

April 12, 2022

Regular Town Board Meeting

7:00 PM

The Fremont Town Board held their Regular Town Board Meeting on April 12, 2022 at 7:00 PM.

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

Present: Town Board: Supervisor Emily Murray, Councilman Cynthia Smith, Councilman Dean Kiefer and Councilman Bert Candee.

Absent: Councilman Carol Burns

There were 22 people that attended the meeting.

Other Public Officials Present: Domenica Burns and Virginia Fullam, ZBA; Greg Sikosek, Planning Board, Stephanie Ottey, Jason Dagger, RWE representatives.

Reports of Public Officials submitted and on file: Highway Superintendent Tom Flansburg, Justice Betsey Farley, Assessor Holley Smalt, John Leonard, Jr, Code Enforcement Officer, Debra Matthews, Dog Control Officer.

Old Business:

Resolution #48 Approve changes to Abstract #3

Motion by Councilman Kiefer seconded by Councilman Smith Resolution #48 was adopted. It was resolved to approve the changes on Abstract #3 from \$38,189.61 to \$38,811.33. Roll Call of Votes: Kiefer aye, Candee aye, Smith aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #49 Approve the Minutes from March 8, 2022 Meeting

Motion by Councilman Candee seconded by Councilman Smith Resolution #49 was adopted. It was resolved to approve the minutes from the March 8, 2022 meeting. Roll Call of Votes: Candee aye, Smith aye, Kiefer aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #50 Approve the Minutes from the April 5, 2022 Special Meeting

Motion by Councilman Kiefer seconded by Councilman Candee Resolution #50 was adopted. It was resolved to approve the Minutes from the April 5, 2022 Special Meeting. Roll Call of Votes: Candee aye, Smith aye, Kiefer aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Update from Councilman Kiefer on the Doors – he stated that the companies are very busy and hoped to get them to come to Fremont by the end of April.

New Business:

Highway Superintendent Flansburg stated that he did not want to allow the wind company to use Babcock Road. Mr. Dagger stated they wanted to use Babcock Road for the empty trucks to return on. He stated a safety issue where the loaded trucks would come up Mack School Road and the trucks would not be passing by each other this way. He also stated that it would be less disruption on farmers. Councilman Smith stated that there would be more disruption on Babcock with the farmers than on Mack School Road. Flansburg stated that there is a speed limit sign on Holmes Road that he did not post. RWE engineer stated that this was done for safety purposes. He also said he would remove it if Flansburg wanted him to. Flansburg said it could stay. Mr. Dagger asked Flansburg to meet with him regarding Babcock Road and he agreed to meet.

Franklin Griffin requested to rent the downstairs on May 14, 2022. The rental dates run from June 1-October 1 but the Board decided to allow the rental this time. The Town Clerk will notify him.

Dan Hammond, Betty Holden and Sue Peck would like to see the Town Hall outside lighting to be changed to motion or solar with LED bulbs. It was decided to go with motion lights. The Supervisor said that the bulbs were already LED. Town Clerk to notify electrician, Bob Chapman.

Dan Hammond relayed the Board of Ethics recommendation regarding the letter sent to the town board by Concerned Tax Paying Townspeople. The recommendation was to have the town attorney send a letter to the Attorney General requesting an opinion on whether Councilman Candee has a conflict of interest regarding the wind company. Councilman Candee stated that he did not feel he needed to recuse himself – stating innocent until proven guilty. Councilman Smith agreed with Councilman Candee that he should not have to recuse himself from Wind discussions and votes.

Resolution #51 Approval Supervisor Contact Town Attorney to send letter to Attorney General Requesting an Opinion regarding Conflict of Interest with Councilman Candee and the Wind Company

Motion by Councilman Smith seconded by Councilman Kiefer Resolution #51 was adopted. It was resolved to approve supervisor to contact town attorney to send a letter to the attorney general requesting an opinion of conflict of interest with Councilman Candee and the wind company. Roll Call of Votes: Candee abstain, Smith aye, Kiefer aye, Murray aye. 3 Aye 0 Nay 1 Abstain.

Supervisor Murray asked the Highway Superintendent to update the Board on interviews for a FT MEO. He stated that he has not had any that no one had applied.

Resolution #52 Approval to place an ad in the Shopper for PT Laborer

Motion by Supervisory Murray seconded by Councilman Kiefer Resolution #52 was adopted. It was resolved to approve the placement of an ad in the Shopper for a PT Laborer. Roll Call of Votes: Murray aye, Smith aye, Kiefer aye, Candee aye. 4 Aye 0 Nay 0 Abstain.

Supervisor Murray asked the Highway Superintendent on update on Babcock Road. The Superintendent has placed an 8-ton weight limit on the road. He said the weight of heavy trucks would damage the road more than it already is. He is currently ditching the road.

The Town Clerk audit will be scheduled once Councilman Burns is back from Florida.

Supervisor Murray stated that an Escrow Account has been set up and the number given to Stephanie Ottey from the wind company.

Stephanie Ottey and Jason Dagger from the wind company gave a presentation on the 650' towers. The number of turbines reduced would be 8 if the Town went with the 650' towers. Ms. Ottey stated that the wind company was going to NYS Public Service Commission to overturn the town's wind law on the height of the towers and also requested that the town send a letter supporting this overturn. The benefits for the Town would be \$351,000 annually and escalating annually. The timeline for this project is clearing trees in the Fall and completed by November-December 2023.

Once the presentation was done the Board asked questions of the presenters:

Town Supervisor asked for GPS coordinates for the towers – they will get them. She asked about the decibel limits difference on the higher towers – they are the same or close to it. She asked about the night lighting for the towers – lighting is okay – they have to recertify with the FAA and then the towers cannot be moved unless they are recertified again. She asked about the blades being serrated – they will check if this is in the agreement then they will be serrated. She asked about shadow flicker and the 20-hour limit - wind company will shut them down at 20 hours.

Councilman Smith asked about the Eagles and the bats – the regulations remain the same should not be any difference.

Councilman Kiefer asked how deep the pads will be – 30' approximately 700 yards of concrete per pad.

Then the town residents asked questions:

Tom Flansburg read from notes regarding landowner agreements, setback limits, going to the Public Service Commission over the town board, already voted on now you (wind company) want to change items.

Alice Sokolow questioned the setbacks to houses quoting Exhibit 9, 9.3.

A resident Dan Hammond, asked about well testing and the wind company is working on how they are going to do this. He also asked about contracts with landowners

Giny Fullam stated that the 650' tower is taller than the Washington Monument which is 550'. She also stated that RWE is not being honest with the change of the tower's heights.

Mary Soukup read a letter to the Town and also excerpts from various articles

Resolution #42 Approve Payment of the Bills on Abstract #4

Motion by Councilman Smith seconded by Councilman Kiefer Resolution #42 was adopted. It was resolved to approve the payment of the bills on abstract #4 in the amount of \$23,189.20. Roll Call of Votes: Murray aye, Smith aye, Kiefer aye, Candee aye. 4 Aye 0 Nay 0 Abstain.

Public Comments??

Dan Hammond requested that residents complete the survey that was put out by the NYS Department of Public Service regarding Broadband. Fremont needs to have capability. He suggested that everyone tell everyone that they know to complete the survey. You can complete the survey at www.empirestatebroadband.com.

Tom Flansburg stated that fiberoptics was being installed on Farm to Market Road right now.

Ryan Batte asked what the status was on the property maintenance law. Supervisor Murray told him that they are sending it to the Attorney to review.

Supervisor Murray motioned to adjourn the meeting – all were in favor. Meeting adjourned at 8:45PM

*Susan M. Peck
Fremont Town Clerk*