

FENNER TOWN BOARD  
TOWN OFFICE BUILDING –12:30 PM  
JANUARY 12, 2011

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

The regular meeting of the Fenner Town Board was called to order at 12:30 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

Supervisor Cary informed the Board that Fred Bosworth will be reappointed to the Grievance Board. The Town Abstract for 2011 was also approved

NEW BUSINESS:

After brief discussion, Councilperson Wester moved to adopt **Resolution #1**, Organizational Appointments with above noted changes. Seconded by Councilperson Stoker. Approved by the Board

**RESOLUTION #1  
OF THE TOWN BOARD OF THE TOWN OF FENNER  
ORGANIZATIONAL APPOINTMENTS 2011**

Official Newspaper

Oneida Daily Dispatch  
Madison County Courier  
Madison County

Health Officer

Zoning Board of Appeals Secretary

Planning Board Secretary

Registrar of Vital Statistics

Zoning and Codes Officer

Town Attorney

\$8.00 per hour  
Judy Carmen \$825.00 per year  
Joanne Buyea \$150.00 per year  
Roger Cook  
James Stokes

Youth Recreation Committee Reps

Official Bank

Grievance Board @ \$50.00 per member /  
per meeting

Henry Stoker & Charles Pace  
Key Bank, M&T Bank, Oneida Savings  
Donald Shephard, Russell Stone  
Fred Bosworth, Paul Galgan &  
Stephen Weisbrod

Town Historian @ \$50.00 per year

Dog Control Officer @ \$1,144.00 per year

Deputy Dog Control Officer

Secretary to Supervisor & Bookkeeper @ \$10,240/yr.

Budget Officer @ \$1,377.00 per year

Gerald A. Davies  
Gary Gardner  
Jeanette Gardner  
Maravene Marion  
Russell Cary

Deputy Supervisor  
Election Board Inspectors  
Regular Monthly Town Board Meeting

Mileage rate per mile  
Salaries of Elected Officials per year

Assessor @ \$10,039.00 per year  
Monthly salaries to be paid  
Purchases without Town Board approval  
Zoning and Planning Clerk @ \$854.00/Year  
Deputy Town Clerks @\$8.00 per hour  
Investment Policy 2011  
Procurement Policy 2011

David Jones  
Madison County Handles  
2nd Wed. of month – 8.00 P.M.  
Nov.,Dec.,Jan.,Feb.,Mar.,Apr–12:30 p.m.  
\$.48.5 (to be pre-approved by Bd)  
Supervisor \$6,822.00  
Councilmen 4 @ \$1,647.00  
Highway Supt. \$43,714.00  
Town Justice \$4,860.00  
Town Clerk \$7,723.00  
Tax Collector \$2,040.00

Rhonda Weigand  
Between 25th & end of month  
\$2,500.00  
Joanne Buyea  
Melinda Wilkinson  
No change from 2010  
No change from 2010

### **HIGHWAY DEPARTMENT 2010**

The longevity is as follows:

5 years of service - \$400.00 per year  
10 years of service - \$800.00 per year  
15 years of service - \$1,000.00 per year

Holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Election Day, Thanksgiving, Christmas and 4 floating days - a total of 11 days.

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

Sick & Personal days: 5 days per year. Earn five sick days per year. Accumulated at the rate of 1/12 per month up to a maximum of 24 days, which can be carried over year to year to be used for sick time only. Upon termination, employee can not be paid for balance.

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. Any qualified employee opting out of Town Insurance will receive \$100.00 extra each month in pay check..

Pay Scale 1 Mechanic at \$18.26/hour  
3 MEO at \$17.49/ hour

Dated: January 12, 2011

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

Town Clerk Buyea stated that the Dog Fees for lost tags, and dog impoundment needed to be established.

After brief discussion, Councilperson Stoker moved to adopt Resolution #2 establishing a lost tag fee at \$3.00 and the Dog Impoundment fees at \$20.00 for first offense and \$50.00 for second and third offenses. Seconded by Councilperson Jones. Approved by the Board.

**Resolution #2  
Of the Town Board  
Of The Town of Fenner**

WHEREAS the Town of Fenner is required under the new dog licensing law to establish fees for Dog Licensing, lost tags, and dog impoundment;

NOW THEREFORE, the fees for new licensing fees will be \$10.00 for spayed/neutered, \$18.00 for Unsprayed/unneutered, \$3.00 for replacement tags, \$20.00 for Dog Impoundment (first offense) and \$50.00 for second and third offenses.

DATED: January 12, 2011

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

Councilperson Wester excused himself from remainder of meeting for a Dr. appointment.

Councilperson Strack moved to accept Supervisor’s Report as presented. Seconded by Councilperson Jones. Approved by the Board.

Councilperson Strack moved to accept Town Clerk’s Report as presented. Seconded by Councilperson Jones. Approved by the Board.

Town Clerk Buyea informed Board that Barbara Henderson of the Cazenovia Area Community Development Assoc., called and asked to make everyone aware that the incentive at Buyea’s on the Central New York Energy Challenge has risen from \$500 to \$1100 toward an approved energy efficient appliance.

Supervisor Cary informed Board State Bill 28A on micro hydro energy has gone through Energy Agency and they would like a letter of support from Town of Fenner.

After discussion, Suburban Propane bill is being held to investigate charge of \$3.99 charge per gallon for propane. Highway Superintendent Hyatt will call and check.

Councilperson Stoker moved to approve the payment of the Highway Fund (with removal of Suburban Propane) Claim Nos.1-16 in the amount of \$25,603.60 as set forth in Abstract #1 and as audited. Seconded by Councilperson Strack. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

Councilperson Strack moved to approve payment of the General Fund Claim Nos. 1-19 in the amount of \$ 10,618.02 as set forth in Abstract #1 and as audited. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

Councilperson Strack moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 1:20 p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpts – November 2010.  
Highway Supr. Rpt.

By Order of the Town Board  
Joanne Buyea, Town Clerk

FENNER TOWN BOARD  
TOWN OFFICE BUILDING –12:30 PM  
FEBRUARY 09, 2011

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

The regular meeting of the Fenner Town Board was called to order at 12:30 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

Councilperson Stoker moved to grant Supervisor Cary authorization to send letter supporting State Resolution on Senate Bill 28-A Micro-hydro energy. Seconded by Councilperson Jones. Approved by the Board. See Resolution #5. Copy on file in Town Clerk's Office.

NEW BUSINESS:

After brief discussion, Councilperson Strack moved to appoint Jan Woodworth to the Planning Board and Paul Little to the Zoning Board of Appeals. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Strack	-	Aye
Councilperson Stoker	-	Aye

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

Councilperson Strack moved to accept Town Clerk's Report as presented. Seconded by Councilperson Jones. Approved by the Board.

Barbara Henderson of the Cazenovia Area Community Development Assoc. informed the Board the they are still recruiting resident for the Central New York Energy Challenge. The award has risen from \$500 to \$1100 toward an approved energy efficient appliance. The is also a 10% off coupon being issued every month for participants. The web site for more information or to enter is [www.cazenergychallenge.wordpress.com](http://www.cazenergychallenge.wordpress.com).

Councilperson Strack moved to adopt Resolution #3, a resolution for transfer of funds. Seconded by Councilperson Jones. Approved by the Board.

**Resolution #3  
Of the Town Board  
Of the Town of Fenner**

Contingent    5000.00

Resolution to Transfer from:

General Insurance	A1901	\$1600.00
Zoning	A8010	4200.00
Employee Benefits	A90	2600.00
Youth Recreation	A7320	1000.00
Attorney	A1420	300.00
		\$14700.00

Transfer from Contingent to:

Justice	A1110	200.00
Supervisor	A1220	150.00
Analysis Fee	A	900.00
Assessment	A1355	4100.00
Town Clerk	A1410	300.00
Building	A1620	4000.00
Highway Super.	A5010	410.00
Garage	A5132	4500.00
Dog Control	A3510	20.00
		\$14580.00

Balance \$120.00

Dated: February 9, 2011

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Strack	-	Aye
Councilperson Stoker	-	Aye

Councilperson Strack moved to approve the payment of the Highway Fund Claim Nos.17-29 in the amount of \$11,444.48 as set forth in Abstract #2 and as audited. Seconded by Councilperson Jones Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

Councilperson Jones moved to approve payment of the General Fund Claim Nos. 17-31 in the amount of \$ 16,079.27 as set forth in Abstract #2 and as audited. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye

Councilperson Stoker - Aye  
Councilperson Strack - Aye

The Board reviewed and approved Town Justice, Tax Collector, Supervisors, and Town Clerk cash books and ledgers for 2010.

Councilperson Jones moved to approved Town Justice books for 2010. Seconded by Councilperson Stoker. Approved by the Board

Councilperson Strack moved to approve Supervisors Books. Seconded by Councilperson Jones. Approved by the Board.

Councilperson Jones moved to approved Town Clerk's Cash Ledger. Seconded by Councilperson Strack. Approved by the Board

Councilperson Jones moved to approve Tax Collector's ledger. Seconded by Councilperson Stoked. Approved by the Board

Supervisor Cary - Aye  
Councilperson Jones - Aye  
Councilperson Stoker - Aye  
Councilperson Strack - Aye

Councilperson Strack moved to go into Executive Session at the request of Town Attorney Stokes, at 1:32 pm to discuss Resolution #4 regarding Settlement of Real Property Tax Law Article 7 proceeding by American Tower Corporation against the Town of Fenner. Seconded by Councilperson Jones. After discussion, Councilperson Stoker moved to adopt Resolution #4. Seconded by Councilperson Jones. Approved by the Board

Councilperson Strack moved to close Executive Session. Seconded by Councilperson Jones. Executive Session closed at 1:45 pm. Approved by the Board

**RESOLUTION NO. 4**  
**OF THE TOWN BOARD**  
**OF THE TOWN OF FENNER**

A RESOLUTION AUTHORIZING SETTLEMENT OF THE REAL  
PROPERTY TAX LAW ARTICLE 7 PROCEEDING BY AMERICAN  
TOWER CORPORATION AGAINST THE TOWN OF FENNER

**WHEREAS**, a petition to review the assessment for taxation for the tax year 2010 (March 1, 2010 taxable status date) of the real property of American Tower Corporation (the "Petitioner") located in the Town of Fenner, County of Madison, State of New York, being tax map parcel number 88.-1-16, was duly filed and served upon the Town of Fenner Assessor, the Town of Fenner Board of Assessment Review and the Town of Fenner (the "Respondents"), and

**WHEREAS**, said Respondents, with the assistance of the attorneys for the Town, have appeared in defense of said petition, and

**WHEREAS**, the Respondents and Petitioner are prepared to enter into an Agreement and Stipulation of compromise and settlement of the above-referenced proceeding, and

**WHEREAS**, it appears to be in the best interest of the Town of Fenner to settle said proceeding without further attendant legal and appraisal costs relating to the defense of this matter.

**NOW THEREFORE IT IS HEREBY RESOLVED** by the Town Board of the Town of Fenner acting on behalf of all Respondents, that the Respondents be, and are hereby authorized to enter into a Stipulation of Settlement of the above-referenced proceeding on the terms set forth in the Stipulation of Settlement and Order attached hereto and made a part hereof as Schedule "A", and it is hereby further

**RESOLVED** that the attorney for the Town of Fenner, James T. Stokes, Esq., be and hereby is authorized to execute such Stipulation of Settlement on behalf of the Respondents and is further authorized to consent to entry of such appropriate court order(s) as may be necessary to accomplish said settlement, and it is hereby further

**RESOLVED** that the Supervisor of the Town of Fenner, and such other relevant Town officials be and hereby are authorized to take such actions as are in accordance with the terms of the Stipulation and Order which is hereby approved.

Dated: February 9, 2011

Councilperson Strack moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 1:50 p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpts – January 2011.  
Highway Supr. Rpt.  
Jan.5 Resolution in Assembly – Re 28-A  
TW Cable Memo dropped stations

By Order of the Town Board  
Joanne Buyea, Town Clerk



FENNER TOWN BOARD  
TOWN OFFICE BUILDING –12:30 PM  
MARCH 9, 2011

PRESENT: SUPERVISOR CARY  
COUNCILPERSON JONES  
COUNCILPERSON STRACK  
COUNCILPERSON STOKER  
COUNCILPERSON WESTER  
HGWY SUPT. HYATT

The regular meeting of the Fenner Town Board was called to order at 12:30 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 Strack. Approved by the Board.

OLD BUSINESS:

Councilperson Stoker moved to grant Town Justice Watts travel for Mandatory Spring School. Seconded by Councilperson Wester. Approved by the Board. Copy on file in Town Clerk's Office

NEW BUSINESS:

Discussion followed on handout on Recommendation from County for Boilerplate on Solicitation Policy, that Towns can modify and adopt or not. Hard copy was given to all Board Members to review for input. Copy on file in Town Clerks Office.

After brief discussion, Councilperson Strack moved to establish Fenner Town Cleanup days on May 6 & 7. Seconded by Councilperson Jones. Approved by the Board.

**FENNER CLEAN-UP DAYS**

The Town of Fenner Clean-up Days for 2011 will be held on **Friday, May 6** (Noon – 4:00 pm) and **Saturday, May 7** (8:00 am – 2:00 pm). Dumpsters will be available at the Fenner Town Office Building. Fenner Residents (**ONLY**) will be limited to 1 pick-up truckload of trash and 4 tires off rims. NO refrigerators, freezers, TVs, Computers, Propane Tanks or Air conditioners will be accepted.

Call 655-2705 or 655-8404 with questions.

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

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

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

Highway Superintendent Hyatt gave his monthly report to the Board. Copy on file in Town Clerk's office.

Fenner Tax Collector, Sharon Larkin, informed the Board that she needed to return \$547.74 previously collected from American Tower because of legal settlement established in Resolution #4 adopted on February 9, 2011.

Councilperson Stoker moved to adopt Resolution # 6 , a resolution authorizing a study of Justice Court Consolidation under section 106-b of the Uniform Justice Court Act at no cost to Town of Fenner. Seconded by Councilperson Jones. Approved by the Board

**RESOLUTION NO. 6  
OF THE TOWN BOARD  
OF THE TOWN OF FENNER**

**A RESOLUTION AUTHORIZING A STUDY OF  
JUSTICE COURT CONSOLIDATION UNDER SECTION 106-b OF  
THE UNIFORM JUSTICE COURT ACT**

**WHEREAS**, section 106-b of the Uniform Justice Court Act provides authority for adjoining Towns to consolidate their Town Justice Courts and to elect a single Justice to serve two or more adjoining Towns, and

**WHEREAS**, said statute requires each such Town that may wish to consider the issue to first conduct a study of the possible advantages and disadvantages of such a consolidation, and

**WHEREAS**, the Town Board of the Town of Smithfield has authorized such a study, and has offered to include the Town of Fenner in such study at no expense to the Town of Fenner. and

**WHEREAS**, the completion of such a study does not require the Town of Fenner to take any further action with respect to Justice Court consolidation, and

**WHEREAS**, the Town Board hereby finds that the information gathered in such a study would be useful to the Town even if the question of Justice Court consolidation is not further pursued.

**NOW THEREFORE IT IS HEREBY RESOLVED** by the Town Board of the Town of Fenner that the law firm of Mitchell Goris & Stokes, LLC, is hereby authorized, on behalf of the Town of Fenner, to conduct a study of potential Justice Court consolidation with one or more adjoining Towns under section 106-b of the Uniform Justice Court Act, and it is hereby further

**RESOLVED** that the authorization for the study hereby given is on the condition that the entire cost of the study shall be paid by the Town of Smithfield at no expense to the Town of Fenner.

Dated: March 9, 2011

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

Councilperson Strack moved to approve the payment of the Highway Fund Claim Nos.30-41 in the amount of \$12,698.79 as set forth in Abstract #3 and as audited. Seconded by Councilperson Jones  
Approved by the Board.

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

Councilperson Jones moved to approve payment of the General Fund Claim Nos. 33-46 in the amount of \$5,107.42 as set forth in Abstract #3 and as audited. Seconded by Councilperson Jones.  
Approved by the Board.

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

Councilperson Strack moved to adjourn meeting. Seconded by Councilperson Wester. Meeting adjourned at 1:50 p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpts – February 2011.  
Highway Supr. Rpt  
Judge School Training Request  
Mad.Co.Boilerplate Solicitation Policy

By Order of the Town Board  
Joanne Buyea, Town Clerk

FENNER TOWN BOARD  
TOWN OFFICE BUILDING –8:00 PM  
April 13, 2011

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

**UNAPPROVED MINUTES**

The regular meeting of the Fenner Town Board was called to order at 8:00 p.m. by Supervisor Cary with the pledge to the flag.

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

**OLD BUSINESS:**

**NEW BUSINESS:**

After brief discussion, Councilperson Stoker moved to adopt Resolution #7, a resolution establishing late fees for unlicensed dogs. Seconded by Councilperson Stoker. Approved by the Board.

**RESOLUTION # 7  
OF THE TOWN BOARD  
OF THE TOWN OF FENNER RESOLUTION**

**BE IT RESOLVED;** that the Town of Fenner Town Board has established fees for unlicensed dogs in the Town of Fenner. The first offense shall be \$25.00, the second offense shall be \$50.00 and the third shall be \$75.00.

Dated: April 13, 2011

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

Town Clerk Buyea requested permission from the Board to dispose of five boxes of invoices, cancelled checks, dog license renewals etc. from 2004-2005 in accordance with records retention guidelines. Councilperson moved to approve same. Seconded by Councilperson Stoker. Approved by the Board.

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

After brief discussion Board approved payment to contractor for work accomplished thus far and as approved by Mr. Watts on JPAC Grant in amount of \$6,968.00.

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

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

Highway Superintendent Hyatt gave his monthly report to the Board. Copy on file in Town Clerk's office.

Barbara Henderson of the Cazenovia Area Development Assoc. informed the Board of a New Grant for Ag & Farm Plans. Board discussion followed.

Councilperson Wester moved to go into Executive Session. Seconded by Councilperson Jones Executive Session opened at 12:55 pm. Discussion followed on Windmill Lease and return of Building Permit fee. Councilperson Wester moved to close Executive Session Seconded by Councilperson Jones. Executive session closed at 1:05 p.m.

Councilperson Wester moved to refund money for non-use of Building Permit #2010-4 for Shawn and Stacey Mehlek in the amount of \$365.00. Seconded by Councilperson Jones. Approved by the Board.

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

Councilperson Jones moved to approve Standard Lease Agreement with Canastota Windpower LLC with John Stoker for crop loss sustained in connection with delination line on turbine#@12 which is located on neighboring property. Tax Map # 78.-1-28.1 and allow Supervisor Cary to sign same. Seconded by Councilperson Wester. Approved by the Board

Dated: April 13, 2011

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

Councilperson Jones moved to approve the payment of the Highway Fund Claim Nos.42-54 in the amount of \$ 6,165.78 as set forth in Abstract #4 and as audited. Seconded by Councilperson Stoker Approved by the Board.

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

Councilperson Wester moved to approve payment of the General Fund Claim Nos. 49-70 in the amount of \$ 15,093.16 as set forth in Abstract #4 and as audited. Seconded by Councilperson Stoker. Approved by the Board.

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

Councilperson Wester moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 1:10 p.m.

Handouts and Reports: On file in Town Clerk's Office

Dog Control Officer's Report

Code Enforcement Ofcr Rpts – February 2011.

Highway Supr. Rpt

Thank you note from Town of Lenox Re:

Notice from Mad. Co. Re: Free Disposal of Waste Motor Oil

Notice from Mad. Co. Re: Free Shredding

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By Order of the Town Board  
Joanne Buyea, Town Clerk

FENNER TOWN BOARD  
TOWN OFFICE BUILDING –8.00 PM  
May 10, 2011

PRESENT: SUPERVISOR CARY  
COUNCILPERSON JONES  
COUNCILPERSON STRACK  
COUNCILPERSON WESTER  
DEP. TOWN CLERK WILKINSON  
HGWY SUPT. HYATT

The regular meeting of the Fenner Town Board was called to order at 8:00 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

NEW BUSINESS:

Supervisor Cary informed Board that the annual NYS Draft Horse Plowing Event was scheduled in Fenner for May 15<sup>th</sup> and that the organization has asked permission to use parking lot. Approved by the Board.

After brief discussion of Roof Repair, no action was taken at this time.

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

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

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

Town Clerk Reported 5 boxes of records, invoices, cancelled checks, dog license renewals, etc were shredded for 2004-05 years on April 30, as was previously approved by the Town Board on April 13, 2011.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Highway Superintendent Hyatt gave his monthly report to the Board. Reported Clean up days a great success – filled 7 dumpster trash, 1 container tires and extras on ground. Copy on file in Town Clerk’s office.

Councilperson Jones moved to approve the payment of the Highway Fund Claim Nos.55-68 in the amount of \$8,364.79 as set forth in Abstract #5 and as audited. Seconded by Councilperson Strack  
Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Councilperson Wester moved to approve payment of the General Fund Claim Nos.70-85 in the amount of \$ 3,222.40 as set forth in Abstract #5 and as audited. Seconded by Councilperson Jones.  
Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Councilperson Wester moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 8:30 p.m.

Handouts and Reports: On file in Town Clerk’s Office  
Dog Control Officer’s Report  
Code Enforcement Ofcr Rpts – March 2011.  
Highway Supr. Rpt  
Ronald Proctor Estimate of Roof Repair  
Notice of Completion of the Tentative Assessment Roll

By Order of the Town Board  
Joanne Buyea, Town Clerk



FENNER TOWN BOARD  
TOWN OFFICE BUILDING –8.00 PM  
JUNE 08, 2011

PRESENT: SUPERVISOR CARY  
COUNCILPERSON STOKER  
COUNCILPERSON STRACK  
COUNCILPERSON WESTER  
TOWN CLERK BUYEA  
HWY SUPT. HYATT

The regular meeting of the Fenner Town Board was called to order at 8:00 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

Town Historian has reported to the Town Board that the official snow fall total for the 2010-11 winter season was 235.9".

NEW BUSINESS:

Supervisor Cary informed Town Board that Jan Woodworth has resigned from the Planning Board. Councilperson Strack moved to appoint Mark Woodworth as her replacement. Seconded by Councilperson Wester. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

After brief discussion of Roof Repair, Councilperson Wester moved to authorize Supervisor Cary to proceed with roof repair project submitted by Ron Proctor. Seconded by Councilperson Stoker. Approved by the Board

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Councilperson Stoker moved to approved Town Justice on July 26<sup>th</sup> to Potsdam for mandatory training. This will conclude all mandatory training for 2011. Seconded by Councilperson Strack. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Councilperson Wester moved to accept Supervisor's Report as presented. Seconded by Councilperson Strack. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

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

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Town Clerk Reported 5 boxes of records, invoices, cancelled checks, dog license renewals, etc were shredded for 2004-05 years on April 30, as was previously approved by the Town Board on April 13, 2011.

Town Clerk Buyea reported that she attended a required full-day DEC training in Syracuse on May 12, 2011 along with town clerks from Eaton, Nelson and Smithfield.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Supervisor Cary reported that Dog Control Officer is currently working on delinquent dogs and is making progress and has included updated delinquent list with monthly report on file in town clerk's office. He states any input from Board and public will be appreciated.

Councilperson Wester moved to approve the payment of the Highway Fund Claim Nos. 69-76 in the amount of \$122,101.88 as set forth in Abstract #6 and as audited. Seconded by Councilperson Stoker. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Councilperson Strack moved to approve payment of the General Fund Claim Nos. 85-100 in the amount of \$5,115.36 as set forth in Abstract #6 and as audited. Seconded by Councilperson Wester. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

After presentation and explanation of insurance proposals from Selective, Prime, NYMIR and Trident by Edward Bucciero of the Briggs, Bucciero and Smith Agency, regarding insurance coverage for 2012 year. After much discussion, Councilperson Wester moved to authorize Supervisor Cary to proceed with coverage by Selective for upcoming year if the replacement clause can be modified. Supervisor Cary negotiating with Selective to have replacement clause changed from 5 year to 10 year.

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

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
NYS Ag & Mkt. - Dog Control Officer Inspection Report  
Code Enforcement Ofcr Rpt –May 2011.  
Highway Supr. Rpt  
Justice request for required training approval

By Order of the Town Board  
Joanne Buyea, Town Clerk

FENNER TOWN BOARD  
TOWN OFFICE BUILDING –8.00 PM  
JULY 13, 2011

PRESENT: SUPERVISOR CARY  
COUNCILPERSON JONES  
COUNCILPERSON STOKER  
COUNCILPERSON STRACK  
TOWN CLERK BUYEA  
HWY SUPT. HYATT

The regular meeting of the Fenner Town Board was called to order at 8:00 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

NEW BUSINESS:

After brief discussion, Councilperson Strack moved to adopt Resolution # 7, a proposed resolution in support of JCAP Funding for the Town of Fenner.

**RESOLUTION #7  
OF THE TOWN BOARD  
OF THE TOWN OF FENNER**

**A PROPOSED RESOLUTION IN SUPPORT OF JCAP FUNDING FOR THE TOWN OF FENNER**

“Be it resolved that the Town of Fenner Town Board is in support of the proposed application for Justice Court Assistance Program Grant funding for the year 2011, and fully supports the submission of the plan for consideration and approval.”

Dated: July 13, 2011

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

Councilperson Stoker moved to accept Supervisor's Report as presented. Seconded by Councilperson Strack. Approved by the Board.

Supervisor Cary	-	Aye
Coouncilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

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

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

A Town of Fenner resident from Francis Road, approached the Town Board with a concern regarding the handling of a dangerous dog complaint against his dog which was picked up and confined by the Dog Control Officer as ordered by the court. He was informed that the Town would look into the matter.

Councilperson Jones moved to approve the payment of the Highway Fund Claim Nos. 77-89 in the amount of \$48,723.81 as set forth in Abstract #7 and as audited. Seconded by Councilperson Stoker. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

Councilperson Stoker moved to approve payment of the General Fund Claim Nos.103-114 in the amount of \$2,338.37 as set forth in Abstract #7 and as audited. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye

Councilperson Stoker moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 8:35p.m.

Handouts and Reports: On file in Town Clerk's Office  
 Dog Control Officer's Report  
 NYS Ag & Mkt. - Dog Control Officer Inspection Report  
 Code Enforcement Ofcr Rpt – June 2011.  
 Highway Supr. Rpt  
 Justice request for required training approval  
 Caz. Area Senior Assoc. invite to annual meeting 7/21

By Order of the Town Board  
 Joanne Buyea, Town Clerk

FENNER TOWN BOARD  
TOWN OFFICE BUILDING – 8.00 PM  
AUGUST 10, 2011

PRESENT: SUPERVISOR CARY  
COUNCILPERSON JONES  
COUNCILPERSON STRACK  
TOWN CLERK BUYEA  
HGWY SUPT. HYATT

The regular meeting of the Fenner Town Board was called to order at 8:05 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

After brief discussion of the Thermal Technologies Warranty and installation process, Councilperson Jones moved to authorize Supervisor Cary to proceed with roof repair project, not to exceed \$10,000.00. Seconded by Councilperson Strack. Approved by the Board. Copy of warranty and service manual are on file in Town Clerk's Office.

In response to Handling of Dangerous Dog Compliant by resident on Francis Road, the Town Attorney forwarded a copy of the Stipulation and Order files.

STATE OF NEW YORK COUNTY OF MADISON  
TOWN COURT TOWN OF FENNER

In the Matter of the People of the  
TOWN OF FENNER, STATE OF NEW YORK,

STIPULATION AND ORDER

Vs.

JEFFREY S. MATT

\_\_\_\_\_  
Respondent

This Court, by order dated June 28, 2011, having directed that a certain unlicensed, adult golden retriever mix dog reputedly owned by Jeffrey S. Matt, be seized by the Dog Control Office, Gary J. Gardner, and confined at the facilities of Wanderers Rest Humane Association in Canastota pending a hearing to determine whether said dog is a dangerous dog as statutorily defined, and the Respondent having admitted ownership of said dog, having identified the dog as a Chesapeake Bay Retriever and having obtained a license for said dog from the Town Clerk, and the Attorney for the Town and the Respondent having stipulated to the terms and conditions set forth herein in lieu of a hearing under Article 7 of the Agriculture and Markets Law,

NOW THEREFORE, IT IS HERBY STIPULATED, AGREED AND ORDERED that said dog shall be released to the full care and custody of Respondent, Jeffrey S. Matt; and it is further,

ORDERED, that upon such release, said dog shall be at all times under the direct control of the Respondent or other adult human, confined within a building or structure, or securely tied to a lead or leash so as not to be able to roam in any manner or respect off of Respondent's premises, and it is further

ORDERED, that Respondent shall take full responsibility for any future harm or damages caused by said dog and shall completely indemnify the Town of Fenner for any and all liability that may be alleged against the Town as a consequence of any such future harm or damages caused by said dog.

Dated: July 12, 2011  
At Town of Fenner, New York

NEW BUSINESS:

After brief discussion, Councilperson Jones moved to adopt Resolution # 8, a resolution in support of lease agreement with county for use of Town Office Building as polling place for 2011. Seconded by Councilperson Strack. Approved by the Board

**RESOLUTION #8  
OF THE TOWN BOARD  
OF THE TOWN OF FENNER**

**WHEREAS**, the County of Madison has proposed to enter into a lease agreement with the Town of Fenner to use the Town of Fenner Office Building as a polling place for elections conducted by the County of Madison,

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that as the Lease Agreement between the Town of Fenner and the County of Madison is in effect and approved, and

**IT IS FURTHER HEREBY RESOLVED**, that the Town Board of the Town of Fenner approves the use of the Town Office Building as the polling place for the 2011 elections conducted by the County of Madison.

Dated: August 10, 2011

Supervisor Cary	-	Aye
Councilperson Jones	-	Aye
Councilperson Strack	-	Aye

Supervisor Cary discussed recent correspondence he received from Madison County Highway Dept. and Real Property regarding a conflict in the spelling of (Carry's versus Carey) Hill Road Name. Councilperson Jones moved to hold a public hearing on September 14 at 8:15 pm to receive public input. Copies of all correspondence are on file in Town Clerk's Office. Town Clerk Buyea will send notices to all residents of said road and have published in paper. Seconded by Councilperson Strack. Approved by the Board.

After brief discussion, Councilperson Strack moved to authorize Judge Watts to proceed with grant for installation of new phone system. Seconded by Councilperson Jones. Approved by the Board.

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

Supervisor Cary - Aye  
Councilperson Jones - Aye  
Councilperson Strack - Aye

Councilperson Jones moved to accept Town Clerk's Report as presented. Seconded by Councilperson Strack. Approved by the Board.

Supervisor Cary - Aye  
Councilperson Jones - Aye  
Councilperson Strack - Aye

Councilperson Jones moved to approve the payment of the Highway Fund Claim Nos.90-98 in the amount of \$8,048.31 as set forth in Abstract #8 and as audited. Seconded by Councilperson Stoker. Approved by the Board.

Supervisor Cary - Aye  
Councilperson Jones - Aye  
Councilperson Strack - Aye

Councilperson Strack moved to approve payment of the General Fund Claim Nos.115-127 in the amount of \$1,419.24 as set forth in Abstract #8 and as audited. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary - Aye  
Councilperson Jones - Aye  
Councilperson Strack - Aye

Councilperson Strack moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 8:45p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpt – July 2011.  
Highway Supr. Rpt  
Planning & Zoning Institute Training – 9/26/2011  
Stipulation order  
Carey Hill Name Change Correspondence

By Order of the Town Board  
Joanne Buyea, Town Clerk



FENNER TOWN BOARD  
TOWN OFFICE BUILDING – 8.00 PM  
SEPTEMBER 14, 2011

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

The regular meeting of the Fenner Town Board was called to order at 8:01 p.m. by Supervisor Cary with the pledge to the flag.

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

NEW BUSINESS:

After brief discussion, Supervisor Cary asked Town Board for permission to set up Public Hearing at next Town Board Meeting, if necessary, for 4-1/2% increase for Smithfield Special Fire District. Councilperson Stoker moved to approve. Seconded by Councilperson Wester. Approved by the Board.

After brief discussion, Councilperson Wester moved to adopt Resolution #9 – A Resolution for the Workplace Violence Policy. Copy on file in Town Clerk's Office. Seconded by Councilperson Jones. Approved by the Board.

**RESOLUTION #9  
OF THE TOWN OF FENNER  
OF THE TOWN OF FENNER**

**Workplace Violence Policy**

The Town of Fenner has a commitment to promoting a safe and secure environment that promotes the achievement of its mission of serving the public. All employees of the Town of Fenner are expected to maintain a working environment free from violence, threats of harassment, violence, intimidation or coercion.

The Town requires prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. The town will not discriminate against victims of workplace violence.

The Town requires all employees, including administrators and supervisors, to adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions, which create a security hazard for others in the workplace. If you engage in any violence in the workplace, or threaten violence in the workplace, you subject yourself to serious discipline which may include termination of employment.

All employees, including managers and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The management of our municipality is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Managers and supervisors are expected to enforce the rules fairly and uniformly.

Our policy will be reviewed and updated annually, as needed. A copy of the policy is available to all employees from their supervisor.

### **SCOPE**

This policy applies to all employees, members of the public, visitors, vendors, contractors and others who do business with the Town.

### **DEFINITIONS**

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the work environment, or the Town's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (e.g., yelling, using profanity, verbally abusing others, or waving arms and fists).
- Intentional physical contact for the purpose of causing harm (e.g., slapping, stabbing, punching, striking shoving and other physical attack).
- Menacing or threatening behavior (e.g., throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person could interpret such behavior as constituting evidence of intent to cause harm to individuals or property.

### **PROHIBITED CONDUCT AND REPORTING REQUIREMENTS**

The Town has **ZERO** tolerance on a type of workplace violence committed by or against employees. Workplace violence can take many forms, including violence by co-workers, strangers, customers and those resulting from a personal relationship.

No firearms, imitation firearms, knives, weapons, explosives, instruments or materials that can be used to inflict bodily harm on an individual or damage to Town property shall be in the possession of any employee or unauthorized person on Town property, work sites, or transported in Town-owned vehicles at any time.

- If you or someone else is in immediate danger, call "911" and your supervisor.
- Report any threatening or potentially dangerous situations or actions to your Department Head, The Town Supervisor or the Town Clerk immediately.
- Reports can be made anonymously and all reported incidents will be investigated.

- Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.
- The Town may actively intervene at indications of a potential hostile or violent situation.

### **PREVENTIVE MEASURES**

- If you work after dark, try to be with a co-worker as you walk to your vehicle.
- Be attentive to types of potentially dangerous situations or behavior, including:
  - Discussing weapons or bringing them to the workplace
  - Displaying overt signs of extreme stress, resentment, hostility or anger
  - Making threatening remarks
  - Sudden or significant deterioration of performance
  - Displaying irrational or inappropriate behavior
- The Town will conduct annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Necessary corrective action will be taken to mitigate risk.
- Visitors or customers who are unknown to employees may be required to show identification. Employees should feel free to ask to see ID if they do not know the person.

### **AREAS OF RISK**

- All Parking Lots
- All Town Parks
- Supervisor's Office
- Town Clerk's Office and Counter Area
- Tax Collection
- Town assessor
- Codes Department
- Highway Department

### **INSPECTIONS**

Desks, telephones, Town-owned vehicles, machinery and computers are the property of the Town. The Town reserves the right to enter or inspect your work area including but not limited to desks and computer hard drives without notice.

### **REPORTING VIOLENCE**

It is everyone's business to prevent violence in the workplace. You can help by reporting what you see that could indicate that you or a co-worker is in trouble. You are in a position to know what is happening with those you work with and as a result, we rely on your involvement.

You are strongly encouraged to report any incident that may involve a violation of any of the Town's policies that are designed to provide a comfortable workplace environment. All reports will be investigated. Reports should be made to your Department Head, the Town Supervisor or the Town Clerk.

Dated: September 14, 2011

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

Councilperson Stoker moved to open Public Hearing on Carey Hill Road Spelling. Seconded by Councilperson Strack. Public Hearing opened at 8:15 p.m.

Several area residents spoke to the Town Board and unanimously confirmed that they wanted the road name to remain as Carey Hill Road. Copy of minutes is filed in town Clerk's Office.

Councilperson Jones moved to close Public Hearing, Seconded by Councilperson Wester. Public Hearing closed at 8:20 pm. Councilperson Jones moved to adopt Resolution #10, a resolution clarifying the Carey Hill Road spelling. Seconded by Councilperson Wester. Approved by the Board.

**RESOLUTION NO. 10  
OF THE TOWN BOARD  
OF THE TOWN OF FENNER**

WHEREAS, the Madison County Highway Department and Tax Mapping Dept. has asked the Fenner Town Board to resolve the conflict over the Carey Hill versus Carry's Hill Road spelling, and

WHEREAS, a public Hearing was held on September 14, 2011 and the unanimous vote was to leave it at Carey Hill Road,

NOW, THEREFORE, BE IT RESOLVED, that we the undersigned members of the Town Board of the Town of Fenner, constituting the whole or a majority thereof, do hereby certify that settling the spelling of Carey vs. Carry's, is proper and necessary in the public interest, and it is further

RESOLVED, that the Certificate of the Highway Superintendent, dated September 14, 2010, certifying to the propriety and necessity of clarifying the name of Carey Hill Road be filed with the Clerk of the Town of Fenner; and it is further

RESOLVED, that the Town Clerk shall send notification of this resolution to the Madison County Planning Agency, Madison County Highway Superintendent, Madison County Tax Mapping Dept. Madison County 911 Office, Madison County Clerk, Town of Fenner Planning Board, the Town of Fenner Board of Assessment Review and the United States Post Office, Cazenovia and Chittenango, New York, as well as all current owners of property on said road as identified in the most recent assessment roll of the Town.

September 14, 2011

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

After brief discussion, Councilperson Strack moved to authorize Judge Watts to proceed with grant for installation of new phone system. Seconded by Councilperson Jones. Approved by the Board.

Brief discussion followed on Dailey Letter handout and explanation from Supervisor.

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

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

Councilperson Jones moved to accept Town Clerk's Report as presented. Seconded by Councilperson Strack. Approved by the Board.

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

Councilperson Strack moved to approve the payment of the Highway Fund Claim Nos. 99-106 in the amount of \$8,323.41 as set forth in Abstract #9 and as audited. Seconded by Councilperson Jones. Approved by the Board.

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

Councilperson Jones moved to approve payment of the General Fund Claim Nos.129-149 in the amount of \$10,823.64 as set forth in Abstract #9 and as audited. Seconded by Councilperson Wester. Approved by the Board.

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

Councilperson Wester moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 8:45p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpt –Aug. 2011.  
Highway Supr. Rpt  
MaureenDaily Ltr. to Town Board dtd. 8/11/11  
NYS Property Tax Cap Report

By Order of the Town Board  
Joanne Buyea, Town Clerk



FENNER TOWN BOARD  
TOWN OFFICE BUILDING – 8.00 PM  
October 12, 2011

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

The regular meeting of the Fenner Town Board was called to order at 8:01 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

Supervisor Cary informed Town Board that Ron Proctor had informed him that they were waiting for the remainder of parts to complete roof repair.

NEW BUSINESS:

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

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

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

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

Councilperson Jones moved to Open Public Hearing on Tentative 2012 Budget. Seconded by Councilperson Wester. Public Hearing was opened at 8:22 pm.

After Brief discussion, with no comments from the floor, Councilperson Wester moved to closed public hearing. Seconded by Councilperson Jones. Public Hearing closed at 8:30 p.m.

Councilperson Strack moved to adopt Tentative Budget as Preliminary Budget as presented for 2012. Seconded by Councilperson Stoker. Approved by the Board

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

Councilperson Wester moved to approve the payment of the Highway Fund Claim Nos. 107-119 in the amount of \$35,789.85 as set forth in Abstract #10 and as audited. Seconded by Councilperson Jones. Approved by the Board.

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

Councilperson Wester moved to approve payment of the General Fund Claim Nos. 151-162 in the amount of \$974.64 as set forth in Abstract #10 and as audited. Seconded by Councilperson Jones. Approved by the Board.

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

After brief discussion, Town Board agreed to allow Madison County to paint yellow lines making the town compliant and permanently ADA accessible in response to request received from Madison County Board of Elections.

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

Supervisor Cary introduced the letter and pamphlet received from Bonnie Slocum, Director of CRIS and made them aware of her request. Suggested they review and make any recommendations they might wish.

PUBLIC COMMENT

Maureen Dailey presented petitions to the Board and asked that the Town look into the current plowing situation on Stables and Fossil Rock Road with the Town of Sullivan. Supervisor Cary stated significant improvements have been made and a culasac has been added. Highway Superintendent Hyatt stated the situation will be monitored during the upcoming winter season.

Councilperson Wester moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 8:45p.m.



Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpt –Sept. 2011.  
Highway Supr. Rpt  
Petitions submitted by MaureenDaily  
Request from Mad. Co Re: Painting Handicap Parking Space  
Ltr: Bonnie Slocum, Director CRIS

By Order of the Town Board  
Joanne Buyea, Town Clerk

FENNER TOWN BOARD  
TOWN OFFICE BUILDING – 12:30 PM  
November 9, 2011

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

The regular meeting of the Fenner Town Board was called to order at 12:31 p.m. by Supervisor Cary with the pledge to the flag.

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

OLD BUSINESS:

Supervisor Cary informed Town Board that Ron Proctor was in the process of repairing roof and work should be completed soon.

NEW BUSINESS:

After brief discussion, Councilperson Strack moved to adopt Tentative Budget as Final Town Budget for 2012 as presented. Seconded by Councilperson Wester. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

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

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

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

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Councilperson Stoker moved to approve the payment of the Highway Fund Claim Nos. 120-129 in the amount of \$7,262.92 as set forth in Abstract #11 and as audited. Seconded by Councilperson Strack. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

Councilperson Strack moved to approve payment of the General Fund Claim Nos.163-177 in the amount of \$2,063.50 as set forth in Abstract #11 and as audited. Seconded by Councilperson Stoker. Approved by the Board.

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

### PUBLIC COMMENT

Barbara Henderson of Cazenovia Area Development Assoc. informed Town Board that a meeting of the Farmland Protection Plan would be taking place in the Town of Nelson on Nov. 14 at 7pm and in the Town of Lincoln on Nov. 15 at 7pm and all were invited to attend.

Councilperson Wester moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 1:03 p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpt – Oct. 2011.  
Highway Supr. Rpt

By Order of the Town Board  
Joanne Buyea, Town Clerk

FENNER TOWN BOARD  
TOWN OFFICE BUILDING – 12:00 PM  
December 5, 2011

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

A special meeting of the Fenner Town Board was called to order at 12:15 p.m. by Supervisor Cary.

Charles Sovik of the Sovik Group presented the new health insurance program options to the Town Board and the town employees for their information. Decision needs to be made on which option to go forward with shortly.

Councilperson Strack moved to adjourn. Meeting was closed at 1:25 p.m.

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

FENNER TOWN BOARD  
TOWN OFFICE BUILDING – 12:30 PM  
December 14, 2011

PRESENT: SUPERVISOR CARY  
COUNCILPERSON JONES  
COUNCILPERSON STRACK  
COUNCILPERSON STOKER  
COUNCILPERSON WESTER  
TOWN CLERK BUYEA  
HWY SUPT. HYATT

The regular meeting of the Fenner Town Board was called to order at 12:35 p.m. by Supervisor Cary with the pledge to the flag.

At the request of Jim Stokes, Town Attorney, Councilperson Jones moved that we go into Executive Session at 12:45 p.m. to discuss legal issues. Seconded by Councilperson Wester. Councilperson Jones moved to close Executive Session at 12:55 p.m. Seconded by Councilperson Wester.

Supervisor Cary explained handout (Article 10) to Town Board, a Resolution opposing the Power of NY ACT of 2011. Councilperson Strack moved to adopt. Seconded by Councilperson Wester. Approved by the Board

Supervisor Cary	-	Aye
Councilperson Stoker	-	Aye
Councilperson Strack	-	Aye
Councilperson Wester	-	Aye

**RESOLUTION #11**  
Of the Town Board  
Of the Town of Fenner

**RESOLUTION OPPOSING THE POWER OF NY ACT OF 2011**

**WHEREAS**, New York State recently enacted legislation known as the Power of NY Act of 2011 that amended the public service law by adding a new article 10, which establishes a New York State Board on Electrical Generation Siting and the Environment; and

**WHEREAS**, this Board will have the authority to permit the siting of electrical generating facilities in the State that have a nameplate generating capacity of twenty-five megawatts or more; and

**WHEREAS**, previously, while various state agencies had regulatory oversight for such facilities, as a home rule state, New York's local municipalities, by virtue of decisions made by locally-elected representatives, could ultimately decide whether such development was in the residents' best interests, and

**WHEREAS**, the Power of NY Act of 2011 removes said decision-making from local municipalities, and puts that authority into the hands of a bureaucratic State board which will have nominal representation from affected communities – representation that cannot be from elected representatives of those communities; and

**WHEREAS**, the large majority of the Board's membership will have no connection to the affected communities and will not be directly affected by their decisions, and

**WHEREAS**, the new board will have the authority to ignore "any local ordinance, law...or any local standard or requirement...if it finds that....such is unreasonably burdensome...on ratepayers whether located inside or outside of such municipality"; and

**WHEREAS**, the new law further states that "no...municipality...may require any approval, consent, permit, certificate or other condition for the construction or operation" of such a facility; and

**WHEREAS**, while the law provides for the set-aside of funds for pre-hearing research on behalf of the affected communities, said funds are controlled by the Board and will be allocated as it sees fit; and

**WHEREAS**, while municipalities may be a party to the siting hearings, so may any individual within 5 miles of the proposed facility's site, and therefore the municipality is diminished to the level of an individual, hindering the municipalities ability to represent all of its impacted residents; and

**WHEREAS**, said law follows a disturbing trend in New York State to remove powers from the local jurisdictions and therefore from the affected electorate and transfer such powers to a faceless bureaucracy that has no constituency; and

**WHEREAS**, energy projects in municipalities in Town of Fenner are viewed as important local projects and future tax revenue generators, and are sited in a manner consistent with comprehensive plans and with input from the local community,

**NOW, THEREFORE BE IT RESOLVED**, that the Fenner Town Board opposes, protests, and expresses its deep disappointment and concern over the establishment of said siting Board and of the enactment of the Power NY Act of 2011 and seeks reinstatement of our local home rule rights; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to Senator David Valesky, Assemblyman William Magee, to Chairman of the State Senate Committee on Energy and Telecommunications George Maziarz, and to Chairman of the Assembly Committee on Energy Kevin Cahill, and Governor Andrew Cuomo.

**DATED:** December 14, 2011

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Russell L. Cary, Supervisor  
Town of Fenner

Councilperson Strack moved to accept the previous month's minutes with corrections. Seconded by Councilperson Wester. Approved by the Board.

OLD BUSINESS:

Supervisor Cary informed Town Board that he has checked into prices of LP Gas and County contract price is 2.399 cents per cu.ft. Fenner price with Suburban Propane for 2012 is 2.099 cents per cu.ft.

Supervisor Cary informed Town Board that Ron Proctor has completed repair of roof heaters and fans are working correctly at this point.

NEW BUSINESS:

Councilperson Strack moved to accept Special Meeting Minutes of December 5, 2011 as written. Seconded by Councilperson Jones. Approved by the Board.

Supervisor Cary informed Town Board that the 2% Tax Cap for Fenner has been audited and look good.

Supervisor Cary explained the Budget Modification for Registrar of Vital Statistics, changing yearly payment of \$150.00 to monthly payment of actual fees collected. Councilperson Jones moved to approve. Seconded by Councilperson Strack. Approved by the Board

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

After brief discussion, Councilperson Stoker moved to reappoint Paul Galgan to the Zoning Board of Assessment Review. Seconded by Councilperson Wester. Approved by the Board.

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

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

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

Councilperson Strack moved to accept Supervisor's Report as presented. Seconded by Councilperson Stoker. Approved by the Board.

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

Councilperson Strack moved to approve the payment of the Highway Fund Claim Nos. 130-135 in the amount of \$4,829.34 as set forth in Abstract #12 and as audited. Seconded by Councilperson Wester. Approved by the Board.

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

Councilperson Strack moved to approve payment of the General Fund Claim Nos.178-197 in the amount of \$4,998.88 as set forth in Abstract #12 and as audited. Seconded by Councilperson Stoker. Approved by the Board.

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

PUBLIC COMMENT

Town of Fenner Residents from Mutton Hill spoke to the Town Board against and the need four keeping a watchful eye on legislation of Hydrofracking and gas drilling in Town of Fenner. Need to Stop it.

Councilperson Wester moved to adjourn meeting. Seconded by Councilperson Jones. Meeting adjourned at 1:50 p.m.

Handouts and Reports: On file in Town Clerk's Office  
Dog Control Officer's Report  
Code Enforcement Ofcr Rpt –Nov. 2011.  
Highway Supr. Rpt  
Gas drilling article from Jim Kenyon dated 12/13/11  
County Resolution opposing Power of NY Act of 2011  
List of Board Members up for reappointment

By Order of the Town Board  
Joanne Buyea, Town Clerk



