

The regular meeting of the Town Board of the Town of Homer held on Wednesday, March 2, 2016, in the board room of the Town Hall building was called to order by Supervisor Frederick J. Forbes, Sr., at 5:30 p.m.

PRESENT

Frederick J. Forbes, Sr., Supervisor  
Larry R. Jones, Councilman  
Michael R. Park, Councilman  
Barry E. Warren, Councilman  
Kevin M. Williams, Councilman  
Patrick M. Snyder, Attorney for the Town  
John R. Phelps, Highway Superintendent  
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Nic Davi, resident, 5984 Route 11  
Howard & Susan Recor, residents, 5994 Route 11  
Mike Batzer, resident, 5988 Route 11  
Ed & Mary Wilcox, residents, 6000 Route 11  
Rhonda Warner, resident, 6006 Route 11  
Beth Magee, resident, 6012 Route 11  
Kyle Rogers, resident, 6042 Route 11  
Elizabeth Metzger, owner, Mountainside Sports, Route 11  
Margaret Little, resident, 4569 Cosmos Hill Rd  
Priscilla Berggren-Thomas, Director, Phillips Free Library & resident, 3042 E River Rd  
Patrick Clune, resident, 46 N Main Street & candidate for Village Trustee  
Donald Ferris, reporter, The Homer News

PLEDGE OF ALLEGIANCE

MINUTES

**The minutes of the February 3<sup>rd</sup> regular meeting and the February 18<sup>th</sup> special meeting were approved as presented,** on motion by Councilman Williams, seconded by Councilman Park and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Town Clerk's report of all receipts & disbursements for February.
2. The Supervisor's report of all receipts & disbursements for January.
3. The Deputy Code Enforcement Officer's report of all activities in February.
4. The Dog Control Officer's report of all activities in January.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Jones and carried unanimously: **RESOLVED: that General vouchers #28 through #48 totaling \$22,225.02 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Park, seconded by Councilman Williams and carried unanimously: **RESOLVED: that Highway vouchers #23 through #43 totaling \$23,335.16 be approved for payment.**

## NEW BUSINESS

Drainage problem behind Route 11 properties – Mike Batzer of Route 11 was the spokesperson for several residents present to complain about their problem with snowmelt and rain run-off water that pools behind their houses along the east side of Route 11 just north of the Little York Crossing Road. He said that the problem has increased recently due to activities at the Mountainside Sports property intended to protect that property from the run-off. In the past the water had drained downhill from their properties through the Metzger's property and into a field south of Little York Crossing Road. Because Metzger has blocked a culvert pipe and built a dam, the water now has nowhere to drain and continually floods their backyards, according to Batzer. He is concerned about contamination of his well water. He showed the Board members photos that he has taken of the flooded back yards.

Attorney Snyder said that the Town does not have any authority to get involved in this situation and that it is a civil matter. Snyder suggested that the residents contact the Cortland County Soil & Water Conservation District, who often address drainage problems, for any recommendations they may have.

Metzger, arriving later to the meeting, said that she is only trying to protect her property from getting a flooded basement and that she has a right to protect her property no matter what. Snyder said he doubted that a land owner could construct a dam and back up water onto upstream properties, if that is what is happening.

Supervisor Forbes suggested that the residents contact the Cortland County Health Department in addition to Soil & Water in order to have their wells tested for contamination.

Councilman Park encouraged them to all work together to come to a workable solution for the drainage problem.

Supervisor Forbes thanked Batzer for his presentation.

2015 Town accounting records- Supervisor Forbes said that the accounting records for 2015 are now complete and ready to be reviewed by the Town Board. The Annual Update Document (AUD) for the State Comptroller's Office will be completed in the near future.

Contract with City of Cortland- Supervisor Forbes said that the contract with the City of Cortland for assessment services has been reviewed by Attorney Snyder. Forbes said that he will also be making some suggestions to the City to ensure greater transparency between the municipalities. On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the contract with the City of Cortland for assessment services located in the Homer Town Hall for the annual sum of \$65,000 is hereby approved.**

Workplace violence prevention policy – A proposed policy to prevent violence in the workplace has been reviewed by Attorney Snyder. Such a policy was mandated by the NYS Department of Labor's Public Employee Safety & Health Division (PESH) during a recent inspection of the Town's Highway Garage. On motion by Councilman Warren, seconded by Councilman Jones and carried unanimously: **RESOLVED: that the proposed Town of Homer Workplace Violence Prevention Policy Statement, the Workplace Violence Prevention Policy/Program, and the Workplace Violence Incident Report are all hereby adopted (attached).**

Hazard communication program – An updated program was also recommended by PESH. On motion by Councilman Park, seconded by Councilman Jones and carried unanimously: **RESOLVED: that the revised Hazard Communication Program is hereby adopted (attached).**

Fire insurance letter – Supervisor Forbes reviewed a letter regarding the rating of the structural fire suppression delivery systems in the area, or the local fire departments. Their ratings affect the amount of fire insurance homeowners pay.

Change of meeting time – The Board discussed concerns that the 5:30 p.m. meeting time did not allow for public attendance at the meetings. On motion by Councilman Warren, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the meeting time of the regularly scheduled Town Board meetings be changed from 5:30 p.m. to 6:30 p.m.**

Renovation of Town Clerk's Office – Councilman Warren explained that the Town Clerk is looking into having the office space reconfigured to better accommodate customers who enter from the rear of the building. Former Town Board member Fran Armstrong has offered to help with the new office space design. He also informed the Board that they are looking at giving the office a facelift by painting and installing a new carpet that would be the same as the renovated Assessor's Office. Warren will inform the Board when he receives quotes for the project.

## HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps discussed the preliminary plans to remove the Wall Street Bridge and replace it. He said that the main concern of the inspectors from the New York State Department of Transportation was the concrete footers which would be difficult to re-build without removal of the current bridge. He discussed the obstacles to making the bridge any wider than the current one-way bridge, which include a Village of Homer pump station and a storm drain. He will be contacting Soil & Water for help in completing any permits needed to work on the bridge.

Councilman Park voiced concerns expressed by former Village Mayor Mary Alice Bellardini and Town Historian Martin Sweeney that the bridge is on the National Register for Historic Preservation, one of three lenticular truss bridges located in the Village and built in the late 1800's. Attorney Snyder said that the permitting process would most likely trigger a review by the State Office of Parks, Recreation and Historic Preservation.

Supervisor Forbes said that he hoped that a compromise could be reached that would allow for a stronger, safer bridge that would have a 20-ton weight limit rather than the current 3-ton limit.

Superintendent Phelps said that it will take time to work through all the details and that work on the bridge may need to be put off until next year. To respond to noise complaints about the bridge, he may be able to replace some boards in the meantime.

Phelps said that the PESH inspector would be stopping back for one more time in order to see that all issues have been taken care of. The new cold storage building is almost complete. A change order was necessary due to placing the structure further from the lot line than originally planned and to allow for the installation of previously used garage doors.

The meeting was adjourned at 7:00 p.m.

Anita W. Jebbett  
Town Clerk