

The Fremont Town Board held their Regular Town Board Meeting on April 11, 2023 at 7:00 PM.

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

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

There were approximately 60 people attending the meeting.

Supervisor Murray welcomed everyone and told them about a sign in sheet if they want to speak about the assessment.

Other Public Officials Present: Domenica Burns, ZBA; Greg Sikosek, Planning Board, Larry Ebert, BAR

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.

Dan Guthrie thanked the highway department for fixing his yard after the incident last winter.

Old Business

Resolution #42 Approve Correction to Abstract #3

Motion by Council Member Burns seconded by Council Member Smith Resolution #42 was adopted. It was resolved to approve the correction to Abstract #3 from \$148,501.30 to \$148,402.13. Roll Call of Votes: Kiefer abstain, Burns aye, Hilton aye, Smith aye, Murray aye. 4 Aye 0 Nay 1 Abstain.

Resolution #43 Approve the Minutes from March 14, 2023 Meeting with Corrections

Motion by Council Member Burns seconded by Council Member Hilton Resolution #43 was adopted. It was resolved to approve the minutes from the March 14, 2023 meeting with Corrections. Roll Call of Votes: Hilton aye, Smith aye, Kiefer abstain, Burns aye, Murray aye. 4 Aye 0 Nay 1 Abstain.

New Business:

Resolution #44 Approve the Health Emergency Plan

Motion by Council Member Kiefer seconded by Council Member Smith Resolution #44 was adopted. It was resolved to approve the Health Emergency Plan. Roll Call of Votes: Hilton aye, Smith aye, Kiefer aye, Burns aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

A discussion began with Superintendent Flansburg stating that the 284 Agreement with \$136,079.08 to be rolled over for a new excavator and \$55,000 for general road repairs.

Supervisor Murray questioned the Highway Superintendent as to whether he was going to do any roads this year. He stated that this would come out of the General Road Repairs. He stated that the NYS budget has not been passed yet so he has not heard anything about it yet.

Supervisor Murray asked what was going on with the old excavator? It leaks constantly 20-30 at a time. Shawn Smith stated that it is getting very hard to find parts. Supervisor Murray asked if he could get the hydraulic lines reworked and he stated it is more than that. It is seals and bearings; it is just shot.

Supervisor Murray asked if he worked up a five-year plan as they discussed a few months earlier. He replied no that it was just talked about that's all.

Council Member Kiefer asked the Superintendent if he had a plan of what roads he may be doing. He said that we are just going around and ditching depending upon the weather. Some of the roads they did last year had held up pretty well since we had a mild winter. They are trying to pick up ditching where they left off last year.

Council Member Kiefer stated that in the past the 284 Agreement had the roads, miles and the cost of each road to be repaired. Council Member Kiefer stated that the highway superintendent had his numbers flip flopped. I think that the \$137,000 should go to repairing the roads in the community. Superintendent Flansburg stated that you cannot do the roads if you cannot do the ditching. I did not see any sense in writing down the roads on the 284 Agreement because it changes day by day.

Council Member Kiefer asked him who has looked at the excavator besides yourself. An outfit out of Rochester came down he could not remember their name and they were having a hard time finding parts for it. We will try to limp it along because we don't have much of a choice.

Supervisor Murray asked if the Superintendent planned on crushing gravel and put gravel on any roads? We have a pile down there. Supervisor Murray stated that she has had a lot of complaints about the roads not getting worked. Superintendent Flansburg stated like I said before these roads did not get this way overnight. I have only been here a year. Council Member Kiefer said we know that but it seems we are pulling the money away from them instead of putting the money into the roads. I know you have equipment issues and things like that but is it possible to rent a unit. Superintendent Flansburg stated why do that, we will just work the current machine until it breaks down and get what we can for scrap.

Someone in the crowd mentioned leasing and Supervisor Murray stated that you cannot use chips money on leases.

Bruce Smith asked if they were going to put salt brine down on the roads and Superintendent Flansburg stated that the brine truck was in the shop. It was down last year and sat at Niches for 7-8 months. Then he took it over to Wibris and there are brake issues with it now.

Supervisor Murray asked if he had all three trucks back in service. The 2006 is at Wibris with a bushing problem and the 2020 Mack had a main shaft snapped. The supply chain is an issue with getting parts.

Council Member Smith asked how much the excavator was and he thought around \$250,000.

Supervisor Murray asked about the new truck. The new truck is over at Wibris and the box should be here in May. We have a balance of about \$40,000 for that truck. Once we get it, we can put the 1999 Mack on the auction. Assuming we would get \$23,000 for this truck.

Council Member Hilton asked if there was something we could work out with other towns. Flansburg stated that he has not talked with any other towns. We will wait until it breaks down. It may make it through the summer.

Supervisor Murray asked the Board if they wanted to table the 284 Agreement and Council Member Hilton stated that there were many taxpayers here and the roads are a big concern for them right now. It would be like a slap in the face to take that money for road repairs and purchase equipment at this time. Superintendent Flansburg stated that I can tell you right now we are not going to put \$137,000 into the roads this year.

Supervisor Murray asked the Superintendent if he could re-work the 284 Agreement. He responded no he was going to leave it as it is and if you guys don't want to do it then it will sit there. Supervisor Murray said then you are not going to do anything then. He stated that they are working on roads and ditching. Supervisor Murray stated that the 284 Agreement is an annual agreement between the highway and the town board. Superintendent Flansburg stated that if you want to do it get somebody else, I am getting tired of it. You guys are the know it alls up there. Get somebody else to do it if we are not doing a good job. I am trying to straighten out the mess that was here. Supervisor Murray stated that they were just trying to keep things organized and he responded that organized was the last thing that is happening down here at this town hall.

Resolution #45 Table the 284 Agreement

Motion by Council Member Kiefer seconded by Supervisor Murray Resolution #45 was adopted. It was resolved to table the 284 Agreement. Roll Call of Votes: Murray aye, Smith aye, Burns aye, Kiefer aye, Hilton aye. 5 Aye 0 Nay 0 Abstain.

Resolution #46 Approve Payment of the Bills on Abstract #4

Motion by Council Member Smith seconded by Council Member Hilton Resolution #46 was adopted. It was resolved to approve the payment of the bills on abstract #4 in the amount of \$60,493.46. Roll Call of Votes: Murray aye, Smith aye, Kiefer aye, Burns aye, Hilton aye. 5 Aye 0 Nay 0 Abstain.

Baron Winds Information Session

Supervisor Murray stated that there will be a public hearing here at the town hall tomorrow. Baron Winds will have an informational session at 1pm and then a public statement hearing will be at 2pm. This will happen again at 6pm and 7pm respectively.

Someone asked if any of the town board members would be there and Supervisor Murray stated yes, they were going to split it up between them.

Jason Dagger introduced himself and introduced Scott Schwartz, VP of Development in the East Region, Kartik Jain, Utility Scale Associate Developer. Jason began talking about the Public Hearing tomorrow.

Jason was asked by Tom Flansburg if the meeting tomorrow was going to be transcribed and he said yes.

Council Member Smith asked if the public can write in their comments and he responded yes. He gave the information to do that. She also brought up about the testimony of Jenny Landry where during Phase I from July 11, 2021 through October 31, 2022 Baron Winds experienced inadvertent returns of drilling fluid on approximately nine different occasions, ranging from 10 gallons to 1000 gallons. This occurred under Route 21 adjacent to streambed more commonly known as Neil's Creek. She asked if this is something we need to be worried about. Jason explained the process and stated that this is not uncommon. Council Member Smith asked about an additional substation for Phase II wasn't there only supposed only be one. Jason said that when it was all one project there was only going to be one.

Supervisor Murray asked about the 650' turbine that caught on fire in West Union and if there were any steps being taken to protect the health and safety of Fremont residents. He said the model was different than what we are going to be using. The setbacks were consistent with ours and they worked. There are no fire suppressions on the turbines. The wind company is 100 percent responsible for the turbines and any problems that occur.

Council Member Kiefer informed the Board about cemeteries receiving monies from the project to help with repairs. This is a requirement from NYS - Historic Preservation. The monies from the wind project goes to other community projects as well.

Jason asked the group for their support and would like their input tomorrow.

Bob Wagner stated that he has two properties in Fremont. He has an easement with the company. He thought hard about agreeing to the turbine but he did. The wind company then moved the turbine 1350 feet opposite of the site. He stated that phase II is a complete change. You did not send the appendixes with the packets. I hope this can be resolved. You really cannot trust them.

Comment Period for Property Revaluation

A sign in sheet was passed around for anyone that wanted to speak regarding their assessment. Here is the list of names of those who spoke:

Bob Wagner, Richard Stewart, Dana Myers, Bruce Smith, Joe Rose, John Matteson, Dan McManus, Julie Karns, Howie Nisbet, Dan Guthrie, Janet Olin, Mike Smith, Larry Ebert, Cindy Herbert, Sharon Houghtaling, Jonathan Burns

Resolution #47 Move to Executive Session with Town Clerk

Motion by Supervisor Murray seconded by Council Member Kiefer Resolution #47 was adopted. It was resolved to move to executive session. Roll Call of Votes: Kiefer aye, Hilton aye, Burns aye, Smith aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

Resolution #48 Resume Regular Meeting

Motion by Council Member Burns seconded by Council Member Kiefer Resolution #48 was adopted. It was resolved to resume the regular meeting. Roll Call of Votes: Hilton aye, Burns aye, Smith aye, Kiefer aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

Resolution #49 Approve Placement of Ad for Special Meeting

Motion by Council Member Kiefer seconded by Council Member Burns Resolution #49 was adopted. It was resolved for placement of an ad for Special Meeting regarding Assessments. Roll Call of Votes: Murray aye, Smith aye, Burns aye, Kiefer aye, Hilton aye. 5 Aye 0 Nay 0 Abstain.

Supervisor Murray motioned to adjourn the meeting – all were in favor. Meeting adjourned at 9:45PM

*Susan M. Peck
Fremont Town Clerk*