August 14, 2019

PRESENT: SUPERVISOR JONES

COUNCILPERSON CODY

COUNCILPERSON PUSHLAR

COUNCILPERSON STRACK

HIGHWAY SUPERINTENDENT SMITH

TOWN CLERK DOLAN

The regular meeting of the Fenner Town Board was called to order 8:01 PM by Supervisor Jones with the Pledge of Allegiance.

Councilperson Strack motioned to accept the July Town Board meeting minutes as presented. Seconded by Councilperson Cody. Approved by the Board.

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

Councilperson Strack motioned to accept the Supervisor’s Monthly Report as presented. Seconded by Councilperson Cody. Approved by Board.

Highway Superintendent Smith presented the Highway Department’s report.

PUBLIC COMMENT:

* Many residents spoke in favor of a moratorium in order to research the Cypress Creek Solar Project proposal. Some residents were approached 2/3 years ago and have been receiving due diligent payments
* One resident felt only about 1/10 of Fenner would be effected.
* Question – if project goes through will we lose a tax base, will we retain and attract residents?
* Many stated that they were not against “green energy” but looking for a compromise.
* Cypress Creek stated that if we do not move quickly we could lose our spot for access on the megawatt line available, another company could potentially use that line and we would have to start over.
* Resident stated Fenner stands to gain 300,000 per year, this was countered – the money would be divided 3 ways 67% to school districts, 20% to county and 11% to Fenner, which would be about 30,000 per year.
* Question about clean-up of panels and land, Cypress Attorney responded they would be fully bonded and there would never be cost to Fenner.
* Question – Is Cypress Creek public or private; private - how many solar farms are in NY - they aren’t sure.
* Resident asked what would be the impact be on the environment – Cypress Creek responded very minimal. (10X10 concrete slabs, in various locations).
* Article 10 was explained – and how this process will be carried out.

Town Attorney explained that Fenner is currently NOT zoned for commercial solar. If project were to happen, zoning changes would need to occur first.

* Questions were raised about fencing – Cypress Creek will offer options.
* Highway Superintendent expressed concerns about wear and tear on roads, and blasting when they hit shale stone.

UNFINISHED BUSINESS:

* Cazenovia Recreation Program – Councilperson Wester will meet with them and pay them.
* SEVAC requested a public hearing, will work on that next month with hopes for a public hearing in October.

NEW BUSINESS

* Clerk hours changing 3:30 – 6:00 – Tuesday and Thursday (8/20)
* A property owner has offered to do some maintenance the cemetery on Nelson Rd.

OTHER BUSINESS

* Motion to enact Local Law 1 for the year of 2019, **to opt out of the exemption otherwise provided under sections 487 of the Real Property Tax Law**, was made by Councilperson Strack and seconded by Councilperson Cody.

Hannah – aye

Bill Cody– aye

David Jones – aye

Adam Pushlar – aye

approved by board.

* Motion to **reappoint town tax assessor,** was made by Councilperson Strack and seconded by Councilperson Pushlar. Approved by board.

Motion to accept **Resolution 2019-14**, **A Resolution Adopting a Local Law Establishing an Interim Moratorium on Certain Solar Energy Installations in the**

**Town of Fenner**, was made by Councilperson Strack and seconded by Councilperson Hannah – aye

Bill Cody– aye

David Jones – aye

Adam Pushlar – aye

approved by board.

RESOLUTION NO. 14

OF THE TOWN BOARD

OF THE TOWN OF FENNER

A RESOLUTION ADOPTING A LOCAL LAW

ESTABLISHING AN INTERIM MORATORIUM on GROUND SOLAR ENERGY FACILITIES WITHIN THE TOWN OF FENNER

WHEREAS, proposed legislation of the Town of Fenner, entitled “A local law imposing a moratorium on the establishment of ground solar energy facilities within the Town of Fenner”, has been duly introduced before this Board, and

WHEREAS, upon notice duly published and posted as required, a public hearing on the adoption of this proposed local law was held by this Town Board on July 10, 2019, which public hearing has been, or is hereby closed, and

WHEREAS, pursuant to a referral duly made pursuant to the provisions of Section 239-m of the General Municipal Law, the Madison County Planning Agency has reviewed this proposed local law and has made its recommendation that this matter be returned to this Board for local determination, and

WHEREAS, the enactment of this proposed legislation of the Town of Fenner is a Type II action as defined by section 617.5(c)(36) of the implementing regulations of the New York State Environmental Quality Review Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED, after due deliberation, that this Board makes the following legislative determinations and findings:

A. Authority and Intent. This Local Law is intended to be consistent with, and is adopted pursuant to the authority granted to the Town Board of the Town of Fenner under applicable provisions of the New York State Constitution, and the Laws of the State of New York, including but not necessarily limited to the Municipal Home Rule Law, the Statute of Local Governments and the Town Law.

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses and their potential deleterious impacts on a community.

B. Findings of Fact.

1. Fenner is a community in the central portion of Madison County that takes great pride in, and assigns great value to its rural residential character, small-town atmosphere, farms and scenic and other natural resources.

2. The preservation of the Town's irreplaceable scenic vistas, and rural agricultural character is of significant value to the inhabitants of the Town and to those who visit here.

3. Agriculture has long been a staple of the Town’s economy and tax base. Farms and agricultural land are valuable assets that create a sense of identity and well-being for residents of the Town. Preserving and protecting agricultural lands along with the scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy.

4. Allowing the activities prohibited by Section 3 of this Local Law to occur without appropriate regulations and safeguards would impair the existing character of the Town, because by their very nature such activities have the potential to produce negative impacts upon the Town’s environment, particularly with respect to its rural character and agricultural heritage.

5. All of the Town is served by private water wells, upon which residents and businesses rely for clean, safe drinking water.

6. Allowing the activities prohibited by Section 3 of this Local Law to occur within the Town without appropriate regulations and safeguards could negatively impact the quality of water resources within the Town. Water pollution is hazardous to the public health. If a domestic water source is contaminated, remediation is time and cost intensive, and may not restore the water resource to a quality acceptable for domestic use.

C. Purposes. The purpose of this Local Law is to enable the Town of Fenner to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building permits, operating permits, site plan approvals, subdivision approvals, certificates of occupancy, certificates of compliance, temporary certificates, and other Town-level approvals respecting, the activities prohibited by Section 3 of this Local Law, for a reasonable time, so as to allow the Town time to study the impacts, effects, and possible controls over such activities and to consider amendments to the Town's zoning laws to address the same. The Town Board finds that a moratorium limited to one (1) year in duration, coupled with a mechanism for an 'unnecessary hardship' variance procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Fenner and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

IT IS HEREBY FURTHER RESOLVED that the Town Board of the Town of Fenner finds it in the best interest of the Town of Fenner and its residents to adopt this proposed legislation of the Town of Fenner, entitled “A local law imposing a moratorium on the establishment of ground solar energy facilities within the Town of Fenner”, and further finds the proposed local law to be in accordance with the comprehensive plan for the Town of Fenner, and does hereby adopt and enact this local law as presented. The Town Clerk is hereby directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Town of Fenner, and to give due notice of the adoption of said local law to the Secretary of State.

Date: September 11, 2019

VOUCHERS: Councilperson Strack moved to approve payment of the General Fund claims numbers G19-86 G19-96 in the amount of 21,213.15 as set forth in abstract number 7 and as audited. Seconded by Councilperson Cody. Approved by the Board.

Councilperson Pushlar moved to approve payment of the Highway Fund claims numbers H19-79-H-19-90 in the amount of 14,908.68as set forth in abstract number 7 and as audited. Seconded by Councilperson Cody. Approved by the Board.

Councilperson Strack made a motion to adjourn the meeting. Seconded by Pushlar. Approved by the Board. Meeting adjourned at 9:22 PM.

HANDOUTS AND REPORTS: On file in the Town Clerk’s Office.

Code Enforcement Officer Report – July 2019

Town Clerk Report – July 2019

Supervisors Report – July 2019

Highway Superintendent Report – July 2019

Dog Control Report – July 2019

Free Fishing Flyer

Madison County Health Committee Flyer

Respectfully Submitted

Lisa Dolan

Town of Fenner, Town Clerk