

The Town of Fenton Town Board held its regular Work Session on Wednesday, May 30<sup>th</sup>, 2018, at 6:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

<b>PRESENT:</b>	Town Board Members	David Hamlin, Supervisor Gary Holcomb, Deputy Supervisor Michael Husar, Councilman Thomas Moss, Councilman
	Town Attorney	Albert Millus, Jr. (arrived at 6:08 PM)
	Highway Superintendent	Randy Ritter
	Town Clerk	Melodie Bowersox
	Administrative Asst./Bookkeeper	Susan Crosier
<b>ABSENT:</b>	Town Board Member	Richard Pray, Councilman

**OTHERS PRESENT:** Planning Board Chairman John Eldred, approximately 63 members of the General Public

### **Review Abstract #5, 2018 of May, 2018**

- General Fund: LeChase Construction SVS Inc. - 1776028-1/Generator Install - Town Hall Portion - Voucher #282 - \$13,650.00 and LeChase Construction Svs Inc. - 1776028-1/Generator Install - Crime Lab Portion - Voucher #282 - \$29,500.00 – Mr. Hamlin asked about the Generator vouchers and Mr. Moss explained that the Town invoiced the State for a total of approximately \$30,000.00 which includes half of the propane tank fill up.
- Hillcrest Water District: Triple Cities Plumbing Heating - 14502/Svs Replacement for 1232 Cornell Ave. - Voucher #122 - \$970.00 – Mr. Holcomb and Mr. Husar questioned this voucher. Bookkeeper Sue Crosier said this was the Town's portion of the replacement of the water service.
- After a review of the Abstract, **Mr. Holcomb moved to approve payment of the bills for Abstract #5, 2018**, seconded by Mr. Moss. **Motion carried.**

**VOTE:** Ayes 4 Hamlin, Holcomb, Husar, Moss

Nays 0

Absent 1 Pray

**Addendum to Abstract – Generator Invoice** – Mr. Hamlin asked if the Town Board understood the Generator Invoice that was explained by Mr. Moss; they said they did.

**Residents' Time** – Mr. Hamlin opened the Residents' Time by stating that the DLA will be rezoned for commercial use. Mr. Husar noted that no decision has been officially made by the Town Board on the matter. Mr. Hamlin added that no vote has been taken but he has had discussions with Town Board Members about the rezoning. Atty. Millus has compiled another draft of the new zone for the Town Board to review.

- **DLA** – Resident Pam Wright said that she is not aware of what is happening with the DLA property because she no longer attends meetings. Mr. Hamlin explained to Pam

that the previous administration wanted to turn the area into an emergency shelter for the Residents of Broome County and that is how it was deeded to the County. Currently the County owns 60% of the property and Carrier Services Group (CSG) owns the remaining portion of the property. The County is in the process of asking the Federal Government if they can sell the property; it takes approximately \$25 million to rehab just one building. The County has also been looking into potential buyers for the property. A meeting was held with Senator Akshar, Mr. Hamlin, Mr. Moss, Cindy O'Brien, and David Gill of the Chenango Valley School District to see of the school's interest whose long term plan is to have a centralized complex that would include K-12. Pam also asked if the ordinance has to do with the kind of industry that goes in there. Mr. Holcomb answered yes, that the new Zoning District describes what the permitted uses would be. There have been several requests over the years for uses in that area and the Town Board has turned them down but CSG seems to be a good clean, quiet industry; however, the majority of the Residents do not want it. Resident John Kopalek commented on looking into grant money to tear down the existing buildings on the DLA property and not turning the area into an industrial site. He also expressed concerns over the traffic being a problem in that area. Resident Gus Zandt wondered why Hoyt Avenue has a weight limit of eight tons but many County roads have a limit of five tons, particularly with the traffic they are going to be having on Hoyt Avenue. Resident Meta Parks asked who would be liable if health hazards due to chemicals and contaminants were to be an issue if industry were to go in the DLA property. Mr. Hamlin replied that CSG would be responsible. Resident Regina Schaffer commented that her husband was a victim of cancer 20 years ago and the doctors told them that environmentally induced cancers are very difficult to prove, especially in adults. Regina added that there are only two cases in this area that can absolutely be proven to have been environmentally induced cancers. Resident Rachel Zandt said that at one point in time there was talk about an easement and she wanted to know if when this was all done, whether the traffic would definitely be through Hoyt Ave or diverted. Mr. Hamlin said that the matter is being disputed between CSG and the Chenango Valley School District. Resident Bill Aswad is concerned about the tractor trailers using Hoyt Avenue and suggested that they use different streets in Hillcrest each month. Resident Kurt Mohney commented that he does not want any more traffic on Chenango Street nor any more industry in Hillcrest or on the Service Road. He would rather let the DLA deteriorate or let the School District use it. Resident Doug Davison asked what the Town's vision is for this property. Mr. Hamlin replied that the vision is for quiet, productive employment and tax revenue and Mr. Holcomb replied that they would like to make it better than it currently is. Doug also asked about senior housing and Mr. Holcomb said that this has been discussed, even at the County level, but because of the costs and other issues, this has not happened. Mr. Holcomb asked Doug what he thought that the property could be used for and he said he'd like to see the Community going in and the Community having to make some decisions, with it possibly used as a park or open access space. Resident Tom Tiffany has read through the proposed draft and noted some of the permitted uses; however, if the rest

of it was gone, he does not see how those uses could happen. Atty. Millus said that this new Zoning District could be applied to other areas in the Town if adopted by the Town Board (for instance, if an individual wished to put a medical office building on vacant land on NYS Route 369, that individual could ask to have the vacant land rezoned to the new Zoning District). Tom also asked when the Town Board felt the decision would be made on the new zoning and/or Special Use Permit. Mr. Holcomb replied that typically at Work Sessions the Town Board discussed issues of the Town but so far the Town Board has not had the opportunity to do that. Nadine Bell, on behalf of CSG and Lee Hartman, said that she understands the Residents' concerns but what is being missed right now is the whole point that is before the Board which is not the CSG application (that does not exist) but the possibility of creating a Zoning District. The concerns that are being expressed this evening, with the way the Attorney has structured the District with a Special Use Permit process, these are exactly the concerns that would be addressed by the Town Board or Planning Board. Resident Tom Tiffany said it would be helpful to have it put on the Town's website once it is finalized.

- Several Residents who did not identify themselves also asked questions and/or made comments on the following:
  - Special Use Permit – Atty. Millus said that for any commercial use, Site Plan Review is a requirement by the Planning Board. The Site Plan process gives the Planning Board very little authority to deny a use that is permitted; a Special Use Permit gives the Town more power and control over what they allow. One issue that has been raised is the similarity of the Town Board issuing the Special Use Permit and the Planning Board performing Site Plan Review; both are similar and should two Boards be doing the same thing. Atty. Millus also explained that the Special Use Permit is a procedure for evaluating permit applications in districts such as the new one that invoke the Special Use Permit process and this would be the only one in the Town right now; all the others are still Site Plan Reviews. This allows the Town to control and place restrictions on the applicant if the application was approved or deny the applicant's application. An unidentified lady asked if the Special Use Permit could be used to create another NG Advantage to which Atty. Millus replied that there is no use in this proposed District that would allow NG Advantage to apply for a Special Use Permit.
  - Residential Zoning of DLA – When CSG purchased the property, it was advertised as Industrial not Residential. Atty. Millus stated that the Town rezoned the property to Residential many years ago so they could control use of the property with the full understanding that it could never be used as Residential due to the pollutants. Also, it was understood that it would one day be rezoned to allow the use of the buildings rather than let them decay.
  - Meetings Pertaining to DLA – Several meetings have been held of the Town Board with the Residents being allowed input. The Residents will also have a

say at the Public Hearing. Atty. Millus commented that the Fenton Town Board allows Public comment far beyond the average Town Board during Residents' Time.

- DLA Committee – Recommendations were given to the Town Board based on the consensus of the Residents which included not to rezone the property and to look at funding to tear down the existing buildings; also, there are traffic concerns amongst Hillcrest Residents, particularly on Hoyt Avenue. A traffic study, at the expense of any applicant(s), was also suggested to be done and reviewed by the Town.
- CSG – An unidentified lady said that CSG has applied to the IDA for a tax abatement so there will be no tax revenue initially. CSG stated in their projected three year plan that this would be their World Headquarters which could mean an expansion from less than 10 employees to 55 – 100 employees. Lee Hartman clarified that in the original application it asks to list best and worst case scenario estimates to which he listed best as 55 employees; however, his current warehouses that are equivalent in size to the DLA building house 15 employees. Atty. Millus said that the Special Use Permit can limit the amount of employees.
- Notification via Mailing – The new draft does not include notifying neighboring residences via mail of the new Zoning District. It was suggested that postcards be mailed to Residents in Hillcrest.
- Public Hearing Notice – Atty. Millus verified that Public Hearing Notices are required three days in advance for Local Laws. It was suggested that this be increased for this particular Public Hearing.

**Residents' Time closed at 7:04 PM**

**Fireworks Permit** – The Hillcrest Civic would like to expand the Hillcrest Booster Days from one day to two days. On Friday night they would like to have music and a fireworks display at the Community Park. The Civic has contacted a professional fireworks company out of Oxford who determined they could do a 10 minute display at the park on June 8<sup>th</sup>. They did a Site Plan and made sure the safety measures were in place. A permit has to be filed with the Municipality and the State. The Town did not have a permit so the fireworks company provided a permit template which was reviewed by Atty. Millus. The Town needs to designate a Town Official as the Permit Authority. Mr. Hamlin would like to speak with Mike Ponticiello, Director of Broome County Emergency Services, due to the confined area and the Residents close to the area. The Hillcrest Fire Company has been contacted and will be onsite for fire suppression.

**Mr. Holcomb made a motion to accept the fireworks permit template as the Town's fireworks permit and to name Building Inspector Matt Banks as the Fireworks Permit Authority for the Town of Fenton, seconded by Mr. Husar. Motion carried.**

**VOTE:** Ayes 4 Hamlin, Holcomb, Husar, Moss

Nays 0

Absent 1 Pray

**DLA Rezoning** – Mr. Pray had some questions pertaining to the DLA Rezoning; Mr. Holcomb will give these questions to Atty. Millus to review. Mr. Holcomb had questions about the Special Permit process and whether the Town Board would review the application, set certain criteria, approve the permitted use, then have the Planning Board process the Site Plan, SEQRA Review, etc.. Atty. Millus replied that the draft of the Special Permit process has the Town Board doing all of the Special Permit processing not the Planning Board. Atty. Millus does not believe the law allows for a two-step process. The Town will need to determine whether the Town Board or the Planning Board will be overseeing the Special Permit process. Nadine Bell of Costello, Cooney, and Fearon, PLLC (a Land Use, Zoning, and Municipal Attorney), explained that SEQRA is not a multiple step process and would not be done by both the Town Board and the Planning Board; however, a coordinated review could be done if one of the Boards assumes the role of Lead Agency. For example, the Planning Board could do the SEQRA Review, then render recommendations to the Town Board which they could act on as part of the Special Permit process. Basically a SEQRA is only done one time.

**Recreational Use of Properties** – Atty. Millus sent the Town Board Members information on the Recreational Use of Properties. There are property Owners on Depot Hill Road that would like to rent their property for weddings. In the Town's Agricultural Residential Zoning there is a Recreational Use listed but it is not defined. The property Owners met with Matt Banks but he did not know if this was an allowable use due to the ambiguity of the Town Code. The Town will need to define Recreational Use. There is an immediate issue because the Owners have booked several events this Summer. The Town Board Members discussed the issue and decided that the Owners may use the property for the currently booked events but no further events may be booked until the Town Board has made a decision. Mr. Holcomb will relay this information to Matt and have him talk to the property Owners. Also, the Town Board would like a list of the current bookings.

**Cul-de-sacs** – Mr. Husar recalls that years ago it was mentioned that no dead end that is over 500' should end abruptly but that there should be a turnaround at the end of the dead end (like a cul-de-sac). One of the streets that is being paved by the Highway Department is Cornell Avenue which is a dead end street. This impacts people who have to mow, plow, pick-up garbage, etc. because they have to either back down all of the street then drive up or vice versa. (Mr. Husar noted that this has no impact on his residence. Because the Highway Department is paving the street, it would be a good time to address the dead end.) Mr. Husar asked John Mastronardi of Griffiths Engineering to look into the matter and he found that although it is not a requirement, it is recommended that any dead end that is over 500' should be considered, to the extent possible, in creating some type of turnaround. John further said that some Municipalities are creating t-turnarounds in place of cul-de-sacs. Highway Superintendent Randy Ritter sent information to Mr. Husar on half t-turnarounds. Mr. Holcomb suggested looking at each street that falls into this category and speak to the Owners to let them know what the ramifications might be. There may be some streets where it is not feasible to put any type of turnaround. Randy spoke to Mr. Birtch who lives on Cornell Avenue and he was not too keen on the idea of a cul-de-sac. Randy and John can look into the matter further.

**Engineering Contract** – Atty. Millus asked Mr. Husar to set up a meeting for him and Mr. Husar to attend with John Mastronardi to discuss the Engineering Contract.

**West Service Road Weight Limit** – Port Dickinson said they will not lift the weight limit on the West Service Road. The Mayor responded via email to Mr. Husar and said it is a Village Law in the Village of Port Dickinson and they will not waive it for anyone. Atty. Millus suggested that the Town Board should consider acquiring the portion of the West Service Road in the Village of Port Dickinson by eminent domain. Atty. Millus will research this possibility.

**Storage Trailers** – Mr. Husar and Mr. Pray have concerns about the storage trailers situation in the Town. If the trailers are vacant, that is one thing, but if the trailers are physically being used to generate revenue based on storage, then Assessor Cindy Mills felt that is something that can be assessed. Mr. Husar has information from other Towns and Villages that he can send to Cindy to have her review. This includes examples of charging annual fees for the storage of trailers. The Town may want to put height restrictions on the stacking of the trailers.

**Communications** – Mr. Husar has tried to get information flowing to the Community and amongst people in the Town. Mr. Hamlin and Mr. Holcomb suggested that the Town try a periodical collection of new items to be circulated among the Board. Mr. Husar's first attempt to do this was sent out two weeks ago to 19 Town individuals and he received two responses.

**SALT Information** – Mr. Holcomb received emails from Town Clerk Melodie Bowersox that included a SALT (State and Local Tax) guidance pertaining to the new loose tax law that took effect for individuals who have to pay either income tax or property tax in excess of \$10,000.00 is no longer deductible. The information provided is a way around that; it allows the Towns and School Districts to establish a charitable fund that individuals may contribute to, then they receive a deduction on their property taxes. There is going to be a Local presentation on it that the Town should look into attending.

**Hillcrest Civic Booster Days** – The Hillcrest Civic Booster Days will be held on June 8<sup>th</sup> and June 9<sup>th</sup>, 2018.

**Town Hall Property Picnic Tables** – The Town Hall property picnic tables are in need of repair. **Mr. Moss made a motion to purchase seven handicapped accessible picnic tables for the Town Hall property to replace the old tables**, seconded by Mr. Moss.  
**Motion carried.**

**VOTE:** Ayes 4 Hamlin, Holcomb, Husar, Moss  
Nays 0  
Absent 1 Pray

**Repair of Light Pole** – A light pole was hit at the west entrance to Interstate 88 in Port Crane. Mr. Moss said the Town is looking into having the pole repaired.

**A.L. Burke Inc.** – Mr. Husar made a comment that Mrs. Burke, who now owns 16 Canal Street for her Property Management Business, A.L. Burke Inc., has done a nice job in decorating the exterior of the building.

**At 7:46 pm, Mr. Holcomb made a motion to adjourn into Executive Session to discuss potential litigation, seconded by Mr. Moss. Motion carried.**

Melodie A. Bowersox, Town Clerk