

Regular Meeting
December 7, 2011

The regular meeting of the Town Board of the Town of Homer held on Wednesday, December 7, 2011, 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

Paul Burhans, Dog Control Officer
Gary Shiffer, Town Justice

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

The minutes of the November 2nd, 2011, public hearing and regular meeting were approved as presented, on motion by Councilman Williams, 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 November.
2. The Code Enforcement Officer's monthly report of all building permits issued in November.
3. The Supervisor's report of all cash receipts and disbursements for October and November.
4. The Dog Control Officer's report of all activities for November.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that General vouchers #292 through #324 totaling \$61,627.79 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Warren, seconded by Councilman Williams and carried unanimously: **RESOLVED: that Highway vouchers #207 through #234 totaling \$85,871.54 be approved for payment.**

TOWN JUSTICE

Town Justice Shiffer was present to explain an issue involving the Village that has recently come to his attention. Over the past several years parking fines charged and collected by the Village Police Department were turned over to the Town Justice Court and were never subsequently returned to the Village. This appears to have been an oversight on behalf of all parties involved and the Town Board expressed their interest in correcting the situation as soon as possible. Attorney Snyder was asked to look into the

matter of the parking tickets having to go through the Town Court at all. Shiffer suggested that instead they be turned over directly to the Village.

Justice Shiffer also explained how a Town Justice may be replaced if for any reason that person is unable to complete their term of office. Recently the Town Justice for the Town of Preble moved out of state and the Preble Town Board had planned to hire Shiffer to fill in temporarily. It was later learned that the Board may only appoint a Town resident and that person must take the Town Justice training offered by the State or be an attorney.

OLD BUSINESS

MVP Health Care Plan – Supervisor Forbes explained that this plan covers those employees who are over the age of 65 and includes three retirees who will be paying their own costs.

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that for those retirees paying their MVP Health Care costs by check, a small charge to cover the bank fees paid by the Town shall be added to the amount of their health insurance payment to the Town.**

Animal Population Control fees - Clerk Jebbett explained that due to a collaboration between the Cortland County Town Clerk's Association and County Clerk Elizabeth Larkin, Cortland County will now be retaining all the animal population control fees collected by the Towns and the City of Cortland to be used towards the spaying or neutering of cats and dogs within the County, instead of sending the fees to the State.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED:**

WHEREAS, the Town of Homer collects dog licensing fees in accordance with the New York State Agriculture and Markets Law, and

WHEREAS, an animal population control fee of \$1.00 is collected for each altered dog, and \$3.00 is collected for each unaltered dog, for the sole purpose of animal population control, and

WHEREAS, the Cortland County Clerk is willing to collect all such fees from each town in Cortland County, and to remit such fees to the County Treasurer, and

WHEREAS, the County Treasurer is willing to disburse the collected fees in a fair and equitable manner in the county, in accordance with expenses incurred to spay and neuter dogs and cats,

IT IS HEREBY RESOLVED that the Homer Town Clerk is hereby authorized to transfer all animal population control fees to the County Clerk, and the Homer Town Supervisor is hereby authorized to enter into a 5 year agreement with Cortland County for carrying out this program.

New Fire District Contract - On motion by Councilman Weddle, seconded by Supervisor Forbes and carried unanimously: **RESOLVED: that the Town Board hereby approves of the new 3-year contract between the Village of Homer Fire Department and the Town of Homer Fire District with the District to make an annual payment to the Village of \$83,500 and an up-front payment of \$3,000 to be used towards the installation of dry hydrants within the Town.**

Board of Assessment Review appointments – Supervisor Forbes explained that after re-appointing Stuart Young to another term on the Board of Assessment Review it was found that the Town's appointment schedule did not correspond with the State Office of Real Property's schedule.

On motion by Councilman Young, seconded by Supervisor Forbes and carried unanimously: **RESOLVED: that the motion to re-appoint Stuart Young to another term of office on the Town's Board of Assessment Review hereby be rescinded as his term of office does not expire until 2012.**

Code of Ethics – In response to a letter from Martin Mack of the New York State Attorney General’s Office, the Town Board asked Attorney Snyder to review the Town’s current Code of Ethics and to recommend any updates or changes he deems necessary.

Cortland County Chamber of Commerce – Supervisor Forbes read a letter from Robert Haight, Executive Director of the Chamber of Commerce, in which he thanked the Town Board for keeping Town taxes in check and lowering spending in the 2012 Town budget.

Village Worker’s Compensation Claim – Forbes reported that there is no decision to date.

Town Hall Renovation Grant – Supervisor Forbes has asked the architectural firm of Crawford & Stearns to respond to an inquiry from the Dormitory Authority of the State of New York (DASNY) regarding the Town Hall Exterior Rehab project.

New Visions broadband – Supervisor Forbes said that volunteers had collected more than 500 signatures of Town and Village residents that were interested in having the option of a new internet/telephone/television provider only to be told they needed 500 more signatures. While volunteers had gotten a significant number of Town residents to sign the form, there was a considerably weaker response from Village residents. Forbes said that special thanks should go to Stephen & Helen Leet of Route 13 for their efforts in collecting signatures.

NEW BUSINESS

New office hours for Town Clerk – On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that as of January 1st, 2012, the office hours for the Town Clerk’s Office will change to Monday through Thursday, 8:30 a.m. to noon, and 1:00 p.m. to 4:30 p.m.; and on Fridays the Office will be open from 8:30 a.m. until 1:00 p.m.**

Town Clerk Jebbett reminded Board members that in January the Town Clerk’s Office remains open during the lunch hour for the collection of taxes. She said that the number of hours the Office is open remains unchanged. She said that an earlier opening time and being open through the noon hour on Friday would give residents more options for visiting the Town Office.

Meeting date changes – The year-end meeting of the Town Board is scheduled for noon on Wednesday, December 28th.

Since the July 2012 Town Board meeting falls on the Fourth of July, the Board agreed to move the meeting until the next Wednesday, July 11th.

There was also discussion about scheduling an earlier meeting time during the winter months. It was decided to try a meeting time of 6:30 p.m. (instead of 7:30 p.m.) for the months of January, February and March of 2012.

Health Savings Account changes – Supervisor Forbes reported that for those 55 or older, individuals may contribute up to \$4,050, and families may contribute up to \$7,150, into their health savings accounts in 2012. He has requested that his November and December 2011 salary be transferred into his health savings account.

Senior Center improvements – Councilman Warren reported that he had asked electrician Lew Heath to look over the electrical service in the Senior Center. What with increased use in the kitchen, and the installation of a room air conditioner, there had been a strain on electricity over the summer. Warren had a verbal quote of \$3,400 from Heath for adding a 100 amp service to the Senior Center. Supervisor Forbes said that he would contact the Cortland County Office for the Aging to see if they could help with the cost of the improvements. The proposal will be addressed at the December 28th meeting.

Key Bank incentive - On motion by Councilman Warren, seconded by Councilman Weddle and carried, Councilmen Warren, Weddle and Young voting in the affirmative, and Councilman Williams opposed: **RESOLVED: that the Town Board**

hereby agrees to make whole employee Stacy Hall in the amount of \$150 after Key Bank refused to honor their own policy when an error in depositing the payroll into Hall's account caused her to miss out on an incentive for getting an account at that bank; and that as voucher #325, it be added to the General abstract for December.

HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported on his crew's activities over the past month which consisted of cutting trees and brush away from the edge of the roads and getting all equipment ready for the winter. He said that throughout the year they had installed more culvert pipe than they had in the previous year or two.

There was discussion about which equipment to purchase or sell in the upcoming year. Phelps is considering re-surfacing and/or repairing Creal Road and Bishop Hill Road in 2012.

Phelps said that he has sent in the final 2011 CHIPS request and the road inventory to the NYS Department of Transportation.

ATTORNEY FOR THE TOWN

Attorney Snyder reported on the assessment cases that were currently pending – the Barry Ryan property and the Barber Funeral Home – and said that both properties will be appraised. The Homer School District is also involved in the Barber Funeral Home case. Snyder said that the Charles & Stephanie Spina and the Verizon cases were now settled.

Snyder said that there is currently a Building Code violation matter which will be heard in Town Court on January 10th, 2012. This involves James and Charlene Foster on West Scott Road.

Attorney Snyder also reviewed the proposed County Landfill Local Law at the request of the Supervisor. Snyder did not recommend that the Town Board make any specific comment.

The meeting was adjourned at 9:30 p.m.

Anita W. Jebbett
Town Clerk