

REGULAR MEETING
SEPTEMBER 8, 2009

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 8th day of September 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: Approximately 11 residents

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

RESOLUTION 117-09

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the August 11th, 2009 meeting be approved as submitted.

RESOLUTION 118-09

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.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer's Report
Police Report

ATTORNEY REPORT

Attorney Herdzik reported on the following:

1. A claim has been filed by Verizon for damage caused to a line in August. He stated Superintendent Denny has notified the insurance company and he feels that the matter will be covered by insurance and the Town is fully protected in the obligation to notify the carrier.

2. Kim Conidi will be the Attorney at the Planning Board and Zoning Board of Appeals meetings and is working with the Planning Board on the subdivision regulations with the comments of the Engineer being taken into consideration.
3. The Article 7 lawsuits filed by AES have been consolidated by Judge Klock and the court date has been extended in anticipation of an amicable resolution involving all of the parties.

Supervisor Meyers stated that Niagara County is processing the Barker Storage payment and it will be sent to the Attorneys for Barker Storage.

Councilman Engert asked if Kim Conidi has been an assignment made by the firm to the Planning Board.

Attorney Herdzik stated is that she will be doing the Planning Board and Zoning Board of Appeals for continuity purposes. He stated that he will be involved in all litigation, Town Board matters and any other matter he is called upon to do. He stated that Kristen Degnan will remain the prosecutor and Thomas Kawalec will fill in for him (Attorney Herdzik) when he is not available.

Councilman Wayner asked if the involvement of Kim Conidi is a long term commitment from the firm to those Boards. He stated there have been some changes and the Boards are looking for continuity.

Attorney Herdzik stated yes. He stated that in the course of human dynamics there is going to be some turn around in the firm but they pride themselves on not having a lot of that. He stated they try to compensate their employees and their Attorneys for what they are worth and try to have satisfied people. He stated if you look back they have not had a lot of turnover.

COMMUNICATIONS

RESIGNATIONS

Clerk Connolly read letters of resignation from Michelle Dewart as Dog Control Officer and Daniel Luckman from the Water/Sewer Department.

Clerk Connolly read a letter from Habitat for Humanity thanking Randall Hildebrant, Code Enforcement Officer, for his help and expressing their appreciation with the building of the newest Habitat house on Lower Lake Road.

Clerk Connolly announced that National Grid will be holding an Energy Efficiency Expo on October 7th at the Buffalo Niagara Convention Center.

Clerk Connolly announced that Lorraine Wayner has been nominated for the YWCA of Niagara 2009 Tribute to Women.

Clerk Connolly announced the passing of Judge Beryl T. Coleman on September 5th and stated that he had served the Town of Somerset for 46 years.

LANNING BOARD VACANCY

Supervisor Meyers stated three applications for the Planning Board have been received and asked the Planning Committee to convene for the purpose of reviewing the applications that have been received and to make a recommendation at the next meeting.

SOLE ASSESSOR APPOINTMENT

Councilman Engert stated that a document is being prepared with comments being received. He stated he will incorporate those comments into the document and resend to the Board for review. He stated as soon as the document is finished, he will send to Clerk Connolly to post the position.

AES POWER PLANT

John McDonald questioned the articles in the paper reporting that a deal has been struck with AES regarding taxes.

Supervisor Meyers stated that Town is in the midst of negotiating an agreement with the County and School to come to an agreement, but nothing has been finalized. He stated the Town is trying to settle the lawsuits.

Mr. McDonald stated that he has investigated the situation and cautioned the Board on settling for the bottom line of the PILOT when the court has negated it. He asked the Board to do research on where their income comes from and if they are short on demand for electricity.

DOG CONTROL OFFICER VACANCY

Councilman Engert stated he feels that a job description needs to be developed.

Councilman Wayner asked that Mark Remington, Deputy Dog Control Officer, be approached to act in the interim and offer the position to him prior to advertising for the position.

Supervisor Meyers asked that Councilman Gow develop a job description.

RESOLUTION 119-09

RESURFACING OF BASKETBALL COURT

Superintendent Denny presented a procurement form with quotes for the resurfacing of the basketball court including a driveway from:

<u>Name and Address of Vendor</u>	<u>Price</u>
Clause Paving P.O. Box 234, Sanborn, NY 14132	\$ 7,510.00
R&M Paving & Sealing 5574 Saunders Settlement Rd., Lockport, NY 14094	\$ 8,000.00
Bedford Blacktop 7365 Wheeler Road, Lockport, NY 14094	\$ 8,400.00
Woods Paving & Sealing 101 Witmer Road, North Tonawanda, NY 14120	\$13,765.00

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Discussion ensued regarding the various vendors.

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

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

Resolved that the low bid from Clause Paving, Sanborn, NY 14132 be accepted for the paving of the basketball court for \$ 7,510.00 as per the procurement.

RESOLUTION 120-09

CHAIRS FOR THE LARGE MEETING ROOM

Judge Donald Martineck presented a procurement for 90 chairs for the large meeting room to replace the existing chairs. He stated that the state conducted a safety assessment of the court and recommended that the chairs need to be ganged together.

The quotes were received from:

<u>Name and Address of Vendor</u>	<u>Price</u>
KLog, 1224 W. 27 th St. Zion, IL 60099	\$ 4,177.50
Garlock Office Products, 417 Main St., Medina, NY 14103	\$ 4,048.55

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 Judge Martineck is authorized to purchase chairs for the large meeting room from Garlock Office Products, 471 Main Street, Medina, NY 14103 for \$4,048.55 as per the procurement.

2010 BUDGET WORKSHOP MEETING

Supervisor Meyers set Monday, October 5, 2009 at 5:30PM for the 2010 Budget workshop meeting.

PUBLIC INPUT

Richard Ray stated he received a letter from Councilman Wayner and Councilman Engert regarding a change in the health insurance with retirees paying a portion of the insurance. He stated he understands paying part of the cost but does not feel it is right the retirees subsidize the 9 elected part-time employees by 2 ½ times. He asked the Board to reconsider their position.

James Hoffman addressed the Board regarding:

1. The newspaper report of August 30th regarding a deal being struck with AES. He stated that when the PILOT went into effect his school taxes increased. He stated a deal is not a deal until all the parties agree and the school is the most important organization involved with it meaning several hundreds of dollars to individuals.
2. Questioned the status of Barker Chemical.

Councilman Engert stated there is nothing new to report with Barker Chemical and the County is still in deliberation regarding the property.

John McDonald addressed the Board regarding:

1. The law enforcement officials are doing a good job but stated they are speeding down Quaker Road when they receive a call and it is a potential hazard with the children area.
Supervisor Meyers asked Clerk Connolly to notify Chief Annable.
2. He reads the minutes of the Board meetings posted on the website and noticed that more business is being held in Executive Sessions.
Supervisor Meyers stated that the Board has been discussing litigation and that has to be done in Executive Session.
3. Asked the Board to take the time to examine the true source of income of AES.
Supervisor Meyers stated that the Town has paid a lot of money to professional companies to determine the income.

RESOLUTION 121-09

AUDIT OF CLAIMS

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

ADOPTED Ayes 4 Meyers, Chaffee, Gow, Engert
Nays 0
Abstain 1 Wayner

Resolved that the bills be paid in the following amounts:

General Fund	No. 335 through 363	\$ 50,132.19
Highway Fund	No. 115 through 132	\$ 23,730.06
Sewer Fund	No. 97 through 112	\$ 5,069.45
Water Fund	No. 94 through 101	\$ 1,505.04

On a motion of Councilman Gow, seconded by Councilman Engert, the meeting was adjourned at 8:45PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk