

The Town of Fenton Town Board held its regular meeting (via Zoom) on Wednesday, September 2, 2020, 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 (video conference) *arrived at 7:37 PM Thomas Moss, Deputy Supervisor (present) Richard Pray, Councilman (video conference)
	Town Attorney	Albert Millus, Jr. (video conference) *arrived at 7:07 PM
	Deputy Town Clerk	Sheryl Seymour (present)
ABSENT:	Highway Superintendent	Randy Ritter
	Town Clerk	Melodie Bowersox

OTHERS PRESENT: Administrative Assistant/Bookkeeper Theresa Staats (present), Zoning Board of Appeals (ZBA) Member Cindy Cook (present) and three Members of the General Public (present)

PLEDGE OF ALLEGIANCE

Mr. Holcomb led in the Pledge of Allegiance.

RESIDENTS' TIME

Open Meeting Laws/Town of Fenton Meeting Rules – Resident Esther Aswad thanked Town Clerk Melodie Bowersox for forwarding the Open Meeting information to her. Esther asked to whom she would direct additional questions. Mr. Holcomb said she should start with Melodie for further clarification since she has Freedom of Information contacts. Esther further commented the information she reviewed said the Municipality or Town can make the rules. All she wanted was a repeat of information of the location they were talking about. Because there was no place for a Resident to ask a question, Esther suggested this be adjusted in the Town of Fenton Meeting Rules. Mr. Holcomb commented that allowing any type of question from the Public would open a “can of worms” for other Residents wanting to ask a question that may not be quite as simple. Mr. Holcomb has discussed this topic with the Planning Board Chair Tim Brown, whose response was that Residents are present to watch the Board do their job. Additionally, Tim said he wants to protect the time and the business of the people that are applying. Esther also asked whether there was ever a Hearing on the new Town of Fenton Meeting Rules before they were adopted. Mr. Moss replied they are guidelines to adhere to and for the Town and Residents to use as a guide to how the Town would like to conduct business at various meetings. Mr. Holcomb said he will have a copy of the document forwarded to her.

Two Residents' Times – Resident Esther Aswad asked whether a Residents' Time could be considered both at the beginning and end of each meeting. Mr. Holcomb did not feel he wanted to go down that route in “opening the door” under certain circumstances.

Upper Tracks (Angel Falls) over Phelps Creek – Resident Mike Farrell has concerns over the washouts occurring and washing onto the cemetery property. It is also creating a pond where it comes off the spillway, and it appears it is pushing back against the gravel used for the stability of the tracks. Mr. Holcomb said the Town has continued their attempts to get the Railroad involved with the issue.

Moody Library Sign – Resident Esther Aswad asked about the status of a Moody Library sign. Mr. Holcomb said he will look into it. Mr. Moss said he has spoken with Jeff Jacobs, Fenton Free Library Board Trustee, informing him there are Hillcrest Residents that would like a sign commemorating the donation of the Moody Family.

177 NYS Route 7B – Resident Cindy Cook asked for a status on the issue at 177 NYS Route 7B. Mr. Holcomb said there should be something soon.

Residents' Time closed at 7:18 PM

TOTAL BILLS – ABSTRACT 8, 2020 approved during the August 26th, 2020 meeting:

FUND	VOUCHER #s	AMOUNT
General	395 – 449	\$37,539.31
Highway	212 – 246	\$55,452.95
Hillcrest Water	150 – 178	\$19,071.38
Hillcrest Sewer	28 – 29	\$27.00
Porter Hollow Sewer	8	\$50.00
Port Crane Light District	15 – 16	\$995.91
Hillcrest Light District	15 – 16	\$2,186.55
Trust & Agency	8	\$4,515.24
Capital Projects	0	\$0.00
CDBG	0	\$0.00

SUPERVISOR'S REPORT

- Judge Ambrose Madden resigned unexpectedly a couple of weeks ago. An interim Judge had been assigned from the Sixth Judicial District and new accounts are being set up for him to conduct business.
- The Association of Towns will try to start scheduling meetings again. They have not met since February.

- A survey was received regarding the Town's broadband infrastructure and what areas of the Town, if any, are not getting good internet service.
- There were notifications about a Local Waterfront Revitalization Program and a Broome County River Trails Program. There will be discussion about what kind of plans should be in place for foot paths, biking paths, hiking trails along the river basins, etc. Mr. Holcomb noted the five mile stretch from the old canal road for Chenango Valley State Park up to the bridge at Pigeon Hill Road as a Fenton site to discuss.

TOWN ATTORNEY'S REPORT

- The Fuel Bid process was completed.
- Zoning letters were issued.
- Several Ordinances are being worked on.
- A response was sent for the CDBG complaint.

TOWN CLERK'S REPORT

- Monthly Report was read by Sheryl Seymour.
- Total Local Shares for August 2020 were \$2,997.65.

TOWN ENGINEER'S REPORT

- John Mastronardi of Griffiths Engineering reported all activity for the month of August was related to the Fenton Free Library addition water and sewer hookup.

COMMITTEE REPORTS

Building and Grounds – Mr. Moss noted progress is being made in migrating the new Website into production. To expedite the migration, he and Mr. Holcomb decided to migrate Meeting Minutes and Agendas from 2018 to present only. Older Minutes and Agendas will be available through the Town Clerk's Office. The Crime Lab painting is pending.

Zoning Enforcement – Report was read by Mr. Moss. Additionally, Mr. Moss noted letters were written by Atty. Millus to the Owners of 1199 Cornell Avenue, 1208 Cornell Avenue, 5987 NYS Route 79 and 76 Gilmore Avenue.

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

Dog Control – Report was read by Mr. Pray.

Highway and Solid Waste – Mr. Gunster reported August activity included tree trimming to remove low hanging limbs that could hit school buses; grader shimming on Palmer Hill, Fenner Hill, Hunt Hill and Vincent Hill Roads (with grader shimmer currently on Pigeon Hill Road); a paving project on Ivan Lane, Dale Court, Niles and East Niles Roads; blacktopped driveway aprons, topsoiled and seeded yards where needed after the Hillcrest Paving Project; removed the old sidewalk by the Library in preparation for the new sewer line; blacktopped, seeded and mulched once the new sewer line was installed; roadside mowing and road sweeping; hauled gravel for the DEC for the new fishing access on NYS Route 369; and debris and downed trees

were cleaned up after the recent storm. Road sand and salt have been purchased and Broome County has begun striping our roads. Additionally, three quotes were received for paving the Library parking lot, with Podrazil Paving being awarded the job. The Town will haul the materials to save money.

Building Inspector – Report was read by Mr. Gunster.

Assessor – Mr. Husar said there was nothing new to report.

Justice Court – Mr. Husar reported Judge Madden resigned.

Conservation Advisory Committee (CAC) – Mr. Gunster report the CAC met last night for the first time since June. Resident Judge Herbert Ray praised the Town for work done on the Towpath where he owns property. A CAC Action List was discussed that included the Clean Energy Communities Program through NYSEDA, electric car plug-ins, the Canal road and a status on the Timber Notice of Intent (NOI) created by the CAC and given to the Town Board for review. The Committee is still looking for an additional Member.

Mr. Moss 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. Pray made a motion to approve the Minutes from the July 29th, 2020 Work Session and the August 5th, 2020 Town Board Meeting, 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

OLD BUSINESS

- **Justice Court Process** – With the resignation of former Judge Ambrose Madden, Mr. Husar said a temporary Judge from Johnson City has been assigned to fill in. Judge Thomas has been a great help in the Court Office to date. Backlog has yet to be determined. The Town is seeking a Candidate who will hold the position until December 2021. An election will then be held in November 2021 to elect the next Town Justice to begin their term January 2022. Mr. Holcomb said there are currently six Residents with Justice System backgrounds that have been suggested for the position, and a posting will go on the Website to seek additional names. There is a Judge School that is

scheduled for the third week of September that trains new Appointees prior to them taking the bench. It is the hope of the Board that a decision can be made prior to the start of the upcoming Judge School so the newly appointed Judge can attend the session as work with Judge Thomas while he is still assigned. Mr. Husar asked that any additional contenders be forwarded for consideration. Board Members will reach out to the six names currently being discussed.

- **2021 Budget Meeting – September 10th** – The first Budget Meeting for 2021 will be held on Thursday, September 10th at noon. Bookkeeper Theresa Staats will close the books for August 2020 before forwarding Budget information to the Board.
- **LED Lighting Update** – Mr. Gunster said NYSEG has begun replacing the lights, with most of them completed. The bill the Town will receive will be \$11,095.00. Lime Energy will begin the project on the 44 Town-owned lights on September 15th. Panko Electric will be doing the work, with expected completion in a week to ten days.
- **Annual NYS Harassment Training** – Mr. Gunster noted the annual Discrimination/Harassment Training needs to complete by the end of October. It can be done online, and completion certificates need to be forwarded to Theresa.
- **Timber Notice of Intent (NOI)** – The Timber Notice of Intent (NOI) will be reviewed by the Board and feedback will be given to the Conservation Advisory Committee (CAC). Mr. Gunster thanked Deputy Town Clerk Sheryl Seymour for gathering information on the status of the document to be reviewed.
- **Water Truck** – The anticipated delivery of the new Water Department truck is the end of September.
- **Phelps Creek** – Mr. Husar said there is a Grant Program that the Phelps Creek Project may be eligible for. Mr. Husar suggested contracting the Engineer that has been advising on the Project to apply for the Grant on behalf of the Town. The deadline for submission is the end of September.

NEW BUSINESS

- **Resolution #2020-19: Fenton Free Library – Budget Modification – Mr. Gunster made a motion to adopt Resolution #2020-19:**

WHEREAS, the Town Board has committed to funding to the addition of the Fenton Free Library, and,

WHEREAS, the Town Board wishes to modify the budget to allow this expense by appropriating Surplus Funds,

NOW, THEREFORE BE IT RESOLVED, the General Fund Budget be modified to increase the General Fund line item – Transfer to Capital Funds (A9950.900) by appropriating Surplus Funds (A599) in the amount of \$25,000.
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 noted the Fenton Free Library parking lot was in disrepair prior to the construction of the new addition and needs repaving and restriping. It has rapidly deteriorated since the recent construction vehicle activity for the addition. Some of the blacktopping was removed and replaced with concrete aprons around the building and at the entrance. Mr. Moss noted that regardless of whether the addition took place, the repaving/restriping would have had to be done.

- **Resolution #2020-20: Payroll Tax Deferment – Mr. Husar made a motion to adopt Resolution #2020-20:**

WHEREAS, the Town of Fenton has reviewed the requirements for the proposed payroll tax deferment plan, and

WHEREAS, at the present time this deferred tax would have to be paid in the next tax cycle, and

WHEREAS, it will require the employers to be responsible to track and collect this deferred payment even if an employee should leave,

THEREFORE, BE IT RESOLVED, that the Town of Fenton chooses to not participate in this payroll tax deferment program.

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

Prior to the vote, Theresa Staats explained the President signed an Executive Order a few weeks ago to give employers the option to set up a payroll tax deferral. The Town has the option to opt in or out. It is a deferral and not a forgiveness, and from September 1st to September 30th 6.2% of Social Security Tax will be back into the employee's paychecks. The Town will then be responsible for collecting that tax January through April of 2021. It is her opinion it is in the best interest of the Town Employees that the Town opts out of the deferment.

- **American Legion Dedication – September 19th** – There will be a Dedication of a carving that was commissioned by the American Legion on Saturday, September 19th. Mr. Holcomb said the Legion asked if the Service Road could be closed to one lane in front of the Legion for approximately 45 minutes. Highway Superintendent Randy Ritter will be looking into getting a couple of Employees to assist with traffic control, and has been asked to notify the Broome County Sheriff's Office to confirm there will be no issues in closing the lane and the possibility of supplying a patrol car.
- **Copier Lease** – Mr. Holcomb said the lease on the Town Hall copier will be expiring soon. After reviewing the two quotes Theresa Staats obtained per the Town's Procurement policy, **Mr. Pray made a motion to approve the lease of the Toshiba copier**, 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

- **LED Lights on Bridge** – Mr. Pray asked if there was an update on the streetlights out on the bridge on the Service Road near Conti's. Mr. Gunster said the Town owns the lights from the center bridge to our side, and they are part of the Lime Energy project and are scheduled to be replaced starting September 15th. The Town of Chenango has been in touch with NYSEG requesting bulb replacement for the ones they own from the center of the bridge to their side.
- **Franklin Avenue Wedding** – Mr. Moss reminded the Board there will be a wedding on Franklin Avenue on September 26th. Arrangements had previously been approved to close Franklin Street from 18 Franklin Street to Chenango Street with assistance from the Highway Department. There will be emergency access during that timeframe should the need arise. The wedding party has agreed to adhere to the New York State limitations of 50 people per gathering.

At 8:41 PM, Mr. Gunster made a motion to adjourn the meeting, seconded by Mr. Husar. **Motion carried.**

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

Sheryl L. Seymour, Deputy Town Clerk