The Town of Fenton Town Board held its regular meeting on Wednesday, February 5, 2020, at 7:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT:	Town Board Members	Gary Holcomb, Supervisor
		David Gunster, Councilman
		Michael Husar, Councilman
		Thomas Moss, Deputy Supervisor
		Richard Pray, Councilman
	Town Attorney	Albert Millus, Jr.
	Town Clerk	Melodie Bowersox
	Deputy Town Clerk	Sheryl Seymour
ABSENT:	Highway Superintendent	Randy Ritter

OTHERS PRESENT: Broome County Legislator Cindy O'Brien, Building Inspector Matt Banks, Clerk Cheryl Mammano, Planning Board Member John Eldred, Zoning Board of Appeals (ZBA) Member Cindy Cook, and three Members of the General Public

PLEDGE OF ALLEGIANCE

Mr. Holcomb led in the Pledge of Allegiance.

RESIDENTS' TIME

Status of 28 Pine Street – Resident John Eldred asked what the status was of 28 Pine Street. Mr. Moss said he would check into it.

Residents' Time closed at 7:02 PM

TOTAL BILLS – ABSTRACT 13, 2019 approved during the January 15th, 2020 meeting:

FUND	VOUCHER #s	AMOUNT
General	668 – 699	$22,771.01
Highway	413 – 430	$21,172.42
Hillcrest Water	272 – 273	$872.86
Hillcrest Sewer	45	$1,000.00
Porter Hollow Sewer	12 – 13	$1,950.00
Port Crane Light District	0	$0.00
Hillcrest Light District	0	$0.00
Trust & Agency	0	$0.00

Capital Projects	36	$4,500.00
CDBG	0	$0.00

TOTAL BILLS – ABSTRACT 1, 2020 approved during the January 29th, 2020 meeting:

FUND	VOUCHER #s	AMOUNT
General	1 – 64	$65,799.04*
Highway	1 – 44	$124,504.95
Hillcrest Water	1 – 24	$17,923.14
Hillcrest Sewer	1 – 5	$26,931.17
Porter Hollow Sewer	1	$425.00
Port Crane Light District	1 – 2	$1,078.47
Hillcrest Light District	1 – 2	$2,405.54
Trust & Agency	1	$4,782.94
Capital Projects	0	$0.00
CDBG	0	$0.00

*Includes Fire District Funds

SUPERVISOR'S REPORT

- There was a site visit by the DEC to the Porter Hollow Sewer District. There had been a request for sampling of the creek where the outflow goes into. There will be additional sampling upstream, downstream and at the outflow to determine whether the contamination levels are within the guidelines. If they are within the guidelines, the Town may not need to do anything. If they are not within the guidelines, chlorination options will need to be discussed.
- The LED Replacement Agreement has been signed. The lights are on order and will arrive in approximately 12 weeks. Residents will be informed via the Town Website and the Newsletter once an installation date is determined.
- The Town is in the second year of the Community Development Block Grant (CDBG). There is approximately $250,000 left of the $500,000 to spend over the next year. Several projects have already started with several more in the works.
- Mr. Holcomb, Mr. Moss and Mr. Gunster attended the Association of Towns and Villages (AOTV) Meeting. Discussion at the February meeting will be the Ambulance Services crisis in Broome County.

TOWN ATTORNEY'S REPORT

- 262 Vincent Hill Road – A sign was installed on the property and the Resident was cited for posting an illegal sign and for not obtaining a Permit. A Pretrial Conference was held, and the Resident was advised to remove the sign and the charges would be dropped. A superseding was filed with the court when he refused to remove the sign, charging him with a separate violation for every week the sign has been posted. A Public Defender has been assigned to him and the case is in progress.
- Town of Chenango Dog Control Agreement – The revised Shared Services Dog Control Agreement proposed by the Town of Chenango states that either Dog Control Officer will provide services on behalf of the other Dog Control Officer if requested in writing. Atty. Millus said it is his understanding that Greg Starley, our Dog Control Officer, and the Town of Chenango Dog Control Officer, have an informal agreement in place for coverage. Mr. Holcomb suggested an Agreement that authorizes the other Dog Control Officer to have authority within the other Town. Benefits of having a formal Shared Services Agreement (with the County) is also a consideration. Atty. Millus will contact the Town of Chenango Attorney to discuss.
- 14 Franklin Avenue – Atty. Millus has sent e-mail correspondences to the Lender's Attorney to check the status of the eviction proceeding to remove the squatters living in the house and has received no response. Atty. Millus will continue to follow up.
- Hillcrest Depot PILOT Agreement – Atty. Millus has been in touch with Atty. Joseph Meagher to discuss how the PILOT payments are going to be divided amongst the Municipalities. They will be divided in proportion to the taxes that would have been received.
- Franklin Avenue Extension – Atty. Millus will be in contact with the Railroad.
- Hold Over Rule – Atty. Millus researched this and determined the Town has always had a rule that any Town Board Member can hold over a Resolution until the next meeting. Atty. Millus always thought it was a standard rule; however, it is not. He has determined the Board can set their own rules.
- 135 Potter Hill Road – A Not-for-Profit that trains dogs to rescue drowning people has approached the Town to predetermine whether this would be an allowed use before purchasing the property. The Town agreed the prospective buyer could go through the Site Plan/ZBA process if the Seller was agreeable.
- Introductory Local Law #3 – This is completed to change the square footage requirements for Agricultural Residential Properties. A Public Hearing is scheduled for February 26th.
- 310 Ballyhack Road – Invoices for the demolition were sent to the Ramingers at their current address in Windsor. They have until the end of January to pay; otherwise the Town will bring proceedings against them.
- Unsafe Structures – There are three outstanding Unsafe Structures.
    - 177 NYS Route 7B (Owner: Velez) - This has been boarded up in the front. The Town said they would try to work with them.
    - 165 NYS Route 7B (Owner: Federal National Mortgage Association) - Atty. Millis wrote them a letter and told them the barn will need to come down.
    - 6400 NYS Route 79 (Owner- Vrooman) - The Owner is in a Nursing Home.
- Broome County Shared Services Agreement – Atty. Millus reviewed the Agreement again and has less concerns than he previously had. The Town has moved forward with the Agreement.

- NYSEG Agreement – Atty. Millus reviewed the Agreement for the light replacement. There were no issues.

TOWN CLERK'S REPORT

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for January 2020 were $2,402.32.

TOWN ENGINEER'S REPORT

- Report was read by Mr. Husar.

COMMITTEE REPORTS

Zoning Enforcement – Report was read by Mr. Moss.

Building and Grounds – Mr. Moss reported that the front entrance to the Town Hall is still pending. The Town Hall hot water heater was leaking and was replaced.

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

Dog Control – Report was read by Mr. Pray.

Assessor – Mr. Husar reported activity with the Senior Citizen Exemption paperwork is ramping up.

Justice Court – Mr. Husar reported there was no Justice Report submitted. The Town will begin advertising for a Court Clerk.

Highway and Solid Waste – Mr. Gunster reported the month of January activity included an Insurance Inspection of the Town Garage, cold patching, tree trimming, truck maintenance and snow clearing.

Building Inspector – Report was read by Mr. Gunster.

Conservation Advisory Committee (CAC) – Mr. Gunster reported highlights from last night's meeting included potential Solar Farm sites, preparation for Earth Day Expo sponsored by the CAC at Chenango Valley State Park on April 25th and finalizing the Annual Report.

Mr. Pray made a motion to approve all Committee Reports as submitted, seconded by Mr. Husar. **Motion carried.**
VOTE: Ayes 5 Gunster, Holcomb, Husar, Moss, Pray
Nays 0

MINUTES

Mr. Gunster made a motion to approve the Minutes from the December 18th, 2019 Work Session, the January 8th, 2020 Town Board Meeting (with the correction on

page 5 of the Conservation Advisory Committee Chairman payment of $75 per meeting and $100 Chairman Fee), and the January 15th, 2020 Work Session, seconded by Mr. Pray. **Motion carried**.
VOTE: Ayes 5 Gunster, Holcomb, Husar, Moss, Pray
Nays 0

OLD BUSINESS

- **Hold Over Policy** – Held over from the January 2020 Town Board Meeting was a portion of the Official Town Board Meeting Policy which states "any proposed legislation, motion, or resolution introduced may be held to the next regular Town Board meeting at the request of a Town Board Member with a second." Mr. Holcomb noted that in Robert's Rules it is called "a motion to postpone to a certain time." Parliamentary Procedure states "a motion to postpone to a certain time or postpone indefinitely or postpone is used to delay action on a pending question until a different day, meeting, hour or until after a certain event. Then when that time comes the consideration is picked up where it is left off when it was postponed." Mr. Holcomb further stated you first need to get the floor to make the motion, a second is required and it can be debated. In debating it you only debate how long or when it is going to be revisited. You do not debate the actual point you are trying to postpone. A majority vote is required. Regarding the Fenton Town Board, the consensus was that if someone wanted to postpone to the next meeting, as long as the motion had a second this would be sufficient for us. Mr. Husar said that in his research that there had only been one other hold over on a vote prior to the January 2020 issue being held over, and if it works, do not fix it. Mr. Pray said when the DCO appointment was held over for a month there were impacts including no DCO in the Town for a month and pay being withheld for a month. Mr. Pray did not feel any one person should have enough power to cause those affects without an argument convincing enough for a second. Mr. Pray also noted there have been bills that were held over from being approved for payment in the past as well. Mr. Gunster suggested the possibility of revisiting the policy in a year if passed. **Mr. Pray made a motion to require a second for any motion to be held over to the next regular meeting,** seconded by Mr. Moss. **Motion carried**.
  ROLL CALL VOTE:
  Councilman Mr. Gunster aye
  Councilman Mr. Husar nay
  Councilman Mr. Moss aye
  Councilman Mr. Pray aye
  Supervisor Mr. Holcomb aye
- **LED Lighting Update** – Mr. Gunster reported he has obtained three quotes for the Town owned lights and is expecting two additional quotes by the end of the week.
- **Phelps Creek Update** – Mr. Husar reported that at the last Work Session it was determined that we have no ability as a Town to invest any dollars or manpower into the proposed Phelps Creek Project since it is all private land. Mr. Husar communicated this back to the two Residents this would affect. One Resident is willing to expend half the cost of the project. There has been no response yet from the other Resident. If both parties are agreeable to paying for the project, Mr. Husar will initiate contact with

the Residents, the Contractor and Carl Schwartz from the US Fish and Wildlife Service so they can move forward with the project.

NEW BUSINESS

- **Chenango Dog Control Agreement** – Atty. Millus will be contacting the Town of Chenango Attorney.
- **Approve CDBG Vouchers** – CDBG Vouchers to approve were forwarded to the Board for review. Mr. Holcomb explained projects are initially approved and invoices are received and reviewed by Thoma to confirm completion of the project. The invoices are then forwarded to the Town and reviewed by Assistant Bookkeeper Mike Giovanazzo against the original Contract before forwarding them to Administrative Assistant/Bookkeeper Theresa Staats to prepare documents for the Town Board to approve the payment. Theresa then forwards documentation to the State to request disbursement of the funds. The State disburses the funds in ten days to two weeks, and once the Town has the funds deposited into their account, payments must be made within three days. **Mr. Moss made a motion to approve the Community Development Block Grant Vouchers,** seconded by Mr. Pray. **Motion carried.**
  ROLL CALL VOTE:
  Councilman Mr. Gunster aye
  Councilman Mr. Husar aye
  Councilman Mr. Moss aye
  Councilman Mr. Pray aye
  Supervisor Mr. Holcomb aye
- **I-88 Resurfacing Info** – Mr. Holcomb received a letter from the New York State Department of Transportation (DOT) outlining a project to resurface the I-88 Connector and NYS Route 7 from Exit 1 to Exit 2 in the Town of Fenton, which is from the Port Dickinson line to Chenango Bridge. Closures will begin sometime after July 4th and will last a maximum of two weeks.
- **Port Crane Fire Department Applicant** – An Application was received from Samuel Ganoung to join the Port Crane Fire Department. **Mr. Gunster made a motion to approve the Application**, seconded by Mr. Husar. **Motion carried.**
  ROLL CALL VOTE:
  Councilman Mr. Gunster aye
  Councilman Mr. Husar aye
  Councilman Mr. Moss aye
  Councilman Mr. Pray aye
  Supervisor Mr. Holcomb aye
- **Protruding Pipes** – Mr. Gunster said he followed up on a concern from December 2019 Residents' Time regarding two steel pipes at a residence on the curve at Nowlan and Stratmill Roads that are protruding out and causing a hazard. Highway Superintendent Randy Ritter measured the pipes to be 14 feet from the center line and in the right-of-way. It was noted by Mr. Gunster that these being in the right-of-way is really no different than many mailbox installations. The Highway Department is aware of the pipes and knows to avoid them. There is nothing in our Ordinances that states you cannot install poles at the end of your driveway. There has been discussion as to whether the Town can be held liable if someone hits one of the poles and is injured. Atty. Millus said it is not an issue with pending action by the Town.

- **Hillcrest Water Rates** – Mr. Pray had Mike Giovanazzo do an end-of-year recap on the Hillcrest Water Revenues and there was a shortfall. Based on the first billing of this year, it looks like the shortfall is going to continue. The last time a rate increase was done was in 2017 with an increase of 14%. Mr. Pray is proposing an increase of 6% to help with the present shortfall. The current base rate is $51 every four months; a 6% increase would increase this to $54 every four months. The rate for water in excess of 1000 cubic feet would increase from $2 to $2.12 per 100 cubic feet; Port Dickinson would increase from $1.90 to $2.01 per 100 cubic feet. Port Dickinson will need to be notified of the rate increase and there will have to be a Public Hearing for the rate increase that will take effect in June.
- **Mr. Husar's Town E-Mail** – Mr. Husar reported his Town e-mail is still not working. Please continue to use husarmike@gmail.com until further notice.
- **Hillcrest Sidewalk Project** – Mr. Moss asked whether there was anything new with the Hillcrest Sidewalk Project. Mr. Holcomb said the meeting needed to be postponed due to some issue on the Engineering side. It will be hosted by the Children's Home once it is rescheduled.
- **Broome County Dog Shelter** – Cindy O'Brien said the Broome County Dog Shelter and Nickelodeon's Paw Patrol are having an event at the Floyd L. Maines Veterans Memorial Arena on February 10th and 11th. For every ticket purchased, $2 goes back to the Broome County Dog Shelter.
- **Hillcrest Saint Patrick's Day Parade** – Cindy O'Brien said the Hillcrest Saint Patrick's Day Parade is being held on March 14th.

At 8:44 pm, Mr. Gunster made a motion to adjourn the meeting, seconded by Mr. Pray. **Motion carried.**

Sheryl L. Seymour, Deputy Town Clerk