

Regular Meeting
March 7, 2012

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 7th, 2012, was called to order by Supervisor Frederick J. Forbes at 6:30 p.m.

PRESENT

Frederick J. Forbes, Supervisor
Barry E. Warren, Councilman
Kevin M. Williams, Councilman
Brian D. Young, Councilman
Patrick M. Snyder, Attorney for the Town
Anita W. Jebbett, Town Clerk

ABSENT

Dan A. Weddle, Councilman
John R. Phelps, Highway Superintendent

OTHERS PRESENT

Janet Steck, resident, 113 Clinton Street
Aaron Fumarola, resident, 907 Alfred Lane

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

The minutes of the February 8th, 2012, 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 Supervisor's monthly report of cash receipts and disbursements for the months of December and January.
3. The Code Enforcement Officer's report of all building permits issued for February.
4. The Dog Control Officer's report of all activities for the month of February.

ANNUAL REPORTS

Presented for audit by the Board was:

1. The Annual Financial Report for the year ending December 31st, 2011.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that General Fund vouchers #34 through #55 totaling \$13,283.83 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Highway Fund vouchers #23 through #36 totaling \$11,261.95 be approved for payment.**

NEW BUSINESS

Statement on wind turbines & hydrofracking – Janet Steck was present on behalf of the Task Force for Sustainable Energy which advocates in favor of renewable energy sources that protect the environment and enhance the community. She said that the TCI windmill project and hydrofracking are not sustainable and may undermine our way of life and cause damage to the environment. She said that TCI has maintained secrecy and refuses to participate in an open forum. She asked if the Town has taken a position on either matter.

Supervisor Forbes said that the Town Board has not taken a position on the proposed wind farm project or on hydrofracking. He said that he has asked for a meeting of all four Towns potentially involved in the wind farm project along with the County which is responsible for the SEQRA review. Forbes said that in the Town's experience TCI Renewables and Gareth McDonald have always been willing to attend open board meetings and have answered any and all questions.

Approximately two years ago the Town adopted a road protection law to protect the Town from the wear and tear of their local roads from heavy equipment either involved with wind turbines or hydrofracking. The Town had appointed Larry Jones to serve as their representative on the County committee that had considered the wind farm project. Supervisor Forbes said, in the interest of full disclosure, Councilman Warren owns land in the Town of Truxton being considered for a wind turbine and would therefore be recusing himself from any votes on the matter. Forbes noted that the Town is very fortunate to have Attorney Patrick Snyder, who has experience with environmental issues, as the Attorney for the Town.

Attorney Snyder said that TCI Renewables is very aware that local laws will need to be passed and standards set for the project and those actions will require at least one public hearing.

Aaron Fumarola had questions regarding the process involved and agreed that the County needs to be involved. He suggested that a unified local effort would have more bargaining power with the wind farm company in order to get the best possible project.

The Town Board members thanked Mrs. Steck and Mr. Fumarola for informing them of their concerns.

OLD BUSINESS

Dormitory Authority grant - Supervisor Forbes reported that all the necessary paperwork has been completed and submitted to the Dormitory Authority, but no word has been received on the grant award as yet.

Assessment maintenance aid – Supervisor Forbes reported that the State assessment aid of \$14,415.00 has been received as anticipated to partially reimburse the Town for the cost of the 2011 revaluation project.

Board of Ethics – Forbes reported that a complete Board has been established but there is no alternate member. After some discussion, the matter was tabled until the next meeting.

Dog control and shelter agreement – On motion by Councilman Williams, seconded by Councilman Young and carried unanimously: **RESOLVED: that Supervisor Frederick Forbes is hereby authorized to sign the 2012 Dog and Shelter Agreement with Paul C. Burhans and Country Acres Pet Services (attached).**

Rental of former Village Office space – There was discussion about renting the office space vacated by the Village. On motion by Councilman Warren, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the Town place an advertisement in local newspapers for rental of office space at the Homer Town Hall consisting of 1175 square feet for \$1050 per month, including utilities.**

Assessment lawsuits – Attorney Snyder reported on his activities involving the lawsuits over the past month. He said that he will be taking depositions from Barry and

Patricia Ryan regarding their North Main Street property on Monday, March 12th, and will be going to trial on the matter on April 10th. He reported no progress on the Donald Barber Funeral Home property lawsuit.

NEW BUSINESS, CONT'D.

Training session offered by Cortland County Soil & Water District - Highway Superintendent Phelps and Deputy Highway Superintendent Dale Everts will be attending a training session on Erosion and Sediment Control scheduled for April 5th at the Grange Headquarters in Cortland. Attorney Snyder will also be attending.

Bank analysis fees – Forbes reported on a meeting with Key Bank officials to discuss how the Town can reduce their banking fees. He said that Key Bank will be offering specific suggestions as to lowering the analysis fees and will be issuing the Town a refund of some of their overcharges.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Supervisor Frederick Forbes is hereby authorized to utilize Key Bank's on-line banking system.**

NYS Highway Work Permit – On motion by Councilman Williams, seconded by Councilman Young and carried unanimously: RESOLVED:

WHEREAS, the Town of Homer each year receives permits from the New York State Department of Transportation (DOT) to do work within the State's highways and rights of way, and

WHEREAS, the DOT has advised the Town that it has the option of either continuing its existing bond and Perm 17, or entering into an Undertaking, and

WHEREAS, the Town is willing to consent to the terms of the Undertaking, and there is no fee associated with this Undertaking,

IT IS HEREBY RESOLVED that the Town Board approves the Undertaking as set forth by the DOT, and authorizes the Town Supervisor to sign it.

New York State Town Clerk's Association conference & meeting – On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: RESOLVED: that Town Clerk Jebbett be authorized to attend a NTSTCA Regional Meeting in Geneva on March 26th, and the annual conference in Saratoga on April 22nd through the 24th.

EXECUTIVE SESSION

On motion by Councilman Williams, seconded by Councilman Warren and carried unanimously, **it was resolved to enter into an executive session at 8:05 p.m. to discuss contract negotiations.**

On motion by Councilman Williams, seconded by Councilman Young and carried unanimously, **the executive session was adjourned at 8:20 p.m.**

As there was no further business, the regular meeting was also adjourned at 8:20 p.m.

Anita W. Jebbett
Town Clerk