

The regular meeting of the Town Board of the Town of Homer held on Wednesday, June 5, 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
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

ABSENT

Barry E. Warren, Councilman

OTHERS PRESENT

Sarah Bullock, reporter, The Cortland Standard
Donald Ferris, reporter, The Homer News
Gordon Wheelock, Cortland County legislator

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the May 8th regular meeting and the May 24th special meeting were approved as presented, on motion by Councilman Weddle, seconded by Councilman Williams and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board:

1. The Supervisor's report of all cash receipts and disbursements for May.
2. The Town Clerk's report of all receipts and disbursements for May.
3. The Code Enforcement Officer's report of all permits issued for May.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that General vouchers #110 through #132 totaling \$52,493.87 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 #74 through #87 totaling \$30,851.74 be approved for payment.**

NEW BUSINESS

Wind farm local law – The committee to draft a local law regarding wind farms will be scheduling a meeting after June 10th. Councilman Weddle will be consulting with the appointed attorney, Victoria Monty, on Thursday, June 6th.

Assessor appointment – Supervisor Forbes reported that the State has notified him that the six-year term of Town Assessor, David Briggs, will expire at the end of September.

Richard Osborne letter – Forbes reported receipt of a copy of a letter sent by Richard Osborne, owner of property on McGraw North Road, to TCI Renewables, stating that he does not wish to be part of the wind farm project.

County resolution on re-levied delinquent Village & Town taxes – County Legislator Wheelock explained that the County has passed a resolution which states that non-tax sums and demolition costs can not be re-levied. The cost can be levied onto the property owner's tax bill, but if unpaid, the County will not reimburse the Town or Village. Ultimately the Town or Village will be responsible if the landowner does not pay the cost of the demolition.

Town Hall – Supervisor Forbes said that the Town has asked for bids for re-painting the front pillars of the Town Hall.

Liability insurance renewal – There was discussion about the renewal of the policy with First Niagara Risk Management.

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town hereby agrees to renew its liability insurance policy with First Niagara Risk Management Inc. for a cost of \$27,138.39 which includes an additional \$1 million in coverage for uninsured drivers and no terrorism coverage.**

Notice of claim resolution – Attorney Snyder explained a change in the procedure for starting a lawsuit against a municipality that has recently been adopted by the State.

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: Resolution No. 06-002 of 2013, Town of Homer:**

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Homer, County of Cortland, designates the Town Clerk of the Town of Homer to receive notices of claims served upon the Secretary of State by mail at: Office of the Town Clerk, Attn: Ms. Anita Jebbett, 31 North Main Street, Homer, NY 13077, and email at: Townofhomer@yahoo.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Tax Collection Report – Town Clerk/Tax Collector Jebbett reported that the Town has collected 91.67% of the total Town & County tax levy of over \$5.8 million. The unpaid taxes will be returned to the County Treasurer's Office on Friday, June 7th.

Village recreation contract – The contract was revised to accommodate a slight increase in the amount the Village is requesting from the Town for support of their recreation programs.

On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Supervisor Forbes be authorized to sign the contract with the Village of Homer for the Town’s support of the Village-run recreation program in the amount of \$28,537.64.**

Audit of Town books – Councilman Williams said that he would put together a check list that could be used by the Town Board to audit the Supervisor’s books. He agreed to audit the records for the first quarter of 2013.

ATTORNEY FOR THE TOWN

Attorney Patrick Snyder reported that Local Laws No. 1 & 2 of 2013, adopted at the May meeting, have been filed with the Secretary of State and are now in effect.

Snyder reported that the Zoning Advisory Committee on gas drilling is nearing completion of its work. He said that a majority of the Committee is leaning towards recommending that the Town prohibit drilling in the aquifer and adopt a 2000-foot setback from a residential well with a potential to go to a 1000-foot setback with a special permit if neighbors within the impacted (drill head) area agree.

Attorney Snyder did not have any progress to report on the Donald L. Barber Funeral Home assessment lawsuit.

HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported that five out of six CHIPS projects that he had planned for this season have already been completed. He will be preparing the paperwork to apply for the CHIPS (State) funding in a day or so. The projects that have been completed are the re-surfacing of Slade Drive, Butler Drive, Phelps Road and portions of Parks Road and Creal Road.

The remaining project will be re-surfacing Creal Road from Creal Hill to Bishop Hill Road. For this project Phelps said that he is planning to use the grindings the Town acquired from the City of Cortland’s recent street construction project.

The Town is removing the old “Gas boy” system installed on the Town’s fuel pumps when the Village was sharing the fuel and setting up a direct system that can be shut off inside the Garage.

Phelps also reported that he had recently attended the Annual Highway School presented in Ithaca.

There was discussion about the Town’s mowing of the roadsides and problems with getting the mower tractor repaired properly. The Town has not been charged as the tractor’s problems are due to errors made by the company involved.

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

Anita W. Jebbett
Town Clerk