

The regular meeting of the Town Board of the Town of Homer held on Wednesday, October 2, 2019, in the board room of the Town Hall was called to order by Supervisor Frederick J. Forbes, Sr., at 6:30 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

Andrea Herzog, Cortland County Director of Budget & Finance
Linda Jones, Cortland County Legislator

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the September 4th regular meeting were approved as presented, on motion by Councilman Park, seconded by Councilman Jones and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Town Clerk's monthly report of all receipts & disbursements for September.
2. The Code Enforcement Officer's report of all building permits issued for September.
3. The Supervisor's report of all receipts & disbursements for August.
4. The Dog Control Officer's report of all activities for the month of August.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Park and carried unanimously: **RESOLVED: that General Fund vouchers #225 through #248 totaling \$9,226.40 are approved for payment.**

Highway bills were approved as audited on motion by Councilman Williams, seconded by Councilman Warren and carried unanimously: **RESOLVED: that Highway Fund vouchers #168 through #186 totaling \$65,114.13 are approved for payment.**

NEW BUSINESS

County Finance Director – County Legislator Linda Jones introduced Andrea Herzog, the new Cortland County Director of Budget & Finance, to the Town Board. Jones said that they were very pleased with Herzog and that she is making progress with getting the County's finances in order. Herzog answered the Board's questions about the budget, workers' compensation and the state of the County's finances. She said that the 2017 Annual Financial Report for the County is now complete and they are working on 2018. The Board thanked her for coming to the meeting and wished her all the best in her new position.

Board of Assessment Review – On motion by Councilman Williams, seconded by Councilman Park and carried unanimously: **RESOLVED: that Leclar Dennis of 53 Clinton Street, Homer, is re-appointed to a five-year term as a member of the Board of Assessment Review.**

Town website – Councilman Williams said that he is looking into possible changes to the Town’s website.

Tentative Budget for 2020 –Supervisor Forbes presented the tentative budget for 2020 which leaves the tax rate the same as in 2019. There was much discussion about the budget for the Fire District. Although Forbes had factored in a 2% increase for 2020, the Village and Fire District have yet to complete a contract for next year. Forbes said that if there is no contract, he must reduce the amount to the 2019 level. Councilman Williams noted that it is up to the Fire District, not the Town Board, to decide on the amount to be raised for fire protection. Forbes said that he must have that amount by November 6th when the Town is required to adopt its 2020 budget.

There will be a special meeting on Monday, October 21st, at 7:00 p.m. in the board room of Village, Town, Fire District and fire department officials to discuss a proposal to form a Fire District to operate the fire department.

Supervisor Forbes made some comments about his proposed budget including: the Dog Control and Historian expenses will be moved to the “B” Outside Village fund; all General Fund employees except the Court employees will receive a 2% increase; the Town Hall Renovation account is budgeted to have \$50,000 for possible improvements to the former balcony level; and due to a change in how the Phillips Library is funded, the Town no longer needs to include support for the Library in its budget.

Highway Superintendent Phelps said that he and Supervisor Forbes would be discussing increases for the Highway Department employees. He said that he now has the best work crew he has ever had and that there is currently excellent cooperation between all the County municipalities and with the County Highway Department.

Following much discussion, the proposed budget was adopted on motion by Councilman Williams, seconded by Councilman Park and carried unanimously: **RESOLVED: that the tentative budget proposed for 2020 is hereby adopted as the preliminary budget with a tax rate for Village residents to be \$1.31 per thousand, and for Town residents, \$1.75 per thousand.**

Open House – There was discussion about holding an open house for residents to see the renovation of the Town Hall office space. Councilman Park suggested that it be on Election Day so that people coming to vote could then walk through the building. Board members agreed and suggested that some publicity and signage would be needed to make residents aware of the event.

OLD BUSINESS

Fire alarm system – Councilman Williams said that he is still waiting for quotes from two other companies which he hopes to have by the next meeting.

Town Hall repairs –Councilman Warren said that he is working on getting a few plumbing issues as well as a leak in the dome repaired.

Dry hydrant installation – Highway Superintendent Phelps said that due to problems with the track-hoe and some missing parts, the dry hydrant to be placed off East River Crossing has not yet been installed.

Workers’ Compensation Insurance – Supervisor Forbes reported on a meeting he had attended at the County regarding the County-run workers’ compensation insurance plan. He said that the County has not yet received quotes for next year’s insurance although they have been working to get a better handle on their actual costs and the status of any reserves. He said that although the Town Board has voted to leave the plan, it is the Board’s prerogative to return to the County plan if they wish to after the County receives the quotes.

There was much discussion. Attorney Snyder cautioned that the County may not agree to the exit strategy that the Board is assuming; that is, that the Town would take with them only any outstanding liabilities which at this time total around \$1,300. Instead, the County may decide that the municipalities leaving the plan may be responsible for making up their share of any reserve shortfall. There was also concern about how to handle any claims that may be incurred from now through December.

Councilman Park said that the Town Board had voted to leave the County's plan and that they should follow through with that decision, and Board members agreed.

Copier quotes – Town Clerk Jebbett said that she has obtained several quotes for replacing the current copier which is almost 9 years old. Of the quotes received, the lowest quote for a new machine with color-copying, scanning, & faxing was from Toshiba Business Solutions for an "E-studio 2010AC", for \$3,459.

On motion by Councilman Park, seconded by Councilman Jones and carried unanimously:
RESOLVED: that the Town Clerk is authorized to purchase a new Toshiba E-studio 2010AC copier from Toshiba Business Solutions, East Syracuse, in the amount of \$3,459, and that the old Toshiba copier either be traded in or sold at auction.

ATTORNEY FOR THE TOWN

Attorney Snyder reported that he has completed an affidavit on the Speedway assessment lawsuit for Brian Fitts and has forwarded it to the attorney, Rick James, who represents Cortland County and the Homer School District on the matter. He also forwarded several court decisions that support the town's position. At this point he continues to believe that the Town has a very strong case for dismissal of the petition.

Snyder said that he has read through all the materials from EDF Renewables Development, Inc., regarding a large solar project, the Homer Solar Energy Center, that they are planning to construct at the intersection of the Towns of Homer, Solon & Cortlandville. Since it is an Article 10 project under New York State law, EDF needs only State approval. Snyder said that it is basically a 90-megawatt solar project in the same footprint as the proposed wind farm.

Attorney Snyder also reported on a dog trial in which the dog owner was found guilty of letting their dog run at large and was fined \$25.

Snyder said that New York Land Quest, realizing that the Town will not be re-zoning the former Suit-Kote gravel pit near the Route 81 bridge, may instead ask the Zoning Board of Appeals for a use variance if they are able to find someone to buy the property. Any house built there would need to be on stilts, due to the flood zone, and would have to be able to get well & septic permits.

There was discussion about a continuing problem with the use of "Jake" brakes near Little York Crossing Road. The Board agreed that they are unable to take any further action and that the matter would need to be referred to law enforcement.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported that he now has all sand, salt, and mixed materials ready for winter use ahead of schedule from previous years. The new truck that was ordered is behind schedule and will not be available until December or January. Some Highway Department employees will be taking time off this fall after the busy summer season. He also reported on attending the annual Highway Superintendents' conference in September that took place in the Catskills.

COUNTY LEGISLATOR

Legislator Linda Jones reported on the activities of the County Legislature over the past month including preparing the 2020 budget, hiring a County Auditor, and improvements to a new location for the 911 call center. She thanked Harry Coleman, Jr., a Homer resident, who has volunteered all his time and hard work to restore the old fireplaces at Dwyer Park, and noted that he has done a beautiful job.

COURT AUDIT

On motion by Councilman Jones, seconded by Councilman Williams and carried unanimously:
RESOLVED:

WHEREAS, Section 2019-a of the uniform Justice Court Act requires that Town boards provide an annual audit of the Town Justice court's records and dockets; and

WHEREAS, Town Board members Williams and Jones performed such an audit of the 2018 Town of Homer court records on Sept 12th, 2019 using a checklist and documentation provided by the New York State Comptroller's Office; and

WHEREAS, Board members Williams and Jones found all records to be clear, concise, and accurate; that all reports and disbursements were made on a timely basis, that the checkbooks were reconciled on a timely basis, and that cooperation by the Town Justice and Court Clerk was found to be excellent; During the audit the following was noted:

- 1) A request for audit documents to be viewed and information requested was delivered on Sept 10,2019**
- 2) Audit sampling included the months of January, March, July, August, and November, 2018. Sampling including verification of deposits in the justice account and bail account, cash receipt tie-ins to deposits in the justice account and bail account, and verification of timely banking procedures and timely monthly reporting of documents.**
- 3) Open caseloads were within normal range.**
- 4) Closed caseloads were sampled for time to completion, and found to be completed in a timely manner.**
- 5) Justice Foley noted that the bail account has unclaimed bail amounts from a prior justice court in the amount of \$435.53. (see attached documentation)
As such, we have asked Justice Foley to contact Court Administration for the proper procedure to transfer the unclaimed funds to the Town and make the appropriate adjustments to the bail account.**

IT IS HEREBY RESOLVED to accept and file the audit with the Town Clerk and forward copies of the 2018 fiscal year audit to NYS unified Court system along with a copy of the adopted motion accepting the audit.

There was some discussion about a portion of traffic ticket fees going to the Village. Attorney Snyder said that he will research the matter.

The meeting was adjourned at 9:15 p.m.

Anita W. Jebbett

Town Clerk