

The Town of Fenton Town Board held its regular meeting on Wednesday, July 5, 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
	Town Attorney	Albert Millus, Jr.
	Town Clerk	Melodie Bowersox
	Deputy Town Clerk	Sheryl Fay
ABSENT:	Highway Superintendent	Randy Ritter

OTHERS PRESENT: Approximately 65 members of the General Public, which included some members of the ZBA and other Town Offices

Mr. Hamlin led in the Pledge of Allegiance.

Port Crane Fire Company and Hillcrest Fire Company Applications – Port Crane Fire Company President Chuck Lalley stated they received applications from Sean Snyder and Alexandra Moss to join the Port Crane Fire Company. Hillcrest Fire Company Chief Rick Larson stated they received an application from Devin Reitz to join the Hillcrest Fire Company. **Mr. Moss made a motion to approve the applications**, seconded by Mr. Husar. **Motion carried.**

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

RESIDENTS' TIME (7:04 pm)

Joel Luchun – Joel Luchun requested that for future Town Board and Planning Board meetings a larger room be used due to the number of Residents that plan to attend on a regular basis.

Joel Luchun – Joel Luchun asked for clarification on the variance for Binghamton Precast that was discussed at the Work Session. Mr. Hamlin explained that when there is a new construction a Site Plan, including elevations, needs to be submitted. Filling at the front of the property was not done according to the original Site Plan, so a second Site Plan needs to be submitted for approval. Approval of the second Site plan will be determined by the Planning Board and the Assistant Engineer.

Fiona Cleugh – In regard to the 239 Review for the Hoyt Avenue project, Fiona Cleugh said she has some concerns over some items in the 239 Review. Her concerns include amount of traffic, outdoor unenclosed storage, stacked shipping containers and no reclamation, reprocessing, recycling or disposal of circuit boards. Fiona asked if the Board would be taking these concerns into consideration. Mr. Hamlin explained it would be the Planning Board that would be considering these items and not the Town Board.

Mr. Hamlin introduced Lee Hartman, the President of the Carrier Services Group, who is looking to establish a facility on Hoyt Avenue, and asked Lee to respond to the concerns. Lee explained they are a low impact company. Their existing facilities have one to three trucks a day and some days have no trucks. The company started with one facility that was renovated and

includes a warehouse. They sell telecommunication equipment (electronic computer parts) to Verizon, AT&T, Windstream, Frontier, etc. They take in surplus computer parts they have purchased, inventory them and sell them to other carriers. There is no cleaning or manufacturing of parts.

- Unidentified Gentleman – What would be the maximum number of trucks coming down the road? Lee replied the 239 Review stated there would be on average one to two trucks per day. There might be a small impact as they are moving into the site, but the majority of their sales ship FedEx or UPS.
- Mary Jo Bowie – Do you realize in the 239 Review it says that the Chenango Valley School District is opposed to it because you do not have another way to get on and off the property unless going through the high school in the area where students drive? Lee said they are aware that there are some easement concerns from the School. The Government GSA (General Services Administration) prior to them purchasing the property had an agreement with an ingress and egress easement with the School Board and the School Board signed off on it. He has told the School District he is happy to comply with whatever works there, but if they have issues with the easement they need to go back to the GSA.
- Mary Jo Bowie – How many cars will be going down Hoyt Avenue on an average day? Lee responded there will be five to six workers to start off. The variance that is requiring 66 spaces are the zoning rules.
- Mary Jo Bowie – What do you think? You start out with five employees and end up with 50 employees? Lee replied they could at some time.
- Unidentified Gentleman – If you increase your employees by ten-fold, will that increase the trucks ten-fold? Lee responded that was typically not the case. Their other facilities do not do that. It is going to be a low employee, low staffed facility.
- Mary McMahan – Could the one to three trucks a day be trucks or tractor trailers? Lee replied yes. However, the daily UPS or FedEx drop-offs and shipments are box trucks. There will not be many drop-offs because they have other facilities that handle those.
- Unidentified Lady – If you open up the zoning to allow for the tractor trailers, doesn't that open up for additional business that has tractor trailers? Mr. Hamlin said other businesses would be limited.
- Unidentified Lady – How many UPS and FedEx pickups and deliveries do you anticipate in a day? Lee responded one in the morning and one in the afternoon. FedEx comes in the morning for a possible morning drop-off anywhere from 9:30 am to 10:30 am. Afternoon pick-up is right around 5:00 pm. The same would apply to UPS.
- Fiona Cleugh – It states on your website, "Also important to communication companies is the process of eliminating the very substantial risks associated with improper environmental recovery and waste disposal processes". Are you offering to take these very substantial risks off of Verizon and AT&T and bring them to Hoyt Avenue? Lee replied the company is TL 9000 certified and R2 Environmentally certified (one of 500 companies in the U.S. R2 certified). What that means is that every part that goes through their facility need to be inventoried and traced, so nothing goes to landfill. The reason they say that on their website is that, as an example, AT&T was sued in the past for employees dumping parts in a landfill. Lee said they mitigate that risk by taking on the parts.
- Bill Aswad – Bill Aswad stated one truck is more than enough. The intersection is going to be blocked when they go from Hoyt Avenue to Nowlan Road because there is no way they can get a tractor trailer around that intersection.

Bill Aswad – Bill Aswad thanked Zoning Enforcement Officer John Broughton for his help in getting rid of his trouble across the street. There is still the potential junkyard down the street and three houses that do not mow their lawns.

Unidentified Lady – An unidentified lady stated she was at the Work Session last week and she wanted to confirm that Carrier has been told to find new representation from a firm other than Hinman, Howard and Kattell. Lee Hartman said he has removed the other attorney and is representing himself.

Joyce Gioia – Joyce Gioia asked whether the tax dollars paid to the Town of Fenton are going to be spent to fight the people that are against what the Planning Board snuck in. Mr. Hamlin responded that the only things Residents are taxed for are the Lighting District and the Highway District. There is no Town General tax. Mr. Hamlin does not know how much it will cost to represent the Town's side of the Article 78.

Joyce Gioia – Joyce Gioia asked whether tax dollars would go toward maintaining the West Service Road. Mr. Hamlin replied they are Town roads.

Adrienne Irons – Adrienne Irons said on the Town website Rick Armstrong is listed as the Assistant Town Engineer and asked who the lead Town Engineer was. Mr. Hamlin responded any outside work that needed to be done was done by Griffiths Engineering. They were hired in the last half of 2016.

Adrienne Irons – Adrienne Irons asked what the difference was between a compressor station and a commercial trucking station. Mr. Hamlin said they were unable to discuss this, and members of the audience gave their opinion as to what the difference was.

Joan Giblin – Joan Giblin asked for a status on 1142 Chenango Street since she attended the Town Board meeting in April. Atty. Millus said the house was abandoned and went into foreclosure. The foreclosure proceeding started last Summer or late Fall. There has been communication in the last few days regarding the mowing of the lawn. John Broughton was handling this with the contractor. Atty. Millus also requested John Broughton put together a Notice of Violation to be served to the bank to get the property as cleaned up as they can.

Joan Giblin – Joan Giblin said she is a cheerleader for the Hoyt Avenue and Compressor Station projects.

Atty. Millus – Atty. Millus clarified that the Town Board has a proposed Local Law to rezone the DLA property back to Limited Industrial. That will not be voted on tonight because the Board will need to go through the 239 Review in detail. It will probably be voted on at the Work Session at the end of the month. In the case of the Hoyt Avenue project, this Board has a role to play. In terms of the Compressor project, this Board does not have a role other than to defend the Article 78 proceeding. There is a dispute over whether the NG Advantage property was zoned properly, which is part of the law suit and will be decided by the Court. This Board had nothing to do with the approval of that project. It was the Planning Board (and the Zoning Board of Appeals to a certain extent). The only decision this Board has right now regarding the Compressor project is to whether to pay him to defend the Article 78, which so far they have directed him to do.

Tom Tiffany – Tom Tiffany said 20 years ago a lot of Fenton Residents worked very hard with the Federal Government to be sure the Depot was cleaned up to the highest standards. If it is rezoned, the County said in the 239 Review that being able to control what comes in there may become an issue. Atty. Millus replied that one of the things going on in the Town right now is discussions to create a new Limited Industrial zone, for that property particularly, to further limit the uses that could go in there.

Unidentified Lady – An unidentified lady asked who votes on the zoning change. Atty. Millus replied that the Town Board votes on the rezoning on the advice of the Planning Board.

Unidentified Gentleman – An unidentified gentleman asked for clarification as which Boards are elected and which are appointed. The gentleman stated that it does not make sense that the elected Town Board has nothing to do with decisions made by an appointed Board. He also felt that the project should have been more publicized in the Newsletter and in print other than a Legal Notice in the newspaper.

Joyce Gioia – Joyce Gioia asked whether the Planning Board and Town Board get paid. Mr. Hamlin replied the Town Board does as well as the other Boards. The rate depends upon the Board and whether you chair the Board. The Town Board receives an annual salary and the other Boards get paid annually, but a certain amount per meeting. Mr. Moss said the Planning Board receives \$25 per meeting. All payments are taxable income.

Joyce Gioia – Joyce Gioia asked Mr. Hamlin whether he appoints the other Boards. Mr. Hamlin replied that the Town Board does. Joyce said this means the Town Board is responsible for picking people for the other Boards. Mr. Husar clarified the Town Board is elected, and in a cycle the Board appoints people to go onto the Planning Board or the Zoning Board of Appeals. Everyone is not appointed at once.

Unidentified Lady – An unidentified lady (non-Fenton Resident) said the decisions the Fenton Boards are making are affecting Fenton and non-Fenton Residents.

Unidentified Lady – An unidentified lady asked if the Board had any response to the last speaker. The Board members reiterated that the Town Board has nothing to do with the decisions approved by the Planning Board.

Steve Andersen – Steve Andersen said that with the prospect of rezoning the Hoyt Avenue project, the Planning Board Chairman spoke to him a while ago and said that if a company comes to the Planning Board with a plan that falls under any of the definitions as they are interpreted, then the Planning Board has no alternative but then to approve it. So if the possible rezoning of the Depot is being discussed you need to be very careful in how that is done, because if it is Limited Industrial like it is where the Compressor Station is going, it was sold to them as a truck terminal.

Steve Andersen – Steve Andersen asked if the Griffiths Engineering employed by the Town is the same Griffiths Engineering that is employed by NG Advantage. Mr. Hamlin replied yes.

Unidentified Lady – An unidentified lady stated she feels employment of Griffiths Engineering by the Town and NG Advantage is a conflict of interest.

Residents' Time closed at 7:39 pm

TOTAL BILLS – ABSTRACT 6, 2017 approved during the June 28th, 2017 meeting:

FUND	VOUCHER #s	AMOUNT
General	257 – 319	\$34,952.47
Highway	147 – 184	\$50,256.72
Hillcrest Water	97 – 125	\$13,699.56
Hillcrest Sewer	12 – 13	\$268.58
Porter Hollow Sewer	10 – 11	\$130.67
Port Crane Light District	9 – 10	\$996.55

Hillcrest Light District	9 – 10	\$2,234.24
Capital Projects	1	\$144.41
Trust & Agency	12	\$3,629.67
CDBG	1 – 2	\$13,000.00

SUPERVISOR'S REPORT

- Mr. Hamlin reported activity for the month included the proposed Union, Hoyt Avenue and the Service Roads. He and Mr. Holcomb have been working on these on a daily basis.

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 June 2017 were \$8,765.96.

TOWN ENGINEER'S REPORT

- There was no Engineer's Report.

COMMITTEE REPORTS

Building and Grounds – Mr. Moss reported there was damage at the Library as a result of the last storm. A tree came down on the back side of the property and the debris is in the process of being removed by the Highway Department. An insurance claim was submitted for eave, soffit and roof damage. There are no safety issues for using the Library to its full capacity. The blinds in the Crime Lab have been installed. The light pole on Nowlan Road has been installed. The window sill leak in the Business Office and the LED lighting plan for the Town Hall and the tunnel are still pending.

Zoning Enforcement – Report was read by Mr. Moss.

Water and Sewer – Report was read by Mr. Pray. Mr. Pray added that the description for the Assistant Water Operator position was completed today. It will be posted and the Town will begin accepting applications. Drug testing will be included in the posting, as it was just added to the Town employment policy.

Dog Control – Report was read by Mr. Pray.

Highway and Solid Waste – Mr. Holcomb reported activity for the month of June included ditch and shoulder work on Ballyhack and Palmer Hill Roads and repair of small washout spots

from the storms. Solid waste has been heavy due to the rain. Two members of the Highway Department staff have been assisting the Water Department with hydrant flushing.

Building Inspector – Report was read by Mr. Holcomb.

Justice Court – Report was read by Mr. Husar. Mr. Husar also noted the Court Clerk position was posted with the New York State Employment and Training Office. It is listed as a part time job with a strong preference for a Town of Fenton Resident and someone who can learn quickly. The position has the potential of going full time. Drug testing will be included in the posting, as it was just added to the Town employment policy.

Assessor – Mr. Husar said there was nothing to report.

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

Conservation Advisory Committee – There was no CAC report. Mr. Holcomb noted that due to the new technology and the reduced emissions, Atty. Millus was asked to put together a Local Law to remove the moratorium on wood burners. The CAC had been asked to review the current Town ordinance, and Mr. Holcomb will further discuss the restrictions in the Town's existing ordinance compared to New York State regulations as there may be room to make adjustments due to the new technology. The CAC will then make their recommendations to the Board. A Resident asked why the Town was considering allowing outdoor wood burners again out in the country when they were shut down because they were offensive. Mr. Holcomb explained the 2020 EPA standards would need to be met as well as numerous other measurements. The moratorium was put in place in 2006 due to the original wood burners having the capacity to burn all types of materials. The State had no guidelines whatsoever at that time and Fenton was one of the first few ordinances in the State. The moratorium was put into place because there were still issues even with the ordinance in place. No property in Hillcrest or Port Crane would be able to have one due to the minimum distances that will be in place. Existing wood burners would need to be replaced or upgraded to meet the 2020 specifications.

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. Pray made a motion to approve the minutes from the May 24th, 2017 Work Session and the June 7th, 2017 Town Board Meeting, seconded by Mr. Moss. **Motion carried.**

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

OLD BUSINESS

- **Leaf Vacuum Delivery** – Mr. Holcomb said delivery of the leaf vacuum is expected in late July.
- **CDBG Funds** – Mr. Hamlin said the Town will be receiving the applications suggested by THOMA to receive the CDBG Grant. The hope is the first home will be started in September, with the Grant renovations scheduled to be completed by the end of 2018. Sixteen families will be assisted.
- **Carrier Services Group Rezoning** – Mr. Hamlin said the rezoning of the Carrier Services Group will be discussed at the next Work Session at the end of July.
- **CSEA Meeting** – Mr. Hamlin and Mr. Holcomb will be at the first CSEA meeting, along with attorneys for both parties, sometime in mid-July at a location yet to be determined.

NEW BUSINESS

- **Fastrac Drainage Issue** – Mr. Hamlin asked the status of the Fastrac drainage issue. Mr. Holcomb said the Building Permit has been issued but work has not yet begun.
- **Hillcrest Booster Days** – Mr. Hamlin thanked Fenton Free Librarian Korin Spencer, Mr. Moss and everyone involved for their efforts in making Hillcrest Booster Days a success.
- **Water Department Work** – Mr. Hamlin asked Mr. Pray whether he spoke to Water Operator Greg Starley about the ROV Water Tank Report for the tank on Nowlan Road. Mr. Pray said there are repairs that need to be done, including the ladder to the top of the tank. Coating on the outside of the tank also needs to be redone. Contractor bids will need to go out. Mr. Pray and Greg will discuss next steps.
- **Chenango Street Catholic School** – The Board received a two page letter from the Children's Home of Wyoming Conference raising concerns over the former Catholic School on Chenango Street being leased by the Hillside Children's Center for a Day School. Approval from the New York State Board of Education is pending, as well as some remodeling of the building.
- **Resolution #2017-16 – Resolution for Court Audit Report – Mr. Husar made a motion to adopt Resolution #2017-16:**

WHEREAS, the Office of Court Administration annually requests a copy of our latest internal audit and the last such audit of our Justice Court Audit was completed on December 2nd, 2015 and has previously been provided to the Unified Court System, **THEREFORE, BE IT RESOLVED**, this Resolution is intended to so advise the Office of Court Administration of the Town's intent to conduct regular and unscheduled reviews/audits of our Justice Court at future dates. This Resolution will be submitted to the Office of Court Administration with a cover letter by 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

Prior to the vote, Mr. Husar explained the Court System requires that the Town send annually a copy of the latest audit if it in any way pertains to the Court. The Court is sometimes audited separately and then is also part of the overall Town audit. The Town audit used to be done annually until it became too cost prohibitive, and the audits are

now done periodically in different forms. Mr. Husar suggested an explanation of how the Town audits be incorporated into the Resolution along with a copy of the required most recent Court audit.

- **Closing Comments**

Unidentified Lady – An unidentified lady asked what was at address 101 West Service Road, which was mentioned in the Water Report. The consensus from the Board was that it was most likely Binghamton Precast.

Joyce Gioia – Joyce Gioia stated she hopes the “Not In My Backyard” stance will not be taken regarding the Day School. The Town might be surprised as to how many families have a child with issues, and these facilities can be very good for people.

Joyce Gioia – Joyce Gioia suggested no one back the Hillcrest Booster Days, and she will no longer be supporting the Hillcrest Civic Association. A sign was posted and a letter was received from the Hillcrest Civic Association stating they did not want anything posted. Joyce feels the Hillcrest Civic Association should have acknowledged the fact that they are concerned about children and families in Hillcrest and they evidently are not.

Korin Spencer – Regarding a comment made in the audience that the Civic Association is the same as the Library, Korin Spencer clarified that the Library and property are owned by the Town of Fenton.

Adrienne Irons – Adrienne Irons asked for clarification as to where signs can be placed. Mr. Hamlin said that wherever a political sign is allowed to be placed is where other signs can be placed. Adrienne Irons asked Mr. Hamlin to confirm to her via e-mail.

Unidentified Gentleman – An unidentified gentleman who lives on Chenango Street commented that traveling on both the East and West Service Roads feels like driving through an industrial park, and he feels that’s where truck traffic needs to be kept rather than adding truck traffic to the Depot.

Unidentified Gentleman – An identified gentleman who lives on West Service Road commented he cannot get out of his driveway due to the heavy traffic.

Unidentified Lady – An unidentified lady told Mr. Hamlin she contacted him three months ago and offered her driveway on West Service Road for the purpose of observing the high rate of speed of traffic on the Service Road. Mr. Hamlin asked whether a higher presence of the Sheriff has been noticed and the response from numerous people in the audience was that the Sheriff needs to be there during heavy traffic times rather than the quieter times. Several of the Residents in that area said they have offered use of their driveways for the purpose of monitoring traffic.

Mary McMahon – Mary McMahon stated she has concerns about increased truck traffic once Binghamton Precast is up and running and asked if the blacktop that was used for the Service Road was the right kind of blacktop for that type of traffic. Members of the Board responded that the Service Road was built to Federal specs to handle the heavy trucks and New York State inspected all the work that was done.

At 8:31 pm, Mr. Hamlin adjourned the meeting.

Melodie A. Bowersox, Town Clerk/sf