

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

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| PRESENT: | Town Board Members | David Hamlin, Supervisor |
| | | Gary Holcomb, Deputy Supervisor |
| | | Michael Husar, Councilman |
| | | Richard Pray, Councilman |
| | Town Attorney | Albert Millus, Jr. |
| | Town Engineer | Richard Bassler, P.E. |
| | Highway Superintendent | Frank Root, Jr. |
| | Town Clerk | Melodie Bowersox |
| | Administrative Asst./Bookkeeper | Susan Crosier |
| ABSENT: | Town Board Member | Jeff Kraham, Councilman |

There were two Residents present at this evening’s meeting, Building Inspector Matt Banks and Asst. Water/Sewer Operator Greg Starley.

PUBLIC HEARING – 1001 CHENANGO STREET UNSAFE STRUCTURE

Mr. Hamlin read the Public Hearing Notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Fenton will conduct a public hearing on Wednesday, January 27, 2016 at 6:00 p.m. at the Town Hall, 44 Park Street, Port Crane, New York to consider whether premises located at 1001 Chenango Street in the Hillcrest Area of the Town of Fenton, are dangerous or unsafe to the public within the meaning of Chapter 71 of the Town Code of the Town of Fenton. The premises are designated as Parcel No. 128-02-1-24.1 on the Broome County Tax Map. The last known owners of the premises are Michael Lewis and Sandra Lewis, whose last name address is 341 Somerset Drive, Raeford, North Carolina 28376-5437.

The purpose of the public hearing is to receive public comment and comment from the owners regarding the premises to allow the Town Board to determine whether the premises are dangerous or unsafe to the public and, if so, what the remedy should be. At the public hearing, all interested persons will be heard.

Dated: Port Crane, New York

BY ORDER OF THE TOWN BOARD

December 21, 2015

Greg Starley – Greg noted that the back porch and porch roof are gone from the building at 1001 Chenango Street, the curb box is broken, and it appears someone is “camping out” in the building. Also, he said the Water Department was having problems shutting the water off at that location but they finally were able to go in the building to shut it off.

Matt Banks – Matt has been receiving calls from an individual requesting what the violations are but he cannot understand the individual; Mr. Hamlin told Matt that Atty. Millus has had correspondence with this individual and that Matt does not have to call him back.

Greg Starley – Greg asked if the owners were current on their taxes; Mr. Hamlin said they are. He said the owners still have a water meter and suggested the bill for it be added to the tax bill. Mr. Hamlin said that was a good idea.

Matt Banks – Have the owners continued to pay on their mortgage? No, Mr. Hamlin replied, and Wells Fargo has foreclosed on the property. Matt is concerned that someone will buy the house when it goes up for auction but Mr. Hamlin does not feel it would ever go up for auction.

Atty. Millus – Atty. Millus circulated emails to the Town Board that he received from the Wells Fargo representative and they are hoping they can tell the Town what to do to fix the building; however, Atty. Millus told the representative that there are big issues with the building, well beyond the code issues. Atty. Millus suggested that the Sheriff's Department be notified regarding the squatter that Greg Starley said is in the building. Mr. Husar said he will do this. Atty. Millus recommended that the Town Board pass a resolution tonight deeming the building as an unsafe structure that cannot be rehabilitated and direct that the owners demolish the building within 60 days; if the owners do not comply, the Town will demolish it and bill Wells Fargo.

Mr. Husar made a motion to adopt the following Resolution #2016-02:

WHEREAS, real property located at 1001 Chenango Street in the Town of Fenton (the "Town") is improved by a two-story structure (the "Property"); and,

WHEREAS, the Property is designated on the Broome County Tax Map as Parcel No. 128-02-1-24.1; and,

WHEREAS, the Town previously determined that the Property suffered from numerous Code violations, including violations associated with the physical structure, violations associated with the lack of any off-street parking, and the construction of apartments in the structure without obtaining building permits; and,

WHEREAS, by Unsafe Structure notice dated December 21, 2015, the Town instituted an unsafe structures proceeding, pursuant to Town Code Chapter 71, in connection with the Property; and,

WHEREAS, the Town caused said Unsafe Structure Notice to be filed with the Broome County Clerk as required by said Chapter 71 of the Town Code; and,

WHEREAS, the Town caused copies of said Unsafe Structure Notice and associated documents with the last known owners of the property and upon entities purportedly having interests in the Property, namely:

Mr. Michael Lewis
Ms. Sandra Lewis
341 Somerset Drive
Raeford, NC 28376-5437
Wells Fargo Bank, N.A.
420 Montgomery Street
San Francisco, CA 94104

And to its attorney:
Antoinette Currie, Esq.
Clarfield, Okon, Salomone & Pincus, P.L.
425 RXR Plaza
Uniondale, NY 11556

Capital One Bank (USA) N.A.
1680 Capital One Drive
McLean, VA 22102-3491; and,

WHEREAS, a public hearing was scheduled for January 27, 2016 in connection with said proceeding; and,

WHEREAS, the aforesaid parties were provided with copies of the notice of public hearing; and,

WHEREAS, the notice of public hearing was published in the Binghamton, New York Press & Sun Bulletin, and was posted on the official bulletin board at the Town Hall in Port Crane, New York; and,

WHEREAS, all interested parties were given the opportunity to be heard concerning the proceeding at said public hearing;

NOW, THEREFORE, be it resolved as follows:

The structure located upon the Property is dangerous and unsafe to the public within the meaning of Chapter 71 of the Town Code.

The structure located upon the property shall be demolished within sixty (60) days following the receipt by the aforesaid parties of a certified copy of this resolution.

In the event the structure is not demolished within said sixty (60) day period, the Town shall cause the structure to be demolished, and the cost of such demolition shall be assessed as a charge against the Property.

The motion was seconded by Mr. Pray, whereupon the matter was put to a vote, resulting in the following:

ROLL CALL VOTE:

Councilman Mr. Holcomb aye

Councilman Mr. Husar aye

Councilman Mr. Pray aye

Supervisor Mr. Hamlin aye

Councilman Mr. Kraham absent

The Supervisor thereupon declared that the Resolution had been adopted.

Public Hearing closed at 6:15 pm

Water Department Concerns – Asst. Water/Sewer Operator Greg Starley addressed some of the Water Department's concerns.

- Greg said that there is \$80,000 in the budget to finish buying water meters for 360 properties but there is no money allotted for repairs. When the money is borrowed for the water meters, possibly the money for repairs should be considered. In 2014 twenty-two curb boxes were broken. The Water Department was able to fix half of them because they were in yards, but if the curb boxes are on a curb or road, they have to hire out to repair them. Greg is aware of at least four curb boxes that were broken in 2015. Mr. Hamlin asked Greg to put this information in writing along with Water/Sewer Operator David Grunder then meet with Mr. Pray and Mr. Holcomb to come up with a plan for repairs. Also, there are no water meters left so Greg will have to order them now. Atty. Millus asked that all of the information be sent to him so that a Bond Resolution may be done at the Town Board Meeting next week to cover the purchase of water meters and curb box repairs.
- Greg said that the valve on the corner of Hoyt Avenue and Nowlan Road is still broken shut. Also the valve that does the loop for Hadsell Court Extension is broken shut. He questioned if there was money in the budget for the valves and repairs for both. Mr. Holcomb said that in the Repair Reserve Account, there is \$40,000 allotted for the Port Dickinson replacement pit repair, \$10,000 for the Nowlan Road and Hadsell Court repairs, and \$5,000 for the stock valves and stock hydrants.
- Mr. Holcomb suggested that at budget time, Greg and Dave should have discussions regarding these matters with Mr. Pray so that these can be built into the budget.

Review Abstract #1, 2016

- Mr. Husar requested that Voucher #37 NYS Magistrates Association for \$90 under General Fund be held out until the next meeting because of the lack of cooperation on Judge Ambrose Madden's part. The Town Board discussed the matter and Mr. Hamlin said that he will contact the Judge and schedule a meeting with him.
- After a review of the Abstract, **Mr. Pray moved to approve payment of the bills for Abstract #1, 2016, with the exception of Voucher #37 in the General Fund (to be held until the next meeting)**, seconded by Mr. Holcomb. **Motion carried.**

VOTE: Ayes 4 Hamlin, Holcomb, Husar, Pray

Nays 0

Absent 1 Kraham

Eagle Scout Project Complete – Zachary Carr completed his Eagle Scout Project, which is a Library Box located at the Fenton Town Hall. Mr. Hamlin signed paperwork for him tonight and he will know by February 3rd, 2016 if he is going to become an Eagle Scout. There will be an article in the Town Newsletter regarding his finished project. If there was any money left over from the project, Zachary was going to return it to the Town; there was \$21.72 left over so he will be giving that back to the Town.

Investment Policy – Mike Giovinazzo circulated an email to the Town Board of a sample Investment Policy based on the NYS Comptroller's Office Model Investment Policy. It defines obligations that the Town are allowed to invest in at the Federal and State levels. Mr. Holcomb noted that after a conversation with Mike regarding this sample Policy, they agreed that if the Town were to do investing, they would need to be earmarked in the name of the Town of Fenton and require specific action of the Town Board with input from the Town Attorney. Mr. Hamlin asked that the Town Board and Atty. Millus review the Policy for future discussion.

Broome Volunteer Emergency Squad (BVES) Agreement – The Town's Agreement with Broome Volunteer Emergency Squad expired last year. When Mike Wolyniak provided a recent audit of the Town, he had some issues with the agreement, including that the Town should be doing the billing for BVES. Atty. Millus circulated a revised agreement to the Town Board, taking into account Mike's comments. Since then he spoke to the BVES's attorney who suggested that the Town pass a simple resolution appointing the BVES as the ambulance provider for the Town.

Mr. Holcomb made a motion to adopt the following Resolution #2016-03**APPROVING DESIGNATION OF PRIMARY AMBULANCE RESPONDER:**

WHEREAS, The Town Board (hereinafter "Town Board") of the Town of Fenton (hereinafter "Town"), duly convened in regular session, does hereby resolve as follows:

WHEREAS, the Fenton Town Board held a public meeting at the Fenton Town Hall, 44 Park Street, located at 44 Park Street in the hamlet of Port Crane in said Town, on January 27, 2016 commencing at 6:00 p.m., and

WHEREAS, the Broome Volunteer Emergency Squad, Inc. ("BVES") has a certificate of need (CON) covering the Town and the Town wishes to designate BVES as the primary emergency medical response provider in the Town; and be it

NOW, THEREFORE, BE IT RESOLVED, that BVES shall be designated as the primary emergency medical response provider for ambulance, basic life support, and advanced life support services in the Town; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Broome County Emergency Dispatch/911 Center and BVES; and further be it

RESOLVED, this resolution will take effect immediately,

The motion was seconded by Mr. Pray, whereupon the matter was put to a vote, resulting in the following:

ROLL CALL VOTE:

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

Resolution to Approve Budget Modifications – In order to close out 2015, the Budget Modifications need to be approved through a resolution. **Mr. Holcomb made a motion to approve Resolution #2016-04 as follows:**

Lists have been prepared detailing overdrawn appropriation accounts within various Town funds for 2015 along with corresponding accounts and amounts to help cover these overdrawn appropriations, seconded by Mr. Pray. **Motion carried.** (The lists of the Budget Modifications will be filed with the minutes.)

ROLL CALL VOTE:

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

Hillcrest Civic Association – Matt Leonard has resigned as the President of the Hillcrest Civic Association. There is a new Board of Officers and Board Members, which includes:

- President, Tom Moss
- Vice President, Jim Hart
- Secretary and Assistant Treasurer, Derek Ferry
- Treasurer, Matt Mullins.

Mr. Hamlin received an email regarding a meeting of the Hillcrest Civic Association on January 27th, 2016 for a 2016 Kickoff and Planning Meeting. This meeting would provide an opportunity to meet the new Board of Officers and Board Members; topics to be discussed included the 2016 calendar, Board responsibilities, fund raising plans, and spring sports opportunities. Mr. Hamlin said that the Treasurer informed him that the Civic's current bank fund is in decent shape at \$9500 and that amount does not include the \$3000 that the Town will be giving the Civic. The previous Secretary and Treasurer assisted with the election and helped to make it a smooth transition. The community seems to be involved again and gives much of the credit to Tom Moss for stepping in as President. John Broughton, one of the Civic's Board Members, is going to reach out to the Port Crane Civic Association to see what kind of help they need. Mr. Holcomb would like to know what the status is between the two Civic groups; Mr. Hamlin has Tom Moss' and John Broughton's phone numbers so he can contact them. The Town will not be taking over the Hillcrest Park with these latest developments. The Town had budgeted to give each Civic \$3000 in 2015 and in 2016. In 2015 this was not dispersed due to the unrest with the Civics. Mr. Hamlin stated that \$3000 could be dispersed to each now but the Town Board will need to discuss if they will be giving an additional \$3000 later this year (\$3000 for 2015, \$3000 for 2016).

Highway and Water Trucks – Mr. Hamlin asked what the status was of the Highway and Water Trucks.

- The Water Department bought a truck, using the Reserve Fund, and paid it back by the end of 2015. There was a problem with the transmission which was replaced for \$4000 and has a warranty for one year. Now the Water Department is looking into the purchase of a replacement for this truck and Mr. Holcomb said that they should be able to once the procurement schedule comes out in April.
- There is money available in the Highway budget to start looking at a replacement truck for the Deputy Superintendent's truck. Mr. Holcomb mentioned that this may need to be configured differently than in the past so that it would be marketable if replaced every three years.

Jay Abbey – The Planning Board met with Jay Abbey last night who would like to build a precast manufacturing plant on the West Service Road if able to meet the zoning requirements, particularly the dust and noise issues. Town Engineer Dick Bassler received a letter from Jay today stating what he had done in the Town of Chenango to address similar issues.

Proposed Zoning Changes – The Planning Board also discussed zoning changes on the West Service Road, from Agricultural Residential to Limited Industrial. (Town Engineer Dick Bassler distributed a sheet with the parcels that would be affected by this zoning change to the Town Board Members.) Atty. Millus said a Public Hearing would be required for these zoning changes to be made in the Town Code. Changing to Limited Industrial should also accommodate Jay Abbey's proposed project as long as he can meet the zoning requirements under the Limited Industrial zoning code.

Solar Zoning Ordinance – There was a recent article in the "Planning News" regarding Solar Zoning Ordinances and the Planning Board is looking into this topic for the Town. Assistant Town Engineer Rick Armstrong is planning to provide the Planning Board with sample ordinances from other Towns that our Town can build upon and work on during the spring and summer months.

Highway Garage – Highway Superintendent Frank Root asked if the Town was going to move forward this year with LED lighting at the Highway garage. Also, he asked about replacing the overhead doors at the Highway garage. Dick Bassler and Rick Armstrong had received quotes last year but there was no follow up on the projects. Dick said he will look into the projects again, which may require new quotes.

Parent-Child Swing – Frank Root and Mr. Holcomb would like the Town Board to consider purchasing a Parent-Child Swing for the playground at a cost of approximately \$1200. Mr. Pray will ask the Rotary if they are interested in making a donation to the cost of the swing.

Feasibility Study: Kark Recreational Vehicle Park by Jonathan Kark, dated January 21st, 2016 – Dick Bassler will email the Town Board Members a copy of the Feasibility Study submitted by Jonathan Kark for a Recreational Vehicle Park that was received by the Planning Board Members to review.

Gartner Equipment Company – Mr. Holcomb worked with a gentleman from Gartner Equipment Company on big pumps and irrigation systems at Chenango Valley State Park. He gave Dick Bassler his contact information to see if the company may be able to assist the Town with rebuilding our supply pumps.

Lois Street vs. Lois Avenue – The question has been raised again as to whether Lois Street or Lois Avenue is the correct street name. In the March 5th, 2014 minutes, this was addressed: "Mr. Hamlin said there has been a question as to whether Lois Street or Lois Avenue is the correct street name since the 911 initiative during the years of 1993-1994. After being researched by one of his staff members, Mr. Hamlin was informed that Lois Avenue was recorded as the official name of the street on February 5th, 1935. A letter will go out to all affected residents." A letter was never sent out. Melodie Bowersox spoke to Brian DaMour at Broome County GIS and he said that during the 911 initiative, the street was changed from

Avenue to Street. He also said that if the Town wishes it to be Lois Avenue as originally recorded in the deed, then the Town would need to pass a resolution and notify him. **Mr. Pray made a motion to approve Resolution #2016-05 as follows:**

WHEREAS, there has been a discrepancy over the years as to whether the name of the street in Hillcrest is Lois Avenue or Lois Street, and,

WHEREAS, research done shows that the original deed dating back to 1935 shows the official name was recorded as Lois Avenue, and,

WHEREAS, in the 1990s during the 911 initiative years the name was changed to Lois Street,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will inform the GIS/911 system to correct the street of Lois Street to the legal name of the street as recorded in the original deed which is Lois Avenue, seconded by Mr. Holcomb. **Motion carried.**

ROLL CALL VOTE:

- Councilman Mr. Holcomb aye
- Councilman Mr. Husar aye
- Councilman Mr. Pray aye
- Supervisor Mr. Hamlin aye
- Councilman Mr. Kraham absent

Melodie Bowersox will notify Brian DaMour of Broome County GIS of the resolution that was passed. Mr. Hamlin said that if Brian has any questions regarding the matter, to have Brian speak to him.

At 7:29 PM, Mr. Hamlin adjourned the meeting.

Melodie A. Bowersox, Town Clerk