

The Town of Fenton Town Board held its regular Work Session on Wednesday, June 27<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
	Highway Superintendent	Randy Ritter
	Town Clerk	Melodie Bowersox
	Administrative Asst./Bookkeeper	Susan Crosier
<b>ABSENT:</b>	Town Board Members	David Hamlin, Supervisor Richard Pray, Councilman
	Town Attorney	Albert Millus, Jr.

**OTHERS PRESENT:** Approximately 38 members of the General Public

### **Review Abstract #6, 2018 of June, 2018**

- Mr. Moss inquired as to whether a bill had been received from Panko Electric for the recent light repair in Port Crane. Bookkeeper Sue Crosier said no bill had been received this month.
- Hillcrest Water District: Core & Main - J004844/Mud Plugs - Voucher #147 - \$166.66 – Highway Superintendent Randy Ritter explained the purpose of Mud Plugs to the Town Board Members.
- After a review of the Abstract, **Mr. Husar moved to approve payment of the bills for Abstract #6, 2018**, seconded by Mr. Moss. **Motion carried.**

**VOTE:** Ayes 3 Holcomb, Husar, Moss  
Nays 0  
Absent 2 Hamlin, Pray

### **Residents' Time**

- 1032 Chenango Street – Resident Marge Mangan asked if there was an update on the house across the street from St. Francis; the grass is knee high. Mr. Moss receives reports from Zoning Enforcement Officer John Broughton prior to the monthly Town Board Meetings so there will probably be a report on the property by next week; however, Mr. Moss will follow-up with John on the issue after the meeting.
- CSG Property – Resident Ron Gili commented on the high grass at the Depot. Mr. Moss spoke with Lee Hartman and Lee said that this was supposed to be taken care of this week. Mr. Moss will also follow-up with Lee. Resident Rachel Zandt asked if there was an Ordinance that there should be a property manager if the people who own the property are not living in the Town then the property manager takes care of that type of issue. Mr. Holcomb said he thinks there is but Lee Hartman has been the one actively involved in taking care of the property. He is not aware of a property manager for the property. Mr. Moss will inquire as to Lee's situation.

**Residents' Time closed at 6:10 PM**

**Highway/CSEA Contract Status** – A Memorandum of Understanding has been signed with the Union and there is a meeting scheduled at the Highway Garage on Friday with the members of the unit to have it ratified. The Town Board will plan to approve the CSEA Contract at the next Town Board Meeting which is scheduled for Wednesday, July 11<sup>th</sup>, 2018, at 7 PM (due to the first Wednesday of the month falling on the Fourth of July Holiday). By then the Board will know if the Union has ratified the agreement.

**Cornell Cul-de-sac Results** – Mr. Husar explained that in the Town Ordinance it states that any road should not end abruptly in a dead end that is over 500' but that there should be a turnaround at the end of the dead end (like a cul-de-sac) if possible. One of the streets that falls in this category is Cornell Avenue. Mr. Husar spoke with Randy Ritter, Assistant Town Engineer Rick Armstrong, John Mastronardi from Griffiths Engineering, and the Property Owners about what could be done. There is not room for a round cul-de-sac and a t-turnaround also would not work. Property Owner Donald Birtch has a wide driveway at the end of the street. He is agreeable to allowing part of his driveway to be used for turning around. There is an area of his driveway measuring approximately 5' x 20' that needed repair and the Town agreed to fix that. The law does allow the Town to spend public money on private property for the common good of the Public. The decision was made that this was for the common good of the Public and was expedited because the company doing the milling was on their way. Atty. Millus is drawing up an agreement between the Town and the Property Owner.

**CDBG Public Hearing Dates/Purpose** – There will be two Public Hearings held on July 11<sup>th</sup>, 2018 at the Town Board Meeting. The first one is the second Public Hearing that is required for the 2016 funds for the CDBG. This will provide details in respect to the program and the program's process and to solicit any comments in respect to the funded activities and the program administration to see how it went. This grant has to be completed by December 31<sup>st</sup>, 2018. The second one is the first Public Hearing for 2018. The Town's intent is to apply again for the CDBG similar to the one received in 2016. There is a significant waiting list of individuals.

**Court Clerk Replacement/Interim Plan** – The Court Clerk resigned in the last two weeks for personal reasons. Mr. Husar met with Judge Ambrose Madden to discuss the situation on Monday and the Town Board will discuss it further in Executive Session tonight. Ambrose was asked to submit a plan to the Town Board today but nothing has been received. There are some tentative plans in place subject to Town Board approval. Ambrose told Mr. Husar that he is available Thursday mornings. He does not want staff telling individuals anything other than when he is available. In the past his cell phone has been given out but he does not respond to cell phone calls.

**Restricted Commercial District – Public Hearing Date?** – Mr. Holcomb spoke to Atty. Millus and they feel that the Town is close to being able to hold a Public Hearing on the

Restricted Commercial District. Atty. Millus would like to hold the Restricted Commercial District and Special Use Permit Public Hearings at the same time. A tentative date was set for Wednesday, August 15<sup>th</sup>, 2018, for the Public Hearing. Atty. Millus has discussed the process with other attorneys and there is a methodology in which the Town Board is the approving agency and the Planning Board is the recommending agency in the process. He is working on the verbiage. Mr. Holcomb said that when the Special Use Permit draft is near completion, he will put it on the Town of Fenton Website. He also explained that the Depot area is under consideration in making it a Restricted Commercial District which would establish the approved uses for the area. A Special Use Permit is being proposed for controlling the activity within the District. Resident Jason Pepples asked if they would be discussing using the School entrance with the Depot or would this be part of the Public Hearing. Mr. Holcomb said that would not be part of the Public Hearing. Mr. Husar added that this would be a legal matter between Lee Hartman and the School.

**Outdoor Recreation – Definitions** – On Depot Hill Road the Property Owners of a farm are looking at using the property as a venue for weddings and receptions. They held a family wedding at the property and have scheduled three – four weddings for the Summer. Although Outdoor Recreation is an approved use in the Town Code, it is not clearly defined. The Town Board is looking into defining Outdoor Recreation. Mr. Holcomb found definitions in other Town Ordinances as potential solutions and shared them. Atty. Millus is reviewing these definitions and will put together a draft definition for the Town Board to review. Mr. Husar suggested adding lockout restrictions for control to the definition. Resident Meta Parks asked if there would be regulations for parking and sanitation. Mr. Holcomb replied yes and that these regulations would be part of the Site Plan Review.

**Library Expansion Issues** – The Fenton Free Library is looking into expanding their facility. Librarian Korin Spencer stated that she contacted the head of the Town Board, Mr. Hamlin, who met with her at the Library to discuss the possibility of an expansion. She spoke with Mr. Holcomb as a friend and representative of the Town about the expansion as well. She also said that this is just the early stages and nothing has been set in stone. Korin would like the support of the Town Board and would like to have a Town Board Member sit on their Library Building Committee; the Town Board agreed to have Mr. Holcomb serve in that position. Mr. Holcomb read through a list of issues that have recently been brought up about the possible expansion. He reviewed this list with Atty. Millus who responded back. Mr. Holcomb said that the listed issues seem to be covered. Korin noted that she has also been in contact with Atty. Millus about questions and concerns as they have been looking into the expansion. Resident Judy Cummings asked how many square feet would be added to the Library, at which end of the building it would be added, and are there grants to pay for this or would the citizens have their taxes increase. Korin said it would be approximately 1,500 – 2,000 square feet off the newer addition of the Library. Korin explained that one of the funders of the expansion would be the Four County Library System. If the full coverage did not come from there, they would look into grants and supporters of the past; the expense would not fall back on the taxpayers.

Korin reported that 130 – 150 children registered for the Summer Reading Program today and that is one of the reasons the Library needs the extra space.

**Engineering Contract** – Mr. Husar, Atty. Millus, and John Mastronardi will be meeting to discuss the Engineering Contract next week.

**Hoyt Avenue Traffic Study** – People who live in the Hoyt Avenue area have suggested that the Town conduct a traffic study to give a baseline of the current traffic situation. Mr. Husar contacted Binghamton Metropolitan Transportation Study (BMTS) and they do not conduct traffic studies. BMTS has traffic studies on file but does not have one for Hoyt Avenue or that particular area. The Town would have to contract out for a study to be done. Resident Mary Jo Bowie, Chairman of the Depot Committee, spoke to Jennifer at BMTS, who provided her with a list of engineers who specifically look at traffic issues and perform traffic studies. The list included approximate costs ranging from \$5,000 – \$8,000. Griffiths Engineering was not on the list but they may contract out for traffic studies. Mary Jo said the Committee suggested:

- A traffic study should look at the ability for trucks to clearly navigate the Hoyt Avenue and Nowlan Road area.
- The cost of a traffic study should be charged to whoever wants to occupy the space in that area, not the Town.

The Town Board asked Mary Jo to send the information she received from BMTS to them for their review.

Terry Deamer said right now there is only a single point of access to that facility (referring to the Depot) and a problem was created when the second access was cut off. He expressed his feelings about the Town Board considering the increased tax revenue that a commercial property would generate for the Community that would more than outweigh the cost of a traffic study as well as any road repairs and increased wear and tear on the Community. He also added that we should work with the people who are trying to create commercial activity in that property and create jobs and revenue on a proactive basis. Mr. Holcomb replied that the idea of the Restricted Commercial District is to be able to set criteria that is best for the Community and not totally restrict business from being in that area. There was further discussion amongst the Town Board Members and the Residents about the access to the Depot, the interest of Chenango Valley School in the property for future use, and Carrier Service Group's tax abatement time period. Resident Jason Pepples commented that if it is used as a bus garage (by the School), bus drivers have a vested interest and obligation in the safety of the students which is different than tractor trailers going through there. Resident John Kopalek reminded those present of the Two Rivers Greenway and the signs that are posted throughout the County and the Town of Fenton, asking them to begin thinking 'green'.

**Noise Ordinance** – Resident Ann Schumacher asked if there is an actual maximum decibel limit specified for the Local area or the Town. Mr. Husar stated that there is a Noise Ordinance for certain times of day and at certain decibel levels but the Town does not own equipment to test decibel levels. Ann said there is an issue with a loud motorcycle and they have been

gathering information on the issue. Mr. Husar said in similar situations such as with Resident Bill Aswad, Law Enforcement is usually sent out to address the situation. Resident Tom Tiffany spoke to John Broughton about a similar situation concerning a really loud motorcycle across the street from his residence. John said the Noise Ordinance is only between 11 PM and 8 AM. John spoke to the gentleman who owns the motorcycle and the situation has improved.

**Fuller Road** – Mr. Holcomb noted that Fuller Road is now being used by tractor trailers due to the heavy construction season. Mr. Holcomb could not find anything in the Town Ordinance that prohibits tractor trailers from using Fuller Road; however, there is a sign of a truck with a slash through it on Fuller Road which is a recommendation not to use the road.

**Picnic Tables** – Mr. Moss ran into a roadblock with acquiring new picnic tables for the Town. He is exploring different options and one option is to have an Eagle Scout assemble picnic tables as an Eagle Scout service project.

**Grant for Port Crane Drainage Issue** – Mr. Holcomb thanked Randy Ritter for working with Assemblyman Clifford Crouch's Office to obtain a \$25,000 grant to assist with the Port Crane drainage issue near the Fastrac. This project will start before any paving in Port Crane is done.

**Niles Road** – Niles Road paving is being put on hold until next year because NYSEG is installing new gas mains.

**At 7:22 PM, Mr. Husar made a motion to adjourn into Executive Session to discuss a personnel matter,** seconded by Mr. Holcomb. **Motion carried.**

Melodie A. Bowersox, Town Clerk