

The regular meeting of the Town Board of the Town of Homer held on Wednesday, October 7th, 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

Gary Shiffer, Town Justice

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

The minutes of the September 2nd, 2009, regular meeting were approved as presented, on motion by Councilman Warren, 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 September.
2. The Dog Control Officer's monthly report for September.
3. The Supervisor's monthly report of all monies received and disbursed for the month of September.
4. The Code Enforcement Officer's monthly report of all building permits issued in September.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that General vouchers #241 through #268 totaling \$42,725.56 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Highway vouchers #172 through #194 totaling \$48,900.56 be approved for payment.**

OLD BUSINESS

Elevator Maintenance Contract – Supervisor Forbes said that after the September meeting he received a fax from the other elevator company which stated that they would need to make an inspection of the elevator prior to quoting a price for its annual inspection and to have them do so would cost the Town \$120. He said that Victory Lifts was offering to provide a maintenance contract for \$245 twice a year. After much discussion, it was decided to give the other company a chance to quote a price for the maintenance.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Supervisor Forbes be authorized to sign a request to have Accessibility Options inspect the Town's elevator at a cost of \$120 in order to give a quote for its annual maintenance.**

New After- Fire Inspector – Forbes reported that Code Enforcement Officer John Daniels had contacted someone about being the Town's new Fire Inspector but after considering the job he decided that he was not interested. The Board agreed that Supervisor Forbes contact a member or two of the Homer Fire Department to see if they would have the appropriate training and interest in doing the job.

NEW BUSINESS

Budget Modification – Supervisor Forbes asked that the 2009 budget be adjusted for the insurance recovery received on the vandalized salt shed, and for the extra CHIPS (Consolidated Highway Improvement Program) money received from the State.

On motion by Councilman Williams, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Highway Fund Townwide (DA) be modified by increasing the budget for Insurance Recoveries (DA2680) by \$10,145.74, and by increasing the amount to be expended for Snow/Ice Removal (DA5142.4) by the same amount; and that the Highway Fund Outside Village (DB) be modified by increasing the amount budgeted for CHIPS (DB3501) by \$23,014.68, and increasing the amount to be expended under the CHIPS program (DB5112.2) by the same amount.**

Knox Box – The Board discussed the recent problem with smoke reported in the Town Hall which led to the Fire Department responding and not being able to access the building. Fire Chief Mahlon Irish Jr. had given the Town information on a Knox Box, a device which would hold keys to the building that could only be accessed by emergency personnel. Supervisor Forbes suggested that all Town Board members have keys to access the building as well.

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the Town purchase a Knox Box with a tamper switch at a cost of around \$325 and that Councilman Williams be authorized to order and supervise the installation of the Knox Box.**

FARMLAND PROTECTION

There was much discussion over the proposed contract with American Farmland Trust (AFT) to develop a plan for the protection of farmland in the Towns of Homer, Scott and Preble. Attorney Snyder said that he was concerned that the contract contained no specifics about how much time would be spent or the hourly rates of those doing the work. It had the appearance of being close the amount of State Aid to be granted, \$75,000, with no specifics as to how that money would be spent. Snyder said that he had spoken with John Brennan from the NYS Dept of Agriculture & Markets but had not received a satisfactory response. It was decided that the matter should be discussed at the next meeting of the Farmland Protection Committee on October 22nd when AFT would be in attendance.

HOMER-SCOTT CONSOLIDATION COMMITTEE

Supervisor Forbes said that he had spent out-of-pocket \$530 on printing and mailing a survey to a list of 500 Town of Homer voters selected by an accounting firm regarding the proposal to consolidate the Towns of Homer and Scott. He asked the Board if he could be reimbursed for those expenses for which he would provide invoices.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Supervisor Forbes be reimbursed \$530 for the printing and mailing of the consolidation survey letters.**

TOWN HALL RENOVATIONS

There was discussion about going to bid for the repair of the Town Hall windows and masonry. The Board informed Highway Superintendent Phelps that the plans call for any site work for the new entry-way to the Court and Senior Center to be done by the Town Highway Department.

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that Crawford & Stearns, Architects, be authorized to prepare specifications and drawings and to advertise for bids on the repair of the Town Hall windows and masonry, with bids to be opened at the December meeting.**

ATTORNEY FOR THE TOWN

Attorney Pat Snyder said that he is working on the preparation of a draft of the new floodplain law as outlined by the Federal Emergency Management Agency (FEMA). He suggested that the Town Board review it over the next month and hold a public hearing on the matter at the December Board meeting. He agreed to e-mail the draft to Councilmen Williams and Young, and to copy for Councilmen Warren and Weddle.

Snyder said that he is still awaiting input from the NYS DOT on the proposed road protection law, the purpose of which is to protect the Town roads from over-use by contractors for gas drilling companies or wind turbine companies.

Attorney Snyder thanked the Board for excusing him from attendance at the September meeting as he was able to attend the funeral of a friend at Arlington National Cemetery.

On the matter of the Just Dandy assessment lawsuit, Snyder said that he was hopeful that they would drop the matter and was still waiting to hear from them.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps said that he is waiting on a quote for a fence for the north side of the Town Hall property where it borders the Andrews'. He is hoping to have the fence installed before it snows this year.

Phelps said that all the sand and salt needed for the winter season are now on hand with extra stored at the Village garage. They are currently getting all the trucks ready for the winter.

He reported that he had attended the Highway Superintendent's annual conference in Lake Placid this past month.

Superintendent Phelps said that he has spoken with Gareth McDonald of TCI Renewables, a wind power company, regarding the proposed Crown City Wind Farm. They would like to haul the large turbines on Parks Road although they agreed that the gravel and concrete trucks would travel on Shippey Road which is the truck route for the landfill. Phelps said that he would have Attorney Snyder review the proposed permit. He said that he did not expect the wind turbines to be built until 2010 or 2011.

COURT AUDIT

Councilman Williams reported that he and Councilman Young had completed their annual audit of the Town Justice Court. He reported that the records are all in good order.

On motion by Councilman Williams, seconded by Councilman Young 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 Young performed such an audit of the 2008 Town of Homer court records on October 6th, 2009, using a checklist and documentation provided by the New York State Comptroller's Office; and

WHEREAS, Board members Williams and Young

found all records to be clear, concise, and accurate; that all reports and disbursements were made on a timely basis, that the general and bail checkbooks were reconciled on a timely basis, and that cooperation by the Town Justice and Court Clerk was found to be excellent;

NOW BE IT RESOLVED that the Court Clerk be authorized to spend extra time to begin researching, reconciling and adjusting the bail accounts carried over from previous court administrations, and that the Court Clerk continue to subtotal the court receipt book by cumulative deposit and also begin totaling the deposits made on a monthly basis. Board Members Williams and Young will schedule a follow up meeting with the Town Justice and Court Clerk in the next 30 days to establish a plan to research and correctly reconcile the bail account to the court reporting program.

Town Justice Shiffer said that he appreciates them taking the time to audit the Court records, not only because it is required by the Office of Court Administration, but also because it insures that they remain accountable to the taxpayers.

Justice Shiffer asked Attorney Pat Snyder to look into the proper jurisdiction for traffic violations and other matters taking place in the Cortlandville section of the Village of Homer.

PRELIMINARY BUDGET – 2010

Supervisor Forbes handed out copies of the preliminary budget for 2010. Forbes read through the budget which keeps the tax rate the same as the 2009 budget except for an extra penny for the Fire District tax. The Board set the date for a budget workshop meeting for 7:00 pm on Wednesday, October 28th.

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the preliminary budget as presented by Supervisor Forbes hereby be adopted as the tentative budget for 2010 with the proposed tax rate to be \$1.58 for Village residents and \$2.10 for Town residents.**

The regular meeting was adjourned at 9:45 p.m.

Anita W. Jebbett
Town Clerk