

Regular Meeting
May 4, 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, May 4th, 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

Paul Burhans, Dog Control Officer
Glenn Goldwyn, Director, Cortland Housing Authority
Herb Mead, resident, Mead Road
Ed Finkbeiner, reporter, The Homer News

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

The minutes of the April 6th special meeting and 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 April.
2. The Supervisor's reports of all cash receipts and disbursements for the months of March and April.
3. The Dog Control Officer's report of all activities for the month of April, in a new computerized format.
4. The Code Enforcement Officer's monthly report of all building permits issued for the month of April.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Williams and carried unanimously: **RESOLVED: that General vouchers #100 through #130 totaling \$57,080.96 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 #65 through #81 totaling \$43,939.81 be approved for payment.**

NEW BUSINESS

Cortland Housing Authority parking – Glenn Goldwyn, Director, Cortland Housing Authority, was present to request permission for residents of the River Street Senior Housing to use the Town Hall parking lot during an approximately two-week period of time when their parking area is being reconfigured and re-paved.

The apartment buildings are located directly across the Water Street foot bridge from the Town's parking lot. After some discussion, the Town Board agreed that there would be enough room in the parking lot to accommodate them. Goldwyn said that the cars involved would have special tags designating them as belonging to the Senior Housing. Attorney Snyder said that the Town lot is publicly owned and using the lot for two or three weeks would not present a problem. Goldwyn thanked the Town Board.

Village complaint re Town Hall air quality – Supervisor Forbes said that he, Councilman Warren, Town Clerk Jebbett, and possibly Eric Monsen of Microbac, would be traveling to Binghamton on Wednesday, May 11th, to testify in the Worker's Compensation claim of Village Clerk LouAnne Randall. He said that regarding the Notices of Claim, the depositions had been postponed and have not been re-scheduled. If and when they are re-scheduled, he will contact the Town Board members so that they may attend during the depositions.

Town Hall grant – Supervisor Forbes reported that he had contacted the Dormitory Authority of the State of New York (DASNY) in regard to the member item grant that the Town was awarded for its Town Hall renovations but has never received. The Dormitory Authority said that the Town had submitted all the correct paperwork but was among others in waiting for the State Legislature to pass a special waiver to allow smaller grants (less than \$250,000) to be awarded.

Farmland Protection grant – Forbes had spoken with John Brennan of the NYS Department of Agriculture and he had requested that certain paperwork be completed in order to obtain another payment on the agricultural grant. That paperwork is now complete and has been submitted.

Deputy Town Clerk retiring - Town Clerk Jebbett reported that Barb Crandall has given notice that she will be retiring as of July 1st. All Board members expressed their regrets upon hearing of her upcoming retirement. Jebbett said that she had been the Deputy Town Clerk since 1989, had done an excellent job, was much liked by Town residents, and would be very difficult to replace. All agreed that she would be a hard act to follow.

Budget modification – On motion by Councilman Weddle, seconded by Councilman Young and carried unanimously: **RESOLVED: that the estimated revenues for the Justice Court grant monies (\$1,000) be increased by \$3,300 because of the \$4,300 grant received, and the Justice Court equipment account (\$1,000) be increased by the same amount- \$3,300- to cover the cost of the new Toshiba copier/fax machine.**

Marcellus shale gas drilling – Supervisor Forbes passed around information from the Association of Towns on a conference on "Preparing for Natural Gas Drilling in the Marcellus Shale Region" to be held in Binghamton on Friday, June 24th. The focus of the conference is how local governments may utilize their home rule authority to help prepare for hydraulic fracturing in the Marcellus shale formation.

Town Attorney Snyder said that there is much to be decided by the State DEC and to be litigated regarding whether or not Towns can regulate things like noise, setbacks, roads, and zoning as they relate to hydraulic fracturing or hydro-fracking. He said that it is still questionable whether or not the gas companies will do hydro-fracking this far north. Snyder also explained that new technologies are being developed all the time which may take care of some of environmental issues associated with hydro-fracking.

National Grid's energy saving improvements – Forbes said that the people from SmartWatt had spent two days, one at the Highway Garage and another at the Town Hall, installing more energy-efficient light fixtures as part of National Grid's Small Business Program, including the new fixtures in the Town Board meeting room. A lift had to be rented to install the lighting at the Highway Garage, and although he had originally planned to share the expense with the Town, Forbes said that he had kept the lift for work on his farm all week and would not charge the Town for that one day.

A summary of the Town Hall National Grid and NYSEG bills shows some savings in electricity and a slight savings in natural gas use what with the Village having left at the end of October. Forbes said that it is expected to see more savings what with the new lighting and storm windows.

Meeting with the Village Mayor and Trustees – Councilman Warren reported that he and Supervisor Forbes had met with Village Mayor Genevieve Suits, Trustee Paul Gower, Trustee Andy Brush, and Village Attorney Patrick Perfetti on April 21st to discuss the two assessment lawsuits the Town is involved with and other matters. Warren said that he felt the meeting went well and all left on good terms. There was some discussion about the Village’s request to continue to store their permanent and temporary records in the basement of the Town Hall. The matter was tabled until the June 8th Town Board meeting. Supervisor Forbes stated on behalf of the Town Board that the Town wants to exhaust every opportunity for bringing the Village Office back to the Town Hall before beginning a search for a new tenant.

Cortland Transit request – Supervisor Forbes read a request by the David Harum Senior Center for Cortland Transit to revise their Homer bus route to include a stop at the back entrance to the Town Hall. He stated that he and the Board were okay with the request.

New chairs for board room – After some discussion, it was decided to hold off on the purchase of new seating for the Town board room. The previous chairs had been removed by the Village and the large table is also owned by the Village. Upon suggestion by Town Attorney Snyder, the Board decided to hold the June 8th Town Board meeting in the Court Room.

Fireworks permit – Attorney Snyder had re-written the proposed fireworks permit and presented it to the Board. The permit will be issued by the Code Enforcement Officer and the Homer Fire Department will do the technical review. On motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: WHEREAS the State Penal Law Section 405 authorizes a town board to appoint a local official as the permit issuing authority to issue permits for certain fireworks displays, and**

WHEREAS the Homer Fire Chief is the operational head of the Homer Fire Department, and is subject to the Homer Fire Department Board of Fire Commissioners, and

WHEREAS the Board of Fire Commissioners agrees that the Fire Chief should be the permit application reviewing authority and the Code Enforcement Officer should be the permit issuing authority, and

WHEREAS the Homer Fire Department is willing to assume the administrative duties associated with the fireworks permit program, and

WHEREAS the Homer Fire Department and the Code Enforcement Officer are aware of the requirements contained within the Penal Law which must be met before a fireworks permit may be issued, including a requirement for a minimum \$1,000,000.00 bond or insurance policy, and

WHEREAS every fireworks display must be conducted under the supervision of one or more state certified pyrotechnicians,

NOW, it is hereby resolved as follows:

- 1. The Fire Chief of the Homer Fire Department is authorized to review all applications for a Fireworks Display Permit pursuant to New York State Penal Law Section 405, subject to direction from the Board of Fire Commissioners.**

2. **The attached application form shall be required for all proposed fireworks displays.**
3. **The Homer Fire Chief shall be under no obligation to recommend issuance of any particular permit, and the Code Enforcement Officer shall be under no obligation to issue any particular permit.**
4. **The sponsor of the fireworks display, and/or the certified pyrotechnician shall be required to indemnify and hold harmless the Town of Homer and the Homer Fire Department with regard to any potential liability from a proposed fireworks display.**
5. **There will be an application fee of \$ 50.00 payable to the Town of Homer.**

HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported that, despite other cutbacks, the State will be paying the same CHIPS money as last year, around \$117,000. He said that some of that money will go towards a joint project with the Town of Summerhill to re-surface Creech Road. Both the Summerhill portion and the Town of Homer portion will be done at the same time to save on machine and rental costs. He also plans to address some issues with Tamarack Lane this season.

Phelps said that he is working with the DEC and Soil & Water Conservation on two creek projects which involve cleaning them up to allow better water flow and prevent any flooding issues.

At the Town Hall, Phelps and his crew installed drainage at the new portico on the south side of the building, removed an old light fixture which used to light up the back parking lot, and removed most of the old equipment – hot water heaters, etc. – from the former boiler room on the north front corner of the basement. Items that were salvageable were taken to Palmyra to be sold at auction. He also removed the old chimney that vented the boiler.

The Highway crew has been cleaning up in the Little York Cemetery, as well as helping Atwater Cemetery dispose of some large branches that had fallen over the winter. All Highway employees have now completed their annual safety training.

ATTORNEY FOR THE TOWN

Attorney Patrick Snyder reported on a dangerous dog case that was heard in Town Court. After first calling a dog owned by David Hoermann a dangerous dog, Justice Shiffer has revised his opinion in a written statement. Snyder said that there are still trespassing issues pending.

Snyder said that the two assessment lawsuits are still awaiting resolution.

NEW BUSINESS, CONTINUED

Snowmobile trail complaint – Supervisor Forbes reported that he has spoken with Doug Stafford, head of the local snowmobile club, who said that he would be speaking with Tim & Crystal Marsh prior to the next winter season to try to resolve their complaints. Forbes pointed out that the Town has no say in such matters as they fall under the jurisdiction of the NYS Parks Department.

Memorial Day Parade - John Phelps was asked to provide transportation in the form of his draft horses and wagon for the Town Board members during the Memorial Day Parade to be held Monday, May 30th.

Deputy Town Clerk position - Supervisor Forbes suggested that the position of Deputy Clerk not include benefits, and that a higher hourly rate be offered instead, depending on experience.

Complaint about highway sweeping – Herb Mead of Mead Road was present to make a complaint about how the Highway crew swept the sand off the road in front of his property. Supervisor Phelps said that they did not handle the sweeping of his road any differently than they would have for any other road and that the Town was perfectly within its rights to do so.

Comprehensive Plan – Ed Finkbeiner asked the Town Board to review their comprehensive plan to see if there are any issues they should be addressing.

New postage meter – On motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the Town hereby agrees to lease a new postage meter, a Hasler IM350 with a 5-lb scale, from Ed & Ed Business Technologies, at a cost of \$91.79 per month for 63 months.**

The meeting was adjourned at 9:10 p.m.

Anita W. Jebbett
Town Clerk