

REGULAR MEETING  
SEPTEMBER 9, 2008

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 9<sup>th</sup> of September 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
	Randy Roeseler -----	Engineer

Attended by: Approximately 7 residents

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

RESOLUTION 120-08

**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 August 12<sup>th</sup>, 2008 meeting be approved as submitted by the Clerk.

RESOLUTION 121-08

**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.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer's report  
Dog Control Officer's report  
Police Report

Dorothy Langendorfer stated that she had filed numerous complaints about a race bike driving down Lake Road and in their fields. She stated that the person has no insurance and no license. Chief Annable asked that she talk to him after the meeting about the situation.

COMMUNICATIONS

Clerk Connolly reported that a request has been received for a street light at a dead end part of Somerset Drive and that she has contacted National Grid for the proposed cost.

**CABLE/DSL CONNECTION**

Clerk Connolly stated that several people on Carmen Road and Haight Road have contacted her complaining that they would like to be brought into the 21<sup>st</sup> century and have either cable or DSL connection for their area.

Discussion ensued regarding the lack of connections to the internet in several areas of the town and various modes of getting on the internet.

The Board authorized Clerk Connolly to send a letter to Verizon and Time Warner to see what the possibilities will be for connections in the future.

**PILOT FOR AES LITIGATION**

Clerk Connolly reported that communication has been received that the Supreme Court Appellate Division has scheduled to hear the PILOT litigation case during the January 2009 term.

**GREAT LAKES TELECONFERENCE**

Clerk Connolly reported there is a teleconference on September 17, 2008 sponsored by the International St. Lawrence River Board of Control related to the water levels and flows in Lake Ontario and the St. Lawrence River. She stated that the information has been posted on the website.

Supervisor Meyers stated that he has been hand delivering the notice of the teleconference to the lakeshore property owners and taking pictures of any erosion. He stated that he will be sending the pictures to his contact.

RESOLUTION 122-08

**DOMAIN NAME**

Clerk Connolly reported that the domain name is up for annual renewal for \$35.00. She stated that she had received an email giving different options if the domain name is renewed for more than one year. She stated that she contacted the company and they offered to renew the domain name for \$135.00 for 9 years.

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 Clerk Connolly is authorized to renew the domain name somersetny.org for 9 years at \$135.00.

**LANDFILL UPDATE**

Supervisor Meyers questioned Attorney Roberson regarding the billing of Regulatory Watch and what it entails and asked Mr. Roberson to check into that.

Councilman Gow stated that the landfill committee discussed the landfill situation with Attorney Shoemaker and that Attorney Shoemaker has sent a letter to David Morrell from Department of Public Service (DPS) and that no response has been received.

**INTERNATIONAL JOINT COMMISSION**

Clerk Connolly reported that she has received communication that "Plan 2007" which would protect the property owners has been taken off the table. She provided the Board with a letter that was sent to Secretary of State Condeleezza Rice from the Commission stating such. She explained that Congresswoman Slaughter and Governor Patterson need to be contacted by the landowners.

Councilwoman Gow stated that she would like the information put on the website and the property owners be contacted to put the pressure on the representatives.

The Board asked Clerk Connolly to develop a letter and send it to the property owners/residents along the lakeshore with the contact information and to also coordinate the efforts with Clerks from other lakefront communities.

RESOLUTION 123-08

**UNSAFE BUILDING – 8508 LAKE ROAD**

Clerk Connolly stated that Code Enforcement Officer Hildebrant has provided the Town Board with notice of violation and the Engineer's report regarding the unsafe conditions of the building at 8508 Lake Road, SBL 9.13-1-15. Clerk Connolly stated that in order to proceed with demolition, the Board must adopt a resolution and call for a public hearing.

Code Enforcement Officer Hildebrant gave an overview of the property and the procedure that needs to be followed. He stated the County owns the property currently and it is up for auction on October 12, 2008. He stated that the building has to come down and that the lot is a non-conforming lot so it will not be able to be built upon unless an area variance is granted. He stated all costs including demolition, engineer fees and legal fees will be placed on the tax bill.

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

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

**WHEREAS**, the Enforcement Officer of the Town of Somerset has filed his report in writing with the Town Board of the Town of Somerset containing his findings and recommendations regarding a certain structure situate on premises located at 8508 Lake Road, Barker, New York 14012, designated by SBL No. 293889 9.13-1-15, in which report said Enforcement Officer states his opinion

that said structure is unsafe and dangerous to the public and recommends their immediate securing or removal; and

**WHEREAS**, the Town Board of the Town of Somerset after reviewing said report and after hearing said Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined that said report warrants the removal of said structure.

**NOW, THEREFORE, BE IT RESOLVED**, that: (1) notice be given to Niagara County, reputed owner of the structure situate on premises located at 8508 Lake Road, Barker, New York 14012, designated by SBL No. 293889 9.13-1-15 in the form required by local law of the Town of Somerset; (2) said notice be served personally upon said Niagara County or by registered mail to his last known residence as shown by record of the tax collector or of the county clerk if such persons cannot be reasonably found for such personal service and by affixing a copy thereof upon said structure; (3) said notice shall order the demolition of said structure in the following manner, to wit: such structure shall be removed from the premises and the structure which is incapable of being safely repaired be removed from the premises, to be commenced within thirty (30) days of the service of said notice and to be completed within sixty (60) days thereafter; (4) a public hearing has been set for October 14<sup>th</sup>, 2008 at 7:30 p.m. at the Town Hall, 8700 Haight Road, Barker, New York 14012 in relation to such dangerous or unsafe structure; and (5) the Town Clerk of the Town of Somerset be and is hereby directed to prepare said notice and arrange for the service thereof in accordance with the requirements of said Local Law and by filing in the office of the County Clerk.

RESOLUTION 124-08

**MOWING OF UNSIGHTLY PROPERTIES**

Code Enforcement Officer Hildebrant stated that the following properties have been sited and asked permission to have the properties mowed and maintained:

<u>Property Address</u>	<u>SBL Number</u>
8508 Lake Road	9.13-1-15
9713 Lake Road	10.00-1-16.2
9801 Lake Road	10.00-1-20
9517 Somerset Drive	3.10-1-2
1914 Quaker Road	18.00-1-56.121

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 Code Enforcement Officer Hildebrant is authorized to have the properties located at the following addresses be mowed and maintained, with all costs to be placed on the taxes.

<u>Property Address</u>	<u>SBL Number</u>
8508 Lake Road	9.13-1-15
9713 Lake Road	10.00-1-16.2
9801 Lake Road	10.00-1-20
9517 Somerset Drive	3.10-1-2
1914 Quaker Road	18.00-1-56.121

RESOLUTION 125-08

**BOARD OF ASSESSMENT REVIEW**

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 LeRoy Wayner is reappointed as a member of the Board of Assessment Review for a five year term expiring September 30, 2013.

**BUDGET WORKSHOP**

Supervisor Meyers set Thursday, September 25, 2008 at 6:00PM for the 2009 budget workshop.

RESOLUTION 126-08

**SNOW REMOVAL CONTRACT WITH STATE**

Superintendent Bigelow presented the snow and ice removal contract with New York State and asked that the contract be renewed for 1 year, noting that they renew 4 years out.

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

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

Resolved that Supervisor Meyers is authorized to enter into a municipal snow and ice agreement with the State of New York for the removal of snow and ice from state highways for 2010-2011.

RESOLUTION 127-08

**BUDGET AMENDMENT**

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 following budget amendment is approved:

DR A960		CR A960	
A1110.41	\$ 650.00	A1110.21	\$ 650.00
A7110.1	2,000.00	A7110.4	<u>3,000.00</u>
A7110.2	<u>1,000.00</u>		
	\$ 3,650.00		\$ 3,650.00

### **VILLAGE OF BARKER WATER LINES**

Supervisor Meyers reported that he had met with Mel Denny, Village of Barker Mayor Joann Greenwald and Mark Remington to discuss the possibility of working with the village to step by step get the water system straightened out in the village. He stated that there is still a lot to figure out with that and that Mel will be contacting Councilman Chaffee and Gow to work with him on that.

### **BUSINESS EXPANSION**

Supervisor Meyers stated that he has been working with a local business that is looking to expand in Somerset and they were going to locate in Lockport and will still have a place in Lockport if they cannot locate here. He stated that he showed them several properties, but the business owner is looking at property in the Village. He stated that it will be a ½ Million dollar expansion and that we would like to keep him here. He stated it is JT Precision on Lower Lake Road that produces surgical instruments among other machinery items. Mr. Meyers stated that JT Precision made an offer on the Village property, but he was not aware of the outcome. He stated that initially there would be 3 to 4 jobs created with the intention of going up to 10 to 15 jobs during the first phase of expansion.

### **LAKE UPLOADING PROJECT**

Supervisor Meyers stated the boat trip with AES to Canada that Councilman Engert and he were going to attend was cancelled due to the weather and that it will be rescheduled. He stated that the port in Mississauga is different but it is a conveyer belt type port that will be similar to the port proposed.

Councilman Chaffee questioned Supervisor Meyers about the false information that was given to the Union-Sun and Journal after the last Board meeting regarding the adoption of a resolution authorizing a fact finding committee to investigate the feasibility for a community center that was not done at the Board meeting.

Supervisor Meyers stated that he was talking to Bill Wolcott on his cell phone and that Mr. Wolcott interpreted it wrong. Supervisor Meyers stated that he is forming a committee to study the feasibility of a community center.

### **PUBLIC INPUT**

James Hoffman addressed the Board regarding the landfill and the lack of action being taken by DEC and DPS.

Discussion ensued regarding DEC involvement; the agreement requiring AES to file the reports with the Town Clerk; the request of the Attorney to DPS for the reports; and having the Town Clerk request the reports from AES.

RESOLUTION 128-08

**AUDIT OF CLAIMS**

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

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

Supervisor Meyers stated that Mr. Engert is abstaining because he did not have time to read through the bills.

Resolved that the bills be paid in the following amounts:

General Fund	No. 378 through 414	\$ 13,634.45
Highway Fund	No. 120 through 131	\$ 68,024.09
Sewer Fund	No. 92 through 107	\$ 9,586.09
Water Fund	No. 98 through 107	\$ 2,931.61

On a motion of Councilman Wayner, seconded by Councilman Gow, the meeting adjourned at 8:35 PM subject to the Call of the Clerk. Carried unanimously.

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Rebecca A. Connolly, MMC  
Town Clerk