

The regular meeting of the Town Board of the Town of Homer held on Wednesday, November 7th, in the Town Hall Senior Center was called to order by Supervisor Frederick J. Forbes, Sr., at 6:35 p.m.

PRESENT

Frederick J. Forbes, 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 PRESENT

Martin Sweeney, Town Historian
Patrick Clune, Village of Homer Trustee
Kelly Preston, Cortland County Legislator
Jason & Dina Kristof, residents
Steve Romer
Shawn Potts
Walter Kristof
Nick Graziano, reporter, Cortland Standard

MINUTES

The minutes of the October 3rd regular meeting and the October 23rd special meeting were approved as presented, on motion by Councilman Park, seconded by Councilman Jones and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Supervisor's report of all cash receipts & disbursements for September.
2. The Town Clerk's report of all cash receipts & disbursements for October.
3. The Code Enforcement Officer's report of all building permits issued in October.
4. The Dog Control Officer's report of all activities for the month of October.
5. The Status of Funds report for the Community Development grant as of the end of October.

ANNUAL REPORTS

Presented for audit by the Board was:

1. The Town Historian's annual report of all his activities from November 2017 to November 2018.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Park, seconded by Councilman Warren and carried unanimously, with the stipulation that all four vouchers from the contractors for the Town Hall Office Renovation Project be notarized and have the proper retainage: **RESOLVED: that General Fund vouchers #217 through #248 totaling \$93,837.49 are approved for payment.** (Note: with the proper retainage, the total was later changed to \$91,296.20.)

Highway bills were approved as audited on motion by Councilman Williams, seconded by Councilman Jones and carried unanimously: **RESOLVED: that Highway Fund vouchers #182 through #208 totaling \$209,562.29 are approved for payment.**

Community Development bills were approved as audited on motion by Councilman Warren, seconded by Councilman Williams and carried unanimously: **RESOLVED: that Community Development Fund vouchers #47 through #54 totaling \$57,809.24 are approved for payment.**

OLD BUSINESS

Update on Bridge repairs – Councilman Park reported that all work has been completed on the Hights Gulf Road Bridge; there has been no news on the Bridge NY application for the Wall Street Bridge; and the engineer has all the measurements for the Pine Street Bridge and will have a proposal for repairing the bridge in a few weeks.

Fire District – Supervisor Forbes said that the Town of Homer Fire Commissioners and the Village of Homer have agreed to a 2% increase in the Homer Fire District budget.

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

RESOLVED: that the Town of Homer approves of the proposed 2019 contract, subject to review by the Village counsel, between the Village of Homer and Town of Homer Fire District for the amount of \$90,080.

TOWN HISTORIAN

Town Historian Martin Sweeney gave his annual report of all of his activities over the past year and thanked the Town Board for planning a new office for him as part of the renovation project. He noted that old stage set pieces thought to have been painted by Thomas Knobel (great-grandfather of the Town Clerk) may be used in the completed project and that Supervisor Forbes has now uncovered windows that had been covered over since the building was first used as a theater in 1938. Some sets of Town Hall balcony seats were advertised and sold to current and former Homer residents, and the funds donated to the Lincoln project fund. Various items left in the balcony and under the front of the stage have been discovered during the renovations including old popcorn boxes, Durkee's Bakery donut boxes, and old Pepsi and beer bottles, along with old programs and advertisements for the movies to be shown.

Sweeney read highlights from his 8-page report, including his many meetings, lectures and presentations. He has continued to publish a column in *The Homer News* on the history of education in Homer, is working to have the Glenwood Cemetery listed in the State and National Registers of Historic Places, and portrayed William Stoddard, a Homer resident and secretary to Abraham Lincoln, in a promotional video for Cortland County, touting Homer as the most historic site in the County.

Sweeney received many photos, papers, items and research related to Homer's history over the past year, which he makes sure are given to the appropriate repository if they are not placed in his files, i.e. the Homer History Center, the CNY Living History Museum, or the Cortland County Historical Society.

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

RESOLVED: that the Town Board receives and accepts the annual Historian's Report for 2018, and thanks Mr. Sweeney for his service as Town Historian and for sharing his enthusiasm for history with the people of the Town of Homer.

FARM BREWERIES LOCAL LAW

The Town Board reviewed a local law recommended by the Planning Board to allow for farm breweries/distilleries/wineries in residential and agricultural districts with a special permit. There was discussion about various aspects of the proposed local law including the minimum lot size of 10 acres that had been recommended. Jason Kristof, who is planning to open a brewery, said that he had attended the Planning Board meetings in which this was discussed and he has no issues with the proposed law.

Attorney Snyder said that the Planning Board also plans to consider the issue of farm wedding and/or event venues in the near future.

On motion by Councilman Park, seconded by Councilman Williams and carried unanimously: RESOLVED:

that the Town Attorney is to prepare a local law on farm breweries, etc., as recommended by the Town Planning Board and that a public hearing on the proposed law is scheduled at 6:30 p.m. at the December 5th board meeting.

CHICKENS IN RESIDENTIAL DISTRICTS LOCAL LAW

There was much discussion about whether and how much to limit or regulate the ownership of chickens or other types of poultry in the Town's residential areas. Supervisor Forbes and Councilman Williams each stated their concerns about the local law recommended by the Town Planning Board which allows for poultry in residential areas by right provided that the number of chickens does not exceed 8, that they are properly contained - no "free range" chickens, and no roosters.

Attorney Snyder explained that without a local law, chickens are only permitted in residential areas if a special permit is obtained through the Planning Board. He suggested that the administrative burden for both the residents and the Town for people wishing to raise a few chickens would be reduced by establishing some guidelines. Anyone wanting to exceed the number of chickens, or own a rooster, or allow the chickens to have complete free range without containment, would still be able to apply for a special permit to do so. No decision was made to move forward on the law as proposed.

NEW BUSINESS

Court audit – On motion by Councilman Jones, seconded by Councilman Warren and carried unanimously: RESOLVED:

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town boards provide an annual audit of the town justice court's records and dockets; and

WHEREAS, Homer Town Board members Williams and Jones performed such an audit of the 2017 Town of Homer court records on October 24th, 2018 using a checklist and documentation provided by the New York State Comptroller's Office; and

WHEREAS, Board members Williams and Jones found all records to be clear, concise, and accurate; that all reports and disbursements were made on a timely basis, that the checkbooks were reconciled on a timely basis, and that cooperation by the Town Justice and Court Clerk was found to be excellent; During the audit the following was noted:

- 1) During a preliminary audit meeting held on October 23rd, 2018 with Ms. Rita Dawson, Court Clerk, court audit procedures were reviewed and, with the help and cooperation of the Court Clerk, additional documents helpful to the audit were provided at that time.**
- 2) Audit sampling included the months of January, February, June, August, October, November, and December 2017. Sampling including verification of deposits in the Justice account and bail account, cash receipt tie-ins to deposits in the Justice account and bail account, and verification of timely banking procedures and timely reporting of monthly documents.**
- 3) Open caseloads were within normal range.**
- 4) Closed caseloads were sampled for time to completion, and found to be completed in a timely manner.**

THEREFORE IT IS RESOLVED to accept and file the audit with the Town Clerk and forward copies of the 2017 fiscal year audit to NYS Unified Court System along with a copy of the adopted motion accepting the audit.

DCO and Shelter Inspection Reports – Supervisor Forbes presented the Dog Control Officer Inspection and the Municipal Shelter Inspection Reports for the Town's shelter on West Scott Road that were completed by the New York State Department of Agriculture & Markets as of October 12th. All was found to be in compliance and satisfactory.

Association of Towns Annual Meeting – Supervisor Forbes reported that the annual meeting is to be held February 17th through 20th in New York City.

Land annexation – On motion by Supervisor Forbes, seconded by Councilman Park and carried unanimously: RESOLVED: **that the Town hereby accepts property currently owned by East River Acres, LLC, consisting of less than 1 acre, tax map parcel #66.75-01-37.000, located just east of Route 81 as approved by the Village of Homer to be annexed to the Town, and to become part of tax map parcel #67.00-15-06.000 located in the Town with the same owner.**

Town Hall renovations – Supervisor Forbes updated the Board members on the status of the renovations. He said that the construction of offices on the stage is moving along rapidly.

Forbes said that Complete Construction Concepts had agreed to lower their bid for sidewalk replacement in front of the Town Hall by \$500 after Highway Superintendent Phelps agreed to tear out the old sidewalk. Work will begin soon, weather permitting.

Forbes will be consulting with the Code Officer on further renovations to the balcony area of the Town Hall. On motion by Councilman Park, seconded by Councilman Warren and carried unanimously:

RESOLVED: that Marty Heath is hired to continue the tear-out of the balcony area to turn it into usable space at a cost of up to \$3,000.

2019 Town Budget – Supervisor Forbes explained how and why he has made modifications to the Preliminary Budget for 2019. The Phillips Free Library has decided to change how they are funded. Because they now have a State mandate to cover the entire Homer Central School District, they plan to change their funding from support from the Village and Town of Homer to a line item on the Homer School taxes. Due to a difference in fiscal years, Forbes said that the Town will continue to budget \$18,250 or one-half the amount of the annual Library support for 2019. In the future, the Town will no longer need to budget that support. Another adjustment was made to correct an error in salary increases. Forbes said that due to these adjustments, the tax rate for the Town will remain at \$1.31/thousand, with no increase in the rate. Due to a 2% increase in the amount to be raised by the Homer Fire District, those residents outside of the Village will see a slight increase of \$.01 per thousand.

On motion by Councilman Williams, seconded by Councilman Jones and carried unanimously:
RESOLVED: that the Preliminary Town Budget for 2019 as amended is hereby adopted as the 2019 Town Budget, with the tax rate for Village residents to be \$1.31 per thousand, and for Town residents, \$1.31 per thousand plus a Fire District tax rate of \$.44 for a total tax rate of \$1.75 per thousand.

The Town Board members thanked Supervisor Forbes for his hard work and expertise on the budget.

ATTORNEY FOR THE TOWN

Attorney Pat Snyder said that he would prepare a local law regarding breweries/distilleries/wineries based on the recommendations of the Planning Board and would send Town Board members each a copy prior to the December 5th public hearing.

HIGHWAY SUPERINTENDENT

Highway Superintendent John Phelps reported that he and his crew have been busy over the past month preparing for winter. The small paver purchased a couple of years ago has been very helpful for the Town and for other municipalities who have used it to finish up small projects at the end of the season. Phelps said that he will again operate a late afternoon/evening shift for snow and ice removal with a small crew. He praised his current employees for their hard work, skill and teamwork.

COUNTY LEGISLATOR

Legislator Kelly Preston reported on the activities of the County Legislature over the past month. She voiced her support for Charles Sudbrink as the new County Highway Superintendent and said that Kevin Whitney as the new acting County Administrator was off to a good start. Preston said that she was now on the Budget & Finance Committee and that they hope to improve the financial management of the County including eventually hiring a new County Administrator. Board members expressed concerns over trash being left on roadsides and the District Attorney's proposal to route traffic fines through County court.

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

Anita W. Jebbett
Town Clerk