

Regular Meeting  
July 2, 2014

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

OTHERS PRESENT

Gordon Wheelock, County Legislator  
Emmett Neno, Cortland Standard reporter  
Gary Smith, Director, MICAHA, and resident  
Bonnie Smith, resident  
Sandi Cook, resident  
Vivian Vosburgh-Garvey, resident  
Alice Lake, resident  
Ann Mooney, resident  
Sara Watrous, resident

PLEDGE OF ALLEGIANCE

MINUTES

**The minutes of the June 4<sup>th</sup> regular 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. Town Clerk's report of all receipts & disbursements for June.
2. Code Enforcement Officer's report of building permits issued for June.

ANNUAL REPORTS

Presented for audit by the Board:

1. The Tax Collector's return of unpaid taxes to the County Treasurer for 2014.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Williams, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that General Fund vouchers #136 through #158 totaling \$54,825.97 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 #90 through #104 totaling \$20,064.79 be approved for payment.**

## REGULAR BUSINESS

Lincoln monument proposal – Supervisor Forbes reported that the First Religious Society and the Village of Homer have both turned down a proposal by Martin Sweeney and others for placing a monument to Homer’s famous citizens – Stoddard, Carpenter & DeVoe, who all made contributions to the legacy of Abraham Lincoln – on the Village Green.

Supervisor Forbes presented a plaque to the Town that contains a quote attributed to Abraham Lincoln.

Liability insurance – Councilman Williams suggested that the Town pay one-fourth the cost of the liability insurance from First Niagara Risk Management to allow time for him to get other quotes for insurance coverage. He plans to bring them to the August meeting.

Dog census – Town Clerk Jebbett reported that so far they have been pleased with the results of the first ever dog census by mail. In May the Town Clerk’s Office licensed 24 new dogs, as compared to an average of 10 per month, and in June they licensed 70 new dogs.

Tax Collection - Town Clerk Jebbett reported that the 2014 Town and County taxes were returned to the County Treasurer’s Office on June 12<sup>th</sup>. Of a total levy of over \$5.3 million, the Town collected 91.44%.

Town Planning Board – Supervisor Forbes explained that Attorney Patrick Snyder has recused himself from representing the Town on an application to the Planning Board by the Sunset-Young Farm for a special permit. Also, Planning Board member Bruce Crandall has recused himself in this same matter due to a potential conflict of interest.

Flag presentation – In connection with the first Homer History Celebration which took place on Flag Day, June 14<sup>th</sup>, Supervisor Forbes accepted a flag on behalf of the Town which was flown over the United States Capitol Building in Washington, D.C. The flag was presented to him by Terre Dennis on behalf of U.S. Representative Richard Hanna. It is currently being flown at the Homer Town Hall.

Village office space – In response to a request by some Village residents, Supervisor Forbes said that he and Councilman Warren have been looking into a cost-sharing plan for use of office space by the Village of Homer if they were ever to decide to move back into the Town Hall Building. The Town would provide heat, air conditioning and lights, with the Village covering the expense of water and sewer use, for a monthly rent of \$700. The Town would also provide snow plowing and snow removal as well as building maintenance.

Councilman Warren made a motion to make an offer to the Village of Homer for office space in the Town Hall including heat and electricity, with the Village to provide water and sewer service to the building, for a monthly rent of \$700, which was seconded by Councilman Young. Councilman Williams strongly objected and Councilman Young withdrew his second of the motion.

Councilman Williams explained that he had objected because Village taxpayers already participate in the cost and maintenance of the Homer Town Hall, and he feels that they should not have to pay any rent to have the Village offices in the building.

Following some discussion it was agreed to re-visit the issue at the August meeting.

Gas drilling issue - Supervisor Forbes said now that the New York State Court of Appeals (the state’s highest court) has ruled in favor of the Towns of Middlefield and Dryden, the Town of Homer should proceed to consider the recommendations of the Zoning Advisory Committee on hydro-fracking.

Supervisor Forbes asked Attorney Snyder to explain the steps involved in either adopting a moratorium or an amendment to the Town’s zoning law. Attorney Snyder described the processes for adopting a moratorium, which could take up to 3 or 4 months, and adopting a local law which incorporates the Zoning Committee recommendations, which could take significantly longer. The adoption of either would require drafting the

local law, submittal to the County Planning Board for General Municipal Law review, and one or more public hearings. Once adopted the local law would need to be filed by the Secretary of State in order to become effective.

Gary Smith, Director of MICAH, handed out packets of information on hydro-fracking to the members of the Town Board. He urged the Town Board to review the information and to enact a one to two year moratorium on hydro-fracking to allow time for further study on the potential health impacts, and effects on agriculture and water supply.

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Attorney for the Town be requested to review and if necessary revise the draft local law to establish a moratorium on natural gas drilling that he had originally prepared in 2012; and that the moratorium be for a period of six months, and that the draft local law be considered by the Town Board at the next monthly meeting.**

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Attorney for the Town be authorized to draft a local law which would implement the recommendations of the Zoning Advisory Committee on hydro-fracking, for consideration by the Town Board.**

Attorney Snyder suggested that the Town Board ask the Planning Board to comment on the recommendations of the Zoning Advisory Committee. Supervisor Forbes suggested that members of the Committee be invited to attend and any Town Board members that might wish to attend. The next Planning Board meeting is scheduled for July 30<sup>th</sup>.

Traffic concerns on Route 281 - In a letter addressed to the Planning Board regarding a different issue, Ingrid Griswold, a property owner on Route 281, voiced her concerns about traffic and speed on Route 281 near Hooker Avenue.

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously: **RESOLVED: that the County Highway Superintendent be notified that the Town seeks to place a speed limit on the Town portion of Hooker Ave.**

On motion by Supervisor Forbes, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the Town petition the NYS Department of Transportation for a speed limit of 35 mph on Route 281 from the Village line to the Hooker Ave intersection, and a speed limit of 45 mph on Route 281 from Hooker Ave past the Bob's BBQ at 5290 Route 281.**

#### ATTORNEY FOR THE TOWN

Attorney Snyder discussed the Town's local law which allows the Town Board to appoint alternate Planning or Zoning Board members should someone be absent due to an illness or have a conflict of interest.

On motion by Councilman Weddle, seconded by Supervisor Forbes and carried unanimously: **RESOLVED: that former Planning Board member Frances Armstrong be appointed to serve as an alternate Planning Board member for a term of two years.**

Armstrong will be replacing Planning Board member Bruce Crandall who has a conflict of interest in the Sunset-Young Farm special permit matter. Snyder recommended that another resident be appointed as a second alternate for future Planning or Zoning Board matters.

Attorney Snyder explained that he wanted to avoid any appearance of a conflict in the matter of the Sunset-Young Farm special permit application for a gravel mining/farmland reclamation project, and was therefore recusing himself in the matter. Attorney Snyder explained that he has done work for the Beard's and for Gorick Construction in the past, and is currently representing the County legislature in matters relating to the proposed Cortland-Onondaga County solid waste partnership. He explained that Attorney Francis Casullo had agreed to handle the matter subject to Town Board approval.

On motion by Councilman Williams, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that Attorney Francis Casullo is hereby appointed to serve as Attorney for the Town in the matter of the Sunset-Young Farm special permit.**

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

Anita W. Jebbett  
Town Clerk