

The Fremont Town Board held their Regular Town Board Meeting on October 8, 2024 at 7:00 PM at the Town Hall.

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

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

Other Public Officials Present: Tom Flansburg, Highway Superintendent

Other Attendees Present: Seth and David Pullen, Town Attorneys, Jason Dagger, RWE Representative, James Muscato, Attorney for Young and Sommer for Baron Wind

There were 11 attendees

Reports of Public Officials were read and are on file: Justice Madeleine Seaman, Assessor Holley Smalt, Chuck Cagle, Code Enforcement Officer, Debra Matthews, Dog Control Officer. No paper report for Highway.

Chuck Cagle, Code Enforcement Officer read his report for the Board.

Supervisor Murray asked the Code Enforcement Officer about attending the ZBA meeting coming up and *he replied he would when they have it. He asked the Supervisor about the Property Maintenance Law and she responded that she is working on it. He stated that he would appreciate it if it could be done soon. He submitted the information for the new fee schedule which will be reviewed at next month's meeting.*

Supervisor Murray stated that the Rabies Clinic will be November 2, 2024 at the Fire Hall from 9-11a.m.

Superintendent Flansburg stated that they were still grading roads and cutting brush. He said he had the list of the seasonal roads that he supplies every year and will give it to the Town Supervisor. He stated he received the engineers report yesterday for the Baron Wind Project, 503 pages, haven't looked at it yet. As for the road use agreement I did not see anything about Bumps on Conderman Road in there, he asked Jason Dagger if he missed it in there. *Jason replied that he was sure it was in the report. He will review it.* Superintendent Flansburg stated that a sub-contractor, Legend, drove up on Davis Road three times while he was up there grading and he thought it was only to be used for transformers. Jason did not know why they are going that way. Superintendent Flansburg read a part from the RUA regarding speed limit and routes. He would like Wendel to involve him in the reviewing of the routes.

There were no Planning Board or Zoning Board attendees at the meeting.

#### **Old Business:**

#### **Resolution #84 Approve the Correction to Abstract #9 and Minutes for September 10, 2024 Regular Town Board Meeting**

Motion by Council Member Kiefer seconded by Council Member Hilton Resolution #84 was adopted: Resolved to approve the Correction to Abstract #9 of General Fund from \$18,556.43 to \$17,446.68 and Highway from \$16,754.72 to \$17,864.47 due to correct use of highway account. Also, Minutes for September 10, 2024 Town Board Meeting. Roll Call of Votes: Hilton aye, Soukup aye, Smith aye, Murray aye, Kiefer aye. 5 Aye 0 Nay 0 Abstain.

#### **Resolution #85 Approve the Minutes for September 24, 2024 for the Budget Workshop**

Motion by Council Member Kiefer seconded by Council Member Hilton Resolution #85 was adopted: Resolved to approve the Minutes from September 24, 2024 Special Town Board Meeting regarding the Budget Workshop. Roll Call of Votes: Murray aye, Smith aye, Soukup nay, Hilton aye, Kiefer aye. 4 Aye 1 Nay 0 Abstain.

Council Member Soukup wants to listen to the recording of the Budget Workshop meeting. She feels that Attorney Muscato threatened the Town Board. She may want to make an amendment to the minutes next month. The Town Clerk read the section regarding Attorney Muscato. Attorney Pullen stated that the clerk did a good job of summarizing. Council Member Soukup wants to listen to the recording and get the actual quotes. Attorney Muscato, Attorney Pullen and the Board went back and forth regarding what was said at the meeting. Council Member Kiefer stated that the meeting had gotten out of hand because what started to be discussed were not on the agenda for a Special Meeting. I repeated asked 3 or 4 times to stop and go on to the next thing

because we were behind on what we should have been doing. Then it all manifested to this which it should not have happened. We need to work as a team.

**New Business:**

**Resolution #86 Approval to Place an Ad in the Shopper for a Public Hearing regarding the 2025 Budget and a Special Meeting immediately afterwards On October 22, 2024 at 7:00pm at the Town Hall**

Motion by Council Member Hilton seconded by Council Member Smith Resolution #86 was adopted. Resolved to approve the placement of an ad in The Shopper for a Public Hearing on the 2025 Budget and a Special Meeting immediately afterwards. Roll Call of Votes: Hilton aye, Soukup aye, Smith aye, Murray aye, Kiefer aye. 5 Aye 0 Nay 0 Abstain.

A discussion began regarding the responsibility of inspection of the concrete bases for the turbines. Supervisor Murray stated that she did not want the town involved in this approval process at all. She also stated that Wendel Companies did not want this responsibility as well.

**Resolution #87 Approve the Hiring of Wendel Companies to review the Decommissioning and the RUA**

Motion by Supervisor Murray seconded by Council Member Smith Resolution #87 was adopted. Resolved to approve hiring Wendel Companies to review the Decommissioning and the RUA. Roll Call of Votes: Hilton aye, Soukup nay, Smith aye, Murray aye, Kiefer aye. 4 Aye 1 Nay 0 Abstain.

Attorney Seth Pullen read his letter that he sent to Jessica Klami and James Muscato concerning Baron Winds Phase II Road Use and Decommissioning. A discussion began.

Supervisor Murray read a note of thanks to the Highway Department from David Shortsleeve for fixing their driveway entrance and the ditching after the last heavy rain storm.

**Resolution #88 Approve the Land Use Permit for the Quad County Snowmobile Club for a 5 year permit**

Motion by Supervisor Murray seconded by Council Member Kiefer Resolution #88 was adopted. Resolved to approve the Land Use Permit for the Quad County Snowmobile Club for a 5-year permit. Roll Call of Votes: Murray aye, Hilton aye, Smith aye, Soukup aye, Kiefer aye. 5 Aye 0 Nay 0 Abstain.

Superintendent Flansburg handed in the Roads to be designated as seasonal to the Town Supervisor.

A long discussion began regarding the purchase of a new 2024 5500 Reg Cab Chassis 4x4.

Mike Smith asked if this was on state bid and Superintendent Flansburg replied yes.

Council Member Kiefer jumped ahead and asked about the Roller. A long discussion began regarding the purchase of a used roller from George & Swede Sales & Service, Inc. The 2021 XCMG has 300 hours and costs \$95,000. The Bomag trade-in will be \$12,000 bringing the cost of the XCMG to \$83,000.

It was decided that Superintendent Flansburg needs to get a quote for a new plow as well as another quote for the installation of the sander on the back of the truck. The cost of the new truck will be \$67,722.

**Resolution #89 Approve to Purchase a New 2024 5500 Dodge Reg Cab Chassis 4x4 for \$67,722**

Motion by Council Member Smith seconded by Supervisor Murray Resolution #89 was adopted. Resolved to approve the purchase of a New 2024 Dodge Reg Cab Chassis 4x4 for \$67,722. Roll Call of Votes: Hilton aye, Soukup aye, Smith aye, Kiefer aye, Murray aye. 5 Aye 0 Nay 0 Abstain.

**Resolution #90 Approve the Purchase of Used XCMG Roller at a Cost of \$83,000.**

Motion by Supervisor Murray seconded by Council Member Soukup Resolution # 90 was adopted. Resolved to approve the purchase of a used XCMG Roller at a cost of \$83,000. Roll Call of Votes: Murray aye, Smith aye, Soukup aye, Kiefer aye, Hilton nay. 4 Aye 1 Nay 0 Abstain.

**Resolution #91 Approve to Use Monies from Baron Wind for the 5500 Truck and the 2021 Roller Purchases Totaling \$150,722**

Motion by Supervisor Murray seconded by Council Member Smith Resolution #91 was adopted. Resolved to approve to use Monies from Baron Winds for Road Repairs from Phase I for the 5500 Truck and 2021 Roller Purchases totaling \$150,722. Roll Call of Votes: Kiefer aye, Hilton Nay, Soukup aye, Smith aye, Murray aye. 4 Aye 1 Nay 0 Abstain.

**Resolution #92 Appoint Shawn Smith to the Zoning Board of Appeals for a 3-Year Term (10/8/24-10/8/2027)**

Motion by Supervisor Murray seconded by Council Member Smith Resolution #92 was adopted. Resolved to appoint Shawn Smith to the Zoning Board of Appeals for a term of 10/8/2024-10/08/2027. Roll Call of Votes: Hilton aye, Soukup aye, Smith aye, Kiefer nay, Murray aye. 4 Aye 1 Nay 0 Abstain.

Attorney Seth Pullen informed that Board that he is going to contact Hornell Fire Department about the wording in the agreement for ambulance service. He does not agree with some of the terms.

Supervisor Murray brought up the piano in the room. What were they going to do with it? A short discussion began and it was tabled until next month.

Supervisor Murray asked about having the downstairs outside wall insulated. The Town Clerk is to contact Corey at Winant Construction to come and give a quote.

The new AED cabinets need to be hung up and a date needs to be set for CPR training for the Highway crew and anyone else that may want to attend.

With the new heat pump system in the building the air conditioners are no longer needed. Once removed there will be a hole to be patched. Town Clerk to ask Winant Construction to do this as well.

**Resolution #93 Approve to Pay the Bills for Abstract #10**

Motion by Council Member Hilton seconded by Council Member Soukup Resolution #93 was adopted. Resolved to approve to pay the bills for Abstract #10. General Fund \$7,382.45 and Highway Fund \$10,029.30 Totaling \$17,411.75. Roll Call of Votes: Murray aye, Smith aye, Soukup aye, Kiefer aye, Hilton aye. 5 Aye 0 Nay 0 Abstain.

**Public Comments?**

Tom Flansburg asked about the status of the logging law and Supervisor Murray told him that she needed to do a SEQR for it.

Mike Smith asked Superintendent Flansburg if he can do something with Pinchen Road next year and he responded that he would take a look at it.

Supervisor Murray motioned to adjourn the meeting. All were in favor. Meeting adjourned at 9:00PM.

*Susan M. Peck*  
*Fremont Town Clerk*