

REGULAR MEETING
JANUARY 12, 2010

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 January 2010.

Present: Richard J. Meyers ----- Supervisor
Randall J. Wayner ----- Councilman
Daniel E. Engert ----- Councilman
Gary R. Alt ----- Councilman
Robin R. Jansen ----- Councilman
Rebecca A. Connolly ----- Clerk
Melvin H. Denny ----- Supt. Water/Sewer/Grounds
Arthur Herdzik ----- Counsel
Randy Roeseler ----- Engineer

Attended by: Approximately 9 people and 8 Barker Central School students

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

RESOLUTION 22-2010

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved the minutes of the December 1st, 2009 meeting be approved as submitted.

RESOLUTION 23-2010

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

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

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer's report
Police Report
Dog Control Officer's report for November and December

ATTORNEY REPORT

Attorney Herdzik reported the following:

1. He stated that he is attending the Prosecutor's night in Court in the absence of Attorney Degnan.

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2. Submitted a report from the Planning Board Attorney regarding updates on the subdivision and that Attorney Conidi will be in attendance at the meeting.
3. The agreement between the School, Town, County, AES and NCIDA is close to resolution.

ANNUAL REPORTS RECEIVED AND FILED:

Town Clerk
Code Enforcement Officer
Justice
Barker Fire Department
Kennel

Clerk Connolly noted that Fort Hyde Kennels has requested a \$10.00 per month increase in the contract.

COMMUNICATIONS:

Clerk Connolly read a note from former Councilman, Dudley Chaffee, thanking the Town for the plaque and kind words upon his retirement from town service.

Clerk Connolly read a letter from Henry Charache of 1663 Hartland Road requesting a speed limit reduction on Hartland Road.

Chief Annable stated that he will set up radar in the area.

RESOLUTION 24-2010

ANNUAL AUDIT

Councilman Engert reported that Councilman Wayner and he conducted the annual audits of departments on December 30, 2009.

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved the recommendation of Councilman Engert be accepted as follows:

The criminal and civil dockets of the Town Justice for 2009 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 2009 having been duly examined and turned over to the proper officials; that the records of the Town Clerk for 2009 having been duly examined and found all fees have been turned over to the proper officials; that the records of the Tax Collector for 2009 having been duly examined and found all fees have been turned over to the proper officials; and the records of the Supervisor for 2009 having been duly examined with all monies disbursed properly.

RESOLUTION 25-2010

CREATION OF POSITION – CLERK TO THE ASSESSOR

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved the position of Clerk for the Assessor is created.

RESOLUTION 26-2010

ADVERTISE FOR CLERK FOR ASSESSOR POSITION

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved that the position of Clerk for the Assessor be advertised.

RESOLUTION 27-2010

APPROVAL OF INCREASE IN KENNEL CONTRACT

On a motion of Councilman Alt, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved the approved Kennel Contract for 2010 is amended to increase the monthly amount by \$10.00 per month making the total contract \$4,320.00 per year.

RESOLUTION 28-2010

APPROVAL OF ENGINEERING CONTRACT

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved that the contract with Wendel Duchscherer for providing engineering services for 2010 is approved.

RESOLUTION 29-2010

DELEGATE TO ASSOCIATION OF TOWNS MEETING

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved that Clerk Connolly be appointed delegate for the Association of Towns meeting, with Supervisor Meyers as alternate, or in the case he is not able to attend, Councilman Engert will act as the alternate.

Clerk Connolly reported that the proposed resolutions of the Association of Towns were given to the Town Board for their review.

RESOLUTION 30-2010

GASOLINE BIDS

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved that bids be solicited for gasoline and diesel fuel with bids to be received and opened on February 4, 2010 at 11:00AM.

Discussion ensued regarding the number of vendors that submit bids and the cost of advertising.

RESOLUTION 31-2010

ADVERTISE FOR GASOLINE BIDS

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved the gasoline bids be advertised for one day in the Buffalo News along with the authorized legal paper.

RESOLUTION 32-2010

MEDICAL INSURANCE PLAN

Supervisor Meyers presented the options for the medical insurance stating there was a dramatic increase in the premium with the current plan. Discussion ensued regarding the different options and the premiums of different companies.

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved that the Town of Somerset offer Blue Cross/Blue Shield as the health insurance for active employees by modifying the prescription rider with the Town putting the deductible into the HRA for the active employees.

RESOLUTION 33-2010

BARKER CHEMICAL STATUS

Councilman Engert stated that Legislator Syracuse, Jim Hoffman and he met with the County Attorney regarding the status of the Barker Chemical site. He stated that the County will take the lead on the project but will not take ownership of the site due to

future implications. He stated that EPA (Environmental Protection Agency) and DEC (NYS Department of Environmental Conservation) need to be involved every step of the way. He stated if the County proceeds with foreclosure proceedings, they would like the Town to take the ownership of the property. He recommended the Town Attorney and look into the liability risk the Town may have currently and the Town Engineer prepare a forecast of what the Town will be getting into and what the options would be.

Extensive discussion ensued regarding county foreclosure proceedings; the site being a public hazard; the unknowns on the property; EPA holding the lien on the property; the viability of the letter from EPA stating they will not come back on the future property owner to recoup cleanup costs; the liability for future chemical hazards; the perception that the property is a Brownfield; any liability a future developer may have; ramifications if the Town takes ownership; filling in the lagoons that are acidic; grant funds available for cleanup; authorizing Attorney to look into the Town's liability; authorizing Engineer to ascertain the options; and if the County is legally bound to foreclose on the property.

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved the Attorney is authorized to look into the current liabilities requisite with the Barker Chemical property and to collaborate with the Town Engineer on the matter.

Councilman Engert asked the Attorney to provide a status report prior to the next Board meeting.

RESOLUTION 34-2010

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen
Nays 0

Resolved the bills in the following amounts be paid:

General Fund	No. 1 through No. 31	\$ 123,968.25
Highway Fund	No. 1 through No. 2	\$ 595.00
Sewer Fund	No. 1 through No. 7	\$ 8,265.83
Water Fund	No. 1 through No. 9	\$ 33,114.38

PUBLIC COMMENT

Jacquelyn Reynolds asked if the site (former Barker Chemical) was ever declared a Brownfield and was there a guarantee with the cleanup the EPA did.

Supervisor Meyers stated we would like to get it designated as a Brownfield and there was a letter stating that 95% of the property was clean, however there is still a building on the site.

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Clerk Connolly reported it was designated as a Brownfield and cleaned up by the EPA.

Councilman Wayner stated the EPA report that was issued sounded great but there were a few exceptions which raises a red flag.

Douglas Lewis stated that he is a long time employee of the Town and appreciates the effort that has been put into the health insurance issue. He offered his services when discussions take place regarding employee benefits.

Councilman Engert asked if he would like to sit on the Somerset Government Efficiency Committee.

Douglas Lewis stated he would.

On a motion of Councilman Engert, seconded by Councilman Wayner, the meeting was adjourned at 8:17PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk