

Regular Meeting  
September 8, 2010

The regular meeting of the Town Board of the Town of Homer held on Wednesday, September 8<sup>th</sup>, 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  
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

OTHERS PRESENT

Ed Finkbeiner, reporter, The Homer News

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

**The minutes of the August 4th, 2010, public hearing and regular meeting, and of the August 23<sup>rd</sup>, 2010, bid opening 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 Supervisor's monthly report of all cash receipts and disbursements for the month of July and August.
2. The Town Clerk's monthly report of all receipts and disbursements for the month of August.
3. The Dog Control Officer's monthly report of all activities for August.
4. The Code Enforcement Officer's report of all building permits issued in the month of August.

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 #213 through #233 totaling \$37,338.67 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 #149 through #168 totaling \$63,360.82 be approved for payment.**

NEW BUSINESS

Town Hall Exterior Renovation Project - Supervisor Forbes reported on the progress to date of the Town Hall Exterior Renovation Project. He said that as yet Diamond & Thiel does not have a firm date for delivery of the pre-cast concrete. Board members agreed with the Supervisor that the Town may not want to proceed with the concrete work if the pre-cast doesn't arrive until mid-October. Due to the cold it may be

best to wait until the spring to complete the work. Supervisor Forbes reminded the Board that the Town has yet to receive the grant money it was awarded and would hopefully be getting those funds prior to the completion of the project.

Town Assessor - Assessor David Briggs has submitted a schedule of the work he is doing on the revaluation of the Town's assessments. The data mailers are scheduled to be completed by the end of November and the informal meetings with property owners are scheduled for March, 2011. Briggs is planning to attend the October Town Board meeting.

Briggs also has written an apology in response to a letter from Damon Ormsby, a Village resident whose wife was upset by a visit from a data collector hired by Briggs.

Housing Grants - Supervisor Forbes reported that Ann Hotchkin had stopped in to let the Town Board know that the Town of Preble got a housing grant on their first try and that the Town of Cuyler was on its sixth grant. The Town of Homer was turned down five times.

Time-Warner franchise fee underpayment - Mike Caton from Computel has asked for the Board's approval on a letter to be sent to Time Warner in order to finally collect from them the franchise fees that were underpaid. Because of the absence of Councilman Williams, Supervisor Forbes suggested that the matter be addressed at the October meeting so that Williams and Attorney Snyder would have time to review the letter.

Cortland County Soil & Water Conservation River Clean-up Day - Supervisor Forbes read a letter from Soil & Water informing the Board that the River Clean-up this year is scheduled for Saturday, September 25<sup>th</sup>. Forbes said that anyone interested in volunteering should sign up by September 10<sup>th</sup>.

Proposed soybean oil plant - Councilman Young reported on attending the public hearing held on the Empire AgriFuels, LLC soybean oil plant proposed for the former Homer Oil site off Center Street in the Village.

Young said that the meeting went well and was very well attended. Empire AgriFuels, associated with the State University at Morrisville, has a \$4 million grant and is interested in the Homer site because it would not require much renovation. He said that they will make a serious attempt to overcome the complaints associated with the former Homer Oil plant - using better filtration to prevent odors and addressing transportation-related issues. Young expects that Empire AgriFuels will hold another hearing within the next month or so.

Court Audit - Supervisor Forbes said that he had received a notice from the State of New York Unified Court System requesting a copy of the most recent audit or examination of the Town Court's records. Councilman Young said that he and Councilman Williams will plan to examine the records in the near future in order to comply with that request.

Horizontal gas drilling - The Town of Barker in Broome County has passed a resolution supporting horizontal gas drilling in their Town and is asking other Towns for a copy if they make a similar resolution. Supervisor Forbes stated that he does not believe that any Town Board has enough expertise and information to make a decision to allow or prevent gas drilling. He stated that he would lean heavily on the NYS DEC for that expertise. Forbes said that while area landowners could benefit from the drilling, the water must also be protected.

Attorney Snyder said that the NYS Legislature has placed a moratorium on horizontal gas drilling in New York State until May of 2011 in order to give the DEC enough time to present their findings.

Standard Work Day and Reporting Resolution - The New York State Retirement System is now requiring that public employees that do not participate in their employer's time keeping system keep a three-month record of the time that they worked.

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Town of Homer hereby agrees to report and publish the following resolution stating the number of days worked by Town elected and appointed officials in order to comply with a recent State law:**

**BE IT RESOLVED, that the Town of Homer hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:**

**Town Supervisor – Frederick J. Forbes – 5 days/month**

**Town Councilmember – Barry E. Warren – 2 days/month**

**Town Councilmember – Brian D. Young – 2 days/month**

**Town Councilmember – Kevin M. Williams – 5 days/month**

**Highway Superintendent – John R. Phelps – 21 days/month**

**Town Clerk – Anita W. Jebbett – 21 days/month**

Dog Licensing Changes - Supervisor Forbes reminded Board members that the State will be getting out of the business of licensing dogs. He said that the State will be coming out with a model Town law in the near future as Towns will be taking over that function. Forbes discussed functions of Town government that he thinks could be centralized in the near future. Clerk Jebbett said that all Cortland County Town Clerks will be meeting at the Homer Town Hall on Monday, September 20<sup>th</sup>, to discuss the upcoming changes in the dog licensing law.

Town Hall furnace repair - Councilman Barry Warren reported on the three quotes received for renovating the Town Hall's heating system. After clarifying the fact that they would need to pay prevailing wages in accordance with State law, the low bid of \$14,500 was received from K&B Plumbing & Heating of Cortland. While the bid from Climate Control of Endicott was less, they had not included changing over the hot water system for the Senior Center kitchen. Warren said that K& B planned to start work prior to the fall heating season.

On motion by Councilman Warren, seconded by Supervisor Forbes and carried unanimously: **RESOLVED: that K&B Plumbing & Heating of Cortland be awarded the bid on renovating the heating and hot water systems in the Town Hall for \$14,500.**

High-speed internet – County Legislator Kathy Arnold has informed Supervisor Forbes that she is working to get funding for broadband for Cortland County. The matter was brought to her attention when a Town of Homer farmer planning to purchase an automatic milking system found it required a broadband internet connection. She found that there is money available for broadband through Federal stimulus funds that the State has received.

## HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported that the Department's oil and stoning work of the year is now half completed. He will be starting another CHIPS job on Monday and they will soon be mixing the sand and salt to prepare for the upcoming winter season. He will also be helping Diamond & Thiel Construction with the south portico project.

Phelps reported that Highway employee Charles Hopkins will be retiring in November of this year and Daniel Lyon is looking into early retirement using the recently adopted NYS Retirement Incentive. The Board discussed hiring replacements for one or both positions.

Phelps said that only one bid had been received for the Town's 1998/1999 Daewoo Mega 250 wheel loader.

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Town Board hereby accepts the bid of Jim Scutt, SCUTTworks Equipment, Syracuse, for the 1999 Daewoo Mega 250 loader for \$21,000.**

Highway Superintendent Phelps said that Scutt had agreed to take the Daewoo loader only after the Town receives the new John Deere loader in less than sixty days.

Phelps said that he has learned that Coverall, the company whose salt storage shed the Town built a few years ago, has gone out of business. After some discussion it was decided that there are other companies that should be able to make any repairs that the Town may need.

#### ATTORNEY FOR THE TOWN

Attorney Pat Snyder reported that he has filed Local Law #3 of 2010 regarding the State Retirement Incentive with the Secretary of State. The Town Clerk has filed a certified copy of the law with the NYS Retirement System.

Snyder said that he has done some research into the prevailing wage law and how it may apply to work done for the Town. He has given some information on it to the Town Clerk for future reference. Snyder said that it does apply to the heating system renovation.

He reported that he sent a letter stating that the Town does not object to Judge Tait handling the David Yaman assessment case. Snyder will be providing a training session for the Town Planning Board and Zoning Board of Appeals members prior to the next Planning Board meeting this month.

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

Anita W. Jebbett  
Town Clerk