

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

<b>PRESENT:</b>	Town Board Members	David Hamlin, Supervisor Gary Holcomb, Deputy Supervisor Michael Husar, Councilman Richard Pray, Councilman Thomas Moss, Councilman
	Highway Superintendent	Randy Ritter
	Town Attorney	Albert Millus, Jr.
	Town Clerk	Melodie Bowersox
	Deputy Town Clerk	Sheryl Fay

**OTHERS PRESENT:** Approximately 146 members of the General Public, which included some members of the CAC, Planning Board, ZBA and other Town Offices

Mr. Hamlin led in the Pledge of Allegiance.

### **RESIDENTS' TIME**

Mr. Hamlin prefaced Residents' Time by stating this is not a Public Hearing but is a time for Town of Fenton Residents to address the Board. Two weeks ago the ZBA (Zoning Board of Appeals) and the Planning Board approved the Natural Gas Compressor Station Project. The Town Board does not have the authority to rescind their decision. The project will move forward, with work being completed with the DEC and the filing and purchase of Building Permits. Mr. Hamlin informed NG Advantage that he felt an Informational Meeting was needed for all of our Residents and neighboring towns. An Informational Meeting is in the process of being organized, hopefully in the next few weeks, with HAZMAT also attending. There are big concerns in our Community, with our children's safety and their bus routes being the first concern. The second concern is how to handle an emergency situation if one arises. These are the topics the Informational Meeting will focus on.

At 7:04 pm, Mr. Hamlin opened the floor for questions to be asked about the project, which would be limited to 20 minutes:

- Donnariis Tauber – Donnariis Tauber asked what the project is all about. Mr. Hamlin said it is a gas compression station with two phases. Trucks tie into a pipeline, fill up with natural gas and transport it to places that do not have access to natural gas. Less expensive than oil or propane, it is delivered to large industries, schools and universities. There are two other stations: one in Vermont and one in Connecticut. The third one will be in Broome County.
- April Smith – April Smith asked whether the Planning Board decision can be appealed. Mr. Hamlin responded no. The only thing that can be done involves an Article 78.
- Carol Mion – Carol Mion asked where the question, answer and information period was prior to the decision being made. Mr. Hamlin said this was a project that was discussed over a six month period and advertised in the appropriate sections of the newspaper. Sending out a special notice was not required.

- Steve Andersen – Steve Andersen told Mr. Hamlin he previously delivered a letter to the Town Board in regard to this matter. The applicant defines the location as a truck terminal so that it would fall into the existing permitted uses for zoning for the Industrial District. Steve said it is not a mere truck terminal and that it is much more than that. This should have been a variance of use and gone to the Zoning Board. The Town regulated telecommunication towers and wood burning stoves but did not regulate this project. Mr. Hamlin said everything was reviewed by the Town's two Attorneys. Steve said there were three incidents at one of their plants. Mr. Hamlin said that according to NG those incidents were overrated.
- Meta Parks – Meta Parks said there is a similar facility in Forest Lake, Pennsylvania. They have had several incidents there and when you drive by there is an odor. There have been truck turnovers, at which point they have closed all the roads until remedied.
- Mary McMahon – Mary McMahon asked how many trucks one compressor can fill in one day. Mr. Hamlin was unsure of the number but said it takes about 30 minutes to fill one truck.
- Mary Jo Bowie – Mary Jo Bowie said she owns a home in Fenton and commercial property in Port Dickinson. She heard about this from the Board in Port Dickinson before she heard anything about it from a Fenton Representative. Hillcrest has a history of soil contamination. The hope is this would have been considered, as well as the hope that this would have been brought to the Community and shared so there was a united front to move forward with this.
- Debra Wilson – Debra Wilson shared she had some unexplained health issues in the past that Hillcrest contamination issues may have contributed to. There is a huge concern of history repeating itself with contamination issues and the traffic is already an issue.
- Joyce Gioia – Joyce Gioia felt there could have been more information given to the Public through the Town Newsletter or other publications. Trucking will be taking place 24/7 between this project and Binghamton Precast. The decibel level was addressed at the last Planning Board Meeting, with references made that noise levels would remain within the appropriate decibel levels. Lines of trucks waiting for servicing will not be within the appropriate decibel levels. Another point brought up was the receipt of additional taxes. With the Town of Fenton taking care of the roadways involved, any additional monies received for taxes will need to be returned to the budget to maintain these roadways that were not built for this type of highway. In regard to the odor, it was also discussed at the Planning Board Meeting that the odor does not permeate the ground but goes up. There are buildings in that immediate area that are not even sheltered by trees. This project was not recommended by the County as outlined in the 239 Review.
- Gentleman – A Gentleman asked Mr. Hamlin whether he could make a commitment to the Citizens present that he take the information from the meeting and have the Planning Board reconsider their approval with the idea of possibly rescinding it or letting the people vote. Mr. Hamlin replied the chances were very slim because the Planning Board passed the project successfully.
- Karl Zeggert – Karl Zeggert asked whether the Town has worked with the State DOT, the County and the Town of Fenton Highway Department for control of the access from Chenango Bridge Road to the Service Road. Mr. Hamlin said there will be several meetings coming up with the DOT, the School District, the Town of Fenton and NG Advantage regarding the traffic situation. Karl further asked whether this situation was taken into consideration prior to the Planning Board's decision. Mr. Hamlin said the

original route had been changed by the time it went to the Planning Board. The original route was to go down to the end of the Service Road, across to the ramp and over to Phelps Street to get onto the highway.

- Linda Baker – Linda Baker said the only exit out of her cul-de-sac is onto the Service Road. Linda asked if the short term and long term health effects are being looked into with this in their back yard. Mr. Hamlin said this would be a good question to ask NG Advantage at the Informational Meeting.
- Gentleman – A Gentleman asked what exactly the benefits are that led the Board to make this decision. Mr. Hamlin said major tax dollars will be generated for Chenango Valley School District, the County and the Town. The Gentleman further asked whether taxes would go up to maintain the roads. Mr. Hamlin said the Town will maintain the roads and the State will maintain the bridges.
- Tommye Durham – Tommye Durham said she has grandchildren that attend Port Dickinson Elementary School and it does not make sense that the Town had the report from the County in their possession at the time the decision was made and everything in the County report was overlooked. Mr. Hamlin said any issues in question in the 239 Review were answered prior to the Planning Board decision but were not included in the 239 Review.
- Joela Andersen – Joela Andersen said that case law says that anyone on the Town Board can file an Article 78. Mr. Hamlin said the Town Board is not filing an Article 78 against the Planning Board or the ZBA.
- Peter Durham – Peter Durham has children that attend Port Dickinson Elementary School. Peter said that while being interviewed earlier in the day on WNBF, Mr. Hamlin mentioned the people against this project were extremists. Mr. Hamlin said that was a false statement.
- Bill Simmons – Bill Simmons said it appears there has been a lack of communication. The people will communicate their unhappiness with the decisions that were made by the Town Board, the Town Zoning Board, etc. at the next election.

**Mr. Hamlin closed this portion of Residents' Time at 7:31 pm**

At 7:53 pm after a brief break in the meeting and the majority of the General Public exiting the building, Mr. Hamlin reopened Residents' Time for the remaining General Public.

**Dave Gunster** – Dave Gunster said there are three lights currently out in the tunnel and the cable box appears to be damaged.

**Dan Gates** – Dan Gates said it took three weeks for his brush to be picked up.

**Residents' Time closed at 7:57 pm**

**TOTAL BILLS – ABSTRACT 5, 2017** approved during the May 24<sup>th</sup>, 2017 meeting:

FUND	VOUCHER #s	AMOUNT
General	211 – 256	\$32,852.14
Highway	122 – 146	\$109,638.65
Hillcrest Water	77 – 96	\$8,322.00

Hillcrest Sewer	10 – 11	\$30.31
Porter Hollow Sewer	9	\$50.00
Port Crane Light District	7 – 8	\$1,002.32
Hillcrest Light District	7 – 8	\$2,233.07
Capital Projects	0	\$0.00
Trust & Agency	7 – 11	\$4,028.59

**SUPERVISOR’S REPORT**

- There was no formal Supervisor’s Report.

**TOWN ATTORNEY’S REPORT**

- Monthly report was read by Atty. Millus.

**TOWN CLERK’S REPORT**

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for May 2017 were \$2,902.89.

**TOWN ENGINEER’S REPORT**

- There was no Engineer’s Report.

**COMMITTEE REPORTS**

**Building and Grounds** – Mr. Moss reported the blinds will be installed in the Crime Lab within the next two weeks. The window sill leak in the Business Office and the LED lighting plan need to be discussed with Assistant Town Engineer Rick Armstrong as both are still pending. Highway Superintendent Randy Ritter is still working on the shed replacement behind Town Hall.

**Zoning Enforcement** – Report was read by Mr. Moss.

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

**Dog Control** – Report was read by Mr. Pray.

**Highway and Solid Waste** – Randy reported the call list for Solid Waste appears to be working well and he would like to continue with it. Ditch and shoulder work is ongoing as well as a lot of tree trimming. Grater patching is scheduled to begin next week. The blacktop

project in Hillcrest has been completed on Old Chenango Street, Cornish Avenue, Ritchie Circle, Hadsell Court and Chase Court.

**Building Inspector** – Report was read by Mr. Holcomb.

**Justice Court** – Report was read by Mr. Husar.

**Assessor** – Mr. Husar reported the Grievance Board received four applications for tax reductions on Grievance Day, with some degree of reduction for each.

**Historical Advisory Committee** – There was no Historical Advisory Committee Report.

**Conservation Advisory Committee** – Committee Member Pat Podrazil reported the CAC thought they would be getting some assistance on the Watershed Study from Binghamton University, but it will not be the case. The Committee is in the early stages of looking at logging and timber regulations. There is a fair amount of logging going on in Fenton where it is causing some erosion. Pat also reminded Planning Board Chairman John Eldred that the CAC is supposed to receive communications and copies of applications with respect to projects, especially when they file an Open Space Review in environmentally sensitive areas. The Committee did not receive anything with respect to the Natural Gas Project.

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

**VOTE:** Ayes 5 Hamlin, Holcomb, Husar, Moss, Pray  
Nays 0

## **MINUTES**

**Mr. Moss made a motion to approve the minutes from the April 26<sup>th</sup>, 2017 Work Session and the May 3<sup>rd</sup>, 2017 Town Board Meeting**, seconded by Mr. Pray. **Motion carried.**

**VOTE:** Ayes 5 Hamlin, Holcomb, Husar, Moss, Pray  
Nays 0

## **OLD BUSINESS**

- **SAM Grant/CDBG Funds/Service Road Grant** – Mr. Hamlin wanted to make Residents aware of what the Town Board has done over the past five years. The SAM Grant repaired the Library and assisted with a well refurbishment. Community Development Block Grant funds will assist families that are low income for up to \$25,000 per family. As long as they commit to stay in their home for a minimum of five years, they do not need to pay the money back. To date, 39 individuals have applied for the CDBG, of which 16 applicants will be approved this summer. Additional programs will be looked into for the applicants that were not selected. The Service Road Grant was awarded while Frank Root was the Highway Superintendent, which allowed us to resurface the Service Roads. In all, the Grants awarded to the Town totaled 1.3 million dollars of 100% grant money that the Town does not have to pay back.

**NEW BUSINESS**

- **Adopt the Workplace Violence Prevention Policy – Mr. Holcomb made a motion to Adopt the Town of Fenton Workplace Violence Prevention Policy and Incident Reporting:**

The Town of Fenton is committed to the safety and the security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the Town of Fenton property will be thoroughly investigated and appropriate actions will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

All Town of Fenton personnel are responsible for notifying one of the contact persons designated below of violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

**DESIGNATED CONTACT PERSON(S):**

Name: David C. Hamlin  
 Title: Supervisor – Town of Fenton  
 Phone: (607) 727-7416

Name: Gary Holcomb  
 Title: Deputy Supervisor – Town of Fenton  
 Phone: (607) 725-4759

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

- **Leaf Vac Approval for Highway Department – Mr. Holcomb made a motion to approve the purchase of the Leaf Vac for the Highway Department, 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

Prior to the vote, Mr. Holcomb explained loaders, trucks and a lot of manpower have been used for years for leaf pickup. Randy has found a leaf vacuum that can be operated with a truck and two people. The proposal would borrow the funding from ourselves with no interest and paid off over a period of years by utilizing funds as they become available.

- **RESOLUTION #2017-14: Resolution for Highway Fund Budget Modification for CHIPS – Mr. Holcomb made a motion to adopt Resolution #2017-14: WHEREAS,** the Town's adopted 2017 Highway Fund budget included an estimated revenue of \$110,000 and corresponding appropriation of \$110,000 pertaining to CHIPS moneys; and **WHEREAS,** the State budget has set the Town's share of CHIPS funding for 2017 at \$156,330.46 (\$110,392.42 CHIPS capital allocation plus \$25,198.17 for PAVE NY and \$20,739.87 for EWR), **NOW, THEREFORE BE IT RESOLVED,** the Highway Fund budget be modified to increase the CHIPS Improvement line (DA5112.200) and the CHIPS State Aid Revenue line (DA3501) from \$110,000 to the approved State amount of \$156,330.46. 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

- **Water Department** – Mr. Pray said help is needed for Hillcrest Water & Sewer Operator Greg Starley at the Water Department. The hope is that this individual will become certified to be a backup Water Operator. Four applicants have been received to date. An ad will be posted for the position.
- **Town Board Members' Comments**  
**Mr. Husar** – In regard to the Natural Gas Project, Mr. Husar said he was initially against the project. After reviewing all the information, he feels the operation is a relatively safe one. If the operation was put in a nearby town, our Town would receive no tax benefit and would be subject to the same traffic and noise and potential dangers. The transportation and traffic remain issues that still need to be worked out. He also reiterated that the Board does not have the authority to override the Planning Board. The Planning Board is an independent body, appointed progressively by the Board, with terms expiring on alternating years. Mr. Husar asked the General Public to give the project a chance while gathering the facts.  
**Mr. Moss** – Mr. Moss said he has heard a very strong theme of lack of communication over the last month. He further stated he felt the Board has a responsibility to communicate future projects such as these to Residents to give them the proper facts so they can form educated opinions. Better use of the Town website, Newsletter frequency and Social Media in some form need to be considered to stream communications out to the Public.

**At 8:43 pm, Mr. Husar made a motion to adjourn the meeting,** seconded by Mr. Holcomb. **Motion carried.**

Melodie A. Bowersox, Town Clerk/sf