

REGULAR MEETING
SEPTEMBER 11, 2007

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 11th day of September 2007.

Present: Richard J. Meyers ----- Supervisor
 Richard N. Ray Jr. ----- Councilman
 Dudley E. Chaffee ----- Councilman
 April C. Gow ----- Councilman
 Randall J. Wayner ----- Councilman
 Rebecca A. Connolly --- Clerk
 Kenneth J. Bigelow ---- Superintendent of Highways
 Melvin H. Denny ----- Supt. of Water/Sewer/Grounds
 Robert Roberson ----- Counsel
 Randy D. Roeseler ---- Engineer

Attended by: Approximately 21 people

Supervisor Meyers called the meeting to order at 7:30PM with the Pledge to the Flag and asked for a moment of silence to remember the fallen of September 11, 2001.

RESOLUTION 105-07

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the August 14th, 2007 meeting be approved as submitted by the Clerk.

RESOLUTION 106-07

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

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

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer's report
Police Report
Dog Control Officer for July and August

QUAKER ROAD SPEED LIMIT

Clerk Connolly reported that the speed zone on Quaker Road from the Village of Barker southerly for 4/10ths of a mile should be marked within a week.

WIND ENERGY

Councilman Wayner presented information regarding a wind energy agreement that has been signed by the Town of Eagle with the NOBLE Company. He asked the Board to review the agreement and perhaps compare what the company has to offer versus Empire State Wind Energy. He stated that he still would like to continue to pursue negotiations with Empire State Wind Energy. He asked that everyone review and offer comments by Monday September 17th. He suggested that the Board possibly meet with the company.

Supervisor Meyers suggested that the Town of Fenner be looked at for educational value as it is a town of similar size and they have a completed project. He stated that Empire State Wind Energy does not have a signed Host Agreement yet but should be signing with four towns within the next week. Supervisor Meyers stated that he sent a wind resource report for the placement of a wind turbine at the sewage treatment plant to Keith Pitman for him to calculate the numbers based on the scenario presented. He stated that once he receives the information, he will get it to the Board members.

Discussion ensued regarding what is needed to sit down with Empire State Wind Energy to sign a host agreement.

UPDATES ON LAWSUITS

Attorney Roberson gave an update on the pending lawsuits:

1. LANDFILL– Attorney Roberson stated that Attorney Shoemaker provided an update on the landfill via a report stating that the Siting Board has not made a determination on the AES request for modification and that the Town is awaiting the response from AES on the comments relative to the requested modification.
2. ASSESSMENT- The assessment lawsuits are still on hold.
3. PILOT – Attorney Roberson stated that he has had discussions with Judge Klock to make a decision regarding the PILOT so that the parties concerned can be on the Appellate Court calendar by next May or June in order to have a timely decision for the next school year. He expressed his concerns that it has been 90 days since the hearing was rested on July 11th.

Discussion ensued what avenues the Town can pursue in order to obtain a decision. Attorney Roberson stated the town can do nothing as it has to be a decision of the Judge.

ENERGY AUDIT

Engineer Randy Roeseler presented a report to the Board stating that the 3 buildings were walked through and gave an overview of implementation pointing out areas that can be updated with little investment with short term payback. They also provided other options that require an investment for energy savings. He stated that overall it was clear that day to day the staff is energy conscious.

RESOLUTION 107-07

BOARD OF ASSESSMENT REVIEW APPOINTMENT

Supervisor Meyers stated that he would like to establish a formal review of positions before the person is reappointed.

Councilman Wayner suggested that the Chairman of the particular Board be asked to comment.

Lee Hoffman stated that he is the Chairman of the Board of Assessment Review and that Herbert Meyers has been on the Board for 5 years, has received the required training and will be required to attend training upon reappointment.

Supervisor Meyers stated that he would like to pursue feedback and possibly interview the person recommended.

Councilman Chaffee stated that in the past the Supervisor has talked to the person being reappointed and the Chairman.

Supervisor Meyers stated in the future he will talk to the Chairman of the particular Board and pass the information onto the rest of the Board.

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

ADOPTED Ayes 5 Meyers, Ray, Chaffee, Gow, Wayner

Nays 0

Resolved that Herbert Meyers be re-appointed as a Board of Assessment Review member for a five year term ending September 30, 2012.

2008 BUDGET

Supervisor Meyers set September 26, 2007 at 7:00PM for a meeting to discuss the 2008 budget.

RESOLUTION 108-07

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Meyers, Ray, Chaffee, Gow, Wayner

Nays 0

Resolved that the bills be paid in the following amounts:

General Fund	No. 361 through No. 400	\$ 79,040.81
Highway Fund	No. 117 through No. 133	149,125.33
Sewer Fund	No. 81 through No. 93	4,871.58
Water Fund	No. 90 through No. 93	1,162.85

MULTI – TROB PUMP UNIT FOR SEWER PLANT

Superintendent Denny stated the pump that was sent back to the company for repair is not able to be repaired. He stated that Flygt stated the pump received a power surge during a storm and he will pursue compensation from the insurance company. He stated that he is able to obtain a pump in the event of an emergency from the company in Rochester.

RESOLUTION 109-07

CEMENT MIXER

Superintendent Denny stated that the cement mixer that was purchased 30 years ago has broken down. He stated that they use the mixer for foundations at the cemeteries and the fence projects. He stated that he has investigated prices and found that a 3 point hitch mixer may be obtained from Goodridge Farm Supply for \$2,450 with a municipal discount.

Councilman Gow asked what the warranty is.

Superintendent Denny stated he was not sure and that the company would let the mixer be used for 2 loads with the option to return the mixer if it was not satisfactory.

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

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

Resolved that a 3 point hitch cement mixer be purchased from Goodridge Farm Supply, 7615 Lewiston Road, Oakfield, NY 14125 for \$2,450.00 pending the review of the warranty and serviceability satisfactory to Superintendent Denny.

RESOLUTION 110-07

PAPER RECYCLING

Clerk Connolly stated that she had been in contact with a paper recycling company named Abitibi Paper Retriever that will pay the Town for paper recycling. She stated the company will provide the container, provide pickup and pay the Town so much per ton of paper collected. She stated with the amount of paper recycled, the Town could receive approximately \$2,000.00 in revenue. She stated there is no timeframe and that if it did not work out, they would remove the container. She stated the company will provide promotional materials to educate the community on the project.

Superintendent Denny stated that the container could be placed in the Town Hall parking lot.

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

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

Resolved that the Town of Somerset accepts the proposal from Abitibi Paper Retriever for the placement of a paper recycling container at the Town Hall with revenues to be paid to the Town for paper collected.

BUILDING PERMIT FEE SCHEDULE

Code Enforcement Officer Randy Hildebrant presented a proposal to increase the building permit fee for a single family residence to \$200 and provided the Board with a chart of other towns' fees. He stated that he does at least 9 inspections on a single family residence. He asked the Board to review the information.

Discussion ensued regarding the number of inspections conducted, the amount spent for the inspections, the number of permits per year and the type of inspections.

CEO Hildebrant stated that he will run a report of the number of inspections per year.

PUBLIC FORUM

Jon Hotaling asked about the status of the Planning Board appointments and the status of the committee formation for the selection.

Supervisor Meyers stated that the Board has received copies of the resumes.

Discussion ensued regarding the selection process.

Supervisor Meyers stated that he would write up a document for review of the Board to determine the issues.

James Hoffman commented as follows:

1. Congratulated the Board on sending out conceptual information regarding wind energy.
2. Questioned the Supervisor on NIMS compliance and attendance at meetings for the Consortium, Water District meetings, Power Alliance meetings
Discussion ensued regarding the compliance of the Supervisor.
3. Stated that the landfill located at AES is the 2nd most toxic landfill in Niagara County and expressed his concern that the landfill be secured. He questioned who the DEC contact will be and for the Board to have dialogue with DEC.

Councilman Wayner read the statement from the Attorney regarding the landfill issue and stated that DEC will oversee the monitoring.

Supervisor Meyers stated that he will call DEC to see who is monitoring the landfill.

Ben Atwater questioned the status of the Quaker Road bridge repair.

Superintendent Denny stated the company is on schedule and it is expected to be opened by October 31st.

Marcia Ray stated that in light of the anniversary of September 11th and with the Border Patrol circulating the power plant; she is concerned about the security of the town. She questioned how she would be notified in the event of an emergency and asked if there is a plan.

Barker Fire Dept. Fire Chief Hildebrant stated there is a system set up County wide for an evacuation and it is based on the scale of the emergency. He stated that the Town, County and AES have an Emergency Action Plan in place that will set up a command post.

There being no further business, on a motion of Councilman Ray, seconded by Councilman Wayner, the meeting adjourned at 8:50PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk