

Regular Meeting
March 3, 2010

The regular meeting of the Town Board of the Town of Homer held on Wednesday, March 3, 2010, 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

Nedra Griswold, Assessor, Town of Homer
David Dromgoole, Real Property Analyst, State Office of Real Property Services
Kathleen Kearney, Real Property Analyst, State Office of Real Property Services
Janet Lasell, Regional Manager, State Office of Real Property Services
Jon Carnes, Crawford & Stearns Architects
Stephen Major, Lakeland Environmental Inc.
Eugene Kozer, ALA Tech
Matthew Minor, Fingerlakes Glass

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

The minutes of the February 3rd public hearing and 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 February.
2. The Supervisor's monthly report of all cash received and disbursed for the months of January and February.
3. There were no building permits issued in February.
4. The Dog Control Officer's monthly report of all activities for February.

ANNUAL REPORTS

The Annual Financial Report for the fiscal year 2009 was presented for audit by the Board.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that General vouchers #38 through #65 totaling \$20,887.01 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Highway vouchers #21 through #42 totaling \$8,689.90 be approved for payment.**

ASSESSMENT UPDATE PROPOSAL

Nedra Griswold, Assessor for the Town of Homer, was present in place of William Cinquanti, Director of Cortland County Real Property Tax Services, who was not able to attend. She introduced the representatives from the NYS Office of Real Property Services who have been working with her to prepare a Request for Proposals (RFP) from assessment data collection contractors. Griswold and the State representatives explained the need for the data collection which is the lack of data in the current files making it difficult for the Assessor to update the values of properties in the Town. They showed the Board a printout with 22 pages of property data flagged by the State computer system as needing corrections. However, they explained that some of the data is simply flagged because the property is irregularly shaped.

When Griswold first began this process it was understood that the County would help cover the costs of the data collection. With the 2010 budget, the County removed from its budget any funds to help the Town with the data collection project. Councilman Young asked if the County had a contractual obligation to help with the project. Assessor Griswold said that she did not know but would review the contract and let them know.

Kate Kearney from the State Office of Real Property Services explained that the Town's last assessment reval was in 2005 and that even though since then prices have fluctuated, the current values do not reflect the various trends in assessment values. She gave a hand-out showing how much a difference in assessment as compared to market value makes in tax collection. She also had examples of properties in the Village that sold for around the same amount but were assessed for very different amounts.

Nedra Griswold said that she will suggest that the County turn over the maintenance aid they receive from the State to the Town if the Town has to pay for the data collection and revaluation.

Supervisor Forbes said that it is in the best interest of the County for their assessments to be updated as 90% of the taxes collected from the Town's almost 3000 parcels goes to the County. He said he still thinks that County-wide assessing is the fairest means of assessing property.

Janet Lasell, Regional Manager of the Office of Real Property Services, said that the Department of State is offering an efficiency grant for those municipalities that may be consolidating which would reimburse the municipality 80% of the cost of an update to bring it up to 100%. In response to a question from the Supervisor, Lasell said that they offer training for data collectors, but would recommend they work with an experienced data collector and would have to be well-supervised.

Nedra Griswold said that the bids are due by March 19th. The State will prepare an analysis of the bids for the Town and Griswold offered to include the Town in any interview process. It was clarified that the data collection is considered a professional service.

NEW BUSINESS

Homer-Scott Consolidation Committee – Supervisor Forbes reminded Board members that there will be a meeting of the Town Boards of Homer and Scott and the Village of Homer Board, along with the legislators for Homer and Scott, in the Senior Center of the Town Hall on Tuesday, March 9th.

On motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the Town of Homer hereby requests that the Cortland County Treasurer grant them an extension of the time from April 1st to June 1st, 2010, for the collection of taxes in the Town of Homer.**

On motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the Board hereby authorizes the Supervisor to sign the agreement with the Village of Homer for the participation of Town residents in the Village-run recreation programs for an annual payment by the Town of \$26,900, but only after the Attorney for the Town is satisfied with the wording of the agreement.**

On motion by Councilman Williams, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town Clerk is authorized to attend the annual conference of the Town Clerk's Association to be held in Saratoga Springs, New York, from April 25th through the 28th, and that all necessary expenses be paid by the Town.**

On motion by Councilman Williams, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town Historian is authorized to attend the annual conference of the Association of Public Historians of New York State to be held in Buffalo, New York, from April 18th through the 20th, and that all necessary expenses be paid by the Town.**

EXTERIOR REHABILITATION OF THE TOWN HALL

Steve Major, of Lakeland Environmental Inc., and Eugene Kozer of ALA Tech, LLC, were present, along with Architect Jon Carnes of Crawford & Stearns, to discuss the finding of asbestos window putty in one window of the six tested by Major in preparation for the Town Hall Exterior Rehabilitation Project. Matthew Minor of Fingerlakes Glass was also in attendance as he had worked on the Town Hall windows in the past and had many years of experience in the field.

There was a lengthy discussion about how to handle the situation since it now seems likely that more of the Town Hall windows may contain asbestos-laced window putty. Supervisor Forbes said that he, along with other Town Board members, had assumed that all the potential asbestos would have to be remediated as all of the windows would be removed and worked on and so that this would not be a problem for future Town Boards. Architect Carnes said that it was not necessarily the case as some windows may not have to be handled in a way that would make remediation necessary. Councilman Warren agreed with Carnes that they should only remediate where necessary.

In response to a concern from Scott Crysler of Diamond & Thiel Construction Company, the general contractor for the project, voiced by Supervisor Forbes, Major, Minor, and Kozer all agreed that the glazing compound containing asbestos would only be on the outside of a window. They also all agreed that most of the Town Hall windows likely do not contain asbestos putty as the building, built in 1908, is simply too old. Asbestos putty would be more likely found in windows that were repaired in the 1930's through the 1960's.

It was proposed, following a lengthy discussion, that a close visual inspection be made of each window and that they be grouped into homogenous groupings where possible. Two samples would be taken from each homogenous grouping and tested for asbestos. Matthew Minor said that he had worked on the ground level windows around 1981-82 and that those windows needed the most repair due to weather damage. Kozer thought that it is unlikely that asbestos putty was used at that late date.

Jon Carnes suggested that there could be errors in the testing. Steve Major said that it was unlikely as New York State requires two different types of tests for asbestos so there is little room for error. He said that New York State is one of only a few states that are concerned about asbestos window glazing compound which is non-friable. Most states do not require any remediation of the glazing compound. After much discussion it was the consensus of the Town Board that no abatement would be made unless it was necessary.

Attorney Pat Snyder suggested that a lift be used to inspect every window individually to try to establish homogenous groupings (same style window, same type of repairs, etc.). Carnes said that he would contact Diamond & Thiel to provide a lift for the inspection and sampling which in some cases will involve removal of the triple-track aluminum storm windows. Carnes will get a contract with Diamond & Thiel drawn up, adding that this will make them happy as they are interested in getting organized for the upcoming work season.

Both Major and Kozer were asked to submit proposals for inspecting all the windows, obtaining two samples of each homogenous grouping, and testing those samples. It was agreed that Diamond & Thiel must be comfortable with the testing results. Carnes said that in their bid Diamond & Thiel had said that they would charge an extra \$500-\$600 per window that needed asbestos abatement.

Supervisor Forbes said that the Board reserves the right to re-consider the type of storm windows it would like for the project – aluminum or wood, single pane or triple-track will all be considered more closely.

NEW BUSINESS, CONTINUED

Time-Warner contract negotiations – Councilman Williams reported that no new negotiations have begun despite the fact that the Time-Warner contract is due to expire (again) in April. He will participate in any meetings of the Cortland Cable Commission should they be scheduled.

After-Fire Inspector appointment – Supervisor Forbes reported that after many months of trying unsuccessfully to work with the Village to use the same individual for after-fire inspections, he had asked Town Code Enforcement Officer John Daniels if he had the appropriate training for and interest in the position. Daniels said that he was trained and that he would take on the position at no extra charge. On motion by Councilman Williams, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Code Enforcement Officer John Daniels be appointed as the After-Fire Inspector for the Town of Homer.**

Town Road Protection Law – There was some discussion about the proposed Town Road Protection Law which would require persons operating oversized or overweight vehicles on a Town road to obtain a permit from the Town Supervisor. Supervisor Forbes said that he had received a phone call from County Legislator Kathy Arnold who was concerned about how it would apply to the operation of farm equipment. Attorney Snyder said that most farm equipment would not fall under the regulations and if there was some concern the Board could grant a permit waiver. He said that the law is aimed at gas-drilling companies and windmill turbine companies who in other states have broken up Town roads with frequent use by oversize and overweight vehicles. Highway Superintendent Phelps agreed that Town roads were not built to withstand such heavy traffic.

Supervisor Forbes set the public hearing on the Town Road Protection Law for Wednesday, April 7th, at 7:15 p.m. in the board room of the Town Hall. On behalf of the Board he thanked Snyder for all the work he has put into writing this new law.

Senior Center kitchen vent - Councilman Warren reported that he had taken a look at the situation in the Senior Center kitchen and said that there is no easy fix to the problem of venting heat from the stove. He suggested that a pipe could be run from the basement to the upper part of the Town Hall, but said that he would check with others that may have more experience in this area and report at the next meeting.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps said that he would be attending a seminar given by the Cortland County Soil & Water Conservation District Office on Thursday. He said he was giving some thought to going to Albany with other Highway Superintendents later in March to lobby the State Legislature to maintain the funding for the CHIPS program.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Highway Superintendent Phelps be authorized to advertise for bids for the sale of the Town's 1976 Brockway truck.**

The truck is believed to be somewhat of a collector's item, but its age and lack of repair parts makes it of little value as part of the Town's fleet of trucks.

Phelps also reported on a few problems they had with the recent heavy snowfall and that they will soon be installing some culvert pipes when the weather allows.

The meeting was adjourned at 11:00 p.m.

Anita W. Jebbett
Town Clerk