

The Town of Fenton Town Board held its regular meeting on Wednesday, December 7, 2016, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT: Town Board Members Gary Holcomb, Deputy Supervisor
Michael Husar, Councilman
Richard Pray, Councilman
Thomas Moss, Councilman
Highway Superintendent Frank Root, Jr.
Deputy Highway Superintendent Randy Ritter
Town Attorney Albert Millus, Jr.
Town Clerk Melodie Bowersox

ABSENT: Town Board Members David Hamlin, Supervisor

OTHERS PRESENT: Building Inspector Matt Banks, Planning Board Chair John Eldred, Assistant Town Engineer Rick Armstrong and 11 Residents. Also present was John Mastronardi representing Griffiths Engineering.

Mr. Holcomb led in the Pledge of Allegiance.

RESIDENTS' TIME

Charles Praefke – Charles Praefke asked how to have a hearing before the Zoning Board. Mr. Holcomb replied that usually a project would go before the Planning Board and if the Planning Board finds that the project is not an approved use or the project violates a zoning issue, then assuming there is a hardship, the applicant has an opportunity to appeal the declined application to the Zoning Board of Appeals (ZBA). Many times the appeal is for an area or use variance. The Town Clerk contacts the ZBA Chair and arranges the meeting. There is a small charge for advertising. Charles requested a ZBA meeting regarding use of property, referring to a property adjacent to his that is affecting his property. Atty. Millus said he cannot appeal to the ZBA after the Planning Board has already granted site plan approval for a project and that the only way to proceed would be through the court. Charles responded that his attorney told him to ask for a hearing application based on the fact that the property is not currently zoned for the project. Mr. Holcomb said the Town Clerk or the ZBA Chair would get an application to him.

Thomas Jones – Thomas Jones stated he and property owner Michael Mellman have found a wood burner that has met the 2020 specs. Mr. Holcomb said this was discussed last night at the Conservation Advisory Committee (CAC) meeting, which was the group that was instrumental in providing information for the moratorium that is currently in place. Mr. Holcomb asked the CAC to review the current Town Ordinance as well as the information on the new system they are referring to and make some recommendations to the Town Board.

Dave Gunster – Dave Gunster asked about the status of 39 Canal Street. Atty. Millus said the last court date was adjourned at the request of the Resident's attorney and is rescheduled for court on December 15th.

Dave Gunster – Does the Town have anything in place where a new Resident receives a packet of information explaining what is expected of a person when becoming a Resident (no parking in the front yard, etc.)? Mr. Moss suggested that increasing the number of Newsletters

from the annual mailing might be a solution. Mr. Holcomb suggested the Town website post new Resident information. Dave Gunster offered to put a few notes together.

Thomas Cook – Thomas Cook asked if there were signs at the Town line stating “Welcome to the Town of Fenton. Zoning laws are in effect”. Various Board members replied there are some existing signs that are quite old and faded.

André LaClair – André LaClair asked what was going on in the cornfield north of Osborne Creek on NYS Route 369. Board Members replied it is a microbrewery and a hops farm. André asked whether they were going to get above the flood plain, to which Mr. Holcomb replied that they were. André also asked whether the brewery is considered agricultural, to which Mr. Holcomb answered yes. New York State Ag Law states that if a brewery is on a property in conjunction with growing a crop where the crop is used in production, the brewery is considered agricultural in use.

Residents’ Time closed at 7:08 pm

TOTAL BILLS – ABSTRACT 11, 2016 approved during the November 22nd, 2016 meeting:

FUND	VOUCHER #s	AMOUNT
General	544 – 594	\$48,356.84
Highway	380 – 407	\$31,409.28
Hillcrest Water	199 – 214	\$11,909.39
Hillcrest Sewer	39	\$19.22
Porter Hollow Sewer	15	\$50.00
Port Crane Light District	19 – 20	\$1,096.06
Hillcrest Light District	19 – 20	\$2,443.56
Capital Projects	0	\$0.00
Trust & Agency	13	\$4,026.82

SUPERVISOR’S REPORT

- Due to Mr. Hamlin’s absence there was no formal Supervisor’s Report. Mr. Holcomb mentioned an invitation was received from the Children’s Home of Wyoming Conference, in partnership with the Addiction Center of Broome County, to a ribbon cutting ceremony and Open House for the opening of the Specialized Adolescent and Substance Abuse Treatment Program. It will take place from noon to 1:30 pm on Thursday, December 15th with the ribbon cutting at 12:30 pm.

TOWN ATTORNEY'S REPORT

- Report was read by Atty. Millus.
- **Resolution #2016-21 Resolution Approving the Depository Collateral Pledge Agreement with KeyBank National Association – Mr. Pray made a motion to adopt a Resolution to approve the Depository Collateral Pledge Agreement with KeyBank National Association and authorized Mr. Holcomb to sign the agreement as Deputy Town Supervisor, seconded by Mr. Husar. Motion carried.**

ROLL CALL VOTE:

Councilman Mr. Holcomb aye
Councilman Mr. Husar aye
Councilman Mr. Moss aye
Councilman Mr. Pray aye
Supervisor Mr. Hamlin absent

TOWN CLERK'S REPORT

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for November 2016 were \$1,545.00

TOWN ENGINEER'S REPORT

- John Mastronardi from Griffiths Engineering reported designs and bid documents have been completed for the Well #3 Refurbishment and the Meter Pit/Vault Replacement on Chenango Street. Paperwork for these projects was forwarded to Mr. Pray for review. The next step is advertising. The advertisements will be e-mailed to Atty. Millus for publishing.
- There is a potential issue in the basement at the Fenton Free Library that John will look into.
- Mr. Hamlin and Mr. Holcomb requested the Microbrewery Project be reviewed and what impact a flood event may have on the site and the adjacent properties. The review concluded that the development of the site of the project at 197 NYS Route 369 should have no flood/stormwater impact on the site or surrounding properties.
- Cost estimates for the storm sewers in Port Crane are being worked on. John said he should have those prior to the next meeting.

COMMITTEE REPORTS

Building and Grounds – Mr. Moss said he would defer to the Old Business and New Business portions of the Agenda to discuss the Town Hall roof and the leak in the Accounting Office. Mr. Holcomb asked Mr. Moss to stop into the Fenton Free Library to discuss a structural issue that arose at the Library during the tree lighting ceremony with a beam in the basement of the old part of the Library. Mr. Moss and John Mastronardi will coordinate a time to meet at the Library to inspect the basement as well as the attic.

Water and Sewer – Report was read by Mr. Pray.

Highway and Solid Waste – Mr. Holcomb personally thanked Highway Superintendent Frank Root for all his efforts throughout the years (13 years as a Highway employee and 21 years as the Highway Superintendent) and most especially during the last ten years while he worked with Frank as the Highway Chair. Frank has always had the interests of our Community in mind and was wished the best on his retirement. Frank reported November activity included the completion of leaf pickup. Everything went well during the recent snowstorm. Frank welcomed Randy Ritter as the newly appointed Highway Superintendent.

Community/Public Safety – Reports from the Dog Control Officer, Building Inspector, Justice Office and Zoning Enforcement Officer were forwarded to the Board prior to tonight's meeting and read by Mr. Husar.

Conservation Advisory Committee – Mr. Holcomb reported he attended the CAC meeting last night. The Committee was discussing the Watershed Study when he arrived and looking at the Watershed Study done by the Town of Vestal. Mr. Holcomb suggested to the Committee that Assistant Town Engineer Rick Armstrong could give them some guidance as well. Some general information was given to the Committee regarding the wood burner discussed earlier in the meeting during Residents' Time. They will review the information and get back to the Board with recommendations. Also agreed upon were the setup of two year terms, with members' expiration years split two and two so all members would not expire in the same year. There are two members with appointments due to expire at the end of this year. Melodie will be contacting the absent member to see if she is willing to continue. There was another potential member present at the meeting to see if she was interested in becoming involved.

Historical Advisory Committee – Mr. Holcomb reported the Committee has had very good success with the calendars they are selling. Profit to date is \$500 which will allow them to move forward on some projects they have been discussing, including updating the Town of Fenton history book.

Mr. Husar made a motion to approve all committee reports as submitted, seconded by Mr. Moss. **Motion carried.**

VOTE: Ayes 4 Holcomb, Husar, Moss, Pray
Nays 0
Absent 1 Hamlin

MINUTES

Mr. Pray made a motion to approve the minutes from the October 26th, 2016 Work Session and the November 9th, 2016 Town Board Meeting (with correction of Mr. Hamlin's comments under Public Hearing – Preliminary Budget for 2017, changing employee health insurance self-pay from 50% to 15%), seconded by Mr. Husar.

Motion carried.

VOTE: Ayes 4 Holcomb, Husar, Moss, Pray
Nays 0
Absent 1 Hamlin

OLD BUSINESS

- **Roof Completion/Punch List** – Rick Armstrong reported approximately 80% of the interior has been completed with a couple of small items pending. There are a couple of small items on the roof as well. There is one downspout that was not included that will be added. Repairs need to be made for the caps for the rooftop equipment. It is estimated completion will be by the end of the month. Mr. Holcomb said the hope is the project will be completed and the final invoice will be submitted by the end of 2016.
- **MEGA/Alternative** – Mr. Holcomb said the Board received an e-mail that a few other towns have signed up for MEGA. The issue the Board has with the program is that it is required that all Residents still with NYSEG be included in the choice and that they would then need to opt out to be able to stay with NYSEG. None of the Board Members have the e-mail from the alternative company any longer, but the assumption is that the uninterested Residents would have to opt out to remain with NYSEG. The savings would be 2%-3% on the electric portion of the bill only.

NEW BUSINESS

- **Weathermaster and Leak in Accounting Office** – A proposal was received a couple of years ago for a temporary fix for window leaks in the Accounting Office. The temporary fix was never done due to a sudden change in the weather and by the following Spring the roof project was being worked on; however, nothing was taken care of regarding the issue with the Accounting Office windows as part of the roof project. The entire window sill in the Accounting Office was soaked during a recent storm. Rick Armstrong contacted Weathermaster, who told Rick the project was never approved. Rick said a torrential rain saturates and penetrates the mortar and ultimately leaks inside. Weathermaster said the situation has deteriorated since the proposal and is beyond anything his roofing company can take care of. Mr. Holcomb asked Mr. Moss to work with Rick to come up with an alternative solution.
- **Resolution #2016-22 Resolution to Relevy Unpaid and Delinquent 2016 Water and Sewer Use Charges** – A listing of unpaid, delinquent 2016 water and sewer use charges totaling \$30,648.22 has been prepared representing:
 - Unpaid, delinquent water charges of \$22,366.00 and
 - Unpaid, delinquent sewer charges of \$8,282.22

BE IT RESOLVED, the list of unpaid water and charges be submitted to the Broome County Real Property Tax Service Department for inclusion and collection on the 2017 tax bills. **The adoption of this Resolution was made by motion of Mr. Pray**, seconded by Mr. Husar. **Motion carried.**

ROLL CALL VOTE:

Councilman Mr. Holcomb aye
Councilman Mr. Husar aye
Councilman Mr. Moss aye
Councilman Mr. Pray aye
Supervisor Mr. Hamlin absent

- **Resolution #2016-23 Resolution to Relevy Septic Tank Pump-Out Charges – Porter Hollow Sewer District –**

WHEREAS, the own incurred septic tank pump-out expenses in 2016 totaling \$2,200.00 re: 11 properties within the Porter Hollow Sewer District pursuant to Chapter 110 of the Town Code (Septic Tank Pumping Costs),

BE IT RESOLVED, the list of septic tank pump-out charges be submitted to the Broome County Real Property Tax Service Department for inclusion and collection on the 2017 tax bills. **The adoption of this Resolution was made by motion of Mr. Husar**, seconded by Mr. Pray. **Motion carried.**

ROLL CALL VOTE:

Councilman Mr. Holcomb aye
Councilman Mr. Husar aye
Councilman Mr. Moss aye
Councilman Mr. Pray aye
Supervisor Mr. Hamlin absent

• **Resolution #2016-24 Resolution to Relevy Property Maintenance (Lawn Mowing) Charges –**

WHEREAS, the Town incurred lawn mowing expenses in 2016 totaling \$785.00 to remedy property owner violations of Chapter 107 of the Town Code (Property Maintenance),

BE IT RESOLVED, the list of lawn mowing charges be submitted to the Broome County Real Property Tax Service Department for inclusion and collection on the 2017 tax bills. **The adoption of this Resolution was made by motion of Mr. Moss**, seconded by Mr. Pray. **Motion carried.**

ROLL CALL VOTE:

Councilman Mr. Holcomb aye
Councilman Mr. Husar aye
Councilman Mr. Moss aye
Councilman Mr. Pray aye
Supervisor Mr. Hamlin absent

- **Meeting with Buyer of DLA Purchaser** – Mr. Holcomb reported a buyer has bought two of the large warehouses closest to Hoyt Avenue. He proposes to use the property to house electronics reclamation activities. The Board met with the new owner on November 29th and it appeared to be a very clean operation. The Board asked the new owner to go to the Planning Board as a next step for further review.
- Frank Root said it has been an honor and a privilege to serve the Town for 34 years.

At 8:07 pm, **Mr. Pray made a motion to adjourn the meeting**, seconded by Mr. Husar. **Motion carried.**

Melodie A. Bowersox, Town Clerk/sf