

Town of Fenner Board Meeting
October 13 2021

Attendance: Councilperson Cody, Councilperson Strack, Councilperson Pushlar, Supervisor Jones, Highway Deputy Superintendent Robbie Conklin, Town Clerk, Lisa Dolan
Absent, Councilperson Wester.

Town Board meeting called to order at 8:00 pm with Pledge of Allegiance.

Previous month's amended minutes approved with correction of a spelling error by Councilperson Strack seconded by Councilperson Pushlar.

Town Clerk's Monthly Report motion to approve by Councilperson Cody seconded by Councilperson Strack

Supervisor's Monthly Report motion to approve by Councilperson Pushlar seconded by Councilperson Jones.

Highway Superintendent's Monthly Report: Deputy Conklin reports – assisted Lennox and Lincoln Highway departments, oil and stone: Wyss, Roberts, Mutton Hill, Irish Ridge, worked on Bear Swamp, Woodland, trees on South Rd, Salt order for winter, trucks and equipment serviced

NEW BUSINESS:

PUBLIC HEARING Local Law 3

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

Village

of _____ Fenner _____

Town

City

Local Law No. _____ **3** _____ **of the year 2021.**

A local law retail adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing

(Insert Title)

cannabis dispensaries and on-site cannabis consumption establishments within the

Town

of Fenner _____

Be it enacted by the _____ **Town Board** _____ **of the**

County

City

of _____ **Fenner** _____ **as follows:**

Town

City

Section 1. Legislative Intent

It is the intent of this local law to opt the Town of Fenner out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes towns to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

The Town Board of the Town of Fenner, County of Madison, hereby opts-out of licensing and establishing cannabis retail dispensaries and cannabis on-site consumption establishments within its boundaries.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

(Complete the certification in the paragraph that applies to the filing of this local law and

Strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2021 of the (County)(City)(Town)(City) of Fenner was duly passed by the Town Board on _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(City) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted _____
(Elective Chief Executive Officer*)
on _____ 20_____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(City) of _____ was duly passed by the _____

_____ on _____ 20_____, and was (approved) (not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20_____.
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified elector voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the (County)(City)(Town)(City) of _____ was duly passed by the

_____ on _____ 20_____, and was (approved) (not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20_____.
(Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

- Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or City, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

5. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20_____ of the County of _____, State of New York, having been submitted to electors of the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the

qualified electors of such cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph 1, above.

Clerk of the county legislative body, City, Town or City Clerk or officer designated by local legislative body

(Seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, City Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MADISON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Attorney for the Town
Title

County
Village
of Fenner
Town
City

Date: _____

Motion to begin public hearing made by Councilperson Strack seconded by Councilperson Cody.

Public comment: a resident would like the town to consider opting in, giving small farms an option for dispensing if they so choose at some point, asking for the door not to be closed, another resident agreed. Town Attorney Stokes, explained that we can opt in at any point.

Motion to close public hearing made by Councilperson Cody and seconded by Councilperson Pushlar

Motion to approve L.L. #3 made by Councilperson Strack and seconded by Councilperson Cody.

Individual vote Councilperson Strack - aye, Councilperson Pushlar -aye, Supervisor Jones -aye, Councilperson Cody -aye

Motion to adopt Resolution 2021 -23 by Councilperson Cody and seconded by Councilperson Strack All in favor.

**RESOLUTION NO. 2021 - 22
OF THE TOWN BOARD
OF THE TOWN OF FENNER**

**RESOLUTION OF ADOPTION OF LOCAL LAW OPTING OUT OF HOSTING RETAIL
CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION
ESTABLISHMENTS**

WHEREAS, the proposed local law entitled, “A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Fenner” has been duly presented and introduced before this Town Board, and

WHEREAS, the proposed local law is intended to authorize the Town of Fenner to opt-out of allowing the licensing and operation of retail cannabis dispensaries and on-site cannabis consumption establishments to locate and operate within its boundaries, and

WHEREAS, upon notice duly published and posted as required, a public hearing on the adoption of this proposed Local Law of the Town of Fenner was held by this Town Board on October 13, 2021, at which time all those wishing to be heard were heard by this Board, and

WHEREAS, said public hearing has been closed, and

WHEREAS, this Board has reviewed the short environmental assessment form and has considered the likelihood of any potential adverse environmental impacts that might result from the adoption of this Local Law.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the enactment of the local law entitled, “A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Fenner” is an unlisted action for purposes of the New York State Environmental Quality Review Act. There are no involved federal agencies, and there are no other involved agencies. The enactment of this local law does not involve the exercise of eminent domain or other public acquisition of land or the advance of public funds for any construction.
2. That the enactment of the local law entitled, “A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Fenner” will not have any significant adverse effects upon the environment. This resolution shall constitute a negative declaration pursuant to the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations. The reasons supporting this determination are that the action consists solely of a legislative enactment designed and intended to preserve the public health, safety and welfare by prohibiting retail cannabis dispensaries and on-site cannabis consumption establishments within the Town, and thereby avoiding the potentially deleterious community impacts that have been experienced in other municipalities hosting such facilities. No particular development project is envisioned by this legislation, and no particular development project is made likely or more likely by the adoption of this legislation.
3. That this Board, after due deliberation, finds it in the best interest of the Town of Fenner to adopt this local law.
4. That the local law entitled “A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Fenner” is hereby adopted, subject to permissive referendum as provided in section 131 of the Cannabis Law and as governed by section twenty-four of the Municipal Home Rule Law, and that the Town Clerk be, and hereby is directed to provide and publish notice of the adoption of this local law as provided in said statutes.

Dated: October 13, 2021

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
Village

of Fenner

Town
City

Local Law No. 4 of the year 2021.

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

(Insert Title)

for the 2022 fiscal year.

Be it enacted by the Town Board of the

County
City

of Fenner

Town
City

as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Fenner to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for

the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Tax Levy Limit Override

The Town Board of the Town of Fenner, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon adoption.

(Complete the certification in the paragraph that applies to the filing of this local law and

Strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2021 of the
(County)(City)(Town)(Village) of Fenner was duly
passed by the

Town Board on October 13, 2021, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(City) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20_____, in accordance with the applicable provisions of law.

6. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the (County)(City)(Town)(City) of _____ was duly passed by the _____ on _____ 20_____, and was (approved) (not approved (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20_____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified elector voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

7. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the (County)(City)(Town)(City) of _____ was duly passed by the _____ on _____ 20_____, and was (approved) (not approved (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20_____. (Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

- Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or City, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

8. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

9. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20_____ of the County of _____, State of New York, having been submitted to electors of the General Election of November _____ 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph 1 , above.

designated Clerk of the county legislative body, City, Town or Village Clerk or officer
by local legislative body

(Seal) Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, City Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MADISON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Attorney for the Town
Title

County
Village
of _____ Fenner
Town
City

Date: _____

PUBLIC HEARING Local Law 4

Motion to begin public hearing made by Councilperson Strack seconded by Councilperson Pushlar.

No public comment

Motion to end public hearing made by Councilperson Cody seconded by Councilperson Strack.

Motion to approve L.L. #4 made by Councilperson Strack and seconded by Councilperson Cody.

Individual vote Councilperson Strack - aye, Councilperson Pushlar -aye , Supervisor Jones -aye, Councilperson Cody -aye

**RESOLUTION NO. 2021-23
TO THE TOWN BOARD
OF THE TOWN OF FENNER**

WHEREAS, at the request of the Town Supervisor, the attorney for the Town has prepared and presented a proposed local law entitled, "A local law authorizing a property tax levy in excess of the limit established in General Municipal Law section 3-c for the 2020 fiscal year", and

WHEREAS, the proposed local law is intended to authorize the Town of Fenner to exceed the tax levy cap otherwise provided under New York State law for the Town's 2020 budget and fiscal year, and

WHEREAS, upon notice duly published and posted as required, a public hearing on this local law was held, which public hearing was, or is hereby closed, and

WHEREAS, the adoption of this local law is not an action that may have an effect on the environment as defined by the implementing regulations of the New York State Environmental Quality Review Act and is therefore not an action subject to SEQRA.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

After due deliberation, the Board finds it in the best interest of the Town of Fenner to adopt this local law, and does hereby adopt this local law entitled, "A local law authorizing a property tax levy in excess of the limit established in General Municipal Law section 3-c for the 2020 fiscal year." The Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting, and to give due notice of the adoption of said Local Law to the Secretary of State.

TOWN OF FENNER		RESOLUTION 2021 - 24	
<u>2021 GENERAL - SEPTEMBER Budget Modifications (for OCTOBER mtg)</u>			
<u>GENERAL</u>			
		<u>Transfer (from) to Increase</u>	
<u>Current Appropriation Shortfall</u>		<u>Appropriation (cover shortfall)</u>	
A1430.12 PT Account Clerk	(\$122.13)	A1990.4 Contingency	\$122.13
A1430.42 Personnel - Payroll Service Fee	(\$134.00)	A1990.4 Contingency	\$134.00
A1620.1 Building - Pers Srv	(\$160.00)	A1990.4 Contingency	\$160.00
A8010.14 Zoning - Inspection - Per Srv	(\$35.00)	A1990.4 Contingency	\$35.00
A8020.4 - Planning - Contractual xp	(\$31.63)	A1990.4 Contingency	\$31.63
TOTAL	(\$482.76)	TOTAL	\$482.76

Motion to adopt Resolution 2021 -24 by Councilperson Strack and seconded by Councilperson Pushlar All in favor.

RESOLUTION 2021- 25
FOR PUBLIC HEARING ON FINAL 2022 BUDGET

WHEREAS, at the request of the Town Supervisor the town will hold a special meeting for the 2022 budget hearing.

NOW THEREFORE IT IS HEREBY RESOLVED that the Town Board of the Town of Fenner will hold a public hearing November 4, 2021 at 8:05 p.m. at the Town of Fenner Town Hall to consider the 2022 final budget

Motion to approve Resolution 2021-25 made by Councilperson Strack seconded by Councilperson Cody Individual Vote Councilperson Strack - aye, Councilperson Pushlar -aye, Supervisor Jones -aye, Councilperson Cody -aye

Motion to accept Modified General Fund Vouchers for the months of July and August 2021 made by Councilperson Strack seconded by Councilperson Cody.

Motion to accept Modified Highway Fund Vouchers for the months of July and August 2021 made by Councilperson Strack seconded by Councilperson Cody.

Chittenango Fire Department has submitted a proposal for an increase of 15,000 in 2022 and 15,000 in 2023 Superintendent Jones, is going to look into how many residents this will affect and what the approximate increase would amount to.

Town of Sullivan shared their resolution for their sale of used 995 Blaw-Knox Paver and used 2002 Gradall There was a board consensus to purchase the equipment. Bill of sale will be in next month's vouchers.

Proposed 2022 budget was discussed line by line. Councilperson Strack proposed the Town Financial Officer receive an increase of 500.00 for all the time and effort put forth doing the budget. A special meeting will be held on November 4th at 8:05 pm for a public hearing on the 2022 budget:

PUBLIC COMMENTS:

None

Motion to adjourn made by Councilperson Strack seconded by Councilperson Cody at 9:50 pm

Vouchers

- a. General Fund – G21-97– G21-106 for 1478.04 motion to approved by Councilperson Strack seconded by Councilperson Pushlar
- b. Highway Fund – H 21-60 – H 21- 66 for 13,180.81 approved by Councilperson Pushlar and seconded by Councilperson Strack

Respectfully Submitted

Lisa Dolan
Town Clerk