

REGULAR MEETING
FEBRUARY 10, 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 10th day of February 2009.

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 ----	Supt. of Highways
	Melvin H. Denny -----	Supt of Water/Sewer/Grounds
	Robert Roberson -----	Counsel
	Randy Roeseler -----	Engineer

Attended by: Approximately 10 residents and 3 students from Barker Central School

Supervisor Meyers called the meeting to order at 7:30PM with the Pledge to the Flag. Supervisor Meyers stated that Nicole James, owner of Somerset Stylz, and Cindy Jex brother (actually Cindy's nephew) was killed in action in Iraq. He asked that they and their families be remembered on everyone's prayers.

RESOLUTION 33-09

APPROVAL OF MINUTES

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 the minutes of the January 13th and 28th, 2009 meetings be approved as submitted by the Clerk.

RESOLUTION 34-09

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 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

QUARTERLY REPORT RECEIVED AND FILED:

Water Report
Sewer Report

ANNUAL REPORTS RECEIVED AND FILED:

Historian Report
Deputy Historian Report
Barker Senior Citizens Report
Barker Free Library Report
Somerset Youth Baseball Organization Report

RESOLUTION 35-09

SAFETY TRAINING

Superintendent Denny presented options for the annual safety training, DOT testing and building inspections. He presented quotes and specifications from Niagara County Community College (NCCC) and Onsite Enterprises. He stated there are differences in the quotes and introduced Keith Chonka, President of Onsite Enterprises.

Mr. Chonka stated that he would apply for a grant and explained the differences between his proposal and NCCC, stating that he does the building inspections, conducts the mandatory DOT testing on site, and is available for consultation.

Extensive discussion ensued regarding the differences in what is provided from each organization.

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 Onsite Enterprises is authorized to submit a grant for safety training for the Town of Somerset and they are retained to provide the training and inspections as per the proposal for a total price not to exceed \$2,545.

COMMUNICATIONS

FORMER BARKER CHEMICAL PROPERTY

Clerk Connolly reported that a representative from NYS DEC was at the Town Hall on Thursday, January 15, 2009 to report on the status of the former Barker Chemical site located at 8463 West Somerset Road. She read a letter from the Niagara County Legislature to the USEPA which stated, that based on the results of the meeting and that no further action is required by NYSDEC, the County is requesting a comfort letter from the EPA in order to proceed with foreclosure on the property and the ability to place the property back on the tax roll.

RESOLUTION 36-09

BARKER LIONS CLUB PROGRAM AD

Clerk Connolly read a request from the Barker Lions Club for the Town to participate in their spring fundraiser.

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 the Town place a ¼ page ad in the Barker Lions Club Program booklet for \$40.00.

LAKE ONTARIO COASTAL INITIATIVE (LOCI)

Clerk Connolly read a letter from George C. Thomas, Executive Director, Center for Environmental Information, regarding an initiative by LOCI to solicit funds from New York State. The funds will be used to harness the collective capability and energy of the many existing programs to facilitate the economic and environmental revitalization of the Lake Ontario Basin, including the development of an educational/research facility at the Port of Rochester. Mr. Thomas requested the Town's support of this initiative.

SMOKE DETECTOR PROGRAM

Clerk Connolly reported that the smoke detectors have been delivered and that the company lowered the price by approximately \$1400 from the initial quote. She stated that she had received \$5,200 in donations and the Town paid \$952 towards the program. She stated that she is working with Chief Randy Hildebrant from the Barker Fire Department to coordinate the logistics of the giveaway program.

FLOOD PLAIN MAPS PUBLIC COMMENT PERIOD

Clerk Connolly presented the legal notice from the Federal Emergency Management Agency regarding the notification of the preliminary Flood Insurance Rate maps being available for public comment.

Engineer Roeseler stated the 90 day public comment period begins February 16, 2009 for any objections to be filed.

Supervisor Meyers asked if the homeowners were contacted yet.

Clerk Connolly stated that she notified them of the public open house and that a few had come in to look at the maps with some attending the open house.

Supervisor Meyers asked if they had been notified regarding the discount they would receive on their insurance if they purchase the insurance prior to the adoption of the maps. He stated that a meeting should be set up with the homeowners to discuss this and that they need to be made aware of the insurance reduction.

RESOLUTION 37-09

GASOLINE BIDS

Clerk Connolly stated that one bid was picked up and received from:

<u>Name and Address of Bidder</u>	<u>Amount</u>
Drum Oil & Propane	Diesel Fuel \$1.4191
8776 Rochester Road	Firm Add On \$.1380
Gasport, NY 14067	Total \$1.5571
	Winter Blend \$1.4853
	Firm Add On \$.1380
	Total \$1.6233
	Unleaded Gas \$.9670
	Firm Add On \$.1380
	Total \$1.1050

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 bid for gasoline from Drum Oil & Propane, 8776 Rochester Road, Gasport, NY 14067 is approved with the option of annual renewal for 4 years as presented.

LOWER LAKE ROAD BRIDGE

Superintendent Bigelow reported that Mike Leydecker, Wendel Duchscherer Engineers would like to make a presentation to the Town Board at the next meeting on the progress of the Lower Lake Road Bridge construction. He stated that there are 2 design alternatives and that property may need to be purchased for right of ways. He stated that a public informational meeting will also be held on March 16, 2009 at 7:00PM at the Town Hall. He stated that there will be a meeting with the landowners involved prior to the public meeting.

Discussion ensued regarding the construction alternatives; purchase of easements; and financing of the project.

Engineer Roeseler stated that Mr. Leydecker will bring some information and visuals to discuss with the Board at the March meeting.

RESOLUTION 38-09

WRUCK ROAD BRIDGE

Supervisor Meyers stated that he had been contacted by Royalton Supervisor Richard Lang regarding a resolution supporting the replacement of the Wruck Road Bridge. Supervisor Meyers stated the main water feed for the Town runs along the bridge. 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 following resolution is approved:

WHEREAS, the Wruck Road bridge is a major north/south corridor connecting routes 31, 104 and 93, and

WHEREAS, the Wruck Road bridge is crucial to the response time of emergency vehicles, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Somerset is opposed to the closing of the Wruck Road Bridge, and

IT IS FURTHER RESOLVED, that the Town Board of the Town of Somerset is requesting that the Wruck Road Bridge be reopened, and

BE IT FURTHER RESOLVED that the Town Clerk forward copies of this resolution to Senator Maziarz, Assemblyman Hawley, the New York State Department of Transportation and the Town of Royalton.

RESOLUTION 39-09

BENCHES FOR PARK

Superintendent Denny presented a procurement for purchase of benches for the new ball diamond and stated the benches that are bid are all the same:

<u>Name and Address of Vendor</u>	<u>Amount</u>
BSN Sports P.O. Box 7726, Dallas TX 75209	\$ 1,073.00
School-Tech Inc. 745 State Circle, Ann Arbor, MI 48106	\$ 1,389.68
Tomark Sports P.O. Box 1068, Corona, CA 92878	\$ 1,509.28
Gopher 220 24 th Ave NW, Owatonna, MN 55060	\$ 1,813.50

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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 Superintendent Denny is authorized to purchase benches for the new ball diamond in the Town Park from BSN Sports, P.O. Box 7726, Dallas, TX 75209 for \$ 1,073.00 as per the procurement.

RESOLUTION 40-09

TRUCK FOR WATER/SEWER/GROUNDS DEPARTMENT

Superintendent Denny asked permission to purchase a new one ton Chevrolet Truck on State Bid, Group 40570, Contract PC63529, PC63530 for \$34,644.91 to replace a 1990 Ford F600. He stated it would take 210 days for delivery and he will sell the old truck at auction.

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 Superintendent Denny is authorized to purchase a new Chevrolet One Ton Truck on state bid as presented for \$34,644.91.

RESOLUTION 41-09

BUILDING PERMIT FEE SCHEDULE

Supervisor Meyers stated that Jeff Thuman of J.T. Precision was concerned with the cost of the building permit fee for the new business, basically a commercial building. He stated that he and Code Enforcement Officer Hildebrant compared various towns and found that Somerset fees for commercial buildings are high compared to other towns.

Extensive review and discussion of the building permit fees for the same facility was conducted, including the formulas used and the costs that may be incurred by the Town. 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 building permit fees for commercial buildings shall be \$150.00 plus \$.20 per sq. ft with the maximum fee being capped at \$1,000.00 effective immediately.

Residential Permit Fees were reviewed and it was determined that they should stay the same.

CHAIRMAN OF ASSESSORS

Supervisor Meyers stated that a letter has been received to make an appointment of Chairman of Assessors. Supervisor Meyers stated that he would like Councilman Wayner and Councilman Engert to interview all candidates and make a recommendation to the Town Board.

PUBLIC COMMENT

James Hoffman addressed the Board regarding the following issues:

1. Announced that Assemblyman Hawley will be at the Town Hall on Feb. 20th from 2 – 4PM.
2. Announced that AES is scheduled to give a report at the Planning Board meeting regarding wind monitoring.

Benjamin Atwater asked when the Carmen Road Bridge will be repaired. Supervisor Meyers stated that it was scheduled to be on the radar for this spring and he will make a call to Niagara County.

RESOLUTION 42-09

ABSTRACT OF CLAIMS

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.	34 through 71	\$ 333,134.91
Highway Fund	No.	16 through 28	\$ 65,273.75
Sewer Fund	No.	7 through 19	\$ 8,498.25
Water Fund	No.	8 through 23	\$ 23,779.74

On a motion of Councilman Gow, seconded by Councilman Engert, the meeting adjourned at 9:05 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk