REGULAR MEETING
MAY 8, 2012

The 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 May 2012.

Present:	Daniel M. Engert ----------	Supervisor
	Randall J. Wayner --------	Councilman
	Gary R. Alt ----------	Councilman
	Robin R. Jansen ----------	Councilman
	Jeffrey M. Dewart --------	Councilman
	Rebecca A. Connolly ----	Clerk
	Kenneth J. Bigelow -------	Supt. of Highways
	Melvin H. Denny ----------	Supt of Water/Sewer/Grounds
	Mindy Austin ----------	Confidential Asst. to the Supervisor
	Morgan Jones Jr. ----------	Counsel

Attended by: Randy Hildebrant, Code Enforcement Officer; Robert Glidden, Assessor; 6 residents, Joey and Ann Hinton, 12 BCS students

Supervisor Engert called the meeting to order at 7:00PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 60-2012
APPROVAL OF THE MINUTES
On a motion of Councilman Jansen, seconded by Councilman Alt, the following resolution was
ADOPTED: Ayes 5 Engert, Wayner, Alt, Jansen, Dewart
Nays 0
Resolved the minutes of the previous meetings are approved.

RESOLUTION 61-2012
APPROVAL OF SUPERVISOR'S MONTHLY REPORT
On a motion of Councilman Dewart, seconded by Councilman Jansen, the following resolution was
ADOPTED Ayes 5 Engert, Wayner, Alt, Jansen, Dewart
Nays 0
Resolved the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:
Code Enforcement Officer
Dog Control Officer
Police Report –
Supervisor Engert stated the Police Constable unit has been very active for the first month in service.

Attorney Report – Attorney Jones reported the PILOT resolution has also been adopted by the Niagara County Legislature and Barker Central School. He stated the (Niagara County) IDA will be holding a hearing regarding the amended PILOT on May 22nd.

QUARTERLY REPORT FOR WATER/SEWER DEPT. received and filed.

COMMUNICATIONS:
Clerk Connolly stated a communication was received from Time Warner Cable notifying of the monthly channel lineup changes.

Clerk Connolly stated she had forwarded to the Board a communication from Andrew Reilly, from Wendel, regarding the Comprehensive Plan update.

Clerk Connolly stated the streets and road directory for Niagara County has been received.

Supervisor Engert stated a communication has been received from the Niagara County Sheriff's Department inviting the community to an open house on May 19th from 11AM – 3PM. He stated this will be a comprehensive open house that will include displays, tours including the jail, all aspects of the Sheriff's Dept. and a blood drive.

COMPREHENSIVE PLAN UPDATE

Attorney Jones stated that Mr. Reilly and Mrs. Parker extensively discussed the Comprehensive Plan update at the Planning Board Meeting. He stated there was a public input meeting on April 30th that afforded the public the opportunity to submit their comments on different maps along with a survey. He stated that the comments were taken into consideration, with the Planning Board reviewing the demographics. He stated Mr. Reilly and Mrs. Parker are preparing an interim report for presentation to the Town Board and Planning Board for their June meetings.
Engineer Roeseler stated they are formulating good ideas and goals. He stated the next phase will be for the preparation and adoption of the formal plan.
Attorney Jones stated the Village of Barker has had representatives present and the objectives of the Village are being incorporated into the plan.
Supervisor Engert said this is being done in conjunction with the Economic Development Plan. He said the Center for Economic Development will be presenting a workshop for landowners and businesses in the near future to identify development opportunities for marketable property.
Councilman Wayner said once we know where the possible expansion is we should put that information on the town website and have that lead to a portal (hyperlink).
Engineer Roeseler said the comprehensive plan will be aligned with the regional report strategies.

FORMER BARKER CHEMICAL SITE

Supervisor Engert said Labella Engineers has been awarded the bid for the Phase 2 Environmental Assessment of the former Barker Chemical site. He said he has asked them to come in to update members of the Planning Board and Town Board so they are clear on what the Town's expectations will be. He said the meeting will be May 23rd at 1:00PM at the site.

WEST SOMERSET CEMETERY

Supervisor Engert invited Boy Scout Joey Hinton to give an overview of his Eagle Scout project to repair the damage at the West Somerset Cemetery.
Mr. Hinton stated he is starting next week and that donation letters have been sent out to businesses. He will provide information to Clerk Connolly to place on the website.
Councilman Wayner commended him for stepping up to do this project.

RESOLUTION 62-2012

HIGHWAY LOADER REPAIR

Superintendent Bigelow asked permission to have the 1999 Loader sandblasted and painted as presented on the procurement as follows. He said the money was encumbered from the 2011 budget.

Name and Address of Vendor	Price
Caledonia Diesel 2905 Simpson Rd., Caledonia, NY 14423	$ 6,980.00
Hahn Sales and Service 3779 Lower Mountain Rd., Sanborn, NY 14132	$ 6,000.00
Pat Forsha Truck & Auto Collision Inc. 2716 Kenmore Ave., Tonawanda, NY 14150	$ 6,618.00

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

ADOPTED Ayes 5 Engert, Wayner, Alt, Jansen, Dewart
Nays 0

Resolved that Superintendent Bigelow is authorized to have the 1999 Loader sandblasted and painted by Hahn Sales and Service, 3779 Lower Mountain Rd., Sanborn, NY 14132 for $6,000.00 as presented.

Supervisor Engert thanked Superintendent Bigelow and the Highway Department for the work they have done on the police vehicle.

RESOLUTION 63-2012
ASSESSOR REQUEST FOR ADDITIONAL PAY
Supervisor Engert stated the Board has received a request from Assessor Robert Glidden for additional compensation ($7,800) for the extra work that he has done during the reval process.

Councilman Wayner stated that 'salary' is defined most commonly as a fixed amount of money or compensation paid to an employee by an employer for worked performed. He said an employee who is paid a salary is expected to complete the whole job in return for the salary.
Councilman Wayner offered the following motion with it being seconded by Councilman Dewart:

Resolved the request from the Assessor for additional pay for performing duties to effectuate a revaluation of property in the Town be denied.

DISCUSSION ON ABOVE MOTION
Councilman Alt stated that on March 8, 2011 when Assessor Glidden asked for additional funding he was told that he had to do a spreadsheet to prove the hours and he has done that spreadsheet. He said he has done the work that we agreed at that time to pay the extra cost. He said it has been 12 years since a reval was done and it was not part of his job.

Supervisor Engert said the March 8th motion was authorizing the reval (revaluation).

Councilman Alt said when we did that, that was when we said we wanted a spreadsheet prepared.

Councilman Wayner said in the resolution (43-2011), there is nowhere in there any extra pay is neither mentioned nor granted. He said we became compliant with Section 305 of NYS Real Property Tax Law which does require a Town Board to pass a resolution to allow for a reval. He said it further states the Supervisor is authorized and directed to expend necessary funds for preparation of said plan. He said that he feels the resolution is an authorization to do the reval and not an authorization to pay extra money to the Assessor to have it done.

Councilman Alt said if he hadn't done the job it would have been farmed out for $60,000.00 which was budgeted originally. He said he has saved the town and he is still under budget even with these requests with the time that he spent doing the reval.

Councilman Wayner said a salaried position means just that. He said when extra work comes your way you are expected to do that work. He said when you look at all the different department heads and employees that are salaried including the Supervisor, Councilmen, Deputy Supervisor, Town Clerk, Highway Superintendent, Water/Sewer

Superintendent, Dog Control Officer, Justice, Justice Clerk, Senior Citizen Director, Tax Collector, Assessor and Assessor's Clerk, every one of those positions has times when it is possible that other duties that weren't known will be coming along that have to be managed. He said it is his opinion that we should not grant this request. He said if we start to give extra pay to salaried positions we could have possible abuse exposing the taxpayers to additional liability that they should not be asked to bear. He said we are a government entity that is in the service business, therefore the largest share of our budget is compensation for employees. He said we need to think about what we would be doing to the morale of the department heads and other positions that I just mentioned who have for years gone above and beyond when things came along without asking for extra money. He said the reval was something that was known and has been talked about for a long time. He said at the time the Assessor applied for the position, he stated that he had experience in Kendall with a reval and certainly knew the reval was on the horizon. In 2010 the Assessor accepted the position at $13,530 and the next year he was granted, by a split vote, a 37% raise with part of the rational given at that time being there is the reval coming up and extra work will have to be done. He said that extra money was given above and beyond what any other town employees were given that year. He stated if the Board grants the latest request that is another 43% increase above and beyond that, so if you go back to the original $13,530 that is a 95% increase in pay, where everybody else gets 2 or 3%. He said the Board said they would assist the office of the Assessor in doing the reval which we did by providing Patty Truax to help, and to do the commercial properties we expended $7,500 for Brisbane Consulting Group. He urged the Board to look comprehensively at how we compensate our employees.

Councilman Dewart said he has been looking at the numbers with a 37% increase that was given and then now asking for another 43%. He said a salary is a salary. He said other employees have done a lot of extra stuff at different times including the middle of the night. He said if we do turn this motion down that we are going to open up a can of worms.

Councilman Alt said he feels that you are sending the wrong message to the other departments or anyone that is salaried, if they got the window to farm out the work, they can farm it out and not do the job. He said when he (Assessor) was hired under the RFP (Request for Proposal) he was advised of a reval and not to do the reval. He said when the Verizon project was going to go through you had Randy Hildebrant (Code Enforcement Officer) making twice his salary. He said this was a lot of hours and not the normal hours of the Assessor's job and it is not fair to go back on your word. He did it to save the town money and he has done it under budget.

Supervisor Engert said the RFP specifically talked about commercial property and the Board made the decision at the request of the Assessor to have that contracted out to Brisbane which was clearly part of the RFP. He said if your contention is that there was a question if revaluing the whole town was in there (RFP), clearly revaluing the commercial property was. He asked what the Assessor would be doing if not valuing

property. He said the Verizon project is an entirely different argument. He said the scope of service for the Assessor job did not change. He said when the Code Enforcement Officer is confronted with the largest economic development project in Western New York; you have entirely changed the scope of that service. He said it was clear that adjustments had to be made. He said there was nothing that had changed in the scope of services for the Assessor. He said there was a decision by the Board to give an increased salary and the reval was clearly part of that discussion.

Councilman Jansen said she had traditionally been a salaried employee and salaried employees are given an amount of money for a period of time, divided amongst the pay periods of the year, no matter the number of hours worked. She said her concern is taking a salaried position and doing an add-on to that salary. She said it totally changes what a salaried position means.

Supervisor Engert asked Councilman Wayner to repeat his motion. Councilman Wayner stated the motion as follows:

Resolved the request from the Assessor for additional pay for performing duties to effectuate a revaluation of property in the Town be denied.

ADOPTED by Roll Call Ayes 4 Engert, Wayner, Jansen, Dewart
Nays 1 Alt

RESOLUTION 63-2012

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Engert, Wayner, Alt, Jansen, Dewart
Nays 0

Resolved that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 172 through No. 210	$ 24,498.47
Highway Fund	No. 45 through No. 59	$ 5,613.11
Sewer Fund	No. 47 through No. 60	$ 4,627.53
Water Fund	No. 46 through No. 56	$ 4,883.23

PRIVILEGE OF THE FLOOR

Marvin Reynolds addressed the Board regarding the Police parking the patrol cars across the road from him in the cemetery between the tombstones. He said the way the system was before; we had unqualified, two week trained people out of Batavia that should have not been in the cars. He said he has to listen to the drag racing out of the cemetery for years now and it happened again on Sunday.

Supervisor Engert said the call on Sunday was for an intoxicated person that had fallen in the road, with vehicles approaching the person. He said the Town has highly qualified officers that have been hired for the protection of life and property that would include patrolling the cemeteries and all Town properties with a focus on vandalism.

Mr. Reynolds questioned why we need them.
Councilman Wayner said he would like to talk to Mr. Reynolds to obtain his input.

Dale Howard said he did a project on his house and complimented the Code Enforcement Department of the town for being the easiest and most supportive that he has ever worked with. He said the Comprehensive Plan meeting was a great meeting and asked if the town really has 34 acres on the waterfront to develop.

Supervisor Engert announced there will be a meeting on the lake levels by the International Joint Commission on June 5, 2012 at 6:00PM at the Olcott Fire Hall.

James Hoffman said he knows the PILOT document is available.

On a motion of Councilman Jansen, seconded by Councilman Dewart, the meeting adjourned at 8:01 PM subject to the Call of the Clerk. Carried unanimously.

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Rebecca A. Connolly, MMC
Town Clerk