

The Fremont Town Board held their Regular Town Board Meeting on November 12, 2024 at 7:00 PM.

Supervisor Emily Murray called the Meeting to order at 7 PM; led the Pledge of Allegiance and Mary Soukup gave the Invocation.

Present: Town Board: Supervisor Emily Murray, Council Member Cynthia Smith, Council Member Dean Kiefer, Council Member Seth Hilton and Council Member Mary Soukup

Other Public Officials: Domenica Burns, ZBA, Tom Flansburg, Highway Superintendent, Chuck Cagle, Code Enforcement Officer

Other Guests: Seth Pullen, Town Attorney, Jason Dagger, RWE, James Muscato, Baron Wind Attorney

Number of Attendees 27

**Reports:**

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

Chuck Cagle gave his report. He issued 23 building permits this year. Still dealing with some initial complaints. He updated the Board with what he is currently working on.

Highway Superintendent Tom Flansburg gave his report that they have finished working on roads and are getting ready for winter. No paper report will be on file for the Highway Superintendent.

No Planning Board member attended.

Domenica Burns, ZBA stated that they will be having a meeting on November 13, 2024. Supervisor Murray asked Council Member Kiefer if he was going to attend the meeting as well and he responded yes.

**Old Business:**

**Resolution #95 Approve Minutes from Special Meeting on November 4, 2024**

Motion by Council Member Smith seconded by Council Member Hilton Resolution #95 was adopted. It was resolved to approve the minutes from Special Meeting on November 4, 2024. Roll Call of Votes: Hilton aye, Soukup aye, Smith aye, Kiefer aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

Council Member Soukup asked if something could be done regarding phones and smart watches being taken off in executive sessions. Seth Pullen asked the Town Clerk to send him the town's technology policy to review.

**Resolution #96 Approve the Minutes from Regular Board Meeting on October 8, 2024**

Motion by Council Member Kiefer seconded by Supervisor Murray Resolution #96 was adopted. It was resolved to approve the minutes from Regular Board Meeting on October 8, 2024. Roll Call of Votes: Murray aye, Soukup aye, Kiefer aye, Hilton aye, Smith aye. 5 Aye 0 Nay 0 Abstain.

**Resolution #97 Approve the Minutes from Public Hearing/Special Board Meeting on October 22, 2024 for the Budget**

Motion by Council Member Soukup seconded by Council Member Smith Resolution #97 was adopted. It was resolved to approve the minutes from Public Hearing/Special Board Meeting on October 22, 2024 for the Budget. Roll Call of Votes: Murray aye, Soukup aye, Kiefer aye, Hilton abstain, Smith aye. 4 Aye 0 Nay 1 Abstain.

Chuck Cagle explained the new fee schedule for building permits, etc. The rates are the same as other local towns and it will help cover the cost of the code enforcement officer. Anything that requires an inspection should have a building permit.

**Resolution #98 Approve the Updated Fee Schedule for Building Permits, etc.**

Motion by Council Member Hilton seconded by Council Member Kiefer Resolution #98 was adopted. It was resolved to approve the updated fee schedule for building permits, etc. Roll Call of Votes: Kiefer aye, Hilton aye, Smith aye, Murray aye, Soukup aye. 5 Aye 0 Nay 0 Abstain.

A discussion began regarding removing the fee schedule altogether from Local Law 1 of 2005 Land Use Regulations. It was decided that the fee schedule will be removed and fees will be set by the Town Board by resolution. It will go into effect once it is approved by Albany.

**Resolution #99 Approve Ad Placement for Public Hearing regarding Fee Schedule in Local Law 1 of 2005, Land Use Regulations on December 10, 2024 at 6:30pm**

Motion by Supervisor Murray seconded by Council Member Smith Resolution #99 was adopted. It was resolved to approve placement for public hearing regarding fee schedule in local law 1 of 2005, land use regulations on December 10, 2024 at 6:30pm. Roll Call of Votes: Murray aye, Smith aye, Kiefer aye, Soukup aye, Hilton aye. 5 Aye 0 Nay 0 Abstain.

Supervisor Murray asked if anyone had any ideas about what to do with wall canvas and the piano. Carol Burns stated that the historical society in Arkport may take it once they get their house together. It was decided to put the piano in the take it/give it section of the penne saver and Facebook.

**Resolution #100 Approve the Donation of the Piano**

Motion by Supervisor Murray seconded by Council Member Smith Resolution #100 was adopted. It was resolved to approve the donation of the piano. Roll Call of Votes: Kiefer aye, Hilton aye, Smith aye, Murray aye, Soukup aye. 5 Aye 0 Nay 0 Abstain.

A discussion took place regarding the replacement of the top landing for the handicap ramp.

**Resolution #101 Approve Quote #70 for a Commercial Platform for the Handicap Ramp by Accessibility Solutions**

Motion by Council Member Kiefer seconded by Supervisor Murray Resolution #101 was adopted. It was resolved to approve quote #70 for a commercial platform for the handicap ramp by Accessibility Solutions. Roll Call of Votes: Smith aye, Soukup aye, Kiefer aye, Hilton aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

A discussion began regarding the insulation of the downstairs. Quotes were given by Winant Construction, LLC. The estimates given were one for spray foam and the other for regular insulation. Council Member Kiefer asked about splitting the job and doing only part of it. It was decided to try to get a couple more quotes. Tabled until next month.

A short discussion began regarding the removal of plow and installation of new one on the new 5500 truck.

**Resolution #102 Approve Quote 32568 and 33469 from Wilbri's for removal and installation of equipment on new 5500 truck**

Motion by Council Member Hilton seconded by Council Member Smith Resolution #102 was adopted. It was resolved to approve quote 32568 and 33469 from Wilbri's for removal and installation of new equipment on the new 5500 truck. Roll Call of Votes: Murray aye, Smith aye, Soukup aye, Kiefer aye, Hilton aye. 5 Aye 0 Nay 0 Abstain.

Supervisor Murray asked Attorney Pullen about the 2024 highway contract. David Pullen is working on a policy-based procedure.

A discussion began by Attorney Pullen regarding the Hornell Fire Department Ambulance Services. He basically said he did not like the contract and that they were not going to budge on any amendment to it. Attorney Pullen did not recommend the Town going with this contract.

A discussion began regarding the Siting Board's failure to decide Petition for Rehearing challenging award of the amended Certificate and the Town's next steps.

**Resolution #103 Approve Ben Wisniewski to do an Engagement Letter to the Town Board with his Scope of Services and Costs**

Motion by Council Member Smith seconded by Supervisor Murray Resolution #103 was adopted. It was resolved to have Attorney Ben Wisniewski to do a Letter of Engagement to the Town Board with his scope of services and costs. Roll Call of Votes: Kiefer aye, Hilton nay, Smith aye, Murray aye, Soukup aye. 4 Aye, 1 Nay 0 Abstain.

A discussion began regarding the Decommissioning Plan for Baron Winds II – Wendell Report. *Attorney Seth Pullen stated that the wind company has put into the agreement what he asked for and thought it satisfactory.*

**Resolution #104 Approve the Decommissioning Plan for Baron Wind II**

Motion by Council Member Hilton seconded by Council Member Kiefer Resolution #104 was adopted. It was resolved to approve the Decommissioning Plan for Baron Wind II. Roll Call of Votes: Hilton aye, Smith aye, Kiefer aye, Soukup nay, Murray aye. 4 Aye 1 Nay 0 Abstain.

A discussion began regarding the Road Use Agreement and Wendel Report. Superintendent Flansburg suggested that the engineers, the attorneys and representative from Baron sit down with him and go over the reports line by line. Supervisor Murray asked if there were other places that work could be started. *Jason Dagger replied that there was but it would not take long.* One of the Baron Wind workers asked if he could say something and Supervisor Murray told him to go ahead. *He went on to say that these guys are waiting for the project to begin so they can get to work and this will benefit the community.* Supervisor Murray asked Superintendent Flansburg if there were any areas that they could start in and *he replied that he needs to dot the I's and cross the T's on this.* Supervisor Murray asked if they could work on the County Roads until this gets settled? *He can but not for long.* Supervisor Murray asked Superintendent Flansburg if they could start on Rose Road and *he replied that this is why we hired an engineering firm to go over the roads so we need to sit down with them and go line by line.* Attorney Pullen stated that the engineers should go over the issues with the roads and the Wendel report. Superintendent Flansburg stated that all the roads need to be built up. He also stated that he was not going to have the ruts on Fremont roads like they were in Phase I. Supervisor Murray asked if they all could meet as soon as possible. *Superintendent Flansburg said if everyone is available.* Jason Dagger asked if they could start with the tree clearing and *Superintendent Flansburg said no.* Supervisor Murray stated let's get this figured out so these guys can get to work.

**Resolution #105 Approval to Pay the Bills on Abstract #11**

Motion by Council Member Smith seconded by Councilman Kiefer Resolution #105 was adopted. It was resolved to approve the payment of the Bills on Abstract #11 in the amount of \$55,662.89 for the General Fund and the Highway Fund with an amount of \$106,691.51 totaling \$162,354.40. Roll Call of Votes: Murray aye, Smith aye, Kiefer aye, Soukup aye, Hilton aye. 5 Aye 0 Nay 0 Abstain.

Superintendent Flansburg asked Supervisor Murray if he could have a copy of the recording from September 24, 2024 Town Board Meeting. The Town Clerk told him she did not have the software to do it. Attorney Pullen stated that a FOIA could be done and the Clerk stated yes with a flash drive.

Signs going up over town stating Wetland Signs what are they. They are required.

**Public Comments??**

Jason Dagger asked about a driveway permit for the access roads. As far as anyone knows there is no such thing. Council Member Kiefer explained about the driveway status in the Land Use Agreement. Attorney Pullen asked the Town Clerk if she knew of any town laws with any of those types of requirements and *she responded not that she is aware of.*

The Town Clerk asked if the Rabies Clinic could be moved from the Fire Department to the Town Hall. It would be an easier access for dogs/cats coming in and going out. Less fumes from the trucks.

Council Member Hilton asked if any of these pipes, Mack School Road for instance were a part of Phase I that we were given \$325,000 to repair the roads. Superintendent Flansburg stated that Babcock Road was one but they ignored the signs.

**Resolution #106 Approve move of Rabies Clinic from Fire Department to the Town Hall beginning 2025**

Motion by Supervisor Murray seconded by Council Member Soukup Resolution #106 was adopted. It was resolved to approve the Move of the Rabies Clinic from the Fire Department to the Town Hall beginning 2025. Roll Call of Votes: Kiefer aye, Hilton aye, Soukup aye, Smith aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

Ryan Batte asked about the truck for sale on the auction and *Superintendent Flansburg responded that they received a very low bid and will re-bid it in another couple of weeks.* Supervisor Murray asked if they drive it once in a while to keep it going and the response was yes.

Supervisor Murray motioned to adjourn the meeting – all were in favor.

Meeting Adjourned at 9:23 PM

*Susan M. Peck  
Fremont Town Clerk*