

The Town of Fenton Town Board held its regular Work Session on Wednesday, October 30th, 2019, at 7:00 PM, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT: Town Board Members Gary Holcomb, Supervisor
Thomas Moss, Deputy Supervisor (arrived at 7:21 PM)
David Gunster, Councilman
Town Attorney Albert Millus, Jr. (arrived at 7:11 PM)
Highway Superintendent Randy Ritter
Town Clerk Melodie Bowersox
Admin. Asst./Bookkeeper Theresa Staats

ABSENT: Town Board Members Michael Husar, Councilman
Richard Pray, Councilman

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

Pledge of Allegiance

Meeting Time Change – Mr. Holcomb apologized for the last-minute change in the time of the meeting. Mr. Husar is in the hospital, Mr. Pray is in Florida on a business trip, and Mr. Moss had a last-minute business call, but he will be here close to 7:00 PM.

2020 Budget Overview – The Preliminary Budget was presented to the Town Clerk, Melodie Bowersox, on October 29th, 2019. The Public Hearing for the Preliminary Budget will be held at the Town Board Meeting on Wednesday, November 6th, 2019. Mr. Holcomb highlighted a few items relating to the 2020 Budget:

- The Town stayed under the Tax Cap by approximately \$15,000 in 2019
- The tax increase will be just over 1% for the upcoming year
- The expense for maintaining property in the Town is going to be increased by \$20,000
- Clean-up Days will be held again in 2020
- The Building Inspector will now be a full-time position
- Additional monies will be in the paving and draining account; also in the Highway equipment account
- The Budget calls for utilizing an estimated amount of \$300,000 of our fund balance
- The total appropriations for General and Highway is \$225 million; the other funds are very close to the 2019 figures

Unsafe Structure Public Hearing for 6400 NYS Route 79 – Mr. Holcomb read the Public Hearing Notice for 6400 NYS Route 79:

NOTICE OF PUBLIC HEARING

Please take notice that the Town Board of the Town of Fenton will conduct a public hearing on Wednesday, October 30, 2019 at 6:00 p.m., or as soon thereafter as the matter may be heard, at the Town Hall, 44 Park Street, Port Crane, New York to consider whether premises located at 6400 New York State Route 79 in the Town of Fenton, are dangerous or unsafe to the public within the meaning of Chapter 71 of the Town Code of the Town of Fenton. The premises are designated as Parcel No. 057.14-1-5 on the Broome County Tax Map. The last known owner of the premises is Gerald M. Vrooman, whose last known address is Bridgewater Center for rehabilitation, 159 Front Street, Binghamton, New York 13905. The purpose of the public hearing is to receive public comment and comment from the owners regarding the premises to allow the Town Board to determine whether the premises are dangerous or unsafe to the public and, if so, what the remedy should be. At the public hearing, all interested persons will be heard.

Dated: Port Crane, New York
October 1, 2019

BY ORDER OF THE TOWN BOARD

Mr. Holcomb opened the Public Hearing at 7:24 PM.

The following persons spoke in favor:

- Building Inspector Matt Banks introduced the property owner's half-brother, Mike Marion. He found out that Gerald was hospitalized and he is the closest relative in the area. He now has POA on behalf of Gerald. Mike agrees that the house is in poor shape and is unsafe. He noted that the taxes have been paid. Gerald will not be able to return to the home due to his health. Matt said the garage is also in terrible condition. Matt recommends that the buildings be demolished.

The following persons spoke in opposition: None

Comment from the Board:

- The property is in the floodplain. Mr. Gunster said there is a possibility that FEMA may be able to aid with the demolition.

All persons desiring to be heard, having been heard, the Public Hearing was closed at 7:28 PM.

Resolution #2019-18 - Unsafe Structure Resolution for 6400 NYS Route 79 – Mr. Moss made a motion to adopt Resolution #2019-18:

WHEREAS, real property located at 6400 New York State Route 79 in the Town of Fenton (the "Town") is improved by a single-family house and detached barn (the "Property"); and,

WHEREAS, the Property is designated on the Broome County Tax Map as Parcel No. 057.14-1-5; and,

WHEREAS, the Town previously determined that the structures are in severe disrepair and do not appear to be salvageable; and,

WHEREAS, by Unsafe Structure notice dated October 1, 2019, the Town instituted an unsafe structures proceeding, pursuant to Town Code Chapter 71, in connection with the Property; and,

WHEREAS, the Town caused said Unsafe Structure Notice to be filed with the Broome County Clerk as required by said Chapter 71 of the Town Code; and,

WHEREAS, the Town caused copies of said Unsafe Structure Notice and associated documents with the last known owner of the property and upon entities purportedly having interests in the Property, namely:

Gerald M. Vrooman
Bridgewater Center for Rehabilitation
159 Front Street
Binghamton, New York 13905; and,

WHEREAS, a public hearing was scheduled for October 30, 2019 in connection with said proceeding; and,

WHEREAS, a copy of the notice of public hearing was mailed to the last-known owner at the above address; and,

WHEREAS, the notice of public hearing was published in the Binghamton, New York Press & Sun Bulletin, and was posted on the official bulletin board at the Town Hall in Port Crane, New York; and,

WHEREAS, all interested parties were given the opportunity to be heard concerning the proceeding at said public hearing; and,

WHEREAS, the Town Board determined after the public hearing that the structure upon the Property are dangerous and unsafe to the public within the meaning of the Town Code;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The structures located upon the Property are dangerous and unsafe to the public within the meaning of Chapter 71 of the Town Code.
2. The barn located upon the property shall be demolished within sixty (60) days following the receipt by the aforesaid parties of a certified copy of this resolution.
3. In the event the barn is not demolished within said sixty (60) day period, the Town shall cause the structure to be demolished, and the cost of such demolition shall be assessed as a charge against the Property.

Seconded by Mr. Gunster. **Motion carried.**

ROLL CALL VOTE:

Councilman Mr. Gunster aye

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

Unsafe Structure Public Hearing for 165 NYS Route 7B – Mr. Holcomb read the Public Hearing Notice for 165 NYS Route 7B:

NOTICE OF PUBLIC HEARING

Please take notice that the Town Board of the Town of Fenton will conduct a public hearing on Wednesday, October 30, 2019 at 6:00 p.m. or as soon thereafter as the matter may be heard, at the Town Hall, 44 Park Street, Port Crane, New York to consider whether premises located at 165 New York State Route 7B in the Town of Fenton, are dangerous or unsafe to the public within the meaning of Chapter 71 of the Town Code of the Town of Fenton. The premises are designated as Parcel No. 113.02-2-18 on the Broome County Tax Map. The last known owner of the premises is the Federal National Mortgage Association, whose last known address is 3900 N.W. Wisconsin Avenue, Washington DC 20016. The purpose of the public hearing is to receive public comment and comment from the owners regarding the premises to allow the Town Board to determine whether the premises are dangerous or unsafe to the public and, if so, what the remedy should be. At the public hearing, all interested persons will be heard.

Dated: Port Crane, New York
October 2, 2019

BY ORDER OF THE TOWN BOARD

Mr. Holcomb opened the Public Hearing at 7:30 PM.

The following persons spoke in favor: None.

The following persons spoke in opposition: None

Comments from Town Officials:

- Atty. Millus said he has not heard from the Bank.
- Building Inspector Clerk Cheryl Mammano said she contacted the Bank to inform them of the meeting time change and was told that a representative from the Realtor would be attending the meeting; however, no one showed up.

All persons desiring to be heard, having been heard, the Public Hearing was closed at 7:31 PM.

Resolution #2019-19 - Unsafe Structure Resolution for 165 NYS Route 7B – Mr. Moss made a motion to adopt Resolution #2019-19:

WHEREAS, real property located at 165 New York State Route 7B in the Town of Fenton (the "Town") is improved by a barn (the "Property"); and,

WHEREAS, the Property is designated on the Broome County Tax Map as Parcel No. 113.02-2-18; and,

WHEREAS, the Town previously determined that the barn is in severe disrepair and does not appear to be salvageable; and,

WHEREAS, by Unsafe Structure notice dated October 2, 2019, the Town instituted an unsafe structures proceeding, pursuant to Town Code Chapter 71, in connection with the Property; and,

WHEREAS, the Town caused said Unsafe Structure Notice to be filed with the Broome County Clerk as required by said Chapter 71 of the Town Code; and,

WHEREAS, the Town caused copies of said Unsafe Structure Notice and associated documents with the last known owner of the property and upon entities purportedly having interests in the Property, namely:

Federal National Mortgage Association
3900 N.W. Wisconsin Avenue
Washington, D.C. 20016; and,

WHEREAS, a public hearing was scheduled for October 30, 2019 in connection with said proceeding; and,

WHEREAS, a copy of the notice of public hearing was mailed to the last-known owner at the above address; and,

WHEREAS, the notice of public hearing was published in the Binghamton, New York Press & Sun Bulletin, and was posted on the official bulletin board at the Town Hall in Port Crane, New York; and,

WHEREAS, all interested parties were given the opportunity to be heard concerning the proceeding at said public hearing; and,

WHEREAS, the Town Board determined after the public hearing that the structure upon the Property are dangerous and unsafe to the public within the meaning of the Town Code;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The barn located upon the Property is dangerous and unsafe to the public within the meaning of Chapter 71 of the Town Code.
2. The barn located upon the property shall be demolished within sixty (60) days following the receipt by the aforesaid parties of a certified copy of this resolution.
3. In the event the barn is not demolished within said sixty (60) day period, the Town shall cause the structure to be demolished, and the cost of such demolition shall be assessed as a charge against the Property.

Seconded by Mr. Gunster. **Motion carried.**

ROLL CALL VOTE:

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

Unsafe Structure Public Hearing for 177 NYS Route 7B – Mr. Holcomb read the Public Hearing Notice for 177 NYS Route 7B:

NOTICE OF PUBLIC HEARING

Please take notice that the Town Board of the Town of Fenton will conduct a public hearing on Wednesday, October 30, 2019 at 6:00 p.m. or as soon thereafter as the matter may be heard, at the Town Hall, 44 Park Street, Port Crane, New York to consider whether premises located at 177 New York State Route 7B in the Town of Fenton, are dangerous or unsafe to the public within the meaning of Chapter 71 of the Town Code of the Town of Fenton. The premises are designated as Parcel No. 113.02-2-22 on the Broome County Tax Map. The last known owners of the premises are Fred A. Velez and Joy K. Velez, whose last known address is 611 New York State Route 7B, Port Crane, New York 13833. The purpose of the public hearing is to receive public comment and comment from the owners regarding the premises to allow the Town Board to determine whether the premises are dangerous or unsafe to the public and, if so, what the remedy should be. At the public hearing, all interested persons will be heard.

Dated: Port Crane, New York
October 2, 2019

BY ORDER OF THE TOWN BOARD

Mr. Holcomb opened the Public Hearing at 7:32 PM.

The following persons spoke in favor:

- Resident Cindy Cook said because there are no doors and there is a chunk out of the front, she is concerned about what critters may be going in the structure. Also, the roof

is wide open. Mr. Holcomb and Mr. Gunster asked that it be secured and sealed up so that no one could get in it easily. Fred's son, Tom, said that this could be done.

The following persons spoke in opposition: None

Comments from the Property Owner:

- Property Owner Fred Velez said that he is aware that the house is unsafe but that it will be very expensive for him to demolish. He is concerned about how he will be able to afford the demolition of the home. The tenants who lived in the house before the fire left garbage there which he would like to eventually place in a dumpster. Ideally, he would like to clear the property so he could sell it.

Comments from Town Officials:

- Atty. Millus said that the Town's history has always been to work with the Property Owners. Once it is declared an Unsafe Structure, the Property Owner has 60 days to demolish the structure; however, the Town Board can choose to extend that time frame to work with the Property Owner. He suggested that Matt Banks meet with Fred at the property and form a plan.
- Matt said that Fred needs an Unsafe Structure Demo Permit which means it must be treated as containing asbestos. This will increase the cost of the demolition. There was a discussion about the possibility of asbestos being in the structure and Fred said he cannot afford the cost involved with demolition if asbestos is involved. (Because the house is not owner-occupied, the Owner cannot remove the asbestos, if there is any, himself.)
- Mr. Holcomb would like the Town Board to work with Fred to find an acceptable timeframe in which the structure may be demolished once it has officially been declared an Unsafe Structure.

All persons desiring to be heard, having been heard, the Public Hearing was closed at 7:50 PM.

Resolution #2019-20 - Unsafe Structure Resolution for 177 NYS Route 7B – Mr. Gunster made a motion to adopt Resolution #2019-20:

WHEREAS, real property located at 177 New York State Route 7B in the Town of Fenton (the "Town") is improved by a residence (the "Property"); and,

WHEREAS, the Property is designated on the Broome County Tax Map as Parcel No. 113.02-2-22; and,

WHEREAS, the Town previously determined that the structure is in severe disrepair and do not appear to be salvageable; and,

WHEREAS, by Unsafe Structure notice dated October 1, 2019, the Town instituted an unsafe structures proceeding, pursuant to Town Code Chapter 71, in connection with the Property; and,

WHEREAS, the Town caused said Unsafe Structure Notice to be filed with the Broome County Clerk as required by said Chapter 71 of the Town Code; and,

WHEREAS, the Town caused copies of said Unsafe Structure Notice and associated documents with the last known owners of the property and upon entities purportedly having interests in the Property, namely:

Fred A. Velez
Joy K. Velez
611 New York State Route 7B
Port Crane, New York 13833; and,

WHEREAS, a public hearing was scheduled for October 30, 2019 in connection with said proceeding; and,

WHEREAS, a copy of the notice of public hearing was mailed to the last-known owners at the above address; and,

WHEREAS, the notice of public hearing was published in the Binghamton, New York Press & Sun Bulletin, and was posted on the official bulletin board at the Town Hall in Port Crane, New York; and,

WHEREAS, all interested parties were given the opportunity to be heard concerning the proceeding at said public hearing; and,

WHEREAS, the Town Board determined after the public hearing that the structure upon the Property are dangerous and unsafe to the public within the meaning of the Town Code;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The structure located upon the Property is dangerous and unsafe to the public within the meaning of Chapter 71 of the Town Code.
2. The structure located upon the property shall be demolished within sixty (60) days following the receipt by the aforesaid parties of a certified copy of this resolution.

3. In the event the structure is not demolished within said sixty (60) day period, the Town shall cause the structure to be demolished, and the cost of such demolition shall be assessed as a charge against the Property.

Seconded by Mr. Moss. **Motion carried.**

ROLL CALL VOTE:

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

Approve Community Development Block Grant (CDBG) Recommendation – The Town has received a recommendation for a project under the CDBG. **Mr. Moss made a motion to approve Resolution #2019-21:**

WHEREAS, The Town of Fenton has received a Federal Community Development Block Grant (CDBG) for home renovation, and

WHEREAS, several applications have been received and reviewed to ensure 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, and

THEREFORE, BE IT RESOLVED, that the following project be approved to move forward,

- 72 Marshman Road (Jagger) – Chenango Forks
Work includes: electric, plumbing, windows and doors, roofing, interior, carpentry, exterior carpentry and flooring

Seconded by Mr. Gunster. **Motion carried.**

ROLL CALL VOTE:

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

Hillcrest Blacktop Project – Highway Superintendent Randy Ritter said that the blacktop project was basically completed today. There are a few touch-ups to be done in driveways and

yards. Mr. Holcomb said that a call was received from a Resident on Elwell Avenue complimenting the Highway Department for the paving work that was done. The Resident also said that the ingress and egress during the paving process was well done. Mr. Moss said that an email was received from a Resident on Hoyt Avenue, thanking the Highway Department for assistance with some unforeseen circumstances at his residence.

Noise Ordinance – Mr. Moss wanted to remind the Town Board that the noise ordinance relating to the canon at the Millers Farm in Port Crane needs to be addressed. The Residents who live near the Millers Farm were told it would be discussed this Winter. Mr. Holcomb suggested adding it to the January and/or February Work Session and inviting the concerned Residents to the meeting(s).

Review Abstract #10, 2019

- Highway Fund: Cook's Portable Toilets - Septic Pump Service Pump Out - Voucher #346 - \$3,200.00 – Mr. Holcomb inquired about this voucher. Randy Ritter said this is for the new leach field for the septic system and it included the pump out with the dye test.
- Mr. Moss asked if the door purchase from Williams Doors was on last month's Abstract (because he did not see it on this month's). Mr. Holcomb did not recall if it was but said he can check. If not, it will be on next month's Abstract.
- Pipher-Michael K. - Back Door Replacement Labor/Materials - Voucher#537 - \$1,810.00/\$1,368.00 – Mr. Holcomb asked what was included in these two vouchers. Mr. Moss said the installation of the door and the latches, locks, framing, threshold, and other hardware.
- After a review of the Abstract, **Mr. Gunster moved to approve payment of the bills for Abstract #10, 2019**, seconded by Mr. Moss. **Motion carried.**

VOTE: Ayes 3 Gunster, Holcomb, Moss

Nays 0

Absent 1 Husar, Pray

Full-time Building Inspector – During the Budget process, the Town Board discussed changing the position of part-time Building Inspector to full-time. Mr. Moss suggested having an outline guide of what duties the full-time position would entail. Mr. Holcomb distributed a document to the Town Board Members that gave a suggested job description for the Building Inspector. It is mainly based on chapters 67 and 81 of the Town Code. Mr. Holcomb would like the Town Board Members to review the job description and have the full-time position take effect in January 2020.

LED Project – Mr. Holcomb would like to move forward with the LED Project within the next few months.

Audit of the Court and Town Clerk's Office – The Audit has been completed for the Court and Town Clerk's Office. There were no findings in the Town Clerk's Office. There was one

finding in the Court. When the Judge took Office several years ago, there was an amount of \$142 that was unaccounted for; he has reconciled his account to that number. The Auditor suggested that this amount be submitted to the State to have it removed from his account.

At 8:05 PM, **Mr. Moss made a motion to adjourn the meeting**, seconded by Mr. Gunster.
Motion carried.

VOTE: Ayes 3 Gunster, Holcomb, Moss
Nays 0
Absent 1 Husar, Pray

Melodie Bowersox, Town Clerk