

The regular meeting of the Town Board of the Town of Homer held on Wednesday, May 6, 2020, in the Town Hall Senior Center was called to order by Supervisor Frederick J. Forbes, Sr., at 6:40 p.m. Social distancing was observed due to the on-going COVID-19 pandemic.

#### PRESENT

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

#### OTHERS PRESENT

Patrick Clune, Village of Homer Trustee  
Kevin Fitch, Cortland County Legislator

#### PLEDGE OF ALLEGIANCE

#### MINUTES

**The minutes of the April 8th regular meeting were approved as presented**, on motion by Councilmember Park, seconded by Councilmember Williams and carried unanimously.

#### MONTHLY REPORTS

Presented for audit by the Board:

1. The Town Clerk's report of all cash receipts and disbursements for April.
2. The Tax Collector's report of all activities for the month of April.
3. The Code Enforcement Officer's report of all building permits issued in April.
4. The Dog Control Officer's reports of all activities for April.
5. The Supervisor's report of all cash receipts and disbursements for March.

#### BILLS TO BE PAID

General bills were approved as audited on motion by Councilmember Park, seconded by Councilmember Williams and carried unanimously: **RESOLVED: that General Fund vouchers #78 through #91 totaling \$13,682.17 are approved for payment.**

Highway bills were approved as audited on motion by Councilmember Warren, seconded by Councilmember Williams and carried unanimously: **RESOLVED: that Highway Fund vouchers #59 through #74 totaling \$34,240.63 are approved for payment.**

#### REGULAR BUSINESS

Postage meter refill – On motion by Councilmember Williams, seconded by Councilmember Park and carried unanimously: **RESOLVED: the Town Clerk was authorized to add \$1,000 to the Town's postage meter.**

Chickens in Residential Districts – There was much discussion about allowing property owners in residential districts to raise chickens. Currently there is no provision in the Town Law and residents must go before the Planning Board to obtain a conditional permit to have chickens. The Board asked Attorney Snyder to draft a local law allowing them in residential districts - factoring in the size of the residential lot in the number of birds allowed, whether or not to allow roosters, etc.

EDF Renewables proposed Homer Solar Energy Center— Supervisor Forbes explained that the State would not allow members of the Town’s Planning Board to serve on the solar energy siting board so that he was proposing to revise the Town’s February resolution.

On motion by Supervisor Forbes, seconded by Councilmember Williams and carried unanimously: **RESOLVED: that the Town nominates the following individuals to serve, if selected, as ad hoc members of the New York State Board on Electric Generation Siting and the Environment on behalf of the application by EDF Renewables Development, Inc., for construction of the Homer Solar Energy Center in the Towns of Homer, Cortlandville, and Solon: Caleb Leach and Victor Siegle; and re-nominates Robert Perry and James Zimmerman.**

There was much discussion about the proposal by EDF Renewables. Attorney Snyder reported that the Town has received notification from the State Board on Electric Generation Siting and the Environment that EDF Renewables has submitted its preliminary scoping statement. He has a copy of the scoping statement and asked if any Board members would like to review it and make comments.

Snyder said that the State Board set two deadlines, the first being May 26<sup>th</sup> for any public comments on the EDF scoping statement, and the second being June 3<sup>rd</sup> for the Town to submit an application for technical assistance. EDF was required to submit approximately \$31,000 which can potentially be used by the affected towns and other affected parties for such assistance at this stage of the process. The Town has been contacted by the firm of Barton and Loguidice which is currently working on several other solar projects. Councilmember Park suggested the Town hire a consultant, such as Barton & Loguidice, to review it on behalf of the Town since the State provides funding for that purpose.

Attorney Snyder also explained that the solar companies are going to the County Industrial Development Agency (IDA) to obtain PILOT agreements because those agreements can last for more than 15 years. An IDA PILOT agreement prevents a town from having its own PILOT agreement. The State Article 10 process supersedes any local permit requirements for a solar project.

Supervisor Forbes reported his involvement, along with his brother, in selling land for a different solar energy company and how that affects any agricultural exemptions.

County Legislator Kevin Fitch and Attorney Snyder discussed a County law from 2018 which required solar energy developers to negotiate PILOT agreements with the County. Fitch said that the County would soon be rescinding this law since the IDA has been entering into these agreements instead of the County.

Snyder agreed to speak with two different engineering firms about reviewing the EDF Renewables scoping statement and making comments on behalf of the Town. It was agreed that it would be more efficient if all three towns could work together with one consultant.

On motion by Councilmember Park, seconded by Councilmember Warren and carried unanimously: **the Town Board authorizes Supervisor Forbes and Town Attorney Snyder to apply for funding from New York State for a professional engineering review of the EDF Renewables proposed Homer Solar Energy Center, if it is determined to be needed.**

Deferred Compensation Plan – On motion by Supervisor Forbes, seconded by Councilman Williams and carried unanimously: **RESOLVED: WHEREAS, the Town of Homer wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the “Plan”) for voluntary participation of all eligible employees; and**

**WHEREAS, the Town of Homer is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and**

**WHEREAS, the Town of Homer has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and**

**WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Homer by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;**

**NOW, THEREFORE, IT IS HEREBY:**

**RESOLVED, that the Town of Homer hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further**

**RESOLVED, that the appropriate officials of the Town of Homer are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further**

**RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.**

Memorial Day Parade – Supervisor Forbes said that due to the ongoing health crisis, the parade will be cancelled this year.

Town Hall emergency & fire alarm project – Forbes said that Beard Electric has now completed their project of installing exit signs, new fire alarm devices and CO detectors in the Town Hall.

Tax Collector – Tax Collector Jebbett reported that the Town has collected just over 92% of the Town and County taxes as of April 30<sup>th</sup>. In May the late notices go out and she expects at least 1% of the remaining unpaid taxes will be received by May 31<sup>st</sup>. This is a good collection percentage despite the current crisis.

Budget concerns – Supervisor Forbes said that despite the likely loss of some revenues, he does not foresee cutting the Highway Department since the Town is obligated to maintain the roads. At this time Forbes said that he does not have enough information to make any other cuts. He expects that by June the Town will have more information on which to base any future budget cuts.

Assessor contract – Forbes said that he is working on the contract with the Town of Virgil and City of Cortland which should have been renewed in October of last year. According to the agreement, any amount overspent should be shared percentage-wise. Forbes said if the percentage is based on the number of parcels, the Towns of Homer and Virgil will pay more. He said that Virgil Town Supervisor, John Kaminski, has agreed to this breakdown of expenses. As of the end of 2019, the Assessor budget was overspent due mainly to the move to the new office space and the need for new files and technical support. However, all parties are very happy with the current arrangement, the staff, and the new offices.

On motion by Supervisor Forbes, seconded by Councilmember Warren and carried unanimously: **RESOLVED: that the Town of Homer agrees to fund the Assessor, staff, and offices along with the Town of Virgil and City of Cortland based on a percentage of the number of parcels in each municipality, with the Town of Homer receiving a credit of \$4,000 for the maintenance of the offices within the Town Hall.**

#### ATTORNEY FOR THE TOWN

Attorney Snyder said that he will be filing as an interested party on behalf of the Town with the Public Service Department to receive notices on the EDF project.

#### HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported that the Highway Department has switched to their summer hours, Monday through Thursday, 10 hours each day. Some of the crew have been using their vacation time. The rest have been busy with road cleanup after the winter – road sweeping, tree cutting, ditch digging, etc. Phelps explained that as usual he is having the roads in the more densely-populated areas swept more than once to remove the build-up of sand from the winter months. He will be selling an old truck at auction and expects to get the new truck in a couple of weeks. Phelps said that he expects the Town will receive the CHIPS funding but not the extra funds (Extreme Winter Recovery & PAVE NY) that it has in the past, due to the State's budget shortfalls.

#### COUNTY LEGISLATOR

Legislator Fitch reported on activities at the County over the past month which include the furloughing of some employees due to the coronavirus pandemic. He voiced concern over the potential loss of sales tax revenue and huge budget cuts which may result. Fitch said that he does not think the County will re-open any Senior Centers until the beginning of next year. Instead, they have ramped up the home meal deliveries.

The meeting was adjourned at 8:05 p.m.

Anita W. Jebbett  
Town Clerk