

The Town of Fenton Town Board held its regular Work Session on Wednesday, October 24<sup>th</sup>, 2018, at 6:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

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|-----------------|---------------------------------|---|
| <b>PRESENT:</b> | Town Board Members              | David Hamlin, Supervisor<br>Gary Holcomb, Deputy Supervisor<br>Michael Husar, Councilman<br>Thomas Moss, Councilman |
|                 | Highway Superintendent          | Randy Ritter  |
|                 | Town Clerk                      | Melodie Bowersox  |
|                 | Administrative Asst./Bookkeeper | Susan Crosier   |
| <b>ABSENT:</b>  | Town Board Members              | Richard Pray, Councilman  |
|                 | Town Attorney                   | Albert Millus, Jr.  |

**OTHERS PRESENT:** Building Inspector Matt Banks, Planning Board Deputy Chairman John Eldred, Town Historian Cheryl Mammano, C.E.O of the Children’s Home George Dermody and four (4) members of the General Public

**Fire Alarm System: Children’s Home, George Dermody** – George Dermody was introduced and explained that one of the most frustrating things for the Community, Town, Fire Department, and the Children’s Home is the challenges that are faced with sporadic false alarms. Presently their fire alarms are wired directly into the Fire Department who has to respond each time the fire alarm is pulled. George said that even with their best efforts in staffing, sometimes a child who seems to have control over nothing suddenly exercises control by pulling a fire alarm. The Children’s Home is licensed by the Office of Children and Family Services (OCFS). Other programs are licensed by the Office of Mental Health. It is standard for the facilities of the Office of Mental Health for the fire alarms to be activated by a staff person who inserts a universal key, turns the key, and pulls the alarm. Because of certain regulations, the OCFS will not allow that unless you receive special approval. The Children’s Home has been working with Building Inspector Matt Banks and the OCFS in Syracuse and Albany as well as their legal services who came back and said that there is nothing that would prohibit staff using the same process as the Office of Mental Health as long as your local Township would support it. George is asking for a clear and direct solution to stop one of the major irritants that the Community has with the Children’s Home which would be the continual fire traffic coming into the Children’s Home. The approval would be given by the OCFS once the Town provided a letter that says there is nothing in the Local Fire Ordinance that prohibits this. Every employee would have a key that would work on any alarm. The Town Board discussed the issue.

Questions asked were:

- What if a staff member forgets his/her key? It was suggested using a technique that would not require a key, such as a fingerprint keypad.
- If there was an actual emergency and a staff member did not have his/her key, how would the alarm be accessed? George noted that staff carries personal and/or work cell phones so a cell phone could be used in an emergency to call the Fire Department.

- Are smoke alarms and sprinklers in the buildings? George said the buildings have smoke alarms and sprinklers.

Mr. Hamlin did some research on this subject and spoke with several individuals at Broome County Emergency Services, including Mike Ponticiello, Mike's Assistant, and the Fire Investigator. The Town has no Ordinance to prohibit the Children's Home from doing this but they recommended seeking an opinion on the matter from Jim King of Building and Codes in Syracuse. Mr. Hamlin asked George to contact Jim then return to the Board, as this would give the Board more reassurance on the matter. George said he is willing to contact Jim and also look into further alarm options.

George also distributed information pertaining to the new program that is in line with the new Raise the Age Legislation for New York State that went into effect October 1<sup>st</sup>, 2018. (This information will be available at the Town Hall as well.) Recently the Neighborhood Advisory Council met and the Children's Home was able to review the program with the Council. The Sunrise Center will house eight 16 year old girls who have committed non-violent offenses, have gone to Court, and have had the Court say that they believe they can be better served in the Family Court System rather than in the Jail System. Those who commit violent offenses (felonies) are sent into a special youth system run by OCFS such as one that is in Auburn, NY.

#### **Review Abstract #10, 2018 of October, 2018**

- After a review of the Abstract, **Mr. Holcomb moved to approve payment of the bills for Abstract #10, 2018 with the exception of the Mirabito bills** (Bookkeeper Sue Crosier is checking the price per gallon that was initially quoted vs. the harbor price), seconded by Mr. Husar. **Motion carried.**

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

**Town Clerk/Credit Card Payments** – Town Clerk Melodie Bowersox and Mr. Holcomb have been looking into credit card payment options for both the Town Clerk's Office and Water Department (for water bill payments) over the past couple of years. At the Town Clerks Annual Conference held in the spring, Melodie connected with the credit card company Forte, who works closely with the software company currently being used in the Town Clerk's Office, Business Automation Services (BAS). Atty. Millus reviewed Forte's contract and had two questions for Forte's legal team; both were answered and Atty. Millus does not have any issue moving forward with the contract. There is no charge to the Town for the equipment. The credit card machine automatically calculates the fee and the customer has the option of accepting or not accepting to pay the fee. There is a flat fee of \$1.75 for the dog module; otherwise the fee is 2.45% or a minimum of \$1.95 (or whichever is greater). The principal amount is deposited into the bank accounts designated (Town Clerk and/or DEC) and the fees are deposited into a Forte account at the end of the day. Mr. Hamlin noted that the rates for this company are less than the company used by the County. Once the process is in place and working well, the next step would be to offer the service on-line. The Town Board talked about

possibly absorbing the fee costs at some point in the process. **Mr. Holcomb made a motion to proceed with Forte as the credit card company to be used in the Town Clerk's Office for the acceptance of credit card payments,** seconded by Mr. Husar. **Motion carried.**

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

**Library Expansion** – The Town Board received information pertaining to the 2019 Library Expansion. Mr. Holcomb attended a Library Expansion Committee meeting and there were several issues that pertained to the Town of Fenton.

- Connection to the Hillcrest Sewer System – Town Engineer Rick Armstrong has been looking into this and obtained an application to hook the Library up to the system. Delta Engineering will provide the load information to apply to the Sewage Treatment Plant and a hookup cost estimate.
- Combination of the two parcels – Currently the Library is on two parcels. Atty. Millus said this could be easily combined into one parcel.
- Resolution of the Town Board – The Library would like a Resolution of the Town Board to support the expansion.
- Agreement between the Town Board and the Library Association – The original contract was written in 1966; a contract in 1968 perpetuates the original contract. This needs to be updated.
- Bid Letting – Mr. Holcomb will ask Atty. Millus if the bid letting will be done through the Library Association.
- Timeline – The target date for the design completion is May, 2019 and construction start of late summer of 2019.
- Funding – Fundraisers are being planned, grant applications are being filled out, and the Four County Library System is assisting with funding. The estimated cost of the project is \$400,000 - \$500,000.

Because the expansion would belong to the Town, the Town would be responsible for maintaining the expansion.

**Port Crane Fire Company Member: Justin Cruty** – An application was received from Justin Cruty to join the Port Crane Fire Department. **Mr. Holcomb made a motion to approve the application,** seconded by Mr. Moss. **Motion carried.**

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

**Outdoor Recreation Meeting: Mr. Husar and Mr. Moss** – After the last Town Board meeting when Resident John Hussar expressed concerns about what was happening at the Venue at the Beagells on Depot Hill Road, Mr. Holcomb, Mr. Husar, Mr. Moss, Resident John

Hussar, Greg, Kyle, and Katie Beagell met to discuss those concerns. The Beagells were able to explain what they do at the events that are held at their property and several of the concerns expressed by John at the Town Board meeting were not accurate, which included:

- John said that more than four events were held when the Town had only agreed on four events; only three events were held because one was cancelled.
- John said that there were fireworks being shot from the property; the fireworks were from another property down the road.
- Shooting that was being done from day to night was being done only at certain times of the day; there is another location that was doing extensive shooting.
- Traffic was not hundreds of cars as expressed but more like 60.

Greg Beagell had sent a letter to the Town, which was read by the Town Board Members prior to the meeting, to address the concerns. He explained to the Board that they purchased the property in hopes of making it a nice place and for his children to have in the future. He has spoken to neighbor David Greenier who said he was not even aware of events happening there. Neighbor Jim Dadamio said the only event he heard was the third event and Greg told him the only change made was with the sides of the tent which they will keep in mind for future events. They are limited on when the events can be held due to the damp ground; Greg estimated the events would be one per weekend the end of July – October. Greg said they have planted apple trees, Christmas trees, corn for picking, and sunflowers. They want it to be an enjoyable place for many and they want to be good neighbors in the Community.

**Outdoor Woodburning Furnace (OWBF) Law** – Mr. Husar will be checking with Atty. Millus to see if a Public Hearing needs to be held to change the fine amounts for the OWBF Law. Mr. Husar has the fine amounts ready and suggested the changes be done at the next Town Board Meeting.

**Assisting Seniors with Exemptions** – Mr. Hamlin distributed a handout entitled, "Assisting seniors who missed the exemption application deadline" which deals with extending the deadline for the senior exemption and enhanced STAR. He spoke with Assessor Cindy Mills concerning this and she recommended extending the deadline for the renewals only to Grievance Day (Subdivision 8) and/or last day to pay taxes without interest or penalty (Subdivision 8-a). This would require the adoption of a Local Law. Mr. Hamlin suggested doing the Local Law in December or January.

**Public Hearings on November 7<sup>th</sup>, 2018** – There will be seven Public Hearings at the Town Board Meeting on Wednesday, November 7<sup>th</sup>, 2018. These will include three for the Fire Contracts, one for the Budget, and three for the new Local Laws (Special Use Permits, Restricted Commercial Zoning District, and amendment to the Zoning Map).

**Server Issues** – There have been issues with the server over the past few weeks. Plan First Technology has listed several items that the Town needs to upgrade and/or replace, such as the server, UPS, firewall, Ethernet switches, Microsoft Office, email changeovers, etc. **Mr.**

**Holcomb made a motion that he be authorized to proceed with the server upgrades, seconded by Mr. Husar. Motion carried.**

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

### **Miscellaneous Information/Communication**

- Kevin Besser is inquiring about connecting the mobile home park he owns on the Service Road to the Hillcrest Water System. Different options are being looked at.
- John Miselnicky has been continually asking Mr. Holcomb about assistance with the creek near his property. Mr. Holcomb spoke to John Mastronardi of Griffiths Engineering who said he has NYS DEC permits that allow some activity in the creek but the Town can only go in the creek if there is an infrastructure to protect. Mr. Holcomb is not aware of any infrastructure to be protected at this time.
- Mr. Holcomb received emails in May and July pertaining to a sidewalk repair at 1022 Center Street. Mr. Holcomb sent Highway Superintendent Randy Ritter to look at the sidewalk and he found the repair had already been completed by the Resident. On October 19<sup>th</sup>, 2018, the Resident brought the invoice into the Town and said she had heard that the Town pays a percentage of the repair cost. There is nothing in the Town's Ordinance that states that Residents can initiate the repairs on their own; the Ordinance states, "Whenever the Town of Fenton proposes to construct, replace, or substantially repair sidewalks along any road in the Town of Fenton, the Town shall notify the Property Owners..." The Town Board discussed whether this invoice should be paid. The discussion included:
  - Residents having preapproval for sidewalk projects.
  - The Town Highway and/or reputable contractors that the Town has used in the past be used for the sidewalk repairs.

Melodie researched previous minutes and found a motion was made by Mr. Husar, seconded by Mr. Holcomb, in September of 2015 to put a moratorium on further sidewalk projects because there was a consensus from the Board that there must be money in the Budget and prior approval from the Town Board for any future sidewalk projects. The Town Board decided that based on this moratorium, the invoice will not be paid, as it was not Town initiated. Mr. Holcomb suggested that the sidewalks should be surveyed on an annual basis and the Local Sidewalk Law should be reviewed for possible revision.

- John Scales inquired about when the Monkey Run Road washout would be complete.
- In 2005 the Town Board considered taking over Franklin Avenue Extension. Mr. Holcomb suggested taking over from the corner up above past the culvert where there are a few residences and a campground that should be a Town maintained area. The Board briefly discussed that this would involve possible easements, paving, and communication with the railroad company.

- Joe DeMuro Car Sales at 26 Towpath Road is moving to Pennsylvania due to the strict New York State regulations.
- A violation notice was sent to Carrier Services Group (CSG) pertaining to lawn mowing issues. The President of CSG contacted Mr. Moss and said that effective last week a new landscaping company would be taking care of the property bi-weekly. The landscaping company arrived last Tuesday and mowed the property for several hours. Mr. Moss also had a discussion with the gentleman of the landscaping company about a portion of property near the Zandts property and he was able to take care of that as well. The Zandts were extremely pleased with the work that was done.
- Mr. Moss did research on the status of 310 Ballyhack Road. In 2016 Zoning Enforcement Officer John Broughton basically turned the situation back to the Town Board. The Board had initially agreed to demolish the home but because there was no guarantee that the Town could recoup the cost for the demolition through taxes, then the Board recanted on that decision. The Board decided to ask the owner of the property to attend the November Work Session (November 28<sup>th</sup>, 2018) and tell him to demolish the home.

**Engineering Contract** – Mr. Husar spoke with John Mastronardi who spoke with his boss concerning the contract between Griffiths Engineering and the Town. Griffiths Engineering will provide the first \$5,000 of Engineering Services on any project, then the applicant will contract with them from that point on. This information will be included in the Engineering Contract and in the Town of Fenton Building Permit Applications. The Planning Board and Zoning Board of Appeals (ZBA) Members will also be made aware of this. Mr. Husar will ask John about adding an additional clause that Griffiths Engineering would be the Engineering Firm to be used rather than a different firm if the amount is over \$5,000.

**At 7:47 PM, Mr. Moss made a motion to adjourn the meeting. Motion carried.**

Melodie A. Bowersox, Town Clerk