

**Town of Fenner  
Town Board Meeting  
October 12 2022**

**SUPERVISOR JONES  
COUNCILPERSON CODY  
COUNCILPERSON PUSHLAR  
COUNCILPERSON STRACK  
COUNCILPERSON WESTER**

**TOWN CLERK DOLAN**

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

Councilperson Strack motioned to accept the September Town Board meeting minutes. Seconded by Councilperson Wester. Approved by the Board.

Councilperson Wester motioned to accept the Town Clerk's Monthly Report as presented, and noted a correction for June 2022 payment was reflected in this month's check. Seconded by Councilperson Strack. Approved by the Board.

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

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

Town Supervisor and Town Board formally thanked Highway Superintendent and Highway Crew for their quick response and excellent work repairing town road in a timely manner. Resulting in only minor inconveniences for our residents.

Councilperson Wester motioned to open public hearing at 8:23 pm, for, **A LOCAL LAW  
OVERRIDING THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW § 3-C IN THE TOWN OF FENNER**

Councilperson Strack motioned to close public hearing at 8:24 pm.

Councilperson Cody motioned to accept **Resolution 2022-38** seconded by Councilperson Pushlar. Approved by the Board.

**"TOWN OF FENNER**

**LOCAL LAW NO. 1 OF 2022**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW § 3-C IN THE TOWN OF FENNER**

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

**SECTION 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Fenner, County of Madison pursuant to General Municipal Law § 3-c, and to allow the Town of Fenner to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2023, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law § 3-c.

**SECTION 2. AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

**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 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

**SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 5. 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 follows:

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED:** October 12, 2022

**CERTIFICATION**

**STATE OF NEW YORK )**  
**COUNTY OF MADISON )**

I, the undersigned Clerk of the Town of Fenner, Madison County, New York, **DO**  
**HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town of September 14, 2022.

\_\_\_\_\_  
**LISA DOLAN, Town Clerk**

**(SEAL)**

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

*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. 1 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 2023 fiscal year.

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 allow the Town of Fenner to adopt a budget for the fiscal year commencing January 1, 2023 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, 2023 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 1 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Fenner was duly passed by the Town Board on **October 12, 2022**, 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.

**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.

Local Law 1-2022 passed by Board approval.

Councilperson Cody motioned to accept **Resolution 2022-39** seconded by Councilperson Pushlar. Approved by the Board.

**TOWN OF FENNER  
TOWN BOARD RESOLUTION**

**2022-39**

**OCTOBER 12 2022**

**Local Law No. 2-2022**

("A Local Law Updating the Code Enforcement Program In the Town of Fenner")

Councilor Cody introduced proposed Local Law No. 2-2022 updating the Code Enforcement Program in the Town of Fenner and made the following Resolution, which was seconded by Councilor Pushlar:

**WHEREAS**, proposed Local Law 2-2022 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Fenner, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.



**NOW, THEREFORE, BE IT**

**RESOLVED AND DETERMINED** that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

**RESOLVED AND DETERMINED** that the Town Board conduct a public hearing as to the enactment of proposed Local Law 2-2022 at the Town of Fenner Town Hall located at 3151 Fenner East Road, Cazenovia, New York on November 9 2022 at 8:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

**RESOLVED AND DETERMINED** that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Fenner and to any affected municipalities described above.

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

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED:**

Councilperson Strack motioned to accept **Resolution 2022-40** seconded by Councilperson Pushlar. Approved by the Board.

**RESOLUTION 2022 -40  
OF THE TOWN BOARD OF THE TOWN OF FENNER  
2022 General – September Budget Modification (for October 2022mtg)**

TOWN OF FENNER			
<u>2022 GENERAL - SEPTEMBER Budget Modifications (for OCTOBER 2022 mtg)</u>			
<u>TO ADJUST FOR BUDGET SHORTFALL(S)</u>			
<u>GENERAL</u>			
<u>Current Appropriation Shortfall</u>		<u>Transfer (from) to Increase Appropriation (cover shortfall)</u>	
A1220.4 - SUPERVISOR - CONTRACTUAL EXP	(\$21.57)		
A1410.12 - DPTY TOWN CLERK - PERS SRV	(\$460.00)		
A1430.12 - PT ACCOUNT CLERK	(\$30.00)		
A1620.1 - BUILDINGS - PERSONAL SERVICE	(\$160.00)	A1990.4 Contingency	
<b>TOTAL</b>	<b>(\$671.57)</b>	<b>TOTAL</b>	<b>\$671.57</b>

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

Councilperson Wester motioned to accept **Resolution 2022-41** seconded by Councilperson Pushlar. Approved by the Board.

**RESOLUTION 2022 -41  
OF THE TOWN BOARD OF THE TOWN OF FENNER  
2022 Highway – September Budget Modification (for October 2022mtg)**

TOWN OF FENNER			
<b>2022 HIGHWAY - SEPTEMBER Budget Modifications (for OCTOBER 2022 mtg)</b>			
TO ADJUST FOR BUDGET SHORTFALL(S)			
<u>Current Appropriation Shortfall</u>		<u>Transfer (from) to Increase Appropriation (cover shortfall)</u>	
DA5112.2N - IMPROVEMENTS NOT SUBMITTED (OVER CHIPS \$ AVAILABLE FOR REIMB)	(\$10,338.28)	DA5110.43 - GEN RPR - ROAD STONE & OIL	\$10,338.28
<b>TOTAL</b>	<b>(\$10,338.28)</b>	<b>TOTAL</b>	<b>\$10,338.28</b>

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

Councilperson Strack motioned to accept **Resolution 2022-42** seconded by Councilperson Pushlar. Approved by the Board.

**RESOLUTION 2022 -42  
OF THE TOWN BOARD OF THE TOWN OF FENNER  
Town Justice Training and Expenses**

**WHEREAS** the Town of Fenner is willing to pay for Town Justice Training and Expenses

**NOW, THEREFORE** The Town of Fenner will examine and approve said costs

**RESOLVED** that the Town Board of the Town of Fenner authorizes the payment of training and expenses.

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

Board approved Town Justice use of JCAP Funds for improvements at the Town Offices.

Dog Warden Dan Hilts will be replaced by Gordon Baker effective immediately.

### **OLD BUSINESS**

Moraine Rd speed study was sent to NYS by Madison County on 9/28/22.

Smithfield Eaton Volunteer Ambulance Agreement – Stated they would no longer cover Fenner’s portion of their district. Supervisor Jones will reach out to neighboring ambulance corps to make sure the entirety Fenner is covered in case of an emergency.

### **COUNTY UPDATES**

It appears County sales tax is up.

County is considering privation of County landfills, at current they are losing money

#### **VOUCHERS:**

Councilperson Cody moved to approve payment of the General Fund claims numbers G22-122 – G22- 131 in the amount of 1267.20 as set forth in abstract number 9 and as audited. Seconded by Councilperson Strack. Approved by the Board.

Councilperson Strack moved to approve payment of the Highway Fund claims numbers H 22—106 H-22-113 in the amount of 40,273.93 as set forth in abstract number 9 and as audited. Seconded by Councilperson Pushlar. Approved by the Board.

#### **ADJOURNMENT**

Councilperson Wester moved to adjourn the meeting at 9:16 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

Code Enforcement Officer

Resolution 2022-38

Resolution 2022-39

Resolution 2022-40

Resolution 2022-41

Resolution 2022-42

Respectfully Submitted, Lisa Dolan, Town Clerk

Lisa Dolan, Town Clerk

