammy submitted her monthly report but was not in attendance.

UTILITIES DEPT. – JOHN CARTER: John was not in attendance; Supervisor Oltz stated progress on sewer project: rehabbing pump station #3 and working on 3 manholes and 3 chimney.

HIGHWAY/RECYCLING – KERRY SMITH: Kerry will be meeting with FEMA on 2/15/22 regarding bridge damage on Dietrich and Dougal roads. Continues with snow plowing and salting as needed. He feels that he and Supervisor Oltz need to meet with the large farms in the area regarding damage to roads caused by over use and excessive weight from various trucks.

Clerk’s Report – Motion made to approve by Councilwoman VanLiew, 2nd by Councilwoman Reister. Ayes 5-0.

Supervisor's Report – Motion made to approve by Councilman Bell, 2nd by Councilman MacDonald. Ayes 5-0.

Approval of Bills for Payment:

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| General Fund | \$376,885.36 | Motion to approve by Councilman MacDonald, 2 nd Councilwoman Reister. Ayes 5-0 |
| Highway Fund | \$20,531.40 | Motion to approve by Councilwoman VanLiew, 2 nd Councilman MacDonald. Ayes 5-0 |
| Water District #1 | \$38,497.07 | Motion to approve by Councilman Bell, 2 nd Councilman MacDonald. Ayes 5-0 |
| Sewer Fund | \$50,399.77 | Motion to approve by Councilwoman VanLiew, 2 nd Councilman Bell. Ayes 5-0 |
| Refuse Fund | \$1,598.64 | Motion to approve by Councilman MacDonald, 2 nd Councilwoman Reister. Ayes 5-0 |
| Lighting Districts (2) | \$462.09 | Motion to approve by Councilwoman VanLiew, 2 nd Councilman MacDonald. Ayes 5-0 |

Motion to adjourn at 7:41 p.m. by Councilwoman Reister, 2nd by Councilwoman VanLiew. Ayes 5-0

Respectfully Submitted,
Fleming Town Clerk