

The Town of Fenton Town Board held its regular meeting (via Zoom) on Wednesday, May 5, 2021, at 7:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT: Town Board Members Gary Holcomb, Supervisor (present)
David Gunster, Councilman (present)
Michael Husar, Councilman (present)
Thomas Moss, Deputy Supervisor (present)
Richard Pray, Councilman (video conference)
Town Attorney Albert Millus, Jr. (video conference-
arrived at 7:15 pm)
Town Clerk Melodie Bowersox (present)
Deputy Town Clerk Sheryl Seymour (phone conference)

ABSENT: Highway Superintendent Randy Ritter

OTHERS PRESENT: Building Inspector Matt Banks (present), Building Inspector Clerk Cheryl Mammano (present), Code Enforcement Officer John Broughton (present), Zoning Board of Appeals (ZBA) Member Cindy Cook (present), and five Members of the General Public (present)

PLEDGE OF ALLEGIANCE

Mr. Holcomb led in the Pledge of Allegiance.

PUBLIC HEARING – RECREATIONAL VEHICLE (RV) LOCAL LAW

PLEASE TAKE NOTICE that the Town Board of the Town of Fenton, Broome County, New York, will conduct a public hearing to receive comment regarding Introductory Local Law No. 3 (2021) entitled "A local law to regulate the use and location of recreational equipment and major recreational vehicles in the Town of Fenton." The proposed law, if adopted, will establish regulations for the parking, storage, and use of "Recreational Equipment" and "Major Recreational Equipment," defined as "boats, boat trailers, horse trailers, and other similar equipment and appurtenances." "Major Recreational Vehicles" includes travel trailers, fifth wheel trailers, coaches (designed to be mounted on a truck or automobile chassis), motorized dwellings, pop up trailers and pickup campers. Among other things, the law would regulate the use of equipment such as recreational vehicles for occupancy on a temporary and on a seasonal basis. A copy of the proposed law may be inspected or obtained at the office of the Town Clerk, located at the Town Hall, 44 Park Street, Port Crane, New York.

The public hearing will be conducted at the said Town Hall on Wednesday, May 5, 2021, at 7:00 p.m., or as soon thereafter as the matter may be heard. All interested persons will be heard at the public hearing.

The public hearing will be conducted in person at the Town Hall and virtually via Zoom. Anyone wishing to participate or attend virtually may obtain the login information by contacting the Town Clerk at (607) 648-4800, extension 0.

Dated: Port Crane, New York
April 29, 2021

BY ORDER OF THE TOWN BOARD

Mr. Holcomb opened the Public Hearing for the Recreational Vehicle Local Law at 7:04 PM.

The following persons spoke in favor: None

The following persons spoke in opposition:

Gary Freije read from a document in opposition of the proposed Law as it is currently drafted. Highlights of the document included proposed amount of time on the property, dollar amount of the Permit Fee, potential reduction in value of surrounding homes, and enforcing Broome County Health Department requirements.

Comments made by the Public:

Esther Aswad feels there should be a Planning Board Plan for the development of the Town. This seems like a perfect time for a Subcommittee of the Planning Board to determine whether we are still an Agricultural Town or now classified as Agricultural/Suburban and to then do some planning accordingly.

Cindy Cook looked at the Noise Ordinance after the Work Session last week. It appears the Town is already covered if a generator is put in and it is bothering a Neighbor. She questions whether the Town should say no generators since we are already covered.

Mike Farrell noted there are regulatory signs that state noise cannot exceed 92 decibels, which the Town cannot supersede.

Darrell Whitman noted there is an RV in the mobile home park at 417 West Service Road that appears to be permanently parked on a lot where a mobile home burned down.

Comments from the Board:

Mr. Holcomb said the intent of the Law is to allow people that buy or own property to use it in the way they would like to. The Town also realizes the way people would like to use it might impact other people. The intent is to put controls in that will regulate it so you can do what you want to do but minimize disruptions and annoyances. Right now, there is nothing in place that stops people from doing whatever they want to do. Protections would be put in place to avoid RVs being parked in one spot all year long.

Questions posed to the Board:

Esther Aswad asked if there were certain areas in the Town where we were presently having problems or is this a problem being anticipated in the future. Mr. Holcomb said there are parcels in our Town that are vacant, and people are asking if they can put their RV there and stay for the summer if they purchase it. He also noted that under the existing Law an RV parked in your yard by a temporary Guest is prohibited.

All persons desiring to be heard, having been heard, the Public Hearing closed at 7:36 PM.

RESIDENTS' TIME

Town Newsletter – Resident Mike Farrell commended the Town on the Newsletter recently sent out to Residents.

Hydrant Flushing – Resident Mike Farrell said while the flushing was being done on Fenton Avenue, he observed three Employees on one truck, with one employee riding on the tailgate.

Highway Supervisor – Resident Mike Farrell asked why Highway Supervisor Randy Ritter has not been at meetings. Mr. Gunster said he is currently on vacation and has not attended due to COVID, but he will be in attendance after this month.

Ten Ton Limit Signs – Resident Mike Farrell asked where the Ten Ton Limit signs are. Mr. Moss explained that after further Board discussion, the consensus was that the focus seemed to be on one street rather than there being a widespread Town problem. The Board made the decision to table any further action.

Franklin Avenue Extension – Resident Esther Aswad asked if there were any plans for road repair on Franklin Avenue Extension. Mr. Gunster said he would look into it.

Residents' Time closed at 7:44 PM

TOTAL BILLS – ABSTRACT 4, 2021 approved during the April 28th, 2021 meeting:

FUND	VOUCHER #s	AMOUNT
General	174 – 237	\$31,404.10
Highway	97 – 130	\$38,389.58
Hillcrest Water	61 – 81	\$20,734.67
Hillcrest Sewer	10 – 13	\$22,370.90
Porter Hollow Sewer	14	\$125.50
Port Crane Light District	6 – 7	\$736.19
Hillcrest Light District	6 – 7	\$1,097.54
Trust & Agency	5	\$2,613.37
Capital Projects	0	\$0.00
CDBG	9 – 12	\$28,499.00

SUPERVISOR'S REPORT

- Mr. Holcomb pointed out the most recent drawing of the proposed bridge over the Chenango River in Chenango Forks is posted on the Board Room bulletin board. It will be 6/10 mile from the present bridge and will span between the Town of Fenton and the Town of Greene in Chenango County. Bids will be accepted beginning in the Fall of 2021.
- Mr. Holcomb thanked Mr. Pray for his work on recent Grant submissions. A Grant was rewarded by the Rotary Club in the amount of \$5,000 for new bleachers for the ball fields on the Town Hall grounds. Mr. Pray also submitted a Federal Grant Application through Representative Claudia Tenney's Office for the Water Tank Project. There were 60 Applications received, and unfortunately our Application was not one of the ten Applications selected.
- The Outdoor Seating Resolution was extended at the Work Session last week that gives authority to the Building Inspector to expedite the approval process for outdoor seating due to the issues with COVID.
- While nothing official has been received, it is anticipated that on May 19th some of the restaurant restrictions will be lifted.
- Agreements have been recently signed with NYSEG and Panko Electric to have the remaining post top lights converted to LED.

TOWN ATTORNEY'S REPORT

- A lot of time has been spent on Justice Court matters with a backlog of parking tickets and unlicensed dogs that needed to be cleaned up. Things should be caught up and back to normal very soon.
- There has been an increase in correspondences with the Building Inspector's Office since Matt has become full-time.
- A claim was received for a fall in front of the property next to the Fenton Free Library. It was concluded the claim was on County property and not Town property.
- The County took over the property at 125 Nowlan Road, which is on the Unsafe Structure list. Atty. Millus contacted County Atty. Bob Behnke, who said he would look into it. If they agree it needs to be torn down, the County will deed the property over to the Town. Mr. Gunster asked if Matt Banks could get permission from the County to go inside to inspect the property. Atty. Millus will get a contact name for Matt so he can inquire.
- Atty. Millus was asked at the Work Session to look into the current Code to see whether there is an alternative to adding the cost of demolition to a tax bill if a property is deemed an Unsafe Structure. This is pending.

TOWN CLERK'S REPORT

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for April 2021 were \$2,463.25

COMMITTEE REPORTS

Building and Grounds – Mr. Moss reported the Crime Lab is still in the process of painting.

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.

Highway and Solid Waste – Mr. Gunster reported April activity included repairs from plow damage, ditch and shoulder work on Ballyhack and Vincent Hill Roads, tree removal on Avenue A, Mead Road and Fenton Avenue, servicing of various equipment, installation of two new driveway pipes and replacement of one driveway pipe. The County roads were swept with the small sweeper and the large sweeper is now in working order. Two loads of wood chips were hauled for the Hillcrest Civic and a large amount of debris was removed from their ballfield. Solid Waste pickup started on April 6th. Randy Ritter is on vacation from April 27th through May 12th.

Building Inspector – Report was read by Mr. Gunster.

Justice Court – Mr. Husar said this month's report closely resembles the Justice Reports in the past. Judge Dadamio is about ready to go on vacation. Next month's report should have additional information.

Town Engineer – Mr. Husar summarized the Town Engineer Report, which included the Water Tank Project, the Path of Life Road culvert issue, and the Chenango Street Sidewalk Project.

Assessor – There was no Assessor's Report.

Planning Board/Zoning Board of Appeals (ZBA) Activity Reports – Mr. Husar said he has not spoken to Planning Board Chair Tim Brown, but the New Leaf Cider Co., LLC at 80 Depot Hill Road is still in the works.

Conservation Advisory Committee (CAC) – Mr. Gunster reported the CAC met last night. The Beer Tree was approached about installing the EV Charging Station on site. Initial thoughts were that it would be an easier process than it is turning out to be. There are a lot of requirements involved, so the project is yet to be decided. The Memorial Bench dedication for former CAC Member David Sterling took place on April 24th and went very well. David's family attended, and they were very pleased that the Town and the CAC recognized him.

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

MINUTES

Mr. Moss made a motion to approve the Minutes from the March 24th, 2021 Work Session and the April 7th, 2021 Town Board Meeting, 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

OLD BUSINESS

- **Fenton Avenue** – Mr. Husar said he called Jon Miselnicky to see if he had heard anything since the meeting at the end of Fenton Avenue to discuss the Phelps Creek situation. Jon has not heard anything. Mr. Husar will check with Jon to see if he contacted Kevin to discuss shared costs for cleanup.

NEW BUSINESS

- **Resolution #2021-10: Resolution to Approve Training Credits – Mr. Husar made a motion to adopt Resolution #2021-10:**

WHEREAS, the ZBA and Planning Board Members are required to have annual training to maintain their status as Members, and

WHEREAS, NYSERDA is offering a series of Webinars on Battery Energy Storage Systems, and

WHEREAS, information on Safety, Zoning and Permitting, Decommissioning, and Tax and Assessment are relevant topics that could come before these Boards,

NOW, THEREFORE BE IT RESOLVED, that participation in these Webinars will qualify as training time toward the Annual Training requirement, and the Board Chairs will submit the required documentation to the Town Clerk to record this training.

Seconded by Mr. Moss. **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

Prior to the vote, Mr. Holcomb said these Trainings were recommended by Lora Zier of the Broome County Planning, indicating these Trainings could qualify for part of their Annual Training, but it would be up to the individual Boards to approve them.

- **Path of Life Road Closure** – Mr. Holcomb said the culvert on the Ballyhack Road end of Path of Life Road began to collapse last week during a severe rainstorm. Attempts were made to repair the culvert, but the decision was eventually made to close the road

for culvert replacement. John Mastronardi of Griffiths Engineering feels it is going to need a wider opening than what is currently there. Emergency Services has been advised of the closure.

- **Booster Day Parade** – Mr. Moss noted the Hillcrest Booster Day Parade will be canceled again this year.

At 8:32 PM, Mr. Husar made a motion to adjourn the meeting, seconded by Mr. Gunster. **Motion carried.**

VOTE: Ayes 5 Gunster, Holcomb, Husar, Moss, Pray
Nays 0
Absent 0

Melodie A. Bowersox, Town Clerk/ss