

**Town of Fenner
Town Board Meeting
June 12, 2023**

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

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

Councilperson Pushlar motioned to accept the May Town Board meeting minutes. Seconded by Councilperson Cody. Approved by the Board.

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

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

The Highway Superintendent report was presented and available for review at the town offices. Recap of Clean Up Days, Carey Hill Rd reopened, Superintendent Conklin was able to secure funds from Madison County Soil and Water to pay for the majority of the culverts needed to repair the road (20,000.00 of the 23,000.00). Superintendent Conklin is working on having parking spaces lined at the town office. Compliments were made to the highway department for mowing, cemeteries, church and Free Center and roadside are all looking great.

Statement from The **Fenner Residents for Rural Neighborhood Preservation** RE: Liberty Renewable's wind turbine project was read. This group presented concerns about the Hoffman Falls Wind Project, they listed economic impacts, environmental impacts and disruption of natural habitat. The proposed turbines will stand 630' tall. The group will be taking their concerns to Madison County seeking support and to help block this project. Supervisor Jones explained that currently there is no zoning for this project, nor has the town been contacted to amend zoning to date.

County updates: Currently this is over 20,000 acres in Madison County in the renewable energy cue that will impact our towns. The County has opted out of the 487 pilot for the proposed Solar Project in Fenner.

The County is also moving forward with the Delphi Falls Convention Center, although it is already over budget.

Dog control officer - The Town of Fenner has a new dog control officer Jason Discroll. Discussion ensued regarding a dog enumeration campaign to make sure all dogs in the town were licensed per NYS law and Article 7:

Licensing of dogs required; rabies vaccination required. 1. (a) The owner of any dog reaching the age of four months shall immediately make an application for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Except as otherwise provided in this subdivision, a license shall be issued or renewed for a period of at least one year, provided, that no license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed. All licenses shall expire on the last day of the last month of the period for which they are issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian, as provided in subdivision two of this section, a license shall be issued or renewed for a period of one year from the date of said statement. Any municipalities may establish a common renewal date for all such licenses. A license issued by a municipality that has established a common renewal date shall expire no later than the common renewal date prior to the expiration date of the rabies certificate for the dog being licensed.

Also, a dog license fee increase is being discussed. The licensing fees have not changed for at least 10 years, although costs have continued to rise.

Solar update

Town of Fenner sent the following letter imploring the Department of Ag and Markets, as a participant in the ORES siting process as well as a member of FPWG, to defend and protect productive agricultural soils on working farms.

May 18, 2023

Richard Ball, Commissioner

Michael Latham, Director

NYS Department of Agriculture and Markets

Division of Land and Water Resources

10B Airline Drive

Albany, NY 12235

Re: Town of Fenner, Madison County; Renewable Energy Facilities

Dear Commissioner Ball and Director Latham:

It is understood that as Commissioner and Director of the New York State Department of Agriculture and Markets (the "Department"), you are a member and participant of the New York State Farmland Protection Working Group ("FPWG"). Recognizing that the goal of FPWG, as set forth on the Department's website, is "to consider and recommend strategies to the State on the siting process of major renewable energy facilities and to minimize the impact of siting on productive agricultural soils on working farms," I am reaching out to you, in my capacity as Supervisor of the Town of Fenner (the "Town") in Madison County, to convey the concerns of the Town of Fenner Town Board over the increasing loss of land containing productive agricultural soils that are actively farmed within the Town to renewable energy facilities.

The Town of Fenner is an agricultural-based community consisting of approximately 19,908 acres. To this end, there are currently 116 properties, consisting of approximately 7,195 acres, within the Town that claim an Agricultural Assessment and 125 properties, consisting of approximately 8,359 acres, that are classified through property assessment codes as Agricultural. It has been estimated by Madison County Department of Planning that approximately 7,500 acres in the Town, equating to 38% of the Town's land area, are actively farmed. Of the land that is actively farmed, the Cazenovia Preservation Foundation has a Farmland Protection easement on approximately 565 acres owned and operated by the Pushlar Farm. The balance of agricultural lands within the Town are not protected and are increasingly under pressure to develop for renewable energy purposes. It has been represented by renewable energy companies appearing before the Town that the presence of an existing transmission line that services a 70-megawatt wind turbine facility owned by ENEL Green Power North America, combined with the prevalence of active agricultural lands that are easily developed, has made the Town an attractive location to

site renewable energy facilities. As a consequence, the Town has been informed that continued applications for renewable energy projects are planned and can be expected.

Consistent with the representations of the renewable energy facilities, Cypress Creek Renewables has notified the Town of its plans to file an application with the Office of Renewable Energy Siting ("ORES") later this year for a 140-megawatt solar project (the "Project") that will cover approximately 1,594 acres, or 8% of the Town's total land area. As proposed, 810 acres of the Project's area consist of Prime Farmland soils (51% of the total Project area), and an additional 386 acres are soils of Statewide Importance (24% of the total Project area). It is alarming to the Town Board that 75% of the Project area will impact productive agricultural soils on working farms. If approved by ORES as proposed, the Town of

Fenner will be home to two renewable energy facilities producing a total of 210-megawatts of power. In this capacity, the Town will essentially become a power producing community and will have permanently lost its agricultural character, particularly when additional wind turbine and solar power facilities continue to approach the Town expressing their intention to locate within the Town.

It is for this reason that the Town of Fenner is imploring the Department, as a participant in the ORES siting process as well as a member of FPWG, to defend and protect productive agricultural soils on working farms. Unfortunately, the Section 94-c siting process and the decisions rendered by Executive Director for ORES, concluding that it is not necessary to grant local municipalities, within which a proposed facility is to be situated, party status to participate in the ORES process, have rendered the Town powerless to exercise any control or influence over the siting process for renewable energy facilities. The Town is effectively precluded from enforcing its local laws and preserving the values of its constituents and the character it is proud of. It is respectfully submitted that the impacts to be realized by a community from the placement of renewable energy facilities need be considered and evaluated in their totality, and not on a case-by-case, streamlined, expedited basis.

Not surprisingly, the loss of agricultural soils on working farms has a tremendous (and irreversible) impact on the local agricultural community, as well as regional industry. Removing approximately 1,200 acres of actively farmed land from production impacts the ability of local farmers to source the product required for agricultural operations. Concerns have already been voiced regarding an inability to meet the dairy demands of H.P. Hood and Chobani, two large-scale industrial employers who are critical to the local economy. The loss of land containing productive agricultural soils that are actively farmed is irrevocable. It is disingenuous to suggest that removing such lands from agricultural production for 50 years will not irreparably harm the local agricultural community.

Therefore, it is respectfully requested that the Department actively oppose the placement of renewable energy facilities on productive agricultural soils that are actively farmed and policy measures and regulations be pursued and implemented that require the placement of renewable energy facilities on non-productive agricultural soils.

Thank you for your attention to this matter. When presented with renewable energy applications, I encourage the Department to reach out to the Town of Fenner and similarly situated municipalities to thoroughly evaluate and consider the long-term impacts such proposals will have on the community and local agriculture operations.

Very truly yours,

David Jones

Town of Fenner Supervisor

NCB

cc: Hon. Kathy C. Hochul, Governor

Hon. Joseph Griffo, Senator – via e-mail

Hon. Rachel May, Senator – via e-mail

Hon. Brian Miller, Assemblyman – via e-mail

Hon. Rory M. Christian, Public Service Commission Chair and CEO – via e-mail

Justin E. Driscoll, NY Power Authority Acting President and CEO – via e-mail

Houtan Moaveni, NYS Office of Renewable Energy Siting Executive Director

Basil Seggos, NYS Department of Environmental Conservation Commissioner

Doreen Harris, NYS Energy Research and Development Authority President and CEO

Maple View Trailer Park

The Town of Fenner has been working closely with The Madison County Department of Health to help support the remaining residents in The Park. It is expected that the last 2 residents will be out by the end of June. Once the park is empty, the park owner has agreed to move the remaining trailers and “clean up” the park. The future use of the property is unknown at this time.

Resolutions:

Councilperson Strack motioned to approve **Resolution 2023-18** Councilperson Wester seconded motion. Motion approved by Board.

RESOLUTION 2023-18 OF THE TOWN BOARD OF THE TOWN OF FENNER Gratitude of Service

WHEREAS, the Fenner Town Board believes that town employees should be recognized for their faithful service to the public:

WHEREAS, recognition of the distinguished service of certain town employees with an upcoming retirement is in order,

NOW, THEREFORE, BE IT RESOLVED that the Fenner Town Board hereby recognizes the dedicated contributions of Gordon Baker upon his departure.

Councilperson Wester motioned to approve **Resolution 2023-19** Councilperson Pushlar seconded motion. Motion approved by Board.

**RESOLUTION 2023-19
OF THE TOWN BOARD OF THE TOWN OF FENNER
APPOINTMENT OF DOG CONTROL OFFICER**

WHEREAS, that the Town Board of the Town of Fenner authorizes the appointment of the following position

NOW, THEREFORE, BE IT RESOLVED that the Fenner Town Board hereby authorizes the appointment of Dog Control Officer, Jason Driscoll.

Councilperson Pushlar motioned to approve **Resolution 2023-20** Councilperson Wester seconded motion. Motion approved by Board.

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

Hannah Strack Councilor Voted Yes

William Wester Councilor Voted Yes

Adam Pushlar Councilor Voted Yes

David Jones Voted Yes

**RESOLUTION 2023-20
Of the Town Board
Of the Town of Fenner
Resolution Authorization of the purchase of a 2024 Volvo Payloader
For THE TOWN OF FENNER HIGHWAY DEPARTMENT**

WHEREAS, The Town of Fenner is in need of a Pay Loader.

and WHEREAS, the Town of Fenner Highway Department 2024 budget includes funds for purchasing said truck

and WHEREAS, the Town of Fenner Town Board reviewed and approved the purchase 2024 Volvo 190 Pay Loader with forks.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Fenner Highway Department is hereby approved to purchase a 2024 Volvo 190 Pay Loader with forks.

Fenner Church

A small group of residents help clean and landscape the church property. A list of inside jobs and repairs is being compiled, while grant funding is being sought to make The Church functional again. Clean up sessions will continue to be posted on the town website for those interested in helping.

Bicentennial

The Bicentennial Committee continues to meet regularly. Commemorative Tee shirts will be available for sale, numerous booths will be filled with local businesses sharing their wares, County Offices will be present offering services and support, food trucks, petting zoo, live music.

Public Comment: Many residents commented and are concerned about the amount of renewable energy companies seeking land use in Fenner. Frustration with lack of State support to preserve our local laws and home rule was voiced over and over. Residents are working together seeking answers and support at the Town, County and State levels. Residents also voiced thanks for the Board's continued diligence in their commitment to preserving the Town's Comprehensive Plan and putting in place zoning and laws that prohibit the industrialization of Fenner. It was also made clear that residents respect the need for renewable energy and feel the Town has "done their share" as a leader in Madison County. Changes in NYS tax assessment were discussed at length; making tax assessments a non-issue to those renewable energy companies, if the town and county opt out of pilot programs.

VOUCHERS:

Councilperson Strack moved to approve payment of the General Fund G23-70 – G23-81 in the amount \$1,236.08 as set forth in abstract number 5 and as audited. Seconded by Council person Pushlar. Approved by the Board.

Councilperson Pushlar moved to approve payment of the Highway Fund claims numbers H23-50 – H 23-63 in the amount \$47,144.61 as set forth in abstract number 5 and as audited. Seconded by Councilperson Strack. Approved by the Board.

ADJOURNMENT

Councilperson Wester moved to adjourn the meeting at 9:25 PM seconded by Councilperson Pushlar. Approved by Board

HANDOUTS AND REPORTS:

On file in the Town Clerk's Office.

Town Clerk Report

Supervisors Report

Highway Superintendent Report

CEO Report

Letter to Ag and Market

Statement from Fenner Residents for Rural Neighborhood Preservation

Respectfully Submitted,

Lisa Dolan, Town Clerk