

Regular Meeting
May 8, 2013

The regular meeting of the Town Board of the Town of Homer held on Wednesday, May 8, 2013, 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
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Kimberly Harris
Victor Siegle
Janet Steck
Sarah Bullock, reporter, Cortland Standard

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the April 3rd regular meeting, the April 18th bid opening, and the April 25th special meeting were approved as presented, on motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board:

1. The Supervisor's report of all cash receipts and disbursements for March & April.
2. The Town Clerk's report of all receipts and disbursements for April.
3. The Dog Control Officer's report of all activities for April.
4. The Code Enforcement Officer's report of permits issued for April.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that General Fund vouchers #77 through #109 totaling \$31,818.12 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that Highway Fund vouchers #54 through #73 totaling \$67,713.44 be approved for payment.**

NEW BUSINESS

Memorial Day Parade – Supervisor Forbes reminded Board members that the annual Memorial Day Parade would be held on Monday, May 27th, starting at 8:45 a.m. Highway Superintendent Phelps will again be asked to provide transportation for the Board in his horse-drawn wagon.

Proposed wind farm – Victor Siegle was present to ask the Town Board to adopt zoning regulations regarding the establishment of an industrial wind energy farm, such as that proposed by TCI Renewables. He suggested that the Town review the draft local law developed by the Town of Cortlandville, and handed out copies of which he had revised for Homer. Siegle said that it was crucial that a well-written local law be in place so that the Town of Homer would have input into the placement of any wind towers to be located in the Town if the proposed wind farm is approved.

In response to a question by Siegle, Attorney Patrick Snyder said that, in his opinion, the current Town zoning law would not permit wind towers. He fully agreed that the Town should adopt a zoning law addressing wind farms to resolve any ambiguities. Snyder stated that because he was advising the County on the matter, to avoid the appearance of a conflict of interest, he would be suggesting other attorneys that the Town Board may hire to advise them on a new zoning law.

Supervisor Forbes said that after the last Board meeting the Town Clerk had received the Draft Environmental Impact Statement (DEIS) from TCI Renewables which is available in paper form and by computer for any interested persons to review.

Forbes appointed Councilman Weddle to chair a committee composed of Mr. Weddle, Larry Jones, a Homer resident & formerly the Town's representative on the County's wind tower committee, and Victor Siegle, also a Homer resident. The committee will review the draft Cortlandville local law and report back to the Town Board. Councilman Weddle was also asked to make a recommendation to the Town Board concerning special counsel for the wind energy law.

Letter from Butler Drive – Councilman Warren read a letter that he had received from Chris & Rich Cecconi of 4806 Butler Drive in which they ask him bring to the Board's attention the poor condition of their road.

It was determined that Butler Drive has been included on the list of roads to be repaired this year, along with Slade Drive, a portion of Creal Road and several others.

OLD BUSINESS

Prior Written Notice – On motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the Town Board hereby adopts Local Law #1 of 2013 requiring that the Town receive written notice of allegedly dangerous conditions on its roads, sidewalks or parking lots before the Town can be held liable for such conditions.**

Cold War veteran's tax exemption – On motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the Town Board hereby adopts Local Law #2 of 2013 to provide a limited real property tax exemption for certain Cold War veterans.**

HBA Membership – On motion by Councilman Williams, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Town of Homer agreed to purchase a social membership in the Homer Business Association for 2013 at a cost of \$20.**

Proposal to renovate former Homer Laundry buildings – Supervisor Forbes informed Board members that the Village of Homer Planning Board would be meeting on Tuesday, May 14th, in the Community Building to discuss the plans of Tom Niederhofer to renovate the buildings and anyone interested would be welcome to attend. There was some discussion about parking which the Town Board did not see as an issue.

Sexual harassment & alcohol/substance abuse policies – Supervisor Forbes said that a Risk Management consultant hired by the Town's new liability insurance carrier, First Niagara, had suggested that the Town update its policies on sexual harassment and alcohol/substance abuse.

Forbes appointed Councilman Young to review the Town's current policies as well as those suggested by the insurance company, along with Highway Superintendent Phelps and Attorney Snyder.

Justice Court audit – On motion by Councilman Williams, seconded by Supervisor Forbes and carried unanimously: RESOLVED:

WHEREAS, Section 2019-a of the uniform Justice Court Act requires that Town boards provide an annual audit of the Town Justice Court’s records and dockets;

AND, Town Board members Williams and Young performed such an audit of the 2011 and 2012 Town of Homer court records on May 2nd, 2013 using a checklist and documentation provided by the New York State Comptroller’s Office. Reviewed and audited items included cash receipts books, credit card summaries, bank statements, month-end reports to the NYS Criminal Justice Services, and check and ACH disbursements. The audit included the Justice account as well as the bail account and a review of dockets and case files for Vehicle and Traffic, Criminal, and Small Claims.

AND, a sampling from each fiscal quarter was performed verifying weekly deposits and month-end totals to bank reconciliations, and also the reports to the state. Dockets and case files were reviewed individually for fine and payment information, as well as reviewing bail collected and returned.

AND, although Board members Williams and Young found all records to be clear, concise, and accurate; that all reports and disbursements were made on a timely basis, that the checkbooks were reconciled on a timely basis, and that cooperation by the Town Justice and Court Clerk was found to be excellent;

The following item was noted:

- 1) While the bail account is accurate and reconciled, and balanced to the manual ledger being used, the TSLED computer report for annual totals does not balance due to a discrepancy in the computer program.**

NOW, THEREFORE, BE IT RECOMMENDED THAT:

- 1) The Court Clerk contact the computer service contractor responsible for the computer program and find a way to reset the program or change the reporting fields so that they are consistent with all entries, and meet with the audit team at a later date to review and/or adjust the data in the software.**
- 2) The audit team should perform an audit in the closing month of this fiscal year, 2013, and be ready to help facilitate the change of the Justice Court financial records at the end of the year.**

Supervisor Forbes thanked Councilmen Williams and Young for their audit. Following some discussion it was the consensus of the Board to conduct regular reviews of the bank statements and reconciliations of the Town Supervisor, in addition to the regular review of the monthly payment of non-payroll disbursements currently being conducted.

ATTORNEY FOR THE TOWN

Attorney Snyder suggested that the Town Board consider adopting a local law to allow the Town to recover the necessary costs for reviewing projects in the future, such as the hiring of a special consultant, engineer or attorney. The Board suggested that Snyder review this option with the Town Planning Board.

The meeting was adjourned at 8:30 p.m.

Anita W. Jebbett
Town Clerk