

FLEMING TOWN BOARD MEETING

April 10, 2023

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
Councilwoman Karen VanLiew
Councilwoman Donna Gilfus
Councilman David MacDonald
Councilwoman Maureen Riester

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

A motion to approve the minutes as presented by Town Clerk, Anita Casper, for March 13, 2023, was made by Councilwoman VanLiew, 2nd by Councilman MacDonald. For March 20, 2023 (5:00) motion to approve with additional text requested by Councilwoman Riester by Councilman MacDonald, 2nd by Councilwoman Riester. For March 20, 2023 (6:30) motion to approve by Councilwoman Riester, 2nd by Councilwoman Gilfus. Ayes 5-0.

PUBLIC HEARING/SPECIFIC PRESENTATIONS: Jared Dudek SUP – A motion was made to open the public hearing by Councilwoman Gilfus, 2nd by Councilwoman VanLiew. Ayes 5-0. Mr. Dudek is applying for a Special Use Permit under Article 8 -12 Zoning Law. Mr. Dudek stated he manufactures small parts for different local businesses out of his home. Councilwoman Riester expressed concerns about an increase in truck traffic associated with this business as it grows. Mr. Dudek replied that he would have to address that when and if the business grows. He also stated that the traffic on his road is already busy and if a customer does stop by his home there is ample room for parking. A motion was made to close the Public Hearing by Councilwoman VanLiew, 2nd by Councilman MacDonald. Ayes 5-0. A motion to approve Mr. Dudek's Special Use Permit with the stipulation that if Mr. Dudek has any oil to dispose of that he follow the recommendations of the DEC, was made by Councilwoman Riester, 2nd by Councilwoman Gilfus. Ayes 5-0.

NEW BUSINESS:

- (a) Pinckney request for return of recycling permit fee – Peter and Karen Pinckney requested a refund of the \$40 they spent on a Fleming Recycle/Trash Permit as they will no long be using the Fleming facilities. The board discussed and agreed that the permit price is non-refundable. A motion was made to reject the Pinckney's request by Councilman MacDonald, 2nd by Councilwoman VanLiew. Ayes 5-0.
- (b) Bell request for relief on water/sewer bill – Russell Bell explained that a pipe burst in his garage/office while he was in Florida and water continued to run for an extended time period. However, due to the fact that none of the water went through the sewer system he is asking that the sewer cost be lowered to the \$40 minimum and he will be responsible for the entire

cost of the water. A motion was made to approve this change by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 5-0.

- (c) Appoint five new Fire Commissioners – Councilman MacDonald introduced two (2) of the five (5) newly appointed fire commissioners that were in attendance, John Sheftic and Bill Pipher, and thanked them for their interest in being a part of the new fire district. He also read the names of the commissioners that were not present at the meeting: Katlyn Anderson, Adam Young and Chris Janssen. Councilman MacDonald made a motion to approve the appointment of the five (5) fire commissioners, 2nd by Councilwoman VanLiew. Supervisor Oltz read the following resolution, #6, “We hereby appoint the five (5) fire commissioners to the Town of Fleming Fire District to take effect October 2, 2023 and asked for roll call vote:

Supervisor Oltz	Yes
Councilwoman Gilfus	Yes
Councilwoman Riester	Abstain – Councilwoman Riester made

the following statement: I am not opposed to the individuals who have been appointed to serve as the Town’s first slate of fire commissioners. I am opposed to the process by which they were identified and vetted. Following the March 20th special meeting where we unanimously voted to form a fire district, I suggested that potential fire commissioners submit a letter of interest to the town councilors who would then vet the candidates. Later, on March 27th, I was informed by the Town Supervisor that only two (2) council members would be allowed to interview candidates. On March 29th, I sent an email to the full town board requesting a more transparent form of government where the opportunity of serving on the fire commission could be advertised and offered to all town residents and then all town councilors be included in the vetting process. I received zero responses to that email. Despite my request for information, I was denied, so I am taking this opportunity to remind my fellow town council members that the Town of Fleming is governed by a majority vote. Decisions are not made by a single person and I encourage each of you, as public servants, who represent all residents of the town, to seek information, make educated decisions and speak up. I have no doubt the candidates before us are knowledgeable, caring volunteers and they will be successful in their new roles. My concern is for the unidentified talented individuals the town has missed out on by not publicizing the opportunity to other town residents. My hope is that the town will be more inclusive of town council members and our residents in the future. Supervisor Oltz responded to Councilwoman Riester stating that he asked all of the board members to submit any questions or concerns they have regarding the appointments of the fire commissioners and that she did not respond to the email nor was she present at the board meeting on March 13, 2023. Ms. Riester stated she did not receive the email. Mr. Oltz stated that the first 5 fire commissioners are to be appointed by the town board and then they will have to run for re-election when their term ends. He stated it is not for the public to be involved in the process and that he chose the two (2) senior board members to be in charge of the interviews and vetting process. Ms. Riester stated that she was not aware of the names of the five (5) candidates for fire commissioners until this evening at the meeting. She also stated that she received no response to her email that was sent to all board members regarding her ideas for the appointments. Councilwoman VanLiew stated that it is in writing that the town board is responsible for the initial appointments of the commissioners. Ms. Riester agreed with that statement but felt that the opportunity should have been advertised publicly and that the entire board would accept letters of interest and interview and vet candidates collectively. She

agrees with most everything except that she was not included in the process. The roll call vote continued:

Councilman MacDonald	Yes
Councilwoman VanLiew	Yes

Ayes 4 Abstaining 1; resolution #6 approved.

- (d) Approval for appointment of Melissa Deyo as part time recycling/brush pile attendant – A motion to approve was made by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 5-0.

BUILDING CODES OFFICER – HAROLD GILFUS: Harold was absent but submitted his monthly report. A motion to approve the report was made by Councilwoman Gilfus, 2nd by Councilman MacDonald. Ayes 5-0.

ZONING OFFICER – BILL GABAK: Bill was absent. Supervisor Oltz stated Bill was dealing with a West Lake Road resident that has a problem with the way the docks are set up on Buck Point. Don has also spoken with the resident and suggested he speak with the Buck Point Homeowner’s Association.

ASSESSOR – TAMMY SCHRAMM: Tammy submitted her monthly report. The 2023 Tentative Tax Roll is ready and legal notices have been submitted to the Citizen. A motion to approve the assessor’s report was made by Councilwoman Riester, 2nd by Councilwoman VanLiew. Ayes 5-0.

UTILITIES DEPT – KARL RINDFLEISCH: Karl was absent. Supervisor Oltz stated he and Kerry Smith had to attend to Pump Station #7 on April 7, 2023 during heavy rains because the dialer didn’t work. A new dialer was ordered and also ordered were the parts to redo both pumps at Pump Station #7.

HIGHWAY/RECYCLING – KERRY SMITH: Kerry stated there was a huge sink hole on Koon Road approximately 7-8 ft. deep and 8 ft. wide that was taken care of immediately. Cemetery work has begun and drainage issues will be addressed for Lake Ave. Ext., Almond Drive and Buck Point. Kerry will be getting a quote for a new backhoe.

REQUESTS AND COMMENTS OF THE BOARD – Supervisor Oltz spoke with Brad Pinsky and he will be meeting the new fire commissioners here at the town hall soon to get started on the transition to the Fleming Fire District.

BUDGET TRANSFERS/AMENDMENTS - A motion to approve was made by Councilwoman Riester, 2nd by Councilwoman Gilfus. Ayes 5-0.

Clerk’s Report – Motion made to approve by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 5-0.

Supervisor’s Report – Motion made to approve by Councilman MacDonald, 2nd by Councilwoman VanLiew. Ayes 5-0.

Approval of Bills for Payment:

General Fund	\$14,912.37	Motion to approve by Councilwoman Gilfus, 2 nd by Councilman MacDonald. Ayes 5-0.
Highway Fund	\$5,149.00	Motion to approve by Councilman MacDonald, 2 nd by Councilwoman Gilfus. Ayes 5-0.
Water District #1	\$20,044.49	Motion to approve by Councilwoman Riester, 2 nd by Councilwoman Gilfus. Ayes 5-0.
Sewer Fund	\$15,795.70	Motion to approve by Councilman MacDonald, 2 nd by Councilwoman VanLiew. Ayes 5-0.
Refuse Fund	\$1,060.95	Motion to approve by Councilwoman Riester 2 nd by Councilman MacDonald. Ayes 5-0.
Lighting District	\$301.50	Motion to approve by Councilwoman VanLiew, 2 nd by Councilman MacDonald. Ayes 5-0.

Kerry Smith stated the town has water meters in stock that are not usable and would like to put them out for sale at auction. A motion to approve this was made by Councilwoman VanLiew, 2nd by Councilman MacDonald. Ayes 5-0.

Councilwoman Riester made a motion to adjourn at 7:06 p.m. 2nd by Councilwoman Gilfus. Ayes 5-0.

Respectfully Submitted by,

Anita Casper
Fleming Town Clerk