

The Town of Fenton Town Board held its regular Work Session in person and via Zoom on Wednesday, June 29th, 2022, at 6:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

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

ABSENT: Highway Superintendent Randy Ritter

OTHERS PRESENT: Building Inspector Matt Banks, Building Inspector Clerk Cheryl Mammano, Zoning Board of Appeals (ZBA) Member Cindy Cook, and 12 Members of the General Public

Pledge of Allegiance

Public Hearing – Fees for Recreational Vehicle (RV) Camper Laws – Mr. Holcomb read the Public Hearing Notice for Introductory Local Law No. 2 (2022):

NOTICE OF PUBLIC HEARING

Please take notice that the Town Board of the Town of Fenton will conduct a public hearing on Wednesday, June 29, 2022, at 6:00 p.m., to consider the adoption of Introductory Local Law No. 2 (2022), entitled, "A local law to prescribe penalties and remedies for violations of the Town of Fenton Code provisions regulating the use and location of recreational equipment and major recreational vehicles in the Town of Fenton." The local law, if adopted, would add subsections D and E to Section 150-32 of the Town Code to prescribe the following penalties: First violation: not more than \$600.00; second violation: \$600.00 to \$1,500.00; third violation: \$1,500 to \$5,000.00. The proposed law would also allow the Town to seek injunctive relief in any Court of competent jurisdiction. A copy of the proposed local law may be inspected or obtained from the Town Clerk at the Town Hall, located at 44 Park Street in the Port Crane area of the Town of Fenton.

The public hearing will be conducted in person at said Town Hall, and also via Zoom. Zoom login information may be obtained from the Town Clerk at 607-648-4800, Extension 0.

Dated: Port Crane, New York
June 21, 2022

BY ORDER OF THE TOWN BOARD

Mr. Holcomb opened the Public Hearing at 6:03 PM.

The following persons spoke in favor:

- None.

The following persons spoke in opposition:

- None.

Comments from the Public:

- An unidentified lady said she would like to know more about the proposed Local Law. Mr. Holcomb explained that last year a Local Law was enacted that does not allow persons to live in RVs. The Town Ordinance prior to that Local Law said that housekeeping was not allowed, but the new Law defined that term more clearly and does not allow for long-term residency in RVs. Introductory Local Law No. 2 defines the fees for violations of that new Law.

Questions asked of the Town Board Members:

- Albert Deanjou – Do the people with the RVs get a warning? Mr. Holcomb answered that the Code Enforcement Officer usually gives a Notice of Violation with a certain period of time to address the issue. If the matter is not addressed, then a Notice would be issued for Court where the fines may be incurred.
- Darrel Whitman – Does that count for your camper being parked? Mr. Holcomb said that as long as you are not living in the camper, and it is parked in the side yard.

All persons desiring to be heard, having been heard, the Public Hearing was closed at 6:06 PM.

Public Hearing – Storage Container Permitting – Mr. Holcomb read the Public Hearing Notice for Introductory Local Law No. 3 (2022):

NOTICE OF PUBLIC HEARING

Please take notice that the Town Board of the Town of Fenton, Broome County, New York, will conduct a public hearing on Wednesday, June 29, 2022, at 6:00 p.m., to consider the adoption of Introductory Local Law No. 3 (2022), entitled, "A Local Law to Regulate Temporary Storage Containers in the Town of Fenton." The public hearing will be conducted at the Town Hall, located at 44 Park Street in the Port Crane area of the Town of Fenton. The proposed local law, among other things, includes a definition of "Temporary Storage Container," establishes a permit procedure, and prescribes penalties for violations of the law. A copy of the proposed local law may be obtained or inspected at the office of the Town Clerk at said Town Hall.

The public hearing will be conducted in person, but also via Zoom. The Zoom login information may be obtained from the Town Clerk at 607-648-4800, extension 0.

Dated: Port Crane, New York
June 20, 2022

BY ORDER OF THE TOWN BOARD

Mr. Holcomb opened the Public Hearing at 6:07 PM after he explained that the proposed Local Law was drafted over a period of time. Storage containers are being used throughout the Town as storage sheds. There have been complaints about the unsightliness of many of these containers inclusive of how they are maintained and where they are located. Notification letters of the Public Hearing were mailed to Residents who currently have storage containers on their property and to Residents within 500' of the Residents with the storage containers.

The following persons spoke in favor:

- None.

The following persons spoke in opposition:

- Dan Gates – Dan said he has seen the containers all over and they are not hurting a soul.
- Albert Deanjou – Albert said that it seems like you (the Town) are being harsh by saying no to any of them instead of trying to work with the individuals. He understands that there should be rules to keep them neat and tidy, but if the person is willing to go that measure, then why wouldn't the Town try to work with the person?
- April Lawrence – April said that she has two storage containers in her front yard that she admits are ugly. She wanted to move them out back but in order to do so, her fence would need to be removed then put back in place after the containers were moved. She has not been able to find someone to do this for her. April wishes to keep the containers (which she paid \$3000 for) because she cannot afford lumber for a shed. She feels if she can tuck them in her backyard where they are not visible to neighbors then that is reasonable. She does agree they should be regulated.
- Gary Berray – The proposed Local Law says it is being done by zoning not property type. When doing it by zoning, there are different rules for different people. This creates an imbalance because you have such a complicated zoning throughout the Town of Fenton. There are houses on one side of the street that are zoned Commercial that can have these, and on the other side of the street there are houses that are zoned Residential that cannot have these. Some Mobile Home Parks (MHP) are zoned Commercial; some MHPs have multiple zoning. Gary gave several examples of what he sees as an imbalance and had printouts of his research on the matter. He will provide copies of them to Mr. Holcomb. Also, what about the fee for six (6) months? The bridge that is being installed in Chenango Forks is in a Residential area and it will take longer than six (6) months to build. They have storage containers while they are working on the bridge.
- Stacy Clark – Stacy asked if they would rather have the items nicely tucked in a container or all over. She has a container for her grandkids' micro cars that cannot even be seen when you drive by the house. How about a happy medium? She understands they do not want eyesores; she does not either.

Questions asked of the Town Board Members and Town Attorney:

- Dan Gates – There are storage containers all along the highway. Are you going to tax them? Mr. Holcomb said no; Mr. Husar further explained that there are some Towns that do tax them and there are Property Owners who have brick and mortar buildings that they pay taxes on.
- Darrel Whitman – What do you consider a container? Mr. Holcomb said basically a container looks like a shipping container that you might see on a cargo ship. Darrel said he has a box trailer without the wheels for storage, but he did not receive a letter. Mr. Holcomb said this falls under the description for containers.
- Don Snow – Don asked if he falls under this. He has been there for years, and the containers have been there for probably 35 years. He is getting billed commercial for his taxes. Mr. Holcomb replied that he has gotten away with it for a long time.
- Nicole Weist – If this is done, are Commercial allowed to have them? Atty. Millus answered that this Law only applies to Residential properties.
- Don Snow – Don questioned why they received a letter if they are Commercial not Residential. Apparently, the County shows the property listed as Residential. Don will give Mr. Holcomb a copy of what he has, showing he pays as Commercial.
- Mark Clark – What about Agricultural Zoning? Would that fall in the same lines? Atty. Millus said this would apply to Agricultural Residential Zoning (Ag Res A and/or Ag Res B), but it does not have anything to do with Agricultural Districts.

Comments of the Public:

- Don Snow – Don mentioned that when he has delivered storage containers to some Towns, they require that they be painted the same color as the house.

Comments of the Town Board Members and Town Attorney:

- Mr. Gunster – The Public Hearing is to discuss the container law, not to talk about other people in the Town. After Albert Deanjou spoke, Mr. Gunster commented that this is the type of feedback the Town Board Members were looking for. The Public Hearing could have been held without the notification letters being sent out, but they wanted the Public to become involved.
- Atty. Millus – This storage container issue has come up time and time again. The Town has never been able to come up with a comprehensive approach to it, but they are trying to get a handle on it. It is not an easy topic and the Town Board Members wanted to receive Public comment on it.
- Mr. Holcomb – We are trying to clean up the Community and make this a Town that people will want to live in.
- Mr. Husar – We have to consider all situations and that is what makes this difficult.
- Mr. Moss – Mr. Moss is grateful the letter was sent out and that some Residents responded by attending the Public Hearing. Typically, at Public Hearings no one attends and there is a possibility the Local Law could have been passed without the attendance

and input of the Residents tonight. The comments received give the Town Board cause to pause and discuss the Local Law further.

There were also comments made and questions asked on matters not directly related to the Public Hearing. These were made by Residents Dan Gates, Don Snow, and Ann Woodward. (The matters made reference to the secretary and mailing of the notification letters, college education of the Town Board Members, competency of the Building Inspectors, purchase of property for the Highway Department/garage, and containers that are sold for entertainment.)

All persons desiring to be heard, having been heard, the Public Hearing was closed at 6:45 PM.

Review Abstract #6, 2022 – The Abstract was emailed to the Town Board Members prior to the meeting for review.

- Highway Fund: Chemung Supply Corp 16821/Bolt/Nut/Washers, Single Wrap End Term. Rad Convex - Voucher #153 - \$1,551.00 – Mr. Gunster said this Voucher should be moved to the Path of Life Culvert Project; it was for guide rail parts.
- General Fund: Emergency Power Systems WOI-0019098/Repair-Generator - Voucher #340 - \$2,227.31 – These repairs to the Generator were actually done last December, but the Company had issues with invoicing. The Crime Lab will cover half of this cost. (Assistant Bookkeeper Theresa Staats will bill NYS for the Crime Lab's portion.)
- **Mr. Gunster made a motion to approve Abstract #6, 2022**, 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

Water Tank Bids – Mr. Holcomb received a letter from John Mastronardi of Griffiths Engineering regarding the Nowlan Road Water Tank Replacement. The letter stated: "We have reviewed and analyzed all bid proposals submitted for the above referenced project. After reviewing the low bid submitted by Procon Contracting, LLC they appear to be the lowest responsible bidder with a total bid price of \$1,128,000.00. Their bid submission also included all required forms and documentation. Based on our review and analysis of the bids we recommend awarding the contract to Procon Contracting, LLC." This will be on the Agenda for the Town Board Meeting next Wednesday, July 6th, to vote on.

Port Crane Playground – A Resident came into the Town Clerk's Office expressing her concern of the Port Crane Playground. She later sent Town Clerk Melodie Bowersox pictures of certain portions that need repair. These were forwarded to the Town Board. Mr. Holcomb said that there is one area in particular that the grading has broken away from the framing. He

closed this area to the Public by posting a sign and placing caution tape around it. Meanwhile he discovered that there are spare playground parts and a brand-new staircase in the shed. He called Al Bradley, who was involved in the installation of the Playground, who said he would be willing to advise the Town on replacing the parts. Mr. Moss asked if the Playground should be added to the Budget for 2023; Theresa Staats suggested that it would be a nice ARPA project. (It would need to be earmarked by 2024 and completed by 2026.)

Public Works Appreciation Day Resolution – Mr. Moss recommended that a Resolution be drafted for the Town Board Meeting next week stating that Thursday, September 1st be declared Public Works Appreciation Day. Within the Resolution it would be stated that the Employees would receive the day off with pay. Concerns were raised again as to whether the Town would be obligated to offer this next year, if this is considered a matter of giving away money i.e., gifting, and if it should be offered to other Employees. Atty. Millus said he would have to research the gifting aspect. Mr. Holcomb has not contacted the Union yet about the Recognition Day but intends to. Mr. Moss will draft a Resolution for further discussion.

Vehicle & Traffic Law Meeting Status – Mr. Gunster, Mr. Moss, and Atty. Millus met to discuss the Vehicle & Traffic Law. Mr. Gunster and Mr. Moss will draft a proposal using some of the information that previous Town Engineer Dick Bassler compiled. The proposal will be broader in nature, incorporate portions of the parking rules, and give the Highway Superintendent discretion in certain situations.

Light District Dissolution Plan – Mr. Holcomb emailed the Town Board Members a plan for the dissolution of the Light District. The Town is in a financial position to cover the streetlights rather than the Public continuing to pay for them. (Presently there are approximately 800 Residents in Hillcrest and 300 Residents in Port Crane that are funding the streetlights.) The Light District Budget is \$50,000/year with the General Fund paying 20% of that amount. To officially dissolve the Light District, it may be subject to a permissive referendum; Atty. Millus will check into this. Mr. Holcomb would like to complete the project by the end of the year of 2022.

Shared Service Agreement – Code Enforcement – The Town had an Intermunicipal Agreement for Code Office with the Town of Chenango that expired two years ago. Atty. Millus suggested to the Town of Chenango's Attorney that the Agreement be changed from a one (1) year contract to a five (5) year contract, subject to cancellation by either party on 60 days' notice. He will redraft the Agreement.

Hillcrest Civic Grant – Broome County awarded the Hillcrest Civic a \$25,000 grant to build a picnic pavilion in the Hillcrest Community Park next Spring.

Assistant Town Engineer Position – There was an interview today for the Assistant Town Engineer position. The individual was qualified but lives 45 minutes away from the Town. With

this not being a feasible option, Mr. Husar said that John Mastronardi is going to look into the possibility of having a lower-level Engineer from Griffiths Engineering fill the position.

Quorum Issue with Virtual Meetings – There have been changes to Virtual (Zoom) Meetings and one includes that a quorum has to be present (for the Town Board, three Members must be present) and anyone on Zoom must be audio and visual.

Storage Container Local Law – The Town Board will review the information received from Resident Gary Berray and consider the input from the Residents in attendance at the Meeting as related to the Storage Container Local Law.

At 7:30 PM, Mr. Gunster made a motion to adjourn the meeting, seconded by Mr. Pray.
Motion carried.

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

Melodie A. Bowersox, Town Clerk