

**FLEMING TOWN BOARD MEETING  
MONDAY SEPTEMBER 13, 2010  
6:30 P.M.**

Call to Order by Supervisor Gary B. Searing with the Pledge of Allegiance at 6:30 p.m.

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 – Absent

Also present: Superintendent Paul Chipman

Approval of Minutes: Councilman Fritz made a motion to approve the minutes of August 9, 2010 as presented by Town Clerk Charleen Dygert, seconded by Councilwoman DelloStritto. APPROVED AYES 4 NAYS 0

Old Business:

- (a) Councilman LaVarnway made a motion to authorize Supervisor Searing to sign the Memorandum of Understanding – Cayuga Regional Water & Sewer Authority Implementation Project, seconded by Councilwoman DelloStritto. This was approved on the following roll call vote:

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

- (b) Councilman LaVarnway made a motion to refund \$2813.04 to Dale & Francis Cunningham as a result of the water/sewer unit adjustment, seconded by Councilwoman DelloStritto. This was approved on the following roll call vote:

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

Building Code Enforcement Officer – Don Bowen gave his report for the month of August.

Zoning Code Enforcement Officer – Alan Kozlowski gave his report for the month of August.

Assessor Fred Farrell gave his report for the month of August.

Planning Board Chairman – Jamie Moore gave his report of the Planning Board for the month of August.

Highway/Utilities/Recycling – Paul Chipman reported that the oil and chip is finished and they will be flushing hydrants in a couple of weeks.

Public Be Heard: Town Clerk Charleen Dygert read the Public Be Heard Forum. Sean Lattimore and Maria Giacona gave a brief presentation. Sean gave the Town Board a letter of intent.

Sean and Beth Lattimore, owners of The Point at Sand Beach and Maria Giacona, La Dolce Vita Bakeshop are looking to enter into a lease agreement for which La Dolce Vita Bakeshop will lease space at The Point at Sand Beach to conduct her bakery business.

Maria Giacona gave a summary of her business and her education.

The Planning Board will review this at their next meeting and make any recommendations to the Town Board.

Supervisor Searing closed the Public be Heard.

Requests and Comments of the Board: There were no requests or comments.

Budget Transfers/Amendments: Councilwoman DelloStritto made a motion to approve the Budget Transfers, seconded by Councilman Fritz. APPROVED AYES 4 NAYS 0

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 Councilwoman DelloStritto. APPROVED AYES 4 NAYS 0

Supervisor’s Report: Councilwoman DelloStritto made a motion to approve the Supervisor’s report as presented by Supervisor Searing, seconded by Councilman Fritz. APPROVED AYES 4 NAYS 0

Approval of Bills for Payment #492 – 553 was 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	\$ 20,998.04	DelloStritto	Fritz
Highway	207,581.71	LaVarnway	Fritz
Water	37,586.70	Fritz	DelloStritto
Sewer	2,893.48	DelloStritto	Fritz
Refuse	1,770.55	Fritz	LaVarnway
Lighting	180.00	DelloStritto	Fritz

This concluded the town business portion of the meeting. Supervisor Searing announced a short break before the public hearing. The time was 6.55 p.m.

At 7:03 p.m. Supervisor Searing reconvened the meeting and opened the Public Hearing for the Seymour Library. Steve Lynch, President of the Board of Trustees and the Trustees of the Seymour Library District were present at this meeting. Steve Lynch explained what it means for a town to be a member of the Seymour Library District and answered questions from the public.

Councilman Fritz read a letter from Marie & John Nadge stating that they are in favor of the referendum vote to be in the Library District. There was more discussion.

Attorney Andy Leja arrived at 7:17 p.m.

Councilman LaVarnway made a motion to support the referendum and allow it to happen, seconded by Councilwoman DelloStritto. This was approved on the following roll call vote:

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

The referendum vote to let Fleming residents decide whether they want to be in the Seymour Library District will be on October 5<sup>th</sup> from 12:00 – 7:00 p.m.

At 7:35 Supervisor Searing announced another break.

The meeting reconvened at 7:38 and Supervisor Searing opened it to the Public Hearing for the Yantch PDD.

Frank Spreter of 5610 Buck Point spoke in favor of the Yantch PDD.

Florintene Worden lives next door to the Yantchs', said that she went to the County meeting and she hoped that the board paid attention to their suggestions.

With no further comments from the public, Councilman LaVarnway made a motion to close the Public Hearing, seconded by Councilman Fritz. APPROVED AYES 4 NAYS 0

Attorney, Dale Yates arrived at 7:50 p.m.

Andy Leja said that last week the board made a negative declaration for this project. The next phase is considering the recommendations from the planning board. He informed the board that the Yantchs have proposed an amendment to the PDD regarding the pavilion and asked the Yantchs to explain.

David Yantch stated that they would like to change the covering over the 38 x 98 concrete pad from a tent to a permanent pavilion roof. They propose a 40 x 60 roof area over an open air pavilion using steel support beams, 40' long trusses, Q decking with a rubber roof. The façade along the top of the outer edge will receive our Dryvit system to give it a nice finished appearance. The roof area will be designed by architect, Mike Palmeri and reviewed by Ward Steel for engineering purposes. Regarding any environmental impact, there is no difference between a tent and a permanent roof system. He said that according to Jim King at NYS Codes Division, as long as this pavilion has no walls there is no need for a sprinkler system.

Andy Leja asked David Yantch if there were any more amendments or changes to the project. He said there were none.

Supervisor Searing asked about the bed & breakfast regarding the number of bed rooms. David Yantch said that there are four bedrooms to the bed & breakfast.

Andy Leja asked the board if the amendments would change the SEQR review. All the board members present concluded that they do not see the amendment as triggering any type of a change in the SEQR review that ended in a negative declaration at the last meeting in August.

Andy Leja went over the Town of Fleming Planning Board's letter of their recommendations regarding the PDD. He also went over the County Planning Board's recommendations.

After discussing the recommendations Councilwoman DelloStritto had a question regarding the location of the music. David Yantch said the location of the band would be in the middle of the Celebration Hall and the speakers will be facing toward the back.

Andy Leja asked the board if they wanted to accept the conditions of the Town and County Planning Board.

Supervisor Searing said he was in favor of incorporating the recommendations of Town and County Planning Boards as part of the PDD. The board agreed.

Councilman LaVarnway made a motion to approve the Yantch PDD subject to the conditions recommended by the County Planning Board and authorize Andy Leja to prepare a set, which would include the PDD with the conditions that the Zoning Officials will be able to use to check on compliance now and in the future, seconded by Councilman Fritz. Approved on the following roll call vote:

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

Councilman LaVarnway made a motion to adjourn, seconded by Councilwoman DelloStritto. APPROVED AYES 4 NAYS 0 The time was 8:50 p.m.

Respectfully submitted,

Charleen V. Dygert,  
Town Clerk