

Regular Meeting
November 3, 2010

The regular meeting of the Town Board of the Town of Homer held on Wednesday, November 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

Lindsay Kemp, Assistant Dog Control Officer
David Briggs, Town Assessor
Martin Sweeney, Town Historian
Kevin Baldwin, resident

Supervisor Forbes led those present in the pledge of allegiance.

TOWN ASSESSOR

David Briggs, Assessor, was present to update the Town Board on the status of the current Town revaluation. He said that the data collection for the Village is now complete and his employees have started collecting data on the Town. He is finding that there is more incomplete or inaccurate data in the Town. He will be sending out inventory mailers to Village property owners in the near future and they will have the opportunity to correct any incorrect information and return them to him while the Town data is being collected. Although the whole process is a little behind schedule, Briggs was confident that all could be completed on time. He said that Board members should feel free to call him if they have any questions.

There was some discussion about the assessment lawsuit regarding the Henkel property on James Street in the Village in response to a question from Attorney Snyder. Briggs said if the property is sold at a much lower price that it is assessed for it will be a huge loss to the Village in particular. Briggs said that he would take a look at what Henkel is requesting and would make a recommendation through Attorney Snyder that was in the best interest of the Town.

Board members thanked him for the update.

MINUTES

The minutes of the October 6th regular meeting and the October 20th special 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 Town Clerk's monthly report of all receipts and disbursements for the month of October.
2. The Dog Control Officer's monthly report of all activities for October.
3. The Code Enforcement Officer's monthly report of all building permits issued for October.

4. The Supervisor's monthly report of all cash received and disbursed for the month of September.

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 #263 through #285 totaling \$49,042.06 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 #190 through #209 totaling \$193,318.05 be approved for payment.**

The bills included the invoice for the new 2011 John Deere Loader for \$124,044.

NEW BUSINESS

Seasonal roads – Highway Superintendent John Phelps presented a list of roads to be maintained only seasonally. On motion by Councilman Young, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Town Highway Department is hereby authorized to temporarily discontinue snow and ice removal and maintenance on those Town highways and portions thereof from December 1st, 2010, to April 1st, 2011, as follows:**

Foster Road	.50 miles
Burhans Road	.50 miles
Wolf Road	.25 miles
Grange Road	.75 mile from Rice Road to Brake Hill Road
Brake Hill Road	.50 miles
Rice Road	.50 miles
Carroway Hill Rd	.25 miles
McDonald Road	.25 miles
Sessions Hill Rd	2.50 miles
Vern King Road	entire length
Maxson Road	1.70 miles from Sessions Hill
Forbes Road	.80 miles
Chapman Road	1.00 miles
Searls Road	.50 miles
Dillon Road	.25 miles

Town Historian Annual report – Town Historian Martin Sweeney presented each Town Board member with a copy of his report for 2010. He explained that he had not yet heard if the Village would be getting a grant that he had helped them apply for to purchase a historical marker for Main Street. Sweeney showed the Town Board a copy of the “Historical Atlas of Cortland County”, published in 1876, formerly owned by William G. Crandall, Sr., and donated by Barbara A. Crandall. This was just one of many books and other materials acquired over the past year. For the storage of all these new materials Jeff and Anita Jebbett had donated a metal file cabinet which was then spray-painted by the Highway crew and placed in the Town offices.

Sweeney discussed his efforts to have a bronze statuary group placed on the Village Green with representations of Homer's three connections to Abraham Lincoln, Francis B. Carpenter, William O. Stoddard, and Eli DeVoe. While his first attempt to get the permission of the First Religious Society to locate the statues on the Green proved unsuccessful, he said that he is considering a different location and is continuing to look into ways to finance the project, called the Mecca Project.

Sweeney said that his suggestion that the Village of Homer change their “welcome” signs from “David Harum” to “Historical Homer” was rejected by the Village.

Supervisor Forbes thanked Sweeney on behalf of the Town Board for his report and for the remarkable effort he puts into his job as Town Historian.

Records Management - On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that in accordance with the *Records Retention and Disposition Schedule MU-1*, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law of the State of New York, the following records have been determined by the Records Management Officer to be eligible for disposition:**

Accounting – general accounting records – 2002, 2003

- vouchers & abstracts – 2002, 2003

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Banking – Savings Account – 2001, 2002, 2003

- **General & Highway Accounts – bank statements, check stubs, deposit slips – 2002, 2003**

Building Permits – monthly report – 2003

Budget – supporting info – 2000, 2001, 2002

Conservation licensing – monthly reports to NYSDEC – 1999-2000, 2001-2002, 2002- 2003

DECALS – banking info – 2003

Dog Licensing – renewals & inactive licenses – 2004, 2005, 2006

- **monthly reports to Ag & Markets – 2002, 2003**

Health Insurance – monthly invoices - 1999

Justice Court – monthly reports – 1998, 2000, 2001, 2002, 2003

Liability Insurance policies – 2001-2002, 2002-2003

Marriage Licenses – monthly report – 2002, 2003

Tax Collection – Tentative Assessment Rolls – 2004, 2005

- **Final Assessment Rolls – 1999, 2000**

- **Escrow account requests – 1989, 1990, 1992, 1994, 1995, 2003**

- **Bank statements – 1991, 1992, 1993, 1994, 1995, 2003**

- **Tax receipts register – 1991, 1992, 1993, 1994, 1995, 2003**

- **Tax payment schedule – 1994, 1995, 2003**

Town Clerk - monthly reports – 2000, 2001, 2002, 2003

- **bank statements – 2002, 2003**

Vital Records – applications for copies – 2002, 2003

Town Clerk Jebbett explained that ProShred Security would be picking up the disposal bin on Wednesday, November 17th, and shredding the materials which will then be recycled.

Proposed Dog Local Law – On motion by Councilman Weddle, seconded by Councilman Young and carried unanimously: **RESOLVED: that following the public hearing, Local Law #4 for the Year 2010, “Licensing & Control of Dogs in the Town of Homer”, is hereby adopted, to be effective as of January 1st, 2011.**

Proposed Crown City Wind Farm – Supervisor Forbes scheduled a special meeting of the Town Board for Wednesday, November 10th, in the board room in order to meet with TCI Renewables representative Gareth McDonald to get an update on the proposed wind farm project. He said that the meeting would be informational only.

Town Hall Exterior Renovation Project - Supervisor Forbes reported that Diamond & Thiel project foreman Scott Crysler had asked if the Town wants to place storm windows on the upper level of the building. If they choose not to it would save them money on the project. After some discussion it was decided that the decision should be made after meeting with Mr. Crysler and Architect Jon Carnes. Board members agreed to leave the decision up to Supervisor Forbes and Councilman Warren who planned to attend that meeting on Thursday, November 4th, at 2 p.m.

Court Audit – On motion by Councilmen Williams & Young, seconded by Councilman Warren 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 2009 Town of Homer court records on October 28th, 2010, 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 checkbooks were reconciled on a timely basis, and that cooperation by the Town Justice and Court Clerk was found to be excellent;

WHEREAS, the following items were noted:

- 1. The January 27th, 2009, receipt ticket #670817 was difficult to interpret, but further documentation from the original case file examined found accurate reporting.**
- 2. While the court week February 12th, 2009, balance did not balance according to deposits made for that week, it was found that the appropriate corrections were made in the week of February 19th, 2009.**
- 3. Examination into bank statement debits and adjustments reveals that Canadian checks are handled separately with the depository bank and the bank was making customer debit and credit entries to separate the foreign funds checks as they were being deposited. This is an internal function of the bank and shows no unaccounted for debits/credits in the Justice Fund accounts.**
- 4. Service charges for the depositing bank are currently being deducted directly from the Justice Fund account. Although a small and infrequent amount, this creates an adjusting entry in the Audit Report.**
- 5. Historical bail account reconciliation has been completed and is up-to-date. There are several entries that cannot be reconciled because historical data no longer exists. An appropriate adjusting entry is needed to clear out the negative balance.**

NOW BE IT RESOLVED that the Court Clerk be authorized to contact the depository bank and make arrangements for invoice billing on any service charges for the Justice and Bail accounts, and that all foreign funds checks be deposited separately and noted in the receipt book.

ATTORNEY FOR THE TOWN

Attorney Patrick Snyder informed the Town Board that he had given another training session for Town Planning and Zoning Board members in October. The two-hour session was well-attended and helped members to complete the four hours of training now required for their positions.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps said that he and his crew were busy getting equipment prepared for the upcoming winter weather. He had also been shoring up Hights Creek where it had washed out during a heavy rainstorm in October. Phelps said that he was concerned that build-up in the creek beds in the area would cause flooding in the future. Attorney Snyder said that it is possible to get a permit from DEC to clean the creek beds, even if it is a protected stream.

He reported that he has sold the old 1996 GMC Top Kick at auction. After purchasing a drag box for \$450, the Town netted \$2710 for the truck.

Phelps plans on billing the County next week for the salt/sand mixture it stores for them for use at the landfill.

On motion by Councilman Young, seconded by Councilman Warren, and carried unanimously, **it was resolved to enter into an executive session at 8:40 p.m. for the purpose of discussing the employment history of individuals as it relates to their salaries.**

On motion by Councilman Young, seconded by Councilman Weddle, and carried unanimously, **it was resolved to end the executive session and reconvene the regular meeting at 9:40 p.m.**

TOWN BUDGET

On motion by Councilman Warren, seconded by Councilman Young and carried, Supervisor Forbes and Councilmen Warren, Weddle and Young voting in favor, and Councilman Williams opposed: **RESOLVED: that the 2011 Town Budget hereby be adopted as amended - Town Highway employees are to each receive an increase of \$500 for fiscal 2011, the Town Clerk is to receive a \$500 increase in her annual salary, the Dog Control Officer is to receive a \$200 increase in his annual salary, and a per month reimbursement is to be made to the Town Highway Superintendent for the use of his cell phone for Town business matters equal to \$500 for the year - and that the Town tax rates remain at \$1.58 per thousand for Village of Homer residents and \$2.10 per thousand for Town residents outside of the Village.**

Councilman Williams explained that he was opposed due to concerns about the increase in the cost of health insurance and retirement. (See attached explanation).

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **it was resolved to enter into an executive session at 9:50 p.m. for the purpose of discussing possible litigation.**

On motion by Councilman Young, seconded by Councilman Warren and carried unanimously, the executive session was ended at 10:30 p.m. No action was taken.

The regular meeting was adjourned at 10:30 p.m.

Anita W. Jebbett
Town Clerk