

REGULAR MEETING AND PUBLIC HEARINGS
NOVEMBER 4, 2009

A Regular Meeting and Public Hearings 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 4th day of November 2009.

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

Attended by: 3 residents

Notice of meeting date change sent to the Lockport Union-Sun & Journal on October 16, 2009 with same notice being posted at the Town Hall on the same date.

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

PUBLIC HEARINGS –2010 Preliminary Budget Items

Notice of said hearing was duly published in the Lockport Union-Sun & Journal on October 22, 2009 with same notice being posted at the Town Hall on the same day.
Clerk Connolly read notice of public hearings.

Hearing #1 – 2010 Preliminary Budget

Supervisor Meyers opened the hearing at 7:32PM and asked if anyone wished to comment on the preliminary budget.

James Hoffman asked how it compares with the 2009 budget.

Councilman Wayner stated it was \$346,920 less than 2009.

James Hoffman asked if the amount of taxation is up or down.

Clerk Connolly stated the taxation amount is down by almost \$27,000.

James Hoffman stated that by looking over the details of the budget, it appears that based on the PILOT, AES is paying \$100,000 less than last year. He said if the PILOT had remained the same as 2009 the taxes would have been 12% lower. He asked why there are two columns – Budget Officer’s tentative budget and the preliminary budget.

Clerk Connolly stated the budget officer’s column is the Supervisor’s budget and the preliminary budget is the Town Board’s.

Supervisor Meyers stated that he presents the budget to the Board and the Board can make any modifications.

James Hoffman stated that he did not notice any differences.

Councilman Gow stated that if you go line by line, there are changes.

James Hoffman questioned why the litigation line is so much more than 2008.

Councilman Engert stated the first column is the actual spent in 2008 and the next columns are the budgeted amounts for 2009 and 2010 because there is pending litigation in case a settlement agreement is not reached.

Supervisor Meyers stated that money is put in there in case something comes up.

Councilman Gow stated that is the budgeted amount but not what actually has been spent to date.

James Hoffman asked several questions regarding Planning Board revenues and expenses specifically what the contractual is for.

Supervisor Meyers stated that is used for schooling and mileage.

Clerk Connolly stated there is also money in there for engineering in case the Planning Board has to use an engineer for consultation.

James Hoffman stated that page 24 references the community center.

Supervisor Meyers stated that there is nothing there for that.

James Hoffman asked when the sewer bond will be retired

Superintendent Denny stated that ends in 2011.

James Hoffman asked what the tax rate will be.

Supervisor Meyers stated \$2.61 per thousand.

With all persons desiring to be heard, Supervisor Meyers closed the hearing at 7:47PM.

Hearing #2 – Amounts to be raised by taxation in Special Districts

Supervisor Meyers opened the public hearing at 7:47PM on the amount of taxation to be raised in the Special Districts.

With no one desiring to be heard, Supervisor Meyers closed the hearing at 7:48PM.

Hearing #3 – Fire Contract

Supervisor Meyers opened the hearing on the Fire Contract at 7:48PM.

Councilman Chaffee asked how long the contract has been at \$225,000.

Clerk Connolly stated at least seven years.

With no one desiring to be heard, Supervisor Meyers closed the hearing at 7:49PM.

REGULAR MEETING

Supervisor Meyers opened the regular meeting at 7:50PM.

RESOLUTION 132-09

APPROVAL OF MINUTES

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 minutes of the October 13th, 2009 meeting be approved as submitted.

RESOLUTION 133-09

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

ATTORNEY REPORT

Attorney Herdzik reported the following:

1. The prosecutor has prepared a report and Attorney Herdzik stated as the report includes names and pending litigation, the report is confidential.
2. Report submitted from Attorney Conidi regarding the activities of the Planning Board.
3. Attorney Degnan will be on maternity leave and he will act as the prosecutor for the Court.

COMMUNICATIONS

RETIREMENT OF BRUCE DEVEREAUX

Clerk Connolly read a letter from Bruce Devereaux stating that he will retire from the Highway Department on November 28, 2009 after serving the Town for 29 years.

ELECTRONIC WASTE EVENT

Clerk Connolly reported that a free electronic waste and food/clothing collection event will be held on November 14th at the Niagara County Courthouse Parking Lot.

Supervisor Meyers reported:

1. There will be a meeting of the Great Lakes Offshore Wind Project at the Economic Development Center on Monday and he has attended all the meetings so far. He said they are trying to bring them (the company) to Lake Ontario, but they (the company) are leaning towards Lake Erie.
2. He is working on bringing broadband with Time Warner to get the rest of the Town covered with cable and Somerset is way behind every town and county in New York State. He is trying to obtain a federal grant to expand the coverage area. He said right now he is trying to figure out the number of miles that covers the Town now.

RESOLUTION 134-09

APPROVAL OF THE 2010 SPECIAL DISTRICT TAX ROLL

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

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

Resolved the Special District Roll for 2010 is approved as filed with the Town Board and Assessors.

RESOLUTION 135-09

APPROVAL OF THE 2010 BUDGET

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

ADOPTED Ayes 5 Meyers, Chaffee, Gow, Wayner, Engert
Resolved the 2010 Budget is adopted as presented.

RESOLUTION 136-09

BARKER FIRE DEPARTMENT CONTRACT

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 the contract with the Village of Barker and the Barker Fire Department to provide fire and ambulance service for 2010 for \$225,000.00 is approved.

RESOLUTION 137-09

UNPAID WATER AND SEWER BILLS PLACED ON TAXES

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 any unpaid water and sewer bills be placed on the county taxes for 2010.

RESOLUTION 138-09

PREPAY BILLS

Clerk Connolly requested authorization to prepay all normal bills that are received through November 9, 2009, due to the change of the regular meeting.

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 all normal bills that would be received through November 9, 2009 are authorized for prepayment.

James Hoffman, a member of the Niagara County Environmental Council, explained what will be collected at the Electronic Waste Event in Lockport and stated they are working with Community Missions to expand the event to non-perishable foods and clothing. He stated that there will be no charge to dispose of monitors and TV's.

BARKER CHEMICAL STATUS

Councilman Engert stated that an attorney has been assigned to the Barker Chemical case and a meeting is being scheduled.

RESOLUTION 139-09

AUDIT OF CLAIMS

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 that the bills be paid in the following amounts:

General Fund	No. 408 through 438	\$ 31,863.66
Highway Fund	No. 145 through 158	\$ 11,166.72
Sewer Fund	No. 127 through 140	\$ 6,001.33
Water Fund	No. 112 through 119	\$ 4,306.05

RESOLUTION 140-09

PURCHASE OF WATER METERS

Superintendent Denny stated that the 1990 Ford Truck sold for \$3,500 less 10% commission at the auction and requested that he be granted permission to use that revenue to purchase radio read water meters.

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 purchase radio read water meters with the revenue received from the sale of the 1990 Ford Truck.

PUBLIC INPUT

James Hoffman addressed the Board regarding:

1. Sole Assessor appointment
2. Article 7 progress

Supervisor Meyers stated the Assessor appointment will be made in January. He stated that everything is on hold regarding the Article 7 preceding pending a settlement agreement with all the parties.

On a motion of Councilman Gow, seconded by Councilman Chaffee, the meeting was adjourned at 8:15PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk