

The regular meeting of the Town Board of the Town of Homer held in the board room of the Town Hall Building on Wednesday, August 8, 2018, was called to order by Supervisor Frederick J. Forbes, Sr., at 6:30 p.m.

PRESENT

Frederick J. Forbes, Sr., Supervisor
Larry R. Jones, Councilman
Michael R. Park, Councilman
Barry E. Warren, Councilman
Kevin M. Williams, Councilman
Patrick M. Snyder, Attorney for the Town
John R. Phelps, Highway Superintendent
Anita W. Jebbett, Town Clerk

OTHERS PRESENTS

Mark Helms, Cortland County Sheriff
Kelly Preston, Cortland County Legislator
Linda Jones, Cortland County Legislator
Hal McCabe, Mayor, Village of Homer
Patrick Clune, Trustee, Village of Homer
Kristen Monroe, resident
Jason Kristof, resident
Shawn Potts, resident
Laurie Gosse, resident
Jacob Gosse, student
Allison Witt, student

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the June 14th special meeting, and the July 10th public hearing and regular meeting were approved as presented, on motion by Councilman Park, seconded by Councilman Williams and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Supervisor's report of all cash receipts & disbursements for June.
2. The Town Clerk's report of all cash receipts & disbursements for July.
3. The Code Enforcement Officer's report of all building permits issued in July.
4. The Dog Control Officer's report of all activities for July.
5. The Status of Funds report for July on the Housing Rehab Grant.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Williams, seconded by Councilman Park and carried unanimously: **RESOLVED: that General Fund vouchers #150 through #170 totaling \$14,277.18 are approved for payment.**

Highway bills were approved as audited on motion by Councilman Warren, seconded by Councilman Jones and carried unanimously: **RESOLVED: that Highway Fund vouchers #123 through #141 totaling \$106,639.20 are approved for payment.**

Community Development bills were approved as audited on motion by Councilman Williams, seconded by Councilman Warren and carried unanimously: **RESOLVED: that Community Development Fund vouchers #34 and #35 totaling \$5,430.12 are approved for payment.**

NEW BUSINESS

Supervisor Forbes brought forward several zoning issues for discussion:

Farm brewery in residential district - Jason Kristof of 722 Route 90 was present to request that the Town Board consider changes to the Town's zoning law in order that he be allowed to build a farm brewery on his property on Route 90 that is currently zoned residential. He said that he previously met with the Planning Board and they recommended that he approach the Town Board.

Attorney Snyder said that a home brewery is not currently an allowed use in a residential district, and that the standards for obtaining a use variance from the Zoning Board of Appeals are difficult to meet. The Planning Board had suggested that the zoning law could be amended to allow a farm brewery use in the residential district, subject to a Special Use permit to be granted by the Planning Board. This change in the zoning law would require the adoption of a local law, including a public hearing. Such a law should include standards for when a special permit could be approved.

Kristof said that when he originally purchased the land in 2000 it was zoned agricultural. He currently grows hops on his property and is hoping to build a barn for the brewing of beer and to offer tastings, and is hoping to expedite the process.

While Town Board members overall were favorable towards the project, they agreed to seek the recommendations of the Planning Board. On motion by Councilman Williams, seconded by Councilman Park and carried unanimously: **RESOLVED: that the Planning Board is asked to consider drafting changes to the Town's current Zoning Law in order to allow a farm brewery, distillery, and etc. to operate with a Special Use Permit in certain zoning districts, and to make recommendations to the Town Board.**

Fireworks use – Kristen Monroe of 1009 Marion Drive was present to express her concerns about the seemingly constant use of fireworks during the summer months. She has pets that are greatly disturbed by them and asked the Town Board to consider a noise ordinance.

County Legislator Kelly Preston said that Monroe is the second person in her district to complain about fireworks and she assumes that there are many more who also have concerns. She said Cortland County's new law allows for the sale of certain fireworks from June 1st to July 5th, and from December 26th to January 2nd.

Sheriff Mark Helms said that although they investigate each and every complaint, there is little that his department is able to do. The fireworks that make the most noise and that result in complaints are not the types that are included in the County's law or legally sold in New York State.

Supervisor Forbes related circumstances in which noise from fireworks upset his cattle and caused some problems on his dairy farm. He suggested that people be more considerate of their neighbors.

Attorney Snyder said that in researching noise ordinances he has found that they are difficult to enforce. After much discussion it was suggested that the noise issue should be addressed on the County level, perhaps by setting a time of day after which fireworks should not be used. Legislator Preston said that she will approach the County on the subject and report back to the Town Board.

Chickens in residential district – There has been a request by a property owner on Briar Hill Road to have chickens, which currently is not allowed without a special permit. Code Enforcement Officer John Daniels has asked the Town Board to consider changing the Town Zoning Law to allow up to a certain number of chickens, with the proper fencing and hens only, in a residential district. There was much discussion.

On motion by Councilman Williams, seconded by Councilman Park and carried unanimously: **RESOLVED: that the Planning Board is asked to consider drafting changes to the Town's current Zoning Law in order to allow the keeping of chickens, or other types of poultry, in a residential district, with certain restrictions, and to make recommendations to the Town Board.**

OLD BUSINESS

Annexation of Village property – There was much discussion about a request from a potential buyer to have property annexed to the Town from the Village. The property in question is located in the East Hill/Carroway Hill Road area above Route 81. Issues discussed include agricultural exemptions, water lines and the opportunity for future development. Mayor McCabe suggested that the seller make a formal request to the Village for the annexation of that property to the Town.

Town Hall – Councilman Warren will be asking for quotes for repairs to the sidewalks in front of the Town Hall.

Supervisor Forbes suggested asking a contractor to look over the balcony area to see if it could be used for storage or office space if renovated.

On motion by Supervisor Forbes, seconded by Councilman Williams and carried unanimously:

RESOLVED: that a contractor be hired to examine the structure of the balcony and make recommendations for creating usable space in that area of the Town Hall.

Councilman Williams reported that the two bids received on the items on the Town Hall stage had discrepancies.

On motion by Councilman Williams, seconded by Councilman Jones and carried unanimously:

RESOLVED: that both bids received for the items on the stage are hereby rejected because the proper protocol was not followed; and that the items are to be re-bid with sealed bids to be received in the Town Clerk's Office by 1:00 p.m. on Friday, August 24th.

Forbes reminded Board members that bids on the proposed Town Hall office renovation project will be opened at 2:00 p.m. on Monday, August 20th, and a special meeting to award the bids is scheduled for 6:30 p.m. on Monday, August 27th.

Pine Street Bridge – Supervisor Forbes explained that since the last meeting it was recommended by engineers from Barton & Loguidice that the Town not put any funds into the repair of the Wall Street Bridge since the Town has applied for a grant for its replacement. Now the Wall Street Bridge has been red-flagged and the Pine Street Bridge, which had been open to pedestrian traffic, has been flagged by the State DOT to be closed completely. Forbes said that Village residents have been upset by the closing of both bridges, and have expressed their concerns in letters to the Highway Superintendent.

Councilman Park has spoken with the engineer, Matt Schooley, about the situation and suggested that the Town show its good will to the Village by repairing the Pine Street Bridge to support a 3-ton weight limit, thereby maintaining one historical bridge. Mayor McCabe suggested that the engineers be consulted about a 5-ton weight limit if the cost would be within reason.

On motion by Councilman Park, seconded by Councilman Williams and carried unanimously: **RESOLVED: that the Town Board hereby accepts the quote of \$5,500 from Barton & Loguidice for Phase I engineering on the Pine Street Bridge in order to return the bridge to a 3- to 5-ton weight limit rating.**

Hights Gulf Road Bridge – Supervisor Forbes read the bids that had been received and opened earlier for the superstructure replacement of the Hights Gulf Road Bridge, with the low bid being the one from Pro-Con Contracting, LLC, from Vestal, for \$121,000. He asked Councilman Park to review the bids with Attorney Snyder and Engineer Matt Schooley and scheduled a special meeting for the bid award at 6:30 p.m. (later changed to 1:30 p.m.) on Wednesday, August 15th. He also suggested that the Town review the proposal from Bailey-Place Insurance for the Town's liability insurance at that meeting.

Cayuga Lake Watershed Intermunicipal Organization– Forbes reported the receipt of an invoice for dues to the Watershed IO. He said that because only a tiny corner of the Town of Homer is in the watershed he had chosen not to participate. The Board members agreed.

Honoring McMahon's E-Z Acres Farm – There was much discussion about the plan to honor the McMahon family farm for achieving an award for best environmental practices. It is to take place during Law Enforcement Recognition Day to be held at their farm on Saturday, August 25th, from 11:30 a.m. to 3:00 p.m. State Assemblyman Gary Finch and Village Mayor McCabe will be speaking, and possibly other politicians who may be able to attend. Supervisor Forbes asked Councilman Williams to say a few words on behalf of the Town. Williams, as a Village resident and consumer of public water, benefits more directly from the environmental practices of the McMahon farm than other Town Board members. On motion by Supervisor Forbes, seconded by Councilman Park and carried unanimously, **it was resolved to spend up to \$250 to place ads in both the Homer News and the Cortland Standard to announcing the celebration of the McMahon's achievement.**

Honoring Rowan Travis on becoming an Eagle Scout – On motion by Supervisor Forbes, seconded by Councilman Williams and carried unanimously: RESOLVED:

Be it Known, that Rowan Travis, of 5404 State Route 41, Homer, has achieved the highest rank of Eagle Scout in the Boy Scouts of America and is accorded by the Homer Town Board with all honors and praises that accompany that achievement, and that the Supervisor is hereby directed to send a letter of congratulations on behalf of the Town.

Councilman Williams read the letter that he had written on behalf of the Supervisor to be sent to Rowan.

Court audit – Councilmen Williams and Jones agreed to conduct the annual court audit by the end of September.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps reported on the activities of his department over the past month. They have completed applying a cold mix to both Harrison Hill Road and Foster-Moore Road and will be sealing it in the near future. They will be changing out a culvert on Parks Road and on Shippey Road. He described the repairs that are being made to some trucks, and the new truck should be ready for use by the end of September. Some employees are planning to take some vacation time before fall.

ATTORNEY FOR THE TOWN

Attorney Pat Snyder reported on a busy Planning Board, with requests for subdivisions and a solar farm project among the items to be reviewed. Code Enforcement Officer John Daniels has also issued an Information & Complaint on a junk violation.

COUNTY LEGISLATOR

Legislator Linda Jones reported on activities of the County Legislature over the past month including changes made to “Amnesty Week” and the hiring of a new part-time clerk at the Department of Motor Vehicles. At Dwyer Park the restoration of the old circus wagons is almost complete, and she reported that an antique car show would be coming back to the Park in 2019.

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

Anita W. Jebbett
Town Clerk