

FENNER TOWN BOARD
TOWN OFFICE BUILDING – 8:00 PM
August 13, 2008

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

The regular meeting of the Fenner Town Board was called to order at 8:37 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

After brief discussion, Councilperson Jones made a motion to accept Resolution #8 and rebid Sand Barn Roof repair/replacement. Seconded by Councilperson Wester. Councilperson Stoker moved to amend motion to include completion date of November 15, 2008. Approved by the Board.

**RESOLUTION NO. 8
OF THE TOWN BOARD
OF THE TOWN OF FENNER**

WHEREAS, the Town has previously solicited bids for the installation of a new steel roof on the Town of Fenner Highway Department Sand Barn, and

WHEREAS, by resolution dated April 9, 2008, an award of said work was made by this Town Board to Michael Bodley, Cazenovia, New York, doing business as M&M Construction and Remodeling in the amount of \$28,000.00, and

WHEREAS, subsequent to the acceptance of said bid, the Town Board became aware that the bid of Michael Bodley did not take into account the requirements of the New York State Prevailing Wage Law, and

WHEREAS, Michael Bodley has indicated his desire to withdraw his bid and terminate any contractual relationship with the Town of Fenner for this work based upon the mistake in his bid.

NOW THEREFORE it is hereby resolved that the resolution of this Town Board dated August 13, 2008 awarding the work for the installation for a new metal roof on the Town of Fenner Highway Department Sand Barn be, and hereby is, rescinded and any contractual relationship with Michael Bodley arising out of said bid dated April 9, 2008 is hereby terminated, and it is hereby further

RESOLVED that the work for the installation of a new metal roof on the Town of Fenner Highway Department Sand Barn be re-bid in accordance with the requirements of the

General Municipal Law and the New York State Prevailing Wage Law, and that the deadline for receipt of sealed bids by the Town Clerk be set at 8:00 p.m. on September 10, 2008.

Dated: August 13, 2008

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

NEW BUSINESS:

After brief discussion, Councilperson Stoker moved to adopt Resolution #9, a resolution regarding obligation for perpetual care of abandoned cemeteries designated annually in the Town of Fenner. Seconded by Councilperson Jones. Approved by the Board.

**RESOLUTION NO. 9
OF THE TOWN BOARD
OF THE TOWN OF FENNER**

WHEREAS, Section 291 of the Town Law imposes upon the Town Board the obligation for the perpetual care of abandoned cemeteries within the Town of Fenner, and

WHEREAS, said statute specifically provides that “the Town Board of any Town must also provide for the removal of grass and weeds from all cemeteries, other than private burial grounds, which are abandoned ...”, and that “such duties shall be performed under the supervision of the town board, or a person whom the town board may designate...”, and that the cost and expenses of caring for such abandoned cemeteries shall be a “town charge” and that the “town board shall appropriate and provide annually the monies necessary for carrying out the provisions of this [statute], and make the same available for the proper officer or persons by whom the monies are required to be expended.”

NOW THEREFORE it is hereby resolved that with respect to the following cemeteries: _____, the Town Board does hereby designate annually the Town Highway Superintendent as the officer responsible for carrying out the obligations of the Fenner Town Board pursuant to Section 291 of the Town Law, the cost of all such work performed by and under the direction of the Town Highway Superintendent to be paid from the following budget appropriation line: _____, and it is hereby further

RESOLVED that with respect to the following cemeteries: _____, the following individual(s) is retained as an independent contractor to the Town to fulfill the Fenner Town Board’s obligations annually pursuant to Section 291 of the Town Law, and in consideration for such services said individual(s) shall be paid the sum of \$35.00 per year per cemetery, said payment to paid from the following budget appropriation line: _____.

Dated: August 13, 2008

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

Supervisor Cary informed the Board that he had approached The Town Attorney regarding presenting an educational Planning School session to the Town Planning and Zoning Boards, as well as the Town Board and any interested parties on a Comprehensive Plan which could give 2 hours credit toward the 4 hr. requirement if approved. Councilperson Stoker moved to approve. Seconded by Councilperson Wester. Approved by the Board.

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

Supervisor Cary informed the Board that the Syracuse Radio Tower has contacted the Town Clerk requesting permission to pay charge over two month period.

Supervisor Cary explained to the Board that the bill for Hyatt Technical Services was \$648.90, \$48.90 over the original approved amount of \$600. because of extra work for new line and asked their approval for payment.

Bill June approached the town with a request to have the town take over the mowing of the Fenner Community Church Lawn located across for Fenner Town Building. Supervisor Cary will follow up with Town Attorney and report back at next meeting.

Supervisor Cary informed the Board that a 4-way stop sign has been installed at the intersection of Falls and Emhoff Road as requested by Hope Watson.

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

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

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

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

A Group of concerned residents, Larry & Deb Kelson, Jeffrey Matt, Barbara Blake, Chuck Esposito, Margaret Costello and Robin Smith, approached the board regarding a dog on Francis Road which is continuously barking and also is aggressive. The aggressive issue has been and is able to be addressed through Ag & Market laws. After discussion, Larry

Kelson asked that a Noise ordinance be pursued which would give us a way to address loud and disturbing noises.

Councilperson Jones moved to approve the payment of General Fund Claim Nos.124-138 in the amount \$1,807.76 as set forth in Abstract #8 and as audited. Seconded by Councilperson Stoker. Approved by the Board.

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

Councilperson Jones moved to approve the payment of Highway Fund Claim Nos.76-87 in the amount of \$43,069.40 as set forth in Abstract #8 and as audited. Seconded by Councilperson Wester. Approved by the Board.

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

Handouts and Reports: On file in Town Clerk's Office
Dog Control Officer's Report
Code Enforcement Officer's Report for May & June
Highway Superintendent Report
Town of Lincoln Noise ordinance
Buy Local Passport Brochure
Town of Fenner Officials – Post Card

Councilperson Wester moved to adjourn the meeting. Seconded by Councilperson Jones.
Meeting adjourned at
9:05 p.m.

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

