

The Town of Fenton Town Board held its regular Work Session on Wednesday, June 29th, 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 Thomas Moss, Councilman Richard Pray, Councilman
	Town Attorney	Albert Millus, Jr.
	Highway Superintendent	Frank Root, Jr.
	Town Clerk	Melodie Bowersox
	Administrative Asst./Bookkeeper	Susan Crosier

ABSENT: Town Engineer Richard Bassler, P.E.

OTHERS PRESENT: Matt Banks, Building Inspector; Michael Ward, Zoning Board of Appeals Member

Solar Permitting Training Session – Mike Ward – Mike Ward, Zoning Board of Appeals Member, attended a training session regarding Solar Permitting on how Towns can set up zoning laws to cover the different types of solar arrays that are available. The State is pushing to get solar in New York because there are a lot of good sun days to make it worthwhile. Mike mentioned the Unified Solar Permit which the Town has already adopted. Also discussed at the training was the idea of putting together a task force (the CAC was suggested) to make suggestions and define the Town's Code for Solar Permitting. Assistant Town Engineer Rick Armstrong's intention has been to have the Planning Board work on this project. Mike has a list of various resources that he will email to Rick and Town Clerk Melodie Bowersox regarding this topic.

Abstract # 6, 201 6

- Voucher #341 Robinson Design Company for '2085/1/2 of Town Sign' for \$506.00 – Mr. Pray asked Bookkeeper Sue Crosier about this voucher and she said that it was split between the General Fund and the Highway Fund (also see voucher #240). Highway Superintendent Frank Root explained that he had a new Highway sign made for the Highway Garage on NYS Rte. 369 that is a reflective sign. The sign will be helpful in directing people to where the Highway Garage is located. Mr. Hamlin asked Frank to look into having Robinson Design Company repair the Town Hall boat signs as well because they are peeling.
- After a review of the Abstract, Mr. Pray moved to approve payment of the bills for Abstract # 6, 201 6, seconded by Mr. Holcomb. Motion carried.

VOTE: Ayes 5 Hamlin, Holcomb, Husar, Moss, Pray

Nays 0

Resolution #2016 -11 Budget Modification in General Fund for Historian Calendars –
Mr. Holcomb made a motion to adopt the following Resolution:

WHEREAS, the Town Historian is planning to have approximately 150 historical-related calendars printed for resale and;

WHEREAS, the sale of the calendars is expected to cover the expense of printing the calendars,

NOW, THEREFORE, BE IT RESOLVED, pursuant to the provisions of Town Law, Section 112(1), the General Fund Budget be modified to increase appropriation Account A7510.401 (Historian Contractual – Publication Expense) by \$500 and increase Estimated Revenue Account A2089 (Historian Sales) by the corresponding amount of \$500,

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 aye

Resolution #2016 -12 Authorization of the Issuance and Sale of Serial Bonds for the Town Hall Roof Replacement Project - Mr. Moss made a motion to adopt the following Resolution:

BE IT RESOLVED by the Town Board of the Town of Fenton, County of Broome, State of New York, as follows:

Section 1. For the object or purpose of replacing the roof on the Town Hall located at 44 Park Street, Port Crane, New York, and to provide funds to defray the aggregate cost thereof, Two hundred thousand and 00/100 dollars (\$200,000.00) of the General Obligation Serial Bonds of the Town of Fenton, New York shall be issued pursuant to the provision of the Local Finance Law.

Section 2. Two hundred thousand and 00/100 dollars (\$200,000.00) is estimated as the maximum cost of the Project.

Section 3. The plan for the financing of the Project costs consists of the issuance of General Obligation Serial Bonds of the Town of Fenton in the principal sum of Two hundred thousand and 00/100 dollars (\$200,000.00), to be issued pursuant to the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is fifteen (15) years, pursuant to section 11.00(a)(12)(a)(2) of the Local Finance Law. It is further determined that the maximum maturity of the Serial Bonds herein authorized will not exceed fifteen (15) years.

Section 5. The faith and credit of the Town of Fenton, County of Broome, State of New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provision of the local Finance Law, the Power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Serial Bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds may be contested only if:

- 1) Such bonds are authorized for an object or purpose for which said Town is not authorized to expend money; or
- 2) The provision of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication; or
- 3) Such bonds are authorized in violation of the provisions of the Constitution.

Section 8. Pursuant to Local Finance Law section 35.00(b)(1), this Resolution is subject to permissive referendum.

Section 9. Pursuant to New York Town Law section 91, this resolution shall take effect thirty days after its adoption, unless a petition as described in said section 91 is filed within said thirty-day period, in which case the resolution shall take effective after approval by the affirmative vote of a majority of the qualified electors voting on the proposition described in said section 91,

Seconded by Mr. Holcomb. Motion carried.

ROLL CALL VOTE:

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

Atty. Millus will publish the notice that this Resolution was adopted then after thirty days, with no referendum, it will be effective.

Conveyance of Property to Abbey Business Properties, LLC – Atty. Millus said that two years ago, the Town adopted a Resolution to convey a portion of the West Service Road right-of-way (described as ‘a parcel of property along the West Service Road in the Town of Fenton approximately 0.499 acres, which parcel was abandoned to the Town by New York State as Parcels Nos. 61 (Map 50, December 28, 1960) and 108, 109, and 63 (Map 52R-1, July 17, 1961)’ in the Resolution) to Illsley/Quasi Enterprises, LLC. It was published, subject to referendum but obviously there was no referendum. Now Abbey Business Properties, LLC is purchasing the Illsley property so rather than conveying the property to Illsley then having Illsley convey it to Abbey Business Properties, LLC, the Town can do a simple Resolution to amend the May 7th, 2014 Resolution to convey the property to Abbey Business Properties, LLC rather than Quasi Enterprises, LLC, subject to further referendum.

Resolution #2016 -13 Conveyance of Property to Abbey Business Properties, LLC – Mr. Husar made a motion to amend the May 7th, 2014 Resolution to change the grantee from Quasi Enterprises, LLC to Abbey Business Properties, LLC, 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 aye

CAC Committee – No Chairperson and Low Membership – Currently there is no Chairperson for the CAC Committee and there are only three CAC Members. Mr. Hamlin would like the Town Board to keep an eye on the situation this summer and into the early fall. None of the three remaining CAC Members seem to be interested in taking over as the Chairperson.

Successful Roof Bidder – Mr. Hamlin had a long conversation with an individual from a very prominent roofing company who also bid on the Town’s recent roofing project and he said that if the company who won the bid is paying prevailing wage, then there is no way that they could

have come in at that bid. Mr. Hamlin said his concern is that a good, quality job is done on the project so the Town just needs to make sure that the adequate inspections are being done on the project.

262 Vincent Hill Road – In the May Town Board Meeting, Building Inspector Matt Banks reported that the property owner of 262 Vincent Hill Road was given a deadline of July 1st, 2016 to make progress on his property. Since then, Matt said he has driven by and noted that there is a pile of debris covered with a tarp; he has no demolition permit. Matt emailed an individual in Syracuse but he did not get a straight answer; he forwarded this to Atty. Millus. He also spoke to a DEC Officer and asked if DEC had any role in the situation and he said DEC would only be involved if the property owner tried moving the material. Mr. Hamlin asked Matt to check on the status of the property when he is in that area.

5992 NYS Rte . 79 – Matt said the deadline on 5992 NYS Rte. 79 is approaching as well. He said it does not look like there is much progress being made here either. The neighbor told Matt that Ryan Findore, the property owner, is burning some of the materials occasionally. Atty. Millus told Matt that they need to meet to address these outstanding property issues.

Ten Worst Properties in the Town – Mr. Husar mentioned looking into the ten worst properties in the Town. This was brought up at a previous Board Meeting.

Thank You Memo from Norm Davies – The Town Board received a thank you memo from Norm Davies for completing Brookside Lane in the Town of Fenton. Mr. Hamlin shared this with Frank.

Mobile Home on NYS Rte. 7 – Mr. Holcomb asked Matt to meet with Zoning Enforcement Officer John Broughton to look at a mobile home on NYS Rte. 7 that is hidden within pine trees and has been there for around fifty years. It has collapsed and there are mice, rats, and other animals living in it.

62 Palmer Hill Road – The owner, Grace Padbury, has passed away, so Matt was not sure what would be happening with the property.

1001 Chenango Street – Mr. Husar asked if there was a deadline yet for 1001 Chenango Street. Atty. Millus replied that as soon as he sends a letter to the owners' Attorney, then they will have a deadline of thirty days.

Dairy Barn – Mr. Husar asked if there was an update on the Dairy Barn. So far there has been no activity there.

Town Engineer Selection Process – The Town Board interviewed five Engineering Firms: Delta, Griffiths, Keystone, Shumaker, and Urda. Town Engineer Dick Bassler (retiring as of July

1st) and Assistant Town Engineer Rick Armstrong had provided the Town Board with a list of typical jobs that the Engineering Office performs; this list was shared with all of the Engineering Firms. Based on the list that was provided, Griffiths gave the Board a quote of 'not to exceed \$30,000 without Town Board approval'; Keystone gave the Board a quote of \$34,600. The Town Board discussed all of the firms. The consensus was that Delta seemed too large of a firm for the Town; Urda too small. The Board agreed that Griffiths seem to know the Town engineering processes because they have performed many of them for the other Towns they work with. They also seemed willing to work within the Town of Fenton's budget and work at least one day a week in the Engineering Office at the Town Hall. During the discussion, Mr. Hamlin called Dan Griffith of Griffiths Engineering for clarification on some questions the Board had. Dan said that in looking at the list provided by the Engineering Department, he would make sure that he stayed under \$15,000 from July 1st – December 31st, 2016. He asked the Board about some of the specific jobs listed that he was unfamiliar with that are done in just the Town of Fenton (for example, Porter Hollow Discharge Monitoring). Dan also stated that some of the jobs listed are done by the Highway Superintendent and Water Department in other Towns. Dan said that he preferred to work for the Town on an hourly rate of \$90 not to exceed \$15,000, as he does for other Towns, rather than a lump sum, and he would really like to work with the Town of Fenton. After the discussion, Mr. Husar made a motion to hire Griffiths Engineering from July 1st, 2016 – December 31st, 2016 for a flat rate of \$15,000 unless there is an exception for a special project outside of the list provided **by the Town's Engineering Department**, 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 aye

THOMA Public Hearing – The THOMA Public Hearing for the new grant project will be next Wednesday, July 6th, 2016, at the Town Board Meeting, at 7 PM. THOMA will take care of the advertising for the Public Hearing.

Assistant Town Engineer, Rick Armstrong – Assistant Town Engineer Rick Armstrong will still be in the Town's Engineering Office one day a week. Mr. Hamlin would like the day to be Thursday rather than Tuesday when Matt is in his office. Mr. Hamlin told Frank he could go to Rick for assistance.

Highway Department on Vacation – The Highway Department will be on vacation next week. Two employees will be picking up solid waste on Tuesday and Wednesday. Frank commented that roadside shimming is currently being done.

Refurbish Pump House Valve – Mr. Pray needs to meet with Dick before he leaves regarding the refurbishing of the pump house valve; they have not received an estimate for it yet.

Point of Contact for Engineering Requests – Mr. Husar suggested having a point of contact for engineering requests. Assistant Town Engineer Rick Armstrong would be the first point of contact, then Bookkeeper Sue Crosier (in her absence, Mr. Hamlin should be contacted).

310 Ballyhack Road – Atty. Millus said that at the April 2016 Work Session, the Town Board 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.' Atty. Millus had intended to follow up with the formal Resolution but did not do so. He suggested that the Town Board re-adopt the Resolution tonight, then Melodie can certify it and send it to the property owners. Matt noted that an individual called him and is interested in buying the home and the property; he asked if he is allowed to give out the property owner's contact information and Atty. Millus replied yes.

Resolution #2016 -14 310 Ballyhack Road – Mr. Husar made a motion to adopt the following Resolution:

WHEREAS, real property located at 310 Ballyhack Road in the Town of Fenton (the "Town") is improved by a single-family residence (the "Property"); and,

WHEREAS, the Property is designated on the Broome County Tax Map as Parcel No. 096.16-1-14; and,

WHEREAS, the Town previously determined that the Property suffered from numerous property maintenance violations, namely: that the roof of the building is open to the elements; that there are holes cut in the roof from emergency services; that the house has been abandoned since a fire several years ago causing the dwelling to be inhabitable; the structure appears to be very run down at the present time; and,

WHEREAS, by Unsafe Structure notice dated May 5, 2014, 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:

Thomas E. Raminger
Belynda J. Raminger
310 Ballyhack Road
Port Crane, New York 13833; and,

WHEREAS, a public hearing was scheduled for June 4, 2014 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:

1. The structure located upon the Property is dangerous and unsafe to the public within the meaning of Chapter 71 of the Town Code.
2. 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.
3. 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.

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 aye

Fuller Road Property – Atty. Millus said that a few years ago, the Town was going to convey the Fuller Road property to the Goozovats. He has the original deeds in his files with a letter to the Goozovats, dated two years ago, asking them to sign the documents and send them back to him. He asked the Board if he should follow up on the matter and they all agreed that they would like him to.

Roadside Signs – Only one six square foot roadside sign is allowed on your property per household. There is an individual on Pigeon Hill Road that sells campfire wood who has several roadside signs. Mr. Hamlin told Matt to take down the extra roadside signs, put them in his office, and if there are any questions of the individual who put the signs up, he can call Mr. Hamlin. Atty. Millus said if they are on the Town's right-of-way, this is another reason to remove the signs.

At 7:25 pm, Mr. Hamlin adjourned the meeting.

Melodie A. Bowersox, Town Clerk