

Regular Meeting
March 8, 2023

The regular meeting of the Town of Homer Board held on Wednesday, March 8, 2023, in the Town Hall Board Room, 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
Larry Jones, Councilmember
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

Patrick Clune, Homer Village Trustee
Emmanuel Pothos, Cortlandville Resident
Tim Malchak, Town of Homer Resident
Kelly Preston, Cortland County Legislator
Kevin Fitch, Cortland County Legislator
Martin Sweeney, Town Historian

PLEDGE

MINUTES

On motion by Deputy Supervisor Park, seconded by Councilman Jones, and carried unanimously: **RESOLVED: The minutes of the February 8, 2023, for the 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 February 2023.
2. The Supervisor's reports of all financial activities through February 2023.
3. The Code Enforcement Officer's report of all building permits issued for February 2023.
4. Dog Control Officer's report for February 2023.

BILLS TO BE PAID

General bills were approved as audited by Councilmember Warren, motioned by Councilmember Warren, seconded by Councilmember Jones, and carried unanimously: **RESOLVED: That General Fund vouchers #313 through #337 totaling \$19,716.41 are approved for payment.**

Highway bills were approved as audited by Deputy Supervisor Park, motioned by Deputy Supervisor Park, seconded by Councilmember Warren, and carried unanimously: **RESOLVED: That Highway Fund vouchers #236 through #255 totaling \$23,032.65 are approved for payment. Voucher #245 remitted to Homer Iron Works LLC, invoice #21174 and #21178 in the amount of \$139.76 were audited by Councilmember Williams.**

COURT AUDIT REMINDER

Supervisor Forbes reminded the Town Board that there is still a need to complete the court audit of the court and judge's records.

LANDFILL LETTER

Supervisor Forbes read the proposed Town of Homer's landfill letter that he and Attorney Snyder composed to be sent to Cortland County for the Town Board's review. After much discussion, Councilmember Williams and Deputy Supervisor Park recommended some minor changes to the verbiage of the letter and Attorney Snyder stated it needed to come from the Town Board. Supervisor said the clerks did extensive research in the town's records and could not locate a policy. Supervisor Forbes decided to table this until next month.

TOWN HALL BALCONY & FIRST FLOOR

Supervisor Forbes said the Village is starting to utilize the Town Hall's balcony for storage for the Recreational Department. Forbes stated he and Code Officer Kevin McMahon believe this could be a liability to the town and recommended replacing the railings and stairwell. Supervisor Forbes stated he would like to do this correctly the first time and make it compliant.

Forbes asked if the Town Board wanted to spend up to \$3,000.00 to replace one of the two stairwell and railings to the balcony of the Town Hall. There was discussion on the Procurement Policy and the various estimate amounts. Due to the liability to the town, Supervisor Forbes stated he was in hopes to expedite this process. Councilmember Williams requested to have the proposals for the Town Board to review.

CABINET FOR BATHROOM

Supervisor Forbes stated that the bathroom by the break room in the Town Hall needs a small storage cabinet for cleaning supplies.

On motion by Councilman Warren, seconded by Councilmember Williams, and carried unanimously: **RESOLVED: The clerks could spend up to \$400.00 on a small storage cabinet for the bathrooms by the break room.**

PLANNING & ZONING TRAINING REQUIREMENTS

Supervisor Forbes reminded the Town Board that last meeting they had discussed paying the Planning and Zoning Board members for their yearly required trainings. Forbes stated that Councilmember Williams had countered his proposal and had stated he would prefer that it was mandatory payment. Supervisor Forbes requested their comments and feedback since the last Town Board meeting.

Attorney Snyder informed the Town Board that the Planning and Zoning Boards are required to attend four-hours per year of various trainings, which should be overseen by the Town Board.

On motion by Supervisor Forbes, seconded by Councilmember Williams, and carried unanimously: **RESOLVED: Planning and Zoning Board members upon completion of the four-hour credited annual trainings will be paid \$100.00, which is \$25.00 per credit hour, at the end of the year.**

BUDGET ADJUSTMENTS FOR 2022

TOWN OF HOMER
BUDGET MODIFICATIONS
FOR THE YEAR 2022

CODE	DESCRIPTION	BUDGET INCREASE	BUDGET DECREASE
GENERAL FUND TOWNWIDE			
A1220.4	SUPERVISOR - CONTRACTUAL	\$ 1,000.00	
A1320.4	AUDITOR - CONTRACTUAL		\$ 1,000.00
A1355.1	ASSESSOR PERSONAL		\$ 50,000.00
A1355.4	ASSESSOR CONTRACTUAL		\$ 900.00
A1355.11	ASSESSOR PERSONAL CLERK	\$ 3,000.00	
A1355.12	ASSESSOR - PERSONAL DEPUTY	\$ 18,000.00	
A1410.1	TOWN CLERK PERSONAL	\$ 6,000.00	
A1450.4	ELECTIONS	\$ 200.00	
A1620.2	BUILDINGS CAPITAL		\$ 30,000.00
A1910.4	UNALLOCATED INSURANCE	\$ 19,000.00	
A5010.1	HIGHWAY SUPERINTENDENT - PERSONAL	\$ 6,000.00	
A5132.4	GARAGE - CONTRACTUAL	\$ 9,000.00	
A7550.4	CELEBRATIONS - CONTRACTUAL	\$ 200.00	
A9030.8	SOCIAL SECURITY	\$ 4,000.00	
A9050.8	UNEMPLOYMENT	\$ 500.00	
A9060.8	HOSPITAL MEDICAL INSURANCE	\$ 15,000.00	\$ -
	TOTALS	<u>\$ 81,900.00</u>	<u>\$ 81,900.00</u>
GENERAL FUND OUTSIDE VILLAGE			
B3620.4	CODE ENFORCEMENT - CONTRACTUAL	\$ -	\$ 700.00
B5182.4	STREET LIGHTING	\$ 1,100.00	
B7510.4	HISTORIAN CONTRACTUAL		\$ 450.00
B8010.4	ZONING - CONTRACTUAL	\$ 200.00	
B8010.41	ZONING - BOARD	\$ 425.00	
B8020.41	PLANNING - BOARD		\$ 1,200.00
B8020.4	PLANNING - CONTRACTUAL	\$ 625.00	\$ -
	TOTALS	<u>\$ 2,350.00</u>	<u>\$ 2,350.00</u>

TOWN OF HOMER
BUDGET MODIFICATIONS
FOR THE YEAR 2022

CODE	DESCRIPTION	BUDGET INCREASE	BUDGET DECREASE
HIGHWAY FUND TOWNWIDE			
DA5120.4	BRIDGES - CONTRACTUAL		\$ 9,000.00
DA5130.4	MACHINERY - CONTRACTUAL	\$ 12,000.00	
DA5142.1	SNOW REMOVAL- PERSONAL		\$ 30,000.00
DA5142.4	SNOW REMOVAL - CONTRACTUAL	\$ 27,000.00	\$ -
	TOTALS	<u>\$ 39,000.00</u>	<u>\$ 39,000.00</u>
HIGHWAY FUND - OUTSIDE VILLAGE			
DB5110.2	GENERAL REPAIRS - EQUIPMENT	\$ 53,000.00	\$ -
DB5110.4	GENERAL REPAIRS - CONTRACTUAL	\$ 83,000.00	\$ -
DB5112.2	PERMANENT IMPROVEMENTS (CHIPS)	\$ 71,751.05	\$ -
DB9030.8	SOCIAL SECURITY	\$ 1,000.00	\$ -
DB9040.4	WORKERS COMP	\$ -	\$ 1,100.00
DB9050.8	UNEMPLOYMENT INSURANCE	\$ 100.00	\$ -
DB9060.8	HOSPITAL & MEDICAL INSURANCE	\$ -	\$ 6,000.00
DB1120	SALES TAX REVENUE		\$ 130,000.00
DB3501	CONSOLIDATED HIGHWAY AID (CHIPS)	\$ -	\$ 71,751.05
	TOTALS	<u>\$ 208,851.05</u>	<u>\$ 208,851.05</u>

On motion by Deputy Supervisor Park, seconded by Councilmember Jones, and carried unanimously: **RESOLVED: To accept the 2022 Town of Homer Budget modifications and adjustments as presented.**

SERVER FOR TOWN CLERK'S OFFICE

Supervisor Forbes stated that three or four months ago the town had received two quotes for a server for the Town Clerk's office. Forbes said installing a server would allow automatic updates for the ATC Tax software correlated with the county and allow access to the Town Clerk's office for reports from the master program at the Certified Public Account's office.

Councilmember Williams stated that he wanted to get the scope of what the town needs before the Town Board made any decisions.

Attorney Snyder stated that the Town's Procurement Policy states that between \$2,000.00 to \$4,000.00 estimated amount of purchase contract, the Town of Homer needs to obtain at least two oral, written, or faxed quotes for request for goods.

After much discussion, Supervisor Forbes decided to table deciding until next month.

NYS TOWN CLERKS ASSOCIATION CONFERENCE

Supervisor Forbes stated that New York State Town Clerk's Association is hosting their annual conference in Syracuse, New York, April 23rd through April 26th, and the Town Clerk's office would need to close in order for the clerks to attend. The total registration cost for both clerks to attend is \$250.00 and mileage.

On motion by Supervisor Forbes, seconded by Deputy Supervisor Park, and carried unanimously: **RESOLVED: To have the Town Clerk and Town Deputy attend the New York State Clerk's Association Conference April 23rd through April 26th and close the Town Clerk's office. The Town of Homer would cover the cost of the conference and mileage.**

HIGWAY SUPERINTENDENT

Not present.

ATTORNEY FOR THE TOWN

Attorney Snyder updated the Town Board that he was able to complete extensive research on the Comprehensive Plan since the last board meeting and had sent emails of his findings to the board members for their review.

Snyder summarized his findings and stated the first Comprehensive Plan in 2002 contained language that concerned signs that is still in the Comprehensive Plan (p.16). That language indicated that restrictions on signage should be increased.

In 2008, the town's basic zoning law was adopted, and it did include restrictions on signs. Whether or not the wording in the Comprehensive Plan was intended to be superseded, it was never addressed.

In 2012, with the controversy over fracking, the Town Board appointed a committee to make recommendations concerning the Comprehensive Plan. The committee made recommendations to amend the comprehensive plan. The town went through the proper procedures to amend the plan. That included submittal to county planning for the GML review, a public hearing, and compliance with the SEQR requirements.

In 2016, the Town Board asked the Town Planning Board to recommend changes to the Comprehensive Plan concerning solar energy projects. The planning board recommended that one paragraph be added to the Comprehensive Plan. Once again, the language was submitted for the GML review, a public hearing was held, and SEQR was complied with. This result in an amendment to the zoning law concerning solar projects. There have been no changes made to the Comprehensive Plan since that was done in 2016.

Snyder stated that since the plan was not changed since 2002 concerning signs, and it does recommend more limitations to signs, the plan should be updated to address billboards. He stated without completing these changes, the town could be open to legal challenge, because it would be contrary to what the wording currently states, even though that may have not been the intent of the Town Board at that time.

If the Town Board would like to pursue that, Snyder said you could either have the Planning Board address this issue or create an independent committee and get their recommendations with regard to allowing billboards, Attorney Snyder stated he recommended updating that section of the Comprehensive Plan, as the town has done in the past.

Supervisor Forbes asked the Town Board what their recommendation were after hearing Attorney Snyder's findings. Deputy Supervisor Park stated his preference would be to see the Planning Board involved in reviewing the Comprehensive Plan. Supervisor Forbes stated his intention is to come up with a draft of the law and incorporate it into the Comprehensive Plan.

Councilmember Williams said in his opinion this is taking too long and he would bring a draft of his proposed local law to the next Town Board meeting.

Deputy Supervisor Park posed the question to have the Planning Board review the Comprehensive Plan and Attorney Snyder agreed it would be beneficial if you wanted to address the billboard and make recommendations. It would be then up to the Town Board to review the Planning Board recommendations. Supervisor Forbes asked Attorney Snyder to notify the Planning Board to review the Comprehensive Plan and recommended Councilmember Williams to submit his draft.

On motion by Deputy Supervisor Park, seconded by Supervisor Forbes, and carried unanimously: **RESOLVED: To have the Planning Board review the Comprehensive Plan and make their recommendations concerning billboards.**

LEGISLATOR

Legislator Kevin Fitch informed the Town Board that they terminated the position of a Planning Director and recreated an Economic Planning Director position, which focuses on economic development.

The county also received a grant of approximately \$100,000.00 to review the county's Comprehensive Plan. The county selected a Redistricting map and will be going to the planning department. They will be holding a public hearing on the proposed map and then be voted on by the public.

The Health and Human Services received funds to host the rabies clinics for this upcoming summer and the County Youth Program grants have been awarded. The Age Well Center is now open for business. The County Court House construction will begin in April and are getting estimates for the dome.

The City Court is now being moved to the County Court House and will take approximately three months. Fitch stated that they had received a letter stating they had received 5 million State Emergency Fund for 911 Centers and the county is pursuing the leachate Pipeline. In addition, they are having methane collection at the landfill. He attended the NYSAK conference in Albany and discussed the Medicaid funding and the county has approved the 2023 budget.

OTHER

Town Historian Historical Marker Update- Historian Sweeney informed the Town Board that the William G. Pomeroy Foundation has approved a grant in amount of \$1,550.00 for installation by the Village of a blue and gold NYS historic roadside marker on the corner of Albany and Main Street.

Fire Inspection Update- Councilmember Warren stated that the upcoming Monday he had a scheduled fire inspection with Deputy Code Officer Adam Brown.

As there was no further business, the meeting adjourned at 8:19 p.m.

Heather M. Hill
Town Clerk