

Regular Meeting  
July 10, 2013

The regular meeting of the Town Board of the Town of Homer held on Wednesday, July 10, 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  
Brian D. Young, Councilman  
Patrick M. Snyder, Attorney for the Town  
John R. Phelps, Highway Superintendent  
Anita W. Jebbett, Town Clerk

ABSENT

Kevin M. Williams, Councilman

OTHERS PRESENT

Gary Shiffer, Town Justice  
Gareth McDonald, Development Manager, TCI Renewables  
Huw Roberts, Development Manager, TCI Renewables  
Victor Siegle, resident & member of Wind Power Committee  
Gary Smith, Executive Director, MICAH  
Bonnie Smith, resident  
Henry & Janet Steck, residents  
Charles Spina, resident  
Grant VanSant, resident  
Linda Wiley, resident  
Gordon Wheelock, County Legislator

PLEDGE OF ALLEGIANCE

MINUTES

**The minutes of the June 5<sup>th</sup> 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 Supervisor's report of all cash receipts and disbursements for June.
2. The Town Clerk's report of all receipts and disbursements for June.
3. The Code Enforcement Officer's report of all permits issued for June.
4. The Dog Control Officer's report of all activities for May and June.

Also presented were:

1. The 2013 statement of changes determined by the Board of Assessment Review.
2. The 2013 Tax Collector's report of all taxes returned to the County for collection.

## 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 #133 through #159 totaling \$44,152.53 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Weddle, seconded by Councilman Young and carried unanimously: **RESOLVED: that Highway vouchers #88 through #111 totaling \$162,645.15 be approved for payment.**

## OLD BUSINESS

Village surcharge – Town Justice Gary Shiffer was present to explain his decision regarding the Local Law adopted recently by the Village imposing a \$25.00 surcharge on those convicted of traffic violations within the Village limits. Justice Shiffer has declined to impose the surcharge. He gave each Board member a copy of his decision (attached) which details the reasons why he has determined that the law is not permissible and is unenforceable.

Town Attorney Snyder stated that Shiffer's decision was well written and well supported.

Proposed TCI wind farm – Gareth McDonald and Huw Roberts were present to update the Town Board on the status of the proposed project. McDonald explained that his reference to Article 10 in his June 4<sup>th</sup> letter was not meant to be a threat or ultimatum. They much prefer working with the Town as it develops its own wind power local law.

Supervisor Forbes said that although the public comment period is due to expire July 26<sup>th</sup>, it was most likely that the County would extend that time period another two weeks. He explained that the Town has set up a committee to recommend zoning regulations pertaining to wind power. Committee members are Victor Siegle, Larry Jones, and Councilman Weddle, with Attorney Victoria Monty providing legal advice.

There was some discussion about the areas of concern – setbacks, visual impacts, and health concerns.

## NEW BUSINESS

Zoning Advisory Committee on hydro-fracking – Town Board members agreed to schedule a special joint meeting of the Town Board and the Zoning Advisory Committee on Wednesday, July 31<sup>st</sup>, at 7:00 p.m. in the Senior Center during which the Committee will present their recommendations for revising the Town's Comprehensive Plan and Zoning Law.

Risk Management – Board members discussed issues brought up during a review of the Town's liability insurance coverage:

1. Bonding of the tax collector for more than the Town's share of the tax levy which is only 10% of the total collected.
2. Rental policy for use of the Senior Center – Attorney Snyder was asked to prepare a policy for review at the August meeting.
3. Employee substance abuse & sexual harassment policies – Councilman Young said that he and Highway Superintendent Phelps had reviewed the policies suggested by the insurance company.

On motion by Councilman Young, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Town Board hereby accepts the Alcohol/Substance Abuse and Sexual Harassment/Discrimination Policies as suggested by the Town's liability insurance carrier to be included in the Town Employee Manual, contingent upon review and approval of the Town Attorney.**

Homer Business Association – Board members agreed to make a donation to the Homer Business Association and not to take out a full membership. (This voided Voucher #158 in General Fund – new total is \$44,122.53.)

Town Hall painting - Councilman Warren discussed two proposals that had been received for painting the front pillars of the Town Hall.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Town seek more proposals for re-painting the front pillars and the dome on the Town Hall for review at the August meeting.**

#### HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported on his department's activities over the past month. All of the CHIPS projects are now complete, what with the re-surfacing of Creal Road from Creal Hill to Bishop Hill using recycled materials. The application to the NYS Department of Transportation for reimbursement of the CHIPS money has been submitted. The remaining recycled materials will be used for other projects.

Phelps reported on areas in the Town of Homer damaged during recent flooding. The damage was much less than in adjacent towns and was mainly in the eastern half of the Town.

Supervisor Forbes said that the State was looking to cut the Cornell Local Roads Program which is a great help to area Highway Superintendents.

#### TOWN ATTORNEY

Attorney Snyder said that he had received a complaint from a resident of Slade Drive regarding an unlicensed vehicle that may be parked in the Town right-of-way. Supervisor Forbes said that the matter was being addressed by the Town's Code Officer.

#### COUNTY LEGISLATOR

County Legislator Gordon Wheelock was present to report on the activities of the Legislature over the past month. There was some discussion of the County Landfill and efforts to make it more cost-effective. Wheelock said they would be discussing the practice of allowing "Amnesty Days" at a future meeting and urged Town board members to attend. He said that the updates to the radio communication system should be complete in September.

The meeting was adjourned at 9:00 p.m.

Anita W. Jebbett  
Town Clerk