

Village of Homer Board of Trustees Meeting
February 7, 2017
6:00 p.m.

Public Hearing No. 1

A Public Hearing was held by the Village of Homer Board of Trustees at the Community Building, 45 South Main St., Homer, New York with Mayor Suits presiding, for the purpose of appropriating \$122,000 from the Sewer Fund, Special Reserve – Sewer, for the Clinton Street Pump Station Project.

Members present:

Mayor, Genevieve A. Suits
Trustee, Patrick Clune
Trustee, Edward Finkbeiner
Trustee, Kevin Slack
Trustee, Eugene Smith.

Also present were: Village Clerk-Treasurer, Kristin Rocco-Petrella; Village Attorney, Francis Casullo; CEO, Craig Umbehauer; Fire Chief, Robert Johnson; Cody Johnson; Michael Balthazar; Megan Williams; Paul Gower; Paul Suits; Steven & Bev Berry; Martha Wells; Frank Suits; Victor Siegle; Thomas Cornell; Andrew Leach; Jennifer Clune; and News Reporter, Brad Smith from WXHC.

Mayor Suits called the Public Hearing to order and requested the Clerk-Treasurer read the legal notice aloud.

Clerk-Treasurer, Rocco-Petrella read the legal notice as published, posted and filed.

Mayor Suits offered privilege of the floor to those in attendance.

No requests were made.

The Public Hearing was closed at 6:02 p.m.

Village of Homer Board of Trustees Meeting
February 7, 2017
6:02 p.m.

The Regular Meeting of the Village of Homer Board of Trustees was held at the Community Building, 45 South Main St., Homer, New York with Mayor Suits presiding.

Members present:

Mayor, Genevieve A. Suits
Trustee, Patrick Clune
Trustee, Edward Finkbeiner
Trustee, Kevin Slack
Trustee, Eugene Smith.

Also present were: Village Clerk-Treasurer, Kristin Rocco-Petrella; Village Attorney, Francis Casullo; CEO, Craig Umbehauer; Fire Chief, Robert Johnson; Cody Johnson; Michael Balthazar; Megan Williams; Paul Gower; Paul Suits; Steven & Bev Berry; Martha Wells; Frank Suits; Victor Siegle; Thomas Cornell; Andrew Leach; Jennifer Clune; and News Reporter, Brad Smith from WXHC.

Mayor Suits called the meeting to order.

On **motion** by Trustee Clune, the Board approved the Village of Homer Board of Trustees Minutes of January 3, 2017 and the Special Meeting Minutes of January 24, 2017, as written – **all ayes**.

AMEND 2016/2017 BUDGET AND AUTHORIZE THE APPROPRIATION OF \$20,000 FROM THE SEWER FUND, SPECIAL RESERVE – SEWER TO THE CAPITAL PROJECT SEWER FUND

Motion by Trustee Clune
VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby amend the 2016/2017 Budget and authorizes the appropriation of \$20,000.00 from the Sewer Fund, Special Reserve – Sewer (G231A) to the Capital Project Sewer Fund for the Clinton Street Pump Station Project.

AMEND 2016/2017 BUDGET AND AUTHORIZE THE APPROPRIATION OF \$44,000 UNRESERVED SEWER FUND BALANCE TO THE CAPITAL PROJECT SEWER FUND

Motion by Trustee Clune
VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby amend the 2016/2017 Budget and authorizes the appropriation of \$44,000.00 from the Unreserved Sewer Fund Balance to the Capital Project Sewer Fund for the Clinton Street Pump Station Project (HG8130.200).

AMEND 2016/2017 BUDGET AND AUTHORIZE TRANSFER OF \$3,514.95 FROM G8320.415 TO THE CAPITAL PROJECTS SEWER FUND

Motion by Trustee Clune
VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby amend the 2016/2017 Budget and authorizes the transfer of \$3,514.95 from G8320.415 to the Capital Projects Sewer Fund for the Clinton Street Pump Station Project.

Motion by Trustee Slack to pay the following bills for the month of February 2017 – **all ayes**

General Fund (A)	Vouchers	921-1012	\$	73,530.18
Water Fund (F)	Vouchers	295-338	\$	6,218.25
Sewer Fund (G)	Vouchers	295-338	\$	2,384.15
Capital Projects Fund (HG)	Vouchers	306, 330, 331	\$	66,644.95
Comm. Dev. Fund (CD)	-----			-----

ACCEPTANCE FOR FILING OF WRITTEN REPORTS:

CEMETERY – No report was submitted as the Cemetery is closed for the season.

CODES – Report was received as submitted. **Motion** to accept by Trustee Finkbeiner – **all ayes.**

Trustee Finkbeiner questioned the status of the code violation at 32 Cortland Street. CEO Umbehauer explained that the matter was before the court.

DOGS – No report was submitted.

DPW – Report was received as submitted. **Motion** to accept by Trustee Smith – **all ayes.**

Mayor Suits thanks the DPW and the Fire Department for their assistance with Winterfest 2017. Trustee Smith commented that the Village should erect signage next year for “no dumping” at the site of the bonfire. There were two separate instances where pressure-treated wood was dumped on the burn pile that had to be removed.

FIRE INSPECTOR – Report was received as submitted. **Motion** to accept by Trustee Slack – **all ayes.**

There was discussion regarding the fire inspections. Trustee Clune questioned whether there was a timeline for rectifying problems with the fire inspections, referencing Cortland Pine Apartments and the need for CO Detectors. Mayor Suits indicated she would speak with Fire Inspector, Kim Fairchild.

FIRE CHIEF – Report was received as submitted. **Motion** to accept by Trustee Smith – **all ayes.**

Chief Johnson submitted a memo to the Board for the record regarding the status of fire truck #501 and the possible repairs needed for the truck. Mayor Suits moved agenda item 7-G up in the meeting and explained that she would like to schedule a workshop for Thursday, February 9, 2017 at 9:00 a.m. with the involved parties to discuss the options. Mayor Suits stated that the topic deserved more time and attention than to be discussed in a board meeting. Trustee Clune stated that a workshop was a good idea but wanted all Trustees to be able to attend, noting that Trustee Finkbeiner and Trustee Slack would not be available at such time. After further discussion the Board agreed that the first workshop would be held on Thursday, February 9, 2017 at 9:00 a.m. Information regarding the workshop would be made available to the Trustees who are not able to attend.

POLICE – Report was received as submitted. **Motion** to accept by Trustee Finkbeiner – **all ayes.**

Trustee Clune questioned the progress of the Spillman program. Chief Pitman reported that he was working with the Village’s IT, Plan First, to rectify the problem.

RECREATION – No report was submitted.

WATER & SEWER – Report was received as submitted. **Motion** to accept by Trustee Clune – **all ayes.**

PUBLIC COMMENT PERIOD:

Mayor Suits offered privilege of the floor to those in attendance. No requests were made.

NEW BUSINESS:

*AUTHORIZE RELEVY OF UNPAID WATER AND SEWER BILLS TO THE 2017
VILLAGE OF HOMER TAX BILL*

Motion by Trustee Smith

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby authorize and direct that unpaid water and sewer bills, as of February 6, 2017, be relevied to the 2017 Village of Homer Tax Bill.

*AUTHORIZE SPECIAL DISTRICT TAXES TO BE LEVIED ON THE 2017
VILLAGE OF HOMER TAX BILL*

Motion by Trustee Clune

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby authorize and direct that the Special District Taxes for the Village of Homer Water Tank, Phase 1 Sewer and Phase 2 Sewer be levied on the 2017 Village of Homer Tax Bill.

*ACCEPT RESIGNATION FROM KELLY ROTUNDA AS CLEANER FOR THE
VILLAGE OF HOMER*

Motion by Trustee Smith

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby accept the resignation from Kelly Rotunda as Cleaner for the Village of Homer, effective February 2, 2017.

Mayor Suits acknowledged the submission of a grant application by Chief Johnson to FEMA for a grant on behalf of the Homer Fire Department for new pagers. Mayor Suits thanked Chief Johnson for submitting the application on behalf of the Village.

*ACCEPT AWARD FROM US DEPARTMENT OF HOMELAND SECURITY,
FEMA, FOR THE 2015 ASSISTANCE TO FIREFIGHTERS GRANT IN THE
AMOUNT OF \$13,567.00 FOR THE HOMER FIRE DEPARTMENT*

Motion by Trustee Smith

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby accept the award from the US Department of Homeland Security, FEMA, for the 2015 Assistance to Firefighters Grant in the amount of \$13,567.00 for the Homer Fire Department to be used for the purchase of a washer and dryer, and it is further

RESOLVED, the Village of Homer shall be responsible for a 5% match of the Federal Contribution (\$678.00).

*AUTHORIZE PARTICIPATION IN THE CORTLAND COUNTY
FIRE MUTUAL AID PLAN*

Motion by Trustee Clune

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby authorize and direct the Village of Homer Fire Department to participate in the Cortland County Mutual Aid Plan as now in force and amended from time to time and certifies to the Cortland County Legislature through the Cortland County Fire Coordinator that no restriction exists against "outside service" by such fire department or fire company within the meaning of Section 200 of the General Municipal Law which would affect the power of such fire department or fire company to participate in such plan, and be it further

RESOLVED, that a copy of this resolution be filed with the Cortland County Fire Coordinator annually.

*DECLARE OLD VILLAGE CELL PHONES AS SURPLUS PROPERTY AND
AUTHORIZE THE SALE THEREOF AT REASONABLE PRICES*

Motion by Trustee Clune

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby declare old, used Village cell phones as surplus property, and it is further

RESOLVED, the Board authorizes the sale of the old cell phones at fair and reasonable prices as follows: \$60.00 Kyocera Android; \$100.00 Apple iPhone 5s.

*AUTHORIZE RESERVATION OF THE VILLAGE PARKING LOT ON JAMES STREET
BY HERITAGE REALTY ON JULY 26, 2017*

Motion by Trustee Smith

VOTES: ALL AYES ADOPTED

WHEREAS, the Village of Homer received a request from Heritage Realty to reserve the Village parking lot on James Street for an event to be held by the Chamber of Commerce, therefore

BE IT RESOLVED, the Board of Trustees does hereby authorize the reservation of the Village parking lot on James Street to be used for a Chamber of Commerce event to be held at Heritage Realty on July 26, 2017 from 5:00 - 7:00 p.m.

*APPROVE EMPLOYEE REQUESTS FOR VACATION DAYS TO BE ROLLED
OVER TO THE YEAR 2017*

Motion by Trustee Slack

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby approve the requests made by Sup't. Lawrence Barber (64 hours) and Deputy Clerk-Treasurer Karen Gaebler (35 hours) to roll their unused vacation benefit time from the year 2016 to 2017, with the expectation that the vacation time will be used.

Mayor Suits questioned whether there was anything further to come before the Board.

Trustee Slack apprised the Board that a couple weeks ago he met with Chief Johnson at the Fire Department for a tour. Chief Johnson explained everything that was going on with the Fire Department and the fire trucks. Trustee Slack stated that he had a plan for how the Village was going to get the money to pay for a fire truck. He explained that there was \$100,000 in the Fire Truck Reserve Fund and \$272,000 in the Building Reserve Fund. He questioned whether the Board could move the money from the Building Reserve Fund to the Fire Truck Reserve Fund to pay for a fire truck.

Mayor Suits read from page 10 of the Office of the State Comptroller, Division of Local Government and School Accountability Local Government Management Guide for Reserve Funds, and noted that the Board could not just vote to move the funds.

b) *Capital Reserve Balances Never Utilized* Where a specific capital reserve has been established, and the improvement or item of equipment has not been acquired or completed, any transfer is subject to permissive referendum if the authorization for the creation of the reserve was subject to permissive referendum. While subject to a public hearing with 15 days notice, unexpended balances may also be transferred to a Retirement Contribution Reserve Fund.

Discussion continued regarding whether or not the Building Reserve Fund money could be transferred. Trustee Finkbeiner had the same publication information in front of him. He suggested that a permissive referendum was not required because the reserve fund was not created by permissive referendum.

Attorney Casullo stated that his understanding, after calling Albany today, was that unexpended balances in a capital reserve fund may be transferred to another capital reserve having the same tax base. Going on the assumption that the money was never utilized, where a specific capital reserve has been established and the improvement or item of equipment has not been completed, any transfer is subject to permissive referendum if the authorization of the creation of the reserve was created by permissive referendum. Attorney Casullo did not know how the reserve fund was created as he was not the Village Attorney at the time. He also stated that the last sentence of the law regarding a public hearing and 15 days notice pertained to retirement reserve funds.

Trustee Finkbeiner stated that since the Village moved out of the Town Hall in 2010 there was never a permissive referendum put before the Village to vote on. Attorney Casullo stated that he could do some research, but he did not know how the reserve fund was created. Trustee Finkbeiner stated that there was time to research the matter.

Trustee Slack stated that the fire truck was a public safety issue that existed right now and asked Chief Johnson if he agreed. Chief Johnson agreed and stated that if the NFPA standards are followed, right now there is a frontline engine in the Fire Station that is 23 years old. NFPA standards suggest engines be replaced by the time they are 25. Chief Johnson stated that the fleet is old and that it would take approximately 2 years to build a new engine. He stated that the engines need to be looked at, which was one of the reasons a workshop was necessary.

Mayor Suits agreed and stated that other municipalities such as the City of Cortland and the Town of Cortlandville were experiencing similar problems, and that the situation was not something to be taken lightly. Chief Johnson indicated that he reached out to the Homer Fire Commissioners as well as to Kevin Whitney, Cortlandville Fire Commissioner who is instrumental in reaching out to Senator Seward's office.

Trustee Finkbeiner suggested that if it was going to take 2 years to build a fire truck, at which point the fire truck would be 25 years old, he suggested the Board authorize Chief Johnson to start the procurement of a chassis and to bring the specifications back to the Board at their March meeting. Chief Johnson stated that months of work had to be done first before deciding on a chassis; the truck had to be engineered first. He stated he did not want to put the time into the research unless the Board was serious about replacing the truck. Mayor Suits suggested that there were many people involved in the process and that the workshop on Thursday would be a good starting ground. Trustee Finkbeiner stated he was hoping to start the process.

*AUTHORIZE FIRE CHIEF TO FORM A COMMITTEE TO DISCUSS
THE BEST OPTION FOR THE REPLACEMENT OF A FIRE TRUCK*

Motion by Trustee Clune

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby authorize and direct Fire Chief Johnson to form a committee to discuss the best option for the replacement of a fire truck.

Mayor Suits questioned whether there was anything further to discuss.

Trustee Finkbeiner presented the Board with a draft copy of a lease he prepared, which he also presented to the Town of Homer, based on the lease the Town had with the Village 25-years ago, with the addition of a \$5,000 fee for utilities, for use of office space in the Town Hall. Trustee Finkbeiner stated that he did not believe enough work was done on the transition of the Village offices to the Town Hall in the past month. Mayor Suits indicated that she has been in communication with Supervisor Forbes and set up a meeting with Councilmen Mike Park and Kevin Williams, Trustee Smith and herself. Trustee Slack stated that he would like the entire Board to be present and suggested such a meeting be set up. Mayor Suits indicated that she would not be negotiating anything at the meeting but would be discussing the options. Trustee Clune stated that he would like to have either Trustee Finkbeiner, Trustee Slack or himself present for the meeting with the Town rather than Trustee Smith. He suggested that Trustee Smith has been opposed to moving the offices back to the Town Hall and that having a representative from both mindsets, pro and con Town Hall, would provide better discussion. Building Committee Member, Paul Gower suggested Mayor Suits proceed with her meeting. Village resident, Bev Berry stated that it would be helpful if a member of the Building Committee was asked to accompany the Mayor.

After further discussion, Mayor Suits nominated Trustee Slack to accompany her in discussions with the Town regarding the use of office space for the Village Offices.

Mayor Suits requested the Board convene to an Executive Session to discuss personnel matters.

Trustee Smith made a motion to convene to Executive Session at 6:41 p.m.

No action was taken in Executive Session.

Trustee Smith made a motion to recess Executive Session and reconvene to the Regular Meeting at 7:00 p.m.

*APPROVE EMPLOYEE REQUEST FOR VACATION DAYS TO BE ROLLED
OVER TO THE YEAR 2017*

Motion by Trustee Slack

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby approve the request made by Michael Harter, Sup't. of Streets/Parks, to roll his unused vacation benefit time (120 hours) from the year 2016 to 2017, contingent upon a written plan of how the vacation time will be used.

ABOLISH METER READER POSITON FOR THE VILLAGE OF HOMER

Motion by Trustee Slack

VOTES: ALL AYES ADOPTED

WHEREAS, due to the completion of Phase 1 and the expected commencement of Phase 2 of the Meter Replacement Program for the Village of Homer, in which approximately two hundred of the manual read water meters have been replaced with radio-read meters, and

WHEREAS, the Superintendent of Water and Sewer suggested the duties of Meter Reader be absorbed by the current employees of the Water and Sewer Department thereby eliminating the need for the part-time position Meter Reader, therefore

BE IT RESOLVED, the Board of Trustees does hereby abolish the Meter Reader position for the Village of Homer, effective February 7, 2017.

*AUTHORIZE VILLAGE EMPLOYEES KAREN GAEBLER AND KALEE
UPDYKE TO CLEAN THE VILLAGE OFFICE AND POLICE DEPARTMENT*

Motion by Trustee Finkbeiner

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby authorize and direct Village employees Karen Gaebler and Kalee Updyke to clean the Village Office and the Police Department at the hourly rate of \$20.00, with the understanding that neither employee will work more than a total of 40 hours per week.

*AUTHORIZE THE MAYOR TO ENGAGE THE SERVICES OF COUGHLIN &
GERHART, LLP REGARDING A PERSONNEL MATTER*

Motion by Trustee Smith

VOTES: ALL AYES ADOPTED

BE IT RESOLVED, the Board of Trustees does hereby authorize and direct Mayor Suits to engage the services of Coughlin & Gerhart, LLP regarding a personnel matter.

No further comments or discussion were heard.

On **motion** by Trustee Smith, the Board adjourned the Regular Meeting at 7:05 p.m. – **all ayes**.

Respectfully submitted,

Kristin E. Rocco-Petrella, Clerk-Treasurer
Genevieve A. Suits, Mayor