

Regular Meeting
April 2, 2014

The regular meeting of the Town Board of the Town of Homer held on Wednesday, April 2, 2014, 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
John R. Phelps, Highway Superintendent
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Bill Dunning, resident, Slade Drive
Jim McNamara, resident, Slade Drive
Bess Path, resident, Elm Street
Sara Watrous, resident, Route 41
Bonnie Smith, resident, Burgett Drive
Donald Ferris, reporter, The Homer News

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the March 5th, 2014, public hearing and regular meeting were approved as presented, on motion by Councilman Williams, seconded by Councilman Young and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board:

1. The Town Clerk's report of all receipts & disbursements for March.
2. The Supervisor's report of all cash receipts & disbursements for January, February and March.
3. Code Enforcement Officer's report of all building permits issued for March.

ANNUAL REPORTS

Presented for audit by the Board:

1. The Annual Financial Report of the Town for the year 2013.

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 #54 through #75 totaling \$20,062.28 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 vouchers #34 through #47 totaling \$15,231.94 be approved for payment.**

REGULAR BUSINESS

Slade Drive complaint – Bill Dunning and Jim McNamara, residents of Slade Drive, were present to ask the Town Board if there was anything the Town could do about a white van that has been parked near the corner of Slade Drive and Route 13 possibly in the Town right-of-way for over two years. They said that it is unregistered, unlicensed and has become an eyesore. The owner of the van has been uncooperative, refusing to move it, and did not respond to a letter sent to him by Code Enforcement Officer John Daniels.

There was discussion about how this situation should be handled as the current Town Zoning Law allows residents to have one unlicensed, unregistered vehicle in their yard. Councilman Weddle is to discuss the matter further with Attorney Snyder to find a solution. Supervisor Forbes asked them to keep Mr. Dunning up to date on this matter.

Tax Collection – Town Clerk Jebbett reported that as of March 31st, 86.83% of the Town and County taxes have been collected which is slightly more than last year at the same time. The option to pay in installments continues to be very popular with taxpayers.

Homer Fire Department Dinner – Supervisor Forbes notified Board members about the annual Fire Department dinner to be held on Friday, April 18th at the Homer Elks Club.

Letter from Beverly Berry – Supervisor Forbes noted that they had all received a letter from Deputy Village Clerk Berry outlining her health concerns about the Town Hall building.

Air testing – Supervisor Forbes said that on March 14th Peter Moles from the NYS Public Employee Safety & Health Bureau (PESH) visited the Town Hall and tested for carbon monoxide, carbon dioxide and moisture throughout the building. Councilman Warren, who accompanied him, reported that all his findings were very favorable. Supervisor Forbes said that when the PESH report is received by the Town it will be made available to the public.

Time Warner/Comcast merger – There was discussion about a notice from Time Warner, cable TV/internet/phone provider, about their proposed merger with Comcast. The Board will wait to see if the Association of Towns takes a position on this issue.

Postage meter refill – On motion by Supervisor Forbes, seconded by Councilman Williams and carried unanimously, **the Town Clerk was authorized to add \$600 to the Town postage meter.**

Townline Road – There was discussion about the section of Townline Road which runs from the intersection of Parks Road into the County Landfill that the Town owns and the County maintains. Attorney Snyder suggested that it could be abandoned to the County due to its proximity to the Landfill. The Town Board did not see any advantage in owning this short section of road while the County maintains it.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that the Attorney for the Town be authorized to move forward with the abandonment of a portion of Townline Road to Cortland County provided that the County is willing to take it over.**

Change in payroll policy – On motion by Councilman Young, seconded by Councilman Williams and carried unanimously: **RESOLVED: that a Highway Department employee who chooses not to join the Town's health insurance plan be offered \$3 more per hour in wages.**

Pride Partnership Agreement – Councilman Williams reported that he had attended a meeting at the High School on behalf of the Town regarding how the community can work together with the schools to emphasize good character traits. He presented the Town with a framed copy of the Pride Partnership Agreement from the Homer School District.

Gas drilling – Supervisor Forbes said that now that the Town has adopted a local law addressing Wind Energy Facilities, the Board would once again discuss the issue of gas drilling in the Town.

Bonnie Smith spoke on behalf of those in attendance opposed to hydro-fracking and asked if the Town would be taking up the zoning recommendations made by the Zoning Advisory Committee and scheduling a public hearing. She said that the Town Board's delaying of the process has led to frustration and confusion among the public. She also said that they would like to hear from each Board member on the issue.

Forbes said that it was always their intention to bring the issue up again after the matter of wind energy was resolved. He offered several options to the Board: adopt the policy brought forward by the Zoning Advisory Committee, amend the policy brought forward by the Zoning Advisory Committee, do further research in the form of a trip to an area in Pennsylvania where drilling is underway and/or a presentation by those with opposing viewpoints, or wait until the State makes a decision on the matter, which he said was unlikely until after the next election.

Forbes said that for the record he did not accept the recommendation of the Wind Committee either. He said that due to the implications it was important for the Town Board to get it right.

Attorney Snyder suggested that the Board may wish to hear more from Zoning Advisory Committee members who have done an incredible amount of work on the subject. Snyder said that any changes to the Town's zoning law would require a significant process and that it is at the discretion of the Town Board whether or not to proceed in that direction. The Board asked Attorney Snyder to look into the legality of the wording of the zoning change proposed by the Zoning Advisory Committee; in particular whether or not it is legal to include a provision in the zoning that would require approval by all landowners before drilling would be allowed within 2000 feet from a residential well.

Forbes emphasized that all discussion would be done in open session. He asked the Town Board to be prepared to discuss at the May meeting how they want to move forward on the issue.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported on his activities over the past month including beginning the process of sweeping the sand off the roads and repairing equipment. He plans to hire two new employees, one to replace Mitch Rodman who retired in February, and one to replace Benjamin Tinker who will be retiring in May. Both temporary employees hired for the winter season will be leaving.

ATTORNEY FOR THE TOWN

Attorney Snyder updated the Town Board on the "Ash for Trash" proposal being considered by the Cortland County Legislature. He said that Onondaga County has now gotten more involved in the process and an environmental review may be completed by mid-June. From what he has learned so far, this proposal may be good both economically and environmentally for Cortland and Onondaga Counties.

TOWN AGRICULTURAL COMMITTEE

Councilman Young reported on the first meeting of the Town's Agricultural Committee. It was attended by Dave Root of Dave's Veggies, Branden Brown of Trinity Valley Farms, Lawrence Jones of Little York Farms, Bill Anderson of Anderson's Market and Councilman Young. He reported that they plan to ask Bob Haight of the Chamber of Commerce or someone from the IDA/BDC to attend their next meeting to discuss how to better promote agri-businesses in the area.

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

Anita W. Jebbett, Town Clerk