

The Town of Fenton Town Board held its regular Work Session in person and via Zoom on Wednesday, August 25<sup>th</sup>, 2021, at 6:00 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 (arrived at 6:09 PM)  
Richard Pray, Councilman (video conference)  
Town Clerk Melodie Bowersox  
Highway Superintendent Randy Ritter (video conference)  
Admin. Asst./Bookkeeper Theresa Staats

**ABSENT:** Town Attorney Albert Millus, Jr.

**OTHERS PRESENT:** Building Inspector Matt Banks, Building Inspector Clerk Cheryl Mammano

### **Pledge of Allegiance**

**Review Abstract #8, 2021** – The Abstract was emailed to the Town Board Members earlier today and Mr. Husar commented that it is very helpful to receive it ahead of time for review.

- General Fund: Aces Animal Care Equipment - 94530/Large Catch Net, Disposable Leashes, Dog Det. Spry - Voucher #437 - \$260.40 – Mr. Gunster asked about this Voucher, and it was explained that this falls under Dog Control.
- General Fund: Town of Fenton Highway Dept - 60 Gallons Gas - DCO Van Jan. - June 2021 - Voucher #438 - \$143.40 – Mr. Gunster also asked if this Voucher would go back to the Highway Department and Bookkeeper Theresa Staats answered yes.
- Mr. Pray asked about the internal upgrades at the Town Hall (purchases were made at Home Depot under the General Fund) and who did the installation work. The Water Department did the installation after talking to Plan First Technologies, Inc. about upcoming updates and communications improvements.
- **After a review of the Abstract, Mr. Gunster made a motion to approve Abstract #8, 2021, seconded by Mr. Husar. Motion carried.**

### **ROLL CALL VOTE:**

Councilman Mr. Gunster aye  
Councilman Mr. Husar aye  
Councilman Mr. Moss absent  
Councilman Mr. Pray aye  
Supervisor Mr. Holcomb aye

**Opt-in/Opt-out – Cannabis Retail Dispensaries and On-Site Consumption Licenses** – At a recent Town Meeting, Theresa Staats shared information regarding a webinar she attended

relating to Cannabis and Municipalities. The Town has until December 31<sup>st</sup>, 2021 to adopt a Local Law to opt-out of allowing Cannabis Retail Dispensaries and On-Site Consumption Licenses. She noted that it is important to understand that once a Municipality opts in, it cannot opt out; however, if a Municipality opts out, it can opt in at a later date. The Public consumption is the same as the Clean Indoor Air Act. The Town Board had a lengthy discussion on the matter and Mr. Holcomb referred to the document, "A Town Official's Official Guide to Cannabis," by the Association of Towns several times. (Theresa Staats will provide a copy of this document for all Town Board Members.)

(Mr. Moss arrived at the meeting at 6:09 PM.)

The discussion included:

- Income – There is a 13% Sales Tax. 9% goes to the State. 1% will automatically go to the County and the remaining 3% only goes to the Town if there are sales at dispensaries that are located within the Town.
- Medical Cannabis – The Town cannot opt-out of Medical Cannabis, including dispensaries.
- Location of Dispensaries – The Cannabis Law includes location restrictions such as it cannot be smoked or based on School grounds or Public Libraries or within 100' of them. Municipalities can also make additional restrictions if they opt-in.
- Community Input – Town Board Members agreed that input from the Community on the topic would help in deciding whether to opt-in or opt-out.
- Zoning and Permitting – If the Town chooses to opt-in, Zoning may have to be changed and Permitting would need to be added.
- Contact – The Office of Cannabis Management is the point of contact in New York for further information on the control of Cannabis.

At the end of the discussion, the Town Board decided to follow through with holding a Public Information Meeting on Wednesday, October 20<sup>th</sup>, 2021. This may include a presentation of the Law by an objective person and feedback from the Community. Following the Meeting, Residents will have an opportunity to provide further feedback via email and/or letters within a certain timeframe. After that, the Town Board will make a decision to opt-in or opt-out.

**Broome County Dog Shelter – Contract Renewal** – Mr. Holcomb received a letter from Brian Norris, the Broome County Director of Security, indicating that the Town's Contract with the Broome County Dog Shelter is due for renewal at the end of December 2021. The Contract is a five-year Contract. Services include 24 hour/7 days per week access, typical professional knowledgeable Shelter Staff providing highest level of care to dogs, and housing and care for the unwanted and unredeemed dogs from our Municipality that are made available for and up to their adoption back into the Community. The proposed rate is \$9,941.71 for 2022; 2023 – 2026 rates would be adjusted moving forward. **Mr. Husar made a motion to authorize Town Supervisor Mr. Holcomb to sign the Broome County Dog Shelter Contract Renewal for 2022 – 2026**, 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

**Solar Energy Broker** – Bartolo Jimenez of Cipriani Energy Group has reached out to Mr. Holcomb regarding a proposed Solar Farm Project in the Town of Fenton. Mr. Holcomb had suggested he make a presentation at a Town Meeting. In the meantime, Mr. Holcomb has been in contact with Jeff Baxter of Usource Energy who is an Energy Advisor/Broker. Jeff is able to advise the Town, if interested, in whether or not a property is usable as a Solar Farm. If he determined it was usable, he would do an RFP (Request for Proposal) and submit it to reputable Contractors in this type of business. He would then review the Proposals with the Town, and if one was selected, Jeff would receive a commission from the Contractor. One of the property locations the Board is considering for a Solar Farm is near the Hillcrest Water Tanks which comprises close to 24 acres and Jeff seemed to feel this would be sizable for a Solar Farm. At this point, Mr. Holcomb plans to tell Bartolo that the Town is headed in a different direction and that we will be in touch with him if we wish to have him present at a Town Meeting. Mr. Moss suggested having Jeff or an expert in the industry meet with the Board to explain Solar Farms further and Mr. Holcomb said Jeff agreed to do this virtually. He may be able to provide further information on the topic for the Board to read as well.

**Hillcrest Rotary Club Grant for Bleachers** – Mr. Pray asked what the status was on the bleachers. Mr. Husar said he printed the information that was sent to him but then he lost the printout. Also, he cannot locate the email and asked for it to be sent to him again which Mr. Moss did during the Meeting. Mr. Pray said the Hillcrest Rotary Club would like to get the process moving because the Grant has already been approved. Mr. Moss will ask the Civics about the quantity and location of the bleachers. Mike Snyder of the Rotary has Members who are willing to assist with the assembly of the bleachers when they come in. Also, assistance from the Highway Department may be needed.

**Path of Life Road** – Highway Superintendent Randy Ritter obtained quotes on a corrugated steel structure to replace the collapsed pipe on Path of Life Road. The cost is approximately \$80,000 – \$90,000. The Town would be required to prep the area for installation, but the company would install the structure. The cost for this is not known yet. Other possible solutions that are being looked into are to close the road, change the road to a single car bridge, or place a footbridge in. Mr. Gunster mentioned that he is not sure what the legal or New York State Department of Conservation (NYSDEC) ramifications with any of these solutions would be. Randy said that the pipe needs to be removed before another storm occurs.

**Mowing at the Town Hall** – Mr. Moss received a call from the Civics, asking that the mowing at the Town Hall be done more frequently because soccer is starting for the youth. Also, they

would like the grass cut shorter. Randy Ritter will speak to John Medinosky who does the mowing.

**Drews at 1205 Chenango Street** – After receiving videos from the Drews concerning incidents occurring on their property at 1205 Chenango Street, Mr. Moss advised them to contact the Sheriff's Department who told them as long as a crime has not been committed, there is nothing they can do. Mr. Husar suggested the Drews post 'No Trespassing' signs on their property.

**Pilgrim Holiness Property** – The meeting that was scheduled with the Owners of the Pilgrim Holiness Camp on August 19<sup>th</sup> has been changed to tomorrow.

**Engineering Contract** – Mr. Husar recalls that several years ago, the Town Board said that they would make a requirement that if any Application submitted for a Building Permit whose Engineering Costs went over \$5,000, then the Applicant would be responsible for it (inclusive of Engineering Costs for John Mastronardi of Griffiths Engineering and Assistant Town Engineer Rick Armstrong). However, Mr. Husar does not believe that this requirement was ever followed through on. The matter was discussed at the Planning Board Meeting last night and Town Clerk Melodie Bowersox noted that there is a clause that has been included in the 'Town of Fenton Planning Board Application for Site Plan Review' that says: "Please Note: The Applicant shall be responsible for any engineering services cost associated with an application that exceeds \$5,000 (five thousand dollars)." The Town Board discussed:

- the option of enhancing this within the 'Town of Fenton Planning Board Application for Site Plan Review' and/or adding a separate form to be filled out with a similar statement on it for the Applicant to sign.
- whether it should be included within the Building Permit Application or just with the 'Town of Fenton Planning Board Application for Site Plan Review'.
- the process of the Building Inspector's Department receiving Applications and the understanding that the Building Permit Application is filled out once the Site Plan Review has been completed.

The consensus was to leave the clause within the 'Town of Fenton Planning Board Application for Site Plan Review' and add it to the Building Permit Application, with possible enhancement of the clause (bolder/larger). Mr. Husar will follow-up with Planning Board Chairman Tim Brown on the issue.

**At 7:39 PM, Mr. Gunster made a motion to adjourn the meeting,** seconded by Mr. Moss.  
**Motion carried.**

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

Melodie A. Bowersox, Town Clerk