

The Town of Fenton Town Board held its regular Work Session in person and via Zoom on Wednesday, December 22<sup>nd</sup>, 2021, at 6:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

<b>PRESENT:</b>	Town Board Members	Gary Holcomb, Supervisor David Gunster, Councilman Michael Husar, Councilman Thomas Moss, Deputy Supervisor Richard Pray, Councilman (video conference)
	Town Attorney	Albert Millus, Jr. (video conference)
	Town Clerk	Melodie Bowersox
	Highway Superintendent	Randy Ritter (phone conference)
	Admin. Asst./Bookkeeper	Theresa Staats

**OTHERS PRESENT:** Building Inspector Matt Banks, Building Inspector Clerk Cheryl Mammano, Water Supervisor Greg Starley (phone conference), and Planning Board Chairman Tim Brown

### **Pledge of Allegiance**

**Review Abstract #12, 2021** – The Abstract was emailed to the Town Board Members earlier today for review.

- Mr. Holcomb noted that the Annual Stipends have been included in this Abstract for the Conservation Advisory Committee (CAC), Planning Board, and Zoning Board of Appeals (ZBA).
- Petcosky & Sons - 5637/Pex Pipe Replacement - Fenton Free Library - Voucher #669 - \$435.00 – Mr. Moss inquired about this Voucher. There was a leak in the basement of the Library. Building Inspector Matt Banks and Assistant Town Engineer Rick Armstrong were able to locate the leak and turned off the water. There were also problems with the new furnace in the new addition. Because Petcosky & Sons (who has the warranty on the furnace) also does plumbing work, Mr. Holcomb had them contacted to take care of the issues. (Matt said he tried to contact United Plumbing for the plumbing issue first, but he was not able to get ahold of them.)
- Mr. Husar questioned why there are bills for both Spectrum and Verizon under Hillcrest Water. Bookkeeper Theresa Staats said that Spectrum is business internet and business voice; Verizon is the emergency system.
- In the past two months, the Town has been billed \$6.00 by Frontier for faxes to the Dominican Republic. Armstrong and Frontier believe that the line is being hacked. Armstrong is working on a proposal for our phone lines that may eliminate Frontier and help to secure our phone lines. (Theresa said our international calling is already blocked but numbers to the Dominican Republic are able to still go through.)

- **Mr. Gunster made a motion to approve Abstract #12, 2021**, seconded by Mr. Husar. **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

**Special Work Session – January 2022** – A Special Work Session to approve Abstract #13, 2021 will be held on Wednesday, January 12<sup>th</sup>, 2022, at Noon.

**Parking – Town Roads – Winter Season** – Mr. Gunster and Highway Superintendent Randy Ritter would like clarification on three different issues regarding parking.

- During the Winter Season, Residents are instructed that there is 'No Parking on All Town Roads and Streets from 1:00 AM to 7:00 AM, November 1<sup>st</sup> to April 1<sup>st</sup>.' However, Mr. Gunster said that when the Highway Department is plowing the roads, often Residents are still parking off of the roads (on the sides). The Code does not specify that Residents cannot be parking in the Town's right-of-way. This is an issue particularly in the rural areas where the plows have to plow around parked vehicles that are on the sides of the roads. The Town's right-of-way is 25' from the center of the road, going in each direction. Randy said that most Town roads are 22' – 24' wide.
  - Code Enforcement Officer John Broughton usually gives warnings to those parked on the road or side of the road when there is no snow, but if it snows, he may issue tickets.
  - Atty. Millus suggested that the Town Code could be amended from just 'No Parking on All Town Roads and Streets' to include the Town right-of-way.
  - Mr. Holcomb would like to keep the Town Code as it is and allow John to determine whether the vehicle is parked on the road/right-of-way. John typically goes out to check the roads when it begins snowing.
  - Randy suggested that if the Code was to be changed that 10' from the edge of the paved road be added to cover the Town's right-of-way. Town Board Members discussed that this could be a problem particularly in Hillcrest because the 10' might include Residents' driveways.
  - Can the Highway Employees issue tickets like John does? Atty. Millus answered no, only Code Enforcement can issue tickets.
- Another issue that has been discussed in the past is whether or not the times of no parking should be changed. In some Towns, no parking is allowed on Town roads if it snows.
- Mr. Gunster asked who is authorized to put up no parking signs within the Town. Atty. Millus said that Section 60 of the Town Code entitled 'Vehicles and Traffic' lists the areas

in the Town where no parking is allowed. If the Highway Superintendent felt that the parking was a safety matter, he could use discretion and probably post no parking signs. After reviewing all three issues, the Town Board decided:

- **to allow Code Enforcement Officer John Broughton to use discretion in determining whether vehicles are on or off the Town roads and streets, then issue warnings and/or violations; he will consult with Highway Superintendent Randy Ritter on specifications as to whether or not the vehicle(s) are in the way of the plows,**
- **not to change the current no parking times,**
- **not to allow the Highway Superintendent to post no parking signs.**

Mr. Holcomb added that signs should not be posted without applying what is currently in the Town Code. Any signs that have been posted that are not in Section 60 of the 'Vehicles and Traffic' part of the Town Code will not be taken down but will be added to the Code at the time of review which Mr. Gunster and Mr. Moss have offered to do in 2022.

**Demolition Permit Time Period Extension** – The 30 days duration time period for Demolition Permits has been increased to six months because of issues such as asbestos, scheduling, etc. The Demolition Permit is being modified to accommodate the change. Modification of the Town Code is not necessary.

**Path of Life Bid Timing** – The Bid Package is in and can be put out to bid in January 2022. Randy Ritter and John Mastronardi of Griffiths Engineering are working on culvert pricing.

**Discussion of Assistant Engineering** – Rick Armstrong would like to step down from his responsibilities as Assistant Town Engineer. There is a potential candidate for the position, but the job will be posted (on the Town's Website, bulletin board, and Indeed) after a job description has been compiled. An individual who is a Civil Engineer or was a Civil Engineer who can work with Stormwater projects, Water Quality Reporting, Drainage issues, etc. is preferred.

**Project Management & Clerk of Works Activity – Building Projects** – Mr. Holcomb, Mr. Moss, and Mike Pipher of LeChase met regarding upgrades to the Town. The foremost upgrade is the front entranceway. Mr. Moss sent a proposal from LeChase to the Board Members. Discussion included:

- upgrades being done by phases or by project,
- having a General Manager/Clerk of Works to define the scope of the work to be done which would include the organization of the Architects and projects,
- contacting other companies (although there is no obligation under the Town Procurement Policy to do so because it is a Service Provider) to see if they are interested,

- if there is a conflict of interest with Mike Pipher working for LeChase and also serving as a Member of the Planning Board (Atty. Millus said there should be no issue as long as Mike was not involved in voting on matters of the building projects),
- final decisions to be made by the Town Board.

Mr. Holcomb suggested the Board follow up with Mike soon so the Town can move forward.

**Expedited 239 Review** – Recently Laura’s Luncheonette in Hillcrest, now called Rockin’ Robin, changed ownership and the Planning Board had the County do a 239 Review. Atty. Millus stated, as he has in the past, that he does not believe change of ownership of a business requires a 239 Review or Planning Board Review. Planning Board Chairman Tim Brown would like favorable consideration of the Town Board for him to contact the Broome County Department of Planning and Economic Development to discuss the possibility of a standard Intergovernmental 239 Agreement which is permitted in the NYS Law under the 239 Section. Tompkins County has an example of an Agreement with some of their Municipalities. The primary focus for the Town of Fenton would be projects that do not have anything to do with the County infrastructure and thus the 239 Review would not be done by the County. For example, the auto repair shop on the Service Road has changed ownership three times recently. If an Agreement were in place, the Planning Board could perform the Site Plan Review and communicate with the County what is being done at the Local level without the need for a 239 Review each time. Mr. Holcomb and Mr. Moss made comments that they believe it is prudent to do reviews on projects of the Town, but the Board did not have a problem with Tim speaking with the County about an Agreement.

**5987 NYS Rte. 79** – The Town spent \$3,400.00 to clean up the property a few months ago and now there is more junk in the yard. Matt Banks sent a violation notice to the Property Owner again and tried to contact the Property Maintenance Manager with no success. Atty. Millus will try to contact the Manager.

**Town Vehicles Policy** – Mr. Husar received a complaint from a Resident concerning the Water Department Truck being taken home at night and for lunch. He did not think this was allowed; however, Mr. Holcomb said if the Employee of the Water Department is on call, it is allowed. After Mr. Husar suggested that a Town Policy be in place regarding the matter, the Town Board decided that a Policy could be written to include any Town vehicles from the Highway and Water Departments that would typically be used for on call situations.

**Engineering Contract** – Matt Banks found in the Town Code that any expense can be passed on to the Applicant. This falls under Section A154-3 Reimbursement for Expenses: ‘In addition to payment of applicable fees, each applicant for a permit or license under any state law or regulation or Town of Fenton local law shall be required to reimburse the Town of Fenton for expenses incurred by the Town for retaining engineering, planning and architectural consultants to review an applicant’s plans on behalf of the Town and for all disbursements necessarily incurred in the processing of the application, including the costs of legal advertising.’ The

Board had planned to have a \$5,000.00 limit on applications to properly compensate the Town Engineer. Currently there is no form that is given to Applicants that states that once the \$5,000.00 threshold is met, the Applicant is responsible for the Engineering expenses. Tim Brown said that the statement from A154-3 and/or the Engineering limit could be included on Building Permits if the Board would like them to be. After a brief review of the Town Code, it was decided to amend the Town Code in two areas:

- Section 67-5 Building Code Administration and Enforcement/Fees – ‘A fee schedule shall be established, and changed as needed, by resolution of the Town Board. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections.’ **Site Plan approval projects and specific Applications will be added to the list.**
- Section A154-3 Fees – ‘...each applicant for a permit or license under any state law or regulation or Town of Fenton local law shall be required to reimburse the Town of Fenton for expenses incurred by the Town...’ **Add the threshold of ‘exceeding \$5,000.00’ after the word ‘incurred.’**

Atty. Millus will put a Local Law together to accommodate these changes.

**At 7:48 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  
Absent 0

Melodie A. Bowersox, Town Clerk