Town of Fenner Town Board Meeting January 11, 2024

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

Attendance: John Dolan, 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.

Councilperson Strack motioned to accept the December 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 Pushlar Approved by the Board.

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

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

Motion to open public hearing was made by Councilperson Wester and seconded by Councilperson Pushlar at 8:16pm

Public Comment -none

Motion to close public hearing was made by Councilperson Strack and seconded by Councilperson Cody at 8:17pm

TOWN OF FENNER
TOWN BOARD RESOLUTION
2024-4

January 10, 2024

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")

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 1-2024, "A Local Law Revising the Residency Requirements of the Deputy Town Clerk of the Town of Fenner," was presented and introduced at a regular meeting of the Town Board of the Town of Fenner held on December 13, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 10th day of January, 2024, by the Town Board of the Town of Fenner and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Fenner in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Local Law No. 1-202423 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Local Law No. 1-2024.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Fenner, Madison County, New York, does hereby enact Local Law No.1-2024 as Local Law No. 1-2024 as follows:

"TOWN OF FENNER

LOCAL LAW NO. 10F 2024

A LOCAL LAW REVISING THE RESIDENCY REQUIREMENTS

OF THE DEPUTY TOWN CLERK OF THE TOWN OF FENNER

Be it enacted by the Town Board of the Town of Fenner as follows:

Section 1. Authority.

This Local Law is enacted pursuant to the authority of §10 of the Municipal Home Rule Law which authorizes towns to adopt a local law which amends or supersedes any provisions of the Town Law in relation to the property, affairs, or government of the town or in relation to any of the other enumerated subject matters in such §10, unless there is a state legislative restriction on such amendment or supersession.

Section 2. Purpose.

To permit the Town of Fenner to secure qualified personnel to administer the duties performed by the office of Deputy Town Clerk of the Town of Fenner, it is deemed advantageous by the Town Board of the Town of Fenner to enact a local law superseding the requirement contained in Town Law §23(1) of the Town Law and §§3(1) and 30(1)(d) of the Public Officers Law that the person holding the office of Deputy Town Clerk of the Town of Fenner be a resident of the Town of Fenner.

Section 3. Eligibility of Deputy Town Clerk.

Section 23(1) of the Town Law and §§3(1) and 30(1)(d) of the Public Officers Law are hereby amended and superseded in their application to the Town of Fenner to provide that the person holding the office of Deputy Town Clerk of the Town of Fenner at the time of his/her appointment and throughout his/her term of office, need not be an elector or resident of the Town of Fenner so long as he/she is a resident of the County of Madison. A new sentence is hereby inserted at the end of §23(1) of the Town Law and at the end of §§3(1) and 30(1)(d) of the Public Officers Law, as those statutes apply to the Town of Fenner, to read and provide as follows: "The Deputy Town Clerk of the Town of Fenner, at the time of his/her appointment and throughout his/her term of office, need not be an elector or resident of the Town of Fenner so long as he/she is a resident of the County of Madison."

Section 4. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State."

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

the vote was as f

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: January 10, 2024

Councilperson Wester motioned to approve Resolution 2024-1 Councilperson Cody seconded motion. Motion approved by Board

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

Official Newspaper Cazenovia Republican &

Oneida Dispatch

Lisa Dolan

Jeff Edgarton

www.townoffenner.com

Monica Cody \$20.00 per hour

Costello, Cooney & Fearon, PLLC

Health Officer Madison County

Zoning Board of Appeals Secretary Cindy Givula \$20.00 per hour

Planning Board Secretary

Registrar of Vital Statistics @ \$300.00 per year

Zoning and Codes Officer

Town Attorney

Youth Recreation Committee Reps Bill Wester & Mark Costello

FREE Center Board liaison Bill Wester

Emergency Management Committee David Jones, Robbie Conklin,

Hannah Strack Bill Cody

Building and Maintenance liaison

Bill Cody

Highway Dept. liaison Hannah Strack & Adam Pushlar

Official Bank

Grievance Board @ \$50.00 per member /

per meeting

Justice Ann Jones Clerk Kelli Stone

Town Historian @ \$100.00 per year

Dog Control Officer @ \$1800.00 per year

Secretary to Supervisor & Bookkeeper @ \$16,300. per yr.

Budget Officer @ \$2550.00 per year

Deputy Supervisor

Election Board Inspectors

Regular Monthly Town Board Meeting

Mileage rate per mile

Salaries of Elected Officials per year

Assessor @ 14,125.00 per year

Monthly salaries to be paid

Payroll

Purchases without Town Board approval

Zoning and Planning Clerk @ \$1,300.00/Year

Deputy Town Clerks @\$20.00 per hour

Record Access Officer

Investment Policy 2023

Procurement Policy 2023

IT and Computer Use Policy

Fee Schedule

Municipal Building Use Policy

Town Property Leases

Community Bank

Gregory Gavula,, Andy Stone

& Fred Bosworth

@5600.00

@6100.00

Gerald A. Davies

Jason Driscoll Carol Roberts

David Jones

Hannah Strack

Madison County Board of

Elections

2nd Wed of month 8:00

pm

62.50 (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 \$13,000.00

Brian Fitts

Between 25th & end of month

\$1000

Lisa Dolan

Daria Miller

Lisa Dolan

No change from 2022 No change from 2022

<u>Health Insurance – Highway Department ONLY-2024</u>

	Town	Town	Employee	
	portion of	portion of	portion	NO INS
	Single	Family	of Family	BONUS
	Coverage	Coverage	Coverage	
Highway	100%	100%	0%	Maximum 3000.00 to be
Superintendent				paid in 4 installments

Full-time highway				YES (1/2) as
employees hired	100%	60%	40%	below
prior				
to January 1, 2015				
Full-time highway				
employees hired	100%	45%	55%	NO
after				
January 1, 2015				

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)

1 - MEO/Mechanic at <u>75 cents more</u> per hour (\$25.00/hour + \$0.75/hour (25.75) 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 or days) - a

total of 14 days.

<u>Vacation:</u> 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 or 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 cornavirus.health.ny.gov home. For additional information about New York's COVID-19 sick leave law, please visit ny.gov/COVIDpaidsickleave.

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.

<u>Health Insurance:</u> 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).

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: January 10, 2024

Councilperson Cody motioned to approve Resolution 2024-2 Councilperson Strack seconded motion. Motion approved by Board

RESOLUTION NO. 2024 - 2 OF THE TOWN BOARD OF THE TOWN OF FENNER

A RESOLUTION APPROVING AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF MADISON FOR INFORMATION TECHNOLOGY SERVICES

WHEREAS, the County of Madison has proposed an intermunicipal agreement to provide information technology services to the Town of Fenner; and

WHEREAS, the Town Board finds it in the best interest of the Town to enter into said agreement.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Fenner that the intermunicipal agreement with the County of Madison to provide information technology services to the Town of Fenner at an hourly cost of \$45.59 per hour, plus travel expenses, and upon such other terms and conditions as are set forth in the agreement, is hereby approved, and it is further

RESOLVED that the Town Supervisor be, and hereby is authorized to execute said intermunicipal agreement with the County of Madison to provide information technology services to the Town of Fenner, and to execute all such other documents and to take all such other actions as may be necessary and/or appropriate to carry out the intent of said contract and this resolution.

The foregoing resolution was thereupon declared duly adopted.

Councilperson Strack motioned to approve Resolution 2024-3 Councilperson Wester seconded motion. Motion approved by Board

RESOLUTION 2024-3 OF THE TOWN BOARD OF THE TOWN OF FENNER

Municipal Building Use Policy

Town of Fenner - Town Municipal Building Use Policy

The Town of Fenner Town Municipal Building (the "Municipal Building") shall be available for use by Town of Fenner community organizations and Town of Fenner residents only. The Municipal Building is not available for the following purposes:

- Sale or promotion of business products or services
- Religious proselytization
- Political campaign activities
- Events for which an admission fee or donation is required
- Any use or manner of use prohibited by law. Prohibited uses do not limit or exclude other uses which may be prohibited by the Town of Fenner (the "Town")
- Restriction of political campaign activities is not intended to restrict use of the facilities by elected or appointed official for Town meeting purposes or any other Town related business, including elections.

Granting permission for the use of the facilities for any purpose does not imply Town approval of the group utilizing the facility or of the ideas presented at the event.

Use of the Municipal Building shall be scheduled through the Town Clerk's Office. Reservations will be taken no more than 90 days in advance of the reservation date and are on a first-come, first-served basis. Town and Election process utilization shall always take priority.

The Municipal Building shall be available for public use only during hours that do not conflict with Town and Election Day use. The Municipal Building shall not be available for public use at any time before 8:00AM or after 10:00PM.

Groups using the Municipal Building may not exceed the number of individuals lawfully permitted inside the building as determined and posted by the Code Enforcement Officer. Any group that includes minors shall also include adequate adult supervision at all times.

Smoking and Alcoholic beverages are not permitted in the Municipal Building or on Town property generally. All Posted rules and regulations shall be adhered to.

Profanity, objectionable language, disorderly acts or illegal activities of any kind shall be absolutely prohibited anywhere on Town property, and those violating this prohibition will be ejected from the premises.

Use of the Municipal Building shall NOT include the use of any Town equipment. Groups shall be responsible for bringing their own equipment and supplies and shall NOT use Town equipment or supplies nor ask Municipal Building staff to provide needed supplies.

The Justice's Bench is ABSOLUTELY OFF LIMITS. There shall be NO persons or activity behind the Justice Bench. Groups found to be in violation of this will NOT be allowed to use the Municipal Building.

The Municipal Building will be left in the clean orderly state it was found. If furniture is moved it must be returned its original location. In the event that the Municipal Building is not left in the orderly state it was found, a cleaning fee may be assessed by the Town and future use of the Municipal Building by the

group in question may be restricted. Lights are to be turned off and the building is to be locked and secure at the conclusion of the event.

Organizations using the Municipal Building, on behalf of his, hers or its heirs, successors, assigns and representatives, to the extent permissible by law, hereby releases and agrees to hold harmless, defend and indemnify the Town, its officers, officials, representatives, agents and/or employees with respect to any and/or all injury, disability, death or loss, damage to person or property, attorneys' fees and/or any loss or claim whatsoever that results from any failure to adhere to the terms and provisions of this Use Policy and from any occurrence upon Town premises in any way related to the use of the Municipal Building by any organization.

Organizations using the Municipal Building shall procure and keep in effect comprehensive general liability insurance, including contractual liability coverage, issued by a company licensed by the State of New York with minimum limits of \$1,000,000 per occurrence for bodily injury, death and property damage.

Any questions regarding interpretation of this policy shall be referred to the Town Board at their next regularly scheduled meeting. In the event that the reservation date requested will be prior to the next regularly scheduled meeting, then the Town Supervisor, his or her designee, or the Town Clerk, in their sole discretion, shall have the authority to respond to questions, and make determinations regarding interpretation of the policy.

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION 2024-5 OF THE TOWN BOARD OF THE TOWN OF FENNER Renewal and Review of Town owned Real Property Leases

12.5 Acres off Buye	a Rd Tax map parcel 781-2	28.1 - 5-year lease executed to	Henry W. Stoker
of 4955 Nelson Rd.	Lease expired end of 2021.	\$500 per year due November	r of each year

David Jones, '	Town S	Supervisor
----------------	--------	------------

Councilperson Strack motioned to approve Resolution 2024-6 Councilperson Cody seconded motion. Motion approved by Board

RESOLUTION 2023- 6 OF THE TOWN BOARD OF THE TOWN OF FENNER

TOWN OF FENNER			
2023 GENERAL - DECEMBER Budget Modificat	ions (for IANII	ARY 2024 mtg)	
2023 GENERAL - DECEMBER Budget Modificat	טווא (וטו)	AIT ESET INCEL	
TO ADJUST FOR BUDGET SHORTFALL(S)			
		Transfer (from) to Increase	
Current Appropriation Shortfall		Approriation (cover shortfall)	
A1410.4 - TOWN CLERK - CONTRACTUAL EXPENSE	\$31.84	A1990.4 Contingency	(\$2,173.70
A1420.4 - ATTORNEY - CONTRACTUAL EXPENSE	\$1,733.75		
A1430.41 - PERSONNEL - PAYROLL SERVICE FEE	\$114.00		
A3310.4 - TRAFFIC CONTROL-SIGNS - CNTR EXP	\$249.82		
A8020.11 - PLANNING - PERSONAL SERVICE	\$35.00		
A8020.4 - PLANNING - CONTRACTUAL EXPENSE	<u>\$9.29</u>		(62 173 7
TOTAL	\$2,173.70	A1990.4 Contingency	(\$2,173.7
7			

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.

Councilperson Pushlar motioned to approve Resolution 2024-7 Councilperson Wester seconded motion. Motion approved by Board

RESOLUTION 2023- 7 OF THE TOWN BOARD OF THE TOWN OF FENNER

Highway Shortfalls

TOWN OF FENNER			
2023 HIGHWAY - DECEMBER Budget Modifica	tions (for JAN	IUARY 2024 mtg)	
TO ADJUST FOR BUDGET SHORTFALL(S)			
HIGHWAY	-		
		Transfer (from) to Increase	
Current Appropriation Shortfall		Appropriation (cover shortfall)	
DA5110.1 - GEN RPR -PERSONAL SERVICES	\$1,582.40	DA5142.1 - SNOW REMOVAL - PERSONAL SERVICE	-\$1,582.40
TOTAL	1,582.40	TOTAL	(1,582.40)
TO APPLY MONIES RECEIVED FROM HWY SALES OF E	QUIPMENT REV	ENUE TO BUDGET LINE MACHINERY-CONTRACTUAL EXP	- DA5130.4
DA5130.4 - MACHINERY - CONTRACTUAL EXPENSE	\$21,875.00	DA2665 - HWY SALES OF EQUIPMENT	\$21,875.00
	1,000		<u> </u>

Dave Jones, Town Supervisor

Date

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 Iones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

OTHER BUSINESS -

Board discussed replacing garage overhead doors, Highway Superintendent will get estimates.

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 will look into options.

Town Board is in the process of reviewing current planning/zoning fees, they would like to have the Town COE at the next board meeting to help determine fees and best practices.

Councilperson Strack and Highway Superintendent Conklin are meeting with venders to get a bid on a Waste Oil Separator, this will involve approval from the DEC. Board has approved a meeting with Engineer.

Supervisor Jones will contact the County to discuss fee for IT.

OLD BUSINESS – dog remuneration is well underway. Many residents are getting their dogs vaccinated and licensed.

Public Comment: Peter Wazniak – Hill Rd – Thank you to the Highway Dept. for doing such a wonderful job and replacing his mailbox so quickly without being asked.

VOUCHERS:

Councilperson Strack moved to approve payment of the General Fund G23-161- G23-178 in the amount as \$6754.91 set forth in abstract number 12 and as audited. Seconded by Councilperson Pushlar. Approved by the Board.

Councilperson Cody moved to approve payment of the Highway Fund claims numbers H23-147– H23--156 in the amount \$7283.29 as set forth in abstract number 12 and as audited. Seconded by Councilperson Pushlar. Approved by the Board.

ADJOURNMENT

Councilperson Wester moved to adjourn the meeting 9:16 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
Resolutions 1-7
Local Law 2024-1

Respectfully Submitted,

Lisa Dolan Town Clerk