

REGULAR MEETING
AUGUST 12, 2008

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 12th day of August 2008.

Present:	Richard J. Meyers -----	Supervisor
	Dudley E. Chaffee -----	Councilman
	April C. Gow -----	Councilman
	Randall J. Wayner -----	Councilman
	Daniel M. Engert -----	Councilman
	Rebecca A. Connolly --	Clerk
	Kenneth J. Bigelow ----	Superintendent of Highways
	Melvin H. Denny -----	Superintendent Water/Sewer/Grounds
	Robert Roberson -----	Counsel
	Randy Roeseler -----	Engineer

Attended by: Approximately 11 residents

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

RESOLUTION 109-08

APPROVAL OF MINUTES

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 minutes of the July 8th, 2008 meeting be approved as submitted by the Clerk.

RESOLUTION 110-08

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Engert, seconded by Councilman Wayner, 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
Dog Control Officer's report
Police Report and Annual Police report

RESOLUTION 111-08

CODE VIOLATION -1914 QUAKER ROAD

Code Enforcement Officer Hildebrant stated that he has sent a notice of violation for weed growth to the owners of the property at 1914 Quaker Road and that no action has been taken. He asked permission of the Board to have the property mowed in accordance with the Property Maintenance Law of New York State and the Code of the Town of Somerset.

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

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

Resolved that in accordance with the Code of the Town of Somerset, Chapter 142, Code Enforcement Officer Hildebrant is authorized to have the property located at 1914 Quaker Road mowed with all charges to be placed on the 2009 tax bill.

COMMUNICATIONS

POLICE FUND INCREASE REQUEST

Clerk Connolly read a letter from Village of Barker Mayor, JoAnn Greenwald, requesting an increase in the Police Contract of \$10,000.00 for 2009.

Clerk Connolly read a letter from the Niagara Region Planning Service Department of Thorold, Ontario, requesting the Town Board consider support of the nomination of the International Joint Commission (IJC) for a Stockholm Water Prize regarding the advancing of the Great Lakes – St. Lawrence Cities Agenda.

Clerk Connolly read a letter from Ryan Szczepaniak requesting the Town put in a skate park.

Supervisor Meyers stated he responded to Ryan Szczepaniak that the Town will be looking into a park in the future and public input will be sought at that point.

Clerk Connolly read a letter from Norman and Robin Jansen to Chief Annable thanking him and the Barker Police Department for their diligence and care during their recent vacation.

Clerk Connolly read a letter from the NYS Office of Children & Family Services noting that there have been 89 infant or small child death reports since 2006. The letter stated that these deaths have been caused by co-sleeping with these children and stated that in light of the situations, the Office of Children and Family Services launched a “Babies Sleep Safest Alone” public education campaign statewide.

Clerk Connolly read a letter from the Vice Chairman of the Board for Niagara Community Action Program, Inc., Neil Gruppo, requesting the Town include \$2,000.00 in the 2009 Budget for continued assistance for Town of Somerset homeowners.

Clerk Connolly announced that assessment lawsuits have been filed by AES Somerset and Barker Commons.

LANDFILL

Councilman Engert read a letter that he received from Senator George Maziarz dated July 28, 2008 regarding the inspections conducted by the NYS Dept. of Public Service (DPS). The letter stated that DPS has regular discussions with the Dept. of Environmental Conservation (DEC) staff to ensure that the actions taken by the company do not conflict with the environmental policy or the agreement entered into by the involved parties including DEC.

Councilman Wayner stated that he had compared the letter of the one Councilman Engert sent to the Senator and offered suggestions that he would like the Board to consider for at a future meeting.

James Hoffman addressed the Board regarding the following:

1. It was wise to have Senator Maziarz involved.
2. DPS has the authority and DEC, being the environmental authority, is only consulted when DPS wants to.
3. Why does DEC have authority over CWM and DPS have the authority over AES?
4. Why does DEC not have the authority over a toxic landfill?

Supervisor Meyers stated that AES does not have a toxic landfill and there is no such thing as a toxic landfill. He stated the form of the material is what matters stating CWM waste is totally different than what is here.

James Hoffman stated that it is classified as a toxic waste by the U.S. Environmental Protection Agency (EPA).

Supervisor Meyers stated that there is a difference between hazardous and toxic waste.

Supervisor Meyers asked the Landfill Committee (Councilmen Chaffee and Gow) to look at the suggestions of Councilman Wayner.

RESOLUTION 112-08

RADIO READ METERS

Superintendent Denny stated that bids were received for the purchase of hand held radio read meters including a laptop and the price of individual meters from:

<u>Name and Address of Vendor</u>	<u>Price</u>
Lock City Supply 650 West Avenue, Lockport, NY 14094	\$ 19,023.90
Ti-Sales Inc. 36 Hudson Road, Sudbury, MA 01776	\$ 20,325.15

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Vellano Bros., Inc. \$ 33,010.00
 7 Hemlock St., Latham, NY 12110

Individual Meter Prices:		<u>Meter Prices Each</u>				
<u>Vendor</u>	<u>Brand</u>	<u>5/8"</u>	<u>3/4"</u>	<u>1"</u>	<u>1 1/2"</u>	<u>2"</u>
Lock City Supply	Badger	\$150	\$168	\$227	\$339	\$528
Ti-Sales Inc.	Neptune	\$178.80	\$210.90	\$259.25	\$336.20	\$525
Vellano Bros.	Master	\$148.20	\$163.80	\$198.70	\$299.50	\$366

Superintendent Denny stated that the Town has all Badger meters at present and that it will take several years to replace all meters with the radio read ability. He stated that the laptop will not be needed until the Town is completed with radio read meters. He stated that he does not wish to purchase the laptop at present. He stated the laptop from Lock City is \$7,411.90 and from Vellano Bros. is \$17,500.00. He stated Ti-Sales did not provide a breakdown of the laptop.

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

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

Resolved that Superintendent Denny is authorized to purchase the radio read transmitters from Lock City Supply Inc., 650 West Avenue, Lockport, NY 14094 for \$11,612.00 as per the bids submitted.

RESOLUTION 113-08

UTILITY BILLING SYSTEM

Superintendent Denny presented a procurement for a new utility billing system from:

<u>Name and Address of Vendor</u>	<u>Price</u>
BAS 636 Plank Road, Suite 207, Clifton Park, NY	\$ 3,970.00
Williamson Law Book Co. 790 Canning Parkway, Victor, NY 14564	\$ 6,212.75
KVS Information Systems, Inc. 821 Maple Road, Williamsville, NY 14221	\$ 13,855.00

Clerk Connolly explained that the current program that is being used is a DOS program and described the problems that are happening with the current program. She stated that the new software is Windows based.

Superintendent Denny stated that this software will coincide with the radio read meters. On a motion of Councilman Gow, seconded by Councilman Chaffee the following motion was

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

Resolved that Utility Billing Software be purchased from BAS, 636 Plank Road, Suite 207, Clifton Park, NY 12065 for \$3,970.00 as presented.

RESOLUTION 114-08

ACCEPTANCE OF CREDIT CARDS

Clerk Connolly stated that she will begin offering enhanced services to the residents by offering credit card service and eventually online payment service through the website for payment of utility bills and taxes. She stated that several companies were investigated and that Systems East offers these services for no additional fee except the set of fee of \$450 for 3 accounts, namely Town Clerk, Water/Sewer Collection, and Taxes with a yearly maintenance fee of \$250.00. She explained that all convenience fees will be paid by the consumer that utilize the service.

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

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

Resolved that Clerk Connolly is authorized to proceed with Systems East for accepting credit cards for the three accounts, namely Town Clerk, Water/Sewer Collection, and Taxes for \$450.00.

RESOLUTION 115-08

CREDIT FOR SEWER USAGE

Superintendent Denny stated that the current way of offering credit on a consumer's sewer bill does not work as they have to call by June 15th and several people call after the deadline to obtain credit. He stated there are two ways to offer the credit or eliminate it all together.

Superintendent Denny explained the consumer is credited with the number of gallons of water that does not go into the sewer as an average usage. Discussion ensued regarding how the formula works and how it would be calculated in the future.

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 Superintendent Denny is authorized to give credit for water used and not going into the sewer on the Sewer Bill for everyone in the Sewer District if they meet the formula calculations.

Superintendent Denny presented the quarterly report of the Town of Somerset Water District.

Councilman Engert stated that he would like to thank Superintendent Denny and the Grounds Department for the great job done on maintaining the baseball diamonds. He stated that during the tournament, several comments were received about how the park is the best in the area.

Councilman Chaffee stated that his family has remarked that Somerset has the best park in the area and thanked Supt. Denny and his department.

RESOLUTION 116-08

ENGINEER AGREEMENT FOR BRIDGE REPLACEMENT ON LOWER LAKE ROAD

Superintendent Bigelow stated that in order to move forward with the bridge project on Lower Lake Road, there has to be an approved agreement with the engineer to do the preliminary engineering before construction can begin. He presented an agreement for the engineering and right of way acquisition for \$236,660.00 from Wendel Engineers. He stated that the Federal share is 80%, the State share is 15% and the Town will ultimately be responsible for 5% of the costs.

Engineer Roesler stated it is a culvert now but will be a bridge when done.

Supt. Bigelow thanked the Consultant Selection Committee of Councilman Chaffee and Councilman Gow for the time spent on reviewing numerous proposals for engineering the project.

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 agreement with Wendel Engineers is approved for the engineering of the replacement of culverts on Lower Lake Road for \$236,660.00.

RESOLUTION 117-08

JUSTICE DEPARTMENT GRANT

Clerk Connolly reported that Judge Martineck would like to submit a grant application to the Unified Court System for office equipment and that a resolution from the Town Board is necessary.

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

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

Resolved that Judge Donald Martineck is authorized to submit a grant application to the NYS Unified Court System for equipment for the justice department.

RESOLUTION 118-08

BUDGET AMENDMENT

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 following budget amendment is approved:

DR A960		CR A960	
A1110.41	\$ 575.00	A1110.21	\$ 575.00
A1990.4	<u>450.00</u>	A1010.4	<u>450.00</u>
	\$ 1,025.00		\$ 1,025.00

PUBLIC INPUT

Code Enforcement Officer Hildebrant addressed the Board regarding:

1. He was upset with the assumptions made by the public at the last Board meeting regarding Outdoor Heating Devices and that he would shut down someone's heating source. He stated that he always works with anyone to correct violations and that he would not unplug their heat.
2. He gave an overview on the Mass Casualty Drill held at Barker Central School sponsored by NYS Homeland Security and the Niagara County Emergency Services. He stated the people involved were the Barker Fire Dept., 5 other fire departments, Barker Police, Niagara County Sheriff's Dept., State Police, Niagara County Health Dept., Red Cross, Lockport Memorial Hospital and Inter-Community Memorial Hospital in Newfane.
3. He reported that the Barker Fire Department received the new 2008 International pumper.

Chief Ross Annable stated the biggest concern of the drill was radio communication with the County and the failure of the portable radios. He stated that a tower or a repeater system needs to be initiated in the eastern end of the County.

Herbert Linderman addressed the Board regarding the high lake levels and the damage that is being done to his property. He stated that he is in opposition to the plan of the International Joint Commission (IJC) to have higher lake levels. He stated the lake front property owners pay a premium to own the property. He requested the Town Board to send a letter in opposition to the raising of the lake level to the IJC.

Discussion ensued regarding the International Joint Commission's plans for the lake level, the hearings held, comments made at the hearings, the possibility of sending a letter in opposition of raising the lake level, and the deadline for comments.

RESOLUTION 119-08

AUDIT OF CLAIM

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 that the bills be paid in the following amounts:

General Fund	No. 328 through 377	\$ 46,387.57
Highway Fund	No. 100 through 119	\$126,008.30
Sewer Fund	No. 77 through 91	\$ 7,151.37
Water Fund	No. 85 through 97	\$ 7,083.89

On a motion of Councilman Gow, seconded by Councilman Engert, the meeting adjourned at 9:16 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk