

The regular meeting of the Town Board of the Town of Homer held on Wednesday, September 2, 2020, in the Town Hall Senior Center was called to order by Supervisor Frederick J. Forbes, Sr., at 6:30 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
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Patrick Clune, Village of Homer Trustee
Linda Jones, Cortland County Legislator
Shenandoah Briere, Cortland Standard reporter
Collin Horak, WXHC Radio reporter

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the August 5th regular meeting were approved as presented, on motion by Councilmember Park, seconded by Councilmember Jones and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Town Clerk's report of all receipts and disbursements for August.
2. The Code Enforcement Officer's report of all building permits issued for August.
3. The Supervisor's report of all receipts and disbursements for July.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilmember Warren, seconded by Councilmember Williams and carried unanimously: **RESOLVED: that General Fund vouchers #154 through #170 totaling \$39,509.92 are approved for payment.**

Highway bills were approved as audited on motion by Councilmember Park, seconded by Councilmember Williams and carried unanimously: **RESOLVED: that Highway Fund vouchers #121 through #136 totaling \$17,492.83 are approved for payment.**

REGULAR BUSINESS

Solar farm proposals – There was discussion about the various solar energy projects that are being constructed around the County. Supervisor Forbes and Councilmember Park had attended a meeting of representatives from the Towns of Solon, Cortlandville and Homer, the Towns involved in the large solar project proposed by EDF Renewables. Park said that they had discussed a resolution establishing as an acceptable minimum amount for the PILOT Plan under consideration by the Cortland County IDA of \$7,000 per megawatt. Cortlandville has approved the resolution setting the minimum amount, but Park was not certain if the Town of Solon had.

Attorney Snyder explained that if a project has a PILOT agreement with the IDA, it does not get assessed property taxes. The affected municipalities that are part of the Plan would be paid an annual amount by the solar developer according to the PILOT agreement instead of receiving tax payments.

Supervisor Forbes said that the proposed resolution also requires the solar developer to enter into a Community Host Agreement (CHA) with the Towns in which they would pay the host communities \$1500 per megawatt to be split between the towns based on the percentage of the project in each community. That payment would be deducted from the \$7,000 per megawatt payment.

Forbes said that he would be recusing himself from voting on the matter due to his personal ownership of land in the Town of Cortlandville that is involved in a different solar energy project.

On motion by Councilmember Park, seconded by Councilmember Williams and carried, Councilmembers Park, Williams, Jones and Warren voting in the affirmative and Supervisor Forbes abstaining: **RESOLVED: that the resolution establishing a minimum acceptable Payment in Lieu of Tax (PILOT) per megawatt for solar photovoltaic projects under consideration by the Cortland County Industrial Development Agency that are located in the Town of Homer is hereby adopted (see attached resolution).**

Health insurance – Supervisor Forbes reported that he and Councilmember Williams had met a few times with a representative from Haylor, Freyer & Coon who had offered to submit a quote for health insurance for Town employees. He said that they found that it was difficult for HF&C to compete with the pricing the Town gets through the Greater Tompkins County Health Insurance Consortium. Because of that HF&C was looking to submit a quote only for the Town's other policies – the dental plan and the Medicare Advantage plan currently obtained through The Fingerlakes Group. Both Forbes and Williams recommended that the Town stay with The Fingerlakes Group since the Town has had an excellent relationship with that company for the past several years and they see no cost advantage in making a change at present.

Councilmember Williams reported that due to the COVID-19 crisis, the Consortium has found itself with extra funds in the form of unused premiums since many people avoided optional healthcare treatments during the COVID shutdown. As a member of the Consortium board, he will be voting as to how best to apply the extra funds. Supervisor Forbes and Board members advised him to vote to apply the extra funds to reduce next year's premium costs.

Police support flag – Supervisor Forbes said that after looking into the matter further, he has found that there would not be ample room on the flag pole for a third flag, particularly if there is a need to lower the flags to half-staff. Forbes said that while he had received positive feedback on the Board's decision to fly a police support flag, others had received negative feedback.

On motion by Councilmember Warren, seconded by Councilmember Park and carried unanimously: **RESOLVED: that at this time the Town will not add a third flag to the flagpole in front of the Town Hall, but will replace the current flags and display a new American flag and a new POW-MIA flag.**

Court audit – Councilmember Williams said that he and Councilmember Jones will be conducting the audit within a couple of weeks.

Balcony repair issues – Councilmember Park said that as soon as he gets an opportunity, he will have his crew look over the dome to see if there are any issues to be addressed before winter.

Complaint regarding the use of a propane cannon – Supervisor Forbes said that he has received a noise complaint from a resident adjacent to a farm using a propane cannon to protect sweet corn from birds and other pests. Attorney Snyder said that he had looked into the matter and found that the NYS Department of Ag & Markets has addressed this issue for a particular farm recently. Ag & Markets issues opinions as to whether particular practices by a farm located within a State Ag district are consistent with normal farming and are therefore immune to local zoning regulations. In this particular case, the Department issued a 38 page decision holding that the practice at that farm should be permitted. While this decision applies only to that case, it has useful information concerning measuring noise and methods to limit noise impacts, including hours of operation. It also shows how the Department looks upon the practice. Snyder said that he would be happy to email the Ag & Markets opinion to anyone interested.

Bridge Committee - Forbes said that along with Councilmembers Williams and Park he would be re-establishing the Bridge Committee to once again look into repairing or replacing the Wall Street Bridge.

ATTORNEY FOR THE TOWN

Attorney Snyder informed the Town Board that he has been asked by the Town of Cortlandville to review the SEQRA forms provided by various solar energy developers within that Town, and to provide guidance as to how to carry out the environmental review process. He said that he would not accept the offer if the Homer Town Board thought that it would be a conflict of interest. After some discussion, all Board members agreed that it would not constitute a conflict of interest.

In response to an inquiry from the Board, Snyder said that there was nothing new on the Speedway assessment lawsuit. He said that the County's law firm has filed a notice of appearance and he expects to work together with them in an effort to get the lawsuit dismissed.

COUNTY LEGISLATOR

Legislator Linda Jones reported on activities at the County over the past month. She urged all residents to complete the 2020 Federal Census since they estimate only 60% of County residents have done so to date. There was much discussion about a proposed "livestock law" that the County has scrapped for now, and the hiring of the company Transpro Consulting which is advising the County about ways to cut costs. Legislators Jones and Kelly Preston had previously conducted very similar research about how other counties in the area are run in order to suggest cost-cutting improvements to Cortland County operations.

Supervisor Forbes thanked County Legislator Jones for the time and effort put into her report.

The meeting was adjourned at 7:30 p.m.

Anita W. Jebbett
Town Clerk