

**Village of Homer Board of Trustees Meeting**  
**November 9, 2017**  
**6:02 p.m.**

**Public Hearing No. 1**

A Public Hearing was held by the Village of Homer Board of Trustees at the Town Hall, 31 North Main Street, Homer, New York with Mayor McCabe presiding, for reading the new Compost Site Law, this will be Local Law N. 2 of 2017. The VILLAGE of HOMER Code Section 131: Garbage, Rubbish, Refuse and Recyclables is hereby amended by this Local Law to add these provisions as follows:

Section 1. Compost Site

The Village hereby designates the compost site located at N. Fulton Street in the Village of Homer as the Compost Site.

Section 2. Rules and Regulations.

The Board of Trustees shall have the authority to promulgate and adopt rules and regulations necessary to administer and regulate the Compost Site, including but not limited to regulation of the manner, days, persons authorized to use, and times the compost site is open, types of materials accepted, and penalties and fines for noncompliance with this section and any such rules or regulations the Board promulgates. The Board may modify, repeal, amend or otherwise change any portion of said rules and regulations at any time by filing a notice with the Village Clerk at least 14 days in advance of the effective date, making this notice available for inspection, and notifying residents of such change by direct mail or publication.

Section 3. Penalties for offenses.

Upon the failure to comply with the requirements of this article or the rules and regulations promulgated hereunder, the Board and any duly designed agent the Board may designate may:

(1) Refuse entry to the compost site, (2) treat the noncompliance as a violation, and any person found guilty thereof shall be liable for a fine which shall not exceed \$50 for the first offense, \$100 for a second offense, and \$250 for any subsequent offense.

Section 4. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the BOARD OF TRUSTEES of the VILLAGE of HOMER hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Members present:

Mayor, Hal McCabe  
Trustee, Patrick Clune  
Trustee, Edward Finkbeiner  
Trustee, Kevin Slack  
Trustee, Tim Daley

Also present were: Village Clerk Dan Egnor; Treasurer Don Ferris; Village Attorney, Dante Armideo; Homer Fire Department Chief, Mahlon Irish; Homer Police Chief, Robert Pittman; Village Recreation Director, Zachary Pollack; Village Historian Martin Sweeny; DPW Superintendent Mike Harter; Newton Waterworks Superintendent Lawrence Barber; Code

Enforcement Officer Craig Umbaugh; WXHC News Director, Brad Smith; Harry Gardner; Jim Harris; Paul Gower; Mike Myers; Ed Hammond; and A.B. Morneau.

Mayor McCabe called the Public Hearing to order and requested the Clerk read the legal notice aloud.

Clerk Egnor read the legal notice as published, posted and filed.

Mayor McCabe offered privilege of the floor to those in attendance

No requests were made.

On **Motion** by Trustee Finkbeiner, the Board approved the passing of Local Law N. 2, hereto known as the Compost Site Law, as written – all ayes.

## **Public Hearing No. 2**

Small Cities CDBG Microenterprise Program (MAP). Pursuant to CFR 24 570.486, the Village is required to hold a public hearing during the grant administrative period of each grant to provide details with respect to Programs and Program's progress, solicit comments with respect to funded activities and program administration, and answer questions with respect to the Programs or grant activities.

Mayor McCabe called the Public Hearing to order and requested the Clerk read the legal notice aloud.

Clerk Egnor read the legal notice as published, posted and filed.

Mayor McCabe offered privilege of the floor to those in attendance, Trustee Clune mentioned that recipient Edgewood Bakery was a late entry and their drawdown schedule reflects that.

No requests were made.

On **Motion** by Trustee Clune, the Board approved the reading and notification of all grant activities relevant to the Small Cities CDBG Microenterprise (MAP) Grant – all ayes.

The Public Hearing was closed at 6:15 p.m.

The Regular Meeting of the Village of Homer Board of Trustees was held at Town Hall, 31 North Main St., Homer, New York with Mayor McCabe presiding.

Members present:

Mayor, Hal McCabe  
Trustee, Patrick Clune  
Trustee, Edward Finkbeiner  
Trustee, Kevin Slack  
Trustee, Tim Daley

Also present were: Village Clerk, Dan Egnor; Treasurer, Don Ferris; Village Attorney, Dante Armideo; Homer Fire Department Chief, Mahlon Irish; Homer Police Chief, Robert Pittman; Village Recreation Director, Zachary Pollack; Village Historian, Martin Sweeny; DPW Superintendent Mike Harter; Newton Waterworks Superintendent Lawrence Barber; Code Enforcement Officer Craig Umbaugh; WXHC News Director, Brad Smith; Harry Gardner; Jim Harris; Paul Gower; Mike Myers; Ed Hammond; and A.B. Morneau.

Mayor McCabe called the meeting to order.

On **Motion** by Trustee Clune, the Board approved the Village of Homer Board of Trustees Minutes of October 11, 2017 as written – **all ayes**.

On **Motion** by Trustee Clune to pay the following bills for October 2017– **all ayes**.

- **F & G Funds – Vouchers 201-213**     *\$102,811.12*
- **A Fund – Vouchers 631-700**         *\$87,273.12*

#### **ACCEPTANCE FOR FILING OF WRITTEN REPORTS:**

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

**CODES** – Report was received as submitted. Mayor McCabe questions if siding has begun to be installed on the building located next to 23 South Main, Code Enforcement Office Umbaugh and Trustee Clune says it has. **Motion** to accept by Trustee Clune – **all ayes**.

**DOGS** – No report submitted.

**DPW** – Report was received as submitted. Mayor McCabe mentions that the Shade Tree budget has been expended for the year due to just tree removal. Supplemental funding had been approved at a previous Board Meeting, 10/11/17. Planting of additional trees will commence soon, 35 in total. Cindy Teeter, Landscape Architect, and Beautification Committee member, has been coordinating with the Village. Spring will see more tree plantings, upwards to 30-40. DPW Superintendent states that leaf pick up will continue until the first heavy snow, residents please rake to the side not into the street. Compost Site closes at the end of the month and the cleanout of drains near Durkee has been completed. All storage facilities have been emptied out and contents have been transferred to the old Village office. Anything of historical value will be pulled by the Village Historian. Records Management will begin this winter. **Motion** to accept by Trustee Slack – **all ayes**.

**FIRE INSPECTOR** – Report was not submitted. Mayor McCabe states that a new Fire Inspector will be starting work soon.

**FIRE DEPARTMENT** – Report was received as submitted. Fire Chief Irish asserts that a FEMA grant for a department washer/dryer has been approved. 40 protective hoods have been ordered, the Village will be responsible for half the expense. Mayor McCabe asks how the situation of venting vehicle exhaust from the firehouse is. Chief Irish states multiple vendors have been contacted, must determine what works best in the space and if there is a specific cost difference; quotes are forthcoming. Costs could be around \$100,000. There is hose that needs to be replaced as well. Surplus hose should be declared surplus by the Board at the next meeting, Clerk to put on the agenda. Trustee Clune thanks the Town of Cortlandville for the recent donation of 20 pagers for Fire Department use. **Motion** to accept report by Trustee Clune – **all ayes.**

**POLICE** – Report was received as submitted. Police Chief Pittman declares that equipment from Bike Patrol will be stored in donated sheds by the Police Station, along with other items. Trustee Finkbeiner asks if the Chief has ordered anymore surveillance cameras. Chief Pittman is in discussion with electrical contractor Bob Beard. The Police Chief will be at local café, Sinfully Sweet, on Saturday, November 25, 2017, from 7:30am-11:30am, for a “Have Coffee with the Village Police Chief” event. **Motion** to accept by Trustee Finkbeiner – **all ayes.**

**RECREATION** – Report was received as submitted. Rec Desk has 235 registrants currently. For the Basketball program there are 100-112 kids signed. Payments have been consistent. The Recreation Committee will be meeting next week. Recreation department will consider starting an Arts and Crafts program with Deputy Clerk-Treasurer Kristen Case volunteering her time to lead it. Trustee Daley comments, much positive feedback concerning Recreational Director Zach Pollack and the new direction of Village Recreation programs. **Motion** to accept by Trustee Finkbeiner – **all ayes.**

**WATER & SEWER** – Report was received as submitted. Mayor McCabe passes along a complement from energy consultant, Danforth, well done keeping the lights off at the Newton Waterworks (NWW) office when not in use. Superintendent Barber thanks Wendy Miller for her GIS aid to NWW. The new water meters now being installed may need a jumper wire for grounding. Village should absorb that cost says Trustee Finkbeiner. Mayor McCabe instructs Superintendent Barber to do the work required. **Motion** to accept by Trustee Finkbeiner – **all ayes.**

**Village Historian Annual Report** – Report was received and submitted. Village Historian Martin Sweeney presents highlights from the annual report. Full report to be attached to submitted minutes. Historian Sweeney clarifies that his position cannot do acquisitions, but can consult and recommend to the Landmark Society. It may be time to update the boundaries of the Historic District within the Village. Glenwood Cemetery can be granted historic status and would constitute its own District. The Mayor and the full Board wish to thank Village Historian Martin Sweeney for his tireless commitment and outstanding work for the Village. **Motion** to accept by Trustee Clune – **all ayes.**

#### **PUBLIC COMMENT PERIOD:**

Mayor McCabe offered privilege of the floor to those in attendance:

Paul Gower, a resident of the Village, would like to thank the Board for removing leaflets/signs from utility poles throughout the Village and the removal of junk vehicles at 32 Cortland Street, it was an eyesore for some time. With snow season approaching, recommend putting a notice in

the Homer News, reminding Village residents to keep their sidewalks clear of snow/ice. Trustee Slack mentions that there is an existing penalty for not doing so.

Harry Garner, a resident of the Village, questions the Village intentions for 23 South Main Street, aka the Pit. Mayor responds that there is a developer interested in the property, David Yaman, and that a replacement structure will reflect the existing character of Main Street. The Village is pursuing grants to assist with the project and the nature of those grants will demand that any new building be in accordance with the Historic Downtown. The building will be no more than three-stories, as well. Grants will not cover the entire cost of the project; total construction may reach 2 million. It may be a year until the grant comes through. If the grant and Yaman project fall through; the current property owner will seek another buyer. The Village might consider purchasing the property. Mayor McCabe reiterates the Village is motivated to keep the integrity of the historic character of downtown.

### **OLD BUSINESS:**

Rob San Drive:

Harry Gardner, a resident of the Village, thanks Trustee Clune for providing a package of materials relating to the ongoing construction occurring at 115 North Main. A chief concern, what compliances were satisfied when the garage sewer was connected to the house sewer. NWW Superintendent Larry Barber stated that the work required no permitting as no second line had been installed. Only a connection to an existing line.

Still have unanswered questions, Harry Gardner asserts, the new garage seems to be a commercial venture. Trustee Clune says it is not being used for that. The use of land is also an issue, Harry Gardner claims, it's been an ongoing problem with construction materials, multiple commercial vehicle parking, materials stacked behind sheds, contractor work going on all the time. And how can there be a multi-family home in a zoned R1 neighborhood?

Trustee Clune mentions that the garage is still under construction and no Certificate of Completion has been issued. Code Enforcement Officer (CEO) Umbaugh says materials have been removed, some residents in the audience push back that the materials are still there. Trustee Clune says the subject property is zoned R1. Harry Gardner claims the sheds appear to be just for commercial purposes, constant activity appears to be commercial in nature. Trustee Slack looking at provided picture, brought by Village resident A.B. Morneau, looks like other single-family activity/equipment.

Village Attorney Armideo, reading Village Code Chapter 228 § 11, for zone R1 use, commercial use is discouraged, multiple trucks use may be problematic, storage may be another matter. CEO Umbaugh, materials vary, trucks and trailers are stored inside the garage. If materials are stored onsite but used elsewhere, that could be an issue. A Certificate of Compliance is all the owner can get, second permit for bathroom and storage has been submitted to the CEO Umbaugh.

Trustee Clune asks what do the residents want, Trustee Clune agrees that a zone R1 use is only what will be allowed, and that it may be difficult to prove any commercial activity, Village Attorney Armideo agrees a case may be hard.

Harry Gardner reiterates that daily use of the land represents commercial activity and is ongoing. How did a two-family house come to be in a zone R1 location? CEO Umbaugh says the house has been a two-family house for some time, grandfathered in. Village resident Mike Myers,

owner of the subject property, bought it as a two-family home. Village resident Paul Gower has spoken to Mike Myers and is satisfied that no commercial activity will occur. Mike Myers states he will buy a property for his commercial activity. Paul Gower says neighbors should converse with Mike Myers, to understand, he is improving the area.

Mayor McCabe asks Mike Myers what are your plans for the property? Mike Myers states that materials now onsite are for continued construction on the property. Mike Myers claims he mows for living, and that any equipment being used for that purpose is only stored on site. Trustee Slack asks do the residents just disapprove of the new structure.

Harry Gardner again states that the use of land is the problem. Mayor McCabe finds that if storage is going on, that's fine, Mike Myers should keep activity to a minimal impact, neighbors should keep tabs on Mike Myers, fines will be levied if activity goes commercial.

Harry Gardner questions what amount of material/equipment is reasonable for storage outside? Mike Myers states he will do more due diligence, waiting on new permit to finish structure to address materials/equipment outside.

Trustee Clune, the property owner has made progress, communication among neighbors should be more productive now, neighbors should work with each other moving forward.

Mayor McCabe, the Village is working on permitting the second phase of construction, Board believes 115 North Main Street is currently complying with Village Code.

## **NEW BUSINESS:**

On **Motion** by Trustee Slack, the Board authorized Wayne and Janice Bacon, property owners of 18 Braeside Drive in the Village, to re-classify their water/sewer meter to a single-family dwelling unit – **all ayes**.

On **Motion** by Trustee Finkbeiner, the Board authorized:

Pursuant to its authority and under Homer Village Code Section 131, the Board of Trustees of the Village of Homer hereby adopts the following regulation regarding Curbside Dumping. This regulation shall be effective 14 days after it is filed with the Clerk and duly published.

**1. Curbside Dumping Prohibiting.** It is expressly prohibited for anyone residing in the village of Homer to leave ineligible items of trash at the curbside.

**2. Ineligible Items.** Ineligible items include trash not in clear plastic bags, recyclables not properly prepared, furniture, appliances, mattresses, tires, stones, auto parts, lawnmowers and other types of equipment, and any and all such items judged uncollectible by the village garbage and trash contractor.

**3. Penalties.** Upon receipt of a notice that an ineligible item or items are left curbside, a resident of the Village of Homer shall have two days to remove the offending item(s). If the item(s) are not removed, the Village may assess a fine and the resident shall pay such fine according to the following schedule for each offending item:

First Offense	\$50
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Second Offense	\$100
Third and any other subsequent offense(s):	\$250

**4. Failure to pay.** If the resident does not pay the duly levied fine, the Village may assess a lien and charge on the real property on which the prohibited item is illegally dumped. – **all ayes.**

Paul Gower, some residents of the Village do not return their respective Black/Green trash receptacles from the curbside, suggests a notice in the paper. Mayor McCabe states a regulation already exists to compel residents to do just that. A notice will go in the Homer News.

On **Motion** by Mayor McCabe, the Board voted to schedule and notice a Public Hearing regarding passing Local Law 3 to add a section to the General Law of the Village of Homer, authorizing the creation of a Community Choice Aggregation Program, and adopting certain provisions to facilitate Program implementation. – **all ayes.**

On **Motion** by Trustee Slack, the Board voted to approve a Statement of Owner Support to include Glenwood Cemetery in a Historic District– **all ayes.**

Attorney – No comments

Comments for Board Members:

Trustee Clune mentions that the Town of Homer will be seeking engineering studies for Pine Bridge. The property at 98 James Street received a grant from the Town of Homer for significant home improvements.

Trustee Finkbeiner thanks all Veterans for the service.

On **Motion** by Trustee Finkbeiner, the Board recessed the meeting to an Executive Session at 8:12 p.m.

On **Motion** by Mayor McCabe, the Board reconvened at 9:27p.m.

A Special Session of the Board of Trustees will meet at Town Hall on Tuesday, 11/14/17, to meet with Keystone Associates and enter into a Master AIA Agreement.

On **Motion** by Mayor McCabe, the Board adjourned the Regular Meeting at 9:28 p.m. – **all ayes.**

Respectfully submitted,

Dan Egnor, Village Clerk  
Darren “Hal” McCabe, Mayor