

**Town of Fenner
Town Board Meeting
February 14 2024**

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

**Attendance: Paula Douglas, Traci Carmen, Kelli Stone
Jeff Edgerton**

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

Recognition of Fenner residents that passed – Lynn Vanderworken, Bill Goldsworthy, Dave Proctor

Councilperson Strack motioned to accept the January Town Board meeting minutes. Seconded by Councilperson Pushlar 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 Wester motioned to accept the Town Supervisor’s Monthly Report as presented Seconded by Councilperson Pushlar Approved by the Board.

The Highway Superintendent report was presented and available for review at the town offices.

Councilperson Strack motioned to approved Amended Resolution 2024-1 Councilperson Cody seconded motion. Motion approved by Board

**Amended RESOLUTION 2024 - 1
OF THE TOWN BOARD OF THE TOWN OF FENNER
ORGANIZATIONAL APPOINTMENTS**

Official Newspaper

Cazenovia Republican &
Oneida Dispatch
www.townoffenner.com

Health Officer
Zoning Board of Appeals Secretary
Planning Board Secretary
Registrar of Vital Statistics @ \$300.00 per year
Zoning and Codes Officer

Madison County
Cindy Givula \$20.00 per hour
Monica Cody \$20.00 per hour
Lisa Dolan
Jeff Edgerton

Town Attorney

Costello, Cooney & Fearon, PLLC

Youth Recreation Committee Reps
FREE Center Board liaison
Emergency Management Committee

Bill Wester & Mark Costello
Bill Wester
David Jones, Robbie Conklin,
Hannah Strack
Bill Cody
Hannah Strack & Adam Pushlar

Building and Maintenance liaison
Highway Dept. liaison

Official Bank
Grievance Board @ \$50.00 per member /
per meeting

Community Bank
Gregory Gavula,, Andy Stone
& Fred Bosworth
@5600.00
@6100.00

Justice Ann Jones
Clerk Kelli Stone

Town Historian @ \$100.00 per year
Dog Control Officer @ \$3,000.00 per year
Secretary to Supervisor & Bookkeeper @ \$16,300. per yr.
Budget Officer @ \$2550.00 per year
Deputy Supervisor
Election Board Inspectors

Gerald A. Davies
Jason Driscoll
Carol Roberts
David Jones
Hannah Strack
Madison County Board of
Elections
2nd Wed of month 8:00
pm

Regular Monthly Town Board Meeting

Mileage rate per mile
Salaries of Elected Officials per year

62.5 (pre-approved by Bd)
Supervisor \$9250.00.00
Councilmen 4 @ \$2,225.00
Highway Supt. 60,000.00
Town Justice \$5,600.00
Town Clerk \$10,300.00

Assessor @ 14,125.00 per year
Monthly salaries to be paid
Payroll
Purchases without Town Board approval
Zoning Clerk @ \$1,000.00/Year
Planning Clerk @ \$700.00/Year
Deputy Town Clerks @\$20.00 per hour
Record Access Officer
Investment Policy 2024
Procurement Policy 2024
IT and Computer Use Policy
Fee Schedule
Municipal Building Use Policy
Town Property Leases

Brian Fitts
Between 25th & end of month
\$1000
Lisa Dolan
Lisa Dolan
Daria Miller
Lisa Dolan

No change from 2022
No change from 2022

Health Insurance – Highway Department ONLY-2024

	Town portion of Single Coverage	Town portion of Family Coverage	Employee portion of Family Coverage	NO INS BONUS
Highway Superintendent	100%	100%	0%	Maximum 3000.00 to be paid in 4 installments
Deputy Superintendent	100%	60%	40%	No
Full-time highway employees hired prior to January 1, 2015	100%	60%	40%	No
Full-time highway employees hired after January 1, 2015	100%	45%	55%	NO

Highway Superintendent - Town will provide coverage (both individual & family)

For all full-time highway employees hired prior to January 1, 2015:

Health insurance will be provided for individual employees

Town will pay 60% of family coverage

For all full-time highway employees hired after January 1, 2015:

Health insurance will be provided for individual employee

Town will pay 45% of family coverage

Pay Scale – Highway Department ONLY-2024

3 – Highway Worker (Non MEO) at \$25.00/hour

New employees will receive \$1 less per hour for their six months. (\$24.00/hour)

MEO/Mechanic at 75 cents more per hour (\$25.00/hour + \$0.75/hour (25.75))

Deputy Superintendent

Part-time MEO will receive \$23.00/hour, without benefits

***It is up to the individual employee to take overtime hours as comp time, all at once, or apportioned but must be used by December 31 of the year accrued.**

The longevity is as follows:

5 years of service - \$400.00 per year

10 years of service - \$800.00 per year

15 years or more of service - \$1,000.00 per year

Holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Election Day, Thanksgiving, Christmas and 6 floating days (48 hours)- a total of 14 days.

Vacation: 2 weeks after 1 year
3 weeks after 5 years

Sick & Personal days for Full Time Employees:

Employees will be granted six (6) sick days (48 hours) annually; unused sick time will be carried over to the next year to be used for sick time only. Sick days are granted without loss remuneration annually on January 1st.

Unused sick leave shall carry over and accumulate to a maximum of 120 days (towards NYSLRS, if the employee is eligible).

GUIDANCE ON USE OF COVID-19 SICK LEAVE On March 18, 2020, New York State enacted legislation authorizing sick leave for employees' subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. The law provides paid and unpaid sick leave with access to expanded paid family leave and temporary disability depending on the size of the employer. All employees, regardless of the size of their employer, are entitled to job protection upon return from leave. This document supplements prior guidance on the application of COVID-19 sick leave. All prior guidance remains in effect. 1. An employee who returns to work following a period of mandatory quarantine or isolation does not need to be tested before returning to work, except for nursing home staff. However, an employee who subsequently receives a positive diagnostic test result for COVID-19 must not report to work. The employee shall be deemed to be subject to a mandatory order of isolation from the Department of Health and shall be entitled to sick leave as required by New York's COVID-19 sick leave law, whether or not the employee already has received sick leave as required by the law for the first period of quarantine or isolation. However, the employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has tested positive for COVID-19. The employee does not need to submit documentation of a positive result if the employee's employer gave the employee the test for COVID-19 that showed the positive result. 2. An employee who is subject to an order of quarantine or isolation but continues to test positive for COVID-19 after the end of such quarantine or isolation period must not report to work. Please note that an employee is not recommended to be tested to discontinue isolation or quarantine. The employee shall be deemed to be subject to a second mandatory order of isolation from the Department of Health and shall be entitled to sick leave as required by New York's COVID-19 sick leave law for the second period of isolation. However, the employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has received a positive diagnostic test for COVID-19 after completing the initial period of isolation. The employee does not need to submit documentation of a positive result if the employee's employer gave the employee the test for COVID-19 that showed the positive result. Andrew M. Cuomo, Governor Roberta Reardon, Commissioner 3. If an employer mandates that an employee who is not otherwise subject to a mandatory or precautionary order of quarantine or isolation to remain out of work due to exposure or potential exposure to COVID-19, regardless of whether such exposure or potential exposure was in the workplace, the employer shall continue to pay the employee at the employee's regular rate of pay until such time as the employer permits the employee to return to

work or the employee becomes subject to a mandatory or precautionary order of quarantine or isolation, at which time the employee shall receive sick leave as required by New York's COVID-19 sick leave law, in accordance with this guidance, for the period of time the employee is subject to such mandatory or precautionary order of quarantine or isolation. 4. In no event shall an employee qualify for sick leave under New York's COVID-19 sick leave law for more than three orders of quarantine or isolation. The second and third orders must be based on a positive COVID-19 test in accordance with paragraphs 1 and 2. For additional information about COVID-19, please visit the New York State Department of Health's coronavirus website at coronavirus.health.ny.gov home. For additional information about New York's COVID-19 sick leave law, please visit ny.gov/COVIDpaysickleave.

PER NYSLRS for all Tier 3 and 4 members:

Section 41(j) of the Retirement and Social Security Law (RSSL) provides an optional sick leave benefit. If your employer has chosen to offer this benefit, you may receive service credit for your unused, unpaid sick leave days at retirement. To be eligible for this benefit, you must retire directly from public employment or within a year after separating from service.

The additional credit is determined by dividing the total unused, unpaid sick leave days by 260. For most members, the maximum number of sick leave days allowable is 165. However, for some members employed by New York State, the maximum is 200 days. Contact your employer or refer to your Member Annual Statement to determine if your employer has adopted this benefit.

The additional credit is determined by dividing the total unused, unpaid sick leave days by 260. For most members, the maximum number of sick leave days allowable is 165. However, for some members employed by New York State, the maximum is 200 days. Contact your employer or refer to your Member Annual Statement to determine if your employer has adopted this benefit.

Employees will be granted six (6) personal days (48 hours) annually. Upon separation of employment, the employee cannot be paid for the unused balance. Personal days are granted without loss of remuneration annually on January 1st.

New Employees starting after the New Year

Twelve (12) month employees commencing work after the start of the work year will be immediately credited with one (1) day of sick leave for each three (3) remaining months of their work year to a maximum of three (3) days for that initial partial year.

Unused personal days may not be carried over to succeeding years.

Health Insurance: Will be provided for all full time highway employees. *All new employees will pay 55% of the Family Coverage. Health Insurance will be provided for the Highway Superintendent.

Comp Time:

Compensatory time must be used before the end of each calendar year (December 31).

David Jones, Town Supervisor

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	Yes
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**TOWN OF FENNER
TOWN BOARD RESOLUTION**

2024-8

TOWN OF FENNER LOCAL LAW NO. A of 2024

(“A Local Establishing a Tax Exemption on Real Property Owned by Persons Sixty-Five Years of Age or Over Pursuant to Real Property Tax Law § 467”)

Councilor Wester introduced proposed Local Law No. A-2024, titled “A Local Establishing a Tax Exemption on Real Property Owned by Persons Sixty-Five Years of Age or Over Pursuant to Real Property Tax Law § 467,” and made the following motion, which was seconded by Councilor Pushlar:

WHEREAS, proposed Local Law No. A-2024 has been introduced and will be considered for enactment pursuant to the provisions of the New York State Municipal Home Rule Law and New York State 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 in the consideration of a

proposed action, an involved agency shall make a determination whether the 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 (SEQR) 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 to said Local Law is an Unlisted Action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a Short Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the 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, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. A-2024 is an Unlisted Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED 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 SEQR; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2024 at the Town Hall located at 3151 Fenner East Road in the Town of Fenner on March 13, 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	yes
Hannah Strack	Councilor	Voted	yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

February 14, 2024

TOWN BOARD RESOLUTION 2024-9

TOWN OF FENNER LOCAL LAW NO. B of 2024

("A Local Establishing a Tax Exemption on Real Property in the Town of Fenner Pursuant to Real Property Tax Law § 458-a")

Councilor Strack introduced proposed Local Law No. B-2024, titled "A Local Establishing a Tax Exemption on Real Property in the Town of Fenner Pursuant to Real Property Tax Law § 458-a," and made the following motion, which was seconded by Councilor Cody:

WHEREAS, proposed Local Law No. B-2024 has been introduced and will be considered for enactment pursuant to the provisions of the New York State Municipal Home Rule Law and New York State 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 in the consideration of a proposed action, an involved agency shall make a determination whether the 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 (SEQR) 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 to said Local Law is an Unlisted Action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a Short Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the 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, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. B-2024 is an Unlisted Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED 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 SEQR; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. B-2024 at the Town Hall located at 3151 Fenner East Road in the Town of Fenner on March 13, 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	Yes
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**DATED: February 14, 2024 February 14, 2024 TOWN OF FENNER
TOWN BOARD RESOLUTION**

2024-10

TOWN OF FENNER LOCAL LAW NO. C of 2024

(“A Local Establishing a Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Real Property Tax Law §466-a”)

Councilor Pushlar introduced proposed Local Law No. C-2024, titled “A Local Establishing a Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Real Property Tax Law §466-a,” and made the following motion, which was seconded by Councilor Wester_:

WHEREAS, proposed Local Law No. C-2024 has been introduced and will be considered for enactment pursuant to the provisions of the New York State Municipal Home Rule Law and New York State 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 in the consideration of a proposed action, an involved agency shall make a determination whether the 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 (SEQR) 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 to said Local Law is an Unlisted Action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a Short Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the 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, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. C-2024 is an Unlisted Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED 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 SEQR; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2024 at the Town Hall located at 3151 Fenner East Road in the Town of Fenner on March 13, 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	Yes
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted. **DATED: February 14, 2024**

Councilperson Wester motioned to approve Resolution 2024-11 Councilperson Pushlar seconded motion. Motion approved by Board

**RESOLUTION 2024-11
THE TOWN BOARD OF THE TOWN OF FENNER
APPOINTMENT OF Deputy Town Clerk**

Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor	Voted	Yes
David Jones	Supervisor	Voted	Yes

OLD BUSINESS

Garage overhead doors have been replaced and voucher submitted.

Town Attorney Bell has suggested the Town look into hiring an engineer to help wade through the Liberty Renewable Windmill project, this should be a reimbursed expense. Supervisor Jones is waiting for Attorney Bell to provide a list of engineers suited for the position

Town Board is in the process of reviewing current planning/zoning fees, they have sent some questions to the planning board and town attorney and will address the issue next month.

Councilperson Strack and Highway Superintendent Conklin are working with an engineer for the oil water separation system this will take some time, as the DEC must approve.

Supervisor Jones contacted the County to discuss fees for IT, we have received an itemized bill.

New Business:

Fenner Clean Up
 May 3 Friday 12-4 May 4 Saturday 8-12 pm
 2 Ton of Tires, 10 Ton of Refuge

Madison County Rabies Clinic will be held at the Town Offices on April 24, from 4-7 PM

Public Comment: Discussion regarding how The Town will move forward when and if Oxbow Hill Solar and Liberty Renewables have their applications approved. How the intervener funds will be used was also discussed. Supervisor Jones, Councilperson Strack and Highway Superintendent Conklin attended a safety meeting with Oxbow Solar. Many concerns from the Town was brought to Oxbow Solar’s attention, including but limited to road use, bonding of town roads, and how 911 would work if panels were to catch on fire.

VOUCHERS:

Councilperson Strack moved to approve payment of the General Fund G24-1- G24-11 in the amount as \$6629.26 set forth in abstract number 1 and as audited. Seconded by Councilperson Wester. Approved by the Board.

Councilperson Pushlar moved to approve payment of the Highway Fund claims numbers H24-1– H24--11 in the amount \$9656.53 as set forth in abstract number 1 and as audited. Seconded by Councilperson Cody. Approved by the Board.

ADJOURNMENT

Councilperson Wester moved to adjourn the meeting 9:20 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

Resolutions

Respectfully Submitted,

Lisa Dolan Town Clerk