

Regular Meeting  
May 2, 2012

The regular meeting of the Town Board of the Town of Homer held on Wednesday, May 2<sup>nd</sup>, 2012, in the Senior Center at the Town Hall Building was called to order by Supervisor Frederick J. Forbes at 7:30 p.m.

PRESENT

Frederick J. Forbes, Supervisor  
Barry A. 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

Michael Park, Chairman, Cortland County Legislature  
Gordon Wheelock, Cortland County Legislator  
Donald Ferris, reporter, The Homer News  
Steve Hughes, reporter, Cortland Standard  
Gary & Bonnie Smith, residents & MICAHA representatives  
Gail Bundy, resident & MICAHA member  
Douglas Rahner, M.D., MICAHA member  
Over 90 others (see attached list)

Supervisor Forbes led those present in the pledge of allegiance.

MINUTES

**The minutes of the April 4<sup>th</sup>, 2012, regular meeting were approved as presented,** on motion by Councilman Young, seconded by Councilman Weddle 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 monthly report of all cash receipts and disbursements for March.
3. The Code Enforcement Officer's report of all building permits issued for April.
4. The Dog Control Officer's report of all activities for the month of April.
5. The April report of County activities from County Legislator Gordon Wheelock.

QUARTERLY REPORTS

Presented for audit by the Board was:

1. The Supervisor's budget report for the 1<sup>st</sup> quarter of 2012.

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 vouchers #86 through #117 totaling \$18,098.69 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Highway vouchers #57 through #74 totaling \$60,888.52 be approved for payment.**

#### MICAH PRESENTATION ON HYDRO-FRACKING

Supervisor Frederick Forbes welcomed all those in attendance. He explained that he and Councilman Warren had previously each spent an hour with members of the MICAH group discussing the issue of hydraulic fracturing for natural gas or hydro-fracking, and other Board members had spoken with them on the phone.

Gary Smith, Executive Director of MICAH, or Moving in Congregations Acting in Hope, introduced the group and the presenters and stated that they regretted not being allowed more time to speak (for statement, see attached).

Gail Bundy, a former and current Homer resident with a career in telecommunications and as a consultant to the energy industry, read a paper outlining her six major concerns about hydro-fracking (see attached).

Douglas Rahner, M.D., a local physician, read a statement about the potential health effects of hydraulic fracturing (see attached).

Gary Smith asked the Town Board members to make a commitment to establish a one-year moratorium on hydro-fracking and said that they would be happy to work with the Board. Bonnie Smith handed out folders to each Board member containing information and a sample moratorium.

During the presentation, attendee Alex Caminiti and a female attendee began to heckle the Town Board and subsequently removed themselves from the meeting.

Supervisor Frederick Forbes said that the Board would not be making a commitment at the current meeting. He said that they are willing to work with MICAH but must also take into consideration those residents who may be in favor of gas drilling. He said that he understands that those present have sincere, legitimate concerns.

Attorney Snyder said that the Town had revised their Zoning Law, a process that had taken three to four years to complete, and that was completed just prior to hydraulic fracturing becoming an issue. He said that he would advise the Town Board to make a commitment to review the issue and to consider any public input.

Forbes thanked all those present for attending the meeting and said that the Town Board would address the issue on a timely basis.

#### OLD BUSINESS

Phillips Library contract - Supervisor Forbes reminded Board members that at the last meeting he had suggested changes to how the Town funds the Phillips Library. Since then he has met with Library Board member Robert Gray who said that 72% of the library's clientele lives in the Town of Homer. This matter may be discussed further at a future meeting.

Village Recreation contract – On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously, **RESOLVED: that the Town Supervisor is hereby authorized to sign the 2012 contract with the Village of Homer for the Town's support of their recreation programs.**

## NEW BUSINESS

NYS Department of Transportation – Forbes said that following a conversation with NYS DOT Regional Engineer Stan Birchenough, two areas for State Troopers to pull off the road to monitor speed were created along Route 81 in the Town of Homer. The reason for this is to protect State workers, prevent accidents, and lower speed along the straight-away portion of the highway.

Historic marker – With help from Town Historian Martin Sweeney, Pamela Poulin has applied for and received financing for a historic marker honoring women's rights activist Amelia Jenks Bloomer who lived at 43 North Main Street in the Village of Homer.

Liability Insurance – Supervisor Forbes said that he is seeking proposals for the Town's liability insurance policies which will expire in early June. This matter will be addressed at the June 6<sup>th</sup> meeting.

Sales tax negotiations – Forbes explained that the County was negotiating with the Towns and the City of Cortland for an increase in the sales tax revenues. He thanked those legislators present at the meeting for the openness of the negotiations.

Wind farm meetings – Supervisor Forbes also thanked County Legislative Chairman Mike Park for holding meetings of all four towns involved in the proposed wind farm project. In regard to a FOIL request for a map of the proposed windmill locations, Park said that it was the opinion of the County Attorney that the map was proprietary in nature for use in negotiations and not subject to a FOIL request.

State audit - Supervisor Forbes reported that the State audit is now complete and that he is awaiting the written recommendations.

Postage meter refills – On motion by Councilman Williams, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town Clerk is hereby authorized to refill the postage meter as needed up to the maximum amount allowed in the budget, and to keep a record of such.**

Chipper – Forbes said that the Town is waiting for the Village to get the right paperwork together before reimbursing them on a new chipper.

Town Hall cleaning contract – On motion by Supervisor Forbes, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the annual contract with Advantage Cleaning Service for the cleaning of the Town Hall offices including the Court office and Court room for \$61.50 per week, the same as in 2011, is hereby approved.**

Memorial Day parade – Highway Superintendent John Phelps agreed to again use his draft horses and wagon to transport the Town Board members in the upcoming parade scheduled for Monday, May 28<sup>th</sup>.

## HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported that the sand needed for the upcoming winter season has all been purchased. He said that the Town had trucked all the sand themselves from a local source. He has about one-half of his supply from the 2011-2012 season left over, so he may be stockpiling some of it outside.

They have also trucked grindings from a project in the City of Cortland which will be recycled for Town road projects this summer.

All roads have been swept and a final seal has been placed on Tamarack Lane.

Phelps reported on a 2010 plow truck being put out to bid by the Town of Batavia which has only around 24,000 miles on it with a Cummins engine and Henderson plow equipment. He said that an equivalent truck purchased brand new would cost around \$200,000.

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Highway Superintendent Phelps be authorized to place a bid of \$160,000 on the 2010 International plow truck owned by the Town of Batavia.**

Phelps also reported that the Village will now be purchasing all of their fuel through the County; therefore the Town will now maintain their own tanks.

#### HYDRO-FRACKING

There was discussion about the concerns expressed by MICAH members and other residents about the potential development of hydro-fracking within the Town of Homer. Forbes stated that the Town Board had not taken a position either for or against it and that they had been awaiting a decision by the State DEC. Since that decision may not be forthcoming in the immediate future, it was suggested that a Town committee be created to meet, consider input from experts, and make recommendations to the Town Board.

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that a committee be created within a month to consider the issue of hydro-fracking in the Town of Homer and to make recommendations to the Town Board.**

#### EXECUTIVE SESSION

On motion by Councilman Williams, seconded by Councilman Young and carried unanimously, **it was resolved to enter into an executive session at 8:55 p.m. to discuss the Ryan and Barber Funeral Home assessment lawsuits.**

On motion by Councilman Williams, seconded by Councilman Young and carried unanimously, **the executive session was adjourned at 9:10 p.m.**

As there was no further business, the regular meeting was also adjourned at 9:10 p.m.

Anita W. Jebbett  
Town Clerk