

Regular Meeting
August 3, 2022

The regular meeting of the Town of Homer Board held on Wednesday, August 3, 2022, in the Town Hall Senior Center, was called to order by Supervisor Frederick J. Forbes Sr. at 6:30 p.m.

PRESENT

Frederick J. Forbes, Sr., Supervisor
Michael R. Park, Deputy Supervisor
Barry E. Warren, Councilmember
Kevin M. Williams, Councilmember
Patrick M. Snyder, Attorney for the Town
Heather M. Hill, Town Clerk
Brooke L. Poli, Deputy Clerk

OTHERS PRESENT

Chelsea Horak, Cortland Voice
Tim Malchak, Town of Homer Resident
Antionette Tiburzi, Town of Homer Resident
Joy Hendricks, Town of Homer Resident
Maria Greenfield, Town of Homer Resident
Monica Willsey, Town of Homer Resident
Timothy Willsey, Town of Homer Resident
Paul Rigby, Bureau Chief of Corrections and Community Supervision
Emmanuel Pothos, Cortland Resident
Patrick Clue, Homer Village Trustee
Donald Ferris, The Homer News
Kelly L. Preston, Cortland County Legislator
Cory Burhans, Town of Homer Resident

PLEDGE

MINUTES

On motion by Deputy Supervisor Park, seconded by Councilmember Jones and carried unanimously: **RESOLVED: The minutes of the July 6th, 2022, meeting, were approved as presented.**

MONTHLY REPORTS

Presented for audit by the Town Board were:

1. The Town Clerk's report of all receipts and disbursements for July 2022.
2. The Code Enforcement Officer's report of all building permits issued for July 2022.
3. The Supervisor's reports of all financial activities through July 2022.

BILLS TO BE PAID

General bills were approved as audited by Deputy Supervisor Park, motioned by Deputy Supervisor Park, seconded by Councilmember Jones, and carried unanimously: **RESOLVED: that General Fund vouchers #139 through #157 totaling \$13,583.46 are approved for payment.**

Highway bills were approved as audited by Councilmember Warren, motioned by Councilmember Warren, seconded by Deputy Supervisor Park, and carried unanimously: **RESOLVED: that Highway Fund vouchers #110 through #120 totaling \$11,149.04 are approved for payment.**

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION-TOWN HALL COURT

Paul Rigby, the Bureau Chief for the Syracuse Bell area office, introduced himself to the Town Board. He stated that there has been a new bill and law called “Less is More” that went into effect on April 1, 2022. This bill was passed by the Senate and Assembly and the law states that the parole hearings can no longer be held in the jail. The law also states that the hearings would now have to be held at a court or another area in the community. He requested that the Town Board consider allowing the parole hearings to take place in the Town of Homer’s Court because of its prime location. Cortland County holds their hearings in the afternoons every other Monday from 1 PM until 4 PM.

He also stated they would provide their own armed officers and security. The only thing they would need from the Town of Homer, is the use of the court room to hold their hearings.

Supervisor Forbes informed the Board that Judge Kruman has given his approval to move forward with the use of the court room. He also stated that allowing these hearings to be held at the court would save Cortland County on transportation and time.

On motion by Deputy Supervisor Park, seconded by Councilmember Jones, and carried unanimously: **RESOLVED: To allow the NYS Department of Corrections and Community Supervision the use of the Town of Homer’s Court facility to hold their hearings as needed, with oversight of the Town Supervisor and clerks.**

TOWN HISTORIAN PRESENTATION OF LATEST BOOK

The Town and Village of Homer’s Historian, Martin Sweeney, informed the Board that he has completed and published his fourth book on the historic history of Homer called “The Heart of Central New York.” This book is a compilation of the articles written by Historian Sweeney over the years that he has had published in the Homer News. He has genuinely enjoyed writing the articles for the newspaper with his editor, Don Ferris. He stated this is his most successful efforts, thus far, as the public historian in utilizing the press as a tool for generating interest in learning about the history and the community’s unique historical identity. He presented each Town Board member and clerks a signed copy and thanked them for allowing him to serve the town over the years.

RESIDENTS OF MARION DRIVE

Supervisor Forbes stated that he had received multiple emails from concerned residents around the Marion Drive area concerning a particular property. The residents on this property have been sent violations and letters from both Code Enforcement Officer and the DEC. The residents that were present from Marion Drive area voiced their concerns to the Town Board. The nature of their concerns was the following: noisy roosters and free-range chickens, burning green wood, various construction material around their property, and a loose and menacing husky dog. Forbes said that because there is a conflict of interest, this case will be turned over to Deputy Code Enforcement Officer, Adam Brown.

Attorney Snyder added that if this goes to court it must follow the strict procedures of the criminal procedure law. Forbes stated that the Town Board has no legal authority over enforcement. It makes the local laws, but the Code Enforcement Officers enforce the law. If someone disagrees with the code office, they can make an appeal to the Zoning Board of Appeals. Forbes assured the residents that the Town Board hears and understands the concerns, but this is a process that will take time to work itself out.

ZONING BOARD OF APPEALS MEMBER RESIGNATION & REPLACEMENT

Supervisor Forbes informed the Town Board that Joseph Gilbert will not be able to attend the Zoning Board of Appeals meetings and will need to find a replacement for Mr. Gilbert. Forbes requested that if the Board has any recommendations to please let him know.

DEC HUNTING LICENSES AND TOWN CLERK'S OFFICE - SATURDAY HOURS

Supervisor Forbes informed the Town Board that the Town Clerk's office would be open from 8:00 AM to 12:00 PM starting August 6, 2022, for the months of August, September, and October. The Clerks have advertised the new hours in the Cortland Standard, the Homer News, and on the local radio station.

The clerks are in the process of gathering information and quotes to have a credit card machine available in the office for payment transactions.

BILLBOARDS DISCUSSION

Attorney Snyder brought forward last month that the Town Board can request a long form SEQR from Emmanuel Pothos. Attorney Snyder reiterated that any time a Town amends the Zoning Law in any significant way, that this would then need to go through the Environmental Review Process, also known as SEQR or State Environmental Quality Review. The regulations are published by the state DEC and have been in effect since the 1970's. Attorney Snyder told the Board that to start the process, they need to decide what they want to consider. The Board is not under any obligation to consider the rezoning, and it is purely optional and up to the Town Board's discretion. If the Town Board does want to proceed, then how much does the Town Board want to change the Zoning Law. Does the Town Board want to allow the maximum, minimum, or to just consider just what Emmanuel is proposing. Attorney Snyder's recommendation would be to have Emmanuel, as the project sponsor, fill out part 1 of the EAF and proceed from there. Snyder advised not to segment the environmental review of the locations of the billboards, as the DEC and court cases have found such segmentation to be not acceptable.

Supervisor Forbes requested examples of large billboards and their locations that are already up and running from Emmanuel Pothos. Also identify locations that have billboards with or without lights and blinders.

On motion by Councilmember Williams, seconded by Councilmember Warren, Deputy Supervisor Park recused, four ayes and carried: **RESOLVED: Ask the project sponsor Emmanuel Pothos to submit a full Environmental Assessment Form for the project scope of the four properties that we have been asked to consider.**

BAILEY PLACE INSURANCE PROPOSAL

Supervisor Forbes informed the Town Board that Bailey's Insurance rate of change is 6.669 percent, and this is the largest increase that they have received from Bailey's Insurance. After much discussion, the Board decided that next year they should compare and gather other quotes because of the rate of increase with Baileys Insurance.

On motion by Deputy Supervisor Park, seconded by Councilmember Jones, and carried unanimously: **RESOLVED: To accept Bailey Place Insurance proposal of \$37,722.79 for the coverage of the Town of Homer.**

HAZZARD MITIGATION / HIGHWAY GARAGE GENERATOR BIDS

Supervisor Forbes stated that because the town filled out the Hazzard Mitigation plan a couple years ago, that there are funds available for the Town of Homer. He suggested that the Town move forward and collect RFPs for a generator for the Highway Garage.

On motion by Supervisor Forbes, seconded by Councilmember Jones, and carried unanimously:

RESOLVED: To seek and collect three RFPs for a generator for the Highway Garage.

TOWN HALL SECURITY CAMERA UPDATE

Supervisor Forbes said the Town Hall cameras are working and doing very well. The one concern he has is there not a camera that faces the window of the Court Clerk's office.

Councilmember Williams stated that the security system can hold up to sixteen different cameras. Councilmember Williams will reach out to Judge Kruman about installing another camera including audio to monitor activity outside of the Court Clerk's window.

ESTABLISHING A TOWN OF HOMER HIGHWAY DEPARTMENT MAILBOX POLICY

Supervisor Forbes explained to the Board that during the spring a resident reached out to John Phelps with allegations of their mailbox being struck by one of the Town of Homer's truck.

Forbes went on to say that the Town of Homer does not have a mailbox policy established and he would like one composed. After much discussion on what the policy would consist of, Councilmember Williams offered to start drafting a policy and revisited this next month.

TOWN HALL DROP BOX

Supervisor Forbes discussed with the Board the possibility of having a drop box at the Town Hall. A resident had approached the Supervisor requesting that the town consider having that as an option. Supervisor Forbes stated that he wanted the Town Board to consider whether they should pursue the option of having a drop box at the Town Hall and would like to revisit this item at next month's meeting.

TOWN HALL DEFIBRILLATORS

Supervisor Forbes told the Board that the defibrillator located in the Senior Center has been beeping and needs to have the battery replaced. No one is quite sure who installed the defibrillator or where it came from. The Town Clerks have called the fire department and the County looking for any information. The Board asked the Town and Village Clerks to investigate what the requirements are for New York State and if they need to have one available in the Town Hall. Supervisor Forbes would like to discuss this at the next month's meeting.

HIGWAY SUPERINTENDENT

Not present.

ATTORNEY FOR THE TOWN

Attorney Patrick Snyder informed the Board that Supervisor Forbes and himself met with EDF yesterday. They attended the 5PM public hearing at the Center for the Arts. Half a dozen people attended and offered public comments about the project. Some attendees were for the project, and some were against it. The deadline for public comment on the draft permit is August 12th, 2022. By that deadline, the Town is supposed to submit a letter explaining its position as to the current and limited zoning laws that the state wants to supersede. Attorney Snyder said that he

will prepare a draft letter and send it to the Board for review. The final permit could be in place by the end of this year, but EDF stated that construction will not begin before 2024.

Forbes stated he agreed with EDF that the decisions made concerning removal of fences and driveways should be contingent on what the landowners decide. He stated that the way it is currently written is incorrect and a waiver should be written to allow the landowner as many rights as we can. The town board was also of the opinion that the setbacks along Parks Road were more than needed and it would be a more efficient use of land to have the panels closer to the road.

LEGISLATOR

Cortland County Legislator, Kelly Preston, thanked the Town Board for approving the parole hearings to be held at the Homer Court because it helps the County and saves them money. She informed the Town Board that they have been on recess, but still working. She updated the Board that the redistricting failed to have seventeen legislators. Every legislator voted against redistricting and is on record as a roll call vote.

She also stated the county is still currently helping the City of Cortland a with the cleanup and the removal of contaminated debris at Apex Cooper Tool ground site. The county is allowing them to take the contaminated debris to the county's landfill.

She also updated the Board that the second quarter sales tax is currently 5.63 percent greater overall than 2021 and hopes that trend continues.

OTHER

Supervisor Forbes requested that the Town Board discuss a pay rate for Adam Brown, the Deputy Code Enforcement Officer. Deputy Brown is not currently on the Town of Homer's payroll. After much discussion, Forbes stated he would speak to John Kaminski, the Town of Virgil Supervisor, and discuss what they currently pay Deputy Brown. Supervisor Forbes would like to discuss this at the next month's meeting.

As there was no further business, the meeting adjourned at 8:12 p.m.

Heather M. Hill
Town Clerk