

The Town of Fenton Town Board held its regular Work Session on Wednesday, April 27th, 2016, at 6:00 PM at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT:

Town Board Members	David Hamlin, Supervisor
	Gary Holcomb, Deputy Supervisor
	Michael Husar, Councilman
Town Attorney	Albert Millus, Jr.
Town Engineer	Richard Bassler, P.E.
Deputy Highway Superintendent	Randy Ritter
Town Clerk	Melodie Bowersox
Administrative Asst./Bookkeeper	Susan Crosier

ABSENT:

Town Board Member	Richard Pray, Councilman
Highway Superintendent	Frank Root, Jr.

OTHERS PRESENT: Matt Banks, Building Inspector; John Eldred, Planning Board Chairman (6:50 PM); Richard Armstrong, Assistant Town Engineer; Joe Gabriel, Hillcrest Fire Company President; Attorney Yancy Hurbul; two Residents.

PUBLIC HEARING – AMEND THE FEE SCHEDULE

Mr. Hamlin read the following Public Hearing Notice at 6:02 PM:

PLEASE TAKE NOTICE that the Town Board of the Town of Fenton, Broome County, New York, will conduct a public hearing on Wednesday, April 27, 2016 at 6:00 p.m. at the Town Hall, 44 Park Street, Port Crane, New York, to consider the adoption of Introductory Local Law No. 1 of the year 2016 entitled "A local law to amend the Fee Schedule of the Town of Fenton." The proposed local law, if adopted, would amend the Fee Schedule found at Chapter 154 of the Town Code of the Town of Fenton in various respects. A copy of the proposed Local Law may be inspected or obtained from the Town Clerk at said Town Hall. At the public hearing, all interested persons will be heard either in favor of or against said Local Law.

Dated: Port Crane, New York **BY ORDER OF THE TOWN BOARD**
April 19, 2016

John Miller – Why are we amending the fees?

Mr. Hamlin – We are increasing the fees in certain areas.

Mr. Husar – They have not been touched in many, many years to the point where the fines were insignificant.

Mr. Hamlin – For example, the dog licensing fees are increasing from \$12.50 to \$15.00 for spayed/neutered dogs; from \$20.50 to \$25.00 for unsprayed/unneutered dogs. Filling of pool,

pond, reservoir, etc. for Residential will be \$250.00 per 10,000 gallons; Commercial will be \$3.00 per 100 cubic feet. Mining permit/renewal \$5,000 plus \$100.00 per acre mined, plus annual mine operation fee of \$1,000.00, plus adequate remediation bond, in an amount determined by the Planning Board, to be reviewed annually upon due date of annual fee.

Mr. Holcomb – The 'Certificate of Occupancy' fee and the 'Planning Board Site Plan' fee were eliminated.

Public Hearing closed at 6:06 PM

Mr. Husar – Mr. Husar noted that the Town Board took a lot of time in reviewing the Fee Schedule and that it is not done very frequently.

PUBLIC HEARING – AMEND THE TOWN CODE TO REZONE CERTAIN PROPERTIES ALONG THE WEST SERVICE ROAD

Mr. Hamlin read the following Public Hearing Notice at 6:06 PM:

PLEASE TAKE NOTICE that the Town Board of the Town of Fenton, Broome County, New York, will conduct a public hearing on Wednesday, April 27, 2016 at 6:00 p.m. at the Town Hall, 44 Park Street, Port Crane, New York, to consider the adoption of Introductory Local Law No. 3 of the year 2016 entitled "A local law to amend the Town Code of the Town of Fenton to rezone certain properties along the West Service Road from Agricultural-Residential-A to Limited Industrial." The proposed local law, if adopted, would rezone seven parcels of land in the Hillcrest area of the Town of Fenton from Agricultural-Residential-A (Ag-Res-A) to Limited Industrial (I-L). A copy of the proposed Local Law may be inspected or obtained from the Town Clerk at said Town Hall. At the public hearing, all interested persons will be heard either in favor of or against said Local Law.

Dated: Port Crane, New York
April 20, 2016

BY ORDER OF THE TOWN BOARD

There were no Residents' comments during the Public Hearing.

Public Hearing closed at 6:08 PM

Mr. Husar – Mr. Husar made a comment to Resident Jay Abbey that the big concern with his proposed project is the dust condition but that it seemed like he was on track with it.

PUBLIC HEARING – LOCAL LAW TO ELIMINATE JUNKYARDS AND MOTOR VEHICLE SCRAP FACILITIES AS ALLOWED USES

Mr. Hamlin read the following Public Hearing Notice at 6:08 PM:

PLEASE TAKE NOTICE that the Town Board of the Town of Fenton, Broome County, New York, will conduct a public hearing on Wednesday, April 27, 2016 at 6:00 p.m. at the Town Hall, 44 Park Street, Port Crane, New York, to consider the adoption of Introductory Local Law No. 2 of the year 2016 entitled "A local law to eliminate junkyards and motor vehicle scrap facilities as allowed uses in the Town of Fenton." The proposed local law, if adopted, would: (1) repeal Chapter 94 of the Town Code of the Town of Fenton, which provides for permitting of "junkyards" as defined there; (2) amend the definition of "junkyard" in section 150-3 of the Town Code; (3) add a definition of "motor vehicle scrap facility" in said section; (4) repeal section 150-16.A(5) of the Town Code, which presently allows junkyards as permitted uses in Industrial zoning districts; (5) repeal section 150-47.F of the Town Code, which provides for site plan review of applications to operate junkyards; and (6) repeal that portion of A154-2 (the Fee Schedule in the Town Code) providing for the fee in the case of an application for a permit to operate a junkyard. A copy of the proposed Local Law may be inspected or obtained from the Town Clerk at said Town Hall. At the public hearing, all interested persons will be heard either in favor of or against said Local Law.

Dated: Port Crane, New York
April 20, 2016

BY ORDER OF THE TOWN BOARD

There were no Residents' comments during the Public Hearing.

Public Hearing closed at 6:10 PM

Atty. Millus – Atty. Millus said that these cannot be voted on by the Town Board tonight because they must be received by the Town Board ten days prior to voting. The Local Law to amend the 'Fee Schedule' and the Local Law to 'eliminate junkyards and motor vehicle scrap facilities as allowed uses in the Town of Fenton' may be voted on at the Town Board Meeting next week. The 239 Review from the County has not been received yet for the rezoning along the West Service Road; once that is received, the Town Board may vote on the rezoning law. Also, Atty. Millus will do a separate simple Local Law to increase the genealogy search fee from \$11.00 to \$22.00.

Review Abstract #4, 2016

- Voucher #69 Partners Insurance for 'Added old Water PU back on-still active' for \$257.00 – Mr. Holcomb inquired about this voucher. Bookkeeper Sue Crosier said that Partners Insurance cancelled the insurance and she never told them to cancel it; the Water Department wants the Water Pickup Truck still insured in order to sell it.
- After a review of the Abstract, **Mr. Holcomb moved to approve payment of the bills for Abstract #4, 2016**, seconded by Mr. Husar. **Motion carried.**

VOTE: Ayes 3 Hamlin, Holcomb, Husar
Nays 0
Absent 1 Pray

1001 Chenango Street – A new law firm is representing the owners of 1001 Chenango Street. Atty. Yancy Hurbul attended tonight’s meeting and said that with the building being in foreclosure, only certain repairs can be done to the building. They are in the process of obtaining demolition bids and the first one came in at \$70,000. Atty. Hurbul added that nothing major can be done on the building, including demolition, until the foreclosure has been completed. Mr. Hamlin felt that this bid was high and suggested that Gorick Construction Co., Inc. be contacted for a bid. Atty. Millus gave a history of the building, stating that for years there were two apartments upstairs and then there were low traffic commercial uses on the first floor. The commercial units were later converted to apartments without the owners obtaining a permit, followed by the basement conversion into an apartment. This led to a building with no off-street parking so 8-10 cars were often parked partially on the sidewalks, partially on the street. Eventually a number of code violations were issued after a search warrant, then proceedings were brought against the owner, Mr. Lewis. Now the building has been vacant for over a year so any use would have to meet the code and the zoning law plus a variance would need to be applied for because of the off-street parking issue. Currently the building is an eyesore to the community. Atty. Hurbul said that the owner is trying to comply with the Town but there is a limit as to what they can do at this point in time. Mr. Hamlin would like Atty. Hurbul to stay in contact with the Town in regard to the status of the foreclosure, let the owners know that the Town is very serious about this, and that if we do not get results in the near future, we will demolish the building and apply the cost to their taxes. Atty. Millus stated that the Town already has the right to demolish the building because the Public Hearing was held on the property and under law that is sufficient to process. The Town Board has also adopted a Resolution that ordered the building to be torn down in 60 days, which has come and gone – the only hindrance may be that because the bank has a prior lien on the property, the Town may have to have the bank’s permission to tear it down. He added that after demolition, the only possible use would be a parking lot to be used for other businesses in the area.

Resolution #2016-10 Budget Modification in Hillcrest Water Department and Hillcrest Sewer Department – Mr. Holcomb made a motion to adopt the following Resolution:

Authorization to modify the budgets for the Hillcrest Water District fund and the Hillcrest Sewer District fund by the following amounts to cover the cost of a new pick-up truck and related furnishings.

<u>From Account</u>	<u>To Account</u>	<u>Amount</u>
SW232 (Water Reserve)	SW8340.202R	\$26,266.51
SW9902.900	SW8340.202R	\$ 4,000.00
SS1-232 (Sewer Reserve)	SS1-8120.202R	\$ 8,755.50
SS1-9902.900	SS1-8120.202R	\$ 1,000.00

Seconded by Mr. Husar, **Motion carried.**

ROLL CALL VOTE:

Councilman Mr. Holcomb aye

Councilman Mr. Husar aye

Councilman Mr. Pray absent

Supervisor Mr. Hamlin aye

Mr. Holcomb explained that the \$4,000.00 and \$1,000.00 is in the existing budget for this year so that money is being used to off-set this. The rest of the money is being borrowed from the Water and Sewer Reserves Fund. When the truck is sold, the proceeds from that will be apportioned and then the balance will be set up in a repayment schedule that will start next year.

THOMA Grant – Rich Cunningham – The conference call to discuss the declined application for the THOMA Grant was held and Mr. Pray compiled a sheet to summarize the call; Mr. Hamlin distributed it to the Town Board members. It seemed that the overall philosophy this year in the grant process was that they were looking for more detail on the entire community rather than just the areas the Town wanted to service. Rich Cunningham said that over time, the same standard program applies but what they want to see and look at in the applications varies a little bit. He is finding, as Mr. Hamlin said, that they are telling them in the exit conferences that they do not necessarily want to just focus on the housing to be assisted but they want to look at the overall needs in the community. Mr. Holcomb asked about 'Housing Counseling,' which was mentioned in the conference call. Rich said this is not paid for by the THOMA Grant. He did say that at the end of a rehab project, they have a housing rehab individual who actually walks the property owner through the improvements, gives the owner all of the manuals, and provides the owner with a booklet on general home maintenance. Any grants they work on this year, they plan to identify housing counseling agencies that would be available for assistance to homeowners. Mr. Hamlin said the next step would be to determine what the cost would be to reapply for this Grant because it is something the Town Board believes would be beneficial to the Town of Fenton residents. Rich replied that communities that persist and participate in the exit/conference call tend to be successful when reapplying for the Grant. We may want to consider doing a 'windshield condition' survey which would identify properties that are in bad shape and need the rehabilitation done; if the Board knows of any specific properties in need of rehabilitation, let Rich know. Rich will put together a proposal for the Town and indicated that if the Town accepts the proposal, it will most likely be due for submission in September, 2016. Mr. Hamlin also inquired about the New York Main Street Technical Assistance Grant for the Hillcrest area. Rich said that this Grant provides funding for downtown building owners for renovation projects. He is not sure if the Hillcrest area would be considered a downtown area but he will check into it.

Roof Bids/Rick Armstrong – Assistant Town Engineer Rick Armstrong explained the Roof Bids that were received. Six bids were received, three from local contractors.

- Base Bid – essentially to replace the roof
- 1st Alternate – for a Performance Bond to protect the Town
- 2nd Alternate – to take a sixty mil thick roof in a twenty year warranty and make it a thicker material, carrying it forward to a thirty year warranty
- 3rd Alternate – a deduct of a high density board on the gym roof; it will remain on the main roof; the board allows for traffic on it and little or no traffic is expected on the gym roof

<u>Contractor</u>	<u>Base Bid</u>	<u>1st Alternate</u>	<u>2nd Alternate</u>	<u>3rd Alternate</u>
Tower Roofing	\$148,000	+\$3,000	+\$13,000	deduct \$6,000
AB Construction & Roofing, Inc.	\$169,000	+\$2,850	+\$15,000	deduct \$1,200
Hale Contracting Inc.	\$169,313	+\$2,200	+\$18,500	deduct \$1,200
DeWald Roofing Co., Inc.	\$199,700	+\$3,500	+\$15,500	0
Weathermaster Roofing Co.	\$212,000	+\$2,620	+\$4,600	deduct \$2,450
J & B Installations, Inc.	\$263,000	+\$3,000	+\$24,300	deduct \$1,500

The lowest bidder was Tower Roofing out of Johnson City who has done a lot of work in the area. The base bid was \$148,000; \$3,000 performance of labor and material bond (1st Alternate); \$13,000 to upgrade the warranty and roofing material from twenty to thirty years (2nd Alternate); the deduct was \$6,000 if the high density board is not used over the gym (3rd Alternate). Rick spoke to the two system roofing manufacturers that were specified in the bids and all of the contractors have more than the eight and a half years' experience with the materials that were required in the bids. A Qualification Statement has not been received for review yet from Tower Roofing. Also, an audited Financial Statement will be requested from them. The bid packages did indicate who the Town uses for our heating, cooling, and electrical systems, as they may have to unhook, re-hook, etc. as the new roof is installed. (If the heating, cooling, and/or electrical companies need to do any work during the roof installation associated with the south wall, the estimated cost is \$2,500-\$3,000 additional to project). Rick has spoken to Delta Engineering because there is a requirement for project monitoring due to the hazardous material removal and they are all set to work with the Town on the project. He is anticipating \$5,000-\$6,000 cost for their environmental efforts. A 15% contingency is also recommended. If the Town is comfortable with contracting with Tower Roofing, Rick will ask them for:

- The Qualification Statement
- An audited Financial Statement
- Their project Supervisor's name
- Confirmation that they are not considering any substitutions
- Insurance materials – requested through a Notice of Intent to Award

The estimated cost for the total roof project is \$200,000. The Town Board was in favor of Rick moving forward and he will have Mr. Holcomb and/or Assistant Bookkeeper Mike Giovinazzo look over the financial information he obtains from Tower Roofing.

Senator Akshar's Grant – Mr. Hamlin had an interesting conversation with Senator Akshar regarding a possible grant and the Senator is going to send the Town information regarding it. The Town has two projects that we are interested in having funded through the grant – one in the Water Department, one in the Highway Department. The Hillcrest Civic Association is also looking for funding through the grant and would need to go through the Town for the funding. The total amount we are looking to acquire is \$175,000 with a 70/30 participation. More discussion will be forthcoming as information is received.

First Ward Action Council – Mr. Husar said at the last Town Board Meeting that he would contact the First Ward Action Council about a grant for roof replacements. He has left messages on the Council's voicemail but has not had a return phone call from them yet. He will try to contact the Council again.

Clean-Up Days – Mr. Husar has been having problems getting in touch with Officer Kate Newcomb's replacement in regard to the Clean-Up Days. There may not be a need for an officer to be on duty for the 'Collection of Wood' Day on April 30th. In the past there have been two officers on duty for the regular Clean-Up Days when it was held at Elliott Manufacturing and the cost was \$30/hour; however, Deputy Highway Superintendent Randy Ritter said there was not an officer on duty when it was held at the Depot. Also, he mentioned that a 'dummy lock' would be used at the Depot. It was agreed that an officer would not be needed this year at the Depot and Mr. Husar said he would ask Zoning Enforcement Officer John Broughton to stop by a few times to check on the site. (Note: the Clean-Up Days are on May 6th and May 7th this year.)

Civics and Seniors Agreements – Atty. Millus prepared the 2016 agreements between the Town of Fenton and the following associations: Hillcrest Civic Association, Port Crane Civic Association, North Fenton Seniors Association, and Port Crane Seniors Association. **Mr. Husar made a motion for the Town Supervisor to sign the agreements and pay each association the amount indicated in the agreements**, seconded by Mr. Holcomb.

Motion carried.

VOTE: Ayes 3 Hamlin, Holcomb, Husar
Nays 0
Absent 1 Pray

The agreements will need to be signed by a representative from each organization and notarized as well. Mr. Holcomb noted that the Civic Associations were not paid \$3,000 in 2015; however, they have each received \$3,000 in 2016.

310 Ballyhack Road – Mr. Husar made a motion to declare 310 Ballyhack Road as an Unsafe Structure and that a Resolution will be forthcoming that will state that the structure located on the property needs to be demolished within sixty days; if the structure is not, then the Town will have the structure demolished and the cost of the demolition will be added as a charge to the owner’s taxes, seconded by Mr.

Holcomb. **Motion carried.**

VOTE: Ayes 3 Hamlin, Holcomb, Husar
Nays 0
Absent 1 Pray

Special Interviews Meeting – May 10th, 2016 – There will be a Special Interviews Meeting on May 10th, 2016, 4:00 – 6:30 PM, for the open Town Councilman (Hillcrest) position. Initially Wallis Kraham was asked to fill Jeff Kraham’s position as Town Councilman but she declined the offer.

At 7:24 PM, Mr. Holcomb adjourned the meeting.

Melodie A. Bowersox, Town Clerk