

REGULAR AND ORGANIZATION MEETING
JANUARY 8, 2008

A Regular and Organizational 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 8th day of January 2008.

Present: Richard J. Meyers ----- Supervisor
Dudley E. Chaffee ----- Councilman
April C. Gow ----- 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
Absent: Randall J. Wayner ----- Councilman
Attended by: Approximately 70 residents and students from Barker Central School

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

RESOLUTION 4-08

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the minutes of the December 11, 2007 meeting be approved as submitted by the Clerk.

PRESENTATION ON INSURANCE

Ronald Miller of ENB Insurance presented an overview on the Town's General Liability Insurance policy noting that the premiums have fallen dramatically over the past five years due to the stabilization in the municipal insurance market. He stated that he also obtained a quote from NYMIR with Selective being the lowest and meeting the town's needs.

RESOLUTION 5-08

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

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

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officers Report
Dog Control Officers Report
Police Report

ANNUAL REPORTS RECEIVED AND FILED:

Town Clerk Annual Report
Code Enforcement Officer Annual Report
Town of Somerset Historical Society Annual Report
Dog Control Officer Annual Report
Fort Hyde Kennel Annual Report
Barker Fire Department Annual Report

RESOLUTION 6-08

ANNUAL APPOINTMENTS

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the following appointments are approved:

HISTORIAN shall be Lorraine Wayner

DEPUTY HISTORIAN shall be Peter Devereaux

DOG CONTROL OFFICER shall be Michelle Dewart

DEPUTY DOG CONTROL OFFICERS shall be Jeffrey Dewart and Mark Remington (compensation of hourly rate plus mileage when requested by DCO to assist)

ZONING BOARD OF APPEALS MEMBER shall be Herbert Linderman for a five year term expiring 12/31/2012

ZONING BOARD OF APPEALS CHAIRMAN shall be Herbert Linderman

ZONING BOARD OF APPEALS ALTERNATE shall be Kent Wakefield for a one year term expiring 12/31/2008

PLANNING BOARD MEMBER shall be Gary Few for a seven year term expiring 12/31/2014

PLANNING BOARD MEMBER shall be Robert Schian Jr. for a two year term expiring 12/31/2009

PLANNING BOARD ALTERNATE shall be Norman Jansen for a one year term expiring 12/31/2008

PLANNING BOARD CHAIRMAN shall be Jon Hotaling

NUTRITION SITE SERVICES ASSISTANT shall be Christine Monnin

SENIOR COMMUNITY SERVICE AIDE shall be Gladys Dibble

FOREMAN for the Highway Dept. shall be Bruce Devereaux

FOREMAN for the Water/Sewer/Grounds Dept. shall be Jonathan Dewart

RESOLUTION 7-08

OFFICIAL MILEAGE

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the OFFICIAL MILEAGE shall be based on the federal rate which has been established at \$.505 per mile for 2008.

RESOLUTION 8-08

OFFICIAL PUBLICATION

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the OFFICIAL PUBLICATION shall be Lockport Union-Sun & Journal, Lockport, NY.

RESOLUTION 9-08

REGULAR MEETING

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the REGULAR MEETING of the Town Board shall be held on the 2nd Tuesday of each month at 7:30PM at the Somerset Town Hall, 8700 Haight Road, Barker, New York.

RESOLUTION 10-08

OFFICIAL DEPOSITORIES

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the OFFICIAL DEPOSITORIES for funds (all accounts) shall be:
HSBC Bank USA, 8683 Main Street, Barker, NY
M & T Bank, Lockport, NY

Bank of Akron, Akron, NY
For Investments:
Bank of America, Newfane, NY
Chase Bank, New York, NY

RESOLUTION 11-08

APPROVAL OF SUPERVISOR'S APPOINTMENTS

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the following appointments are approved:

DEPUTY SUPERVISOR – Daniel Engert
CONFIDENTIAL SECRETARY – Melinda Austin effective February 1, 2008
COMMITTEE APPOINTMENTS:
PARKS & RECREATION – Councilman Gow, Councilman Wayner &
Supt. Denny
ZONING & PLANNING – Supervisor Meyers, Councilman Gow,
Councilman Engert
DRAINAGE – Councilman Chaffee, Councilman Engert & Supt. Bigelow
WATER/SEWER – Councilman Gow and Councilman Chaffee
REFUSE – Councilman Chaffee & Clerk Connolly
TOURISM – Supervisor Meyers & Councilman Wayner
SENIOR CITIZENS – Supervisor Meyers and Councilman Chaffee
AUDIT – Councilman Wayner & Councilman Engert

RESOLUTION 12-08

APPROVAL OF MELINDA AUSTIN AS CLERK

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that Melinda Austin is approved as Clerk part-time at \$14.50 per hour until February 1, 2008.

RESOLUTION 13-08

APPROVAL OF SCHOOLING

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that schooling for Elected and Appointed Officials, Water Superintendent, Code Enforcement Officer, and Dog Control Officers when school pertains to respective jobs is duly authorized.

RESOLUTION 14-08

APPROVAL OF HISTORICAL SOCIETY CONTRACT

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the contract with the Town of Somerset Historical Society for \$8,000.00 per year is approved.

RESOLUTION 15-08

APPROVAL OF LIBRARY CONTRACT

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the contract with the Barker Free Library for \$14,500.00 per year is approved.

RESOLUTION 16-08

APPROVAL OF SENIOR CITIZENS AGREEMENT

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the agreement with the Barker Senior Citizens for \$7,500.00 per year is approved.

RESOLUTION 17-08

APPROVAL OF SOMERSET YOUTH BASEBALL AGREEMENT

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the agreement with the Somerset Youth Baseball League for \$6,500.00 per year is approved.

RESOLUTION 18-08

APPROVAL OF AMERICAN LEGION AGREEMENT

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the agreement with the American Legion Herbert W. Carr Post #425 for providing veterans service for 2008 for \$ 1,300.00 is approved.

RESOLUTION 19-08

APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the contract with Village of Barker for providing use of highway equipment and services for 2008 is approved.

RESOLUTION 20-08

APPROVAL OF WATER/SEWER AGREEMENT WITH VILLAGE OF BARKER

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the contract with Village of Barker for providing use of equipment and services for repair of water lines is approved.

RESOLUTION 21-08

APPROVAL OF ENGINEERING CONTRACT

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the contract with Wendel Duchscherer for providing engineering services for 2008 is approved.

LEGAL REPRESENTATION

Extensive discussion ensued regarding the nature of the legal billing and agreement with Andrews, Pusateri, Brandt, Shoemaker and Roberson, P.C. with no resolution.

Supervisor Meyers made a motion to bypass the appointment of legal representation until a proposal for billing can be worked on.

Councilman Chaffee stated that a motion is not necessary, just don't take action.

Councilman Engert stated that legal services carry over in the interim.

RESOLUTION 22-08

APPROVAL OF AGREEMENT WITH NIACAP

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved the agreement with Niagara Community Action Program (NIACAP) is approved for \$2,000 for 2008.

RESOLUTION 22-08

AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the Superintendents of Departments are authorized to purchase stone, gravel, asphalt, gasoline, tires, etc., at state and county prices.

RESOLUTION 23-08

AUTHORIZE PURCHASES UP TO \$1,000.00

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the department heads are authorized to purchase up to \$1000.00 per item without prior Town Board approval.

RESOLUTION 24-08

AUTHORIZE TO PRE-PAY ITEMS

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the Supervisor is authorized to prepay utility bills, contracts and postage.

RESOLUTION 25-08

DESIGNATION OF HIGHWAY FUNDS

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that pursuant to the provisions of Section 284 of the Highway Law, monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, \$450,852.00 shall be expended for

the general repairs upon 33.42 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 26-08

APPROVAL OF INVESTMENT POLICY

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that upon review by the Town Board, the investment policy of the Town of Somerset is approved.

RESOLUTION 27-08

APPROVAL OF PROCUREMENT POLICY

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that upon review by the Town Board, the procurement policy of the Town of Somerset is approved.

COMMUNICATIONS

Clerk Connolly read a thank you note from the Village of Barker Centennial Committee for the donation towards the fireworks.

RESIGNATION OF BEVERLY HERRIVEN

Clerk Connolly read a letter from Beverly Herriven stating that she will be retiring from the Water/Sewer Department effective January 30, 2008 after 21 years.

EMPIRE STATE WIND ENERGY

Supervisor Meyers stated that a tentative Host Agreement with Empire State Wind Energy had been received with some of the changes being made. The changes were reviewed with extensive discussion regarding Article 78 proceedings.

Attorney Roberson stated that the clause regarding Article 78 proceedings is against public policy and that the Town cannot surrender it's right to bring a legal proceeding to protect the interest of it's citizens.

Supervisor Meyers asked that Attorney Roberson provide the Board with the legal opinion regarding Article 78.

RESOLUTION 28-08

AUDIT REPORT

Councilman Chaffee reported that Councilman Ray and he audited the departments on December 20, 2007 and found everything in order.

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the recommendation of Councilman Chaffee be accepted as follows:

The criminal and civil dockets of the Town Justice for 2007 having been duly examined with the monthly cash summary being viewed and the fines and fees have been turned over to the proper officials; that the records of the Code Enforcement Officer for 2007 having been duly examined and turned over to the proper officials; that the records of the Town Clerk for 2007 having been duly examined and found all fees have been turned over to the proper officials; that the records of the Tax Collector for 2007 having been duly examined and found all fees have been turned over to the proper officials; and the records of the Supervisor for 2007 having been duly examined with all monies disbursed properly.

WEST SOMERSET ROAD SPEED REDUCTION

Clerk Connolly reported that the NYS Department Transportation has initiated a study for West Somerset Road and will forward their findings at the conclusion of the investigation.

RESOLUTION 29-08

ELECTRONIC VERSION OF THE TOWN OF SOMERSET CODE BOOK

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that Clerk Connolly is authorized to pursue the contract with General Code to have the Town of Somerset Code placed in electronic format and placed on the website.

RESOLUTION 30-08

SNOW AND ICE CONTRACT WITH NIAGARA COUNTY

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the snow and ice contract with Niagara County be approved.

Superintendent Bigelow stated the County wants to be named on the Town's insurance policy as an additional insured and the County will pay any costs associated with that.

RESOLUTION 31-08

GASOLINE BIDS

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that bids be solicited for gasoline and diesel fuel with bids to be received and opened on February 7, 2008 at 11:00AM.

RESOLUTION 32-08

DELEGATE TO ASSOCIATION OF TOWNS MEETING

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that Supervisor Meyers be appointed delegate for the Association of Towns meeting, with Councilman Engert as alternate.

Clerk Connolly noted that the proposed resolutions were given to the Board at the January 3, 2008 meeting.

RESOLUTION 33-08

DESIGNATION OF POLLING PLACES

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the Somerset Town Hall, 8700 Haight Road, Barker, NY will be the polling place for Districts 1 and 2 for the elections for 2008.

RESOLUTION 34-08

PURCHASE OF COPIER

Clerk Connolly stated that several copiers have been tested since last August and the current Xerox copier is 8 years old and breaking down continually. Clerk Connolly presented a procurement form for a 60 month lease of a copier:

<u>NAME AND ADDRESS OF VENDOR</u>	<u>COST</u>
BXI Consultants, Inc. 33 Pequet Parkway, Tonawanda, NY 14150	\$229/month +copy costs
Xerox Rochester, NY	\$239.66/mo. +copy costs

<u>NAME AND ADDRESS OF VENDOR</u>	<u>COST</u>
ComDoc 10 John James Audubon Pkwy., Amherst, NY 14228	\$268.77/mo.

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that Clerk Connolly is authorized to enter into a lease agreement with BXI Consultants, Inc., 33 Pequet Parkway, Tonawanda, NY 14150 for a Xerox WorkCentre 7345 Printer/Scanner/Copier as proposed.

RESOLUTION 35-08

NIMS COORDINATOR

Code Enforcement Officer Hildebrant reported that there will be an Executive Briefing regarding the National Incident Management System and the Town needs to name a coordinator. He stated he strongly advises that the Town Board and Supervisor need to be certified in order for the Fire Department to receive any grant monies.

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that Randall C. Hildebrant be named as NIMS Coordinator.

MEDICAL INSURANCE

Supervisor Meyers reported that the health insurance company that the Town currently utilizes has raised the premium 31%, therefore other companies have been investigated with Independent Health being the most reasonable. He asked Clerk Connolly to give an overview of the plan and the Board needs to designate a broker to act on the Town's behalf with the insurance companies.

Discussion ensued regarding the coverage and the way the plan works.

RESOLUTION 36-08

INSURANCE BROKER

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that Sherrie Morgan be named Broker of Record to investigate medical insurance policies.

RESOLUTION 37-08

MEDICAL INSURANCE PLAN

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the Town of Somerset offer Independent Health as the health insurance for active and retired employees pending all issues being resolved, with the Town putting the money into the Health Savings Account for the active employees.

RESOLUTION 38-08

WATER/SEWER CLERK

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that Tracy Carmer is appointed to the vacancy created by Beverly Herriven as the Water/Sewer Clerk for a salary of \$21,282 per year effective January 31, 2008.

RESOLUTION 39-08

ABSTRACT OF CLAIMS

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0

Resolved that the bills be paid in the following amounts:

2007 General Fund	No. 555 through 571	\$ 11,436.84
2007 Highway Fund	No. 192 through 204	\$ 29,681.96
2007 Sewer Fund	No. 134 through 140	\$ 907.82
2007 Water Fund	No. 119 through 120	\$ 1,861.11
General Fund	No. 1 through 31	\$125,877.11
Highway Fund	No. 1 through 3	\$ 286.28
Sewer Fund	No. 1 through 6	\$ 14,068.14
Water Fund	No. 1 through 10	\$ 42,860.36

PUBLIC COMMENT

James Hoffman addressed the Board regarding the following issues:

1. Landfill status (at AES) and the issues that remain unsettled with DEC
Supervisor Meyers stated that he talked to DEC and the only issues they have is the moisture content and that officials of DEC stated they believe that has been taken care of.

Attorney Roberson stated that DEC is awaiting a response from AES on several issues with the moisture content being one of them.

2. Second coal fired plant resolution adopted at the December meeting and the necessity of the town to protect the environment and the fiscal issues regarding such building. He stated it is important that the impact on Somerset be addressed.

Lee Hoffman stated that he felt the Host Agreement with Empire State Wind Energy should be done right regardless of how long it takes.

Marcia Koerner stated that she noticed that their water pressure is reduced. Superintendent Denny stated that she should not have a problem and asked her to call the Water Department to set up an appointment for an inspection.

On a motion of Councilman Engert, seconded by Councilman Gow, the meeting adjourned at 9:50 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk