

Regular Meeting
September 5, 2012

The regular meeting of the Town Board of the Town of Homer held on Wednesday, September 5, 2012, in the Senior Center at the Town Hall Building was called to order by Supervisor Frederick J. Forbes at 7:35 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
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Keith Dayton, candidate for District Attorney
Donald Ferris, reporter, The Homer News
Lawrence Jones, member, Zoning Advisory Committee
Christopher Sammond, member, Zoning Advisory Committee
Gary Shiffer, Town Justice
Gary Smith, Executive Director, MICAH
Gordon Wheelock, Cortland County legislator
Eugene Wright, member, Zoning Advisory Committee
Approximately 45 others (see attached list)

Supervisor Forbes led all those present in the pledge of allegiance.

MINUTES

The minutes of the August 8th, 2012, 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 report of all cash receipts and disbursements for August.
2. The Code Officer's report of all building permits issued for August.
3. The Dog Control Officer's report of all activities for August.
4. Report from the NYS Department of Agricultural & Markets following an inspection on August 10th, 2012, stating that the Dog Control Officer and the Municipal Shelter were both found to be satisfactory in all aspects.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that General vouchers #203 through #223 totaling \$16,816.87 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Weddle, seconded by Councilman Williams and carried unanimously: **RESOLVED: that Highway vouchers #131 through #145 totaling \$35,084.13 be approved for payment.**

DISTRICT ATTORNEY

Keith Dayton, Attorney, was present to explain why he is running for the office of Cortland County District Attorney. He said that he is concerned that the current District Attorney's Office is mishandling some serious felony cases. He also voiced concerns about how the Cortland County Jail is utilized and pledged to take an active stance to protect public servants, such as police officers. Dayton thanked the Town Board for allowing him to make a presentation.

NEW BUSINESS

Letter of resignation from Dick Crane – Supervisor Forbes reported that he has received a letter of resignation from the long-time Chair of the Town's Planning Board. Forbes described his service as being "as good as it gets".

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Acting Chairman Eugene Wright be asked to take over the duties as Chairman of the Town Planning Board.**

Route 281 bridge scheduled to close – Supervisor Forbes reported that the NYS DOT is scheduled to completely close Route 281 on September 12th near Cold Brook Road in order to replace the existing bridge. There was much concern among area businesses and farms about the closing. There was also concern that an accident on Route 81 would force all traffic to be routed through the Village. Forbes said that he has spoken with State Assemblyman Gary Finch, and Finch and State Senator Seward have sent a letter to the DOT.

Response to State audit – A draft of a letter from the Town in response to the audit by the NYS Comptroller's Office has been prepared.

On motion by Councilman Weddle, seconded by Councilman Young and carried unanimously: **RESOLVED: that upon consideration of recommendations made by Certified Public Accountant Colin Cahill, and review of the draft by the Town's Attorney, a letter of response to the recent audit by the NYS Comptroller's Office be prepared and is hereby authorized to be signed by members of the Town Board.**

TCI Wind farm project – Attorney Snyder reported that the final scope of the environmental report on the wind project will be discussed at a special meeting of the County Legislature on Thursday morning, September 6th.

HYDRO-FRACKING ISSUE

Supervisor Frederick Forbes reported on the August 28th meeting of the Zoning Advisory Committee which is scheduled to meet again on September 11th. He said that despite two members being absent, a vote was taken on whether or not to recommend a one-year moratorium on hydro-fracking in the Town of Homer. The result of that vote was a 4-4 tie. Forbes said that he has decided to abstain from voting in the future and that he is considering resigning from the Committee.

There was much discussion about the Committee and the vote taken with many in the audience being under the impression that the Town would enact a moratorium after the August meetings of the Committee. Forbes explained his vote by saying that he feels the Committee needs to do more work before it is ready to make such a recommendation to the Town Board.

Lawrence Jones said that he felt it was inappropriate to ask for a vote without giving notice that a vote would be taken. As a result, not all members were present. Jones agreed that Forbes should not take part in the voting.

Christopher Sammond, the Committee member who had asked for the vote to be taken, said that no lawsuits have resulted from Towns enacting moratoriums on hydro-fracking.

Forbes explained that the Town Board wants the committee to finish doing their work, recommending any needed zoning changes, before the Board will consider enacting a moratorium.

Gary Smith, Executive Director of MICAH, expressed the opinion of most in attendance, asking the Town Board to enact a moratorium now. Dr. Christopher Moheimini said that those in attendance were a diverse representation of the Homer community and were nearly unanimously in favor of a moratorium. Numerous other people in attendance voiced similar concerns and asked the Board to take action.

Lawrence Jones urged those in attendance to read through the draft of the NYS Department of Environmental Conservation's Supplemental Generic Environmental Impact Statement (SGEIS) which he said will establish a lengthy process that potential drilling companies would have to go through before being able to drill in New York State.

After hearing some criticisms of the Zoning Advisory Committee, Christopher Sammond, a member both of the Committee and of MICAH, spoke up in defense of the diverse make-up of the Committee and stated that no changes need to be made.

Following much discussion, Councilman Young made a motion to authorize the Town Attorney to start the paperwork necessary for a moratorium which would be brought to the Board after the Committee has finished its work. The motion did not receive a second as Sammond immediately stated that it may take many months for them to complete the work. Councilman Young then withdrew his motion.

On motion by Supervisor Forbes, seconded by Councilman Williams and carried, Councilmen Warren, Weddle and Williams voting in the affirmative, and Young opposed: **RESOLVED: that the Town Attorney be authorized to prepare a draft of a local law establishing a 6-month moratorium on hydro-fracking in the Town of Homer.**

Forbes said that the draft law would be reviewed at the October 3rd Town Board meeting, which will meet at 7:00 p.m. instead of the usual 7:30 p.m., and a date would be set for the public hearing at that time.

Several of those present thanked the Town Board for their decision.

TOWN ATTORNEY

Town Attorney Snyder reported that in the matter of the Barber Funeral Home assessment case, the Funeral Home attorney has agreed to produce the necessary data by the end of September.

TOWN JUSTICE

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Homer Town Board hereby approves the 2012 grant application prepared by Town Justice Gary Shiffer for assistance from the State of New York Justice Court Assistance Program (JCAP), with the understanding that the funding is being sought to enhance the Homer Justice Court's ability to provide suitable and sufficient service to our community through proper court facilities, automated equipment and necessary supplies for operation.**

The meeting was adjourned at 9:05 p.m.

Anita W. Jebbett
Town Clerk