

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

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

Guests: Scott Biggar, Andy Stone

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

Acknowledgement of death of Town resident Michael Bodgley

Councilperson Strack motioned to accept the November Town Board meeting minutes. Seconded by Councilperson Cody Approved by the Board.

Councilperson Wester 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 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.

Highway Superintendent and Councilperson Strack will be investigating and researching updating our current oil separation tank, currently the one in use needs to be pumped out monthly and is not efficient.

The Town has received its new Loader, Councilperson Wester inquired about backup plans and contingency plans as we work the bugs out of the new equipment. Plan is to keep the old loader until Spring for back up.

Councilperson also asked for an updated equipment list which will be provided.

TOWN OF FENNER
TOWN BOARD RESOLUTION 2023-37
CREATION OF CAPITAL RESERVE FUND FOR
LAND ACQUISITION AND BUILDING CONSTRUCTION AND ALTERATION

The following resolution was offered by Councilman Wester who moved its adoption, seconded by Councilman Cody, to wit:

WHEREAS, the Town of Fenner Town Board recognizes its obligation and the importance of providing safe and adequate facilities for Town operations, which may require land acquisition, the repair or reconstruction of existing facilities, and/ or the design and construction of new facilities, and desires to establish a fund to pay for all or part of the cost of such acquisition, repair or reconstruction, and/or design and construction; and

NOW, THEREFORE, IT IS

RESOLVED, that pursuant to General Municipal Law §6-c, the Town of Fenner Town Board does hereby establish a capital reserve fund to be known as the “Town of Fenner Land Acquisition and Building Construction and Alteration Reserve Fund” (the “Reserve Fund”) to pay for the acquisition of land, the repair or reconstruction of existing facilities, and/ or the design and construction of new facilities to be owned by the Town of Fenner, on behalf of the Town and its residents; and it is further

RESOLVED, that the Town of Fenner Supervisor is hereby directed to deposit and secure moneys of the Reserve Fund in the manner provided by §10 of the General Municipal Law; and it is further

RESOLVED, that the Supervisor is authorized to invest the monies of the Reserve Fund in the manner provided by §11 of the General Municipal Law; and it is further

RESOLVED, that any interest earned, or capital gains realized, on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund; and it is further

RESOLVED, that the Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund; and it is further

RESOLVED, that except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established; and it is further

RESOLVED, that no expenditures shall be made from this Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by § 6-c of the General Municipal Law or other applicable law; and it is further

RESOLVED, the initial funding of the Reserve Fund is to be established by way of funds appropriated by the Town Board from an existing account intended for such similar purpose.

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

William Cody	Councilor	Voted	Yes
Adam Pushlar	Councilor	Voted	Absent
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: December 13, 2023

Councilperson Cody motioned to approve Resolution 2023-38 Councilperson Strack seconded motion. Motion approved by Board

TOWN OF FENNER
TOWN BOARD RESOLUTION
2023-38
December 13, 2023

TOWN OF FENNER			
<u>2023 GENERAL - NOVEMBER Budget Modifications (for DECEMBER 2023 mtg)</u>			
<u>TO ADJUST FOR BUDGET SHORTFALL(S)</u>			
		<u>Transfer (from) to Increase</u>	
<u>Current Appropriation Shortfall</u>		<u>Appropriation (cover shortfall)</u>	
A1410.4 - TOWN CLERK - CONTRACTUAL EXPENSE	\$770.07	A1990.4 Contingency	(\$884.07)
A1430.41 - PERSONNEL - PAYROLL SERVICE FEE	\$114.00		
	<u>\$884.07</u>		

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

William Cody	Councilor	Voted	Yes
Adam Pushlar	Councilor	Voted	absent
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: December 13, 2023

TOWN OF FENNER
TOWN BOARD RESOLUTION 2023-39
TOWN OF FENNER LOCAL LAW NO.1 OF 2024

("A Local Law Revising the Residency Requirements of the
Deputy Town Clerk of the Town of Fenner")

Councilor Wester introduced proposed Local Law No. 1-2024, revising the residency requirements of the Deputy Town Clerk of the Town of Fenner, and made the following motion, which was seconded by Councilor Cody:

WHEREAS, proposed Local Law No.1-2024 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. 1-2024 at the Town Hall located at 3151 Fenner East Road in the Town of Fenner on January 10, 2024 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:

William Cody	Councilor	Voted	Yes
Adam Pushlar	Councilor	Voted	absent
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: December 13, 2023

Other Items:

County update- County is moving quickly to have privatization of Madison County Landfill. Vote for Landfill will be December 19, 2023.

It was noted that in the past 10 years, Madison County School Taxes have increased 26%, whereas, Madison County taxes have increased 45.5%. This is very concerning to many Town Supervisors.

Town Supervisor Jones took time to thank and The Town Board Members, Committee Members, Highway Crew, Town Clerk and Deputy Town Clerk for all their hard work and dedication to the Town.

Town Supervisor Jones shared that he and the Town Offices are receiving many calls and visits from Town residents concerning Liberty Renewable's projected project and Oxbow Solar. Many residents are being contacted directly by these companies or their representatives, in most cases the Town has no knowledge of these meetings. The Supervisor expressed frustration that The Town is not being informed by these companies, as to what they are doing and when.

Liberty Renewables representative was present and said he would provide the Town with a contact number in which residents could call and ask questions.

One such agreement is being as sent around is "The Good Neighbor Contract" Mr. Biggar explained that this would give Liberty Renewables an easement/waiver that would stay with the property. Triggers for being a candidate for the agreement include: shadow flicker, setbacks and sound levels. If the contracts aren't signed this would be a roadblock for the project. Setbacks are 1.1 times the total height of the windmill, our current windmills are setback 1.5 times the total height of the windmill. Also, asked about setback if currently property is vacant and a building is put up later "that is a gray area" said Mr. Biggar.

Ice and windmills are a concern, Mr. Biggar said that blade heaters will be in use to minimize damage from ice.

Mr. Biggar was asked why they haven't spoken The Town's Zoning Board, he replied, they know it would be turned down, so they are counting on NYS to override our home rule.

Mr. Biggar shared the Draft of Liberty Renewables Agreement for Road Use Repair and Improvements, although no roads were mentioned, he shared that South Rd, Wyss Rd and Mutton Hill Rd are the only roads they are considering at this time.

OTHER BUSINESS –

VOUCHERS:

Councilperson Strack moved to approve payment of the General Fund G23-150-G23-149 in the amount as \$1511.73 set forth in abstract number 11 and as audited. Seconded by Councilperson Cody. Approved by the Board.

Councilperson Strack moved to approve payment of the Highway Fund claims numbers H23-134 – H23--146 in the amount \$15,775.74 as set forth in abstract number 11 and as audited. Seconded by Councilperson Cody. Approved by the Board.

ADJOURNMENT

Councilperson Wester moved to adjourn the meeting 9:06 seconded by Councilperson Strack
Approved by Board

HANDOUTS AND REPORTS:

On file in the Town Clerk's Office.

Town Clerk Report

Supervisors Report

Highway Superintendent Report

CEO Report

Resolution 2023-36, 37, 38

Draft of Liberty Renewables Agreement for Road Use Repair and Improvements

Respectfully Submitted,

Lisa Dolan Town Clerk