

The Town of Fenton Town Board held its regular meeting on Wednesday, March 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  
                                                                         Michael Husar, Councilman  
                                                                         Richard Pray, Councilman  
                                                                         Thomas Moss, Councilman

Highway Superintendent                      Randy Ritter  
Deputy Town Clerk                              Sheryl Fay

**ABSENT:** Town Attorney                              Albert Millus, Jr.  
Town Clerk                                              Melodie Bowersox

**OTHERS PRESENT:** CAC Committee Member Mike Grasso, Planning Board Chair John Eldred, Planning Board Member Jim Keough, Broome County Legislator Cindy O'Brien, Children's Home of Wyoming Conference President/CEO George Dermody and five members of the General Public

Cindy O'Brien led in the Pledge of Allegiance.

#### RESIDENTS' TIME

**Jerry Hartman** – Jerry Hartman reported issues are continuing with Mr. Potter, who lives across the street from his mother on Dumas Hill Road. He is still dumping his yard waste on other people's property and is parking in the road one foot from the end of his mother's driveway instead of parking in his own driveway. Jerry said they spoke with Officer McCormick from the DEC because there are 30 one gallon jugs of oil being stored on the property. Officer McCormick went up and took a look, but because there is no visible leaking and the property is posted, the Town would need to step in if there is a storage ordinance in place that prohibits the storage of fluids. In regard to the dumping, if there is a "No Dumping" sign then he would be able to do something. Additionally, Jerry played a recording for the Board of Mr. Potter laughing while standing on the edge of their property, which is a twice daily occurrence. Jerry said if the Town was willing to put up "No Parking" and "No Dumping" signs he would be able to begin documenting violations. Mr. Husar said the Town could take care of the "No Parking" sign, but the "No Dumping" sign would need to be posted by the property owner. Mr. Hamlin said the Board would need to pass a Resolution prior in order to post a "No Parking" sign. Mr. Hamlin will discuss the process with Atty. Millus.

**George Dermody** – George Dermody, President and CEO of the Children's Home of Wyoming Conference, came in with some updates for the Board. In the interest of improving communications with neighbors, the Children's Home is in the process of forming a Neighborhood Advisory Council. The group would meet four times a year to address any issues of the surrounding neighbors and

share some of the things the Children's Home is doing. Recruitment for the Council will be done by direct mail, local advertising and word-of-mouth. They are shooting for March 30<sup>th</sup> for the first meeting. Secondly, at the recommendation of the Broome County Sheriff's Office, the Children's Home will be implementing a Community Mentoring Program with the assistance of Capt. Newcomb. The Officers have a grant and the Children's Home will be supplementing the grant. A series of activities have been developed where the Officers will be engaging the students in various activities such as cooking a meal, talking with Parents, reading books to some of the younger children and putting together a Youth-Officer Basketball Tournament. Lastly, the Children's Home will have a float in the St. Patrick's Day Parade.

**Fran Martin** – Fran Martin asked about the status on the old Depot. Mr. Hamlin said the business has not opened yet and the Town needs to discuss zoning. A Public Hearing will be scheduled.

**John Eldred** – The Port Crane Fire Company will be holding a Ham and Cabbage Dinner on Saturday, March 11<sup>th</sup> from 4:00 pm to 7:00 pm.

**Residents' Time closed at 7:20 pm**

**TOTAL BILLS – ABSTRACT 2, 2017** approved during the February 22<sup>nd</sup>, 2017 meeting:

FUND	VOUCHER #s	AMOUNT
General	50 – 104	\$266,418.57
Highway	20 – 54	\$49,784.22
Hillcrest Water	23 – 37	\$9,668.51
Hillcrest Sewer	1 – 2	\$36.62
Porter Hollow Sewer	2	\$115.00
Port Crane Light District	1 – 2	\$1,064.88
Hillcrest Light District	1 – 2	\$2,413.58
Capital Projects	0	\$0.00
Trust & Agency	2	\$4,475.21

### **SUPERVISOR'S REPORT**

- Mr. Hamlin reported we have been very fortunate recently with grants awarded to Hillcrest and the entire Community. The Administration Agency for the CBDG Grant will be selected later in the meeting.

- The Board has had some concerns with the Hillcrest Fire Company. The Board had a good conversation with Hillcrest Fire Chief Rick Larson.
- It has been very quiet regarding the Union. Things are expected to pick up in the near future.
- Mr. Husar and Mr. Holcomb have been conducting interviews for the Court Clerk position. Mr. Hamlin also conducted an interview for the Historian's Office.

#### **TOWN ATTORNEY'S REPORT**

- There was no Town Attorney's Report.

#### **TOWN CLERK'S REPORT**

- Monthly Report was read by Sheryl Fay.
- Total Local Shares for February 2017 were \$1,542.39.

#### **TOWN ENGINEER'S REPORT**

- There was no Town Engineer's Report.

#### **COMMITTEE REPORTS**

**Building and Grounds** – Mr. Moss reported the Town is looking into swapping out the fluorescent lighting for LED lighting throughout the Town Hall. He met with Tom Connors last week and a phased approach throughout the building was discussed. He will be submitting proposals of various options for the project. Assistant Town Engineer Rick Armstrong is looking into some rebate information through NYSEG. Peranich and Shelp is the selected contractor for the Library project. The job has begun with the subcontracting of moving the water line and duct work. The structural repairs are scheduled to begin next week once the materials arrive. The project is expected to take five days to complete.

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

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

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

**Highway and Solid Waste** – Mr. Holcomb reported the staff had OSHA training this week (part of which included staff from the Town Hall) and the garage door openers were installed. Highway Superintendent Randy Ritter reported February activity for the Highway Department included tree trimming and sweeping.

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

**Justice Court** – Report was read by Mr. Husar. Mr. Husar also reported Maureen Roberts, the Court Clerk, has resigned. The interviewing process for her replacement has begun.

**Assessor** – There was no formal Assessor Report. The Newsletter article is pending.

**Historical Advisory Committee** – Mr. Holcomb said one 2017 calendar was sold in the month of February and 2018 calendars are being designed. Information is being compiled for their first periodical, which will be titled, “Discovering Fenton”. It will include a brief history of the formation of the Town, the Billy Martin history and a cliffhanger article of a local murder which will continue in the second periodical. Mr. Hamlin said he interviewed an applicant for the Historian position and would like her to speak with the rest of the Board at the upcoming Work Session.

**Conservation Advisory Committee** – Acting Chair Mike Grasso reported (during Residents’ Time) that all discussions about the Lock have been tabled. Interested parties will need to join Friends of Chenango Valley State Park since the property is owned by the Park. CAC Member Pat Podrazil heard from an individual from Binghamton University regarding the Watershed Study. A meeting will be scheduled. Pam Klesse is interested in joining the Committee and they are still looking for a Chair for the Committee. Mr. Holcomb thanked the Committee for their quick response on the outdoor wood burner issue. The Committee’s information has been forwarded to Atty. Millus for review. The hope is that the Board will be able to lift the moratorium before next season if the new guidelines can be met.

**Mr. Pray 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. Pray made a motion to approve the minutes from the January 19<sup>th</sup>, 2017 additional Work Session, the January 25<sup>th</sup>, 2017 regular Work Session and the February 1<sup>st</sup>, 2017 Town Board Meeting**, seconded by Mr. Moss. **Motion carried.**

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

Nays 0

### **OLD BUSINESS**

- **Farm Brewery** – Mr. Hamlin said the DEC considers the project a commercial building on an agricultural property, which involves more extensive compliance including the long form of the

Stormwater Pollution Prevention Plan (SWPPP). The other issue is the lumber being used on the structure is green lumber (as opposed to beam with pegs) and has already been purchased. As the green lumber dries it tightens and will not line up. Mr. Hamlin had a conference call earlier this week with Griffiths Engineering and Brendan Harder (one of the property owners) and the hope was that the building could be erected. An e-mail was received today from John Mastronardi that the DEC was in favor of that. Nothing else can be done on the property until the remaining paperwork is completed and approved. A special "Notice of Violation" needs to be issued by Building Inspector Matt Banks.

- **1001 Chenango St** – A demolition bid is pending, awaiting approval from Wells Fargo.
- **DLA – Zoning Change and Public Hearing** – Lee Hartman cannot go to the ZBA because it is a self-induced hardship. Atty. Millus is doing additional research to determine how to proceed. Mr. Holcomb suggested Atty. Millus and Assistant Town Engineer Rick Armstrong discuss the zoning issues. Mr. Pray also mentioned there is currently only one water service into the entire facility which is being billed to the County. The Public Hearing has not yet been scheduled.
- **Hillcrest Fire Company** – Mr. Hamlin said the information regarding Hillcrest Fire Company from the months of October 2016 through January 2017 was given to Mike Ponticiello, Director of Emergency Services for Broome County. Mike will be providing some run times which will be forwarded to the Board. It was clarified that calls being deferred to Chenango Bridge Fire Company were only the daytime calls..
- **Well #3 Refurbishment** – Mr. Pray reported he had Griffiths Engineering issue the letter awarding Moody with the contract.
- **Crime Lab Generator** – Mr. Husar asked about the status on the Crime Lab generator. Mr. Hamlin said he has not heard anything recently. Mr. Hamlin confirmed the State Police will be paying in full for the cost of the generator.
- **Natural Gas Fueling Station** – Mr. Husar asked if there was an update on the Natural Gas fueling station. It was confirmed that a variance was granted by the ZBA. Mr. Holcomb said they are still working on the highway maintenance portion of the project.

### **NEW BUSINESS**

- **CDBG – Admin** – Mr. Hamlin reported Thoma Development was the only agency that returned the RFP (Request for Proposal) for the administration portion of the CDBG Grant. Mr. Holcomb explained that as part of the CDBG, the Town has to put certain individuals in place that are responsible for certain things. The responsible individuals are required to be employees of the Municipality.

- **Resolution #2017-03: Resolution to Approve Thoma for Administration of CDBG Grant – Mr. Holcomb made a motion to approve Resolution #2017-03 as follows:**

**RESOLVED**, that the Town of Fenton Town Board approves THOMA Development Consultants for the administration of the CDBG Grant with the approval from the Office of Community Renewal, 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

Prior to the vote, Mr. Holcomb clarified that only one agency responded to the RFP, but the Town has sent off the information showing the efforts to give other agencies the opportunity to bid, as well as where we sent the RFPs. The Office of Community Renewal gave their blessing for the Town to go ahead with Thoma.

- **Resolution #2017-04: Resolution for Section 3 Coordinator for the Town of Fenton: Mr. Husar made a motion to approve Resolution #2017-04 as follows:**

**WHEREAS**, the United States Congress passed the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (“Section 3”), and

**WHEREAS**, the purpose of “Section 3” is to ensure that employment and other economic opportunities generated by certain Federal assistance, including assistance provided by the U.S. Department of Housing and Urban Development (HUD) or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing, and

**WHEREAS**, the Town of Fenton is currently and anticipates it will continue in the future to be a recipient of certain HUD assistance covered by Section 3, and

**WHEREAS**, HUD and the Administrative entity of HUD’s Small Cities Program in the State of New York, the Housing Trust Fund Corporation, have determined that Community Development Block Grant grantees must designate a Municipal Employee to serve as the Section 3 Coordinator to facilitate compliance with Section 3, and

**WHEREAS**, it will be the job of the Section 3 Coordinator to prepare, implement, and undertake certain plans and procedures to facilitate compliance with Section 3 to the greatest extent feasible,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby designate Mr. Holcomb, Deputy Supervisor, and his successor at such time Mr. Holcomb no longer serves in the capacity of Deputy Supervisor, as the Section 3 Coordinator, seconded by Mr. Moss.

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 #2017-05: Resolution for Grievance Procedure-Section 504 Coordinator for the Town of Fenton: Mr. Pray made a motion to approve Resolution #2017-05 as follows:**

**WHEREAS**, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the US Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

**WHEREAS**, Part 8 of Title 24 CFR required adoption of grievance procedures to address complaints of those who feel they have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

**WHEREAS**, it is the policy of the Town of Fenton not to discriminate against any individual person or group on the basis of disability and the intent of the Town to address any complaints that may arise pursuant to Section 504,

**THEREFORE, BE IT RESOLVED**, that the Town of Fenton does hereby adopt by Resolution internal grievance procedures providing for the prompt and equitable Resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the US Department of Health and Human Services regulations implementing the Act, and

**BE IT FURTHER RESOLVED**, that the Town of Fenton does hereby designate Mr. Hamlin, Town Supervisor, as the Grievance Procedure-Section 504 Coordinator who shall receive complaints made in writing to Melodie Bowersox, the Town Clerk, and will address those complaints pursuant to the procedure adopted hereby and attached hereto, and

**BE IT FINALLY RESOLVED**, that the Town of Fenton will place its Employee, public and potential beneficiaries of certain Federal programs on notice by undertaking certain actions that will include, but may not be limited to:

1. Providing a copy of the grievance procedure to its Employees.

2. Putting the public on notice by placing a notice in the Town's official newspaper subsequent to the adoption of this procedure.
3. Placing copies of the procedure in the Town Hall for review and dissemination.
4. Adding language to Federal program brochures to insure all potential program beneficiaries are aware of the Town's adopted grievance procedures.

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. Husar asked Mr. Hamlin whether this would pose a conflict to him as Real Property Director. After further discussion, the Board felt it was not a conflict of interest.

- **RESOLUTION #2017-06: Resolution for Fair Housing Officer for the Town of Fenton: Mr. Pray made a motion to approve Resolution #2017-06 as follows:**

**WHEREAS**, the Town of Fenton is committed to the provision of equal access and equal housing opportunities for all its Residents, and

**WHEREAS**, discrimination in the sale, rental, or financing of dwellings on the basis of race, color, religion, sex, national origin, handicap, or familial status is prohibited by the Federal Fair Housing Law of Title VIII of the 1968 Civil Rights Act and the Fair Housing Amendment Act of 1988, and

**WHEREAS**, the Town of Fenton has been operating pursuant to a Fair Housing Plan, which is attached hereto,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Fenton does hereby adopt the Fair Housing Plan by Resolution and further, Mr. Hamlin, the Town Supervisor, will continue to act as the Fair Housing Officer for the Town of Fenton to carry out the activities of the Fair Housing Plan and deal with complaints related to the issue of Fair Housing in the Town.

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

- **RESOLUTION #2017-07: Resolution for Environmental Certifying Officer for the Town of Fenton: Mr. Moss made a motion to approve Resolution #2017-07 as follows:**

**WHEREAS**, the Community Development Block Grant grantees must designate a Municipal Employee to serve as the Environmental Certifying Officer to facilitate the requirements of the U.S. Department of Housing and Urban Development (HUD),

**WHEREAS**, it will be the responsibility of the Environmental Certifying Officer to review the SEQR (State Environmental Quality Review Act) Reports,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Fenton does hereby designate Mr. Armstrong, Assistant Town Engineer, and his successor at such time Mr. Armstrong no longer serves in the capacity of Assistant Town Engineer, as the Environmental Certifying Officer,

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

- **Press Conference to Promote CDBG** – Mr. Hamlin said he would like to have a Press Release at the Town Hall to promote the CDBG Grant. The annual Newsletter, which goes out to all Residents, will promote the Grant as well.
- **SAM Grant** – The SAM Grant will also be mentioned in the Annual Newsletter.
- **Hillcrest Fire Company Applications** – Applications were received from Brendyn Savage, John Sicignano and Kevin Brady to join the Hillcrest Fire Company. **Mr. Husar made a motion to approve the applications**, 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

- **Approval of Pam Klesse to the CAC (Conservation Advisory Committee) – Mr. Holcomb made a motion to accept Pam Klesse as a Committee Member of the CAC, 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

At 8:32 pm, **Mr. Hamlin adjourned the meeting.**

Sheryl Fay, Deputy Town Clerk