

SPECIAL MEETING
MAY 20, 2009

A Special 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 20th day of May 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
	John N. Philipps Jr. ----	Counsel

Attended by: Barker Central School Board of Education Members:
Gordon Kenyon, Vice President
Randy Atwater
Fred Bennes
Ron Clemens
Roger Klatt, BCS Superintendent of Schools
Scott Hoot, BCS Business Administrator
Lisa Trakas, BCS District Clerk
Robert Pusateri, BCS Counsel

Also attended by one resident.

Notice of said joint meeting with Barker Central School officials was duly sent to the Union-Sun & Journal on May 15, 2009 with same notice being posted on the same date at the Town Hall.

Supervisor Meyers called the meeting to order with the Pledge to the Flag at 6:30PM. He welcomed the Barker Central School Board and Officials to the meeting to discuss the future.

PAYMENT OF CLAIMS

RESOLUTION 75-09

Supervisor Meyers asked that the bills from the previous meeting be paid. He stated that everything is in order to pay the claim for Toski, Schaefer & Co., P.C. that was held back at the last meeting.

Discussion ensued regarding the form of the claim with Supervisor Meyers stating the claim is complete with the date of service and has been signed.

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 the claim from Toski, Schaefer & Co., PC for \$1,000.00 be paid if it is in proper form.

RESOLUTION 76-09

Discussion ensued regarding the claim from Chelus, Herdzik, Speyer & Monte, PC for \$202.50 that was held from the last meeting and if the bill was actually for litigation matters.

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 the claim of Chelus, Herdzik, Speyer & Monte, PC for \$202.50 be paid as presented.

AES TAX BILL

Discussion ensued regarding sending a tax bill to AES for back taxes that are due based on the decision of the Appellate Court order handed down on May 1, 2009 overturning and annulling the PILOT agreement.

RESOLUTION 77-09

EXECUTIVE SESSION

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 the Board enter into executive session at 6:43PM to discuss pending litigation.

RESOLUTION 78-09

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 9:35PM.

Regular Session reconvened at 9:35PM.

RESOLUTION 79-09

AUTHORIZATION TO SEND TAX BILL TO AES

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 Tax Collector is authorized to send a tax bill for taxes due by AES for the years 2008 and 2009 as the PILOT was annulled by the Appellate Court decision handed down on May 1, 2009.

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RESOLUTION 80-09

BARKER COMMONS SETTLEMENT

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 Attorney Philipps is authorized to settle the assessment litigation with the owners of Barker Commons setting the assessment at \$250,000 for the years 2009, 2010 and 2011 with no refunds to be paid by the Town.

On a motion of Councilman Engert, seconded by Councilman Chaffee, the meeting was adjourned at 9:38PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk