

The Town of Fenton Town Board held its regular Work Session on Wednesday, May 24th, 2017, at 6:00 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 Thomas Moss, Councilman
	Highway Superintendent	Randy Ritter
	Town Clerk	Melodie Bowersox
	Administrative Asst./Bookkeeper	Susan Crosier

ABSENT:	Town Board Member	Richard Pray, Councilman
	Town Attorney	Albert Millus, Jr.

OTHERS PRESENT: Building Inspector Matt Banks, Town Historian Cheryl Mammano, John Mastronardi of Griffiths Engineering

Review Abstract #5, 2017

- Trust & Agency: Starley-Greg/Loan Overpayment of NYS Retirement - \$48.00 - Voucher #8 and Hamlin-David/Loan Overpayment of NYS Retirement - \$142.00 - Voucher #9 – Bookkeeper Sue Crosier said back in September, 2016, the retirement report only submitted one payroll instead of two which is our normal payrolls per month, so it was deducted from their pay, but Mr. Hamlin and Greg Starley’s loans had been satisfied; thus the retirement system said these amounts were due back to them.
- After a review of the Abstract, **Mr. Holcomb moved to approve payment of the bills for Abstract #5, 2017**, seconded by Mr. Husar. **Motion carried.**

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

DLA – Zoning – There can be no action on the DLA for rezoning until the 239 Review is received back from the Broome County Department of Planning and Economic Development. Mr. Hamlin talked to Frank Evangelisti and the Department has until June 27th, 2017 to turn it back into the Town. Once the Town receives it, it will go back to the Town Planning Board for review. Mr. Hamlin will email Atty. Millus about changing the zoning again to Limited Industrial Use.

American Legion – Mr. Hamlin was approached by a gentleman at a Veterans Ceremony at the Legislature. The American Legion may want additional fill from the Natural Gas Compressor Station after they grade off the property. They would need to obtain a fill permit from the Town.

Fastrac – John Mastronardi of Griffiths Engineering discussed the situation that has been going on at Fastrac. The culverts that are currently at Fastrac are two 36" diameter corrugated metal pipes that have been there for a long time that have rotted out in the bottom. There are sink holes in the parking lot. Mr. Holcomb told John that there was an issue with the outlet end of the culverts and the ends were replaced a few years ago. Now Fastrac wants to put in two 42" diameter plastic pipes. The Town's concern is how are they going to be kept cleaned out. Multiple barrel pipes can easily become clogged with debris. The culvert is a concrete box measuring 8' x 3'. John asked Fastrac to look at a culvert similar to what the Town has under Canal Street and they said it is cost prohibited to them. He also suggested other options but they did not get back to him. Assistant Town Engineer Rick Armstrong said that when that inlet clogged in the past, our culvert at Canal Street backed up at the inlet and overtopped Canal Street. John mentioned that the plastic pipe does have a smooth interior so the coefficient of friction is a lot smoother. The main concern is, are the pipes they are proposing going to improve their hydraulics in the situation they already have going on. They still are not discharging the same amount of water or flow that the Canal Street culvert is. It is up to the Town to decide if they are improving the situation to a point where the pipes are adequate enough and still not be detrimental to our culvert. By Town Code, the pipes will pass the 25 year event. The question was asked about liability if something were to happen after the pipes were installed; Atty. Millus would have to be consulted on this matter. John will get together with Atty. Millus to compile a letter to Fastrac in acceptance of the two plastic pipes, understanding that Fastrac will be responsible for any issues that may transpire from the installation of the new pipes.

Highway – Randy – Hillcrest Paving - The paving project in Hillcrest was approximately \$85,000.00. Highway Superintendent Randy Ritter said the budget for this was \$88,000.00 plus \$5,000.00 for milling.

Resolution for Grievance Day – Change to May 25 – Mr. Hamlin said we cannot act on this, as it needs to be added to the Town Code as a Local Law and a Public Hearing would need to be held. This will be done next year. Grievance Day for the Town of Fenton is usually held the fourth Thursday of May.

Cheryl Mammano – Historian – The Historical Advisory Committee would like to put together their first periodical booklet. They hope to provide the periodical quarterly; this year there will probably only be two because they are just starting them. The periodical would be 28 pages of history, recipes, cliff hangers, etc. that would be sold for \$10.00 at the Fenton Free Library and here at the Town. They have pricing from the printer to do it and he has it all laid out and set up to print. Their current budget is \$500.00. They are also doing a calendar so the printing for both would be \$1,600.00 per year. Income has come in from the sale of the calendars of approximately \$1,100.00 which should cover the two periodicals for this year. The Committee wanted to make sure that the Town Board was ok with them moving forward with the periodicals. The Town agreed to have the Historical Advisory Committee try the periodicals and if they are successful, they will work them into next year's budget.

NG Advantage – The NG Advantage project was approved at the ZBA and Planning Board Meetings last night. Equipment for Phase One has been purchased. The sales tax coming in to Broome County will be \$850,000.00 so it is a substantial investment. Mr. Husar asked if NG Advantage was going to address the outstanding issues of the 239 Review; Mr. Hamlin responded that NG Advantage did address those at the Planning Board Meeting last night.

CSEA – Mr. Hamlin received a letter from CSEA requesting the Town's Employee Handbook and contact information that will be sent to John Fish tomorrow. John will be coordinating the negotiations between the Town and the Union.

Dog Shelter Contract – Atty. Millus has been working with the County on revisions to the Dog Shelter Contract. Both parties have agreed to the revisions and Atty. Millus said that Mr. Hamlin can sign the Contract. **Mr. Holcomb made a motion to authorize Town Supervisor David Hamlin to sign the Dog Shelter Contract**, seconded by Mr. Moss.
Motion carried.

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

Hillcrest Booster Days – Mr. Hamlin asked Randy to enter a Town truck in the Hillcrest Booster Days Parade on June 3rd, 2017. Mr. Hamlin will also be in the Hillcrest Booster Days Parade.

Griffiths Engineering – Mr. Hamlin sent out an email to the Town Board Members today regarding Griffiths Engineering about breaking down their hours. He asked them to review the email to discuss at a later date.

CDBG Status – The first round application deadline was May 22nd, 2017 and THOMA currently has 39 applications to review. They will be inspecting the properties. During the Summer, THOMA will be presenting the applications to the Town Board for approval. They are anticipating that they will be doing 16 homes. Numerous applications have been sent out to local contractors and they have only received a few back as of the 23rd. Mr. Holcomb mentioned that because we have 39 applications, this would award the Town points toward a future grant.

Written Conflict Waiver Regarding Attorneys – The Town Board briefly discussed Atty. Millus' recent email and discussion with Planning Board Member Jim Keough as to the attorney conflict issue with the Town and Carrier Services Group. After the discussion, **Mr. Holcomb made a motion to approve Resolution #2017-13 – Written Conflict Waiver as follows:**

WHEREAS, the Town Board recognizes that Town Attorney Albert J. Millus, Jr. is a partner in the Law Firm of Hinman, Howard & Kattell, LLP, and that Kenneth Kamlet, Esq. of the same

Law Firm represents Carrier Services Group, the applicant for the rezoning of the Hillcrest Depot property. The Town Board also recognizes that Deputy Town Attorney Tina Fernandez, who generally represents the Town Planning Board, is a partner in Hinman, Howard & Kattell, LLP,

WHEREAS, Atty. Millus has disclosed the foregoing in an open meeting of the Town Board. Atty. Millus has also advised that he has researched the possible need for disqualification of the Firm in light of the foregoing and has obtained an unofficial opinion from the New York State Bar Association Committee on Professional Ethics. Based on his conclusion and the unofficial opinion, Atty. Millus has concluded that it is acceptable for his Firm to represent both parties at the present time, provided each party consents to the waiver of any conflict,

WHEREAS, the Town Board reserves the right to revoke this Resolution and any written conflict waiver at any time and for any reason,

WHEREAS, if the Town Board grants the application to rezone the property, the matter will be considered by the Town Planning Board for site plan review. The Town Planning Board shall, in that event, not be bound by this Resolution and may consider the representation as described above from its perspective and may waive or not waive any conflict as it sees fit,

THEREFORE, it is hereby resolved that the Town Board does hereby waive, and also waives for any proceedings taken to date, any conflict of interest that may arise as a result of the representation described above. The Town Supervisor is authorized to execute a written conflict waiver to that effect.

Seconded by Mr. Husar. **Motion carried.**

ROLL CALL VOTE:

Councilman Mr. Holcomb aye
Councilman Mr. Husar aye
Councilman Mr. Moss aye
Councilman Mr. Pray absent
Supervisor Mr. Hamlin aye

Weber Road Signs – The “Children at Play” Signs were put up on Weber Road and the Residents were very happy about them. They were not very happy about the 30 MPH Speed Limit Signs. Randy said technically that is what the speed limit is on Weber Road and it has to be posted as such before requesting a change to lower it.

Dumas Hill Road – There has been no news on the Dumas Hill Road situation with Resident Ron Potter.

Court Clerk – The Town is still without a Court Clerk. Mr. Husar said we are still without any effort on the part of one of the involved parties to do anything for us to get one. Mr. Hamlin

told Judge Ambrose Madden that the Town Board was not going to act until they hear back from Atty. Millus on the possible conflict. Mr. Husar clarified that Judge Madden does not feel that Mr. Husar should be involved in interviews with Court Clerks because he is running for the judge position against Judge Madden. Mr. Husar would like the Town Board to consider hiring two part-time Court Clerks instead of one full-time Court Clerk. Also, the Town Board has not been successful in meeting with Judge Madden. One meeting was scheduled and Mr. Hamlin was the only one to show up. Judge Madden has told Mr. Husar to schedule a meeting and he will attend if it works with his schedule.

30 Franklin Avenue – Mr. Hamlin would like Mr. Moss to look into the situation at 30 Franklin Avenue. He received a call that it is abandoned and there is a pool in the back with standing water in it, rats, etc.

Compliment to John Broughton – Zeke Aswad paid Zoning Enforcement Officer John Broughton a compliment (via Mr. Husar). He has been having problems with the individuals across the street from where he lives and John has been working with them to address the problems.

At 7:29 PM, Mr. Hamlin adjourned the meeting.

Melodie Bowersox, Town Clerk