

FLEMING TOWN BOARD MEETING

August 8, 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
Councilwoman Maureen Riester
Councilwoman Donna Gilfus
Councilwoman Karen VanLiew
Councilman David MacDonald

Also present: Town Attorney Michael D. Quill, Jr.
Michael Lepak
Valerie Didamo, Esq.
Jill Marchese

Motion to approve minutes as presented by Town Clerk, Anita Casper, for 7/11/2022 was made by Councilwoman VanLiew, 2nd by Councilwoman Riester. Ayes 5-0.

Public Hearings/Specific Presentations:

Lepak Special Use Permit – a motion was made by Councilwoman Riester to open a public hearing, 2nd by Councilman MacDonald. Ayes 5-0. Jill Marchese took the podium and stated that her mother is the owner of the property (4963 West Lake Road) located next to Mr. Lepak's property and she is the trustee for this property as it is part of an irrevocable trust. Ms. Marchese stated she did not complain about Mr. Lepak's boat storage, but received notice of a Public Hearing regarding Mr. Lepak's application for a Special Use Permit through the Town of Fleming. Ms. Marchese indicated that she does not believe that Mr. Lepak only rents the 13 spots/hoists on his property to family and friends for their personal boat storage. She stated that he has approached her mother, Eleanor Hudo, in the past inquiring if she would be interested in renting any of her property for lake access for boats. Ms. Marchese believes Mr. Lepak should not be allowed to rent boat slips to the public on his property. It obstructs her view and stated it would set a precedent as she does not believe anyone else on Owasco Lake is doing this other than Mr. Lepak. Town Supervisor, Don Oltz told Ms. Marchese that a decision will be made at tonight's meeting as to whether or not Mr. Lepak will be granted a Special Use Permit. Ms. Didamo, Ms. Marchese's attorney, was late to the meeting and asked to be brought up to speed regarding the decision and was told by Mr. Oltz that it would be determined at tonight's meeting. Mr. Lepak took the podium and stated that he owns three (3) boats and one (1) Jetski that he keeps on his property and the remaining hoists/slips are used by friends and family and he does charge a fee to offset the cost of taking the dock in and out each season. Councilman MacDonald made a motion to close the public hearing, 2nd by Councilwoman

VanLiew. Ayes 5-0. Supervisor Oltz referred to the Short Environmental Assessment Form Part I Project Information. There were no questions from the board, therefore, Councilwoman VanLiew made a motion to approve Part I, 2nd by Councilwoman Gilfus. Ayes 5-0. Part II, Impact Assessment approved by a motion made by Councilman MacDonald, 2nd by Councilwoman Riester. Ayes 5-0. Part III, Determination of Significance, found that based on the information and analysis in parts I and II and any supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Therefore it is determined to be a Negative Declaration. A motion to approve the preceding findings was made by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 5-0. Supervisor Oltz read the Findings of Facts and Conclusions by the Town of Fleming Board and concluded that The Town Board hereby adopts these findings and hereby APPROVES the application subject to the following CONDITIONS:

1. Signage be installed at the location to help mitigate public safety concerns such as crossing signs and possibly a cross-walk. Also, installing signage at the site to limit operation of the property to 10:00 pm at night in order to protect the neighbors from excessive noise.
2. Better lighting installed in the area and especially near the curve in the roadway.
3. Limiting the number of docks at the property to what is existing – 3 with no more than 13 total boats/watercraft.
4. Limiting the ingress/egress access point to one entrance/exit to the lakefront in an effort to mitigate future expansion.
5. The applicant is advised any expansion of the use of the property beyond the scope of the Special Use Permit authority granted may constitute a violation of the Special Use Permit and allow the Town to act to revoke same and prosecute the applicant accordingly.

A motion to approve the application with conditions was made by Councilman MacDonald, 2nd by Councilwoman VanLiew. Ayes 5-0. Supervisor Oltz informed Mr. Lepak that he has contacted NYS Highway Department and they have agreed to put up pedestrian crossing signs at the site and the town of Fleming will require him to put up an LED street light (3000 lumens) as is in line with all lights in Fleming. These terms and conditions were approved on the following roll call vote:

Councilwoman Gilfus	Yes
Councilwoman VanLiew	Yes
Councilwoman Riester	Yes
Councilman MacDonald	Yes
Supervisor Oltz	Yes

A motion to close the Special Use Permit hearing was made by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 5-0. At this time, Ms. Marchese stated that a precedent has been set for all lakefront property and Supervisor Oltz responded that a precedent has not been set as each case is taken on its own merit and dealt with individually.

New Business

- (a) Appoint Mark Antonik as additional Recycling Attendant - A motion to appoint Mark Antonik as additional recycling attendant was made by Councilman MacDonald, 2nd by Councilwoman VanLiew. Ayes 5-0.
- (b) Discuss date for 1st Budget Workshop in September – Workshop to be held September 22, 2022 at 5:30 p.m.
- (c) Review proposals for new truck – Highway Superintendent, Kerry Smith, submitted a proposal from Tracey Road Equipment for a 2024 Freightliner truck and plow package and noted that he requested that a disconnecter/kill switch be included on the specification sheet as it was originally left out of the proposal. He has also been inquiring about a preventative maintenance program for the new and current trucks.
- (d) Approve stop sign on Sevier Road – Highway Superintendent, Kerry Smith, stated there will be a “Stop Ahead” sign placed on the eastbound side of Sevier Road with flags attached to alert drivers to the new “STOP” sign at the corner of Sevier, Dougal and Large Roads. A motion to approve the signs was made by Councilwoman Gilfus, 2nd by Councilman MacDonald. Ayes 5-0.

BUILDING CODES OFFICER – HAROLD GILFUS: Harold was in attendance and submitted his monthly report. Councilwoman VanLiew inquired as to why a \$45.00 building permit was issued for Green Valley Farms/DuMond Grain as it falls under the category of agriculture. Harold stated that it pertains to a Special Use Permit to house electrical equipment and therefore is not agricultural.

ZONING OFFICER – BILL GABAK: Bill was absent

ASSESSOR – TAMMY SCHRAMM: Tammy was in attendance and submitted her monthly report.

UTILITIES DEPT – Alvin Howell was absent

HIGHWAY/RECYCLING – KERRY SMITH: Kerry stated he is waiting for quotes from Hunt Engineering for the bridge on Dougal Road. There will be a meeting with FEMA on August 16th regarding the Deitrich Road bridge. It's unclear if the town will receive any money for that from FEMA. There is still a weight limit sign on the road and it will remain there until something can be done to fix the problem. The highway department will be working on projects on Lake Ave. and then Almond Drive and is currently reprogramming pump stations. A new air conditioning unit is currently being installed in the courtroom to provide cooling for the clerk's office as well as the courtroom.

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

Approval of Bills for Payment:

General Fund	\$8,323.19	Motion to approve by Councilwoman VanLiew, 2 nd Councilwoman Gilfus. Ayes 5-0
Highway Fund	\$8,384.38	Motion to approve by Councilwoman Riester, 2 nd Councilman MacDonald. Ayes 5-0
Water District #1	\$137,131.18	Motion to approve by Councilwoman VanLiew, 2 nd Councilwoman Gilfus. Ayes 5-0
Sewer Fund	\$15,873.59	Motion to approve by Councilman MacDonald , 2 nd Councilwoman Riester. Ayes 5-0
Refuse Fund	\$1,582.38	Motion to approve by Councilman MacDonald, 2 nd Councilwoman Riester. Ayes 5-0

A motion to move into Executive Committee was made by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 5-0. Motion to move into regular session was made by Councilman MacDonald, 2nd by Councilwoman VanLiew. Ayes 5-0.

A motion to sign a contract with the Cayuga County Water Authority upon approval of the contract language from Town of Fleming attorney Michael Quill was made by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 5-0.

A motion to adjourn at 7:39 p.m. was made by Councilwoman Riester, 2nd by Councilwoman VanLiew. Ayes 5-0.

Respectfully Submitted,
Fleming Town Clerk