

The Town of Fenton Town Board held its regular meeting on Wednesday, June 6, 2018, 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
Thomas Moss, Councilman
Highway Superintendent Randy Ritter
Town Attorney Albert Millus, Jr. (arrived at 7:05 pm)
Town Clerk Melodie Bowersox
Deputy Town Clerk Sheryl Seymour

ABSENT: Town Board Member Richard Pray, Councilman

OTHERS PRESENT: Broome County Legislator Cindy O'Brien, Planning Board Chairman John Eldred, Zoning Board of Appeals (ZBA) Member Cindy Cook, and approximately 52 Members of the General Public

Mr. Hamlin led in the Pledge of Allegiance.

RESIDENTS' TIME

Traffic Cables – Resident Andrea Mayer asked what the purpose was of the traffic cables on Chenango and Hartley Roads. Mr. Hamlin said studies are done through the State and County and the Town is not informed as to why.

Fenton Free Library 5K Walk/Race – Resident Tom Tiffany said the Library 5K Race/Walk is being held this Saturday with all proceeds going toward the Summer Reading Program.

Hillcrest Booster Days – Resident Nick Cook said Booster Days is a two day event this year. Nick thanked the Town for helping to figure out the firework situation, with special thanks to Building Inspector Matt Banks for his time in researching a solution. There will be bands, a fireworks display, food and Bingo on Friday night. On Saturday there will be a Parade that begins at 11 am, ball games from noon to 4 pm and a chicken barbeque.

DLA – Resident Rachel Zandt asked whether the Town followed up on any of the DLA Committee's suggestions for the property. Mr. Hamlin said they had not, as the charge of the Committee was to fine tune Restricted Commercial Zoning. Several of the Board Members pointed out that the current law being drafted does not restrict some of the uses suggested by the Committee if a location is suited for that particular use. Resident Jennifer O'Hare stated that the Committee did not receive the Restricted Commercial charge until May and had been working with the Limited Industrial since February when they began meeting. Resident Mary Jo Bowie asked for clarification as to whether a 239 Review would be required if the Town Board assumes responsibility for making decisions. Atty. Millus said the question is still open as to whether it will be the Town Board or the Planning Board that will handle the Special Use Permit procedure. Atty. Millus further explained the steps are for the Town Board to create the new District and the Special Use Permit procedure. Although it is not clear whether a 239 Review is required, Atty. Millus intends to send a generic 239 to the County whether it is required or not. The next step would be a proposal to rezone the Depot property to that Zoning District and a 239 Review is required. If the Town rezones it, the next step is the Special Use Permit procedure. Atty. Millus sent an e-mail to the Town Board today telling them clarification is

needed as to whether the Planning Board or the Town Board will be handling the Special Use Permit procedure, which will be the decision of the Town Board. Atty. Millus said he foresees three 239 Reviews. The first one is to create the new District, the second one is to rezone the Depot property to the new Zoning District and the third one is for the Special Use Permit.

Planning Board – Resident John Kopalek said the Town should utilize the Broome County Planning Board when making decisions. Mr. Hamlin said he has been in contact with the Broome County Planning Board.

1001 Chenango Street – Resident Meta Parks asked why there is a new door on the building. Atty. Millus did not receive a response when he asked why a new door was installed. Atty. Millus said the Town has been going back and forth with the property’s bank and their Attorneys. They promised the Town over a year ago that the building would be demolished. Atty. Millus informed them the Town would be beginning civil and criminal litigation. The bank’s Attorney responded by offering to turn the building over to the Town and their offer has been refused. The Town will be going forward with litigation.

Carrier Services Group (CSG) – Resident Jennifer O’Hare said Lee Hartman was questioned at the last Planning Board Meeting at to what he was going to be using the property for and that he has no idea where people got the idea he would be using it for the Worldwide Headquarters. On his IDA Application for Benefits dated December 21, 2016 it was stated the property would be used for his new World Headquarters location, with an additional notation of the same in the IDA Minutes of February 15, 2017. Atty. Millus reminded everyone that the Local Law draft that is presently on the table technically has nothing to do with CSG. Once the Town creates the new District, the next step is to consider rezoning the Depot to that new District. At that point all comments regarding CSG will be more relevant and everyone will have their say. Resident Gus Zandt noted the property has not been mowed.

1032 Chenango Street – Resident Marge Mangan asked whether anyone lived at 1032 Chenango Street, which is on the corner of Franklin Avenue and Chenango Street. Mr. Hamlin said the Town just mowed the lawn and he is not aware that anyone is living there.

6 Billata Street – Resident Tom Tiffany noted there have been some significant improvements at 6 Billata Street since Code Enforcement Officer John Broughton cited the Owner.

Residents’ Time closed at 7:29 pm

TOTAL BILLS – ABSTRACT 5, 2018 approved during the May 30th, 2018 meeting:

FUND	VOUCHER #s	AMOUNT
General	213 – 283	\$88,585.26
Highway	132 – 175	\$44,324.12
Hillcrest Water	112 – 132	\$13,923.99
Hillcrest Sewer	13 – 14	\$24.02
Porter Hollow Sewer	21	\$50.00
Port Crane Light District	8 – 10	\$2,734.62

Hillcrest Light District	8 – 10	\$2,319.06
Capital Projects	5	\$374.91
Trust & Agency	7	\$3,730.94
CDBG	21 – 24	\$74,824.10

SUPERVISOR'S REPORT

- Mr. Hamlin attended a Legislative meeting today and announced the Fenton Free Library will be awarded between \$7,000 and \$8,000 for their addition.
- Mr. Holcomb recently attended a Mayor and Supervisors' meeting on Mr. Hamlin's behalf. Topics discussed were Airport issues (low number of flights and an opening on the Aviation Board), the Broome County Publication Office (with the Print Shop that is open for business) and software in the County database which will note equipment that is available for other Towns and Villages to use.

TOWN ATTORNEY'S REPORT

- Depot – The revised Local Law draft was circulated today via e-mail. Atty. Millus asked the members of the DLA Committee to forward additional proposed uses to him to be added to the law. The Notice for Public Hearing was increased from five days to ten days for a Special Use Permit.
- 1142 Chenango Street – A new roof was put on the house. John Broughton has been in communication with them to do some additional work on the property.
- 1001 Chenango Street – Atty. Millus was in contact with their Attorney yesterday, informing him the Town is going to take them to Civil and Criminal Court.
- 263 Porter Hollow Road – John Broughton said the property has been cleaned up quite a bit. The trial is scheduled for June 13th if the clean-up is not complete.
- Fireworks Display – Atty. Millus said Matt Banks did a nice job putting that through. A procedure is now in place.
- Outdoor Recreational Use – This is pending.
- Engineering Services Contract – The plan is for Atty. Millus, Mr. Husar and possibly other Board Members to sit down and discuss this. Mr. Husar said the current arrangement is working out well, but the goal is to prevent the current arrangement from getting to a point where there is a disagreement as to what is covered under their fee and what is not. Mr. Husar had a conversation with John Mastronardi of Griffiths Engineering regarding this, who said he was on board with putting something on paper.
- Code Violation Process – John Broughton reports each month on violations that he observes throughout the month as well as complaints that are called in. The Homeowner is issued a code violation and is given a period of time to take care of it. If the Homeowner is still in violation they are taken to court. John files criminal information with the Court and a pretrial conference is scheduled. Atty. Millus meets with John and the Defendant, and the parties attempt to reach an agreement. The Judge provides a date to go back to the Court, and if the terms of the agreement are not met the case goes to trial.

TOWN CLERK'S REPORT

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for May 2018 were \$ 2,471.34.

TOWN ENGINEER'S REPORT

- Monthly Report was read by Mr. Husar.

COMMITTEE REPORTS

Building and Grounds –

Mr. Moss reported the following has been completed:

- ✓ The generator has been installed, tested and is up and running. Special thanks go out to the Contractors and the New York State Crime Lab.
- ✓ A security camera was installed on the back of the building, aligned to keep an eye on the generator area.
- ✓ The lights at the Fenton Free Library have been installed. The main reading area was upgraded to LED lighting to provide better light as well as energy efficiency.
- ✓ The better solution for the Town Hall water treatment system has been put into place.

Upcoming projects:

- ✓ A new heating/cooling system is going to be installed on the second floor of the Fenton Free Library. This is currently scheduled for the second week of June.
- ✓ The Crime Lab is in need of a new door on their vault.
- ✓ A generator maintenance agreement is pending between the Town and the State.
- ✓ Generator troubleshooting is currently manual. Electronic monitoring is being looked into.
- ✓ Lighting upgrades converting to LED lighting for the Tunnel and the Town Hall are being researched. Implementing the project in stages by the end of the year will be determined by cost and budget. The Conservation Advisory Committee (CAC) has asked Mr. Moss to consider NYSERDA Clean Energy Community Programs. He will also be looking into programs through Lime Energy, which was the company used for the Fenton Free Library.
- ✓ Replacement of the picnic tables on the Town Hall property was discussed at the last Work Session. Highway Superintendent Randy Ritter looked into replacing what we have with some picnic tables the County was disposing of. Since those tables are no better than what we currently have, Mr. Moss will be researching new picnic tables.

Zoning Enforcement – Report was read by Mr. Moss.

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

Dog Control – Report was read by Mr. Hamlin.

Building Inspector – Report was read by Mr. Holcomb.

Highway and Solid Waste – Randy Ritter reported activity for the month of May included grater shimming Pigeon Hill Road, installation of driveway culverts on Steed Road and Vincent Hill Road, drain pipe on Winn Hill Road and hole repairs on the Old Canal Road and Franklin Avenue Extension. Mowing both sides of the road began this week. Milling is scheduled to begin next week on Cornell Avenue. The Solid Waste truck was used for three weeks and is temporarily out of commission. The replacement parts have been received for the repair.

Assessor – Mr. Husar reported the Grievance Board heard four cases on Grievance Day.

Justice Court – Report was read by Mr. Husar.

Historical Advisory Committee (HAC) – There was no HAC Report.

Conservation Advisory Committee (CAC) – There was no CAC Report.

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

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

MINUTES

Mr. Holcomb made a motion to approve the Minutes from the April 2nd, 2018 Special Meeting, the April 25th, 2018 Work Session (with Mr. Moss' correction on Page 4, changing West Service Road Speed Limits to West Service Road Weight Limits) and the May 2nd, 2018 Town Board Meeting, seconded by Mr. Husar. **Motion carried.**

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

OLD BUSINESS

- **New Zoning Law** – The Town Board and Atty. Millus discussed the current draft of the proposed new Zoning Law. Mr. Holcomb asked whether a definition was needed for the term “warehousing” in the Local Law draft or should the term even be there at all. Mr. Moss suggested Solar Farms and alternative energy be added. Mr. Husar suggested the draft be finalized by the next Work Session with a Public Hearing at the next Town Board Meeting. Atty. Millus said he would like to get the County’s comments before the Public Hearing and suggested the possibility of the Public Hearing being held at the July Work Session. Atty. Millus again requested any additional proposed uses be forwarded to him in writing within the next week. Mr. Hamlin asked if there were any thoughts regarding the Town Board vs. the Planning Board and the Special Use Permit. Mr. Husar said he hopes the Town Board can strongly suggest or require the restrictions of the Special Use Permit if it is turned over to the Planning Board. Atty. Millus said he believes a property can be rezoned with specific conditions, but he will look into it. There was additional discussion amongst the Board Members and Atty. Millus regarding Town Board vs. Planning Board and the Special Use Permit.

- **Cul-de-sacs** – Mr. Husar has spoken with Randy Ritter, Assistant Town Engineer Rick Armstrong and John Mastronardi regarding Section 117-20 of the Town Ordinance that states any dead end of over 500 feet of traffic be looked at for options to create a turn-around. Although not a requirement, there are safety aspects to take into consideration. Randy pointed out a “T” or a partial “T” are sometimes created to allow for a K-Turn which does not take up as big a circumference as a cul-de-sac. Mr. Husar and John discussed the possibility of meeting on Cornell Avenue with the property owners to see what the possibilities are. There are two or three property owners involved.
- **Outdoor Recreation** – Mr. Husar asked whether a letter was sent out to the property owners that had bookings for outdoor venues at 81 Depot Hill Road. Mr. Holcomb said Matt Banks sent an e-mail to Owner Greg Beagell but had not yet received a response. Kyle Beagell introduced himself and provided a list of the venues currently booked.
- **Hoyt Avenue** – Mr. Husar said there is currently no traffic count for Hoyt Avenue and suggested this may be a good time to get a baseline. Mr. Husar will be discussing this with Rick Armstrong and inquire about a possible contact at BMTS (Binghamton Metropolitan Transportation Study) to request this.

NEW BUSINESS

- **Status of New Highway Equipment** – Randy Ritter said the excavator will be here by the end of the month.
- **Painting of the New Propane Tank** – Mr. Hamlin showed photographs found by the Administrative Assistant of possible ideas for painting the new LP tank for the generator.
- **Rogers Road vs. Rodgers Road** – Mr. Holcomb said the original subdivision maps have the spelling as “Rodgers” Road; however, all the Broome County mapping, GIS and road signs spell it “Rogers”. The correct spelling needs to be clarified so that a Resolution can be passed.
- **TAP and CMAQ Grants** – Mr. Holcomb asked John Mastronardi to look into available grants through the Transportation Alternatives Program (TAP) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ). The TAP Grant looks at roads going into park areas that are in disrepair, which may qualify Pigeon Hill Road. The intersection in front of Chenango Valley School may qualify for consideration for the CMAQ Grant, which looks at improving congestion at an intersection.
- **Town Hall Security** – Mr. Moss said there has been some discussion regarding security at the Town Hall and how the Public accesses the Hall from its various entrances. Mr. Moss feels the Board needs to take a look at how the Town Hall can be better secured on a daily basis for the benefit of the employees.

At 8:47 pm, Mr. Holcomb made a motion to adjourn the meeting, seconded by Mr. Moss. **Motion carried.**

Melodie A. Bowersox, Town Clerk/ss