

The regular meeting of the Town Board of the Town of Homer held on Wednesday, June 4, 2014, in the senior center 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

Approximately 40 residents (see attached list)

PLEDGE OF ALLEGIANCE

MINUTES

**The minutes of the May 7, 2014, 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:

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

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Warren, seconded by Councilman Williams and carried unanimously: **RESOLVED: that General Fund vouchers #107 through #135 totaling \$34,645.96 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Highway Fund vouchers #73 through #89 totaling \$73,917.73 be approved for payment.**

NEW BUSINESS

Appointment of Assistant Assessor – On motion by Councilman Warren, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Stephanie Baldwin is hereby appointed to serve as Assistant Assessor to Town Assessor David Briggs through the remainder of 2014.**

Briggs had requested the appointment in order to facilitate her training. She will not receive any pay or benefits from the Town.

Cleaning Contract – On motion by Councilman Weddle, seconded by Councilman Young and carried unanimously: **RESOLVED: that the contract with Advantage Commercial Cleaning Service for cleaning the Town Offices be renewed for one year at the cost of \$61.50 per week.**

Supervisor Forbes noted that the cost has not increased over the last two years.

Village recreation contract – On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Supervisor Forbes is hereby authorized to sign the contract with the Village for the Town's support of the Village's recreation programs for the year 2014-2015 in the amount of \$28,198.37.**

Liability insurance renewal - On motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Supervisor Forbes is hereby authorized to accept liability insurance coverage from First Niagara Risk Management and to add or reject supplemental coverage for a minimum of 90 days, during which time Councilman Williams will review the policy.**

The Board expressed concern that the policy was not available ahead of time to review and that the cost of the insurance had increased by \$3,000.

Dog Census – Town Clerk Jebbett reported that they were conducting a dog census by mail for the first time, based on the experience of other Towns. Letters have been mailed to Village residents and will be going out to Town residents in the near future. So far the response has been very good.

#### ATTORNEY FOR THE TOWN

Attorney Snyder said that he had received a complaint regarding a potential mining operation in the East Homer area. Code Enforcement Officer Daniels also received a complaint about the Poole/Young farm's project to remove materials from a knoll and reclaim the land for farming. Snyder said that the Poole's were referred to the NYS Department of Environmental Conservation which may or may not issue them a waiver for a mining permit. Snyder said that after reviewing the matter with CEO Daniels, it was determined that Poole/Young's land reclamation project may also require a special permit from the Planning Board.

#### HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported on the work done over the past month which included the chip-sealing of 2 ½ miles of road, repairing the shoulders of roadways damaged over the winter, and hauling for stockpiling over ½ of the sand needed for the upcoming winter months. So far they have been operating effectively despite having two less employees than last year. He will be looking to hire one new employee. Phelps also said that he may be looking to replace the street sweeper in the near future.

The regular board meeting concluded at 7:50 p.m.

Supervisor Forbes noted that the residents in attendance were present to address the issue of hydro-fracking. He reminded them of the Board's decision to wait until the results of the New York State Court of Appeals hearings on the zoning policies of the Towns of Dryden and Middlefield are received which may be in early July. Forbes said that in his opinion the issue should be decided by the State and not by individual Town boards.

The Board agreed to take questions and comments for a one-half hour period of time.

Many of those present urged the Town Board to adopt a moratorium on hydro-fracking to allow time to study new information on the gas drilling technique. Attorney Snyder said that if the State decides that Towns cannot restrict drilling by establishing zoning regulations there will be no need for a moratorium.

Mike Park, Town resident and business owner, said that the Town was doing the right thing to wait for the Court of Appeals decision and that it makes sense to let the State do its job.

Evelyn Pettit, Town landowner, thanked Supervisor Forbes for meeting with her previously to discuss the issue. She suggested that the Town needs to make an effort similar to that put into the adoption of the Wind Energy Law to adopt zoning regulations on hydro-fracking. She also suggested that hydro-fracking does not fit with the Town's Comprehensive Plan.

Many expressed the view that by not enacting zoning regulations or a moratorium against hydro-fracking the Board was not properly representing Homer residents. Village residents Stephanie Spina, Bonnie Smith, Bess Path and others urged the Town Board to take action. Town resident Chris Moheimini voiced concern about the possibility of human error leading to contaminated ground water and drilling's effect on our quality of life. Pam Jenkins, resident of the Town of Cortlandville, urged Board members to speak with members of the Preble Town Board who have enacted a moratorium, and Attorney Joe Heath. Another concern expressed was drilling's effect on children's health and especially those who have chemical sensitivities.

Peter Young, Town resident, said that there are many others in the Town who may have a different opinion than those in attendance and that he was speaking up on their behalf.

Gary Smith, director of MICAH and Village resident, said that only 4% of Town land is leased and that 96% of people will not benefit from gas drilling.

Supervisor Forbes responded that tax-wise the Town, County and school district would benefit by the construction of either wind mills or gas wells.

Councilman Warren said that in his opinion there is no real urgency to making a decision and that it is such an important decision that the Board wants to make sure they have it right. He again stated that the Board intends to wait for a ruling to be made by the New York State Court of Appeals which is expected in early July.

Supervisor Forbes declared an end to the public comment period and thanked those in attendance for coming to the meeting. He said that the matter would be taken up again next month.

The meeting was adjourned at 8:35 p.m.

Anita W. Jebbett  
Town Clerk