

The Town of Fenton Town Board held its regular meeting on Wednesday, May 3, 2017, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

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|------------------------------------|---|
| PRESENT: 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: Administrative Assistant/Bookkeeper Susan Crosier, Building Inspector Matt Banks, Assistant Town Engineer Rick Armstrong, Planning Board Chair John Eldred, Broome County Legislator Cindy O'Brien, Historian Cheryl Mammano, Retired Historian Barbara Guernsey, Historical Advisory Committee Members Linda Brooks, Pat Chubbuck and Richard White, and 16 members of the General Public

Cindy O'Brien led in the Pledge of Allegiance.

PUBLIC HEARING – DLA/Zoning

Mr. Hamlin addressed the Board and the Public at 7:01 pm regarding the following Public Hearing Notice:

Please take notice that the Town Board of the Town of Fenton will conduct a public hearing on Wednesday, May 3, 2017 at 7:00 pm at the Town Hall, 44 Park Street, Port Crane, New York, to consider the adoption of Introductory Local Law No. 1 of the year 2017 entitled "a local law to amend the zoning map of the Town of Fenton". The proposed local law, if adopted, would amend the Town's zoning map to rezone premises designated on the Broome County Tax Map as Parcel No. 112.18-1-49.1 from Residential-B to Limited Industrial under Chapter 150 of the Town Code. The subject premises are approximately 44.65 acres in size, and are located in the Hillcrest area of the Town of Fenton, bounded generally by property owned by Broome County to the north, Hoyt Avenue to the South, the New York Susquehanna & Western Railway tracks to the west, and the Norfolk & Southern Railway tracks to the east. The premises are currently owned by Carrier Services Group. A copy of the proposed Local Law may be inspected or obtained from the Town Clerk at said Town Hall. At the public hearing, all interested persons will be heard either in favor of or against said Local Law.

Dated: April 27, 2017

PORT CRANE, NEW YORK BY ORDER OF THE TOWN BOARD

Cheryl Sacco, Esq. – Atty. Cheryl Sacco, Attorney for Coughlin and Gerhart on behalf of Chenango Valley Central School District, stated that they do not necessarily oppose the underlying project or the rezone but their concern is an ingress and egress easement which is part of the proposed project. The Applicant has indicated they may relinquish or modify the easement, and she asked to go on record that the School District's concern is that if that

easement is not modified, there would be potentially significant truck traffic that would be going through the school premises.

Atty. Millus – Atty. Ken Kamlet, Special Council for Hinman, Howard and Kattell and a Partner in the firm, represents the property owner. There has been discussion and concern regarding a conflict of interest with Atty. Millus representing the Town. An inquiry was made to the New York State Bar Association Committee of Professional Ethics as to whether the law firm can continue to represent both parties. Atty. Millus was advised that the Committee is not going to be meeting in the near future. A member of the Committee did give Atty. Millus an informal opinion, which was that he feels it is okay for the two Attorneys to represent both parties as long as there is an agreement from each party in writing to allow the representation. If it gets to a point where it becomes an issue it will need to be discussed.

Rick Armstrong – Rick asked if Atty. Millus was referring to the three Attorneys, which would include Tina Fernandez, to which Atty. Millus answered yes.

Public Hearing closed at 7:09 pm

RESIDENTS' TIME

Dan Gates – Dan asked why areas outside the hamlet of Hillcrest and Port Crane, as outlined in the Newsletter, are required to contact the Highway Department if they want solid waste picked up. Mr. Holcomb explained that the majority of people in the outlying areas do not have solid waste put out to the road on a regular basis, so the intent of the new procedure is to save gas as well as wear and tear on the Town equipment. Dan had further comments about the wording of the policy change in the Newsletter.

Dan Gates – In regard to Clean-Up Days, Dan feels this should take place every year as a service to the Residents. Board Members explained it is only in the budget to take place every other year.

Richard White – Richard commended the Board on their patience and respect.

Victoria and John Hanyon – Victoria and John have acquired three mobile homes on the right side of Weber Road, and the excessive speed driven on that road is a danger to the Residents, including small children. "Children at Play" signs were requested. Mr. Hamlin asked Highway Superintendent Randy Ritter to take care of the signs. Mr. Pray suggested the Sherriff's Department be contacted as well. Although unenforceable, Mr. Holcomb asked whether a yellow suggested speed limit sign could be put up. Atty. Millus said he will research as to whether that type of sign can be put up without DOT approval.

Residents' Time closed at 7:18 pm

Recognition of Barbara Guernsey – Town Historian – In honor of retiring Town Historian Barbara Guernsey, Mr. Hamlin presented Barbara with a plaque, which had a photo of Barbara and Jim Guernsey and the inscription:

*Presented in Honor of the Guernsey Team
In Honor of Their Exemplary Service
Preserving the History of the Town of Fenton
2011 to 2017*

TOTAL BILLS – ABSTRACT 4, 2017 approved during the April 26th, 2017 meeting:

| FUND | VOUCHER #s | AMOUNT |
|---------------------------|-------------------|---------------|
| General | 165 – 210 | \$20,959.92 |
| Highway | 96 – 121 | \$47,102.29 |
| Hillcrest Water | 60 – 76 | \$104,095.59 |
| Hillcrest Sewer | 7 – 9 | \$153.23 |
| Porter Hollow Sewer | 7 – 8 | \$175.00 |
| Port Crane Light District | 5 – 6 | \$998.74 |
| Hillcrest Light District | 5 – 6 | \$2,255.37 |
| Capital Projects | 0 | \$0.00 |
| Trust & Agency | 5 – 6 | \$4,042.22 |

SUPERVISOR'S REPORT

- Mr. Hamlin will be an attendee of a meeting tomorrow regarding the Compressed Natural Gas Filling Station. The purpose of the meeting is to discuss any concerns over the project.
- As of 3:50 pm this afternoon, there are still 104 Fenton Residents with no power. NYSEG anticipates complete restoration will be this evening no later than 10:00 pm.

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 April 2017 were \$2,242.40.

TOWN ENGINEER'S REPORT

- Assistant Town Engineer Rick Armstrong reported weekly environmental inspections are being done on the Farm Brewery project. There was an issue a couple of weeks ago with a storm drain that has caved in at the Fastrac. Repairs are scheduled to begin on Monday, May 8th. Rick told the Fastrac Representative a Building Permit would be required. Rick said they indicated the 36" pipe will be replaced with a 42" pipe, which does not come anywhere near matching the size of the box that feeds it. Rick asked Griffiths Engineering Representative John Mastronardi to work with Fastrac to encourage

them to put in a pipe or pipes that would carry the same volume as the box. The Annual Report for the MS4 is currently being worked on. Rick also asked John to work with the Hillcrest Water & Sewer Operator on the Annual Water Quality Report. Lastly, although the Town is outside the required area of the 239, the Town of Chenango informed us they are looking into putting in a Tractor Supply Store on Front Street near the Sure Temp location. The Site Plan was provided to the Town of Fenton as a courtesy.

COMMITTEE REPORTS

Building and Grounds – Mr. Moss reported he will look into repairing the Board's table in the Board Room. Tom Standard has agreed to assist with the LED project in the Town Hall. A meeting will be set up on a Thursday to include Rick so that a plan can be put into place. Window blind replacement in the Crime Lab should be completed in the next couple of weeks. D. Jenks and Son Refuse Services has installed a dumpster behind Town Hall to hold the trash from the weekend rentals. It will be secured with a padlock.

Zoning Enforcement – Report was summarized by Mr. Moss.

Water and Sewer – Report was summarized by Mr. Pray. Mr. Pray also noted that in addition to normal operations, Dave Grunder, the Hillcrest Water & Sewer Operator, retired as of the 1st of May. At last week's Work Session, Greg Starley was appointed as the new Hillcrest Water & Sewer Operator. Greg holds the appropriate licenses required.

Dog Control – Report was summarized by Mr. Pray.

Highway and Solid Waste – Randy reported there has been a lot of clean-up after the last storm. Hand patching is scheduled for Pigeon Hill Road tomorrow. The blacktop project is scheduled for Hillcrest beginning on Monday. It will start on Old Chenango Street, Cornish Avenue, Ritchie Circle, Hartley Road and Chase.

Building Inspector – Report was summarized by Mr. Holcomb.

Justice Court – Report was read by Mr. Husar. Mr. Husar also reported Maureen Roberts' Court Clerk replacement has resigned. The Board is in the process of determining how to proceed. This will be discussed in Executive Session.

Assessor – There was no formal Assessor Report. Mr. Husar discussed safety in the evenings when Assessor Cindy Mills is in the building alone. He suggested the configuration of the existing camera system should be looked at, as the intent was for the system to be used by all offices. Town offices other than the Court should not have access to the court networking system. Mr. Holcomb said he would follow up.

Historical Advisory Committee – Mr. Holcomb reported designs for the 2018 Calendar have begun and the Committee's first Periodical has been sent to the printer for some estimates. There have also been discussions about a Pictorial History Book. On a sad note, Committee Member Paul Youngs passed away this week. Paul was a lifelong Community member, knew a wealth of information about the Community and will be greatly missed. Mr. Holcomb personally

thanked Barbara Guernsey for all the help she has given him both as the Town Historian and assistant to the Town website. The Town Board welcomed Cheryl Mammano as the new Town Historian.

Conservation Advisory Committee – There was no Conservation Advisory Committee Report.

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

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

MINUTES

Mr. Pray made a motion to approve the minutes from the March 29th, 2017 Work Session and the April 5th, 2017 Town Board Meeting, seconded by Mr. Holcomb. **Motion carried.**

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

OLD BUSINESS

- **SAM Grant** – The SAM Grant, which was a grant awarded to the Town through Senator Akshar's Office for the Library repairs and the well refurbishment, is a reimbursable Grant which typically takes two years for reimbursement. Mr. Hamlin received an e-mail that the reimbursement funding will be closer to a six month timeframe.
- **CDBG/Town & County** – Mr. Hamlin said there has been a lot of interest from Residents regarding the Grant. The application process is moving along.
- **Highway Dept. – FEMA** – Broome County Emergency Services was in constant contact during the recent snowstorm, with multiple daily conference calls and e-mails. Representation on the conference calls was State and County wide, with participants reaching out to communities with offers to help where needed. After the storm County Emergency Services Director Mike Ponticiello contacted Randy and informed him there would be reimbursement for man hours used during the storm as well as possible reimbursement for truck repairs, fuel, sand and salt costs associated with the storm. Mr. Hamlin commended the Emergency Services Department for their communications during the storm and subsequent inclement weather situations.
- **Leaf Vacuum** – Randy is still getting quotes on a leaf vacuum. There are a couple of Municipalities that have purchased the same machine that may possibly let him try it out before the Town purchases one.
- **Award Letter** – Mr. Pray asked Rick for assistance with this. Rick said he will get something over to him tomorrow.
- **Engineer's contract** – Mr. Husar asked about the status of the Engineer's contract. Mr. Hamlin said it is still in process.

NEW BUSINESS

- **Newsletter** – Mr. Hamlin was very impressed with the Newsletter.
- **Senator Akshar** – The Town was privileged to have Senator Akshar and a couple of his office staff visit the Town Hall on a recent Saturday afternoon. The room was filled to capacity and all participants were very polite and respectful. The Senator spoke for 30 to 45 minutes and then opened the floor for questions.
- **Needles on Town Grounds** – Needles have been found for a second time in the far corner of Town property. We will be monitoring the situation and there is a possibility of repositioning the cameras to assist with the situation.
- **Disaster Planning** – Mr. Hamlin participated in a seminar on Disaster Planning which was put on by the State and local Emergency Services Director. Broome County is highly rated for disasters due to all the flooding and the most important thing is to coordinate with the County Emergency Services Director Mike Ponticiello, who coordinates with the State.
- **Gas Compression Station** – Mr. Hamlin will be meeting with Steve Palmer and Dan Griffiths to discuss this project and will then be meeting with Chenango Valley Superintendent of Schools David Gill. The hope is that everything will be ironed out and the fact that it is not propane gas will be clarified.
- **Resolution #2017-11: Resolution to Authorize Delivery of Proposed Local Law via E-mail – Mr. Husar made a motion to approve Resolution #2017-11, authorizing e-mail as an acceptable delivery method of proposed Local Laws, 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

Atty. Millus requested that Melodie post the Town Board Members' e-mail addresses on the Lobby bulletin board.

- **Resolution #2017-12: Resolution to Make Resolution #2017-11 Retroactive to April 1st, 2017 – Mr. Holcomb made a motion to approve Resolution #2017-12, making Resolution#2017-11 retroactive to April 1st, 2017, ratifying the delivery of the Local Law to rezone the Depot via e-mail, 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

- **Assessor Grievance Day Resolution** – Mr. Hamlin explained Assessors that have multiple Towns are unable to hold Grievance Day on the fourth Tuesday of May in every Town. If Grievance Day is going to be held other than the fourth Tuesday in May, as it needs to be in Fenton, Assessor Cindy Mills has been informed a Resolution needs to be passed stating what day Grievance Day will be held. Atty. Millus will review paperwork provided by Cindy to determine whether the requirement is a Resolution or Local Law.

- **Port Crane Fire Company Application** – An application was received from Joshua Cortright to join the Port Crane Fire Company. **Mr. Husar made a motion to approve the application**, 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
- **Victrola** – Mr. Hamlin said the Victrola donated to the Town has not yet found a home. Mr. Hamlin asked about the possibility of discussing it with Manasse Auctioneers. Mr. Husar suggested we discuss the situation with the donor. Deputy Town Clerk Sheryl Fay will provide the donor's contact information to Mr. Hamlin.
- **Thank you to the Highway Department from the Hillcrest Civic Association** – On behalf of the Hillcrest Civic Association Board and Officers, Mr. Moss thanked the Highway Department for their assistance with Spring Clean-Up and milling the parking lot.

At 8:40 pm, Mr. Pray made a motion to adjourn into Executive Session to discuss a personnel matter, seconded by Mr. Husar. **Motion carried.**

Melodie A. Bowersox, Town Clerk/sf