

The Fremont Town Board held their Regular Town Board Meeting on June 11, 2024 at 7:00 PM at the Town Hall.

Deputy Supervisor Smith called the Meeting to order at 7:10 PM; led the Pledge of Allegiance and Mary Soukup gave the Invocation.

**Present: Town Board:** Deputy Supervisor Cindy Smith, Council Member Dean Kiefer and Council Member Seth Hilton, Council Member Mary Soukup

**Absent: Town Board:** Supervisor Emily Murray

There were 8 people that attended the meeting.

**Other Public Officials Present:** Tom Flansburg, Highway Superintendent and Grey Sikosek, Planning Board

**Special Guests:** Kayla Wagner from Sprague Insurance

Reports of Public Officials submitted and on file: Highway Superintendent Tom Flansburg, Justice Madeleine Seaman, Assessor Holley Smalt, Chuck Cagle, Code Enforcement Officer, Debra Matthews, Dog Control Officer.

Highway Superintendent Flansburg gave his report that they have been cutting grass and grading roads. They are currently on Cream Hill Road. He also wanted to know what the Town Board thought about having Seth Pullen, Town Attorney send a letter to Judge Leary regarding his thoughts on the meeting on May 29, 2024. Also, Seth Pullen stated that he would not be able to represent the town with an Article 78 if the Town decided to go that way. So, he wanted to throw out Ben Wisniewski's, attorney with the Zoghlin Group, name out there for an attorney that is familiar with all the wind laws and instead of waiting to try to find somebody if the town decides to go that way. He thought maybe reaching out to him and have him on board.

Council Member Soukup asked if this is in regards to replacing Seth and *Superintendent Flansburg explain what this is all about that if an Article 78 was done then he would not have the time to represent the town because it is a very long process.* Council Member Soukup thought it was worth a phone call. Deputy Supervisor Smith asked if the Board wanted the Town Supervisor to contact Seth Pullen to see what he thought about it and they agreed to do this.

Superintendent Flansburg had one more thing and asked about bonding with the Logging Law and *Deputy Supervisor Smith told him it had not passed because it needed to go to the County beforehand and we will discuss it later in the meeting.*

Council Member Soukup asked if the Seth Pullen did not want to represent the town would the Town Supervisor contact Attorney Wisniewski. Superintendent Flansburg explained that contacting Seth Pullen was separate from contacting Attorney Wisniewski.

Council Member Hilton asked what Article 78 was and *Superintendent Flansburg stated that if the Town did not agree with the wind company the town would go through article 78 which would mean arbitration.*

Greg Sikosek stated that the Planning Board will be having a meeting on June 18, 2024 at 6:30 pm to go over William Phelps estate property transfer. He informed the Board that he received an email from the town attorney regarding the public hearing on the Chad Bugman properties. He stated that the attorney thought the Planning Board lets things go without a formal review. They were also concerned that he was the only one that showed up for the Public Hearing. He stated he has no control over who shows up. They were aware of the transaction. Deputy Supervisor Smith asked that the attorney is not agreeing with your...and Greg responded no he did not say that. The Town Clerk stated that it is not a true public hearing when you have only one person attending. It is not an official meeting. *Deputy Supervisor Smith stated that contact should be made with the attorney to make sure everything is okay.* Greg wanted to wait to see if the attorney responds to his email response. *Deputy Supervisor Smith said not to wait too long.* *Deputy Supervisor Smith asked if he was up-to-date on his minutes and he said yes.*

No ZBA member attended.

#### **Old Business:**

##### **Resolution #52 Approve the Minutes from the Regular Town Meeting on May 14, 2024**

Motion by Council Member Hilton seconded by Council Member Kiefer Resolution #52 was adopted. It was resolved to approve the Minutes from May 14, 2024. Roll Call of Votes: Hilton aye, Smith aye, Kiefer aye, Soukup aye. 4 Aye 0 Nay 0 Abstain.

##### **Resolution #53 Approve the Minutes from the Special Meeting on May 29, 2024**

Motion by Council Member Kiefer seconded by Council Member Soukup Resolution #53 was adopted. It was resolved to approve the minutes from the Special Meeting on May 29, 2024. Roll Call of Votes: Smith aye, Soukup aye, Kiefer aye, Hilton aye. 4 Aye 0 Nay 0 Abstain.

#### **New Business:**

Representative Kayla Wagner from NYMIR (Sprague Insurance Agency) attended to explain the insurance policy for the Town and answer any questions. A final decision will be made at the next board meeting in July. Superintendent Flansburg asked how much the policy went up and Kayla responded \$1,026.00.

A discussion began regarding forms that were created for Equipment/Motor Vehicle and Personal Injury for the Town of Fremont.

**Resolution #54 Approve the Equipment/Motor Vehicle and Personal Injury Forms**

Motion by Council Member Kiefer seconded by Council Member Soukup Resolution #54 was adopted. It was resolved to approve the Equipment/Motor Vehicle and Personal Injury forms. Roll Call of Votes: Hilton aye, Soukup aye, Smith aye, Kiefer, aye. 4 Aye 0 Nay 0 Abstain.

The Board reviewed the quotes for Dave's Pressure Washing for all three buildings. This was tabled until next month after speaking with the code enforcement officer.

Deputy Supervisor Smith updated the Town Board on the International Auction check receipt: \$16,500 for the excavator, \$850 for Flail Mower, \$52.50 for 8 Split Rims and \$11.00 for 12' Steel V Blade.

A discussion began regarding the Phase I road repairs (\$325,000) Oil and Stone? Deputy Supervisor Smith asked the Highway Superintendent if there were any ideas as to what to do with this money? *The Highway Superintendent stated there was not going to be any oil or stone this year. He stated he would like to replace the 2016 Dodge Ram 5500 for \$67,700. She also asked if he would be doing any roads and he replied no they will be working on Davis shortly. We are working on Cream Hill right now with over 200 loads on it. Last year we put 206 loads on Rose Road and it did not put much of dent in it other than a slope on it. Went up on Tuttle Road and brushed and will try to ditch it. He thinks he may try to widen it but will contact Cornell about it. Tuttle Road is so narrow we would have to cut down some trees. Deputy Supervisor Smith asked if he was opening it from the top or the bottom? Superintendent Flansburg stated from the bottom up. She asked about up by Briggs Road? He said they would be doing some grading there. This summer will be very busy. He said they would oil and stone probably next year.*

Ryan Batte asked if he was going to do any of the four roads that were in the agreement signed ending phase I road repairs? *Superintendent Flansburg stated that they would be toughing all of them. He was going to shim it (this was voted on and approved last month to do) but after looking at it again it is best to wait. They will wait and let the wind company pave it after Phase II. After Cream Hill they will do Davis Hill then Holmes and finally Babcock.*

Council Member Kiefer asked so you are going to hold the paving off until the end of Phase II? *Flansburg stated sure since they (the wind company) are going to pay for it. Kiefer stated when we get this money it will be put into an account? Deputy Supervisor Smith stated yes.*

Deputy Supervisor Smith updated the Town Board on what was learned at the Southern Tier West Local Government Conference that Supervisor Murray, Deputy Supervisor Smith and the Town Clerk attended on June 6, 2024:

All subdivisions that the planning board reviews need to go through the SEQR process. The meeting minutes must reflect this process.

Our Solar Law, Wind Law, and Battery storage laws need to be updated/ created. The industry is changing very rapidly- especially the solar. They can review and assist us with updating these laws.

An example for the Solar Law, a clause needs to be added that the developer pays for all engineering or legal counsel. The Town should not endure the cost. (This is for the large scale solar)

Battery Storage- another hot topic. A recent Battery Storage bank in NYS burned for 5 days. There was nothing anyone could do to extinguish it.

The Wendel Company will come on site and conduct training for our boards. Planning & ZBA

They also review Comprehensive Plans. It was a very informative meeting. The Wind Law needs to be updated continually due to technology growing so fast.

Deputy Superintendent Smith would like to have Wendel come and do some training. *Council Member Kiefer stated to have her (Town Supervisor) contact them and see what they can do.*

**Resolution #55 Approve to have Town Supervisor contact Wendel Company for Services**

Motion by Council Member Smith seconded by Council Member Soukup Resolution #55 was adopted. It was resolved to have the Supervisor contact Wendel Company for Services. Roll Call of Votes: Hilton aye, Soukup aye, Smith aye, Kiefer aye. 4 Aye 0 Nay 0 Abstain.

The Town Clerk stated that she was informed that if a town has a website, it should not allow any help sites or other vendor types be placed on the town website.

**Resolution #56 Approve Elimination of Outside Entities Having Their Information Posted onto the Town Website**

Motion by Council Member Kiefer seconded by Council Member Smith Resolution #56 was adopted. It was resolved to eliminate the usage of outside help sites and other vendors on the Town Website. Roll Call of Votes: Smith aye, Soukup aye, Kiefer aye, Hilton aye. 4 Aye 0 Nay 0 Abstain.

Deputy Supervisor Smith updated the Board that the Logging Law is currently going through the SEQR process, then will need to be submitted to the Steuben County 239-Review. Bonding was in question.

A short discussion began regarding the three bids for the heat pump system for the Town Hall to be paid for by ARPA funds. Council Member Soukup looked them all online to see what their number of stars they each had.

**Resolution #57 Approve Phoenix Heating & Air Conditioning to install Heat Pump System at Town Hall**

Motion by Council Member Hilton seconded by Council Member Kiefer Resolution #57 was adopted. It was resolved to approve Phoenix Heating & Air Conditioning to install Heat Pump System at Town Hall. Roll Call of Votes: Smith aye, Kiefer aye, Hilton aye, Soukup aye. 4 Aye 0 Nay 0 Abstain.

A discussion began regarding insulating the downstairs outer wall and replacing doors and windows. It was decided that the code enforcement person be asked to come to the town hall and evaluate the specs for the project. It was also suggested that the Board get some contractor quotes for the project.

Pelham Electric completed the Electrical Service at the Town Barn. They did a good job.

**Resolution #58 Approval to Pay the Bills for Abstract #6**

Motion by Council Member Hilton seconded by Council Member Soukup Resolution #58 was adopted. It was resolved to approve to pay the bills with General Fund \$48,202.62. Roll Call of Votes: Hilton aye, Burns aye, Smith aye, Kiefer aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

Comments:

Highway Superintendent Flansburg stated that battery storage is a liability to the town.

Ryan Batte asked what the Special Meeting results were and *Deputy Supervisor Smith explained that it was meeting with the attorneys regarding an agreement for road repairs for Phase I.*

Council Member Kiefer was asked about the flag pole and he stated he were looking into the fire department to help.

Deputy Supervisor Smith motioned to adjourn the meeting. All were in favor.

Meeting adjourned at 8:30PM

*Susan M. Peck  
Fremont Town Clerk*