September 11, 2019

PRESENT: SUPERVISOR JONES

COUNCILPERSON CODY

COUNCILPERSON PUSHLAR

COUNCILPERSON STRACK

COUNCILPERSON WESTER

HIGHWAY SUPERINTENDENT SMITH

TOWN CLERK DOLAN

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 August Town Board meeting minutes as presented. Seconded by Councilperson Pushlar. 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 Pushlar motioned to accept the Supervisor’s Monthly Report as presented. Seconded by Councilperson Cody. Approved by Board.

Highway Superintendent Smith presented the Highway Department’s report.

1. **Unfinished Business**

Cazenovia Recreation Program (Wester) – Councilperson Wester as not yet meet with recreation committee; voucher has not been turned in.

SEVAC – **RESOLUTION 15 Calling Public Hearing for the Establishment of the TOWN OF FENNER AMBULANCE DISTRICT NO.2, in the Town of Fenner, County of Madison State of New York**

At a regular meeting of the Town Board of the Town of Fenner, in the County of Madison, New York, held at Fenner, New York on September 11, 2019.

PRESENT: David R. Jones, Supervisor

William Cody, Councilor

Hannah Strack, Councilor

William Wester, Councilor

Adam Pushlar, Councilor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the Matter

of the RESOLUTION AND

ORDER CALLING PUBLIC

HEARING

Establishment of the TOWN OF FENNER

AMBULANCE DISTRICT NO. 2, in the Town of Fenner,

County of Madison, State of New York.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WHEREAS**, a map, plan and report describing the proposed ambulance district is on file in the Town of Fenner Town Clerk’s office for public inspection, and

**WHEREAS**, the boundaries of the proposed ambulance district shall be the portion, generally in the east and northeast, of the whole of the Town of Fenner that lies within the Smithfield Fire District, but excluding all parcels currently assessed for the cost of ambulance service by the CAVAC Ambulance District, and

**WHEREAS**, the maximum amount to be expended by the District for such ambulance services in the first year after formation of the District is $16,438.00, which is estimated to be $0.789978546 per $1,000.00 of taxable assessed property value, which is estimated to be $71.42 to the typical property within the Town of Fenner.

**NOW THEREFORE, BE IT ORDERED**, that a public hearing before the Town Board of the Town of Fenner will be held at the Fenner Town Hall,  3151 Fenner East Road, Cazenovia, New York, on October 9, 2019 at 8:30 p.m. on said day, to consider establishment of said district, including the environmental significance thereof, and to hear all persons interested in the subject thereof.

s/ David R. Jones s/ William Cody

David R. Jones, Supervisor William Cody, Councilor

s/ Hannah Strack s/ William Wester

Hannah Strack, Councilor William Wester, Councilor

s/ Adam Pushlar

Adam Pushlar, Councilor

Motion to approve by Councilperson Strack seconded by Councilperson Wester.

DJ aye HS aye AP aye BW aye BC aye

1. **New Business**

**RESOLUTION 16**

**A RESOLUTION ADOPTING A LOCAL LAW ESTABLISHING AN INTERIM MORATORIUM ON GROUND SOLAR ENERGY FACILITIES WITHIN THE TOWN OF FENNER.**

WHEREAS, proposed legislation of the Town of Fenner, entitled “A local law imposing a moratorium on the establishment of ground solar energy facilities within the Town of Fenner”, has been duly introduced before this Board, and

WHEREAS, upon notice duly published and posted as required, a public hearing on the adoption of this proposed local law was held by this Town Board on July 10, 2019, which public hearing has been, or is hereby closed, and

WHEREAS, pursuant to a referral duly made pursuant to the provisions of Section 239-m of the General Municipal Law, the Madison County Planning Agency has reviewed this proposed local law and has made its recommendation that this matter be returned to this Board for local determination, and

WHEREAS, the enactment of this proposed legislation of the Town of Fenner is a Type II action as defined by section 617.5(c)(36) of the implementing regulations of the New York State Environmental Quality Review Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED, after due deliberation, that this Board makes the following legislative determinations and findings:

A. Authority and Intent. This Local Law is intended to be consistent with, and is adopted pursuant to the authority granted to the Town Board of the Town of Fenner under applicable provisions of the New York State Constitution, and the Laws of the State of New York, including but not necessarily limited to the Municipal Home Rule Law, the Statute of Local Governments and the Town Law.

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses and their potential deleterious impacts on a community.

B. Findings of Fact.

1. Fenner is a community in the central portion of Madison County that takes great pride in, and assigns great value to its rural residential character, small-town atmosphere, farms and scenic and other natural resources.

2. The preservation of the Town's irreplaceable scenic vistas, and rural agricultural character is of significant value to the inhabitants of the Town and to those who visit here.

3. Agriculture has long been a staple of the Town’s economy and tax base. Farms and agricultural land are valuable assets that create a sense of identity and well-being for residents of the Town. Preserving and protecting agricultural lands along with the scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy.

4. Allowing the activities prohibited by Section 3 of this Local Law to occur without appropriate regulations and safeguards would impair the existing character of the Town, because by their very nature such activities have the potential to produce negative impacts upon the Town’s environment, particularly with respect to its rural character and agricultural heritage.

5. All of the Town is served by private water wells, upon which residents and businesses rely for clean, safe drinking water.

6. Allowing the activities prohibited by Section 3 of this Local Law to occur within the Town without appropriate regulations and safeguards could negatively impact the quality of water resources within the Town. Water pollution is hazardous to the public health. If a domestic water source is contaminated, remediation is time and cost intensive, and may not restore the water resource to a quality acceptable for domestic use.

C. Purposes. The purpose of this Local Law is to enable the Town of Fenner to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building permits, operating permits, site plan approvals, subdivision approvals, certificates of occupancy, certificates of compliance, temporary certificates, and other Town-level approvals respecting, the activities prohibited by Section 3 of this Local Law, for a reasonable time, so as to allow the Town time to study the impacts, effects, and possible controls over such activities and to consider amendments to the Town's zoning laws to address the same. The Town Board finds that a moratorium limited to one (1) year in duration, coupled with a mechanism for an 'unnecessary hardship' variance procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Fenner and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

IT IS HEREBY FURTHER RESOLVED that the Town Board of the Town of Fenner finds it in the best interest of the Town of Fenner and its residents to adopt this proposed legislation of the Town of Fenner, entitled “A local law imposing a moratorium on the establishment of ground solar energy facilities within the Town of Fenner”, and further finds the proposed local law to be in accordance with the comprehensive plan for the Town of Fenner, and does hereby adopt and enact this local law as presented. The Town Clerk is hereby directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Town of Fenner, and to give due notice of the adoption of said local law to the Secretary of State.

Attorney Nadine Bell explained that the Madison County Planning Agency has reviewed this proposed local law and has made its recommendation that this matter be returned this Board for local determination.

**Motion to approve by Councilperson Pushlar seconded by Councilperson Strack**

**David Jones- aye**

**Hannah Strack - aye**

**Adam Pushlar - aye**

**Bill Wester - aye**

**Bill Cody - aye**

**RESOLUTION 17** Proposed 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.

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.

**Motion to approve by Councilperson Strack seconded by Councilperson Cody.**

**David Jones- aye**

**Hannah Strack - aye**

**Adam Pushlar - aye**

**Bill Wester - aye**

**Bill Cody - aye**

Development of Comprehensive Planning Board

A committee is being formed to develop our new Comprehensive Plan, which will address commercial solar projects.

1. **Other Business:**

Update from Forum for Renewable Energy (B. Wester, P. Douglas)

Forum was a nice cross section of people, all expressing frustration with the Article 10. Article 10 can override the local law. Article 10 is made of a committee of 5-7 people, 2 of which may be local. Often no local representation is chosen.

1. **Public Comment**

Free Center is very grateful to Fenner Highway Department for wonderful maintenance.

Clarification –moratorium for commercial only.

Question – why was town contacted by Cypress Creek after residents were contacted?

1. **Adjournment** Councilperson Strack made a motion to adjourn the meeting, seconded by Wester. Approved by the Board. Meeting adjourned at 9:22 pm.

VOUCHERS: Councilperson Cody moved to approve payment of the General Fund claims numbers G 19-97 – G19-104 in the amount of 1171.14 as set forth in abstract number 8 and as audited. Seconded by Councilperson Wester. Approved by the Board.

Councilperson Strack moved to approve payment of the Highway Fund claims numbers H19-91-H-19-98 in the amount of 10,299.55 as set forth in abstract number 7 and as audited. Seconded by Councilperson Wester. Approved by the Board.

Councilperson Strack made a motion to adjourn the meeting. Seconded by Wester. Approved by the Board. Meeting adjourned at 9:22 PM.

HANDOUTS AND REPORTS: On file in the Town Clerk’s Office.

Code Enforcement Officer Report – August 2019

Town Clerk Report – August 2019

Supervisors Report – August 2019

Highway Superintendent Report – August 2019

Dog Control Report – August 2019

National Telephone Discount Lifeline Awareness Week

Respectfully Submitted

Lisa Dolan

Town of Fenner, Town Clerk