

The Town of Fenton Town Board held its regular Work Session on Wednesday, February 21<sup>st</sup>, 2018, in combination with the Town Board Meeting that was cancelled on February 7<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	Gary Holcomb, Deputy Supervisor Michael Husar, Councilman Thomas Moss, Councilman Richard Pray, Councilman
	Town Attorney	Albert Millus, Jr.
	Highway Superintendent	Randy Ritter
	Town Clerk	Melodie Bowersox
	Administrative Asst./Bookkeeper	Susan Crosier

<b>ABSENT:</b>	Town Board Member	David Hamlin, Supervisor
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**OTHERS PRESENT:** Planning Board Chairman John Eldred, 22 members of the General Public

### **Pledge to Flag**

### **PUBLIC HEARING – Hillcrest Water Laws**

Mr. Holcomb read the following Public Hearing Notice at 6:03 PM:

**PLEASE TAKE NOTICE** that the Town Board of the Town of Fenton, Broome County, New York, shall conduct a public hearing on Wednesday, February 21, 2018, at 6:00 p.m. or as soon thereafter as the matter may be heard, to consider the adoption of Introductory Local Law No. 1 (2018) entitled "A local law to amend Chapter 145 of the Town Code of the Town of Fenton to prohibit the use of private water wells on properties served by a public water system." The public hearing shall be conducted at the Town Hall located at 44 Park Street, Port Crane, New York. The law, if adopted, will add a new section 145-9.1 to the Town Code, which will require that the use of all private wells on properties served by public water systems be discontinued, and that the wells be capped or otherwise secured, within ninety (90) days following receipt by the property owner of a Notice to Comply. The proposed local law also provides that violations of its requirements will subject the violator to the fines otherwise set forth in Chapter 145 the Town Code. At the public hearing, all interested parties shall be heard with respect to the proposed law. A copy of the law may be inspected or obtained at the office of the Town Clerk in said Town Hall.

Dated: Port Crane, New York  
February 15, 2018

**BY ORDER OF THE TOWN BOARD**

The following persons spoke in favor: None

The following persons spoke in opposition: None

Comments from the Board:

- Mr. Pray explained that the reason for this new Law was there was concern that there are wells in the aquifer where the Town wells are located and if a user came in and started drawing a lot of water out of it, they would be drawing out of the same aquifer as the Town. Not only could this hurt revenue to the water system but there could be potential for contamination with another well in that same aquifer.

Questions posed to the Board:

- Resident Kurt Mohney – What prompted this? Mr. Pray replied that there is one user on the Service Road that still has a private well operating. Mr. Holcomb added that the Town Board thought the Town Law already had a provision that did not allow this but after searching the Law, it was not found. Mr. Husar recalled it being discussed during the Town of Chenango litigation and also searched those documents but was not able to find anything in them.

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

Mr. Holcomb read the following Public Hearing Notice at 6:06 PM:

**PLEASE TAKE NOTICE** that the Town Board of the Town of Fenton, Broome County, New York, shall conduct a public hearing on Wednesday, February 21, 2018, at 6:00 p.m. or as soon thereafter as the matter may be heard, to consider the adoption of Introductory Local Law No. 2 (2018) entitled "A local law to amend Chapter 145 of the Town Code of the Town of Fenton to increase fines for violations of said Chapter." The proposed local law, if adopted, would amend section 145-25 of the Town Code to increase the penalties for violations of Chapter 145 of the Code ("Water"). The text of the proposed law is as follows: "Any violation of this chapter is hereby declared to be an offense, punishable by a fine of a minimum \$50 but not to exceed \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation, subject to weekly fines in the amount of at least \$50 but not to exceed \$1,000 per week. The town may also, in addition, institute any appropriate action or proceeding to prevent or enjoin a violation of this chapter." The public hearing shall be conducted at the Town Hall located at 44 Park Street, Port Crane, New York. At the public hearing, all interested parties shall be heard with respect to the proposed law. A copy of the law may be inspected or obtained at the office of the Town Clerk in said Town Hall.

Dated: Port Crane, New York  
February 15, 2018

**BY ORDER OF THE TOWN BOARD**

The following persons spoke in favor: None

The following persons spoke in opposition: None

Questions posed to the Board:

- Resident Bill Aswad – What is the law for? Mr. Pray explained that the fines that existed before had a maximum fine of \$50.00 for violations of the Town Water Code.

- Resident Bill Bowie – Is the person who is violation aware of this whole thing going on right now? Mr. Pray responded that it is published just as all Public Hearings are published and it has been discussed with them that they should have capped their well before.
- Unidentified Lady – But this does not just pertain to that one area it pertains to the whole Town of Fenton? Mr. Pray said it pertains to anyone served by the Hillcrest Water District (there is no water service in Port Crane). Atty. Millus explained that the Hillcrest Water District has specific geographic boundaries but there are people who are not in the District that receive service who are called “outside users.” The Town has separate contracts with them to provide them with water (examples are the Depot and Village of Port Dickinson).

All persons desiring to be heard, having been heard, the Public Hearing was closed at 6:09 PM.

### **Residents’ Time**

- **89 Elwell Avenue** – Resident Bill Aswad said there are still three cars parked in the front yard at 89 Elwell Avenue. He is not sure there are plates on one of the cars. They run up and down the street making all kinds of noise. There is also a house across the street that has five dogs that start barking at 7 AM every morning. Mr. Pray said Bill can fill out a barking dog complaint packet. Bill asked what the Dog Control Officer (DCO) gets paid to do if he has to come up here, get the packet, and go through all of that work. Mr. Pray replied that he is a part time DCO and if he wants to make a complaint, he has to fill out the information. Mr. Holcomb said this was discussed at a previous meeting and although the packet is long and onerous, once you obtain a copy of it and look it over, you can then call the DCO and he will be glad to explain what procedures you need to go through. As for the cars in the front yard, Mr. Moss replied that he will inform the Zoning Enforcement Officer, John Broughton, of the situation. Mr. Husar indicated that John has some concerns about activities in that house and repercussions to him not going there with someone from Law Enforcement with him.
- **Dot Tool Company/Vacri Construction** – Resident John Kopalek said that Dot Tool Company has been bought and there were several trees that stood about 50 feet tall that have been removed. He wondered who was overlooking this dramatically different situation. Resident Judy Cummings also said she has noticed that in the past two weeks, a lot of heavy equipment has been going into Dot Tool Company and they have been moving dirt around. Judy wondered if Vacri Construction is also buying the casket company’s land, as the caskets from the casket company are gone. Mr. Pray replied that he believes Vacri Construction has bought Dot Tool Company and is moving their ground equipment in there. A discussion followed between Residents and the Town Board about what has been happening at the Dot Tool Company for the past several weeks. Mr. Husar encouraged Residents, as the Town Board has at past meetings, to call the Town when they see these types of situations – not to wait for a meeting to be held – because Town part time employees cannot cover every road in the Town every

day. Mr. Holcomb said he will talk to Town Engineer Rick Armstrong and Building Inspector Matt Banks about the situation and make sure Vacri Construction is in compliance.

- **Tractor Trailer Issue** – Resident Mary McMahon asked if the Town has looked into the tractor trailer issue with the GPS' and finding out where the trailers are coming from. Mr. Husar made some calls this week about the Service Road because the Town received information that it may be illegal for the Village of Port Dickinson to not allow heavier traffic on the Service Road. NYS DOT was going to send the Town notification to confirm this but to date, nothing has been received. This is what is causing the traffic to go in different ways. The GPS issue is from a higher authority. Residents discussed the various tractor trailer issues in the Hillcrest area and a suggestion was made to put a weight limit on Beckwith Avenue which is frequently used by the tractor trailers. Mr. Holcomb said the problem cannot be solved right now but the Town can certainly see what can be done about the issue.
- **Industrial Operations Concerns** – Resident John Kopalek feels that the Town of Fenton lacks expertise over these industrial operations, such as the new Depot site situation and NG Advantage project, and the Town does not have an Environmental Engineer. How do we get domain over these businesses that are sometimes doing whatever they want? Mr. Husar replied that the Town would need to hire full time employees and raise the Town taxes, adding that he feels the Town does a pretty good job with what they have. Atty. Millus has lived in Hillcrest for 35 years and moved into the area knowing that there was industry there; to suggest that they all go away because it has become inconvenient is unfair. Residents discussed their opinions on not adding more industry to the Hillcrest area, particularly on the Service Roads, including Residents Kurt Mohny and Tim O'Hare. When Mr. Husar replied to Tim that he felt it was fair to say that we (the Town Board) have heard you, several in the audience began to talk over each other in loud voices and responding to Mr. Husar. Mr. Holcomb said that this was enough and that Residents' Time was over; however, Resident Kevin Wilson continued to speak despite Mr. Holcomb's efforts to close Residents' Time and his attempt to ask him to leave the meeting. Mr. Holcomb finally was able to close Residents' Time at 6:41 PM.

#### **Residents' Time closed at 6:41 PM**

#### **Review Abstract #2, 2018 of February, 2018**

- Moody bills – Mr. Pray asked if any bills had been paid for Moody recently, as he did not notice any in the Abstract. Bookkeeper Sue Crosier said there are not any in Abstract #2 but that there was some paid in Abstract #13, 2017.
- Hillcrest Sewer District: Bing-JC Joint Sewage Board - 19869/2016 Final Bill Credit - Voucher #4 - -\$11,721.38 – Mr. Pray asked if the Town has used up the last of our sewer credit. Sue replied that this is a new credit from 2016.
- Mr. Husar asked if the issue had been resolved of #75 in General (Cell Phone Stipend) and #38 in Hillcrest Water District (Answering Service) being a conflict. Mr. Pray spoke

to Greg Starley, the Hillcrest Water & Sewer Operator, and he said that all of the Water Districts have an answering service because 99% of the calls received are non-emergencies; if that were to be removed, he would receive the calls in the middle of the night. The answering service accepts the calls in the night then Greg receives notification of the calls in the morning. Mr. Pray said that the same thing applies for the cell phone in that people would use that as their non-emergency call number. Mr. Husar suggested holding these two vouchers out of the Abstract for further discussion.

- After a review of the Abstract, **Mr. Husar moved to approve payment of the bills for Abstract #2, 2018, with the exception of Voucher #75 in the General Fund and Voucher #38 in Hillcrest Water District**, seconded by Mr. Moss. **Motion carried.**

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

**TOTAL BILLS – ABSTRACT 13, 2017** approved during the January 17<sup>th</sup>, 2018 meeting:

FUND	VOUCHER #s	AMOUNT
<b>ABSTRACT 13</b>		
General	667 – 684	\$10,178.37
Highway	378 – 393	\$10,381.54
Hillcrest Water	259 – 266	\$3,854.72
Hillcrest Sewer	34 – 37	\$1,501.34
Porter Hollow Sewer	18	\$1,125.00
Port Crane Light District	24 – 25	\$1,105.84
Hillcrest Light District	24 – 25	\$2,499.22
Capital Projects (HI)	1	\$22,295.00
Trust & Agency	0	\$0
CDBG	32 – 41	\$65,108.10

**TOTAL BILLS – ABSTRACT 1, 2018** approved during the January 24<sup>th</sup>, 2018 meeting:

<b>ABSTRACT 1</b>		
General	1 – 49	\$53,820.15
Highway	1 – 20	\$46,406.72
Hillcrest Water	1 – 26	\$14,324.90
Hillcrest Sewer	1	\$247.06
Porter Hollow Sewer	0	\$0
Port Crane Light District	1	\$28.49
Hillcrest Light District	0	\$0
Capital Projects (HI)	0	\$0
Trust & Agency	1	\$1,933.34
CDBG	1 – 5	\$37,151.46

**SUPERVISOR'S REPORT**

- Supervisor David Hamlin had a knee replacement this past Monday.
- Prior Highway Superintendent Frank Root has had two minor strokes in the past couple of weeks.
- Mr. Holcomb attended a Gateway presentation by NYS DOT with the City of Binghamton on the reconstruction of the North Shore Drive area. This would include the possibility of adding traffic circles, red lights, etc. The website has further information on the proposals.
- A thank you letter was received from a Committee Development Block Grant (CDBG) grantee.
- The year-end sales tax came in and approximately \$65,000.00 more was received than in 2016 and approximately \$200,000.00 more than budgeted for in 2017. The fund balance in the General Fund and Highway Fund improved slightly for 2017 and Mr. Holcomb publicly thanked Highway Superintendent Randy Ritter for his efforts in coming up with some unique ideas on how to save money in the Highway Fund.
- The Town did not receive the additional CDBG that was recently applied for which is unfortunate due to the large number of candidates the Town has. Mr. Holcomb participated in an exit conference which revealed a couple of areas to improve on for future applications (more defining of the impact in the area and leveraging their grants with other funds).

## **TOWN ATTORNEY'S REPORT**

- NG Advantage – Atty. Millus and Atty. Fernandez spent a lot of time identifying and researching issues for the Zoning Board of Appeals (ZBA) as well as corresponding with the attorneys involved during the month of January. The ZBA reversed the Building Inspector's determination, saying it is not a truck and freight terminal. The NG Advantage project is currently in limbo. They have three options: challenge the ZBA's decision in court, apply for a variance to the ZBA, or approach the Town Board to ask them to amend the zoning to allow compressor stations.
- 1001 Chenango Street – Atty. Millus spoke to the Property Manager who indicated that the asbestos survey was completed and he is waiting for the report from that survey.
- 263 Porter Hollow Road – The owner was charged with a junkyard violation which has a potential jail sentence. The Town also served the owner with a new notice of violation 30 days ago which now allows the Town to clean up the property.
- 1142 Chenango Street – There has been communication with the bank. A temporary fix may be done to the roof until the property is sold.
- Water Laws – Atty. Millus worked on the Water Laws for the meeting tonight. Atty. Millus reeducated himself on SEQRA and decided that anytime a new Local Law is to be adopted, it should be analyzed under SEQRA even if it does not seem to have anything to do with the environment. If for no other reason, it can be identified as a Type II Action or an action not subject to SEQRA. Atty. Millus drafted the Short Environmental Assessment Forms (EAF) for the Water Laws, which are classified as Unlisted Actions under SEQRA, to be reviewed later in the meeting.
- Binghamton Precast – As previously indicated, Binghamton Precast is one of Atty. Millus' clients so he is not involved in the Binghamton Precast project.
- Fireside Inn – The business was sold. The new owners inquired as to whether or not a site plan review was necessary and after some research, Atty. Millus and Atty. Fernandez concluded a site plan review was not necessary because there was not a change in ownership and it was the same operation; however, Atty. Millus does feel the Town should take a look at when a site plan review is needed in a change of ownership situation.
- FOIL Requests – The Town has been receiving FOIL requests for emails and communications in regard to NG Advantage to which Town Clerk Melodie Bowersox and Atty. Millus have been responding to on a regular basis.
- Vehicle and Traffic Law – Atty. Millus sent the Vehicle and Traffic Law that General Code prepared to the Town Board Members and this should be finalized and incorporated into the new Code.
- Planning Board Vacancies – The Town Board is still working on this matter. A question was asked as to whether or not the Planning Board Members could be reduced to five. Atty. Millus researched this and concluded this could be done.
- Port Crane Fire Company Purchase – Atty. Millus completed the paperwork for this.

- Winter Parking Regulations – Atty. Millus put together a draft for the Winter Parking Regulations. There was some disagreement on how this should read so the matter was tabled.
- Hillcrest Depot – There has been no action taken on the Hillcrest Depot issue. Atty. Millus has documentation to review on the Economic Development Zone that Mr. Holcomb sent him.
- Griffiths Engineering – Atty. Millus suggested that the Town Board have a conversation amongst themselves then with Griffiths concerning the contract between the Town and Griffiths Engineering.

### **TOWN CLERK'S REPORT**

- Monthly Report was read by Melodie Bowersox.
- Total Local Shares for January 2018 were \$ 4,604.02.

### **TOWN ENGINEER'S REPORT**

- Mr. Pray reported that John Mastronardi of Griffiths Engineering has been heavily involved in the well project which included checking on work and specs on parts. He has also been involved with Binghamton Precast and going in to check for changes made to their plans and to ensure they are in compliance.

### **COMMITTEE REPORTS**

**Building and Grounds** – Mr. Moss reported that the Town is still involved in acquiring the generator for the Town Hall. There has been a change in leadership in the Crime Lab and the new Sergeant is working with the purchasing and procurement people in Albany to figure out the logistics of the process. The delivery has been delayed by a couple of weeks and we are working with our contractor on how the generator is actually going to be tied into the Town Hall. Mr. Moss hopes to have resolution by next month. Mr. Moss has also been putting together bidding information for contractors to do lighting upgrades for the Port Crane tunnel, the Fenton Free Library, and the Town Hall.

**Zoning Enforcement** – Report was read by Mr. Moss. Mr. Holcomb noted that J. DeMuro Car Sales will be asking for an expansion of the number of cars to be sold at a Planning Board Meeting; Mr. Moss will update John Broughton of J. DeMuro Car Sales' status.

**Water and Sewer** – Report was read by Mr. Pray. Mr. Pray also added that they were able to get the new pump online but not the new soft start motor controller. It is basically running like the old pump where it just switches on and switches off. The soft start motor controller makes the pump spin up slower, reduces the current in-rush at the beginning, brings the peak level down, and helps to reduce the NYSEG bill. When testing and cycling the soft start motor



controller about a week ago, the small leak that was in a compression fitting on the top of the plumbing from when the pump was put in (that was going to be repaired by the installation company) grew and blew the pipes off the top of the wellhead, up through the ceiling, and in through the well house. A new company is doing the re-plumbing and the soft start motor controller will be installed tomorrow. With the well back online, there may be a stirring up of the water again.

**Dog Control** – Report was read by Mr. Pray.

**Building Inspector** – Report was read by Mr. Holcomb.

**Highway and Solid Waste** – Randy Ritter said the Clean-Up Days will be held one day only this year on Saturday, May 12<sup>th</sup>, 2018, from 7 AM – 7 PM. The two locations will be at Elliott Manufacturing's parking lot at the end of Utica Avenue and the Town of Fenton Highway Department on Palmer Hill Road. There will not be a wood day as in the past because NYS DEC said this is not allowed on the Town's landfill any longer. There will be a dumpster for wood materials to be taken to the Broome County Landfill. Randy reported that the Highway Department is also in the process of maintaining a few of the Highway vehicles including the street sweeper.

**Assessor** – Mr. Husar said that reports of what is going on in the Assessor's Office with the STAR exemptions will be in the upcoming Town Newsletter.

**Justice Court** – Report was read by Mr. Husar. Mr. Husar also reported that the State Court System has bought the computer company that was designing the program used by Town and Village Courts. The Town of Fenton will no longer have to pay an annual fee for the use of this program.

**Historical Advisory Committee** – Mr. Holcomb reported that there has not been as much enthusiasm for the calendars this year. The Committee plans to speak with Melodie about helping people with genealogy research.

**Conservation Advisory Committee (CAC)** – There was no CAC Report.

**Mr. Husar made a motion to approve all Committee Reports as submitted**, seconded by Mr. Pray. **Motion carried.**

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

## **MINUTES**

**Mr. Pray made a motion to approve the Minutes from the December 20<sup>th</sup>, 2017 Work Session, January 3<sup>rd</sup>, 2018 Town Board Meeting, and January 17<sup>th</sup>, 2018 Additional Work Session,** seconded by Mr. Moss. **Motion carried.**

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

**Mr. Pray made a motion to approve the Minutes from the February 14<sup>th</sup>, 2018 Special Meeting and the February 19<sup>th</sup>, 2018 Special Meeting,** seconded by Mr. Holcomb. **Motion carried.**

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

## **OLD BUSINESS**

- **Depot Committee/Economic Development Zone** – Committee Chairman Mary Jo Bowie said the Depot Committee has had one meeting which was on January 31<sup>st</sup>, 2018. A question was raised by the Committee Members in regard to the legality of the Committee. Atty. Millus said the Committee is perfectly legal and that the Town Board can appoint committees to give advice on matters; however, committees do not have the power to adopt legislation. Mary Jo asked, "What is the legal accountability of this Committee?" Atty. Millus responded that he does not believe the Committee has any legal accountability but that does not keep someone from suing them. Mary Jo said there are Committee Members who are concerned with that issue. Atty. Millus added that he cannot imagine any liability for this Committee and he would not be concerned about it. The other issue of concern for the Committee Members is that they felt they needed more time to look at the matter. Originally the Committee was to report back to the Town Board by the February Work Session. There was a discussion between Mary Jo and the Town Board Members in regard to the purpose of the Committee which is to review the zoning of that area and not specifically Carrier Services, the history as to how the Town has reached this point with that property, and the request for a time extension for the Committee. The Town Board agreed to have the Committee return to them at the March 7<sup>th</sup>, 2018 Town Board Meeting with a timeframe. Meanwhile, the Town Board plans to take a look at the Economic Development Zone for the Depot area. Mary Jo recommended that an article be published in the upcoming Town Newsletter relating to the Depot issue.
- **Meeting Rules Modification/Clarification** – There was confusion at the January Work Session as to whether or not during the Residents' Time the topics of discussion should be limited to just those topics on the Agenda for that particular Work Session.

Mr. Moss said that in the original draft of the Meeting Rules, this was included and read as, "In the case of Town Work Sessions, Planning Board, or ZBA meetings comments must be related to only those topics that appear on the Agenda for that specific meeting." The intention of this was so that the necessary work could be accomplished during the meetings. Also, the topics of discussion were at the discretion of the Chairman of that particular Board. After a brief discussion, Mr. Holcomb said the Town Board would not limit the Work Session Residents' Time to just the topics on the Agenda unless it becomes an issue, at which point a change will be made.

- **New Winter Parking Rules – Discussion** – Mr. Holcomb would like to discuss the new Winter Parking Rules when John Broughton is available and he was not able to attend tonight's meeting. He read the Town of Dickinson parking rules which states, "The parking of vehicles is hereby prohibited on all highways, streets, and roads within the Town between 2 AM and 5 AM from November 15 to April 15..." This is similar to the Town of Fenton rules except that they have a time limit of three hours. Mr. Holcomb also read their snowfall parking restrictions, which states that, "No owner or operator of a motor vehicle shall park said vehicle unattended on any Town street or highway or county highway within the Town of Dickinson for the longer of the following:
  - For 24 hours following the prediction by the National Weather Service, for Broome County, NY, of two or more inches of snow within the next 24 hours; or
  - Upon the accumulation of two or more inches of snow, as measured by the Commissioner of Public Works (or his/her designee) in the Town of Dickinson Town Hall front yard, until such accumulation has been reduced to less than two inches by melting or evaporation."

Although this seems to work for the Town of Dickinson, Mr. Holcomb suggested that if there is a snow event that causes the Highway Department to come out to salt, plow, and/or sand, then vehicles should not be parked on the roads. Furthermore, John can issue warnings and/or tickets for violations of the Winter Parking Rules. Atty. Millus put together a draft for the Rules and the Town Board will take a look at them again.

## **NEW BUSINESS**

- **Resolution #2018-02 – CDBG Project Approval – Mr. Holcomb made a motion to adopt Resolution #2018-02:**  
**WHEREAS**, the Town of Fenton has received a Federal Community Development Block Grant for home renovation, and  
**WHEREAS**, the application has been received and reviewed to insure the proper qualifications have been met, and  
**WHEREAS**, each project has been defined and cost quotes have been received, and  
**WHEREAS**, the Town Board of the Town of Fenton must approve each project,  
**THEREFORE, BE IT RESOLVED**, that the following project be approved to move forward:

53 Osborne Hollow Road (Swawola)

Port Crane

Work includes: Interior Carpentry, Windows/Doors, Siding, Electric, and Flooring

Contractors: LW Contracting

18 Park Street (Fisher)

Port Crane

Work includes: Interior Carpentry, Plumbing, Electric, and Flooring

Contractors: Christian Brothers and Warehouse Carpet Outlet

Seconded by Mr. Pray. **Motion carried.**

**ROLL CALL VOTE:**

Councilman Mr. Holcomb aye

Councilman Mr. Husar aye

Councilman Mr. Moss aye

Councilman Mr. Pray aye

Supervisor Mr. Hamlin absent

- **Resolution #2018-03 – Approval of Budget Modifications for Year-End 2017 – Mr. Holcomb made a motion to adopt Resolution #2018-03: Lists have been prepared detailing overdrawn appropriation accounts within various Town funds for 2017 along with corresponding accounts and amounts to help cover these overdrawn appropriations, seconded by Mr. Moss. Motion carried.** (The lists of the Budget Modifications will be filed with the minutes.)

**ROLL CALL VOTE:**

Councilman Mr. Holcomb aye

Councilman Mr. Husar aye

Councilman Mr. Moss aye

Councilman Mr. Pray aye

Supervisor Mr. Hamlin absent

Mr. Holcomb noted that except for Street Lighting, there was no need to use the Town's Fund Balance for the overages.

- **Local Law No. 1 (2018)** – The short Environmental Assessment Form (EAF) with Local Law No. 1 (2018) was reviewed and Mr. Holcomb read number one under Part 1 – Project Information.
  - "Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?" The answer to this question is yes. "If yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2."
    - Atty. Millus attached the Narrative Description to the EAF, which says, "The Town is aware of one or more situations where property owners are

using private water well in areas served by the Town's public water system. The Town is concerned about contamination of the water system as a result of back flows from the private water wells and has concluded that it would be preferable to prohibit the use of such private wells. The Town does not anticipate any significant or material environmental effects from the adoption of the local law, other than the possible prevention of such contamination as set forth above."

- Under Part 2 – Impact Assessment, all questions were answered "No, or small impact may occur" as opposed to "Moderate to large impact may occur."

- **Mr. Pray made a motion to declare a Negative Declaration with the belief that the adoption of Local Law No. 1 (2018) will not have a significant adverse impact on the environment,** seconded by Mr. Moss.  
**Motion carried.**

**ROLL CALL VOTE:**

Councilman Mr. Holcomb aye

Councilman Mr. Husar aye

Councilman Mr. Moss aye

Councilman Mr. Pray aye

Supervisor Mr. Hamlin absent

- Mr. Holcomb signed the EAF and checked the box indicating that the proposed action will not result in any significant adverse environmental impacts.

- **Mr. Pray made a motion to accept Local Law No. 1 of 2018,** seconded by Mr. Husar. **Motion carried.**

**ROLL CALL VOTE:**

Councilman Mr. Holcomb aye

Councilman Mr. Husar aye

Councilman Mr. Moss aye

Councilman Mr. Pray aye

Supervisor Mr. Hamlin absent

- **Local Law No. 2 (2018)** – The short Environmental Assessment Form (EAF) with Local Law No. 2 (2018) was reviewed and Mr. Holcomb read number one under Part 1 – Project Information.

- "Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?" The answer to this question is yes. "If yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2."

- Atty. Millus attached the Narrative Description to the EAF, which says, "Chapter 145 of the Town of Fenton Code deals with various requirements pertaining to water and water resources within the Town. The Town has concluded that the fines and penalties for violations of the provisions of the Chapter were inadequate and has decided to increase

the fines and penalties. The Town does not believe that the increase in fines will have any material or significant environmental effects, other than possibly to act as a greater deterrent to violations of the law, which may have some positive effect on the environment in ways that are impossible to quantify or predict.”

- Under Part 2 – Impact Assessment, all questions were answered “No, or small impact may occur” as opposed to “Moderate to large impact may occur.”
- **Mr. Husar made a motion to declare a Negative Declaration with the belief that the adoption of Local Law No. 2 (2018) will not have a significant adverse impact on the environment,** seconded by Mr. Pray.

**Motion carried.**

**ROLL CALL VOTE:**

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

- Mr. Holcomb signed the EAF and checked the box indicating that the proposed action will not result in any significant adverse environmental impacts.
- **Mr. Pray made a motion to accept Local Law No. 2 of 2018,** seconded by Mr. Husar. **Motion carried.**

**ROLL CALL VOTE:**

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

- **Hillcrest St. Patrick’s Day Parade** – The Hillcrest St. Patricks’ Day Parade will be held on March 10<sup>th</sup>, 2018, beginning at 1 PM. It benefits ‘U.S. for Kids,’ a non-profit organization that provides socks and underwear for children.

**At 8:25 PM, Mr. Pray adjourned the meeting.**

Melodie A. Bowersox, Town Clerk