

January 10, 2023

Organization and Regular Town Board Meeting

7:00 PM

The Fremont Town Board held their Organization Meeting and Regular Town Board Meeting on January 10, 2023 7:00 PM

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

Present: Town Board: Supervisor Emily Murray, Councilman Carol Burns by Phone, Councilman Dean Kiefer and Councilman Seth Hilton.

Absent: Councilman Cindy Smith

Other Public Officials Present: Tom Flansburg, Highway Superintendent; Stephanie Ottey, RWE

Public attending was 12

Resolution #1 Approve the Minutes from the End of Year Meeting December 27, 2022

Motion by Supervisor Murray seconded by Councilman Burns Resolution #1 was adopted. It was resolved to approve the Minutes from the End of Year Meeting December 27, 2022. Roll Call of Votes: Kiefer aye, Hilton abstain, Murray aye, Burns aye. 3 Aye 0 Nay 1 Abstain.

Supervisor Murray gave an update on the front doors stating that she had contacted the company yesterday and they were waiting on parts for the crash bar. Councilman Kiefer stated that he had called them yesterday as well and they told him basically the same thing. It will be 3-4 weeks before it will be installed.

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.

Supervisor Murray asked Superintendent Flansburg if he wanted to give his report and he stated that he has gotten two complaints on the noise from the turbines on Davis Road. He said the town should look into getting an acoustical engineer to measure it. I am sure it will be an ongoing problem. We have had quite a time on Davis Road, a resident needs open heart surgery and I guess this is what it took to get the wind company moving on fixing Davis Road. I have had problems with Davis Road all summer long and complained many times about it. I would like to ask the town to consider a town law posting some of these roads that I have brought up before. Supervisor Murray stated that she thought that the town board should have a special meeting to talk about the roads with the attorney at some point. Superintendent Flansburg stated that this would be protecting the town the way things are going. I told them to stay off the roads but they just did what they wanted. Supervisor Murray stated that Attorney Buck sent a road preservation law a few months ago and sent it again a few days ago. I will forward it to you. It's a law preserving the roads.

Supervisor Murray stated that she sent an email to the Board that she received from Jason Dagger, Baron Winds stating they are going to bond Babcock and Holmes Roads. Superintendent Flansburg stated that he did not agree with the email. The wind company states that the bonding is for all roads in Fremont. He said for when phase I or phase II what does that mean its another vague email. We had that meeting back in the fall and told them to stay off the roads but they did it anyway. It is more of a legal issue. Once they (the wind company) break the surface of a road they are liable for the damages. We had our attorney come to this meeting and had to pay them hundreds if not thousand dollars to drive here and have that meeting. I have been sending pictures to the compliance officer, Andrew Fecco about this pretty regular.

Supervisor Murray asked Superintendent Flansburg if he responded to Randy Buntjer regarding a roller up on Davis Road and he said he did. He is keeping track of the hours and it should come out of the bonding. Supervisor Murray stated that no it comes out of the road use agreement on the back there is a schedule of payment. So, you need to bill the Wind Company. She stated that Stephanie Ottey can give him the address and she said yes. He said he did not want to get in the same situation as in Cassadaga where they did not get payment until a year after the project was completed. We cannot have that here.

Stephanie Ottey stated that once the resolution process was done with restoration and construction this would allow both sides to voice there opinion as to what needs to be done with the roads. So that is the only thing that would cause a delay, the back and forth.

Supervisor Murray asked Superintendent Flansburg if there was anything more and he said things have been slow and they have been hauling sand out of Hendees pit to get ahead. Maybe enough for the following year.

Domenica Burns stated that the training she went through was very good and she would update the Board next month.

Town Supervisor informed the Board that training for the Planning Board Overview will be on January 11, 2023 at 6:00 PM if they would like to attend. The ZBA Overview will be January 18, 2023 at 6:00 PM at the Town Hall.

Resolution #2 Approval for Town Supervisor to Transfer Funds and Sign Checks

Motion by Councilman Burns seconded by Councilman Kiefer Resolution #2 was adopted. It was resolved to approve Town Supervisor to Transfer Funds and Sign Checks. Roll Call of Votes: Murray aye, Hilton aye, Burns aye, Kiefer aye. 4 Aye 0 Nay 0 Abstain.

Resolution #3 Approve Town Supervisor to do Banking at Community Bank

Motion by Councilman Burns seconded by Councilman Kiefer Resolution #3 was adopted. It was resolved to approve town Supervisor to do banking at Community Bank. Roll Call of Votes: Murray aye, Burns aye, Kiefer aye, Hilton aye. 4 Aye 0 Nay 0 Abstain.

Resolution #4 Approve Town Supervisor to do Banking at Five Star Bank

Motion by Councilman Hilton seconded by Councilman Kiefer Resolution #4 was adopted. It was resolved to approve Town Supervisor to do banking at Five Star Bank. Roll Call of Votes: Hilton aye, Kiefer aye, Burns aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #5 Approve Town Supervisor to Invest Town Funds

Motion by Councilman Burns seconded by Councilman Kiefer Resolution #5 was adopted. It was resolved to approve Town Supervisor to invest town funds. Roll Call of Votes: Kiefer aye, Hilton aye, Burns aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #6 Approve to Appoint Cindy Smith as Deputy Supervisor for 2023 Salary of \$500

Motion by Supervisor Murray seconded by Councilman Burns Resolution #6 was adopted. It was resolved to approve Cindy Smith as Deputy Supervisor Salary of \$500. Roll Call of Votes: Kiefer aye, Hilton aye, Burns aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #7 Approve Deputy Supervisor to Transfer Town Funds and Sign Checks

Motion by Councilman Hilton seconded by Councilman Kiefer Resolution #7 was adopted. It was resolved to approve Deputy Supervisor to transfer town funds and sign checks. Roll Call of Votes: Hilton aye, Burns aye, Kiefer aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #8 Approve the Tax Collector to turn Tax Money over to the Town Supervisor Weekly

Motion by Supervisor Murray seconded by Councilman Burns Resolution #8 was adopted. It was resolved to approve the Tax Collector to turn tax money over to the Town Supervisor weekly. Roll Call of Votes: Murray aye, Burns aye, Kiefer aye, Hilton aye. 4 Aye 0 Nay 0 Abstain.

Resolution #9 Approve Salaries of Elected Officials for 2023

Motion by Councilman Kiefer seconded by Councilman Hilton Resolution #9 was adopted. It was resolved to approve Salaries for Elected Officials for 2023. *Supervisor \$7,200.00, *Councilman (4) @ \$2,000.00 each, *Town Clerk /Tax Collector \$12,246.00, *Town Justice \$12,000, *Highway Superintendent \$49,000.00. Roll Call of Votes: Hilton aye, Burns aye, Kiefer aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #10 Approve One Year Appointments and Their Salaries for 2023 Term

Motion by Councilman Hilton seconded by Councilman Kiefer Resolution #10 was adopted. It was resolved to approve One Year Appointments and Their Salaries for 2023. * Attorney for the Town- Richardson & Pullen - \$180.00 per Hour,* Historian Cindy Smith- \$0,* Dog Control Officer Debra Matthews \$3,800.00,* Assistant DCO Michael Matthews \$1,000.00, *Code Enforcement Officer John Leonard \$5000.00,*House Keeper TBD \$14.20 per hour,*Record Manager Officer Susan Peck,*Records Advisory Board: Susan Peck, Cindy Smith, *Budget Officer Emily Murray,*Mail Clerk Susan Peck,*Newspaper Reporter Supervisor Emily Murray,*Baldwin Services for Accounting \$8,000.00,*Baldwin Services for Payroll \$2200.00,*IT- Ed's Computers Hourly Rate as needed,*Health Officer- \$410.00 per year,*Registrar of Vital Statistics - \$500 per year-2 year term, Deputy Highway Superintendent, Shawn Smith - \$500 per year. Roll Call of Votes: Murray aye, Burns aye, Kiefer aye, Hilton aye. 4 Aye 0 Nay 0 Abstain.

Resolution #11 Approve the Following Salaries for the Assessor and Board of Assessment Review

Motion by Councilman Burns seconded by Councilman Kiefer Resolution #11 was adopted. It was resolved to approve the Following Salaries for the Assessor and the Board of Assessment Review. Assessor- \$12,895, Board of Assessment Review: Chair - \$30.00 per hour, 2 members- \$25.00 per hour Roll Call of Votes: Kiefer aye, Hilton aye, Burns aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #12 Approve Organization and How Often Salaries are Paid for 2023

Motion by Councilman Burns seconded by Councilman Kiefer Resolution #12 was adopted. It was resolved to approve Organization and How Often Salaries are Paid for 2023 *Monthly Town Board Meeting- Second Tuesday of the month at 7:00 PM Fremont Town Hall, *Official Newspaper- Evening Tribune and Shopper,*Official Bank- Community Bank, * Mileage Rate .655 cents per mile (2023 Federal Rate), *Salaries Paid: Bi Weekly: Superintendent of Highways, Highway Employees, and Town Clerk / Tax Collector, *Salaries Paid: Monthly: Supervisor, Assessor, Dog Control Officer, Deputy Dog Control Officer, Justice, Code Enforcement Officer, Salaries Paid: Quarterly: Councilmen, Registrar, Deputy Supervisor, and Accountant / Payroll, Deputy Highway Superintendent *Salaries Paid: Annually: Health Officer, and Historian, *Salaries Paid: Hourly: Housekeeper, Board of Assessment Review members, Town Attorney. Roll Call of Votes: Hilton aye, Burns aye, Kiefer aye, Murray aye. 4 Aye 0 Nay 0 Abstain.

Resolution #13 Authorize the Audit of the Justice Court Records for 2022 by Baldwin Services for \$600.00

Motion by Councilman Kiefer seconded by Councilman Burns Resolution #13 was adopted. It was resolved to authorize the Audit of the Justice Court Records for 2022 by Baldwin Services for \$600.00. Roll Call of Votes: Murray aye, Burns aye, Kiefer aye, Hilton aye. 4 Aye 0 Nay 0 Abstain.

Supervisor Murray asked the Board members if they have their new email addresses set up yet. They responded not yet. Town Clerk asked them to let her know once they have them up and running.

Resolution #14 Approve to Pay Bills – Abstract #1 \$33,458.52

Motion by Councilman Kiefer seconded by Councilman Hilton Resolution #14 was adopted. It was resolved to approve the payment of bills on Abstract #1 in the amount of \$33,458.52. Roll Call of Votes: Murray aye, Burns aye, Kiefer aye, Hilton aye. 4 Aye 0 Nay 0 Abstain.

Public Comments??

Charles Giehl residing on DeReeves Road, South Dansville stated that the new windmill (500') on Holmes Road keeps him up at night. He said it makes a whooshing sound all night long. Stephanie Ottey stated that they are going to do tests to find out why it is making noise. The 500' tower is the only tower operational right now. Stephanie Ottey stated that the windmill company has a noise complaint protocol in place that is monitored by New York State and it will be posted on the DMM site. She said they are not completely operational yet. Mr. Giehl stated that when he had someone come down to test it there was no sound the turbine was not facing his house.

Another member of the galley stated she is between Burn's and Karr's farms and has a special needs child. She stated, "I will put up with four days of no sleep but then I am done." I am going to have to sell out and move. Where am I going to go? I have 37 acres and who is going to buy my house. She is happy for the Burns and Karr's but I really do not want to move. This is my opinion. She resides on County Road 54.

Bert Candee asked about noise boundaries for Fremont and South Dansville can they overlap. Stephanie Ottey said that it depends upon where the receptor is located. If it is in the Town of Fremont then they would have to follow Fremont's Town Law.

Supervisor Murray asked Mr. Giehl to keep her posted on the issue and he said he would.

Superintendent Flansburg told Mr. Giehl that once you sign a good neighbor agreement you wave all your rights. He just wanted to let him know. Mr. Giehl said he never signed anything. Superintendent Flansburg stated that he had contacted Community Bank about a debit card for the Town and also stated that he thought there was a virtual meeting with the state and wanted to know if the attorney was going to be involved. Supervisor Murray stated that the attorney was going to be involved. He hoped that Attorney Buck would argue the point about our local law. He stated to Stephanie Ottey about exhibit 9 three times the setback from residences. He also stated that they (windmill company) go with the town law when it benefits them. You are going to the state to get the 650's so you cannot have it both ways. Its all pretty much lies by the wind company.

With no other business, Supervisor Murray motioned to adjourn the meeting. All were in favor.

Meeting Adjourned at 7:40 PM

Susan M. Peck
Fremont Town Clerk