

Regular meeting of the Town Board of the Town of Homer held on Wednesday, November 5th, 2014, in the Senior Center of the Town Hall building was called to order by Supervisor Frederick J. Forbes, Sr, at 7:35 p.m.

PRESENT

Frederick J. Forbes, Sr, 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

Martin Sweeney, Town Historian
Tyrone Heppard, reporter, Cortland Standard
Donald Ferris, reporter, The Homer News
Jim Whiting, former resident
Linda Jones, resident of East River Road, County legislator-elect
Larry Jones, resident of East River Road
Approximately 30 citizens (see attached list)

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the October 8th regular meeting were approved with the following correction: Local Law #1 of 2014 establishing a moratorium should instead be titled Local Law #2 of 2014, on motion by Councilman Young, seconded by Councilman Weddle and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Town Clerk's report of all receipts & disbursements for October.
2. The Supervisor's report of all receipts & disbursements for October.
3. The Code Enforcement Officer's report of all building permits issued in October.

ANNUAL REPORT

1. Town Historian's report of all his activities from November 1st, 2013 to November 1st, 2014.

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 #230 through #255 totaling \$27,567.43 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 #155 through #169 totaling \$58,019.69 be approved for payment.**

2015 TOWN BUDGET

On motion by Supervisor Forbes, seconded by Councilman Young and carried unanimously:
RESOLVED: that the preliminary Town budget is hereby adopted as the Town of Homer final budget for 2015, with the tax rate to be \$1.30 per thousand for Village residents and \$1.72 per thousand for Town residents.

TOWN HISTORIAN

Town Historian Martin Sweeney gave a summary of his written report on all of his activities over the past year. He presented several items that he had received over the past year including, a large photograph of the 1865 flood in the Village of Homer and a contract with Thomas Knobel for painted backdrops and staging items for the stage of the new Town Hall built in 1908, previously owned by Janice Knobel Wheeler, and a photograph of a young Anna Hilton, a late prominent citizen, on the back of a trolley in Homer.

Sweeney thanked the Board for their support of the proposed Lincoln monument project and said he is looking at all the options for an organization to act as the "Primary Partner" for the purpose of applying for grant monies for the project. Sculptor Frank Porcu will be visiting Homer in the near future to discuss the project. Sweeney emphasized the economic benefits of cultural/heritage tourism.

The Town Board thanked him for all his hard work over the past year and for his presentation.

FOSTER-MOORE ROAD MANURE STORAGE PIT

Frank DeAngles, resident of Foster-Moore Road, was spokesperson for a group of residents upset by the construction of a large manure pit off Foster-Moore Road. He urged the Town Board to do more to prevent a similar situation in the future in which neither Town officials nor the residents are aware of the siting of a large manure pit prior to its construction. He suggested that the Town Board place a moratorium on the construction of manure pits.

Supervisor Forbes suggested that instead of a moratorium that the matter be referred to the Town Planning Board to see if they might recommend changes to the Town Zoning Law. He said that a moratorium would not prevent the operation of the Foster-Moore Road storage pit and would take at least three months to enact. He said that the current project is "grand-fathered" in and attempts by the Town to stop the project could open up the Town to a lawsuit.

Steven Triolo, also a resident of Foster-Moore Road, was concerned that the change from the original location of the storage pit – relocated after Code Enforcement Officer John Daniels pointed out to New Hope View Farm, LLC that the Town's setback is 400 feet – may not be addressed in the plans for the pit.

Attorney Patrick Snyder said that it was a valid concern and Supervisor Forbes asked Snyder to file a FOIL request for the plans for the manure storage pit from the US Natural Resources Conservation Services (NRCS) on behalf of the Town.

Several others in attendance voiced concerns about their property values, and health and quality of life issues. Supervisor Forbes outlined some of the State and Federal agencies that are involved in providing guidance, supervision and funding of the project.

The meeting was adjourned at 8:50 p.m. to allow the Town Board to move back to the board room for the remainder of the meeting.

The regular meeting was reconvened at 9:00 p.m. in the board room.

Speed limit change on Route 281 - Supervisor Forbes read a letter from the NYS Department of Transportation stating that the Town's request to extend the 35 mph speed limit from the Village of Homer line to the Hooker Avenue intersection has been approved and the signs necessary to implement the new speed limit will be installed by the State as soon as possible. However, they chose to retain the existing speed limit from Hooker Avenue to Bob's Barbeque.

Village request for Town Hall testing – Supervisor Forbes stated that at a meeting to discuss the possibility of moving back into the Town Hall, the Village Board had requested that more testing be done by a third party at the Town's expense. Supervisor Forbes suggested that the Village counsel needs to define "third party". The air in the Town Hall has already been tested by Microbac Laboratories, a private company located in Cortland, the NYS Department of Health, and most recently

by the NYS Department of Labor Division of Public Employees' Safety & Health (PESH), all of whom he considers third parties. He also questioned what the testing would entail as carbon monoxide, carbon dioxide and mold have already been tested for and not found to be an issue. Forbes said that it is his recommendation that no more money be spent on testing unless the Village counsel can explain why those agencies are not third parties and what types of tests are requested.

Councilman Williams suggested that the Town request a copy of the original testing that triggered their move from the Town Hall in 2010.

Town Board members agreed to have Supervisor Forbes send a letter to the Village counsel stating their position.

Health insurance rates – Supervisor Forbes said that the rates for the Excellus Blue Cross Blue Shield were going up 14% for 2015.

New Fire District contract – Forbes said that the Town would be scheduling a joint public hearing on the proposed contract between the Town Fire District and the Village of Homer Fire Department for December 3rd, 2014, at 7:15 p.m.

Sales tax revenue – On motion by Supervisor Forbes, seconded by Councilman Williams and carried unanimously, **RESOLVED: that the Town of Homer elects to receive all of the Cortland County sales tax revenue to which it is entitled as a direct payment in the fiscal year 2015.**

Town Hall elevator – Recent problems with the elevator were discussed.

Homer Central School District budget – Nancy Ruscio, Superintendent of the Homer Schools, will attend the December 3rd meeting to present the budget on a proposed capital project.

Homer Business Association request – Supervisor Forbes reported that the HBA is requesting donations for more holiday lighting this year. On motion by Councilman Young, seconded by Councilman Weddle and carried, Supervisor Forbes, Councilmen Warren, Weddle and Young voting in the affirmative and Councilman Williams abstaining, **the Town of Homer will not be making a donation to the Homer Business Association for the purchase of holiday lighting.**

Bid opening for tractor – A bid award on a four-wheel drive tractor with a loader and 3-point hitch was postponed until Highway Superintendent Phelps has a chance to review the bids with Councilmen Weddle and Young.

Wall Street Bridge – Supervisor Forbes reported that a notice has been received from the NYS Department of Transportation that there are some issues with the Wall Street Bridge. Superintendent Phelps will be preparing a plan of action for the bridge.

Landmark Society letter – Forbes read a letter from Roger Williams, President of the Landmark Society of Cortland County, in appreciation of the Town Board's creation of a Town Historic Advisory Committee and offering to work with them to advance community interest in historic preservation and restoration.

ATTORNEY FOR THE TOWN

Attorney Snyder said that Local Law #2 of 2014, A Moratorium on Natural Gas or Petroleum Extraction and Exploration Activities, has been filed with the New York Secretary of State.

EXECUTIVE SESSION

On motion by Councilman Williams, seconded by Councilman Warren and carried unanimously, the Town Board convened an executive session at 9:20 p.m. to discuss a personnel matter relating to a particular person or persons.

On motion by Councilman Williams, seconded by Councilman Warren and carried unanimously the executive session was adjourned and the regular session reconvened at 9:45 p.m.

On motion by Councilman Warren, seconded by Councilman Young and carried unanimously:
RESOLVED: that the social security portion of the Medicare Advantage health insurance plan be reimbursed to Deputy Town Clerk Livingston in a manner to be determined by Supervisor Forbes.

Town Assessor – Supervisor Forbes announced that Town Assessor David Briggs will be retiring as of December 31, 2014, leaving the Town with only a short time to find a replacement. The Town will be attending a meeting with the City of Cortland Administrator and other towns in the same situation to discuss a replacement, among other efforts.

The meeting was adjourned at 9:50 p.m.

Anita W. Jebbett
Town Clerk