

Regular Meeting
May 5, 2010

The regular meeting of the Town Board of the Town of Homer held on Wednesday, May 5th, 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

Paul Burhans, Dog Control Officer

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

The minutes of the April 7th, 2010, 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 the following:

1. The Town Clerk's monthly report of all receipts and disbursements for April.
2. The Code Enforcement Officer's monthly reports of all permits issued for the month of April.
3. The Dog Control Officer's monthly report of all activities for April.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Williams, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that General vouchers #104 through #129 totaling \$49,908.90 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Warren, seconded by Councilman Williams and carried unanimously: **RESOLVED: that Highway vouchers #66 through #94 totaling \$25,967.95 be approved for payment.**

NEW BUSINESS

Memorial Day Parade - Supervisor Forbes reminded Board members that the annual Memorial Day Parade will be held this year on Monday, May 31st. They discussed riding in Highway Superintendent Phelps' horse-drawn wagon.

Liability Insurance - Forbes said he had reviewed the Town's liability insurance with a representative from First Niagara who will hopefully be able to furnish a quote on the annual renewal of the Town's insurance.

Notice of Claim received - Supervisor Forbes reported that the Town of Homer had also been named in a notice of claim filed following an automobile accident at the corner of North Fulton and James Streets in the Village of Homer on January 28th, 2010.

Highway Superintendent Phelps has filed an affidavit stating that the streets involved are solely the responsibility of the Village of Homer's to maintain and because of that fact, the Town should not be named as a defendant in any such lawsuit.

Forbes also reminded Town Board members that the Homer-Scott Consolidation Committee would be meeting again this month on Wednesday, May 19th, at 7:00 p.m.

ASSESSMENT UPDATE PROPOSALS

Supervisor Forbes reported on meeting with David Briggs, Assessor for the Town of Cortlandville and the City of Cortland, and Mike Maxwell, who was the low bidder on the Cortland County RFP for a reval for the Town of Homer.

Briggs' proposal for the reval was over \$100,000 less than the proposals received by the County. But in order for the Board to accept his proposal, he asked that he be appointed the Assessor for the Town of Homer.

Mike Maxwell had offered to drop his bid by \$50,000, but it was still higher than Briggs' proposal. Councilman Williams and Supervisor Forbes had looked into Maxwell's contention that there have been people who have been upset with how Briggs has handled his revals in other towns. They had concluded that there has been much more positive feedback than negative in Briggs' case.

There was some discussion about the fact that Briggs would be going on the Town's payroll and that he has offered to hire Frances Armstrong to continue staffing the office in the Town Hall for the immediate future.

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that the County Real Property Tax Services Office be notified that the Town of Homer will no longer be utilizing their assessment services, and that the Town will instead be hiring David Briggs as the Homer Town Assessor as of July 1st, 2010, in accordance with a contract to be approved by the Attorney for the Town.**

OLD BUSINESS

Plowing County roads for 2010-2011 season - On motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the Town Board hereby approves the renewal of the Snow & Ice Control Contract with the Cortland County Highway Department for the 2010-2011 snow season under the same terms as the current year's contract.**

Fencing for the new Town Hall parking lot - There was much discussion about three sets of quotes received for fencing on the north side of the Town's new parking lot, next to the Andrews' home/daycare. Highway Superintendent Phelps said that he had received quotes as follows:

1. Butler Fence, Syracuse – PVC fencing \$6,933
- chain link fencing \$6,321
2. Atlas Fence, East Syracuse – PVC fencing \$6,250
- chain link fencing \$5,648
3. Whitmore Fence, Dryden – PVC fencing \$12,000+
- chain link fencing \$6,381

There was some discussion about the two types of fencing with Burhans saying that the vinyl holds up better because in his experience the chain link tends to rust. Phelps said that Whitmore Fence had loaned them the current chain link fencing at no cost. The Town plans to remove that fencing and the company hired will place the new fencing right on the property line.

A motion by Supervisor Forbes and seconded by Councilman Warren to offer to pay Whitmore Fence \$6,000 for a new chain link fence including the rental of the current chain link fence used for the past 2-3 years was defeated, with Forbes and Warren voting in the affirmative, and Weddle, Williams and Young voting in the negative.

Councilman Young said that he preferred a PVC fence which would block the headlights of cars parking in the lot at night and for aesthetic reasons.

On motion by Councilman Young, seconded by Supervisor Forbes, and carried, Forbes, Warren, Weddle and Young voting in the affirmative, and Williams opposed: **RESOLVED: that the bid from Atlas Fence for a vinyl (PVC) fence for \$6,250 hereby be approved.**

Highway Superintendent Phelps re-read the quotes from Atlas Fence and said that the vinyl comes in 4 or 5 colors and that there is a deduction for the "classic style" bringing the quote to \$5,635. With the new information, Councilman Young rescinded his previous motion.

On motion by Councilman Young, seconded by Supervisor Forbes and carried unanimously: **RESOLVED: that the bid from Atlas Fence for a white vinyl (PVC) fence in the classic style for \$5,635 hereby be approved.**

Changes in NYS dog licensing - Town Clerk Jebbett reported on attending the New York State Town Clerk's Association annual meeting in Saratoga Springs at the end of April. She said that in all likelihood the State will get completely out of the business of licensing dogs. The towns (and cities) will be able to set their own fees and keep all of those fees to license dogs residing within their borders. She said that only a minor adjustment to their current Williamson Law Book computer program would be necessary in order for the Town to issue license renewals and that it would also be necessary to purchase dog tags.

ATTORNEY FOR THE TOWN

Attorney Pat Snyder said that at the last meeting the Board had authorized Supervisor Fred Forbes to sign the environmental assessment form which had concluded that a negative declaration be made as to the impact of the Town's adoption of the new road protection law.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: WHEREAS, the Town of Homer owns approximately 62.3 miles of town roads, and these roads are essential to the public health and welfare of the citizens of Homer, and**

WHEREAS, the Town Board of the Town of Homer has conducted a lengthy study of a proposed local law for the protection of town roads, and

WHEREAS, a public hearing on the proposed local law was held on May 5th, 2010, and all public comments have been considered, and

WHEREAS, the proposed local law is consistent with the Town's plans and goals for its system of roads, and

WHEREAS, the Cortland County Planning Department and various town highway superintendents have participated in the development of the proposed local law and recommended approval, and

WHEREAS, the adoption of the new local law is a Type I action under the State Environmental Quality Review Act and a full environmental assessment form has been completed and duly considered, and

WHEREAS, the Town Board has adopted a negative declaration pursuant to SEQR because the local road protection law will not have any adverse environmental impacts but will provide significant environmental, social and economic benefits,

IT IS HEREBY RESOLVED that Local Law #2 for 2010 is hereby adopted pursuant to the Municipal Home Rule Law, to become effective upon filing with the New York Secretary of State.

Farmland Protection Grant - On motion by Councilman Williams, seconded by Supervisor Forbes and carried unanimously: **RESOLVED: that a request by American Farmland Trust for an extension of the deadline for them to complete their work until June 30th, 2011, hereby be authorized, subject to review by the Attorney for the Town.**

There was some discussion about correcting the Farmland Protection maps. Attorney Snyder will be talking with County Planning Director Dan Dineen in regards to this matter.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported that over the past month he and the Town's highway crew have cleaned ditches, taken trees down in the Town's right-of-way, attended the required safety training as offered by the local Association of Town Highway Superintendents, rented a brush cutter to mow the roadsides, and delivered the Brockway truck to the CNY Living History Center. He also said that some repairs are necessary for the pothole patcher that was purchased at auction jointly with Truxton and Cuyler.

Phelps said that the major road projects this summer will be the re-surfacing of the Anderson Tract (Anderson Drive, Alfred Lane, Fairlane Road and Meadowview Lane) and the grinding and surfacing of the Creech Road from Route 90 to Summerhill. Summerhill will be doing the same with their portion of the road. That project may hinge on how much if any of the CHIPS funding is received from the State.

There was discussion about Phelps attending an auction in Palmyra to purchase a used pickup truck to replace the Town's 1999 Chevrolet pickup.

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

Anita W. Jebbett
Town Clerk