

Regular Meeting  
March 2, 2011

The regular meeting of the Town Board of the Town of Homer held in the board room of the Town Hall Building on Wednesday, March 2, 2011, 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

Tim and Crystal Marsh & family, residents, 1226 Route 90  
Ed Finkbeiner, reporter, The Homer News

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

**The minutes of the February 2<sup>nd</sup> regular meeting were approved as presented, on motion by Councilman Warren, seconded by Councilman Williams 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 Dog Control Officer's monthly report of all activities for February.
3. The Code Enforcement Officer's monthly report of all building permits issued for February.

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 #39 through #67 totaling \$36,583.54 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 #25 through #45 totaling \$48,301.48 be approved for payment.**

NEW BUSINESS

Snowmobile traffic and noise – Tim and Crystal Marsh, residents of Route 90 property opposite the entrance to Wolf Road, were present to complain about the noise created by snowmobilers waiting to cross Route 90 and travel up Wolf Road any time of the day or night. The snowmobile trail is across the open field between their house and the Sunoco gas station. Despite a sign posted by the Highway Superintendent stating that there is no snowmobiling allowed between the hours of 2:00 a.m. and 7:00 a.m., they continue to run late into the night.

Highway Superintendent Phelps said that he had spoken last year with the president of the snowmobile club about their concerns.

Attorney Snyder said that under NYS Parks, Recreation and Historic Preservation Law, snowmobiles are authorized to travel on seasonal Town highways. He said he would be glad to do more research and report at a future meeting.

Supervisor Forbes said that the Town Board understood their situation and sympathized with them, but would need to look into the matter further to see if something could be done.

Tim Marsh thanked the Town Board for their time and thanked Highway Superintendent Phelps for fixing a problem they had with water running down Wolf Road and into their driveway.

Village employees' Notice of Claim – Supervisor Forbes informed the Board that Village employee Beverly Berry has withdrawn from filing a future lawsuit as she has no “known lasting symptoms”. The four remaining claimants would be giving depositions on Tuesday, March 22<sup>nd</sup> in the Town Court Room.

Senior Center requests – Supervisor Forbes said that the seniors have requested permission to locate a bench outside the new back entrance to the Senior Center and have asked the Town to see if the trash shed can be repaired. Board members all agreed with placing a bench by the entrance. Forbes said that he would check with them to see where they want to place it.

Parking lot light – Supervisor Forbes apologized to the Board for forgetting to run by them changing the new parking lot light from a light sensor to a timer. Because street lights also light up the area, a timer was thought to be more appropriate and energy-efficient. Electrician Lew Heath has made that change.

Budget Summary - Supervisor Forbes had sent all Board members a copy of the budget summary which included some year-end modifications of the budget. On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the 2010 Town budget be modified as per the attached budget summary.**

National Grid energy savings proposals – Last fall a representative of National Grid visited the Town Hall and the Highway Garage in order to look over the lighting systems and to propose ways of making them more energy efficient. National Grid has special funding by which they will assume 65-70% of the cost of the upgrade. The Town Board agreed with Supervisor Forbes to have electrician Lewis Heath look over the proposals and to make a decision at their April meeting.

New copier – On motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the Town purchase a new Toshiba E-Studio 255 copier from Toshiba Business Solutions, East Syracuse, for \$3547.**

Town Clerk Jebbett said that the current copier, also a Toshiba, would be given to the Town Justice Court to replace their Ricoh AF270 copier which is now over ten years old.

Percentage of collected taxes - Supervisor Forbes pointed out that after a decline in January of 2009, the percentage of Town & County taxes collected by the end of January has increased and is 74.99% as of January 31<sup>st</sup>, 2011.

Farmland Protection Grant – On motion by Supervisor Forbes, seconded by Councilman Warren and carried, Forbes, Warren, Weddle and Young voting in the affirmative and Williams opposed: **RESOLVED: that a check for the amount of \$12,916.75 for the American Farmland Trust, in payment for work completed to date to develop a Agriculture and Farmland Protection Plan for the Towns of Homer and Scott, is hereby authorized, prior to the receipt of the State grant monies for the project.**

Councilman Young asked all Board members to carefully review the proposed Farmland Protection Plan which was distributed to all Town Board, Planning Board and Zoning Board of Appeals members. He said that the Farmland Protection Plan Committee was

open to any and all suggestions they might have to make the plan better. He asked that they contact him prior to the March 30<sup>th</sup> meeting of the Committee with any suggestions.

New broadband company – Councilman Williams reported that there will be a meeting on March 9<sup>th</sup> at 6 p.m. at the Community Building to discuss the interest in the community for a new broadband company to offer an alternative to Time-Warner in the Village and certain areas of the Town and internet access to areas of the Town not currently served.

Town health insurance – Supervisor Forbes informed the Board that the prescription plan for the 2011 MVP health insurance plan is more costly to the employees than the previous year's plan. This was a mistake on the part of insurance broker Bill Chamberlain and not the intent of the Town Board. A plan similar to the 2011 plan would have cost around \$62 more per month per subscriber.

There was some discussion about how to handle requests made for advances on the quarterly payments into each covered employee's health savings account and how best to protect the Town and each employee's privacy.

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that employees requesting an advance on their HSA (Health Savings) accounts make that request through health insurance broker William Chamberlain of the Fingerlakes Group.**

There was also discussion about whether or not to move the health savings accounts from HSA Bank, a division of Webster Bank in Wisconsin, to Key Bank in Homer. The Supervisor and Councilman Williams both plan to have more information at the April Town Board meeting.

#### HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported that County Highway Superintendent Don Chambers was planning a meeting with all the local governments who maintain roads for the County to discuss a five-year plan for doing so. Phelps said that any five-year plan he agrees to would have to have some sort of index to factor in cost increases.

Phelps also reported on several major repairs that have been necessary over the past few weeks what with the near constant use of the snow removal equipment. Despite a smaller work crew they have been managing the winter season quite well. He complimented his crew and said that they are all working well together. Charlie Ford and he have been taking turns with some night-time plowing when needed.

The unheated storage building behind the Highway Garage started to collapse what with all the snow and wind. It has been temporarily repaired but he plans to have the rafters fortified this spring.

Phelps told the Board that he might be attending the advocacy day for Highway Superintendents next week in Albany to lobby for maintaining the CHIPS program.

#### ATTORNEY FOR THE TOWN

Attorney Patrick Snyder submitted a proposed resolution to allow the Town of Homer to issue permits for fireworks displays. This is in response to a visit by a representative from the New York State Department of Labor which is the agency responsible for enforcing new State laws which expand the authority of local governments to issue permits for the display of fireworks at private events.

Since the proposed resolution involves the Homer Fire Department, Supervisor Forbes suggested that the Fire District and the Homer Fire Chief be consulted on the matter. The resolution and permit will be discussed further at the April meeting.

EXECUTIVE SESSION

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously, **it was resolved to enter into an executive session at 9:00 p.m. in order to discuss the Henkel assessment lawsuit, a matter involving litigation.**

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously, **the executive session was adjourned at 10:00 p.m.**

Supervisor Forbes said that he would be organizing a meeting, with input from County Real Property Director William Cinquanti, to inform the County, School District and Village about the status of the Henkel assessment lawsuit.

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

Anita W. Jebbett  
Town Clerk