

The Town of Fenton Town Board held its regular meeting on Wednesday, August 2, 2017, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT:	Town Board Members	David Hamlin, Supervisor Gary Holcomb, Deputy Supervisor Richard Pray, Councilman Randy Ritter
	Highway Superintendent	Albert Millus, Jr. (arrived at 7:06 pm)
	Town Attorney	Melodie Bowersox
	Town Clerk	Sheryl Fay
	Deputy Town Clerk	
ABSENT:	Town Board Members	Michael Husar, Councilman Thomas Moss, Councilman

OTHERS PRESENT: Building Inspector Matt Banks, CAC Acting Chair Mike Grasso, Planning Board Chair John Eldred, Water Supervisor/DCO Greg Starley, Zoning Board of Appeals Members Tim Brown and Cindy Cook, and approximately 38 members of the General Public. Also present were Children's Home of Wyoming Conference President/CEO George Dermody and Rich Cunningham from THOMA.

Matt Banks led in the Pledge of Allegiance.

Mr. Hamlin asked for a Moment of Silence in remembrance of John Broderick, who passed away on July 29th, 2017. Mr. Broderick was an active member of the Town Board, serving as both a Councilman and Deputy Supervisor and was active in Scouts and in the Hillcrest Civic Association.

Rich Cunningham w/THOMA – Rich Cunningham said the current grant was funded last year with 48 applications received for the grant. To date, 11 of the applications have been qualified and are currently in the process of going out to bid. Final approval by the Town Board will be sometime around the next meeting. Income qualification, inspections, lead testing and cost estimates need to be completed prior to final approval. Ten of the 48 applicants were not eligible – four applicants did not meet the income requirements and six properties were not classified as substandard. The remaining 27 applicants are on a wait list, with room for four or five more applicants to be serviced by the current grant. To have 20-22 full applications remaining on a wait list for a new grant is a huge number to be unable to assist. Usually THOMA would recommend waiting a year to get further along with possible applicants, but the current wait list is such a good response the Town may want to consider applying for another grant. THOMA recommends a wait list of 2½ times the money they are applying for, which would be a wait list of about 40 homes for a \$500,000 grant. Rich said if the number on the wait list is less than that, then perhaps less money would be requested.

- Mr. Pray – Does the wait list show up on the application as a plus to us? Rich responded yes.
- Mr. Holcomb – What is the likelihood of receiving a grant in two consecutive years? Rich responded that it really comes down to a need. The fact that the program is going along well and this level of response shows a need, it will definitely strengthen the application.

Rich said that if the decision is made to move ahead, the deadline to apply is September 22nd, 2017 and a Public Hearing would need to be held by September 8th, 2017. Advertising for the

Public Hearing would need to be around the first of September. Mr. Hamlin said he forwarded the contract to Atty. Millus for his review and everything was in order in the event they decided to move forward.

RESIDENTS' TIME (7:09 pm)

Bill Aswad – Bill Aswad asked whether Franklin Avenue Extension was maintained by the Town. Mr. Hamlin said it is a private road. Bill said there was a baseball tournament over the weekend and cars were parked on both sides of the road, which is the case any time there is something going on at the field. His sister lives on that road and there is no way an emergency vehicle can get down that road with the parking issue. Atty. Millus said the Town went back and forth with the Railroad and entered into a licensing agreement to give the Town the ability to do limited maintenance on the road and the Town was trying to take the road over. There was an insurance issue as to whether or not the Town would be covered under their insurance during construction and there was a change in personnel at the Railroad, but Atty. Millus believes the agreement is still in place. Highway Superintendent Randy Ritter said the Town has been plowing the road. Atty. Millus will contact the Railroad and follow up. Mr. Hamlin asked Randy to put up "No Parking" signs on one side.

Judy Cummings – Judy Cummings said she attended the Conservation Advisory Committee (CAC) meeting last night and they discussed the possibility of allowing Outdoor Wood Burning Furnaces (OWBF). She does not feel the distance between residences is far enough. Also discussed was the fine involved if people used the OWBFs to burn things that were prohibited. Judy feels the Town should consider raising these fines considerably. Mr. Pray noted the current OWBFs are only allowed to burn from October 1st through the end of April.

Joan Giblin – Joan Giblin thanked the Board for all that has been done to secure 1142 Chenango Street.

Residents' Time closed at 7:19 pm

TOTAL BILLS – ABSTRACT 7, 2017 approved during the July 26th, 2017 meeting:

FUND	VOUCHER #s	AMOUNT
General	320 – 360	\$25,792.04
Highway	185 – 208	\$31,905.48
Hillcrest Water	126 – 144	\$6,144.23
Hillcrest Sewer	14 – 16	\$5,725.36
Porter Hollow Sewer	0	\$0.00
Port Crane Light District	11 – 12	\$1,009.91
Hillcrest Light District	11 – 13	\$3,112.29
Capital Projects	0	\$0.00

Trust & Agency	13	\$3,629.74
CDBG	1 – 3*	\$7,125.00

*(reused Voucher #1 & 2, due to void)

SUPERVISOR'S REPORT

- Mr. Hamlin reported he received an e-mail today from THOMA requesting a release of funds of \$3,125 to assist a Resident on Depot Hill Road that does not have a working well or septic.

TOWN ATTORNEY'S REPORT

- Hillcrest Depot Property – Atty. Millus said the decision was made that his firm would not be representing the Town since his firm is not representing the new owner. The project is on hold until counsel can be obtained to represent the Town.
- Water Meter and Vault Replacement Projects in Hillcrest Water District – The contracts were reviewed and approved.
- NG Advantage – The hearing was today and it is in the Judge's hands.
- 1001 Chenango Street – The demolition bid is approved and a contractor was on the premises getting it ready for demolition.

TOWN CLERK'S REPORT

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for July 2017 were \$3,066.48.

TOWN ENGINEER'S REPORT

- There was no formal Engineer's Report. Mr. Pray said he spoke with John Mastronardi of Griffiths Engineering and activity for the month included working on the water contracts.

COMMITTEE REPORTS

Building and Grounds – Mr. Hamlin reported the Crime Lab lost an exhaust fan for some of their equipment and the generator is 4 to 6 weeks out for delivery. Steve Fessenden from the Crime Lab was inquiring as to whether a location for the generator had been decided on. Mr. Pray said a 5' x 12' pad will need to be poured and propane will need to be run to it as well as some control wires. Ideally the location needs to be determined and the pad needs to be poured prior to the generator being dropped off. Resident Fran Martin brought up to the Board that the old tennis courts and the playground area are in need of some attention.

Zoning Enforcement – Report was read by Mr. Hamlin.

Water and Sewer – Report was read by Mr. Pray. Also noted was that there were six applications being reviewed for the Assistant Water Operator position.

Dog Control – Report was read by Mr. Pray.

Highway and Solid Waste – Randy Ritter reported July activity included a lot of storm damage repairs including washed out drains and driveways and a half mile of Pigeon Hill Road that had downed trees that took 1 ½ days to clean up. There are Dig Safe requests in for some other roads with storm damage that need to be addressed. Grater shimming began on Pigeon Hill Road. Solid Waste remains heavy with all the storm damage.

Building Inspector – Report was read by Mr. Holcomb.

Justice Court – Report was read by Mr. Hamlin. Mr. Holcomb noted the Court Clerk applications are in. Judge Madden will be narrowing the applicants down to two or three that he feels will be acceptable, at which time Mr. Holcomb, Mr. Husar and Judge Madden will make the final selection.

Assessor – There was no Assessor's Report.

Historical Advisory Committee – Report was read by Mr. Holcomb.

Conservation Advisory Committee – Acting Chair Mike Grasso reported the CAC has been looking into a couple of issues in preparation of making recommendations to the Town Board for consideration. One is the setbacks for the OWBF. The Committee was in agreement to have the setbacks remain as currently specified in the Town Ordinance. The CAC will be reviewing the amount of acreage on the Town Ordinance and will be forthcoming with a recommendation. The second issue the CAC is working on making recommendations to the Town Board on is regarding solar farms and solar use.

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

VOTE: Ayes 3 Hamlin, Holcomb, Pray
Nays 0
Absent 2 Husar, Moss

MINUTES

Mr. Pray made a motion to approve the minutes from the June 26th, 2017 Work Session and the July 5th, 2017 Town Board Meeting, seconded by Mr. Holcomb. **Motion carried.**

VOTE: Ayes 3 Hamlin, Holcomb, Pray
Nays 0
Absent 2 Husar, Moss

Children's Home of Wyoming Conference – Mr. Hamlin acknowledged President/CEO George Dermody from the Children's Home, who invited everyone to attend the 59th Annual Ice Cream Social on Tuesday, August 8th, 2017.

OLD BUSINESS

- **SAM Grant for the Library** – Mr. Hamlin said the Library repairs are completed but the well refurbishing has not yet begun. The monies have to be spent prior to moving forward with requesting reimbursement through the SAM Grant.
- **DLA Zoning** – The Town is looking for Special Counsel to advise on the DLA zoning.
- **CSEA Meeting – August** – Mr. Hamlin reported he and Mr. Holcomb have two meetings scheduled in August regarding the CSEA and the Highway Department's desire to become unionized. One meeting is with the Highway Department's Labor Attorney and on August 23rd, 2017 the first negotiations meeting is scheduled at the Town Hall.
- **Approval of Construction Contract for Water Meter/Pit Replacement Project – Mr. Pray made a motion to approve the Construction Contract for the Water Meter/Pit Replacement Project**, seconded by Mr. Holcomb. **Motion carried.**

ROLL CALL VOTE:

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

- **Approval of Construction Contract for Well # 3 Refurbishing Project – Mr. Pray made a motion to approve the Construction Contract for the Well #3 Refurbishing Project**, seconded by Mr. Holcomb. **Motion carried.**

ROLL CALL VOTE:

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

NEW BUSINESS

- **Broome County Sales Tax – 2nd Quarter** – Mr. Hamlin reported 2nd Quarter Sales Tax received by the Town was \$385,543.59.
- **FEMA Meeting** – There is a FEMA Meeting scheduled for August 10th, 2017. The hope is that Assistant Town Engineer Rick Armstrong will attend. Paperwork will be distributed regarding reimbursement for several items from the March snowstorm in which the Town received 30" of snowfall.
- **Article 78 Hearing** – The Hearing was today and the Judge will be giving his decision. Atty. Millus noted the Judge will continue his temporary restraining order until he makes his decision. Technically under the law the Judge has 60 days to make his decision, but Atty. Millus said the timeframe is often the exception rather than the rule.
- **Fenton Free Library Roof** – Fenton Free Library Director Korin Spencer reported the Library property lost a very large tree during a recent storm. The tree landed on the Library and did not do any interior damage to the Library, but it did cause some roof and gutter damage. Korin asked about the status of the roof/gutter repair. Mr. Holcomb said the insurance company has looked at it and he thinks there is a pretty high deductible, but Mr. Moss would be a better person to give a status on the claim when he returns.

- **Approval of THOMA Grant Application – Mr. Holcomb made a motion for THOMA to apply for next year’s grant for a fee of \$5,250, seconded by Mr. Pray. Motion carried.**

ROLL CALL VOTE:

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

- **Rubber Tire Excavator** – Randy Ritter said he is interested in purchasing a rubber tire excavator for the Highway Department, selling some existing pieces of equipment to help defray the expense. It is driven to the site for ditch and shoulder work rather than equipment being hauled on a trailer. The cost is \$140,000 including all the attachments, but some of the attachments could be rented as needed rather than purchased. Mr. Holcomb will be looking into this further.
- **Special Release of CDBG Funds – Mr. Holcomb made a motion to allow Mr. Hamlin to sign the special release of CDBG funds as requested by THOMA, seconded by Mr. Pray. Motion carried.**

ROLL CALL VOTE:

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

- **Resolution #2017-17 – Resolution for Pre-Employment Driving Clearance – Mr. Pray made a motion to adopt Resolution #2017-17:**
WHEREAS, the Town of Fenton wants to ensure the safe driving of employees who will drive Town vehicles on a regular basis, and
WHEREAS, the Town of Fenton from time to time hires new employees that will be required to drive Town vehicles on a regular basis, and
WHEREAS, the Town’s insurance carrier has requested, and has the ability, to investigate the driving records of prospective employees,
THEREFORE, BE IT RESOLVED, that effective immediately it will be the policy of the Town of Fenton to have pre-employment approval from our insurance carrier for any prospective new hire that will regularly be required to drive Town vehicles. Failure to meet this approval will result in disqualification for employment.
Seconded by Mr. Holcomb. **Motion carried.**

ROLL CALL VOTE:

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

Prior to the vote, Mr. Pray stated that as part of his research in reviewing the application process for the Water Department since employment includes driving a Town vehicle, the insurance company recommended the Town should have a Town Vehicle Driver Policy. Mr. Pray was unable to find that the Town had one, so the insurance agency

forwarded one which he distributed to the Board. Also recommended as a condition of employment was approval by the insurance underwriters of any potential applicant applying for a job which requires them to drive a Town vehicle. This would be done in the form of background and license checks as part of the pre-employment process, along with the drug and alcohol testing policy currently in place. Mr. Holcomb also mentioned the License Event Notification Service (LENS) Program, which is a State program that notifies Randy if any of the Town drivers are issued a violation on their license. Atty. Millus said the policy needs to be established, but no Public Hearing is needed.

- **Local Law Prohibiting Private Well Use in Hillcrest Water District** – Mr. Pray said an issue came up with a private well being used in the Hillcrest Water District. No one can find in the current Local Laws where the use of private wells is prohibited. Mr. Pray distributed a draft of a Local Law that will officially prohibit the use of a private well in the District, subject to review by Atty. Millus.
- **THOMA Public Hearing** – Mr. Hamlin will let Rich Cunningham know the Public Hearing for the new grant application will be held at the September 6th, 2017 Town Board Meeting.

Prior to adjournment, Residents in attendance expressed various concerns regarding teenagers from the Children's Home of Wyoming Conference running loose in the neighborhoods surrounding the Home. Mr. Pray said the Board received an e-mail from Mr. Dermody stating they were having a problem with certain youths from a particular County and that they will be addressing the appropriateness of who is being sent over.

At 8:07 pm, Mr. Hamlin adjourned the meeting.

Melodie A. Bowersox, Town Clerk/sf