

Regular Meeting  
June 8, 2011

The regular meeting of the Town Board of the Town of Homer held on Wednesday, June 8<sup>th</sup>, 2011, in the court 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

Gary Shiffer, Homer Town Justice  
Ed Finkbeiner, reporter, The Homer News

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

**The minutes of the May 4<sup>th</sup> regular meeting were approved as presented, on motion by Councilman Weddle, seconded by Councilman Young 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 May.
2. The Dog Control Officer's report of all activities for the month of May.
3. The Code Enforcement Officer's report of all building permits issued for May.

ANNUAL REPORTS

Presented for audit by the Board was:

1. The Town Tax Collector's listing of all unpaid 2011 taxes returned to the County.

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 #131 through #158 totaling \$120,422.99 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Williams, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Highway vouchers #82 through #101 totaling \$84,575.43 be approved for payment.**

## OLD BUSINESS

Village complaint against Town Hall air quality – Supervisor Forbes reported that on Friday, June 10<sup>th</sup>, Eric Mosen of Microbac Laboratories would be traveling to Binghamton to testify in the worker’s compensation case of LouAnne Randall. Jon Helgren of the Cortland County Health Department has forwarded the results of the State Health Department testing that was conducted last fall in a format that better explains their results. This information was sent on to the appropriate persons involved in the worker’s compensation matter. It is hoped that a determination will be made on a timely basis following Mosen’s testimony.

Forbes also reported that the depositions for the Notices of Claim are now scheduled for Thursday, July 7<sup>th</sup>, at 10 a.m. and 11 a.m. at the Community Building.

Request for use of storage rooms - On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Village of Homer be allowed the use of the record storage rooms located in the Town Hall Building during business hours as per their request until further notice.**

Crown City Wind Farm project – Supervisor Forbes said that the Supervisors of both the Town of Cortlandville and the Town of Solon are willing to work with Homer on establishing setbacks for any potential wind mills in their respective towns.

Health Savings Accounts – Councilman Williams again discussed his findings about which H.S.A. banks offer the best interest and fewest fees. He will be checking again with Key Bank. Any change in which bank the Town uses for its health savings accounts would most likely be made at the beginning of the year 2012.

## NEW BUSINESS

Annual liability insurance premium – On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town of Homer hereby accepts the quote of \$27,462.00 from the Reagan Agency, Marcellus, for the annual renewal of the Town’s liability insurance and chooses to reject the rider for terrorism coverage.**

Preservation Association of Central New York Award - Attorney Patrick Snyder read a letter from Town Historian Martin Sweeney congratulating the Town on its recent award for the preservation of the Town Hall Building (attached). The plaque that was presented to the Town by PACNY for its “Tender Loving Care Award” and accepted by Supervisor Forbes is now displayed in the lobby of the Town Hall.

State Grants - Supervisor Forbes reported no progress on either the \$100,000 building renovation grant or the farmland protection grant.

Retirement of Deputy Town Clerk Barb Crandall – On motion by Councilman Young, seconded by Councilman Warren and carried unanimously: **RESOLVED: that in recognition of her 22 years of excellent service as the Deputy Town Clerk of the Town of Homer, the Town Board hereby resolves to cover the cost of Barbara Crandall’s medical insurance, approximately \$1300.00, through the end of the current fiscal year.**

Farmland Protection grant deadline – On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the Town of Homer hereby requests an extension of the amount of time to complete the work on the Farmland Protection Plan until August 13<sup>th</sup>, 2012.**

Town Hall Exterior Rehab Project - Supervisor Forbes said that the masonry work is now complete and that Diamond & Thiel hope to complete the remainder of the work within a week or two. A walk-through is planned for the near future. Councilman Warren asked to be notified when that is scheduled.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town accepts the quote from R.H. Osborne, Cortland, of \$287.50 for the purchase and installation of carpeting for the entrance into the Town board room and for the former closet area also located in the board room.**

The Board asked the Town Clerk to obtain a quote from R.H. Osborne for the repair of the damages to the new entrance flooring caused by the Village of Homer during their move. A quote from the original contractor does not appear to be forthcoming.

Village recreation contract – Supervisor Forbes noted that the contract for the current year has not yet been received and that when it is the Town will pay the Village the amount that was budgeted for support of the Village recreation programs.

Assessment Grievance Day – There was some discussion about how best to handle the possibility of someone becoming unruly and disruptive during the grievance process following a situation that occurred recently on Grievance Day.

Purchase of new chairs – This matter was tabled until the July meeting.

Dumping of trash – Attorney Patrick Snyder was asked to look into what could be done about the dumping of trash on private property after an incident on Forbes Road.

Changes to Town Health Insurance - On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Town request that those retirees or spouses of retirees opting to pay into the Town's health insurance program do so by direct deposit into the Town of Homer's Trust & Agency Account and that an extra \$1 per month be charged them to cover the Town's administrative expense.**

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Attorney Snyder be authorized to prepare a revision of the Town's current health insurance policy with the intention that future health benefits will not be offered to certain employees or officials.**

October Board meeting - Supervisor Forbes said that he will need to change the date or the time of the October Town Board meeting due to a trip he is planning. It was tentatively decided to begin the meeting at 6:00 p.m. rather than the usual 7:30 p.m. starting time.

#### ATTORNEY FOR THE TOWN

Attorney Snyder reported on a possible settlement negotiated on the David Yaman assessment lawsuit regarding the First Niagara building on Main Street in the Village which will include a refund from all taxing authorities totaling around \$8,000.

On motion by Councilman Young, seconded by Supervisor Forbes and carried unanimously: **RESOLVED: that the Town Board hereby authorizes the Attorney for the Town to sign the proposed settlement agreement regarding the assessment on the property at 12 S. Main Street owned by D. Yaman Properties, LLC.**

Snyder submitted a revised version of the fireworks permit resolution which contained some corrections made by Homer Fire Chief Mahlon Irish, Jr.

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that the resolution authorizing the issuance by the Town of a fireworks permit be revised and the following is hereby adopted by the Town Board:**

**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 Board of Trustees of the Village of Homer, and**

**WHEREAS the Board of Fire Commissioners of the Town of Homer Fire District contracts with the Board of Trustees of the Village of Homer for Fire Protection in the Town of Homer, and**

**WHEREAS the Board of Fire Commissioners and the Town Board agree that the Fire Chief of the Homer Fire Department should be the permit application reviewing authority and the Code Enforcement Officer should be the permit issuing authority, and**

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

**WHEREAS the Fire Chief of 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 Phelps reported on his department's activities over the past month. He had attended the Annual Cornell Highway School held in Ithaca which he found to be very informative. Phelps reported that he is working on obtaining a permit from the DEC so that he will be able to clean up some of the creeks in the area to prevent future flooding.

The work on Creech Road is now complete and he will be sending in his request to the State for reimbursement under the CHIPS program in the near future. Phelps reported that the Town will be getting \$117,800 in CHIPS money this year for capital improvements.

The Town Board members thanked Phelps for allowing them to ride in his wagon pulled by his draft horses for the Memorial Day Parade. They also gave a special thanks to the clean-up crew he had provided. Board members agreed that in the future the Village Mayor should provide coffee & donuts for the event.

The meeting was adjourned at 10:00 p.m.

Anita W. Jebbett  
Town Clerk