

The regular meeting of the Town Board of the Town of Homer held in the board room of the Town Hall Building on Wednesday, June 2nd, 2010, 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
Brian D. Young, Councilman
Patrick M. Snyder, Attorney for the Town
John R. Phelps, Highway Superintendent
Anita W. Jebbett, Town Clerk

ABSENT

Kevin M. Williams, Councilman

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

The minutes of the May 5th, 2010, regular meeting were approved as presented, on motion by Councilman Young, seconded by Councilman Weddle and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

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

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that General vouchers #130 through #161 totaling \$49,518.79 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Young, seconded by Councilman Warren and carried unanimously: **RESOLVED: that Highway vouchers #95 through #117 totaling \$40,954.23 be approved for payment.**

NEW BUSINESS

Board of Assessment Review - Supervisor Forbes reported on some problems that occurred on Grievance Day due to the illness of the newly-appointed member of the Board of Review, Steve Triolo, and an illness in the family of member Leclar Dennis.

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that former Board of Review member Hugh Riehlman**

be appointed as an alternate member of the Homer Town Board of Assessment Review.

Liability Insurance - Supervisor Forbes explained that Bill Neely from First Niagara had wanted to bid on the Town's liability insurance for this year which is due for renewal on June 9th, but found he did not have enough time to process the insurance applications. He was able to obtain one quote but he felt the savings were not significant enough for the Town to want to change to a new insurance carrier. He said that he would like the opportunity to bid again next year.

Forbes read the bid received from the Reagan Agency of Marcellus who has provided the Town's liability insurance for the past several years. Forbes explained that the amount due was \$1,100 more than last year, but it included an increase in the value of the Town Hall Building and a new (used) pickup truck. He said that he once again would sign a form to reject special coverage for terrorism.

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town hereby accepts the bid of the Reagan Agency for the Town of Homer's liability insurance for a cost of \$27,550 for the period from June 9th, 2010 until June 9th, 2011.**

New Town Assessor - There was some discussion about the contract with David Briggs to be the new Town Assessor. Attorney Pat Snyder said that he had reviewed Briggs' contract and the minor changes he had requested have now been made.

On motion by Councilman Weddle, seconded by Councilman Warren and carried unanimously: **RESOLVED: that Supervisor Frederick Forbes is authorized to sign the contract with David Briggs whereby he will become the Town Assessor for the Town of Homer as of July 1st, 2010.**

Supervisor Forbes reported that the current equalization rate for the Town of Homer is 83%.

Consolidation Committee - Supervisor Forbes announced that the Consolidation Committee will meet again on Wednesday, June 16th, to work out the verbiage on a resolution for the July meeting.

Budget modification - On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that in the General Fund A, the estimated revenues (A3021) be increased by the amount of the Justice Court Grant received, \$2,716.29, and the appropriation for court expenditures (A1110.4) be increased by that same amount.**

Changes in dog licensing - Supervisor Forbes read a letter from Senator Seward in response to a letter from the Town Clerk asking that the State continue its dog licensing computer program. Clerk Jebbett said that until the State passes the new budget it is not really clear what will be happening with dog licensing.

Town Hall Exterior Renovations Project - Supervisor Forbes reported that Diamond & Thiel intend to start working on the Town Hall windows around mid-June and that the precast masonry will be ready for replacing the old masonry by the first week in July.

HIGHWAY SUPERINTENDENT

Superintendent Phelps said that he would be attending the Annual June Highway School offered by the Cornell Local Roads Program next week at Ithaca College.

Phelps said that last week they had Suit-Kote put a top coating on the Anderson Tract (Anderson Drive, Alfred Lane, Fairlane Road, and Meadowview Lane) off Route 41, using 600 tons of material. He said that in spite of the heat that day it turned out well. Phelps said that the project would qualify for the State CHIPS funding provided it comes through in full after the State budget is adopted.

Superintendent Phelps said that he hired Howe's Nuisance Service to get rid of beavers who had built a dam potentially blocking the large culvert on Sweeney Road

where Blue Creek passes under the road. He explained that he had obtained a permit from DEC and permission from the property owner, Robert Sweeney, to do so.

Phelps said that the Highway Department had also cut some brush along the Tioughnioga River near the Albany Street Bridge and also along roadsides.

There was some discussion about replacing the Daewoo front-end loader which is having some electrical problems. Phelps had contacted dealers about two new machines that are on State bid, a Case from Seneca Supply (Volvo) for around \$105,000 and a New Holland from Tracey Road Equipment for around \$109,000. He was surprised that the prices have not increased over the past year or two. The prices include a trade-in allowance for the Daewoo. Councilman Young said that he would check into the listings for a used front-end loader.

ATTORNEY FOR THE TOWN

Attorney Patrick Snyder said that he had received notification from the State that the Local Roads Protection Local Law adopted at the last Board meeting has been filed, and therefore is now in effect.

Snyder reported that the wind-mill project is now on the back burner due in part to a moratorium declared by the Town of Cortlandville, and that gas drilling is also on the back burner due to continuing environmental reviews by the State.

There was some discussion of the Beard's request to extend their gravel mine on East River Road to within 25 feet of the road. Although a public hearing has been held by the Zoning Board of Appeals, they have yet to grant the requested variance of the Town Zoning Law which allows mining within 75 feet of a roadway. The Planning Board would also be involved in the granting of a special permit for the mine. Snyder reminded the Town Board that he will need to recuse himself due to a conflict of interest. He represented the Beard's in the past when they first obtained their mining permit. Supervisor Forbes said that if the Planning Board or ZBA wishes to have legal advice, the Town will be willing to pay another attorney to give them that advice. Snyder agreed to inform the Planning Board and the ZBA of the Town Board's offer.

Councilman Warren reported that he had received a letter from TCI Renewables, the wind-mill company, reminding him that he is both a member of a decision-making board, and someone who has a potential financial interest in the project due to the location of land Warren owns in Truxton. Warren said that he has always been mindful that he has a conflict of interest in this matter and asked Attorney Snyder to respond to TCI's letter by informing them that he intends to recuse himself from any decisions regarding the wind-mills. Snyder agreed to do so and stated that he has helped Warren and well as some others in their negotiations with TCI in the recent past.

The meeting was adjourned at 8:50 p.m.

Anita W. Jebbett
Town Clerk