

The Town of Fenton Town Board held its regular Work Session on Wednesday, July 24<sup>th</sup>, 2019, at 6:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

**PRESENT:** Town Board Members Gary Holcomb, Supervisor  
Thomas Moss, Deputy Supervisor  
Michael Husar, Councilman (arrived at 6:05 PM)  
Richard Pray, Councilman  
Admin. Asst./Bookkeeper Theresa Staats  
Town Attorney Albert Millus, Jr. (arrived at 6:43 PM)  
Highway Superintendent Randy Ritter  
Deputy Town Clerk Sheryl Seymour

**ABSENT:** Town Board Member David Gunster, Councilman  
Town Clerk Melodie Bowersox  
Admin. Asst./Bookkeeper Susan Crosier

**OTHERS PRESENT:** Building Inspector Matt Banks, Building Inspector Clerk Cheryl Mammano, Fenton Free Library Director Korin Spencer, Librarian Board of Trustees Member Gretchen Grunder, Zoning Board of Appeals (ZBA) Member Cindy Cook, one member of the General Public

### **Pledge of Allegiance**

### **Review Abstract #7, 2019**

- Capital Projects: Griffiths Engineering, LLC - provide/review dshes damage, description - Voucher #6 - \$525.00 – Mr. Holcomb said it was his understanding this would be submitted to FEMA for reimbursement.
- Highway Fund: ZMK Construction Inc. - Emergency Repair Chase Court - Voucher #250 - \$11,500.00 – Highway Superintendent Randy Ritter said this repair was a dry well that caved in.
- Hillcrest Water: AICPA (Payment - Dues) - 1208/annual CPA Dues- Giovinazzo - Voucher #152 - \$285.00 – Mr. Holcomb asked Bookkeeper Theresa Staats if this should be under Hillcrest Water or General. Theresa said Assistant Bookkeeper Mike Giovinazzo put it there, but she will ask him.
- After a review of the Abstract, **Mr. Pray moved to approve payment of the bills for Abstract #7, 2019**, seconded by Mr. Husar. **Motion carried.**

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

**Library Expansion** – Fenton Free Library Director Korin Spencer and Librarian Board of Trustees Member Gretchen Grunder gave a presentation to the Board detailing plans for the Library Expansion.

**Porter Hollow Sewer Update** – A mandate was received from the NYS Department of Environmental Conservation (DEC) regarding disinfecting. Mr. Pray said John Mastronardi from Griffiths Engineering is doing additional research. John and Assistant Town Engineer Rick Armstrong will then write a letter requesting an extension. Once a response is received other options can be discussed. A plan needs to be in place by 2022 and implementation by 2024.

**Hillcrest Water Pump Replacement** – Mr. Pray said the quote to rebuild the pump that was pulled out was \$27,000 and the quote for replacement was \$23,000. Both quotes are over the \$20,000 limit, which requires multiple bids. Different options were discussed with the Engineering Department, which included the Town buying the materials to bring the cost under the \$20,000 threshold. Water Supervisor Greg Starley is waiting for feedback from W20, the company that pulled the other pump, to see whether the Town purchasing the materials and them doing the install was an option. A spec would be required in order to get multiple quotes. A major concern is that the only backup to the pump smells like Sulphur, and additionally that if the main pump went down the backup could not sustain the system because it cannot pump enough water. After much discussion, the consensus of the Board was to declare an emergency situation. **Mr. Husar made a motion to adopt Resolution #2019-11 Emergency Declaration for Hillcrest Water District Pump Replacement:**

**WHEREAS**, the pump on Well #1 has been determined to be more costly to repair than to replace, and

**WHEREAS**, Well #2 is not a viable backup leaving the system without a backup supply, and

**WHEREAS**, it has been determined that the quoted replacement costs are in line with Engineering estimates, and

**WHEREAS**, it is critical to minimize the downtime of Well #1 to provide for backup supply,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Fenton does hereby declare the repair of Well #1 to be an emergency situation and repairs should be made as expeditiously as possible.

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

**ROLL CALL VOTE:**

Councilman Mr. Gunster absent

Councilman Mr. Husar aye

Councilman Mr. Moss aye

Councilman Mr. Pray aye  
Supervisor Mr. Holcomb aye

**164 Dumas Hill Road Status** – Mr. Holcomb said there is an issue with an individual that purchased a piece of property from the County on the top of Dumas Hill Road. The Town has received a couple of complaints, alleging the Landowner drove a box truck up to the property and is living there part time. Building Inspector Matt Banks said a letter was written to a Landowner on Quinn Hill Road, which is on the other side of the property, asking for permission to walk their property to evaluate this issue. Matt's request was denied. The only other option is to walk up from the Dumas Hill Road end, which is hilly and a long distance. The Town's position is that it is in an abandoned road that is now owned by the property owners on either side with their property lines split down the middle of the road. Atty. Millus said that if the Owner of the Dumas Hill property is driving on an abandoned road, he is driving on private property. Atty. Millus asked Matt to give him a call to discuss further.

**Swoop Signs** – Matt said he has a request for a swoop sign. The consensus of the Board is that "a sign is a sign", which would require a Sign Permit and any associated fees.

**Food Trucks** – There has been a request to put a food truck near Oneonta Block. The Town Board decided to turn this over to the Planning Board to set up some basic guidelines. The request will not move forward until feedback is received from the Planning Board.

**Vacant Court Clerk Position** – Mr. Holcomb said the Town is getting ready to hire their fourth Court Clerk in a couple of years. When Mr. Holcomb met with former Court Clerk Sabrina Scelsi's for an exit interview, he fully expected her to tell him her reason for leaving was that she was offered a full time position for the Town of Vestal with benefits (and she lives in Vestal). Mr. Holcomb said that was a part of her decision, but she had issues with Judge Madden that were similar issues Court Clerks before her had. She said Judge Madden would not allow her access to tools or training internally or let her sign up for activities which she needed to do her job. Mr. Husar spoke with Sabrina as well just before she left and shared additional challenges she had while in the position. Mr. Moss feels the Town has an obligation to make sure we have a good, functioning Court which reflects on our Town. In order to have a good, functioning Court we need a Court Clerk. He further suggested the Town Board be responsible for exclusively recruiting, exclusively hiring, and exclusively presenting the Candidate to the Judge. If the Judge approves the Candidate, the Town Board is responsible for shadowing and training this individual, ensuring all the tools and credentials this individual is expected to have are in place. Mr. Pray said the Town Board is responsible for the work environment of Town Employees and work rules need to be set and abided by. The Town Board spent an extensive amount of time discussing the situation. Atty. Millus suggested Mr. Husar contact the Commission on Judicial Conduct, explain the issues and request feedback. Mr. Holcomb suggested a meeting be set up to discuss the current issues and discuss the suggestion of the Town Board having control of the Court Clerk until they feel things are up and

running. Atty. Millus also suggested Mr. Husar contact Chief Administrative Judge Larry Marks to see if he has any suggestions. Mr. Holcomb will update Judge Madden of the Board's discussion and ask that he not proceed any further with hiring a Court Clerk on his own.

**310 Ballyhack Road Status** – Mr. Holcomb said his understanding is that demolition is in the August timeframe.

**6400 NYS Route 79 – Unsafe Structure Update** – Mr. Holcomb said Matt has completed unsafe structure paperwork for 6400 NYS Route 79. Atty. Millus will need to do the paperwork to schedule a Public Hearing. Matt asked if the front door could be padlocked since anyone can walk in. The Owner is currently in a nursing home facility and will not be returning to the home. Matt has been working with the Owner's Half-Brother, who has given permission for the property to be padlocked. Atty. Millus said typically the Public Hearing takes place before any posting/locking on the property, but he did not see an issue since permission was already given by the Owner's Half-Brother. Mr. Holcomb told Matt to go ahead and post the property as an unsafe structure and padlock the front door.

**CV Crossing Guard** – The Crossing Guard Agreement was received from Chenango Valley School District's Atty. Cheryl Sacco. Atty. Millus reviewed it briefly and is working with Atty. Sacco on revisions.

**591 Beartown Road – Unsafe Structure Status** – Mr. Holcomb said the Homeowner of 591 Beartown Road came in to discuss a letter he received from Matt Banks. The Owner came in on his own after receiving the letter and said he wanted to tear the structure down and bury it. It is Matt's understanding that because the building is considered an unsafe structure, an asbestos survey cannot be done and the structure has to be treated as if it contains asbestos. A certified Contractor would need to do the work and haul the debris, which will be quite costly. There was a discussion as to whether a Homeowner can dig a hole and bury debris on his own property and whether it was allowed in an Agricultural District only. Matt also noted that once he issues the Demolition Permit, he is no longer involved. Mr. Holcomb recommended the Building Inspector's Office contact NYS DEC Officer Andrew McCormack to discuss.

**Water Tank Replacement** – Mr. Pray said water tank replacement discussions have begun with the Engineering Department. The Town of Dickinson already has a glass lined tank and a copy of their Spec has been requested so we that we can save some time and not have to start from scratch. The Spec will be put together and the job will be prepared to go for Bid. John Mastronardi will be putting some reports together that are required in order to apply for Grant money.

**Phelps Creek Update** – Mr. Husar said letters went out today. He would like to get together on the Madison property with Kevin Madison, John Miselnicky and possibly Carl Swartz from US Fish and Wildlife Service to discuss what the Town is looking at trying. It needs to be decided

whether the Town can find \$2,500 for stone and whether the Town can involve any equipment. The Committee will then be brought back together so that everyone is informed.

**Children's Home Traffic Pattern** – Mr. Husar said he has not heard anything more from the Children's Home regarding their request to use Dorothy Street.

**Service Road Situation** – Mr. Husar said he was told of a motor vehicle accident on Chenango Street involving a car and a First Student Bus. The car was totaled but luckily no one was injured. If the Service Road was open the First Student Bus would not have been on Chenango Street. **Mr. Husar made a motion that we advise the Village of Port Dickinson that we are going to raise their water rates unless they do something about opening up the Service Road soon.** There was no second to the motion. Mr. Holcomb will inform Kevin Burke of the accident and the Town Board is going to have to determine next steps.

**Playground** – Mr. Moss said he inspected the playground with Mr. Gunster and Randy to see what the condition of the ground was under the playground equipment. There are some issues. Rick Armstrong has some drainage drawings of the playground area. Next steps will be determined before additional mulch is laid. Randy said he has some spare parts that can be used to refurbish some of the equipment.

**Tennis Court** – Mr. Moss said the Tennis Courts are overgrown again. Digging it up and making it part of the soccer field is an option to consider. It would need to be dug up and started from scratch for tennis courts to remain in that area.

**Picnic Tables** – Mr. Moss said there was a delay in getting the tables manufactured. The estimated shipping date is August 2<sup>nd</sup>. The tables should be delivered the first week of August. Mr. Moss said it is the Town's responsibility to unload the tables from the flatbed and asked Randy Ritter for the Highway Department's help. It was decided to have the delivery made to the Highway Garage.

**Fenton Avenue Sidewalk Replacement Letter** – Mr. Holcomb said he has received four or five phone calls. Residents had questions such as whether there would be any curbing installed. Mr. Holcomb said there was a separate project to replace some inlets that may involve curbing, but the Grant was for sidewalk replacement only and no curbing. Another comment was that back in 1995 the Resident paid to have concrete put in instead of blacktop. One Fenton Avenue is the only sidewalk that will not be replaced since it was replaced in the last year or two. Other than that there have been no concerns or comments from Fenton Avenue Residents.

**Town Hall Door** – There have been some issues with the entrance doors near the Finance Office. Mr. Moss will look into it.

**At 8:10 PM, Mr. Holcomb adjourned the meeting.**

Sheryl L. Seymour, Deputy Town Clerk