

FLEMING TOWN BOARD MEETING

May 9, 2022

Call to Order by Supervisor Don Oltz at 6:29 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 Riester
Councilwoman Donna Gilfus
Councilwoman Karen VanLiew was absent

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

Motion to approve minutes as presented by Town Clerk, Anita Casper, for 4/11/2022 was made by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 4-0.

Public Hearings/Specific Presentations:

- (a) 2022 Audit Presentation – Duane Shoen of Insero & Co. Certified Public Accountants was in attendance to present the results of the annual audit. The town was issued a “clean opinion” of financial statements and is not required to make any modifications. With respect to internal control and compliance with laws and regulations, the report identifies no material weaknesses, no significant deficiencies and no noncompliance. Motion to approve audit findings for both the main audit and the justice audit was made by Councilwoman Gilfus, 2nd by Councilman MacDonald. Ayes 4-0.
- (b) Robert Germain, Esq.- Mr. Germain, a partner with Germain & Germain, LLP, was in attendance to speak with the board regarding performing legal services formerly handled by Andy Leja, the previous Zoning attorney. Services provided to the town will typically encompass telephone conversations and emails with the ZBA Clerk, Zoning Officer, Town Supervisor and Chair of the ZBA. Mr. Germain indicated that he would charge \$200/hour for his services. He will send an “Engagement Letter” to the town board describing services that will be provided by him along with details of compensation he is requesting for the board to review/approve.

Old Business – Resolution to join NYCLASS , New York Cooperative Liquid Assets Securities System. A motion was made by Councilwoman Riester, 2nd by Councilman MacDonald to approve the following resolution: WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; WHEREAS the Town of Fleming wishes to invest portions of its available investment funds in cooperation with other

corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; WHEREAS the Town of Fleming wishes to satisfy the safety and liquidity needs of their funds; Now, therefore, it is hereby resolved as follows: That Donald Oltz, Supervisor of the Town of Fleming, is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

New Business

- (a) Set Briggs (Greenhouse Construction) SUP Public Hearing for June 13, 2022 – Motion to approve made by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 4-0.
- (b) Appoint Mark Antonik as part time laborer (water meter installation) – Motion to approve made by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 4-0.
- (c) Approve two (2) new full time MEO positions. One position will begin on Monday May 16, 2022, the second position will open Monday, May 23, 2022. Motion to approve both made by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 4-0.
- (d) Approve submission to Civil Service for one (1) additional recycling attendant position. Motion to approve made by Councilwoman Gilfus, 2nd by Councilman MacDonald. Ayes 4-0.

BUILDING CODES OFFICER – HAROLD GILFUS: Harold submitted his monthly report and also reported he had two complaints for the month of April and one has been corrected.

ZONING OFFICER – BILL GABAK: For the month of April, Bill reported the following activity: An appearance ticket with a court date was issued to a resident who had some equipment and a utility trailer on the property. Within 4-5 days of the court date the resident complied and removed the items. Working on two (2) Special Use Permits and will bring findings and recommendations to ZBA meeting on May 19th. The state DOT has been contacted regarding signage for one of the projects.

ASSESSOR – TAMMY SCHRAMM: Tammy submitted her monthly report. Assessment grievance night is set for Tuesday, May 24, 2022.

UTILITIES DEPT – JOHN CARTER: John reported the following activity for the month of April: Still waiting for Underwater Solutions to get back to him regarding the underground tank inspection that was delayed due to ice this winter. Water is fine, will be conducting sampling next week. The transfer switch is in place on McClelland Drive and up and running. Two (2) manholes are finished.

HIGHWAY/RECYCLING – KERRY SMITH: Submitted an “Agreement to Spend” to all board members for upcoming highway/road improvements etc. and stated that the prices are all subject to change but is using it as a starting point. Will be interviewing an applicant for one MEO position on 5/10/22 and looking to fill second position on May 23rd. Motion to approve “Agreement to Spend” was made by Councilwoman Riester, 2nd by Councilwoman Gilfus. Ayes 4-0. Kerry held a meeting on May 5, 2022 with three area farmers regarding weight limit signs (12 ton limit) being posted on the bridge on Dougal Road. “I” beams are severely deteriorated not just due to water/storm, but heavy use over the years. Engineering firm suggests putting plates on the bottom of the “I” beams and bolt them to hold until funds are available to rebuild. Farmers have offered use of their equipment to the town to shore-up the bridge. Dan Osborne of Lincoln Dairy has offered to pay for this and is also putting cement access

driveways in the rear of the farm to keep trucks from using the town road. Todd DuMond of DuMond farms is also putting in cement aprons and driveway access. Weight limit signs will be put up if the improvements aren't completed. FEMA, nor NYS has been any help as far as funding for the bridge replacement. Assemblyman John Lemondes, and Senator Pam Helming's offices have been contacted regarding this problem, but have not responded in any way.

Clerk's Report – Motion made to approve by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 4-0.

Supervisor's Report – Motion made to approve by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 4-0.

Approval of Bills for Payment:

General Fund	\$19,156.79	Motion to approve by Councilwoman Riester, 2 nd Councilwoman Gilfus. Ayes 4-0
Highway Fund	\$22,426.84	Motion to approve by Councilman MacDonald, 2 nd Councilwoman Gilfus. Ayes 4-0
Water District #1	\$30,776.01	Motion to approve by Councilwoman Riester, 2 nd Councilman MacDonald. Ayes 4-0
Sewer Fund	\$8,274.39	Motion to approve by Councilman MacDonald, 2 nd Councilwoman Gilfus. Ayes 4-0
Refuse Fund	\$1,593.40	Motion to approve by Councilwoman Riester, 2 nd Councilman MacDonald. Ayes 4-0
Lighting Districts (2)	\$202.70	Motion to approve by Councilman MacDonald, 2 nd Councilwoman Riester. Ayes 4-0.

Motion to move to Executive session made by Councilman MacDonald, 2nd by Councilwoman Gilfus. Ayes 4-0.

Motion to move back into Open Session was made by Councilwoman Riester, 2nd by Councilman MacDonald. Ayes 4-0. No action taken in executive session.

Supervisor, Don Oltz, stated that Councilwoman Riester will be working with Town Clerk, Anita Casper, to set up a Facebook page for the Town. Also, a motion was made to approve a purchase of GPS equipment for the water and sewer lines at a maximum cost of \$7,000.00 by Councilman MacDonald, 2nd by Councilwoman Riester.

Motion to adjourn at 7:55 p.m. made by Councilwoman Riester, 2nd by Councilwoman Gilfus. Ayes 4-0

Respectfully Submitted,
Fleming Town Clerk