

REGULAR MEETING
AUGUST 11, 2009

A Regular Meeting of the Town Board of the Town of Somerset, County of Niagara and the State of New York was held at the Town Hall, 8700 Haight Road, Barker, New York on the 11th day of August 2009.

Present:	Richard J. Meyers -----	Supervisor
	Dudley E. Chaffee -----	Councilman
	April C. Gow -----	Councilman
	Randall J. Wayner -----	Councilman
	Daniel E. Engert-----	Councilman
	Rebecca A. Connolly --	Clerk
	Kenneth J. Bigelow-----	Supt. of Highways
	Thomas Kawalek -----	Counsel
	Kimberly Conidi -----	Counsel
	Randy Roeseler -----	Engineer

Attended by: Approximately 8 residents

Supervisor Meyers opened the meeting at 7:30PM with the Pledge to the Flag.

RESOLUTION 108-09

APPROVAL OF MINUTES

On a motion of Councilman Gow, seconded by Councilman Engert, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner, Engert
Nays 0

Resolved that the minutes of the July 14th, 2009 meeting be approved as submitted.

RESOLUTION 109-09

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Engert, seconded by Councilman Chaffee, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner, Engert
Nays 0

Resolved that the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer's Report
Police Report

ATTORNEY REPORT

Attorney Kawalek reported the Barker Commons and Barker Storage matters have been concluded.

COMMUNICATIONS

Clerk Connolly read an invitation from residents Mark and Debbie Dearborn to the 105th birthday party of their grandmother, Leetah Brown, on August 22, 2009. Clerk Connolly stated Mrs. Brown is the oldest resident in Niagara County and lived in Somerset for a period of time.

HAIGHT ROAD SPEED ZONE REQUEST

Clerk Connolly reported that a speed study has been initiated by NYS Dept. of Transportation for the remainder of Haight Road between Quaker Road (Route 148) and Hartland Road.

COLLATERAL SOURCE LEGISLATION

Clerk Connolly reported that letters had been received from Senator Maziarz and Assemblyman Hawley stating they would support the Collateral Source legislation. She noted that the legislation has passed.

RESOLUTION 110-09

TRAILER MOUNT SEWER CLEANER

Clerk Connolly reported that five bids were picked up with four bids being received for a trailer mounted sewer cleaner on August 6, 2009 from the following:

<u>Name and Address of Vendor</u>	<u>Amount</u>
Wm. H. Clark Municipal Equipment 589 Third Ave. Ext., Rensselaer, NY 12144	\$ 36,918.00
Cyncon Equipment Inc. 7494 W. Henrietta Road, Rush, NY 14543	\$ 36,771.00
Foster's Equipment Inc. 1 Keuka Business Park Ste. 103, Penn Yan, NY 14527	\$ 39,795.00
Joe Johnson Equipment 62 LaGrange Avenue, Rochester, NY 14613	\$ 46,475.00

Clerk Connolly stated that Superintendent Denny recommends accepting the low bid.

On a motion of Councilman Engert, seconded by Councilman Gow, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner Engert
Nays 0

Resolved the low bid from Cyncon Equipment Inc., 7494 W. Henrietta Rd., Rush, NY 14543 for a 2009 Sreco Trailer Mount Sewer Cleaner for a total cost of \$36,771.00 is accepted as presented.

RESOLUTION 111-09

TOWN HALL PARKING LOT RESURFACING

Clerk Connolly reported that two bids were picked up with one bid being received for resurfacing the Town Hall parking lot on August 10, 2009 from R & M Paving and Sealing, 5574 Saunders Settlement Road, Lockport, NY for \$23,500.00. Clerk Connolly stated that Superintendent Denny recommends accepting the bid.

Discussion ensued regarding options for re-bidding the project; the amount of rain that has been received this year, and the timeframe needed to get the parking lot project done this year.

On a motion of Councilman Wayner, seconded by Councilman Chaffee, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner Engert
Nays 0

Resolved that the bid from R&M Paving and Sealing, 5574 Saunders Settlement Road, Lockport, NY 14094 to resurface the Town Hall parking lot for \$23,500.00 is accepted.

RESOLUTION 112-09

LOWER LAKE ROAD BRIDGE

Superintendent Bigelow stated he has received a letter from Department of Transportation stating the request for additional funding under the American Recover Reinvestment Act has not been approved because there is not enough money to fund all the high quality projects that were submitted.

Mike Leydecker, Wendel Engineers, gave the Board an update on the bridge replacement project stating the draft design report is near completion and the design approval has gone into the final phase. He stated they are moving forward with Alternative 1 as no further funding has been received. He stated that they have determined the action is a Type II action under the State Environmental Quality Review Act (SEQR). He recommends the Board authorize the Supervisor to sign the draft design report upon completion and adopt a resolution stating the Board is Lead Agency under SEQR and that the construction is considered a Type II action with no further review required, so that all interested agencies can be notified. Mr. Leydecker stated they are trying to move the project along to accept bids this Fall with construction in Spring 2010.

On a motion of Councilman Engert, seconded by Councilman Gow, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner Engert
Nays 0

Resolved that Supervisor Meyers is authorized to execute the design approval memorandum.

RESOLUTION 113-09

SEQR LEAD AGENCY AND ACTION

On a motion of Councilman Gow, seconded by Councilman Chaffee, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner Engert
Nays 0

Resolved that the construction of the Lower Lake Road Bridge is a Type II action under SEQR and that no further environmental review is required.

PUBLIC INPUT

James Hoffman asked the status of the Barker Chemical property.

Councilman Engert stated that he has been informed that the County still needs to determine if they will proceed with foreclosure proceedings.

PLANNING BOARD APPOINTMENT

Supervisor Meyers reported that three letters of interest have been received for the Planning Board vacancy and that the Board will review them.

RESOLUTION 114-09

AUDIT OF CLAIMS

On a motion of Councilman Wayner, seconded by Councilman Engert the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner, Engert
Nays 0

Resolved that the bills be paid in the following amounts:

General Fund	No. 302 through 334	\$ 39,930.83
Highway Fund	No. 98 through 114	\$187,938.05
Sewer Fund	No. 87 through 96	\$ 4,489.27
Water Fund	No. 85 through 93	\$ 6,694.90

RESOLUTION 115-09

EXECUTIVE SESSION

On a motion of Councilman Chaffee, seconded by Councilman Engert, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner, Engert
Nays 0

Resolved the Board enter into Executive Session to discuss pending litigation at 7:57PM.

RESOLUTION 116-09

RETURN TO REGULAR SESSION

On a motion of Councilman Gow, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner, Engert
Nays 0

Resolved the Board return to regular session at 8:55PM.

On a motion of Councilman Gow, seconded by Councilman Wayner, the meeting was adjourned at 8:56PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk