

**Town of Fenner  
Town Board Meeting  
September 13, 2023**

**SUPERVISOR JONES  
COUNCILPERSON CODY  
COUNCILPERSON STRACK  
COUNCILPERSON PUSHLAR  
COUNCILPERSON WESTER  
TOWN CLERK DOLAN**

The regular meeting of the Fenner Town Board was called to order at 8:00pm by Supervisor Jones with the Pledge of Allegiance.

Councilperson Cody motioned to accept the August Town Board meeting minutes. Seconded by Councilperson Pushlar Approved by the Board.

Councilperson Cody motioned to accept the Town Clerk's Monthly Report as presented Seconded by Councilperson Pushlar Approved by the Board.

Councilperson Wester motioned to accept the August Town Supervisor's Monthly Report as presented Seconded by Councilperson Cody. Approved by the Board.

The Highway Superintendent report was presented and available for review at the town offices. Councilperson Wester will look into getting parking lot lines put in at the town.

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**TOWN OF FENNER  
TOWN BOARD RESOLUTION 2023- 24**

**September 13, 2023**

**TOWN OF FENNER LOCAL LAW NO. 3 OF 2023**  
(“A Local Law Overriding the Tax Levy Limit Established  
in General Municipal Law § 3-c in the Town of Fenner”)

Councilor Pushlar introduced proposed Local Law No. A-2023, relating to the ability of the Town of Fenner to override the limit on the amount of real property taxes that may be levied by the Town of Fenner pursuant to General Municipal Law § 3-c, and to allow the

Town of Fenner to adopt a Town budget for the fiscal year 2024 in excess of the “tax levy limit,” and made the following motion, which was seconded by Councilor Strack

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Fenner, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE, BE IT**

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further;

**RESOLVED AND DETERMINED** that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. 3-2023 at the Town Hall located at 3151 Fenner East Road

in the Town of Fenner on October 11, 2023 at 8:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Councilperson Cody motioned to approve Resolution 2023-24 Councilperson Pushlar seconded motion. Motion approved by Board The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED:** September 13, 2023

**RESOLUTION 2022- 25  
OF THE TOWN BOARD OF THE TOWN OF FENNER**

**AUTHORIZING A Dog enumeration letter to be added to 2024 Tax Bill**

WHEREAS, the Town of Fenner has not done a recent dog enumeration,  
WHEREAS, at current time when have an inaccurate count and registration  
of dogs residing in the town

WHEREAS, the is required by law that all dogs must be registered with the  
town,

WHEREAS, the Town Board having determined that this matter to be  
rectified

NOW, THEREFORE, IT IS RESOLVED and DETERMINED that, pursuant  
of Article 7 of NYS Agriculture and Markets Law, all dogs shall be registered with  
the town once said dog turns 4 months of age, to be aided by a letter to be added  
to all 2024 Tax Bills,

**RESOLVED** that the Town Board of the Town of Fenner authorizes the Resolution  
Councilperson Wester motioned to approve Resolution 2023-25 Councilperson Strack seconded  
motion. Motion approved by Board

The question of the adoption of the foregoing resolution was duly put to a vote and upon  
roll call, the vote was as follows:

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

## **TOWN BOARD RESOLUTION 2023 -26**

**TOWN OF FENNER**

**TOWN BOARD RESOLUTION**

**2023-26**

**TOWN OF FENNER LOCAL LAW NO.1 OF 2023**

("A Local Law Establishing Dog Control Within the Town of Fenner")

Supervisor Jones introduced proposed Local Law No. 1-2023, establishing dog control within the Town of Fenner, and made the following motion, which was seconded by Councilor Cody

**WHEREAS**, proposed Local Law No. 1-2023 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Fenner, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the

proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE, BE IT**

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED** that the Town Board conduct a public hearing as to the enactment of proposed Local Law No.   1  -2023 at the Town Hall located at 3151 Fenner East Road in the Town of Fenner on October 11, 2023 at 8:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Councilperson Strack motioned to approve Resolution 2023-26 Councilperson Cody seconded motion.

Motion approved by Board The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

Councilperson Cody motioned to approve Resolution 2023-27 Councilperson Pushlar seconded motion. Motion approved by Board

**Town Board Resolution 2023-27**

**General Budget Modification for August 2023**

<b>TOWN OF FENNER</b>			
<b>2023 GENERAL - AUGUST Budget Modifications (for SEPTEMBER 2023 mtg)</b>			
<b>TO ADJUST FOR BUDGET SHORTFALL(S)</b>			
<b>Current Appropriation Shortfall</b>		<b>Transfer (from) to Increase Appropriation (cover shortfall)</b>	
A1410.4 - TOWN CLERK - CONTRACTUAL EXPENSE	\$94.67	A1990.4 Contingency	<u>-\$6,363.14</u>
A1420.4 - ATTORNEY - CONTRACTUAL EXPENSE	\$863.75		
A1430.41 - PERSONNEL - CONTRACTUAL EXPENSE	\$63.96		
A1620.42 - BUILDINGS - REPAIRS & MAINTENANCE	\$583.50		
A1910.4 - UNALLOCATED INSURANCE	\$4,700.26		
A3510.4 - DOG CONTROL - CONTRACTUAL EXPENSE	\$5.00		
	<u>\$6,363.14</u>		

Motion approved by Board The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED:** September 13, 2023

**TOWN OF FENNER  
TOWN BOARD RESOLUTION**

**2023-28**

**September 13, 2023**

**TOWN OF FENNER LOCAL LAW NO. 2 OF 2023**

("A Local Law Imposing a Twelve (12) Month Moratorium  
on Battery Energy Storage Systems Within the Town of Fenner")

Councilor Wester introduced proposed Local Law No. 2-2023, imposing a twelve (12) month moratorium on the siting, establishment, placement, installation, construction, erection, modification and enlargement of battery energy storage systems within the Town of Fenner, and made the following motion, which was seconded by Councilor Strack\_:

**WHEREAS**, proposed Local Law No. 2-2023 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

**WHEREAS**, this proposed moratorium extension will enable the Town to complete its review and comprehensively address the issues involved with battery energy storage system uses; and

**WHEREAS**, the Town Board has deemed this moratorium extension urgent and immediately necessary in order to preserve status quo while this issue is examined by the Town; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Fenner, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter.

**NOW, THEREFORE, BE IT**

**RESOLVED AND DETERMINED** that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

**RESOLVED AND DETERMINED** that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. \_\_-2023 at the Town Hall located at 3151 Fenner East Road in the Town of Fenner on October 11, 2023 at 8:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:



<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED:** September 13, 2023

**CERTIFICATION**

**STATE OF NEW YORK )**

**COUNTY OF MADISON )**

I, the undersigned Clerk of the Town of Fenner, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town of September 13, 2023.

**OTHER BUSINESS**

Municipal cooperation agreement with Madison County, Collector of Real Property Taxes – Sent to County

- Fenner Church – funds for renovating the Fenner Church through donations and purchase of merchandise is about 3500.00 to date. Blankets, shirts and mugs are still available to support further renovations.

**Liberty Renewables** – Representatives shared a proposed map of where they would like have new wind turbines installed, and provided a handout. Turbines are projected to be 677.5 ft. in height, more than doubling the height of our current turbines. They are planning a public open house in October, date to be determined. They fielded questions and concerns from residents, there was much discussion about property values, site views, quality of life, battery storage, and size of project. All residents that spoke were vehemently opposed to this project and felt “put upon”. The Town has also been contacted by many residents that claim their property has been trespassed on by Liberty Renewable contracted workers, Liberty Renewable denied this claim.

**VOUCHERS:**

Councilperson Cody moved to approve payment of the General Fund G23-111 – G23-126 in the amount \$39165.96 as set forth in abstract number 8 and as audited. Seconded by Council person Strack. Approved by the Board.

Councilperson Strack moved to approve payment of the Highway Fund claims numbers H23-87 – H23-102 in the amount \$17,951.60 as set forth in abstract number 8 and as audited. Seconded by Councilperson Wester. Approved by the Board.

**ADJOURNMENT**

Councilperson Wester moved to adjourn the meeting at 9:12 PM seconded by Councilperson Pushlar. Approved by Board

**HANDOUTS AND REPORTS:**

On file in the Town Clerk’s Office.

Town Clerk Report

Supervisors Report

Highway Superintendent Report

CEO Report

Respectfully Submitted,

Lisa Dolan Town Clerk

Concerns about the Liberty Renewable Turbine Project

Fenner Town Board Meeting - Sept 13, 2023

Fenner Residents for Rural Neighborhood Preservation

TO: Fenner Town Board and Liberty Renewables

Some people think our concerns are just about visual intrusion, and certainly that is a problem with multiple 630-foot structures rising up in a neighborhood of 100 homes. *But the problems with these wind turbines are so much greater. We have come to see that Liberty Renewables was not invited into our town nor did they, like the current ENEL wind park which successfully accomplished this, attempt to negotiate with our local representatives for a fair and more equitable resolution. Instead, they came, sold leases, and acted with impunity with their plans. This ignored the wishes of the majority of people in our town, benefiting a few while the rest of us suffer.*

Here are some issues that remain:

**What are the actual sizes of these turbines? How many? Liberty Renewables' web site says 24? We were told 13-15. What is the siting plan? Especially in and around our neighborhood in Fenner? Where do they plan to lay the connecting cables? And do they fully understand that they do not yet have a "done deal" on all of this, even though they are telling potential leases that this is the case? We urge the Fenner Board to put them in their rightful place around all of this! It scares people into making deals with Liberty Resources, when they don't really have to do so.**

**Impact on Water Supply and Potential Contaminations from Concrete Footings**

1. The concrete footings for these monstrosities are frightening. When decommissioned, what is the plan to entirely remove the turbines? If not removed, toxic substances will continue to live in our soils, impacting water tables and the ability to use the land for future generations. The ENEL turbines (half the size) have concrete bases 7 ft. deep and surrounded by 38 ft of concrete in an octagon shape. The bolt cage column is 15 Ft in diameter. How big will THESE have to be?
2. Why are we being asked about the depth of our water supply? This is frightening to all residents as we are all on wells, and completely dependent on water supplies that originate from the top of our hills in Fenner.

**Escrow and Decommissioning upon Completing of Turbines' Lifespan**

3. Sustainability – with a shelf life of 15-20 years, we sacrifice so much for such a short-lived experiment, especially with the changing technology.
4. The leases do not provide for an adequate escrow account to cover the cost of decommissioning of the towers. This expense would fall to the town, individuals, and to us as taxpayers and it is not okay.
5. The leases say they are only responsible for the removal of 3 feet of concrete. What happens to the rest of it? How does having this much concrete in our soil and around our homes impact farming, land reclamation, and if it had to be removed further, who pays for it?



### Leases and Messaging to Town Residents

6. What is Liberty Renewables paying landowners for these leases? Initially it was \$3,000 and \$1,000 per year. This is nothing compared to the cost to the town. It is nothing compared to what it will take for the town to supply water to families and farms that get contaminated.
7. Why is Liberty Renewables telling people "This is a done deal" and "You had better get on board or you will lose out?" There are many steps yet to cover like going to our Planning, Zoning and Town Boards. When will there be formal public meetings and what are they intended to accomplish other than to accept what is being offered?

### Battery Storage and Fire Risks

8. Will there be a battery storage system? This is of grave concern. Again, the toxicity of the batteries, the danger of their burning, and the fact that there is no fire station in our town to address issues if they arise is of serious concern to us all. There have been too many accidents with these large capacity battery stations, and this is a grave danger to Fenner.
9. Where are the access cables going?
10. Liberty Renewables' surveyors go onto people's land without permission, and when confronted, show no concern and instead, defend their trespassing.

### Industrialization of our Town

11. Industrialization of our town – with this new "farm", the "solar farm" and the existing turbines, we are in danger of losing our rural community. Already the culture has shifted, pitting neighbors against each other. So sad.
12. The size of the turbines is untested on land like ours and is a potential danger in so many ways – we have had 3 failures with the current, much smaller turbines including blade malfunction & detachment, all the way to full collapse. The size of these machines is frightening.
13. What is the cost to the Town of Fenner? We receive only 11% of taxes from the project.
14. What kind of road construction, and administrative costs are we going to have to absorb?
15. Liberty Renewables is a representative of a much larger German company. How does our town have the capacity to address concerns to an international corporation?

### Neighborhood Impact

16. National studies have proven that the closer homes are located to large renewable energy projects that home values decrease. This is common sense. Who wishes to live close to such huge turbines? One must ask, "Would those selling these turbines want them in their neighborhood?" We think not.

