

October 14, 2020

ZOOM MEETING

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

The regular meeting of the Fenner Town Board was called to order at 8:04 PM by Supervisor Jones.

Councilperson Strack motioned to accept the September Town Board meeting minutes after making sure the entire solar recommendation is included, Seconded by Councilperson Pushlar, . Approved by the Board.

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

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

The Highway Superintendent Smith report was not presented. Board would like vouchers available at least a day before the town board meeting

UNFINISHED BUSINESS:

Resolution 2020-22 Accepted by Councilperson Strack, seconded by Councilperson Pushlar

RESOLUTION NO.2020-22

OF THE TOWN BOARD

OF THE TOWN OF FENNER

A RESOLUTION EXTENDING MORATORIUM

WHEREAS, the Town Board enacted Town of Fenner Local Law No. 3 of the Year 2019, entitled "A local law imposing a moratorium on the establishment of ground solar energy facilities within the Town of Fenner", and

WHEREAS, pursuant to Subsection 6(A) of said Local Law the moratorium is to remain in effect for a period of one year from the law's effective date, which was October 16, 2019, and

WHEREAS, the Town Board appointed a special committee to evaluate the zoning and environmental issues associated with the activities subject to the moratorium, and

WHEREAS, pursuant to the provisions of Subsection 6(B) of said Local Law, the Town Board desires to extend the moratorium period beyond the original one-year period for an additional period of 180 days as recommended by the special committee.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that pursuant to the provisions of Subsection 6(B) of Town of Fenner Local Law No. 3 of the Year 2019, the moratorium period provided for in said local law be, and hereby is extended an additional 180 days beyond the original effective date of October 16, 2019 as provided in said local law, and it is hereby further

RESOLVED, that all provisions of said Local Law 2019-3 shall continue to be in effect for the same additional 180-day period.

David Jones, Town Supervisor

Date

Resolution 2020-23 Accepted by Councilperson Pushlar, seconded by Councilperson Strack

**RESOLUTION NO.2020 -23
OF THE TOWN BOARD OF
THE TOWN OF FENNER**

A RESOLUTION APPOINTING AN ASSESSOR AND HIRING A DEPUTY TO THE
ASSESSOR OF THE TOWN OF FENNER

WHEREAS, the Town of Fenner is a participant in a Coordinated Assessment Unit with the Towns of Smithfield, Nelson and Brookfield; and

WHEREAS, the assessor previously appointed in each of the said Towns submitted her resignation effective October 1, 2020, and

WHEREAS, Brian M. Fitts holds the required certification to hold the office of town assessor in the State of New York pursuant to Article 3, Title 2 of the Real Property Tax Law and has presented himself as a candidate for the office of Sole Assessor in the Towns of Smithfield, Fenner, Nelson and Brookfield, and

WHEREAS, Lawrence E. Fitts also holds the required certification to hold the office of town assessor in the State of New York pursuant to Article 3, Title 2 of the Real Property Tax Law and has presented himself as a candidate for employment in the position of Deputy to the Assessor in the Towns of Smithfield, Fenner, Nelson and Brookfield, and

WHEREAS, the Towns of Smithfield, Fenner, Nelson and Brookfield each desire to appoint Brian M. Fitts to the office of Town Assessor and hire Lawrence E. Fitts as Deputy to the Assessor in each of said towns upon uniform conditions of appointment effective October 1, 2020.

NOW THEREFORE IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF FENNER that Brian M. Fitts be, and hereby is appointed as the part-time Sole Assessor of the Town of Fenner for the term of office beginning October 1, 2020 and ending September 30, 2025, and it is further

RESOLVED that the terms and conditions of employment of Brian M. Fitts as the part-time Assessor of the Town of Fenner shall be as follows:

1. The Assessor will provide professional services as sole Assessor for the Town. Those services will be inclusive of all duties set forth under the New York State Real Property Tax Law and the Rules and Regulations for Real Property Tax Administration.
2. Unless otherwise determined by this Town Board, the Assessor's salary shall be in the amount of \$4,550 per year for the faithful performance of the duties of the office of Town Assessor. Any persons assisting the Assessor and not otherwise employed by the Town of Fenner, regardless of their title, will be paid by the Assessor at no additional expense to the Town of Fenner.
3. As an employee of the Town, the Town will withhold taxes, FICA, Medicare and New York State Employee's retirement contributions. There will be no

health insurance or other benefits, use of town owned vehicles or mileage reimbursement. The Assessor shall be covered by the Town's workers' compensation and disability insurance as required by law.

4. The Town will be responsible for the Town of Fenner's pro rata share of the Assessor's expenses for TeamViewer software and for all postage and supplies relating to official mailings from the Assessor's office on behalf of the Town of Fenner, provided however, that all said expenses shall only be paid after submission of a voucher. All other expenses of the operation of the Assessor's office shall be borne by the Assessor without cost to the Town.

5. The Assessor will maintain office space in the Town of Eaton building and shall be present in that office or within the Town for at least 14 hours per week and will be further available by appointment to meet with Town of Fenner property owners at mutually agreed upon times during the week, evenings, and weekends, if necessary. The Assessor will also attend all meetings of the Town of Fenner Board of Assessment Review.

6. The Assessor will receive mail at the Town of Eaton office building. There will be provided an answering machine at the Town of Eaton building and the Assessor will daily retrieve messages from said machine and return them the as soon as possible. The Assessor will maintain all assessment rolls and information for the Town in said office.

7. The Assessor will review all building permits from the Town Clerk and/or Code Enforcement Officer on a regular basis and will inspect and value any new construction arising from said building permits. The Assessor will also inspect all property splits and value the same each year. The Assessor will also drive all roads within the Town each year looking for any new construction or changes that might not be recorded by building permits.

AND IT IS HEREBY FURTHER RESOLVED BY THE TOWN BOARD OF THE TOWN OF FENNER that Lawrence E. Fitts be, and hereby is hired as a part-time employee of the Town of Fenner to serve as Deputy to the Assessor of the Town of Fenner for the term of office beginning October 1, 2020 and ending upon the date upon which Brian M. Fitts ceases to be the Assessor of the Town of Fenner, and it is further

RESOLVED that the terms and conditions of employment of Lawrence E. Fitts as the part-time Deputy to the Assessor of the Town of Fenner shall be as follows:

1. The Assessor will provide professional services as Deputy to the Assessor for the Town to such extent and in such manner as may be directed by the Assessor.

2. Unless otherwise determined by this Town Board, the Deputy to the Assessor's salary shall be in the amount of \$8,450.00 for the faithful performance of his duties as assigned by the Assessor.

3. As an employee of the Town, the Town will withhold taxes, FICA and Medicare taxes as required by law. There will be no New York State Employee's retirement contributions made by the Town on behalf of Lawrence E. Fitts and there will be no health insurance or other benefits, use of town owned vehicles or mileage reimbursement for this position. The Deputy to the Assessor shall be covered by the Town's workers' compensation and disability insurance as required by law.

Dated: October 14, 2020

Resolution 2020-24 - Accepted by Councilperson Wester seconded by Councilperson Strack

**RESOLUTION NO.2020 -24
OF THE TOWN BOARD OF
THE TOWN OF FENNER**

A RESOLUTION CONFIRMING THE ACCEPTANCE OF THE TENTATIVE 2021 TAX
BUDGET

WHEREAS, the Town Board of the Town of Fenner has accepted the tentative 2021 tax budget.

RESOLVED, that the Town of Fenner shall move toward a public hearing on said budget November 4, 2020 at 8:00 pm via zoom meeting

Dated: October 14, 2020

David Jones, Town Superintendent

- Budget will change with the addition of 600 donations for CHRIS and reduced the Cazenovia Rec. program to 3000.00 Last year no Fenner students attended the program, the money also goes toward keeping Cazenovia swimming open and sport facilities on Burton St.

Resolution 2020-25 - Bail reform refund account approved by Councilperson Pushlar seconded by Councilperson Wester

RESOLUTION 2020 -25

OF THE TOWN BOARD OF THE TOWN OF FENNER

RESOLVED that the Town Board of the Town of Fenner authorizes the opening of an account to fulfill the requirements to the court under the New York State Bail Reform Act, are required to make “a good faith attempt” to return bail money that is held by the court.

Dave Jones, Town Supervisor

Date.

RESOLUTION 2020 -26

OF THE TOWN BOARD OF THE TOWN OF FENNER-

From Contingency account 182.00 moved to cover contractual expenses - Motion to approve made by Councilperson Stack and Seconded by Councilperon Pushlar.

RESOLUTION 2020 -26

**2020 SEPTEMBER Budget
Modifications (for OCTOBER
mtg)**

GENERAL

**Transfer (from) to
Increase**

**Current Appropriation
Shortfall**

**Appropriation
(cover shortfall)**

A1010.4 Town Board	(\$182.	A1990.4	\$182.
Cntr Exp	70)	Contingency	70

(\$182.	\$182.
70)	70

Local Law 2020 -1 Property Tax Levy - moved to accept by Councilperson Wester Seconded by Councilperson Pushlar

Vote: Supervisor Jones - yes, Councilperson Strack - yes, Councilperson Wester - yes, Councilperson - Cody

NEW BUSINESS:Retirement of Judge Watts, effective 1/1/2020 - Supervisor Jones will be contacting the 6th Judicial District to have the vacancy filled. The town would like for Donna Watson to stay in her position. This is a 2 year vacancy. Town clerk will notify the Board of Elections of this retirement.

Town website will survey residents as to their use of Cazenovia recreation areas to help determine budget concerns.

Public comment:

Molly Dunton introduced herself - Liberty Renewables is interested in a small amount of wind turbines roughly 20-60 megawatts. They have reached out to the town and a few residents, they are in the very early planning process. Councilperson Cody will contact her with follow up questions

A town Resident wondered what the status was of the solar surveying going on in Fenner. The Board is not in loop with that information at the time of this meeting.

.VOUCHERS: Councilperson Strack moved to approve payment of the General Fund claims numbers G 20-95– G 20-103 in the amount of \$1165.80 as set forth in abstract number 1 and as audited. Seconded by Councilperson Puahlar. Approved by the Board.

Highway Fund claims numbers H 20-82 - H-20-98 in the amount of \$46522.11 as set forth in abstract number 1 and as audited.Board.Motion to accept Highway Fund Abstract will be postponed until the Board has looked over vouchers.

ADJOURNMENT

Councilperson Wester moved to adjourn meeting at 9:00pm seconded by Councilperson Pushlar
Approved by Board

HANDOUTS AND REPORTS:

On file in the Town Clerk's Office.

Town Clerk Report – September 2020

Supervisors Report – September 2020

Dog Control Report – September 2020

Highway Superintendent Report – September 2020

Resolution 2020-22

Resolution 2020- 23

Resolution 2020- 24

Resolution 2020-25

Resolution 2020-26

Local Law 2020-1

Respectfully submitted,

Lisa Dolan
Town Clerk