

**FLEMING TOWN BOARD MEETING  
MONDAY, APRIL 12, 2010**

Call to Order by Supervisor Gary B. Searing at 7:00 with the Pledge of Allegiance.

Roll Call by Town Clerk Charleen Dygert found the following board members present:

Supervisor Gary B. Searing  
Councilman Arthur Fritz  
Councilwoman Ellen DelloStritto  
Councilman Ronald LaVarnway  
Councilman Gerald Dudek

Also present: Superintendent Paul Chipman  
Attorney Dale Yates

Approval of Minutes: Councilman LaVarnway made a motion to approve the minutes of March 8, 2010 as presented by Town Clerk Charleen Dygert, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0

Public Hearing or Specific Presentations: Rich Ward of Cuddy & Ward gave a report of the town's 2009 audit which included an audit test of the Justice and Town Clerk's financial records. He stated that the records were in good shape and presented in a timely manner. It was a nice clean audit. Mr. Ward went over the rest of the audit briefly with the town board.

1<sup>st</sup> Public Be Heard: The forum that the town clerk usually reads announcing the 1<sup>st</sup> Public be Heard has been misplaced. Supervisor Searing stated that any person that would like to be heard has 3 minutes on any topic of their choice and please keep it civil.

David Yantch of West Lake Road gave the board the SEQR assessment form, updated letters of intent, revise copy of the PDD, a copy of the septic design has been sent to the County. He said they should have approvals on the septic and the water for next month's Planning Board meeting. He also had new site plans which show septic design on them. He also stated that they should have DOT permit in hand within the next 7 to 10 days for the entrance way on route 38.

Old Business:

- (a) 2007 Chevy Silverado Pickup Bid: Supervisor Searing stated that the 2007 Chevy Silverado was surplus and advertised for bid on Action International and in the Citizen. The public was allowed to bid on the auction site or drop off a sealed bid to the Town Clerk. He said that on April 9<sup>th</sup> he and the town clerk opened the bids. Two bids were received from the following:

<u>Name of Bidder</u>	<u>Address</u>	<u>Amount</u>
Don Hutchings	5500 Bevier Rd.	\$16,177.77
Jeff Bouley		15,500.00

The highest bid on the auction site was \$15,100.00 and the highest bid received by the Town Clerk was \$16,177.77. Supervisor Searing recommended that the board to pass a resolution to sell the truck for \$16,177.77.

On motion by Councilman LaVarnway, seconded by Councilman Fritz the following resolution was

APPROVED by roll call vote:

Supervisor Searing	Aye
Councilman Fritz	Aye
Councilman DelloStritto	Aye
Councilman LaVarnway	Aye
Councilman Dudek	Aye

Resolved that the 2007 Silverado Pick-Up be awarded to Don Hutchings for his bid of \$16,177.77.

- (b) 3 AVM Voting Machines Bid: The three options to dispose of the voting machines is to sell to the auction site for \$115.00, scrape all three or give one away to the Ag Museum and scrape the other two.

Councilman LaVarnway made a motion to give Supervisor Searing the discretion to decide what to do with the voting machines, seconded by Councilwoman DelloStritto. APPROVED AYES 4 NAYS 0 Supervisor Searing abstained because he's the one that would be making the decision.

Building Code Enforcement Officer – Don Bowen gave his report on building permits for the month of March.

Zoning Code Enforcement Officer – Alan Kozlowski gave his report on zoning issues for the month of March.

Assessor – Fred Farrell was not present at this meeting.

Alan brought it to the attention of the board that Christopher J. Vatalie had claimed a STAR exemption in two towns.

On motion by Councilman Fritz, seconded by Supervisor Searing the following resolution was

APPROVED by roll call vote

Supervisor Searing	Aye
Councilman Fritz	Aye
Councilwoman DelloStritto	Aye
Councilman LaVarnway	Aye
Councilman Dudek	Aye

Resolved that the Fleming Town Board fines \$100.00 to Christopher J. Vatalie and Meghan E. Vatalie for misusing the STAR program.

Planning Board – Jamie Moore gave his report. He suggested that the town board make a motion of their intent to be lead agency for the SEQR review regarding the Yantch PDD application.

Jamie also suggested that the town review and update it's Emergency Plan and submit it back to the county.

Highway/Utilities/Recycling – Paul Chipman gave his report for March. He stated that the next road that is scheduled to be done is Delaney Road. Next month he will be on vacation.

New Business:

On motion by Councilman LaVarnway, seconded by Councilman Dudek the following resolution was

ADOPTED by roll call vote

Supervisor Searing	Aye
Councilman Fritz	Aye
Councilwoman DelloStritto	Aye
Councilman LaVarnway	Aye
Councilman Dudek	Aye

Resolved that a motion of intent was made for the Town of Fleming be lead agency for the SEQR review for the Chantelle Marie Orchard/ Vineyard & Celebration Hall.

2<sup>nd</sup> Public Be Heard: Supervisor Searing opened the meeting to the 2<sup>nd</sup> Public Be Heard. Alan Kozlowski commented on the letter from the city on the water shed.

Requests and Comments of the Board: Supervisor Searing informed everyone of a seminar on Marcellus Shale Gas at Cayuga Community College on April, 29<sup>th</sup> at 7:00-8:30 pm.

Budget Transfers/Amendments: There were no transfers.

Town Clerk's Report: Councilman LaVarnway made a motion to approve the Town Clerk's report as presented by Town Clerk Charleen Dygert, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0

Supervisor's Report: Councilwoman DelloStritto made a motion to approve the Supervisor's report as presented by Supervisor Gary Searing, seconded by Councilman Dudek. APPROVED AYES 5 NAYS 0

Approval of Bills for Payment #201 – 253 were approved for payment on the following motions and seconds:

<u>FUND</u>	<u>AMOUNT</u>	<u>MOTION BY COUNCILOR:</u>	<u>SECONDED BY COUNCILOR:</u>
General	\$13,583.11	LaVarnway	DelloStritto
Highway	4,694.35	LaVarnway	Fritz
Water	21,634.45	DelloStritto	LaVarnway
Sewer	42,559.51	Fritz	DelloStritto
Refuse	1,475.22	LaVarnway	DelloStritto
Lighting	180.00	Fritz	Dudek

Supervisor Searing recognized County Legislature Paul Pinckney who came in late.

EXECUTIVE SESSION: Councilman LaVarnway made a motion to go into executive session for employment issue, seconded by Councilman Dudek. This was approved on the following roll call vote:

Supervisor Searing	Aye
Councilman Fritz	Aye
Councilwoman DelloStritto	Aye
Councilman LaVarnway	Aye
Councilman Dudek	Aye

No Action was taken.

A motion to go back into open meeting was made by Councilman LaVarnway, seconded by Councilman Dudek. APPROVED AYES 5 NAYS 0

ADJOURMENT: Councilman LaVarnway made a motion to adjourn, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0 The time was 8:25 p.m.

Respectfully submitted

Charleen V. Dygert  
Town Clerk