

REGULAR MEETING  
NOVEMBER 5, 2008

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 5<sup>th</sup> day of November 2008.

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 ----	Superintendent of Highways
	Melvin H. Denny -----	Superintendent Water/Sewer/Grounds
	Robert Roberson -----	Counsel

Attended by: Approximately 80 residents and concerned citizens

Notice of meeting date change sent to the Lockport Union-Sun & Journal on October 17, 2008 with same notice being posted at the Town Hall on the same date.

Supervisor Meyers called the meeting to order at 7:35PM with the Pledge to the Flag.

**PUBLIC HEARINGS –2009 Preliminary Budget Items**

Notice of said hearing was duly published in the Lockport Union-Sun & Journal on October 17, 2008 with same notice being posted at the Town Hall on the same day. Clerk Connolly read notice of public hearings.

**Hearing #1 – Amounts to be raised by taxation in Special Districts**

Supervisor Meyers opened the public hearing at 7:37PM reviewing the amount of taxation to be raised in the Special Districts.

Supervisor Meyers asked if anyone wished to comment on the special district assessments.

With no one desiring to be heard, Supervisor Meyers closed the hearing at 7:38PM.

**Hearing #2 – 2009 Preliminary Budget**

Supervisor Meyers opened the hearing at 7:38PM reviewing the General Budget.

Wallace Coates questioned the purpose of a proposed capital expenditure of \$1 million and an additional \$10,000.00 for the Engineer.

Supervisor Meyers stated the amount was requested by the Engineers and the \$1 million is for a Community Center. He stated that we have the dollars in the town and need to make that as public as possible. He stated that \$1 million is accessible in the reserve fund.

Wallace Coates asked who determined the need for a community center.

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Supervisor Meyers stated that there is going to be a feasibility study and that he has formed a committee of various associations and clubs from the town. He stated that the engineers will look at various properties that could be used for a community center and there will be a public forum for the public to speak on the proposal.

Wallace Coates stated he doesn't like to see money allocated without a specific need. He stated the money may be needed in the future for infrastructure. He stated that he is a member of two organizations that were not contacted to be on the committee, specifically the Fire Department and Historical Society.

Supervisor Meyers stated the Fire Dept. was not asked because they have a facility.

Wallace Coates stated the initial investment in a building is the smallest part. He stated the Fire Dept. invested in the building and they have a commitment to maintain the building. He stated there is a rumor that the Fire Dept. wants the Senior Citizens to meet elsewhere which is not true. He stated the building is available for public use and that there are buildings in the community that can be utilized more efficiently if they were supported with staffing and maintenance, instead of staffing with volunteers. He stated that there is a vast array of buildings available for public use, without having to maintain another building. He stated the \$1 million should be earmarked for infrastructure work. He stated the Fire Hall was built by monies received through Bingo proceeds and not tax dollars.

Supervisor Meyers stated that he had not heard the Fire Hall has tried to evict the Senior Citizens. He stated he had met with Randy Hildebrant on several occasions to look at the feasibility of expanding the Fire Hall to include some smaller rooms and modifying the current structure, but that went by the wayside when he found out the area is in a flood plain.

Lee Hoffman asked what is it we want that we don't already have regarding a community center with all the other buildings available.

Supervisor Meyers stated a community center will be open everyday for people to come into if desired. He stated this is in the feasibility stage and there will be a public hearing for people to comment.

Randy Atwater stated there are a lot of resources available in town and with the state of the economy it is the wrong time to be thinking about making a capital expense of that nature.

John Sweeney asked Supervisor Meyers to follow through the budget to state the funding source for the community center.

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Supervisor Meyers stated that it is not in the budget and it is from unallocated/unexpended funds. He stated that the money has built up over the years and that there was a 2002 audit stating that the amount of unexpended funds is way higher than recommended. He stated there is \$2.5 million of unallocated funds just sitting there. He stated they were put in the budget so the public can see that we have the funds on hand.

John Sweeney asked where the funds were generated from.

Supervisor Meyers stated they are funds that are created when you do not expend everything that is budgeted.

Dina Potter stated that it is a good idea to have a community center, but not necessarily that we have to expend \$1 million to build something new but utilize what is already here. She stated that there is not a facility large enough to hold the entire community.

Wallace Coates stated that when he was doing his budget the money left at the end of the year became unexpended funds not unallocated.

Supervisor Meyers stated that is correct except you get to the point where you have \$2.5 million unappropriated and that we have unexpended funds also.

Wallace Coates stated it goes back into the budget because your budget lists unexpended balance each year. He asked if we have \$2.5 million then why don't we put it in the budget so the people can see where it is.

Supervisor Meyers stated that we have to have some (money) in reserve in case something happens. He stated we cannot be irresponsible to the tax payers and he stated if the tax rate was lowered, money would go back into your pocket but 80% of the money would go back into AES's pocket. He explained the amount of money the Town receives from the PILOT stating that unless we can fix the PILOT situation, we cannot adjust the tax rate because it will affect the PILOT allocation (to the Town).

Councilman Wayner stated after the last budget work session (Oct. 14) a page was produced to add to the budget showing the unappropriated/unreserved balances but after investigating it, it seems to be incorrect. He stated that if you look at the summary of the General Fund and plug in the numbers, you end up with a \$15,000 deficit. It appears that what was appropriated from unreserved funds for 2009 was not taken out of the figure.

Supervisor Meyers stated that is not correct. He stated the figure was prior to the 2009 budget.

Councilman Wayner explained the figures and that the figure on page 30 of the proposed budget is incorrect.

Supervisor Meyers stated that the figure is correct and that it can be reviewed later.

Lee Hoffman stated that he would like to suggest putting enough money in next year's budget to have copies available without charging people for copies.

Councilman Engert suggested the budget be posted to the website.

James Hoffman asked how the 2008 and 2009 budgets compare.

Supervisor Meyers stated the budget is higher and the rate is the same. He asked if anyone had last year's numbers.

Councilman Wayner stated the 2008 budget was \$3.488 million and 2009 budget is \$4.9 million.

Clerk Connolly announced that she had found the summary page of the budget that she received from the Supervisor's office was wrong and that the actual amount of total expenditures is \$4,941,727 not \$5,941,727 million.

Supervisor Meyers stated that the \$1 million should not be added in there and for comparative purposes you should use \$3,941 million figure.

James Hoffman asked how much more is being spent than last year.

Councilman Gow stated \$453,000 without the \$1 million earmarked for a community center.

James Hoffman asked how much was the change in the PILOT payments.

Supervisor Meyers stated the PILOT dropped by \$1/2 million. He stated he thought the amount of the town decrease was \$63,000.

James Hoffman asked if he could get the actual number.

Supervisor Meyers stated he would get that for him tomorrow.

James Hoffman asked how much revenue the town loses as a result of the PILOT versus the amount if AES was on the tax roll.

Supervisor Meyers stated he did not know.

James Hoffman stated we lost \$300,000 last year and asked if he could get the number for this year.

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Supervisor Meyers stated that he would try to calculate it and does not know how to get the numbers. He stated it has not been calculated and we do not have that information.

James Hoffman asked if there is any money in the budget for operation, maintenance and staffing of the proposed community center after it is built.

Supervisor Meyers stated that would be part of the feasibility study.

James Hoffman stated that a need has not been demonstrated for a community center. He stated that he attends the town board meetings and that it has not been openly discussed at a meeting. He stated the money to be raised by taxation is \$909,416.

Supervisor Meyers stated special district monies come off the top before the PILOT. The amount to be raised by taxes is about \$270,000.00. The special district numbers are not subject to the PILOT.

James Hoffman asked why the \$1 million cannot be used to reduce taxes.

Supervisor Meyers said the decision was made to have a PILOT payment system instead of a host community agreement. He stated you cannot change the tax rate as it will change the Town's percentage of the PILOT pie.

Councilman Engert stated if you adjust the Town's piece of the pie to lower the tax rate percentage, the rest gets bigger.

Supervisor Meyers stated the practical way is to give back to the community in the form of a community center. He stated that we need to get out of this PILOT issue and have a host community agreement and until then we cannot lower the tax rate.

Wallace Coates stated the Engineer fees have tripled over 2 years and asked what is in there. He asked what is wrong with keeping this money to maintain roads, maintain our buildings or to stabilize taxes for future expenditures. He stated that when he was with the town, we paid cash for water lines and lagoon cleaning. He stated that the money should be saved for huge expenses that may come up.

John Sweeney asked why the unappropriated/unreserved fund numbers on page 30 for 2008 and 2009 are the same.

Supervisor Meyers asked where did the copy come from and that the page is not correct.

Councilman Wayner stated that the amounts that are on the page are not correct and that \$2.5 million is not available for general use.

Wallace Coates stated that money cannot be spent from special districts for general purposes and visa versa.

Clerk Connolly clarified that page 30 entitled "Unappropriated/Unreserved Funds" came from the Supervisor's office.

Supervisor Meyers stated that the amounts are correct. He stated that it is without the 2009 amount because the year is not done yet.

Councilman Gow stated the figures Supervisor Meyers gave us are wrong and explained that the 2009 appropriated funds need to be taken from the unappropriated funds on page 30 and there is a shortfall.

Supervisor Meyers stated that page 30 is not part of the budget. He stated that it is an appendix to the budget.

Councilman Wayner stated that according to the balance sheet that Supervisor Meyers provided, there is \$1,047 million available in the general fund with \$1,063 million being appropriated for 2009.

Supervisor Meyers stated he would get together with Mindy (Austin) tomorrow to find out. He stated the page is not part of the budget and it is there for informational purposes.

Councilman Engert stated when Supervisor Meyers presented his idea to put \$1 million in the budget, we had concerns about where the numbers were coming from and Councilman Wayner asked for the balance sheet to show where the money is coming from. He stated the numbers are not making sense at this point.

Councilman Chaffee stated that by not raising the tax rate we are actually lowering the rate due to inflation.

Councilman Wayner stated we need to keep extra reserves because the town's revenue will go down.

Herbert Linderman asked where Supervisor Meyers projects getting additional revenue.

Supervisor Meyers stated that at this point we may have a port project going in and a possible wind project.

Cheri Devereaux stated we need to have a reserve for 20 years from now when AES may not be there and we need to look out for that. She asked if Supervisor Meyers knows how much it costs to maintain a building.

Discussion ensued regarding the feasibility of a community center; maintenance of a building; and unsupervised kids at a community center.

Lee Hoffman asked why the budget increased by \$500,000?

Supervisor Meyers stated there is a new truck for the sewer treatment plant; increase in wages; increase in health care costs and that the money is coming from unexpended balance.

Lee Hoffman asked if this is not just delaying a tax increase.

Supervisor Meyers stated there is enough in the budget not to increase the taxes but cuts could be made if necessary.

Herbert Linderman stated that he agrees the community center is not a good idea and questioned how it would be staffed.

Supervisor Meyers stated that people will be hired to staff it and that it is in the early stages of a feasibility study.

Herbert Linderman stated that he does not want higher taxes and asked the Board to leave the money where it is as the PILOT will end.

James Gow asked who said there needed to be a feasibility study and that no community center is needed.

Supervisor Meyers stated that he toured several community centers and this is something that is being looked into.

Roy Anderson questioned the validity of a feasibility study of handpicked people that are in favor of a community center.

Supervisor Meyers stated that he sent letters to organizations and asked them to send a representative.

James Hoffman stated the budget is misleading when you have \$1 million for a community center in the budget.

John Sweeney stated it seems that you (Supervisor Meyers) are unprepared to answer the questions the public has put before you and suggested the hearing be suspended so the numbers can be corrected.

Supervisor Meyers stated the unappropriated amounts are not part of the budget.

John Sweeney stated that his recommendation to the Board is not to approve the budget as it is written.

With all persons being heard, Supervisor Meyers closed the hearing at 8:45PM.

### **Hearing #3 – Fire Contract**

Supervisor Meyers opened the hearing on the Fire Contract at 8:46PM.

He stated he would like to see the books of the Fire Company before the Town pays the money as he would like to see how the money is spent.

Councilman Gow stated that the town receives an annual report every year.

Wallace Coates, Treasurer of the Barker Fire Dept., stated the Board is welcome to see the tax fund at anytime and that they have not prepared the 2009 budget yet. He stated that the Fire Dept. protects the largest assessed facility in Niagara County. He stated they have received \$225,000 for several years and this year they refurbished a 20 year old truck and will need to replace an ambulance. He stated he is offended by the insinuation that there is something wrong.

Supervisor Meyers stated he doesn't want to imply that anything is wrong in the fire department and that he would like to see this year's budget.

Extensive discussion ensued regarding the budget of the fire department; the timeframe of when the budget is adopted; and specifics of the contract.

Wallace Coates asked the Town to publish that fire alarms are needed in homes in light of the recent house fires including the deaths of the three children.

James Gow asked if the town could give money to the Fire Company for fire alarms to be given to families in need.

Clerk Connolly stated that she has been investigating a give away program of fire alarms since the tragic Ridgeway fire and has been pursuing grant funds and companies that may want to help sponsor such a program. She requested Board permission to develop a program in conjunction with the Fire Department to protect our residents and homes.

With all persons desiring to be heard, Supervisor Meyers closed the hearing at 8:45PM.

**Hearing #4 – Rezoning of Property on Haight Road – Proposed Local Law #2-2008**

Notice of said hearing was duly published in the Lockport Union-Sun & Journal on October 17, 2008 with same notice being posted at the Town Hall on the same day.

Supervisor Meyers opened the public hearing at 8:45PM.

Clerk Connolly read the notice of public hearing to hear and consider an amendment to the Town of Somerset Zoning Ordinance and Town Code as follows:

The following property situate on Haight Road, Barker, New York 14012, presently located in a R-1 and R-2 District as defined in the Town of Somerset Zoning Ordinance, is hereby re-zoned and designated Industrial District, subject to all regulations created and established relative to said Industrial District pursuant to Section 205-40 of the Code of the Town of Somerset and described as follows:

Beginning at the intersection of Quaker Road and Haight Road, Town of Somerset, Niagara County, New York, and running easterly along the center line of Haight Road 875 feet to a point; thence northerly at right angles to said center line, 200 feet to a point; thence westerly at right angles to the last described boundary 200 feet to a point; thence northerly at right angles 300 feet to a point; thence easterly parallel to the center line of Haight Road 500 feet to a point; thence southerly at right angles to the aforementioned boundary 500 feet to the center line of Haight Road; thence westerly along said center line 300 feet to the point or place of beginning. Also being described as part of SBL # 9.00 - 2 - 39.11 in the Town of Somerset, containing 4.82 acres, more or less.

Clerk Connolly reported that all neighboring property owners were notified of said hearing with no comments being received.

Mark Eaton stated he would like to see a map and that he was not notified.

Clerk Connolly stated that they are not an abutting property owner.

James Chutko, 8689 Haight Road, stated that he talked to James Dickinson, with Mr. Dickinson stating that he was going straight back 300 feet and said that he was not aware until he received the map that it goes directly behind his property. He stated that he is interested in buying that part of the property to put up another apartment building. He stated he is not opposed but is concerned about that portion of the property.

Supervisor Meyers stated that this is not a purchase agreement, it is a rezone.

James Chutko asked how that affects his property and the special use permit.

Supervisor Meyers stated that it would not affect his permit.

James Dickinson stated the property is not sold.

James Chutko asked if he would be able to put another apartment building on the property with the new zoning.

Attorney Roberson stated that it would have to be rezoned.

James Chutko asked why that piece cannot be cut off and just do the 300' by 500'.

Supervisor Meyers stated that they could do that but another public hearing would have to be held and it was recommended by members of the Planning Board to square the property off.

Herbert Linderman asked if it will be classified Industrial and that it is like spot zoning. He stated that Mr. Thuman runs a good business and that he is for expansion. He asked the Board to consider what happens if Mr. Thuman decides to sell his business and the next business is not as nice or may be offensive.

Attorney Roberson stated that most towns have light industrial and heavy industrial zones with restrictions. He stated that general industrial in the Town of Somerset sets restrictions and is like a light industrial zone.

James Hoffman stated that once the site plan review is done by the Planning Board, they (the business) can do anything that that zone calls for.

Herbert Linderman stated the zoning goes with the property and is concerned that a restriction be made as light industrial.

Attorney Roberson stated that the restrictions for light industrial are addressed under the Industrial Zone in the ordinance.

Cheryl Eaton asked if the highlighted area of the map is for the building.

Supervisor Meyers stated the building will be within the highlighted zone.

James Hoffman asked Mr. Thuman what other pieces of property were looked at and why they were not selected.

Supervisor Meyers stated that Mr. Thuman came to him several months ago and questioned what kind of properties are available for expansion. He stated the properties that were looked at included: the Village property; Hosmer Road Industrial zoned property; and Hartland and Lower Lake Road. He stated that natural gas, 3 phase power and sewer and water were required criteria.

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James Hoffman stated that the former Barker Chemical property was cleaned up for \$1.3 million by the Environmental Protection Agency and that the property cannot be used because NYS Dept. of Environmental Conservation Agency has problems with the property as it has high pH levels in the pond. He stated it is still ruled as useless and he would like the Town Board and Planning Board to pursue having this property cleaned up for a future industrial location. He stated the property is an eyesore and the cleaning of the property needs to be forced.

Supervisor Meyers stated that it clearly needs to be pursued.

With all persons desiring to be heard, Supervisor Meyers closed the hearing at 9:17PM.

REGULAR MEETING

Supervisor Meyers convened the regular meeting at 9:18PM.

RESOLUTION 145-08

**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 Oct. 14<sup>th</sup>, 2008 meeting be approved as submitted by the Clerk.

RESOLUTION 146-08

**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.

Superintendent Denny presented the Quarterly Water/Sewer Report.

COMMUNICATIONS

**FOOD PANTRY REQUEST**

Clerk Connolly read a letter from Dina Potter requesting donations and help in fulfilling the Barker Food Pantry needs for the holiday season.

**CABLE TV**

Clerk Connolly reported that a communication has been received from Time Warner that Channel WIVB is back on the air.

RESOLUTION 147-08

**APPROVAL OF THE 2009 SPECIAL DISTRICT TAX ROLL**

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 Special District Roll for 2009 is approved as filed with the Town Board and Assessors.

RESOLUTION 148-08

**APPROVAL OF THE 2009 BUDGET**

Councilman Chaffee stated there are problems with the budget and requested a special meeting.

Councilman Gow stated there are enough objections expressed about the Community Center that the item should not be appropriated. She stated that we need to keep unappropriated funds for possible tax liabilities with an AES settlement and we don't want to have to go into debt for possible truck purchases and pumping station repairs.

Councilman Engert stated that the money should not be earmarked for a community center at this time and that money is set aside for the feasibility study.

Supervisor Meyers stated that the money in the budget will not be spent without prior Board approval.

Councilman Chaffee questioned if there will be a negative fund balance.

Clerk Connolly stated by taking the \$1 million out of the budget there will not be a negative fund balance.

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

ADOPTED Ayes 4 Chaffee, Gow, Wayner, Engert  
Nays 1 Meyers

Resolved the 2009 Budget is adopted as amended with the deletion of the \$1 million appropriation for a Community Center from the General and Capital Fund.

RESOLUTION 149-08

**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 2009 for \$225,000.00 is approved.

RESOLUTION 150-08

**HAIGHT ROAD REZONING SEQR (State Environmental Quality Review)**

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 rezoning of the property that is part of 8713 Haight Road will not have a negative environmental impact.

RESOLUTION 151-08

**HAIGHT ROAD REZONING – LOCAL LAW #2-2008**

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

ADOPTED Supervisor Meyers Aye  
Councilman Chaffee Aye  
Councilman Gow Aye  
Councilman Wayner Aye  
Councilman Engert Aye

Resolved that Local Law #2-2008 rezoning the property that is part of 8713 Haight Road to Industrial is adopted as follows:

**A Local Law Entitled “Amendment to the Code of the Town of Somerset”**

Be it Enacted by the Town Board of the Town of Somerset as Follows:

The official Map of the Town of Somerset shall be amended by re-zoning premises located on Haight Road, Barker, New York 14012, SBL#9.00-2-39.11, from One and Two Family Residential District (R-1, R-2) to an Industrial District (I) consisting of 4.82 acres of land and more specifically described as follows:

Beginning at the intersection of Quaker Road and Haight Road, Town of Somerset, Niagara County, New York, and running easterly along the center line of Haight Road 875 feet to a point; thence northerly at right angles to said center line, 200 feet to a point; thence westerly at right angles to the last described boundary 200 feet to a point; thence northerly at right angles 300 feet to a point; thence easterly parallel to the center line of Haight Road 500 feet to a point; thence southerly at right angles to the aforementioned boundary 500 feet to the center line of Haight Road; thence westerly along said center line 300 feet to the point or place of beginning. Also being described as part of SBL # 9.00 - 2 - 39.11 in the Town of Somerset, containing 4.82 acres, more or less.

This local law shall take effect immediately upon its filing in the office of the Secretary of State.

**LANDFILL**

Clerk Connolly reported that 5 notebooks of information have been filed by AES in the Town Clerks office pursuant to the agreement.

RESOLUTION 152-08

**OPPOSITION TO CONSOLIDATION OF REGISTRAR OF VITAL STATISTICS**

Clerk Connolly reported that a bill is before the State Legislature that would consolidate the duties of Registrar of Vital Statistics by placing the burden on the County Clerks.

She stated that the intent of the law was if there is a mass tragedy, the Commissioner of Health could centralize the issuance of death certificates, however, the way the bill is worded it does not state "in case of an emergency". She stated that this consolidation would cost the taxpayers more money for copies of records and also put a burden on the residents by having to travel to Lockport to obtain such records. She asked the Board to consider adoption of the resolution provided opposing this action.

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 reading of the following resolution is waived and the resolution is adopted as presented:

**WHEREAS**, The New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and

**WHEREAS**, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

**WHEREAS**, the NYS Department of Health has developed a program bill that would allow the Commissioner to consolidate the function of the local registrars of vital statistics, and

**WHEREAS**, New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to the "Pandemic Flu and Public Health Emergency Preparedness Law", and

**WHEREAS**, the Commissioner could consolidate these services without county legislative approval, and

**WHEREAS**, the local city, town and village Clerks have provided this service professionally and efficiently over the years, and

**WHEREAS**, losing this business would have a financial impact on the local governments, and

**WHEREAS**, many citizens are under financial stress due to high fuel costs, and

**WHEREAS**, the County's geography would increase this burden since services would be located further from the residents,

**WHEREAS**, the local Registrars presently charge \$10.00 per certified copy and the State proposes that the County will charge \$30.00 per certified copy, and

**NOW, THEREFORE, BE IT RESOLVED** that in the interest of good government, the Town of Somerset Town Board opposes the consolidation of the function of local registrars of vital statistics, and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to our Governor and State Elected Officials to encourage their support.

RESOLUTION 153-08

**PREPAY BILLS**

Clerk Connolly requested authorization to prepay all normal bills that are received through November 10, 2008, due to the change of the regular meeting.

On a motion of Councilman Chaffee, seconded by Councilman Gow, 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 10, 2008 are authorized for prepayment.

RESOLUTION 154-08

**STREET LIGHT CHANGE**

Clerk Connolly stated that a communication has been received from National Grid upon the request of a resident to change the location of a street light at 9199 Somerset Drive to a pole that is just down the road so wires and a pole can be removed from the property. Clerk Connolly stated that Superintendent Bigelow visited the site and found no problem with the relocation of the light. She stated there will be a removal fee of \$384.35 plus any applicable tax, with a cost savings of \$97.06 per year.

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 street light at 9199 Somerset Drive be removed from Pole #9343-1 and transferred to Pole #9343 upon payment of the removal fee for the facility.

RESOLUTION 155-08

**SMOKE ALARM/CARBON MONOXIDE DETECTOR GIVEAWAY PROGRAM**

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

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

Resolved that Clerk Connolly is authorized to proceed with obtaining information regarding a smoke alarm, batteries and carbon monoxide detector giveaway program.

**PUBLIC INPUT**

Wallace Coates stated that the Fire Hall is providing most of the services you are looking for in a community center and suggested that the committee meet with the President and Hall Chairman of the Fire Company to discuss the feasibility of locating the facility at the fire hall. He stated if they cannot provide what is needed that perhaps the town can help with janitorial and staffing at the Fire Department with community events without making a commitment of building a community center. Supervisor Meyers stated that the committee looked at the possibility.

James Hoffman questioned why is there no independent third party monitoring of the landfill at AES.

Councilman Engert asked the Attorney to clarify what the monitoring responsibilities of the agreement are.

Attorney Roberson stated that NYSDEC is doing what they are authorized to do by the Public Service Commission.

James Gow questioned if the Town Engineer would have any authority.

Attorney Roberson stated no.

**LOWER LAKE ROAD BRIDGE**

Superintendent Bigelow stated that the bridge over Fish Creek on Lower Lake Road has been red flagged by the state. He stated the options are to repair the bridge; post the bridge; or close the bridge completely. He stated that posting the bridge would require a written statement for the load that would be put on it and certified by a licensed engineer. He stated he has 6 weeks to respond to the letter and that he is trying to fast track the funding so construction can begin in the spring.

Councilman Gow asked if the bridge could be load posted.

Superintendent Bigelow stated that it would not be feasible to do so and that it will be closely monitored. He stated that no engineer is going to certify that because of the amount of rust and they wouldn't want to put their license on the line. He stated there is no way to fix the bridge as it is severely rusted. He also stated that if there are any signs of settlement or high water, the bridge will be ordered closed by the state. He stated that he is awaiting information from the County regarding the matter and that the NYS Dept. of Transportation is aware of the situation.

**VILLAGE NEWSLETTER – WATER LINES**

Councilman Chaffee stated that he saw in the village newsletter that there is a verbal agreement with the Town to lay the village water lines after school is out next year.

Supervisor Meyers stated that is not true and explained the meeting that he had with Mayor Greenwald, Superintendent of Public Works Mark Remington and Superintendent Denny regarding helping put in the village water lines. He stated that he asked the Village to send them something.

Councilman Wayner asked that there be a retraction and clarification.

Supervisor Meyers stated this is the first village newsletter he has ever seen and that he will have it clarified if necessary.

Councilman Gow stated clarification is necessary.

**WEBPAGE – VETERANS PROJECT**

Clerk Connolly gave an update on the website specifically the Veterans Project that will be unveiled at the Veterans Dinner at the Fire Hall on November 9<sup>th</sup>. She stated that approximately 160 pictures are on the site along with much more data. She thanked Lorraine Wayner for the data; Deb Dearborn for putting the data in a format that could be used; and Councilman Engert for initiating the project.

RESOLUTION 156-08

**AUDIT OF CLAIM**

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 the bills be paid in the following amounts:

General Fund	No. 465 through 492	\$ 17,164.48
Highway Fund	No. 151 through 166	\$ 24,551.23
Sewer Fund	No. 122 through 130	\$ 6,378.52
Water Fund	No. 119 through 128	\$ 8,927.61

On a motion of Councilman Gow, seconded by Councilman Engert, the meeting adjourned at 10:00 PM subject to the Call of the Clerk. Carried unanimously.

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Rebecca A. Connolly, MMC  
Town Clerk