

The Town of Fenton Town Board held its regular meeting on Wednesday, May 2, 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 Richard Pray, Councilman Randy Ritter Albert Millus, Jr. (arrived at 7:05 pm) Melodie Bowersox Sheryl Fay
Highway Superintendent	
Town Attorney	
Town Clerk	
Deputy Town Clerk	

OTHERS PRESENT: Broome County Legislator Cindy O'Brien, Conservation Advisory Committee (CAC) Acting Chairman Mike Grasso, Planning Board Chairman John Eldred, Town Engineer Rick Armstrong, Zoning Board of Appeals (ZBA) Member Cindy Cook, and approximately 27 Members of the General Public

Mr. Hamlin led in the Pledge of Allegiance.

Public Hearing – Grievance Day of the Town of Fenton –

Mr. Hamlin addressed the Board and the Public at 7:00 pm regarding the following Public Hearing Notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Fenton, Broome County, New York, shall conduct a public hearing on Wednesday, May 2, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard, to consider the adoption of Introductory Local Law No. 3 (2018) entitled "A local law to establish the Grievance Day of the Town of Fenton." The proposed local law, if adopted, would establish the fourth Thursday of May as Grievance Day regarding real property tax assessments. The public hearing shall be conducted at the Town Hall located at 44 Park Street, Port Crane, New York. At the public hearing, all interested parties shall be heard with respect to the proposed law. A copy of the law may be inspected or obtained at the office of the Town Clerk in said Town Hall.

Dated: Port Crane, New York
April 23, 2018

BY ORDER OF THE TOWN BOARD

The following persons spoke in favor: None

The following persons spoke in opposition: None

Questions from the Board: None

All persons desiring to be heard, having been heard, the Public Hearing was closed at 7:02 pm.

Pending Government Meeting – Mr. Hamlin introduced Broome County Legislator Cindy O'Brien. Cindy has set up a meeting with Senator Fred Akshar, Chenango Valley School District

Superintendent David Gill, Mr. Hamlin, and Mr. Moss. When Cindy was first elected, she learned that the Depot was going to be for sale. She approached Chenango Valley School along with County Executive Jason Garnar and asked them if they were interested in any of the property. After taking a tour of the Depot, David Gill asked if there would be any grants available to upgrade the facilities which would be to the tune of approximately three million dollars. Senator Fred Akshar said he was interested in speaking with the School District to see what their interest was, as there was a discussion about possibly moving the bus garage to the Depot. Cindy said this is just the early stage of the process and the purpose of the meeting is to determine if the school is still interested in the property. Cindy spoke to the Federal Government today who said that if the school is not interested, the Federal Government would come up with an agreement to sell it to the County and in that would be stipulations as to what it could be used for (Cindy asked for an email as to what some of those stipulations might be). The Federal Government also said that this process can take one to two years to complete. Cindy asked if there were any questions.

- Doesn't the County already own that section of property? Cindy replied that it is owned but only for Emergency Services. If the County does not want to use it for Emergency Services, then it goes back to the Federal Government.
- What about the guy that bought it already? He bought the front part of it which the Federal Government already wrote off that they did not want. The deed included stipulations.
- Do we as a Town have any say in what he can do with it? It's in the deed. Resident Mary Jo Bowie added that the deed says it can be used for industrial but it also says that it can be amended.
- Why isn't Jason Garnar not included in this meeting? Cindy answered that this meeting is with Senator Fred Akshar to find out about grants; Jason has nothing to do with the grants.
- How did you get involved? When Cindy was first elected, she came up with the mural up there and also asked if they would sell it to the school. Although the property is not in her District, Steve Flagg has allowed her to take on this task.
- When were you elected? Cindy took Jerry Marinich's position (about 2 1/2 years ago) and she is up for reelection this year.
- Why haven't we been notified about the happenings at the Depot? Cindy replied that Jason Garnar had been trying to find out from the Federal Government if the buildings could be sold.
- What year did he buy the buildings in front? Mr. Hamlin replied about 1 1/2 years ago.
- After the last meeting, didn't Mr. Moss say there was talk about building a road into the Depot? Mr. Moss said they were looking to perhaps shore up existing access roads that traverse the Depot property on the exterior end near the railroad and looking at them to use for limited local traffic access.
- How about access to the property? Cindy said this is also a concern of the school.
- If this does not go through with the school, then it reverts back to the County? If the County has no use for it, then possibly the Federal Government will allow the County to donate it to the school.

Mary Jo Bowie, who is the Chairman of the Depot Committee, stated that she would like the community represented at this meeting. Cindy explained that the County runs differently than the Town and this meeting is basically beginning the process to see whether they can go further with this, beginning with the school. Cindy will come back to the Town once they find out the school's plans. Jennifer O'Hare also asked to have a member of the Depot Committee

to sit in on the meeting due to the lack of communication and/or miscommunication that has taken place. She noted that Mr. Moss will be at the meeting; however, he has not attended any of the Depot Committee meetings even though he was one of the Board's representatives assigned to assist the Committee. Mr. Husar stated that representatives Mr. Moss and Mr. Aurelio were to be available upon request of the Committee to attend any meeting when they felt they needed assistance and the Committee did not call upon Mr. Moss or Mr. Aurelio. A discussion ensued amongst the Town Board Members, Atty. Millus, and Mary Jo regarding the Depot Committee and the endeavors made so far to bring suggestions to the Town Board for acceptable uses for the Depot property, which the Town Board is still waiting for. Mr. Moss also read a portion of an email that included the Town Board's objectives of the Committee. Mary Jo Bowie asked Mr. Hamlin if he received any more specific numbers about employees (from Lee Hartman of Carrier Services Group). Mr. Hamlin said Mr. Moss had a phone conversation with Lee Hartman and there would be a limit of 25 employees if the new zoning were passed. He added that the Town Board is looking at different ways of ingress and egress into the Depot property.

Mary Jo Bowie also said the Depot Committee would like to survey the Hillcrest Residents about the Depot issue; Mr. Hamlin said that would not be done.

Other concerns voiced by Residents:

- The Depot issue not being listed on tonight's Meeting Agenda.
- The Depot issue not being advertised in the Town Newsletter.
- Residents' not being informed of the current issues surrounding the Depot property.

RESIDENTS' TIME (7:40 pm)

Highway Pickup – Planning Board Chairman John Eldred asked if the Highway Department was still picking up branches. Highway Superintendent Randy Ritter said yes. John has tree branches from the Port Crane Cemetery that he will put out to the road and Randy said the Highway Department will pick them up. Resident Dan Gates said that he has to call the Highway Department to pick up brush where he lives but in Hillcrest they do not have to call. He feels this is discrimination. Mr. Hamlin explained that the homes are spread out more in the area where Dan lives and not all of the homes need pick up so it is logical to make a call to the Highway Department when one has items ready for pick up. Dan asked, "Isn't the Town suppose to go through the Town every so often?" The Town Board answered, "No."

Depot Issue – Resident Mary Jo Bowie asked if they could have a definite date that the Depot issue could be on the Agenda. Mr. Hamlin said it would be better at a Work Session. The next Work Session is scheduled for May 30th, 2018. Mr. Holcomb said that Residents and the Committee do not have to wait for a meeting to send suggestions of what would be acceptable uses in that area; they can email or call the Town Officials prior to a meeting.

Albany Street/NYS Route 7 – Resident Art Bradley said there is a very bad traffic situation between Albany Street and NYS Route 7. This is a one way road but no one adheres to the signs. The road is also in very bad shape. Randy Ritter commented that he is waiting for a quote from Tri-Cities Highway Products to mill and fill all the streets in Port Crane. Art stated that the ground water is also an issue in this location.

Noise Ordinance – Resident Bev Lamberton requested that the Town take a look at the noise ordinance as it pertains to a cannon gun that is shot off during the summer months near her residence to keep the birds out of the blueberry patches. Bev provided photographs of the repeller that shoots off a loud noise every three minutes from sun up to sun down. Mr. Moss will have Code Enforcement Officer John Broughton look at it.

Residents' Time closed at 7:51 pm

TOTAL BILLS – ABSTRACT 4, 2018 approved during the April 25th, 2018 meeting:

FUND	VOUCHER #s	AMOUNT
General	169 – 212	\$29,273.13
Highway	106 – 132	\$49,837.10
Hillcrest Water	93 – 111	\$55,339.64
Hillcrest Sewer	10 – 12	\$14,261.78
Porter Hollow Sewer	20	\$50.00
Port Crane Light District	6 – 7	\$1,068.71
Hillcrest Light District	6 – 7	\$2,401.97
Capital Projects	3 – 4	\$60,964.88
Trust & Agency	6	\$3,730.96
CDBG	18 – 20	\$23,785.50

SUPERVISOR'S REPORT

- Mr. Hamlin will be attending the meeting this Friday that was discussed earlier with Cindy O'Brien and he will share the outcome of the meeting.

TOWN ATTORNEY'S REPORT

- 1142 Chenango Street – John Broughton is anxious to move forward with this property. The problem is that the bank is well into the foreclosure process and until they have a judgement of foreclosure and sale, technically they are not responsible for property maintenance. Atty. Millus asked John to put a Criminal Summons together and Atty. Millus will send it to the Property Manager to have the tarp removed.
- 1001 Chenango Street – An email was sent that the Town is going to begin legal proceedings (criminal and civil) to demolish the building. Mr. Husar said squatters have been reported in the building again.
- 263 Porter Hollow Road – There have been ongoing issues with this property and apparently now the house is in foreclosure. Also, the owner is not living there now.
- NG Advantage – Atty. Millus has not heard anything. It appears they have given up on the project here but he has had no confirmation on it. The Board would like Atty. Millus to call NG Advantage's Attorney for confirmation.
- Bond Anticipation Notes – These were prepared for the 2014 Water System Upgrades and 2016 Water Meter Project.

- Local Law – The Grievance Day Local Law was drafted and prepared for tonight's meeting.
- Atty. Millus noted that he has been extremely busy with Town work.

TOWN CLERK'S REPORT

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for April 2018 were \$ 4,418.66.

COMMITTEE REPORTS

Building and Grounds – A light pole on NYS Route 369 was hit by a tractor trailer. Mr. Moss reported that the string of lights has been restored. Also, a replacement base was acquired from the Town of Dickinson and Panko Electric was able to fix the pole to complete the project. The bill will be sent to the trucking company. The Court entrance steps have been completed. While getting bids for lighting, Mr. Moss reported that he received an attractive proposal from Lime Energy, a subcontractor of NYSEG. Their bid was the most cost effective bid and he would like to use this company for the lighting project at the Fenton Free Library. Librarian Korin Spencer asked what the timeframe was for this; Mr. Moss said once the proposal is signed, it looks like a four week turnaround time so he anticipates the beginning of June. The water treatment situation at the Town Hall is still pending.

Zoning Enforcement – Report was read by Mr. Moss.

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

Dog Control – Report was read by Mr. Pray.

Building Inspector – Report was read by Mr. Holcomb. Mr. Holcomb also mentioned that there is a property at the top of Depot Hill Road and Nowlan Road that is interested in using their property as a venue for events such as weddings. Building Inspector Matt Banks was unsure of the definition in the Town Code of 'Outdoor Recreation'. He will have the owner(s) apply for a permit, then he will reject it, based on the definition being 'unclear', and it will be referred to the Zoning Board of Appeals (ZBA).

Highway and Solid Waste – Mr. Holcomb reported that the Town will be receiving a Federal share of FEMA funds due to the severe winter storm in March 2017 (snowfall of 30 inches) in the amount of \$33,600.00. The Town may also receive a portion of the State share of approximately \$5,000.00. Randy Ritter thanked Town Engineer Rick Armstrong for submitting the paperwork for this FEMA Grant. Randy also reported that the Highway Department has been out fixing plow damage, picking up sand, and picking up solid waste. The new garbage truck is expected to arrive on Friday. Mr. Husar said there has been discussion in the past about developing a cul-de-sac at the end of Cornell Avenue. Randy agreed that it would be helpful to have a cul-de-sac for the Highway vehicles to turn around but there is a big storm drain that would be an issue. This is a matter to be looked into. Planning Board Chairman John Eldred thanked Randy and the Highway Department for cleaning up the debris from the remains of a tree in the Port Crane Cemetery that had fallen down.

Assessor – Mr. Husar reported that the Public Hearing for Grievance Day was held tonight and that the Assessor Cindy Mills has been busy with Assessor responsibilities.

Justice Court – Report was read by Mr. Husar.

Historical Advisory Committee – Mr. Holcomb reported that the Historical Advisory Committee contacted the Beer Tree Brew Company about placing a display in their facility commemorating the Chenango Canal which use to run through a portion of their property; they were open to this idea. The Committee will have a booth at the Port Crane Fire Company's Annual Chicken Barbecue where they will share and gather history of the Town of Fenton. Also, a gentleman who is related to the Cross family will be meeting with the Committee in May to discuss the history of his family and to take a tour of the Port Crane Cemetery.

Conservation Advisory Committee (CAC) – CAC Acting Chairman Mike Grasso reported the Committee held a Nature Walk for Earth Day on Sunday, April 22nd, at Chenango Valley State Park and it was well attended. CAC Member and Biologist David Sterling led the group and his son-in-law set up a telescope to view the eagle. CAC Members Karen Goodman and Pat Podrazil assisted in the Nature Walk as well. The Committee may hold the event again next year due to its success. Mike asked Randy Ritter, at the request of the CAC, if the Highway Department could fix the potholes on River Road, and mow the grass along the canal. The CAC has been looking into timber harvesting issues and has drafted a Notice of Intent (NOI) to cut logs for timber for commercial operations which basically informs the Town of the operation. The CAC looked into the Climate Smart Program and there is nothing in this for the Town; however, the NYSERDA's Smart Energy Program does have available grant money for the Town's buildings for improvements, such as windows, roofs, insulated garages, etc. Mike distributed information on the program to Mr. Moss. A Resident asked if the CAC ever does any work in the Hillcrest area. Mike said they have not looked into the Hillcrest area but encouraged Residents to attend the CAC meetings; the CAC meets on the first Tuesday of each month. Resident Mary Jo Bowie asked if the CAC would consider creating the Depot as Greenspace.

TOWN ENGINEER'S REPORT

- There was no formal Engineer's Report. Mr. Holcomb reported that he met with John Mastronardi and discussed putting together a more detailed Engineer's Report that would cover the current Town projects. They also discussed the contract with Griffiths Engineering and all of the projects that John has been working on. Mr. Holcomb suggested that the Town Board should not only look at the contract but also at what point the applicants be required to fund some of the engineering costs that go into these projects (i.e. charge applicants fees). Mr. Holcomb will distribute copies of the information John provided to him to the Town Board Members. Mr. Holcomb also discussed the possibility of John holding office hours one day per week at the Town Hall.

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

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

MINUTES

Mr. Holcomb made a motion to approve the Minutes from the March 28th, 2018 Work Session and the April 4th, 2018 Town Board Meeting, seconded by Mr. Moss. **Motion carried.**

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

OLD BUSINESS

- **Generator** – The Panko Electric integration into the generator will probably be complete no later than Friday. LeChase Construction has contacted the manufacturer of the generator and has tentatively scheduled a first time start-up next week. The paving needs to be touched up around the generator and a barrier has to be installed around the propane tank.
- **Clean-Up Days – May 12th, 2018** – No Deputies will need to be hired for the Clean-Up Days in Hillcrest, as there is a gate that can be locked.
- **Open Items List** – Mr. Holcomb would like the Town Board to review the Open Items List to see if any items can be removed. The last time it was updated was April 4th, 2018.
- **Service Road Weight Limit** – Mr. Hamlin had a discussion with the Mayor of Port Dickinson this afternoon who agreed to waive the weight limit for First Student but he still said absolutely no trucks will be allowed to use the road.
- **Increased Communication** – Mr. Husar suggested that the Town Board Members should be copied on communications that come from Melodie Bowersox. He plans to speak with John Mastronardi and Rick Armstrong about the Town Board Members receiving communications from them as well.
- **Firemen Recruitment Week** – Cindy O'Brien mentioned that last week was Firemen Recruitment Week. No one visited the Hillcrest or Port Crane Fire Companies last week for this event. The Fire Companies are in need of volunteers.

NEW BUSINESS

- **Excavator for the Highway Department** – Mr. Holcomb sent a proposal to the Town Board Members for an Excavator purchase for the Highway Department. **Mr. Holcomb made a motion to approve the purchase of a Volvo EW60E rubber wheeled Excavator for \$49,619.00**, seconded by Mr. Pray. **The motion was carried.**

ROLL CALL VOTE:

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

- **Vote on Public Hearing – Local Law for Grievance Day** – **Mr. Holcomb made a motion to approve Local Law No. 3 of the year 2018 for Grievance Day for the Town of Fenton**, seconded by Mr. Husar. **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

Mr. Holcomb noted that every year at the Organizational Meeting the date for Grievance Day is established; however, now this will not have to be done at that Meeting due to the new Local Law. Mr. Husar will contact Cindy Mills to let her know the Local Law has been passed and the fourth Thursday of May has been established as Grievance Day for the Town of Fenton.

- **Free Adoption Day** – Saturday, May 5th, 2018, is Free Adoption Day at the Broome County Dog Shelter.
- **Hillcrest Civic Association** – Nick Cook announced that the Hillcrest Civic Association's opening weekend for softball and baseball is this coming weekend, beginning at the Port Dickinson Park on Friday. There will be a parade in Chenango Bridge on Saturday at 11 am. Nick encouraged Residents to attend the weekend events and thanked the Town for their support of the Association.
- **Accreditation of Town Clerk Melodie Bowersox** – Mr. Moss asked that Melodie's recent accreditation as Registered Municipal Town Clerk by the NYS Town Clerk's Association be recognized; applause followed.

At 8:54 pm, Mr. Pray made a motion to adjourn into Executive Session to discuss an email action on a personnel matter, seconded by Mr. Moss. Motion carried.

Melodie A. Bowersox, Town Clerk