

FENNER TOWN BOARD  
TOWN OFFICE BUILDING – 12:30PM  
April 09, 2008

PRESENT: SUPERVISOR CARY  
COUNCILPERSON JONES  
COUNCILPERSON WESTER  
HGWY SUPT HYATT  
TOWN CLERK BUYEA

The regular meeting of the Fenner Town Board was called to order at 12:35 p.m. by Supervisor Cary with the pledge to the flag.

Councilperson Wester moved to accept the previous month's minutes as written. Seconded by Councilperson Jones. Approved by the Board.

OLD BUSINESS:

After brief discussion, Councilperson Wester moved to adopt Resolution #4 – A resolution opposing legislation reauthorizing NYS Public Service Law Article X (ten) provisions pre-empting Local Governmental Authority in siting of Electric Generating Facilities. Seconded by Councilperson Jones. Approved by the Board

After brief discussion, Councilperson Jones moved to adopt Resolution #5, a resolution expressing support for geographic split option 1 for the creation of an additional telephone area code for Central New York. Seconded by Councilperson Wester. Approved by the Board.

**RESOLUTION #5**  
Of the Town Board  
Of the Town of Fenner

EXPRESSING SUPPORT FOR GEORGRAPHIC SPLIT OPTION 1 FOR THE  
CREATION OF AN ADDITIONAL TELEPHONE AREA CODE FOR CENTRAL  
NEW YORK

**WHEREAS**, the New York State Department of Public Service has solicited comments to the State of New York Public Service Commission regarding the means of providing the needed additional telecommunications area code in the existing 315 code area; and

**WHEREAS**, the staff of the New York State Department of Public Service has composed and released for public comment a White Paper presenting four options for the provision of such an additional area code: an “overlay” option requiring the dialing 10-digit dialing throughout the existing 315 area code and three “geographic split” options creating a new area code area out or differing parts of the existing 315 code area; and

**WHEREAS**, Option 1 would leave Madison County in the same area code as virtually all of Onondaga County; and

**WHEREAS**, well over 10,000 residents of Madison County work in Onondaga County: more than 2.5 time the number of Madison County residents who work in Oneida County, with which Madison County would be paired under Option 3; and

**WHEREAS**, despite the White Paper's characterization of the Option 2 north-south split as leave only "a small portion of Madison [County]" west of the new area code boundary, this option would actually leave roughly equal numbers of Madison County residents and businesses in different area codes east and west of the new boundary line, to their incalculable and unnecessary inconvenience;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Fenner favors "geographic split" Option 1 and opposes the other options; and

**BE IT FURTHER RESOLVED**, that the Supervisor of the Town of Fenner is hereby directed to communicate this resolution to the Public Service Commission and to further express support for this Option 1.

Dated: April 9, 2008

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

NEW BUSINESS:

Town Clerk Buyea opened and read aloud the Bids received for repair of the Salt Barn Roof. Michael Bodley - \$28,000; Ralph Colvin - \$28,156.40. After brief discussion and comparison of bids, Councilperson Wester moved to award Bid to Michael Bodley as lowest bidder. Seconded by Councilperson Jones. Approved by Board

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

Town Clerk Buyea opened and read aloud the Bid received on Truck from Nye Ford In the amount of \$51,039.00. No action taken.

After brief discussion with Tax Collector, Sharon Larkin, Councilperson Jones moved to approve Supervisor Cary signing Application for Corrected Tax Roll for 2008 for Nathan Weaver. Seconded by Councilperson Wester. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

The Public Hearing for Time Warner amendment to Franchise Renewal Agreement was opened at 1:00 pm. No comments. Hearing closed at 1:02 p.m. Councilperson Jones moved to adopt Resolution #6. Seconded by Councilperson Wester. Approved by the Board.

**RESOLUTION NO. 6  
OF THE TOWN BOARD  
OF THE TOWN OF FENNER**

An application has been duly made to the Board of the Town of Fenner, County of Madison, New York, by **TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP (“Time Warner”)**, a partnership organized under the laws of the State of New York doing business at 6005 Fair Lakes Road, East Syracuse, NY 13221, and holder of a cable television franchise in the Town of Fenner for approval of an amendment to the agreement to renew Time Warner’s cable television franchise for an additional ten (10) years commencing July 11, 2007.

The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Fenner, New York on April 9, 2008 at 12:30 P.M. and notice of the hearing was published in the Oneida Daily Dispatch on and March 29, 2008 and April 5, 2008.

**NOW, THEREFORE,** THE Board of the Town of Fenner finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Time Warner can reasonable meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.
5. Time Warner shall pay the Town of Fenner an amount equal to 3% of Time Warner Cable’s Gross Revenues received by Time Warner directly from subscribers for cable services purchased by subscribers on a regular, recurring monthly basis and shall not include the amount attributable to franchise fees in the calculation of gross revenue.

**BE IT FURTHER RESOLVED** that the Board of the Town of Fenner hereby renews the cable television franchise of Time Warner in the Town of Fenner for ten (10) years commencing July 11, 2007 and expiring July 11, 2017.

**BE IT FURTHER RESOLVED** that the Board of the Town of Fenner hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on November 29, 1996.

The foregoing having received a unanimous vote was thereby declared adopted.

Dated: April 9, 2008

By Order of the Fenner Town Board

Joanne Buyea  
Town of Fenner Clerk

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

Councilperson Wester moved to accept Town Clerk's Monthly Report as presented. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

Councilperson Jones moved to accept Supervisor's Monthly Report as presented. Seconded by Councilperson Wester. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

Councilperson Jones moved to approve the payment of General Fund Claim Nos.54-69 in the amount \$2,854.94 as set forth in Abstract #4 and as audited. Seconded by Councilperson Wester. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

Councilperson Wester moved to approve the payment of Highway Fund Claim Nos.31-41 in the amount of \$17,119.28 as set forth in Abstract #4 and as audited. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Wester	-	Aye

Assessor Rhonda Weigand has submitted Notice that Town of Fenner Grievance Day has been set for June 4, 2008 from 4:00 – 8:00 p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Highway Superintendent Report  
NYS Dept. Pub. Serv. – Proposed (315) Area Code Changes  
Chenango Co. Plan Bd Overview in Norwich – 4/24/08

Councilperson Wester moved to adjourn the meeting. Seconded by Councilperson Jones.  
Meeting adjourned at 1:30 p.m.

By Order of the Town Board  
Joanne E. Buyea, Town Clerk