

The regular meeting of the Town Board of the Town of Homer held on Wednesday, July 8<sup>th</sup>, 2009, in the board room of the Town Hall Building was called to order by Supervisor Frederick J. Forbes at 7:30 p.m.

PRESENT

Frederick J. Forbes, Supervisor  
Barry E. Warren, Councilman  
Dan A. Weddle, Councilman  
Kevin M. Williams, Councilman  
Brian D. Young, Councilman  
Patrick M. Snyder, Attorney for the Town  
John R. Phelps, Highway Superintendent  
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Paul Burhans, Dog Control Officer  
Gary Shiffer, Town Justice  
Randy Crawford, Architect, Crawford & Stearns

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

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

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Town Clerk's monthly report of all receipts and disbursements for the month of June.
2. The Supervisor's monthly report of all moneys received and disbursed for the month of June.
3. The Dog Control Officer's report of all activities for the months of May and June.
4. The Code Enforcement Officer's report of building permits issued for the month of June.
5. The Supervisor's budget summary for the General and Highway Funds for the current fiscal year through June.
6. The Tax Collector's Return Document which lists all taxes returned to the County for collection as of June 1<sup>st</sup>, 2009, totaling \$415,457.54.

BILLS TO BE PAID

General bills were approved as presented on motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that General vouchers #159 through #197 totaling \$61,758.99 be approved for payment.**

Highway bills were approved as presented on motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Highway vouchers #111 through #136 totaling \$78,668.16 be approved for payment.**

## JUSTICE COURT

Town Justice Gary Shiffer reported that he will again be applying for a grant from the New York State Court Administration and needs the Town Board's approval to do so. On motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: That the Homer Town Board hereby approves the 2009 grant application prepared by Town Justice Gary Shiffer for assistance from the State of New York Justice Court Assistance Program (JCAP), with the understanding that the funding is being sought to enhance the Homer Justice Court's ability to provide suitable and sufficient service to our community through proper court facilities, automated equipment and necessary supplies for operation.**

Justice Shiffer said that the Court now has a digital recorder so that they can provide a copy of recorded proceedings for others to transcribe upon written request.

## TOWN HALL RENOVATIONS

Architect Randy Crawford of Crawford & Stearns presented a drawing outlining which window sills and other Town Hall masonry need replacing or repointing. He suggested that the Town to out to bid for aluminum exterior storm windows, painted black. Crawford also described his recommendations for building a baffle around the entire window to cut back on heat being lost next to the windows and to let in more natural light.

Crawford presented four different versions of a design for a new portico for the Town Hall's Senior Center entrance and the Court room entrance. This would provide handicapped entrance to the Court, and eliminate the current storm door addition to the Senior Center. The Board members preferred the portico on the right side of drawing A-7 as it would match the design of the portico built for the Court Office entrance.

Architect Crawford said he would prepare the specs and bid documents for renovating the original Town Hall windows, adding new exterior storms and doing the masonry work, and a separate bid for the new portico.

## FARMLAND PROTECTION

Supervisor Fred Forbes reported that none of the Towns involved in the Farmland Protection Grant have signed the consulting contract with American Farmland Trust. Supervisor Forbes said that they are all concerned that the State will de-fund the grant and they would then have to up front the money for the contract.

Attorney Snyder said that he has proposed some revisions to the contract in order to make it more accountable and to address those financial concerns. The amount of money to be paid to American Farmland Trust is to be made contingent upon the Towns receiving the grant money from the NYS Department of Agriculture & Markets rather than upon the receipt of the Trust's plan. He said that he discussed his proposal with the Towns of Scott and Preble and with Dan Dineen of the Cortland County Planning Department and all agreed with his suggestions.

Snyder said that even if the Towns of Homer and Scott consolidated prior to the grant award, he thinks that the State would still honor the grant; but if not, he has re-written the contract to be contingent upon the amount of the State grant.

## CONSOLIDATION COMMITTEE

Supervisor Forbes reported on the past month's meeting of the Committee to look into the consolidation of the towns of Homer and Scott. He said they reviewed the two budgets line by line and added in a \$109,000 increase in State aid. Forbes has asked Dan Gustafson to review the Town's insurance policies. Accountant Colin Cahill has agreed to look over the budgets with Carletta Edwards and Jackie Crane. Forbes reported that the meeting started out tense, with several people from the Town of Scott present, but all

were calmed down after the discussion. For the meeting on July 15<sup>th</sup> the discussion will be about Highway Department issues.

#### COLLATERAL SOURCE BILL

Attorney Pat Snyder suggested that the Town pass a resolution in support for a bill currently being considered in the New York State Legislature concerning duplication of damages awarded to public employees. Through an anomaly in the law, public employers end up paying more than would a private employer. The new law would put municipalities and private companies back on the same standing. Snyder said that the Association of Towns is strongly in favor of this legislation, as is Cortland County.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: RESOLVED:

**WHEREAS, under current state law, public employees hurt on the job are paid twice, both times out of the taxpayers' pocket for the same lost future earnings; and**

**WHEREAS, there is a bill proposed by the NYS Trial Lawyers Association that has been introduced in the Legislature (now S.6004/A.7504-B) which, in addition to ending the unfair double recoveries against public employers, removes an impediment to the settlement of tort actions; and**

**WHEREAS, the bill would protect all parties in the lawsuit (including public employer defendants) who settle the case from then being subjected to a claim by a health benefit provider or other collateral source payer for reimbursement of monies paid to the plaintiff – unless there is a statutory right to such reimbursement - thereby encouraging settlements;**

**NOW, THEREFORE, BE IT RESOLVED, that the Homer Town Board supports these bills and urges our lawmakers to vote these into law.**

#### NEW BUSINESS

Meeting with reps from NYSDOT – Supervisor Forbes reported on a meeting held at the Town Hall with representatives from the DOT who explained that in about four years the Route 81 bridges at Little York, Preble and Tully, built in 1966, will be re-constructed.

Board of Assessment Review – Supervisor Forbes recommended because of the discussions about consolidation, that an appointment to the Town's Board of Assessment Review be put on hold. Board members discussed a few Town of Homer residents who might be interested in serving on that Board.

Dog Census – Town Clerk Jebbett reported on the 2009 census of dogs residing in the Town of Homer. This work is being done by Michael Kopley who is doing a very thorough job so far. Jebbett said that advertisements for the dog census were placed in the Cortland Standard, The Shopper and The Scotsman. Visits by the dog enumerator and the advertisements led to a great increase in the number of dogs licensed in June which hopefully will continue.

Town and County Tax Collection – Clerk Jebbett reported that the 2009 taxes have now been returned to the County and presented a list of those which were returned unpaid. In spite of the overall bad economy, the number of taxes unpaid remained the same as in years past at slightly less than 8 ½ percent.

Court audit - Councilman Williams suggested that it is again time for an annual audit of the Town Court financial records first conducted last year for 2007 by Councilmen Kevin Williams and Brian Young.

On motion by Councilman Williams, seconded by Councilman Weddle and carried unanimously: RESOLVED: **that Councilmen Williams and Young conduct an annual audit of the financial records of the Homer Town Justice Court for the year 2008.**

## HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported that the top coat has been placed on the new parking lot for the Town Hall. While more material was needed than anticipated, the cost of the material was down from last year.

Phelps said that he has already sent in an application for at least \$40,000 of the \$117,000 in New York State CHIPS money. The balance of the State monies will be spent on re-surfacing Sweeney Road, from Route 90 to the Town line at Bond Road. Superintendent Phelps said that all the culverts on Sweeney Road were replaced last year. This year he has replaced some culverts on Mead Road.

Highway Superintendent Phelps said that the salt shed roof damaged by vandals should be replaced within the next two weeks.

## TOWN ATTORNEY

Town Attorney Patrick Snyder reported that he is still working on a road protection law for the Town of Homer. He has asked the State DOT for some help in this matter and he said the Town should be hearing from them in the next two to three weeks.

Snyder reported that the County has now signed an agreement with TCI Renewables for wind turbines for electric power in the County. The company has now agreed to cover some legal and other expenses involved in allowing the wind power project to take place.

Attorney Snyder said that nothing new has happened with the Just Dandy assessment case.

The Town Planning Board has approved a one lot addition to the Tamarack Lane subdivision off Route 90.

Councilman Warren reported that Electrician Lew Heath should be putting in lighting for the Town's new parking lot within the next few weeks.

The meeting was adjourned at 9:30 p.m.

Anita W. Jebbett  
Town Clerk