

REGULAR MEETING  
JANUARY 14, 2015

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 14<sup>th</sup> day of January 2015.

Present:	Daniel M. Engert -----	Supervisor
	Randall J. Wayner -----	Councilman
	Gary R. Alt -----	Councilman
	Robin R. Jansen -----	Councilwoman
	Jeffrey M. Dewart -----	Councilman
	Tracy L. Carmer -----	Clerk
	Michael M. Flint -----	Supt. of Highways
	Melvin H. Denny -----	Supt of Water/Sewer/Grounds
	Mindy Austin -----	Confidential Asst. to the Supervisor
	Randy D. Roeseler -----	Engineer
	Michael J. Norris -----	Counsel

Attended by: Numerous residents

Supervisor Engert called the meeting to order at 6:30PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 1-2015

**APPROVAL OF THE MINUTES**

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

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

Resolved the minutes of the previous meeting of December 10, 2014 are approved.

RESOLUTION 2-2015

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilman Wayner, seconded by Councilman Dewart, 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:

Police Department  
Dog Control Officer  
Code Enforcement Officer

ANNUAL REPORTS RECEIVED AND FILED:

Town Clerk

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 2

Senior Citizen  
Senior Citizen Committee  
Historical Society  
Barker Fire Department  
Fort Hyde Kennels

COMMUNICATIONS:

**ASSOCIATION OF TOWNS**

Clerk Carmer read the notice from the Association of Towns announcing their annual meeting.

RESOLUTION 3-2015

**ANNUAL AUDIT OF DEPARTMENTS**

Supervisor Engert reported that Councilwoman Jansen and Councilman Dewart conducted the annual audit of the departments on December 30, 2014. Councilwoman Jansen stated that she and Councilman Dewart audited the following areas:

Town Clerk – Dog licensing, Hunting licensing, Water Bill collection

Supervisor

Justice – Fines and bail

Code Enforcement/Building – Permits

Tax Collector

During the audit any questions they had were answered to their satisfaction. They audited both cash and check and online (bank) payments and were satisfied with the results of the audit for each of the above areas.

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

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

WHEREAS, the Audit Committee conducted its annual audit on Tuesday, December 30, 2014, and

WHEREAS, the criminal and civil dockets of the Town Justice for 2014 having been duly examined with the monthly cash summary being viewed and the fines and fees having been turned over to the proper officials, and

WHEREAS, the records of the Code Enforcement Officer for 2014 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Town Clerk for 2014 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Tax Collector for 2014 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Supervisor for 2014 having been duly examined with all monies disbursed properly,

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 3

BE IT RESOLVED that the Somerset Town Board accept and adopt the findings of the Audit Committee for 2014 that the aforementioned departments have properly managed those monies that fall within their purview.

RESOLUTION 4-2015

**ASSESSOR AGREEMENT**

Supervisor Engert stated that our current Assessor will have to leave his position with the Town due to a conflict with his job with the State. A discussion was held and a contract drawn up for shared services. Councilman Alt stated that he is happy with the agreement to share services and the Town does not need a full time Assessor.

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

Resolved the Supervisor is authorized to enter into agreements to share the Assessor with the City of Niagara Falls and for Real Property Appraisal services to be conducted by Dominic Penale.

RESOLUTION 5-2015

**RIDE FOR ROSWEL**

Supervisor Engert stated that Ride for Roswell would like permission to conduct their ride through Somerset again this year, occurring on June 27, 2015.

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

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

Resolved Ride for Roswell is authorized to conduct their ride through Somerset on June 27 2015.

RESOLUTION 6-2015

**GASOLINE BID**

Supervisor Engert stated that the Town exercised extensions to the contract entered into with Drum Oil & Propane in 2010 and it is time to rebid the contract.

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

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

Resolved the Town is authorized to advertize and solicit bids for a gasoline and diesel contract for the Town.

Clerk Carmer will post for the bids on January 21<sup>st</sup> with the bid openings taking place on February 4, 2015 at 11am.

RESOLUTION 7-2015

**SEWER DISTRICT EXPANSION STUDY**

Supervisor Engert stated that the board has received a proposal from Wendel for a

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 4

study to expand the Sewer District. He stated that this is a two part study, with the second part being in conjunction with the Newfane study which will be under a separate agreement with a grant that the Town received.

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

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

Resolved the Supervisor is authorized to enter into a contract with Wendel Engineers for a preliminary study of the expansion of the Sewer District to the Lakeshore site, not to exceed \$20,000.

Engineer Roeseler advised that it will be a comprehensive study, which will include extending the district to the Lakeshore Site and analyzing the Sewer Plant for increased capacity. The Newfane study would include sending higher strength waste that requires more treatment, and would allow for more capacity.

RESOLUTION 8-2015

**DELEGATE AND ALTERNATE TO ASSOCIATION OF TOWNS MEETING**

Supervisor Engert proposed to nominate Clerk Carmer to be appointed the delegate for the Association of Towns meeting, and himself as the alternate delegate for the meeting.

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

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

Resolved that Clerk Carmer be appointed delegate for the Association of Towns meeting, and Supervisor be appointed the alternate delegate for the Association of Towns meeting.

**ANNUAL APPOINTMENTS**

RESOLUTION 9-2015

**DOG CONTROL OFFICERS**

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

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

Resolved Dog Control Officer shall be Mark Remington and Deputy Dog Control Officer shall be Daniel Greenwald.

RESOLUTION 10-2015

**ZONING BOARD OF APPEALS**

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

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 5

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

Resolved Zoning Board Of Appeals Member shall be Scott Ecker for a five year term  
expiring 12/31/2019.

RESOLUTION 11-2015

**SENIOR CITIZEN DIRECTOR**

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

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

Resolved Senior Citizen Director shall be JoAnn Greenwald.

RESOLUTION 12-2015

**NUTRITION SITE SERVICES ASSISTANT**

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

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

Resolved Nutrition Site Service Assistant shall be Tonya Velia.

RESOLUTION 13-2015

**PLANNING BOARD CHAIRMAN**

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

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

Resolved Planning Board Chairman shall be Jon Hotaling.

RESOLUTION 14-2015

**ZONING BOARD CHAIRMAN**

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

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

Resolved Zoning Board of Appeals Chairman shall be Scott Ecker.

RESOLUTION 15-2015

**PLANNING BOARD AND ZONING BOARD SECRETARY**

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

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

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 6

Resolved Planning Board and Zoning Board of Appeals Secretary shall be Tracy Carmer.

**SUPERVISOR APPOINTMENTS**

Confidential Assistant to the Supervisor shall be Melinda Austin.  
Deputy Supervisor shall be Randall Wayner.  
Historian shall be Peter Devereaux.  
Audit Committee shall be Councilwoman Jansen and Councilman Dewart.  
Planning/Zoning Advisory Committee shall be Councilman Wayner and Councilman Alt.  
Water/Sewer/Refuse Advisory Committee shall be Supervisor Engert, Councilman Wayner and Superintendent Denny.  
Parks/Recreation Advisory Committee shall be Supervisor Engert, Councilman Alt and Superintendent Denny.  
Drainage/Ditching Advisory Committee shall be Councilman Wayner, Councilwoman Jansen and Superintendent Flint.  
Senior Citizen's Advisory Committee shall be Councilwoman Jansen and Councilman Alt.  
Public Safety Advisory Committee shall be Supervisor Engert and Councilman Dewart.  
Business Development/Tourism Advisory Committee shall be Supervisor Engert and Councilman Wayner.  
Communication Advisory Committee shall be Councilman Wayner, Councilwoman Jansen and Clerk Carmer.

**RESOLUTION 16-2015**

**OFFICIAL DEPOSITORIES, AUTHORIZED SIGNATURES, OFFICIAL PUBLICATION**

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

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

Resolved Key Bank will remain the official depository for the Town; Accounts and Investments are authorized for M&T Bank, Lockport NY, Bank of Akron, Akron NY, and Chase Bank, New York NY; Authorized signatures at banks are the Supervisor, Deputy Supervisor and Town Clerk; the official publication is Union Sun & Journal, Lockport NY.

**RESOLUTION 17-2015**

**OFFICIAL MILEAGE**

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

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

Resolved the official mileage for 2015 is based on the federal rate of \$0.575 per mile.

RESOLUTION 18-2015

**APPROVAL OF SCHOOLING**

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

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

Resolved that schooling for Elected and Appointed Officials, Water Superintendent, Code Enforcement Officer, Assessor and Dog Control Officers when school pertains to respective jobs is duly authorized.

RESOLUTION 19-2015

**APPROVAL OF HISTORICAL SOCIETY CONTRACT**

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 the contract with the Town of Somerset Historical Society for \$7,752.00 for 2015 is approved.

RESOLUTION 20-2015

**APPROVAL OF SENIOR CITIZENS AGREEMENT**

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

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

Resolved that the agreement with the Barker Senior Citizens for \$7,500.00 for 2015 is approved.

RESOLUTION 21-2015

**APPROVAL OF SOMERSET YOUTH BASEBALL AGREEMENT**

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

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

Resolved that the agreement with the Somerset Youth Baseball League for \$6,200.00 for 2015 is approved.

RESOLUTION 22-2015

**APPROVAL OF AMERICAN LEGION AGREEMENT**

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

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

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 8

Resolved that the agreement with the American Legion Herbert W. Carr Post #425 for providing veterans service for 2015 for \$1,400.00 is approved.

RESOLUTION 23-2015

**APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER**

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

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

Resolved that the contract with the Village of Barker for providing use of highway equipment and services for 2015 is approved.

RESOLUTION 24-2015

**APPROVAL OF WATER/SEWER AGREEMENT WITH VILLAGE OF BARKER**

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

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

Resolved that the contract with the Village of Barker for providing use of equipment and services for repair of water lines for 2015 is approved.

RESOLUTION 25-2015

**ENGINEERING CONTRACT**

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

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

Resolved that the contract with Wendel for providing engineering services for 2015 is approved.

RESOLUTION 26-2015

**APPROVAL OF TOWN ATTORNEY**

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

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

Resolved, Seaman Norris LLP is appointed and 2015 retainer agreement is approved.

RESOLUTION 27-2015

**AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.**

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

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



TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 9

Resolved that the Superintendents of Departments are authorized to purchase stone, gravel, asphalt, gasoline, tires, etc., at state and county prices.

RESOLUTION 28-2015

**AUTHORIZE PURCHASES UP TO \$1,000.00**

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

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

Resolved that the department heads are authorized to purchase up to \$1000.00 per item without prior Town Board approval.

RESOLUTION 29-2015

**AUTHORIZE TO PRE-PAY ITEMS**

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

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

Resolved that the Supervisor is authorized to prepay utility bills, contracts and postage.

RESOLUTION 30-2015

**AGREEMENT TO SPEND HIGHWAY FUNDS**

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

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

Resolved that pursuant to the provisions of Section 284 of the Highway Law, monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, \$.00 shall be expended for the general repairs upon 33.42 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 31-2015

**APPROVAL OF INVESTMENT POLICY**

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

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

Resolved that upon review by the Town Board, the investment policy of the Town of Somerset is approved.

RESOLUTION 32-2015

**APPROVAL OF PROCUREMENT POLICY**

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 10

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

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

Resolved that upon review by the Town Board, the procurement policy of the Town of Somerset is approved.

RESOLUTION 33-2015

**AUDIT OF CLAIMS**

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, 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. 1 through No. 47	\$94,527.01
Highway Fund	No. 1 through No. 9	\$26,866.74
Sewer Fund	No. 1 through No. 14	\$ 7,189.19
Water Fund	No. 1 through No. 14	\$34,144.74

**PRIVILEGE OF THE FLOOR**

Jon Hotaling thanked the board for their support of the American Legion.

Norm Jansen asked if the Town can equip the Constables with a body camera with all of the events that are happening around the country.

Supervisor Engert stated that he will consider it.

Cathi Orr advised the board of the disadvantages of wind turbine projects including tax increases, property erosion, damage to roads, and industrial waste.

Pete VanWagoner thanked the board and all involved for getting the speed limit lowered on West Somerset Road.

Tom Schear from the Town of Yates stated he is against the wind turbine project and feels the turbines are only being built because they are being subsidized.

John Reagy from the Town of Yates recently purchased property there and would not have done so if he was aware of the wind turbine project. He asked the board to be informed and careful and is concerned of property value issues and wildlife migration routes.

Al Eiselhart from Huron is a member of the group Great Lakes Wind Truth Organization (GLWTO.) He is opposed to wind turbines and will be fighting this.

Suzanne Albright from Rochester is part of the group GLWTO. She states the problems with wind turbines include red flashing lights, infrasound, the weight of the blades if one breaks and falls off, no solution regarding what to do with blades when they don't work anymore because they can't be recycled, the migration route of fowl.

Tom Marks from Derby is another member of GLWTO and doesn't want the board to let money sway its decision. He says that landowners will be stuck with the turbines after they break and are deserted. He told the board to try to protect the landowner by making a ruling that the turbine owner is responsible for dismantling when they are no longer in use.

Annie Smith from Yates is in favor of renewable energy, but not turbines. She is concerned with the sounds, flickering and the wildlife. She suggests that everyone visit a town with wind turbines.

Richard Hellert is a real estate agent from Yates and feels that wind turbines will make people stop considering moving here and will make it much more difficult to sell property. He advised that landowners can't finance their land again if they have wind turbines on their property.

Cathi Orr asked Supervisor to review the Article X process.

Supervisor Engert stated that there is not a project yet. The first stage is to file a Public Information Statement which was done on October 31, 2014, and has a 150 day period. Although the period ends, the communication continues. The next stage is still a pre-application stage and is a 9 month period. Minimally it is a 2-1/2 to 3 year process from the filing of the Public Information Statement to the beginning of construction. Supervisor Engert is going to request a representative from the Public Service Commission to come to Somerset and give a presentation on Article X.

William Rounds from Somerset is in favor of wind turbines and would like information regarding the developer.

Supervisor Engert stated that the board cannot be a conduit between the developer and the residents and referred him to our website to view our newsletter where he provided information.

Jon Hotaling, Chairman of the Planning Board, stated that this is the fourth time wind projects have been proposed for Somerset, and if the wind is not feasible the towers will not be built.

John Reagy informed the Town of an organization they formed called Save Ontario Shores. Their website is [www.lakeontarioturbines.com](http://www.lakeontarioturbines.com).

RESOLUTION 34-2015  
**EXECUTIVE SESSION**

TOWN BOARD MEETING  
JANUARY 14, 2015 PAGE 12

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

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

Resolved the Board enter into an executive session at 7:34PM for consultation with the Town Attorney.

RESOLUTON 35-2015

**RETURN TO REGULAR SESSION**

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

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

Resolved the Board return to regular session at 8:17PM.

On a motion of Councilman Dewart, seconded by Councilman Alt, the meeting adjourned at 8:18PM subject to the Call of the Clerk. Carried unanimously.

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Tracy L. Carmer, RMC  
Town Clerk