

**FLEMING TOWN BOARD MEETING
MONDAY MAY 11, 2009
7:00 P.M.**

Call to Order by Supervisor Gary B. Searing with the Pledge of Allegiance. Supervisor asked everyone to remain standing while Councilman Fritz said a prayer for our men overseas.

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

Supervisor Searing
Councilman Fritz
Councilwoman DelloStritto
Councilman LaVarnway
Councilman Dudek

Also present: Superintendent Paul Chipman
Attorney Dale Yates

Approval of Minutes: Councilman LaVarnway made a motion to approve the minutes of April 13, 2009 as presented by Town Clerk Charleen Dygert, seconded by Councilwoman DelloStritto. APPROVED AYES 5 NAYS 0

Presentation: Jessica Miles, Owasco Watershed Inspector gave a presentation of the Owasco Lake Watershed program.

Questions from Gary Searing, Tony Leone, and George Hiza were answered by Jessica Miles and Bruce Natale.

Supervisor Searing thanked Jessica for the presentation and said there would be a 8-10 minute break.

Supervisor Searing called the meeting back to order.

1st Public Be Heard was read by Town Clerk Charleen Dygert. There were no comments.

Old Business:

(a) Councilman LaVarnway made a motion to approve the Supervisor to sign the Memorandum of Understanding with City of Auburn; Cayuga Water and Sewer Project Feasibility Study, seconded by Councilman Dudek. This was approved on the following roll call vote:

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

Supervisor Searing stated that the next meeting for this task force would be Monday May 18th at 6 p.m. at City Hall. Councilman Dudek said he would be able to attend.

- (b) The board discussed and reviewed the proposals waste haulers. The haulers are Robinson Roll-off, Casella, and Feher. They tabled this until next month when they will make their decision.

Councilman Dudek said that the brush pile has to be better maintained. He said that since the town has a chipper instead of letting it sit there why not use it. Supervisor Searing said that the county is chipping it next week.

Supervisor Searing suggested that bags larger than 30 gallons could be charged an extra dollar. After some discussion it was decided to let people know that bags larger than 30 gallons would not be accepted.

Building Inspector/Zoning Code Enforcement Officer Fred Delaney gave his report on building permits for the month of May.

Assessors: Fred Farrell informed everyone that the tentative roll is here and the Grievance Day is May 26th.

Planning Board – Jamie Moore was not present at this meeting. Fred Farrell gave the report on the Planning Board meeting. Chris Yantch has completed everything for the Planning Board and will be coming to the Town Board to get approval for a Special Use Permit for a Bed & Breakfast.

Councilman LaVarnway made a motion to schedule a Public Hearing for a Special Use Permit requested by Chris Yantch for a Bed & Breakfast, seconded by Councilman Dudek. This was approved on the following roll call vote:

Supervisor Searing	Yes
Councilman Fritz	Yes
Councilman DelloStritto	Yes
Councilman LaVarnway	Yes
Councilman Dudek	Yes

Fred also informed the board that Kelly O'Hara bought Harry Edmunds farm and he wants to sell off the house and barn and retain the land for his dairy. He is going to put 7.5 acres into a conservation easement so it will always be farmland. The Planning Board suggested that the Town be the beneficiary. The reason this was done is to protect the farmland from development pressure and limit the amount of times the farm would be subdivided.

Andy Leja explained the Area Allocation Method. Kelly O'Hara wants to split off 2.5 acres with he buildings and retain the 7.5 acres that will be put into a restrictive covenant that will protect it from future residential, commercial or industrial development. The Conservation Easement was a way to get it on the books so that any future buyer of the land will have immediate knowledge that there is a Conservation Easement attached to a certain parcel of land. There will be a description of the parcel so there will be no doubt as to where it is. There was more discussion.

Councilman LaVarnway made a motion to declare a SEQR Type 2 Action, seconded by Councilman Dudek. This was approved on the following roll call vote:

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

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

ADOPTED by ROLL CALL VOTE:
Supervisor Searing Yes
Councilman Fritz Yes
Councilwoman DelloStritto Yes
Councilman LaVarnway Yes
Councilman Dudek Yes

BE IT RESOLVED: that the Town Board of the Town of Fleming, under the authority granted under Section 54 Subdiv 2 of the Town Law, and upon the recommendation of the Planning Board, does hereby accept dedication of a conservation easement, offered pursuant to Section 6-1 Subdiv. H of the Fleming Town Zoning Law, from Kelly O'Hara, Grantor, over approximately 7.5 acres of land as described in Schedule A attached.

Highway/Utilities/Recycling/ - Paul Chipman gave his report for the month of April.

Councilman Fritz made a motion to approve Paul to attend Highway School June 1-3 at a cost of \$90.00, seconded by Councilman LaVarnway. APPROVED AYES 5 NAYS 0

New Business:

Councilman LaVarnway made a motion to approve Lisa Schiminske to attend Municipal Accounting Class on October 14th – 16th at a cost of \$85.00, seconded by Councilwoman DelloStritto. APPROVED AYES 5 NAYS 0

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

ADOPTED AYES 5 Searing, Fritz, DelloStritto, LaVarnway, Dudek
NAYS 0

Resolved to make changes to the Design Criteria as recommended by Roger Vanderbrook.

2nd Public to be Heard:

Doug Ross of West Lake Road stated that he picks up roadside trash everyday and would like permission to bring it here without paying a fee. The board advised him to go through Paul when he brings it over.

Requests and Comments of the Board:

Councilwoman DelloStritto commented on the Town Newsletter. Councilman Dudek asked if there was anyway the town could buy our own compactor. Councilwoman DelloStritto suggested putting it on the stimulus list.

Councilman Searing stated that the meeting room will be turned into a court room and will be shared with the Town Board and Planning Board. New chairs have been ordered.

Supervisor Searing stated that the town has received a petition from Seymour Library. There was some discussion.

On a motion by Councilwoman DelloStritto, seconded by Councilman LaVarnway the following resolution was

ADOPTED by ROLL CALL VOTE
Supervisor Searing
Councilman Fritz
Councilwoman DelloStritto
Councilman Dudek

Resolved to amend State Law of 1992 changing the proposed district from the whole town of Fleming to the portion of Fleming that's part of the Auburn School District.

Budget Transfers/Amendments:

Councilman LaVarnway made a motion to approve the Budget Amendments, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0

Town Clerk's Report:

Councilwoman DelloStritto made a motion to approve the Town Clerk's report as submitted, seconded by Councilman LaVarnway. APPROVED AYES 5 NAYS 0

Supervisor's Report:

Councilman LaVarnway made a motion to approve the Supervisor's report as submitted, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0

Approval of Bills for Payment #259 – 316 on the following motions and seconds:

<u>FUND</u>	<u>AMOUNT</u>	<u>MOTION BY COUNCILOR:</u>	<u>SECONDED BY COUNCILOR:</u>
General	\$26,154.59	LaVarnway	Dudek
Highway	3,106.67	DelloStritto	LaVarnway
Water	61,948.90	Fritz	LaVarnway
Sewer	1,884.48	DelloStritto	LaVarnway
Refuse	1,837.27	LaVarnway	Dudek
Lighting	181.30	LaVarnway	Fritz

Supervisor Searing stated that he has received bids for 2 security cameras. There was some discussion.

Councilman LaVarnway made a motion to accept the bid of \$1591.00 from ADT, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0

Adjournment:

Councilman LaVarnway made a motion to adjourn, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0 The time was 9:27.

Respectfully submitted,

Charleen V. Dygert
Town Clerk