

The Town of Fenton Town Board held its regular meeting on Wednesday, February 3, 2016, 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
	Town Attorney	Albert Millus, Jr.
	Town Engineer	Richard Bassler, P.E.
	Town Clerk	Melodie Bowersox
ABSENT:	Town Board Member	Jeff Kraham, Councilman
	Highway Superintendent	Frank Root

There were 11 Residents present at this evening's meeting, including Building Inspector Matt Banks, Conservation Advisory Committee Chair André LaClair and Assistant Water/Sewer Operator Greg Starley. Also present was Steve Flagg, Broome County Majority Leader and Legislator for District 1 who serves the Towns of Fenton, Colesville and portions of the Town of Kirkwood and the City of Binghamton.

Mr. Holcomb led in the Pledge of Allegiance.

RESIDENTS' TIME

Tom Bendick – Tom Bendick came to address several issues. A burn barrel is being used on Monkey Run Road by a new neighbor rather than contracting with a garbage service. He would like the Town to propose a ban on burn barrels. Secondly, there are code violations on the corner of Vincent Hill Road and Tunnel Road on a property that had a fire three years ago, including garbage and junk cars. Also brought up was that Monkey Run Road is being sanded in excess to the point that cars are sliding through the intersections. This issue has already been discussed with Frank Root. Lastly, feed trucks are traveling on Monkey Run Road up to 15 times a day. The trucks are uncovered and overweight, speeding down the road and spilling debris all along the way. There are no speed signs on the road, but Frank Root said he would post some. The Residents do not feel Monkey Run Road should be used by these trucks and that NYS Route 369 or Tunnel Road should be used instead. The road is unsafe to walk on and is being ruined by this traffic, and property values have depreciated.

John Burke – John Burke said the feed trucks are hitting the top of the hill at 60 miles an hour or more. These trucks should not be on that road. In regard to the house on the corner of Vincent Hill and Tunnel Roads, it has been three years since the fire, property values are down and something needs to be done. The burn barrel is in violation of DEC law, and John plans to contact a DEC officer that lives on Monkey Run Road to discuss the violation.

Board Responses – Mr. Hamlin said the Sheriff's Department can be notified to advise them about the feed truck speeding issues. Mr. Holcomb said the Board was unaware of the garbage and junk cars on the Quinones property at the corner of Vincent Hill and Tunnel Roads, but will have John Broughton take a look. Mr. Hamlin responded that the Board has had Wilfred Quinones in several times to help come up with a solution, and the discussions have been ongoing. Mr. Husar further explained the dilemma Wilfred has in regard to removal laws and

landfill regulations due to asbestos being in the burned out house that he is no longer able to occupy. Matt Banks is in the process of scheduling a meeting with Wilfred and the Board assured the Residents they would continue to put pressure on him to move closer to a solution. In regard to the burn barrels, Board members explained individuals in violation of the County and State laws prohibiting open fires can be fined.

William Aswad – William Aswad has a neighbor on Elwell Avenue that is running a used car lot and repair shop in his driveway. Mr. Hamlin said they are well aware of the situation and John Broughton said everything there is licensed. Mr. Hamlin also stated the property is a rental that is currently behind on paying rent. The motorcycle gang down the street has 3 cars parked in the front yard and junk piled up against the fence. Mr. Husar said the Sherriff's Department is keeping an eye on the house. William added Elwell Avenue has become a racetrack as of late and has cars parked illegally in no parking zones. Mr. Holcomb said John Broughton will be notified.

John Burke – John Burke asked how to set up a Neighborhood Watch on Monkey Run Road. Mr. Husar suggested he contact the Sherriff's Department and ask if there is a Community Relations Officer. John said they have had a lot of break-ins on Monkey Run Road that people may be unaware of. He also added that any time the Sherriff's Department is called for an issue their response time is impressive.

André LaClair – André LaClair said his mailbox has been damaged twice so far this Winter. Mr. Holcomb told André to contact Frank Root and it would be taken care of.

Korin Spencer – Korin Spencer asked Board permission to organize a 5K Walk/Run to raise money for the Fenton Free Library and the American Cancer Society. The proposed date is June 4th, which coincides with Hillcrest Field Days. The consensus of the Board was that there was no issue with Korin organizing the event.

Steve Flagg – Mr. Hamlin introduced Steve Flagg and thanked him for attending tonight's meeting.

Mr. Husar – Mr. Husar noted there have been some recent discussions in an attempt to determine what the actual speed limit is on Monkey Run Road. There were at one point 30 mph signs posted, but they are no longer there. It has not yet to be determined whether the road is actually 30 mph or if a previous Highway Superintendent arbitrarily posted those signs. The actual speed limit will be determined with the assistance of the Metropolitan Transit Authority.

John Burke – John Burke said the Town in general does a great job with the roads. He also noted he pulled some garbage out of the woods near his home and a Town employee came along and removed it from the side of the roadway.

Residents' Time closed at 7:32 pm

TOTAL BILLS – ABSTRACT 13, 2015 approved during the January 14th, 2016 meeting:

FUND	VOUCHER #s	AMOUNT
General	687 – 715	\$6,862.11
Highway	431 – 446	\$4,189.56
Hillcrest Water	243 – 252	\$1,436.61
Hillcrest Sewer	44 – 45	\$25.99
Porter Hollow Sewer	8	\$22.55
Port Crane Light District	24 – 26	\$1,216.25
Hillcrest Light District	25 – 26	\$2,404.26
Capital Projects	0	\$0.00
Trust & Agency	0	\$0.00

TOTAL BILLS – ABSTRACT 1, 2016 approved during the January 24th, 2016 meeting
(with Voucher #37 on hold):

FUND	VOUCHER #s	AMOUNT
General & Fire	1 – 51	\$57,729.85
Highway	1 – 40	\$87,565.82
Hillcrest Water	1 – 20	\$12,755.28
Hillcrest Sewer	1	\$13,145.00
Porter Hollow Sewer	0	\$0.00
Port Crane Light District	0	\$0.00
Hillcrest Light District	0	\$0.00
Capital Projects	0	\$0.00
Trust & Agency	1	\$3,835.58

SUPERVISOR'S REPORT

- Mr. Hamlin had a long conversation with Jeff Kraham. His attitude is good. He has completed all the chemo treatments he will have and is currently on a new medication. Although he has no appetite, the tumor has stopped growing. He is very positive and taking it one day at a time.
- Mr. Hamlin said he and Steve Flagg just came from interviews for candidates to replace Jerry Marinich. A replacement will be appointed by February 18th, with one candidate from the Town of Fenton and two candidates from the Town of Chenango. The newly elected replacement will need to be re-elected in the Fall.

TOWN ATTORNEY'S REPORT

- Report was read by Atty. Millus.

TOWN CLERK'S REPORT

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for January 2016 were \$2,015.00.

TOWN ENGINEER'S REPORT

- Report was read by Dick Bassler.

COMMITTEE REPORTS

Building and Grounds – Mr. Hamlin reported the new pump for the heating system was installed last week. There was also an issue with the gymnasium heat that is currently being looked into.

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

Highway and Solid Waste – Mr. Holcomb reported January activities included some plowing, cold patching, vehicle service and repair work and Christmas tree pickup.

Community/Public Safety – Reports from the Dog Control Officer, Building Inspector, Justice Office and Zoning Enforcement Officer were forwarded to the Board prior to tonight's meeting and read by Mr. Husar.

Conservation Advisory Committee – Report was read by André LaClair.

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

VOTE: Ayes 4 Hamlin, Holcomb, Husar, Pray
Nays 0
Absent 1 Kraham

MINUTES

Mr. Holcomb made a motion to approve the minutes from the December 16th, 2015 Work Session, the January 6th, 2016 Town Board Meeting and the January 14th, 2016 Additional Work Session to approve Abstract 13, 2015, seconded by Mr. Pray. Motion carried.

VOTE: Ayes 4 Hamlin, Holcomb, Husar, Pray
Nays 0
Absent 1 Kraham

OLD BUSINESS

- **Hillcrest Fire Company Applications** – Applications were received by Hillcrest Fire Company from Derin Kraack for Active Membership and Alicia Kraack for Scene Support Active Membership. **Mr. Holcomb made a motion to approve the applications, seconded by Mr. Husar. Motion carried.**
VOTE: Ayes 4 Hamlin, Holcomb, Husar, Pray
Nays 0
Absent 1 Kraham
- **Hillcrest Fire Company Roster – Mr. Husar made a motion to approve the current Hillcrest Fire Company Roster, seconded by Mr. Holcomb. Motion carried.**
VOTE: Ayes 4 Hamlin, Holcomb, Husar, Pray
Nays 0
Absent 1 Kraham
- **Hillcrest Civic Association** – Mr. Hamlin reported the Hillcrest Civic is reaching out to Port Crane to offer them any help they may need due to membership shortages.
- **Resolution #2016-06 New York Rural Water Association Hold Harmless and Indemnification Agreement – Councilman Mr. Husar made a motion to adopt the following Resolution:**

The undersigned Town/Village/City/Entity agrees to hold harmless the New York Rural Water Association (hereafter NYRWA), its Board of Directors, agents, servants and employees, and all affiliated entities thereof as may now or may hereafter exist, against all claims, suits, losses or expenses by reason of any liability arising out of or in consequence of their performance of the NYRWA assistance provided and/or imposed by law upon any and all loss or damage, claim, demand, suit or action including death, damage to property, and from all costs and expenses incurred on account of any such claim, including, without limitation, attorneys' fees and disbursements, caused by or directly or indirectly arising throughout the duration of any work/assistance provided by the NYRWA and authorized under the Town/Village/City/Entity receiving such assistance. Seconded by Mr. Pray. **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

- **Crime Lab Status** – The windows are on order for the Crime Lab and the rest of the projects have been completed (air conditioners were moved, windows have been blocked off, carpet tiles were installed in the entrance).
- **Zoning Changes** – Mr. Holcomb said a list of zoning changes is being prepared. A Public Hearing will be scheduled by Atty. Millus.
- **Fee Schedule Changes** – Mr. Husar said the fee schedule changes should be finalized at the next Work Session.

NEW BUSINESS

- **Voucher 37-General** – Voucher #37 NYS Magistrates Association for \$90 under General Fund was held from Abstract #1, 2016 at the Work Session last week as requested by Mr. Husar due to the general lack of cooperation on Judge Ambrose Madden's part. Mr. Hamlin will schedule a meeting to include himself, Mr. Husar, Judge Madden and Court Clerk Maureen Roberts to discuss several outstanding non-compliance issues. Mr. Hamlin will try for next Thursday. **Mr. Pray made a motion to approve Voucher #37**, seconded by Mr. Holcomb. **Motion carried.**
VOTE: Ayes 3 Hamlin, Holcomb, Pray
Nays 1 Husar
Absent 1 Kraham
- **Highway Buildings** – Mr. Holcomb said the Board needs to come up with some alternatives for the old Highway garage. It was suggested that the Highway Department may need to slow down on equipment and other purchases if a building project is initiated. Dick Bassler added he is working on estimates for lighting and doors for the main garage. Estimates will be presented to the Board when completed.
- **THOMA Grant 2016** – Mr. Hamlin asked that the Board think about reapplying for the THOMA Grant for 2016. He added the Town has not yet received the declination letter for the 2015 Grant, and the conference call to discuss the strong and weak points of the declined application has not yet been scheduled. The consensus of the Board was to wait for the letter and the conference call before moving forward with the updated application for this year.
- **Resolution #2016-07 Resolution Authorizing the Issuance and Sale of Serial Bonds for Water System Upgrades to the Hillcrest Water District – Councilman Mr. Holcomb 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 water system upgrades to the Hillcrest Water District, namely, the replacement of approximately 380 meter heads, replacement of full-body water meters, and reconstruction of curb line water connections, and to provide funds to defray the aggregate cost thereof, One hundred thousand and 00/100 dollars (\$100,000.00) 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. One hundred thousand and 00/100 dollars (\$100,000.00) 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 One hundred thousand and 00/100 dollars (\$100,000.00), 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)(1) 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. Pray. **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

At 8:41 pm, **Mr. Holcomb made a motion to adjourn the meeting. Motion carried.**

Melodie A. Bowersox, Town Clerk/sf