

The regular meeting of the Town Board of the Town of Homer held on Wednesday, June 6th, 2012, in the Senior Center at the Town Hall Building was called to order by Supervisor Frederick J. Forbes at 7:00 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 (arrived at 8:00 p.m.)
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

John Daniels, Code Enforcement Officer
Daniel Gustafson, member, Zoning Board of Appeals
Bruce Eves, reporter, WXHC
Eric Mulvihill, reporter, WXHC
Donald Ferris, reporter, The Homer News
Gary & Bonnie Smith, residents & MICAHA representatives
Mary Jane Uttech, Deputy Director, Cortland County Health Dept.
Mary Faith Miller, MICAHA member
Linda Fumarola, resident
Aaron Fumarola, resident
Joseph Cortese, resident
Around 70 others (see attached list)

Supervisor Forbes led those present in the pledge of allegiance and thanked all for attending the meeting.

HYDRO-FRACKING PRESENTATION

Mary Jane Uttech, Mary Faith Miller, Linda Fumarola, Aaron Fumarola and Joseph Cortese each gave a presentation about the dangers of hydro-fracking, voicing their concerns for the health of people and animals, as well as their worries about its effect on drinking water, property values, and the environment in general.

Gary Smith summarized those concerns and asked that a member of MICAHA be allowed to serve on the Town hydro-fracking committee. He asked that they set a timeline of September 30th as a date by which the committee will have made progress. Smith asked the Town Board to remain open to considering a moratorium should the committee not make significant progress in a reasonable amount of time. Smith then asked Town Board members to comment on the information they had received from MICAHA. He thanked the Board for again allowing MICAHA members to address them.

Supervisor Forbes said that the Board would not be commenting at this time and would instead wait for a recommendation from the committee. He said that a member of MICAHA would be allowed to serve on the committee and that he would not appoint only pro-hydro-fracking people for the committee.

MINUTES

The minutes of the May 2nd, 2012, regular meeting were approved as presented, on motion by Councilman Williams, 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 May.
2. The Code Enforcement Officer's report of all building permits issued for May.

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 #118 through #146 totaling \$69,580.47 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 #75 through #95 totaling \$189,632.99 be approved for payment.**

NEW BUSINESS

Liability Insurance Proposals – Supervisor Forbes had asked Dan Gustafson to review the proposals from Reagan Agency, Marcellus, and First Niagara Risk Management, Syracuse, and to offer his advice to the Town Board. Gustafson said that First Niagara had offered a lower bid and more coverage than did Reagan Agency. Supervisor Forbes thanked him for his input.

Tax Collection report – Tax Collector Jebbett reported that the Town had collected 91.78% of the more that \$5.8 million tax levy for the combined Town and County taxes for the 2012 fiscal year. This was one percentage point less than the total collected in 2011, but in keeping with total collections over the previous four years which averaged 91.65%. The taxes will be returned on June 7th.

Standard work day reporting – On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the Town of Homer hereby establishes the following as standard work days for elected and appointed officials (recently re-elected or previously not reported) and will report the following days worked to the New York State & Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body (see attached).**

Letter re hydro-fracking concerns – Supervisor Forbes reported that the Town Board has received a letter from Charles and Carolyn Wheeler of Cosmos Heights outlining their concerns about hydro-fracking and its possible impact on health, the water supply, and our local environment.

Farmland protection plan - A public review of the draft of the Homer, Preble & Scott Agriculture and Farmland Protection Plan will be held in the Town Hall Senior Center on Tuesday, June 19th, at 7:30 p.m. County Planner Dan Dineen and Judy Wright from American Farmland Trust will be reviewing the proposed plan.

State audit report – Supervisor Forbes reported that representatives from the NYS Comptroller's Office will be meeting with him on Thursday, June 14th, to discuss the results of the recent audit.

Town website – Clerk Jebbett reported that she has been looking into having a Town website set up. Councilman Warren made a motion, seconded by Councilman Young, to go ahead with the project, but the motion was tabled until firmer cost figures were available.

OLD BUSINESS

Hydro-fracking committee – There was much discussion about appointments to the committee. Supervisor Forbes said that he hoped to have seven or nine members, including two Planning Board and two Zoning Board members. Attorney Pat Snyder agreed to attend the meetings as a non-voting member, along with Dan Dineen, County Planner, and John Daniels, Town Code Enforcement Officer.

On motion by Supervisor Forbes, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the following individuals are hereby appointed to the Town of Homer committee to discuss the issue of hydro-fracking: Chad Butts (ZBA), John Daniels (non-voting), Frederick Forbes, Dan Gustafson (ZBA), Larry Jones, Robert Perry (PB), Christopher Sammons (MICAH), and Ted Sudol.**

Liability Insurance proposals – There was much discussion about the proposals received. There was some concern over coverage of some outstanding claims. Councilman Young made a motion to accept the First Niagara bid on the recommendation of Dan Gustafson, but the motion was not seconded. Councilman Warren made a motion to stay with the Reagan Agency provided they could meet the bid of First Niagara, but his motion also was not seconded. It was agreed to hold a special meeting on Friday, June 8th, at noon to further discuss and decide which bid to accept.

HIGHWAY SUPERINTENDENT

Superintendent John Phelps reported that he and his crew have been working at surfacing roadways, including re-topping Cosmos Heights. He has also worked with the City of Cortland on their latest project in order to obtain grindings to be used for a Bishop Hill Road re-surfacing project coming up in the near future.

Phelps said that they are very satisfied with the newly purchased 2010 International truck. He will be advertising the old Walters truck for sale on the internet through Teitsworth Auction Service.

Phelps said that he is getting quotes for an offset flail mower which they will use to mow roadsides.

ATTORNEY FOR THE TOWN

Attorney Snyder introduced his new legal assistant, Maria Pitts.

On motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that the Town Board hereby allows Attorney Patrick Snyder to serve as the legal representative for Cortland County in the matter of the TCI windmill project.**

Snyder reminded the Board that should they need legal advice regarding the windmill project, they would have to substitute another attorney.

EXECUTIVE SESSION

On motion by Councilman Young, seconded by Councilman Warren and carried unanimously, **it was resolved to enter into an executive session at 9:00 p.m. to discuss the Ryan assessment litigation.**

Also present for the session was Barry Ryan, resident, 16 North Main Street.

On motion by Supervisor Forbes, seconded by Councilman Weddle and carried unanimously, **the executive session was adjourned at 9:45 p.m.**

ASSESSMENT SETTLEMENT

On motion by Councilman Williams, seconded by Councilman Weddle and carried, Councilman Warren, Weddle, Williams, and Supervisor Forbes voting in the affirmative and Councilman Young opposed: **RESOLVED:**

WHEREAS the owners of 16 North Main Street in the Village of Homer, Barry and Patricia Ryan, have brought a special proceeding in Cortland County Supreme Court to contest the tax assessment on their property, and

WHEREAS the litigation has been ongoing for many months and appraisals have been performed and exchanged and depositions conducted relative to the interior of the premises, and

WHEREAS, the Petitioners Barry and Patricia Ryan have made an offer of settlement, whereby they would agree to an assessment of \$210,000, and the settlement will include a waiver of any litigation expenses,

NOW THEREFORE, it is hereby resolved that the Town Board hereby accepts the proposed settlement subject to approval as to form by the Attorney for the Town.

The meeting was adjourned at 10:15 p.m.

Anita W. Jebbett
Town Clerk