

**FLEMING TOWN BOARD MEETING  
APRIL 13, 2015**

Call to Order by Supervisor Gary B. Searing at 6:00 p.m. followed by the Pledge of Allegiance. Supervisor Searing also mentioned Jamie Moore from our Planning Board took a fall and would like everyone to keep him in their thoughts.

Roll Call by Town Clerk Jo Anne Cox found the following board members present:

Supervisor Gary B. Searing  
Councilman Ron LaVarnway  
Councilwoman Ellen DelloStritto  
Councilman Don Oltz  
Councilman Gerald Dudek      ABSENT

also present: Attorney Dale Yates  
Attorney Andrew Leja  
Constable Al Parsons  
Rich Ward, CPA Cuddy & Ward, LLP

Approval of Minutes: Motion was made by Councilman LaVarnway to approve minutes from March 9, 2015 as presented by Town Clerk Jo Anne Cox, seconded by Councilman Oltz. APPROVED AYES 4-0

Specific Presentation: Motion was made by Councilwoman DelloStritto to approve the 2014 Audit which includes the independent accountants' report on applying agreed-upon procedures for Town Justice finances and Town Clerk as presented by Rich Ward, CPA of Cuddy & Ward, LLP, seconded by Councilman LaVarnway. APPROVED AYES 4-0

Public Hearing: Update Special Use Permit for Francis Cunningham Jr. at the former Boces site. Francis detailed more specifically what he will be using the site for. Doug Holland of 5966 South Street Road was the only resident that had an issue pertaining to his view. Francis said he would be more than willing to meet with Mr. Holland about planting trees to make a natural barrier between his home and the site. Motion was made to approve the amended Special Use Permit with a yearly review by Councilman LaVarnway, seconded by Councilman Oltz. Zoning Officer Don Bowen will get a letter off to Francis pertaining to his updated permit. This was approved on the following roll call:

|                           |     |
|---------------------------|-----|
| Supervisor Searing        | YES |
| Councilman LaVarnway      | YES |
| Councilwoman DelloStritto | YES |
| Councilman Oltz           | YES |

Public to Be Heard: The Public to Be Heard Forum was read by Town Clerk Jo Anne Cox.

Bill Balyszak of 6039 South Street Road spoke in regards to his concern over assessments. He feels very strongly due to the fact there have been no re-assessments for over 25 years and with our equalization rate at 38.17% Fleming residents are not fairly assessed.

Scott and Stacey Gavurnik of 2165 Van Liew Road also spoke advising the board about the continued noise issue with their neighbor, stating that it has been over a year that they have been coming to the meetings. They wanted to know if the town was any closer to implementing a noise ordinance yet.

Old Business:

Christopher and Steven DePalma of Rosetta Estates LLC spoke in regards to their request for proposed self-storage units. Lance Walters a neighbor spoke and is not opposed to the project but his main concern was possible water back up involving a brook on his property. Chris assured him they will have engineers guiding them on a water prevention plan. Attorney Andy Leja also spoke stating this is basically a two step process: applicant would petition to amend a commercial zone change for their piece of property on Route 34 to include proposed self-storage units and then file for a special use permit application which would be reviewed yearly to make sure subject is compliant. Andy will follow up with a letter to file application.

Attorney Andy Leja spoke to the board regarding proposed town noise ordinance. He put together a sample law that addresses specifically amplified noise that would be called Town of Fleming Amplified Noise Abatement Law. It focuses on amplified noises that come from a stationary source such as a house or a mobile source such as a car. It enables the Zoning Officer to determine if the person is in violation. If so, it would eventually go before the Town Justice. This would be done thru the term plainly audible defined as any sound that can be detected by a person using his or her unaided hearing faculties. We have two choices on the ordinance, pass as a Town Ordinance or pass it as a Local Law. The town will review further and determine how to proceed.

New Business:

(a) Motion was made by Councilman LaVarnway to appoint Ron Garropy to fill Bob Delaney's position on BAR (9/30/2018), seconded by Councilman Oltz. APPROVED AYES 4-0

(b) Motion was made by Councilman LaVarnway for approval of swim program at an estimated cost of \$1440 depending on a volunteer to oversee the program, seconded by Councilwoman DelloStritto. APPROVED AYES 4-0

(c) Motion was made by Councilman LaVarnway to close Highway Checking Account at Cayuga Lake National Bank, seconded by Councilwoman DelloStritto. APPROVED AYES 4-0

(d) Motion was made Councilman LaVarnway to approve appropriation of \$400.00 to OWLA for water testing requested by Rick Nelson, seconded by Councilwoman DelloStritto. APPROVED Ayes 4-0

Building Code / Zoning Enforcement Officer-Don Bowen: Don presented his monthly summary to the board.

Highway / Recycling-Kerry Smith:

(a) Motion to approve Kerry Smith to attend Highway School June 1-3 at a cost of @110.00 was made by Councilman LaVarnway, seconded by Councilman Oltz. APPROVED AYES 4-0

(b) Motion to approve a quote from Richard Myer Window & Door Co. for new Town Hall windows at an estimated cost of \$2,283.02 was made by Councilman LaVarnway, seconded by Councilman Oltz. APPROVED Ayes 4-0

Requests and Comments of the Board: Supervisor Searing spoke briefly on Local Law 1 of 2009 under section G Trailer Park. He would like the board to look over paperwork and consider one trailer, one unit. It will be discussed further at the May 11<sup>th</sup>, 2015 board meeting.

Budget Transfers / Amendments: None

Town Clerk's Report: Motion to approve was made by Councilman Oltz, seconded by Councilman LaVarnway. APPROVED AYES 4-0

Supervisor's Report: Motion to approve made by Councilwoman DelloStritto, seconded by Councilman Oltz. APPROVED AYES 4-0

Motion was made by Councilman LaVarnway to approve a payment of \$820.00 to Assessor Fred Farrell for Stephanie Reese, Assessor Clerk seconded by Councilman Oltz. APPROVED AYES 4-0

Approval of Bills for Payment:

|                             |             |   |
|-----------------------------|-------------|---|
| General Fund                | \$17,300.94 | Motion to approve made by Councilman LaVarnway, 2 <sup>nd</sup> by Councilman Oltz. APPROVED AYES 4-0           |
| Highway Fund                | \$3,239.20  | Motion to approve made by Councilwoman DelloStritto, 2 <sup>nd</sup> by Councilman Oltz. APPROVED AYES 4-0      |
| Water District #1           | \$31,713.24 | Motion to approve made by Councilman LaVarnway, 2 <sup>nd</sup> by Councilwoman DelloStritto. APPROVED AYES 4-0 |
| Sewer Fund                  | \$22,157.51 | Motion to approve made by Councilman Oltz, 2 <sup>nd</sup> by Councilman LaVarnway. APPROVED AYES 4-0           |
| Refuse Fund                 | \$1,058.73  | Motion to approve made by Councilman LaVarnway, 2 <sup>nd</sup> by Councilman Oltz. APPROVED AYES 4-0           |
| Special Lighting District   | \$172.19    | Motion to approve made by Councilwoman DelloStritto, 2 <sup>nd</sup> by Councilman LaVarnway. APPROVED AYES 4-0 |
| Consolidated Water District | \$11,510.00 | Motion to approve made by Councilman LaVarnway, 2 <sup>nd</sup> by Councilwoman DelloStritto. APPROVED AYES 4-0 |

Executive Session: Motion to move into Executive Session made by Councilman LaVarnway, seconded by Councilwoman DelloStritto. APPROVED AYES 4-0 No action was taken. Motion to move back into

open meeting made by Councilman LaVarnway, seconded by Councilwoman DelloStritto. APPROVED  
AYES 4-0

Adjournment: Motion for adjournment was made by Councilman LaVarnway, seconded by  
Councilwoman DelloStritto. The time was 7:58 P.M. APPROVED AYES 4-0

Respectfully Submitted,

Fleming Town Clerk