

December 13, 2022

Regular Town Board Meeting

7:00 PM

The Fremont Town Board held their Regular Town Board Meeting on December 34, 2022 at 7:00 PM

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

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

Jason Dagger, RWE Project Manager

There were 14 people attending

Old Business:

Resolution #105 Approve Correction to November Abstract #11

Motion by Councilman Kiefer seconded by Councilman Smith Resolution #105 was adopted. It was resolved to approve the correction from \$15,120.53 to \$15,785.34. Quill \$108.81 and Richardson, Pullen & Buck \$561.00. Roll Call of Votes: Candee aye, Burns aye, Smith aye, Kiefer aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

Councilman Kiefer requested to strike Resolution #102 from the November Minutes. He said it was wrong to vote in favor of placing a previous board member on the Memory Board because the Board has set up established date requirements that were not met by this person. He apologized to all involved.

Resolution #106 Approval to Strike Resolution 102 from the November Minutes

Motion by Supervisor Murray seconded by Councilman Burns Resolution #106 was adopted. It was resolved to approve to strike from the November Minutes Resolution #102 Roll Call of Votes Murray aye, Smith aye, Burns aye, Kiefer aye, Candee aye. Aye 5 0 Nay 0 Abstain.

Resolution #107 Approve the Minutes from the November 8, 2022 Regular Town Board Meeting

Motion by Councilman Candee seconded by Councilman Smith Resolution #107 was adopted. It was resolved to approve the Minutes from the November 8, 2022 Regular Town Board Meeting. Roll Call of Votes: Smith aye, Kiefer aye, Burns aye, Murray aye, Candee aye. 5 Aye 0 Nay 0 Abstain.

Supervisor Murray asked Councilman Burns if she setup a committee for the Memory Plaque and she said yes, she asked Norma Kilbury. Councilman Burns also stated that there needs to be more detail on the form before submission.

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.

Tom Flansburg, Highway Superintendent stated that the wind company has done a lot of damage to our roads and we should take them to court. He brought up about the wind company using Babcock Road when they were told not to use it. They totally disregarded it. He has multiple emails with pictures that he sent to Randy and the State representative Andrew Fecco. He also stated that the Town should get a new attorney that is more aggressive that can handle the wind company. He does not see where anything is getting done by them. Jason Dagger, RWE, claims that Babcock Road is bonded but Supervisor Murray said that it is not. Jason Dagger asked Tom Flansburg if he contacted Randy Buntjer and was told that why should he when Randy is not doing anything about what is going on. There have been multiple semi-trucks on Babcock Road even though it has a weight limit. Jason kept stating that there is a miscommunication on the Bonding. Jason suggested that they meet on this and Supervisor Murray stated that we have met on this and you told us that you did not need to use Babcock Road any longer. Supervisor asked Jason Dagger if he was going to fix the road and he replied yes.

New Business:

Resolution #108 Approve the 2023 Wayland Dog Pound Contract for \$350.00

Motion by Councilman Burns seconded by Councilman Smith Resolution #108 was adopted. It was resolved to approve the Wayland Dog Pound Contract for 2023. Roll Call of Votes: Murray aye, Smith aye, Burns aye, Kiefer aye, Candee aye. 5 Aye 0 Nay 0 Abstain.

Supervisor Murray asked the Board if they looked over the Highway/Town Contract and she also asked the Highway Superintendent if he did and he said that Shawn was speaking for the guys. Shawn Smith, Deputy Highway Superintendent stated that he had a couple of issues with the Contract. On page 1 under Probationary Period. (There will be a six (6) month probationary period for all new employees or any classification changes.) He did not feel that they should be punished for moving up. He stated he should have fought it when it happened to him. Supervisor Murray stated that his move was a new position. On page 3, If an employee is hired midyear, vacation time will be earned at a rate of 4 hours per month. Why is that? Supervisor Murray stated that really new hires usually do not receive vacation until after one year. On page 4, under Disciplinary Action: Will be at the discretion of the Highway Superintendent and the Town Board. Shawn stated that he did not think that was right to have the town board involved and they have nothing to do with the highway department. Supervisor Murray stated that the highway superintendent has the final say in what happens. She told the highway superintendent that he really should be talking about this and he stated that it was there contract not his. He agreed with Shawn that the Board should have no decision in it and that he comes to the Board when needed. Shawn stated he would not sign the agreement and consider this his two-week notice and left the room. Supervisor Murray said okay.

Resolution #109 Approve the Highway/Town Contract for 2023

Motion by Councilman Smith seconded by Supervisor Murray Resolution #109 was adopted. It was resolved to approve the Highway/Town Contract for 2023. Roll Call of Votes: Murray aye, Smith aye, Burns aye, Kiefer aye, Candee abstain. 4 Aye 0 Nay 1 Abstain.

Resolution #110 Approval for End of Year Meeting December 27, 2022 at 6PM and Placing an Ad in the Shopper

Motion by Councilman Smith seconded by Councilman Burns Resolution #110 was adopted. It was resolved to approve the End of Year meeting on December 27, 2022 at 6PM and placing an ad in the Shopper. Roll Call of Votes: Murray aye, Smith aye, Burns aye, Kiefer aye, Candee aye. 5 Aye 0 Nay 0 Abstain.

A short discussion began regarding the Richardson, Pullen & Buck contract. This was tabled until the Board can schedule a meeting with them. Supervisor Murray will contact them to setup a meeting. The highway superintendent stated that they are not his calls or emails. Councilman Kiefer stated that we keep hearing the same thing every meeting. You people need to get things in order.

Tom Flansburg asked Jason Dagger about the well testing. The Town was told that letters would go out in November. Jason Dagger told the Board that an administrative judge needs to be assigned for the intervenor funds. Tom Flansburg said the \$75,000 has been deposited by 10 days – the State controls it right now according to Jason Dagger.

Supervisor Murray asked Barry Dye, Fire Chief to discuss the ambulance situation. He stated that Fremont ambulance will begin charging for ambulance calls. They plan on using the ALS out of Cohocton (CVAS). Their lawyers are drawing up a contract with the Fremont Fire Department. We will use the Livingston County and Cohocton ALS. As of the first of 2023 we are through with Hornell ambulance service. Canisteo sent a letter to Hornell to try and negotiate and at that point it was supposed to go until April 2023 but Mayor Buckley sent a letter to Canisteo telling them if they did not sign a contract, they will be done December 31, 2022. Williamsville will be doing their billing for them. Before this time next year, they hope to be able to have paid staff of their own. The ambulance request for next year will probably go up \$2-4 thousand for the town budget. Supervisor Murray asked if she should contact the Mayor and Barry said he will let him know. The bill would be around \$700.00 a call.

Supervisor Murray brought up the Steuben County Department of Social Services Employment Unit regarding the Client Work Experience Program and/or Mobile Work Program. She asked Tom Flansburg, Highway Superintendent if he was interested in the program. He said he did not have time to monitor the crew. He was told that they would be supervised by a mobile crew leader. So, then he said that would be fine.

Supervisor Murray read a letter that the Highway Superintendent wrote regarding an ordinance to close roads for 8-ton weight limit on 3 roads, Babcock, Dutch and Canfield. The Superintendent can close roads temporarily to fix them. The Town Clerk handed out emails between the attorney and the Highway Superintendent. Supervisor Murray asked Tom Flansburg if he planned on fixing these pipes in the Spring? He said that it was hard to say with all the washouts that happened. Eise Councilman Smith asked if these roads needed work and he replied that every road in town needs material on it. Councilman Kiefer and Supervisor Murray decided that this needed to be tabled until more information could be gathered. This was tabled to discuss with Attorney Buck.

The new truck will arrive January 27, 2023 – then moving to Viking for mounted equipment. This will take about a monthy.

Resolution #111 Appoint Michelle Chamberlain to the BAR for a term of 10/1/2022-9/30/2027

Motion by Councilman Candee seconded by Councilman Smith Resolution #111 was adopted. It was resolved to appoint Michelle Chamberlain to the BAR for a term of 10/1/2022-9/30/2027. Roll Call of Votes: Burns aye, Smith aye, Kiefer aye, Murray aye, Candee aye. 5 Aye 0 Nay 0 Abstain.

Reviewed the training for the ZBA and the Planning Board from Association of Towns in January. Will review the date and time.

Supervisor Murray read Bert Candee's resignation letter to the Board. He was thanked for his service.

Resolution #112 Approve Payment of Bills on Abstract #12

Motion by Councilman Smith seconded by Councilman Candee Resolution #112 was adopted. It was resolved to pay the bills on Abstract #12 in the amount of \$46,782.57. Roll Call of Votes: Burns aye, Smith aye, Kiefer aye, Murray aye, Candee aye. 5 Aye 0 Nay 0 Abstain.

Public Comments:

Supervisor Murray stated that the portion on the contract that Shawn was upset with is not anything new.

Carol Burns notified the Board that Brian Schu's wife passed away.

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

Meeting Adjourned at 8:10PM

Susan M. Peck
Fremont Town Clerk