

The regular meeting of the Town Board of the Town of Homer held on Wednesday, May 5, 2021, 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  
John R. Phelps, Highway Superintendent  
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Kevin McMahon, Code Enforcement Officer  
Caitlin Portzline, Town resident  
Diana McClure, Town property owner  
Patrick Clune, Trustee, Village of Homer  
Don Ferris, reporter, The Homer News  
Kevin Conlon, reporter, Cortland Standard

PLEDGE OF ALLEGIANCE

MINUTES

**The minutes of the April 7<sup>th</sup> 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:

1. The Town Clerk's report of all receipts and disbursements for April.
2. The Code Enforcement Officer's report of all building permits issued for April.
3. The Dog Control Officer's report of all activities for April.
4. The Supervisor's reports of all financial activities through April.

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 #76 through #95 totaling \$16,429.36 are approved for payment.**

Highway bills were approved as audited on motion by Councilmember Park, seconded by Councilmember Jones and carried unanimously: **RESOLVED: that Highway Fund vouchers #58 through #71 totaling \$269,396.48 are approved for payment.**

## PROPOSED LOCAL LAW REGARDING CHICKENS

Supervisor Forbes explained that the Town Board has been working on the proper wording for a local law to allow residents living in an area of the Town zoned residential to have chickens by right, within certain guidelines, without having to get permission from the Town's Planning Board. The local law proposed last month was tabled when Councilmember Williams asked that he be allowed to do more research on the issue. Forbes said that the Board will be discussing the issue in order to reach a consensus about what needs to be in the law. Once the Board is in agreement, a public hearing will be scheduled prior to the law's adoption.

Councilmember Williams said that he has spoken to many different people regarding the raising of chickens. He does agree that roosters can be a problem due to the noise that they make, particularly in more densely populated residential areas, but wondered if the law could be written to allow roosters for properties where there is 250 feet between houses. He agreed that the eggs should be for personal consumption, not for sale. Williams also said that he doesn't think that setbacks are a concern and that the 15-foot setback the Town's Zoning Law already contains could apply to chicken housing.

While it was noted that the Village's laws regarding the raising of chickens does not disallow roosters, Village Trustee Clune said that their zoning laws are undergoing review and that matter may be addressed in the near future.

Supervisor Forbes said that he thinks the law should address confinement of the chickens, and Board members agreed.

Code Enforcement Officer McMahon said that over the years he has had much experience with complaints about chickens even in small rural towns. He agreed that chickens should be confined since they not only bother the neighbors' gardens and flowers, they present a hazard by wandering into the roadway. To prevent complaints about the noise, he would prefer that roosters not be allowed. Another issue that comes up is rodent infestation as chickens may attract mice, rats, weasels, etc.

McMahon suggested that any fencing for chickens be considered agricultural fencing and that would eliminate the need for a building permit. He also suggested that if chicken housing is 10 feet x 10 feet or less, there would be no requirement for a building permit. He later suggested that if roosters are allowed, he would not have to deal with any complaints about them.

Caitlin Portzline, who lives on Route 11, said that she currently has permission from the Planning Board to have 8 chickens, but is looking to add more, including meat birds and a rooster. She noted that her neighbors have roosters despite living next to Edonna Drive which is a densely populated residential area. She said that although she has completed the paperwork, she has had to wait months while the Town Board figures out the new law.

Following much discussion, Supervisor Forbes asked Attorney Snyder to re-work the proposed local law based on the Board's discussion by the June meeting, with the intent to hold a public hearing in July.

## PINE STREET BRIDGE

Highway Superintendent John Phelps reported that, although the Pine Street Bridge was repaired only a year and a half ago, the NYS DOT recently yellow-tagged it for having some structural issues. Phelps said that the problem is the deterioration of two cross beams made out of angle iron. Board members expressed their disappointment with both the engineers and the contractors who were involved in the repair project for not addressing the issue at the time. Superintendent Phelps said that he would contact Barton & Loguidice, the engineering firm, to make them aware of the structural issues. Board members agree that all of the cross beams need to be examined, not just the two that were pointed out by the DOT.

## TOWN HALL ROOF

Supervisor Forbes thanked Homer Ironworks for supplying a lift which enabled Councilmembers Park and Warren to safely look over the status of the Town Hall roof. Councilmember Warren said that basically the roof is in good condition and should continue as such for a few more years. However, there are a few areas that will need to be re-tarred, including the three dormers on each side of the building, and the gutters need cleaning. Attorney Snyder suggested that the Town obtain at least two written quotes for the work which is estimated to cost around \$5,000 or less. Warren agreed to contact a few roofing contractors.

## REGULAR BUSINESS

Town Hall balcony – There was some discussion about how to go about renovating the balcony and how best to use the extra space. Board members decided to discuss the matter further with Village Board members at an upcoming joint meeting about the future use of the Senior Center.

County snowplowing contract – Supervisor Forbes said that he has received new contracts from the County in which they agree to continue to pay the Town for plowing/sanding two sections of County highway on East Homer-Baltimore Road and Health Camp Road. Forbes questioned whether the proposed 2% increase was adequate to cover the increased cost of the plowing.

On motion by Councilmember Warren, seconded by Councilmember Williams and carried unanimously:  
**RESOLVED: that the contract with the County for snow & ice removal during the 2021/2022 & 2022/2023 winter seasons on two sections of County highway - East Homer-Baltimore Road and Health Camp Road – for a total of 7.72 centerline miles is approved, subject to a review of the costs by the Town Supervisor.**

Federal stimulus money – Supervisor Forbes reported that the guidelines for use of Federal stimulus funds will not be available until May 10<sup>th</sup>. He said that the funds may not be distributed to local governments in New York State until the fall.

Homer Business Association Annual Dinner – Councilmember Warren agreed to attend the annual dinner and business meeting to be held on Thursday, May 13<sup>th</sup>, at the CNY Living History Center on behalf of the Town Board.

Future of Senior Center – Supervisor Forbes said that the County Office for the Aging has asked to meet with the boards of both the Village and Town. The County has decided not to fund Senior Centers as before the pandemic. Instead the County will be offering grants to Towns and/or Villages to help fund their own activities for seniors, based on what level of service will be provided by the municipalities. Forbes will notify Board members when a meeting date has been agreed upon.

Replacement of Town Clerk & Deputy Town Clerk – Supervisor Forbes said that he had a few applications and expects to receive more after an advertisement is placed in the Homer News in a couple of days. After checking with the Association of Towns and Attorney Snyder, Forbes suggested that the Town adopt a local law whereby the appointed Town Clerk and Deputy Town Clerk would not be required to be residents of the Town. A model local law to accomplish this was distributed and discussed. The Board members agreed that doing so would give them more applicants to choose from.

On motion by Supervisor Forbes, seconded by Councilmember Park and carried unanimously:  
**RESOLVED: that a public hearing is scheduled for June 2<sup>nd</sup>, 2021, on the proposed local law to change the residency requirement for the positions of Town Clerk and Deputy Town Clerk.**

Fireman's Installation Dinner – Councilmember Williams reported on attending the dinner in April on behalf of the Town.

#### ATTORNEY FOR THE TOWN

Attorney Snyder reported on meetings of both the Zoning Board of Appeals and the Planning Board and stated that he is looking forward to resolving the chicken issues.

#### HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported on his department's activities over the past couple of months. He said that after cleaning up all the sand left on the roads after the winter, they began work on the Town's CHIPS-funded projects which included Searls Road and Forbes Road. Phelps said that the Town saved money by getting the work done early as prices are scheduled to increase in the near future. He credited excellent cooperation between Homer, the County, and other towns & villages for getting the job done quickly and efficiently. Phelps also noted that the crew had cleaned up around the garage, getting rid of scrap metal and trucking old tires to the Seneca Landfill.

Phelps reported that he has sent his oldest truck and the backhoe to be sold at auction. He is looking to purchase a new track hoe which could be easily trucked to worksites, would save wear and tear on the Gradall excavator, and can be purchased on State bid. He is also looking to purchase a new truck. Supervisor Forbes suggested that Phelps and Councilmember Park get together to decide what equipment to order off State bid within the Town's budget.

The meeting was adjourned at 8:34 p.m.

Anita W Jebbett, Town Clerk