

## TOWN OF SOMERSET

A Local Law to override the tax levy limit established in General Municipal Law §3-c.

### Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Somerset, County of Niagara, pursuant to General Municipal Law §3-c, and to allow the Town of Somerset, County of Niagara to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year commencing January 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

### Section 3. Tax Levy Limit Override

The Town Board of the Town of Somerset, County of Niagara, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

### Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### Section 5. Effective date

This local law shall take effect immediately upon the filing with the Secretary of State.

TOWN BOARD REGULAR MEETING  
September 14, 2022

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 14<sup>th</sup> day of September 2022.

Present:     Jeffrey M. Dewart----- Supervisor  
              Robin R. Jansen ----- Deputy Supervisor  
              Jon Hotaling ----- Councilman  
              Gail Damon ----- Councilwoman  
              Fred Leuer ----- Councilman  
              Tracy L. Carmer----- Town Clerk  
              Michael M. Flint ----- Supt. of Highways  
              Jonathan D. Dewart ----- Supt. of Water/Sewer/Grounds  
              Mindy Austin ----- Confidential Asst. to the Supervisor  
              David Haylett----- Attorney

Absent:     Brian Sibiga ----- Engineer

Present:     5 residents and 3 students

Supervisor Dewart called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 89-2022

**APPROVAL OF THE MINUTES**

On a motion of Councilwoman Damon, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes           5       Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays            0

Resolved the minutes of the previous meeting on August 10, 2022 are accepted as submitted.

RESOLUTION 90-2022

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT**

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

ADOPTED: Ayes   5       Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays    0

Resolved the Supervisor's Monthly report for August 2022 is accepted as submitted.

COMMUNICATIONS

Clerk Carmer advised that the Treasurer for the Barker Cornfest submitted a copy of their Treasurer's Report and Charter Communications provided information on channel updates. Clerk Carmer read a letter that was submitted by Randy Atwater voicing his concern over political signs that are not taken down within 7 days after an election as per our Local Law.

TOWN BOARD MEETING  
SEPTEMBER 14, 2022 PAGE 2

Attorney Haylett agrees that we should look at repealing the law as it may conflict with Freedom of Speech.

TAX CAP

Attorney Haylett advised that towns are being advised to entertain a local law to allow for a tax cap override due to the increase of the rate of inflation. Supervisor Dewart explained that we may not need to override the tax cap, but this override would allow us to if we need to.

RESOLUTION 91-2022

**PUBLIC HEARING FOR LOCAL LAW ON TAX CAP OVERRIDE**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes           5       Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays            0

**RESOLVED**, a public hearing will be held on October 12, 2022 at 6:00pm to hear and consider a local law to override the tax levy limit established in General Municipal Law Section 3-c.

WATER RATE INCREASE

Niagara County is increasing their rates due to chlorine costs so we are passing along the increase. Water/Sewer/Grounds Superintendent Dewart discussed a comparison of rates among other local towns. Our water rates were last raised in 2018 to pass along an increase. The last time that our sewer rates were increased was 2013.

RESOLUTION 92-2022

**WATER RATE INCREASE**

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

ADOPTED: Ayes           5       Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays            0

**WHEREAS**, pursuant to Town Code Section 195-17, the Town Board may establish water rental rates,

**NOW, THEREFORE, BE IT RESOLVED**, that the water rates for water sales in and by the Town of Somerset and its Districts are hereby established as per the attached water rate schedule as amended, effective October 1, 2022.

RESOLUTION 93-2022

**SEWER RATE INCREASE**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

TOWN BOARD MEETING  
SEPTEMBER 14, 2022 PAGE 3

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer  
Nays 0

**WHEREAS**, pursuant to Town Code Section 152-30, the Town Board may establish sewer rental rates,

**NOW, THEREFORE, BE IT RESOLVED**, that the sewer rates for sewer sales in and by the Town of Somerset and its Districts are hereby established as per the attached sewer rate schedule, effective October 1, 2022.

**SEWER LOCAL LAW**

Attorney Haylett explained the reason that we have to hold a public hearing to increase the sewer vent pipe repair fee is because it is set in our code.

Superintendent Dewart described sewer vents and explained the reason that we have to charge for the repair is because some residents were continually damaging the vent pipes and it is not fair to the rest of the taxpayers to incur the cost. As a courtesy, the Town covers the first repair, but any additional repairs are charged to the homeowner.

Councilman Leuer asked if we can generalize that section of code so that we do not have to hold a hearing to increase just that fee.

Attorney Haylett said that we can, he would have to rewrite the law. Next month we could call for a public hearing in November.

**RESOLUTION 94-2022**

**BARKER FIRE DEPARTMENT MEMBER**

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

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer  
Nays 0

Resolved the application of Andrew Bomba is approved.

**RESOLUTION 95-2022**

**AUDIT OF CLAIMS**

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

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer  
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. 319	through No. 352	\$ 40,794.33
Highway Fund	No. 82	through No. 91	\$ 14,177.41
Sewer Fund	No. 89	through No. 99	\$ 7,343.06

Water Fund                      No. 69                      through No. 75                      \$ 1,538.22

**PRIVILEGE OF THE FLOOR**

Jim Hoffman asked for an update on the solar project at the plant. Supervisor Dewart stated that they are supposed to be filing in mid-October and he understands that they have changed the footprint. He is asking for a meeting with them. Jim said that we need to keep in mind that our Comprehensive Plan calls for maintaining the rural character of our town. He would like to see all of the solar panels on the north side of Route 18, leaving the remainder of their property as-is. He wants the Town to stand fast on the setbacks. Jim discussed the solar project at the school, stating that it has stalled as no connection can be made to the grid yet. Also, the barrier trees that were planted there are dying. He stated that the school has settled for past due PILOT payments in the amount of \$4,851,348 with a payment schedule to be completed by September 30, 2024. The plant still owes Niagara County \$2,158,735 and they are delinquent on their property taxes. The County Treasurer has initiated foreclosure proceedings.

**RESOLUTION 96-2022**

**EXECUTIVE SESSION**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes                      5                      Dewart, Jansen, Hotaling, Damon, Leuer  
                    Nays                      0

Resolved to enter into Executive Session at 6:27PM to discuss a labor negotiations and a personnel matter.

Supervisor Dewart left executive session at 6:45PM.

**RESOLUTION 97-2022**

**EXIT EXECUTIVE SESSION**

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

ADOPTED: Ayes                      4                      Jansen, Hotaling, Damon, Leuer  
                    Nays                      0

Resolved to exit Executive Session at 7:05PM.

**RESOLUTION 98-2022**

**OBTAIN OUTSIDE LAW FIRM**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes                      4                      Jansen, Hotaling, Damon, Leuer  
                    Nays                      0

Resolved that the Town Board of the Town of Somerset hereby retains Hardy Marble LLP as outside counsel to investigate a personnel matter. at an amount not to exceed \$250/hr.

Supervisor Dewart returned to the meeting at 7:08PM.

RESOLUTION 99-2022

**CONTRACT NEGOTIATIONS**

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes           5       Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays            0

Resolved that the Town Board of the Town of Somerset hereby retains Hardy Marble LLP as outside counsel to represent the Town in labor negotiations with the Teamsters Union, at an amount no to exceed \$250/hr.

On a motion of Councilwoman Jansen, seconded by Councilman Leuer, the meeting adjourned at 7:10P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk

**TOWN OF SOMERSET**

**Water Rate Schedule**

Service Classification No. 1

(Rates for water used by owners of property within the District and paying taxes therein, or not paying taxes but making annual payments in lieu of taxes, and their tenants.)

**For Water Use:**

1. Quarterly (Domestic and small consumers)

Minimum Charge – 1 <sup>st</sup>	8,000 gallons/quarter = \$17.50/quarter
Next	12,000 gallons/quarter = \$1.75/1,000 gallons
Next	80,000 gallons/quarter = \$1.65/1,000 gallons
All over	100,000 gallons/quarter = \$1.55/1,000 gallons

2. Monthly (Industrial and large consumers)

Minimum Charge – 1 <sup>st</sup>	3,000 gallons/quarter = \$7.00/month
Next	4,000 gallons/quarter = \$1.75/1,000 gallons
Next	33,000 gallons/quarter = \$1.65/1,000 gallons
All over	40,000 gallons/quarter = \$1.55/1,000 gallons

3. Churches \$1.75/1,000 gallons billed quarterly. No minimum charge.

Penalty: 10% of total bill for non-payment after thirty (30) days.

Service Classification No. 2

(Rates for water used by owners of property within the District but not subject to the payment of taxes and not making annual payments in lieu of taxes, and their tenants; and by consumers outside the District, or by consumers qualifying as temporary services.)

**For Water Use:**

1. Quarterly (Domestic and small consumers – including Yates residents who live on Countyline Road from Townline Road north to (but not including) 1917, and north of Roosevelt Highway (Lake Road).)

Minimum Charge – 1 <sup>st</sup>	8,000 gallons/quarter = \$35.50/quarter
Next	12,000 gallons/quarter = \$3.55/1,000 gallons
Next	80,000 gallons/quarter = \$2.80/1,000 gallons
All over	100,000 gallons/quarter = \$2.30/1,000 gallons

2. Monthly (Industrial and large consumers)

Minimum Charge – 1 <sup>st</sup>	3,000 gallons/month = \$14.20/month
Next	4,000 gallons/month = \$3.55/1,000 gallons
Next	33,000 gallons/month = \$2.80/1,000 gallons
All over	40,000 gallons/month = \$2.30/1,000 gallons

3. Churches \$3.15/1,000 gallons billed quarterly. No minimum charge.

4. Yates (Countyline Road from 1917 north to Roosevelt Highway (Lake Road); Roosevelt Highway from Countyline Road east to 10565; Millers Road from Countyline Road east to 10228; All of Payne Avenue)
  - a. Residential customers are billed according to a rate schedule established by the Town of Yates and they make their payments directly to the Town of Yates.
  - b. Somerset bills the Town of yates by voucher on a quarterly basis according to the following schedule:
    - i. Customers using 4,000 gallons or less: \$14.00/customer
    - ii. Customers using over 4,000 gallons: \$3.50/1,000 gallons
    - iii. Churches: \$3.45/1,000 gallons
    - iv. Water samples per Niagara County charge (usually 3 samples/quarter)
    - v. Final readings based on usage
    - vi. Meter repairs current cost of replacement

Penalty: 10% of total bill for non-payment after thirty (30) days.

Service Classification No. 3

(Rates for water used by trailer parks or campsites serviced through a master meter, and where at least one permanent structure exists.)

For Water Use through Master Meter:

Quarterly:

Minimum Charge – 1 <sup>st</sup>	8,000 gallons/quarter = \$17.50/quarter
Next	12,000 gallons/quarter = \$1.75/1,000 gallons
Next	80,000 gallons/quarter = \$1.65/1,000 gallons
All over	100,000 gallons/quarter = \$1.55/1,000 gallons

Penalty: 10% of total bill for non-payment after thirty (30) days.

**Hydrant Use:**

Agricultural Use

(Water used for purposes of spraying, irrigation and uses related to the growing only of commodities for human and animal consumption.)

Minimum Charge: \$55.00/year  
\$1.50/1,000 gallons (irrigation use) billed monthly  
\$2.10/1,000 gallons (agricultural)  
Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Residential Use

(Water used by residents from the hydrant for pool fills, etc.) Only ¾” meter



Minimum Charge: \$55.00/year  
\$2.10/1,000 gallons billed upon project completion  
Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Commercial Use

(Water used for other than agricultural.)

Minimum Charge: \$55.00/year  
\$2.10/1,000 gallons billed annually or upon project completion  
Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Installation of Service

Service Connections (Permanent)

Rates:

Service Classification No. 1:

Three quarter inch (3/4") Tap - \$1,200.00 per service (including meter)  
One inch (1") Tap - \$1,400.00 per service (including meter)  
Larger than one inch (1"), up to two inches (2"), Tap - \$2,251.00  
Larger than two inch (2") Tap - All labor, materials and installation costs plus engineering fees and inspector fees.  
Pit meters (up to 1") are an additional \$30.00 per meter  
Pit meters over 1" need to be located in a building (or hot box) at the user's expense

Service Classification No. 2:

Three quarter inch (3/4") Tap - \$1,400.00 per service (including meter)  
One inch (1") Tap - \$1,600.00 per service (including meter)  
Larger than one inch (1"), up to two inches (2"), Tap - \$2,451.00  
Larger than two inch (2") Tap - All labor, materials and installation costs plus engineering fees and inspector fees.  
Pit meters (up to 1") are an additional \$30.00 per meter  
Pit meters over 1" need to be located in a building (or hot box) at the user's expense

Fees

Meters:

Hydrant meters three quarter inch (3/4") - \$40.00  
Hydrant meters one inch (1") - \$45.00  
Hydrant meters over one inch (1") - \$70.00

Meter Repairs:

Damage meters due to freezing, hot water, or other causes, will be replaced and charged back to the property owner at the current cost of replacement (quote will be obtained from our current meter supplier.)

Effective October 1, 2022

**Final billing and backflow preventer inspection:**

The first inspection is free. A charge of \$55.00 will be charged to the homeowner if a second inspection is necessary.

**Reinstate water billing:**

If a homeowner will not be using water for more than one year and wishes to be removed from the billing system, they will incur a fee of \$70.00 when being placed back into the billing system.

**Charges appearing on tax bill:**

Somerset Water 2	WD381	.16/1,000	(Direct Benefit)
Somerset Water 2a	WD382	.04/1,000	(Indirect Benefit)
Som Water District	WD385	.12/1,000	(Church)

Any unpaid user charges for Town of Somerset as of October 1<sup>st</sup> each year shall be levied against the property owner's next current Town tax bill.

**Somerset Town Code Section 152-30. Rate schedule provides as follows:**

- A. The rate schedule is established so that sufficient revenue is collected to meet the debts presently incurred or to be incurred by the Somerset-Barker Sewer District. The rate schedule, as amended from time to time by resolution of the Town Board, is on file with the Town Clerk.
- B. Billing:
  - 1. The Indirect Benefit Charges, the Direct Benefit Charges and Unit Charges shall be billed via the County and Town tax bill and shall be payable herewith.
  - 2. The User Charges shall be billed quarterly via the Town of Somerset billing system and shall be payable within thirty (30) days of the date of billing. Past due amounts shall receive a surcharge of 10% added to the following quarterly bill and every past due unpaid balance thereafter. Any unpaid user charges on or before October 1<sup>st</sup>, shall be assessed against the user's property on the next current Town tax bill.
  - 3. All rates shall be reviewed annually. User Charges shall provide sufficient funds for continued operation and maintenance of the publicly owned treatment works. Unexpended revenue shall be transferred to the budget established for the following year.
- C. An Indirect Benefit Charge shall be levied on all parcels within the Sewer District which do not have sanitary sewers directly available for use.
- D. The Direct Benefit Charge shall be levied on all parcels within the Sewer District which have sanitary sewers directly available for use, whether or not the owner has made connection to the sewer.
- E. The Unit Charge and User Charge shall be levied against property owners that have made connection to the sewer.
- F. The first repair of a vent pipe in the town-owned portion of a sewer service connection shall be free. Subsequent repairs shall be \$75. (Pending)

**SEWER RATE SCHEDULE**

User Charge - <b>Gravity</b> (There shall be a minimum charge based On 8,000 gallons per quarter)	\$2.75/1,000 gallons of metered water usage
User Charge - <b>Grinder Pump</b> (There shall be a minimum charge based On 8,000 gallons per quarter)	\$2.75/1,000 gallons of metered water usage – homeowner pays electric charges
<b>Industrial User</b>	Established by individual contract
Tap fee for Gravity Sewer	\$1,500.00
Grinder Pump Unit  (Includes tap, setting of pump, testing, Inspection and preventive maintenance) The cost of repairs and replacement are the expense of the homeowner.	\$750.00 installation fee plus current cost of Grinder Pump unit
Sewer Vent Pipe Repair	First repair free, per homeowner, per parcel (as of May 2010); each repair thereafter is \$75(Pending)
Misuse and Abuse	Time and materials cost
Seasonal Fee for Startup/Shutdown (Grinder Pump)	\$50 for startup \$50 shutdown

**Final Billings:**

When a sewer inspection occurs for a final reading, the first inspection is free. There will be a \$75 charge if we have to go back for a second inspection. This includes having to do a second inspection if we find a violation.

**Summer Credit:**

A formula is used to determine each resident’s expected usage for the summer months. If the usage is exceeded, a credit will appear on the resident’s quarterly bill for the 2<sup>nd</sup> and 3<sup>rd</sup> quarters for the excess usage due to summer activities.

**Charges appearing on tax bill:**

Somerset Sewer	SD390 (Unit Charge - Direct)	\$125/unit
Somerset Sewer	SD390 (Direct and Indirect Charge)	.18/1,000 (Assessed Value)
Som Sewer<300’	SD391 (Direct Charge)	.21/ft
Som Sewer >300’	SD392 (Direct Charge)	.025/ft
Som Sewer-nonuser	SD393 (Per contract)	
Som Sewer-nonuser	SD394 (Per contract)	

Note: These rates may be adjusted periodically to reflect change in costs to the district.



Jon D. Miller  
Chief of Police  
Town of Somerset  
8700 Haight Road P.O. Box 368  
Barker, NY 14012-0368

Phone: 716-255-0503  
[somersetnewyork@gmail.com](mailto:somersetnewyork@gmail.com)

DATE: October 12th, 2022  
TO: Somerset Town Board  
RE: Police Report for September 2022

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### PATROL REPORT

1. TSPD provided **198.5** hours of strategic patrol coverage, and patrolled approximately **1552** miles during the month of September. TSPD officers provided **6** hours of court detail, **9** hours of event coverage and **160** hours of SRO detail.
2. All service calls are logged and recorded in the Niagara County Sheriff's E-911 Computer Aided Dispatch (CAD) system, including house/business checks and vehicle stops. This accountability mechanism is vitally important to assess the effectiveness of the agency and the overall service needs of our community. During the month of September **299** service calls were officially logged.
3. TSPD submitted thirty-five (**35**) incident reports into the Niagara County's IBR (Incident Based Reporting System). The following is a report breakdown for the month of September:  
  
**8**-agency assists, **2**-recovered property, **5**-harassments, **1**-trespass, **3**-MVA's **1**-suspicious condition, **1**-warrant arrest, **1**-alarm, **1**-welfare check, **1**-DWI arrest, **1**-AUO arrest, **4**-animal complaints, **4**-police service calls, **1**-traffic complaints, **1**-community outreach event.
4. TSPD issued forty-five (**45**) citations for violations of the Vehicle and Traffic Law during the month of September, with twenty-three (**23**) drivers receiving cautionary warnings.
5. Property checks- TSPD is required to provide property checks as requested by residents at least one time per shift and there are also a number of business/municipal buildings which are required to be inspected. TSPD logged **196** house and business checks were conducted during the month of September.

### Notable Mention

- \*Officer Parente has completed her training and is working as an SRO at Barker School.
- \*Logan Yotter was hired as an Officer and began his field training with TSPD.
- \*TSPD participated in the Barker homecoming parade and provided event security.

## Town of Somerset Permit Monthly Report

From : September 01, 2022 To : September 30, 2022

Document #	Issue Date	Owner	Document Type	Property Location SBL	Valuation	Amount
<b>September</b>						
1435	9/12/2022	Michael Dickinson	Pole Barn	Mike Dickenson 8782 Coleman 18.00-1-47.12	\$49,354.00	\$126.40
1436	9/14/2022	Suzanne Stewart	Pole Barn	Suzanne Stewart 2093 Carmen 30.00-1-49	\$72,000.00	\$168.00
1437	9/15/2022	Craig Dalton	Accessory Building	1370 Quaker Rd 9.13-1-18	\$800.00	\$50.00
1438	9/16/2022	Ben Wagner	Pole Barn	1930 Quaker Rd 18.00-1-56.2	\$25,000.00	\$136.00
1439	9/22/2022	American Tower Corp C/O	Generator	9031 Lake Rd 9.00-2-26	\$25,000.00	\$20.00
1440	9/27/2022	Brandon Wass	Remodel	8470 Lower Lake Rd 2.00-1-31.12	\$39,038.45	\$100.00

<b>September Total :</b>	<b>\$211,192.45</b>	<b>\$600.40</b>
<b>Reporting Period Total:</b>	<b>\$211,192.45</b>	<b>\$600.40</b>
<b>Year-to-Date :</b>	<b>\$8,855,933.65</b>	<b>\$9,272.76</b>

**Letter of Authorization**

TO: **Niagara County Real Property Tax Services Department**  
FROM: **Town of SOMERSET**  
SUBJECT: **Unpaid items to be included in tax warrant**  
DATE: \_\_\_\_\_

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In accordance with the New York State Town Law, section 198, the town board has opted to enforce various unpaid accounts for water, sewer, refuse, and other unpaid town services as indicated below, by placing a lien upon the real property for which such services were provided.

In light of the aforementioned, the Niagara County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the town assessor's master computer assessment roll file, which is also hereby being delivered by the assessor with this letter of authorization.

Total Unpaid Water	\$ <u>8,257.76</u>
Total Unpaid Sewer	\$ <u>6,582.17</u>
Total Unpaid Refuse	\$ <u>585.66</u>
Total W/S ReLevy Fee	\$ <u>9,600.00</u>
Total Town Charges	\$ <u>—</u>
GRAND TOTAL	\$ <u>25,025.59</u>

**Town Certification**

10/12/2022  
Date

\_\_\_\_\_  
Town Supervisor

Tracy L Carner  
Town Clerk

**Assessor Use only**

I hereby certify that the entries on the master assessment roll file delivered herewith equal the amounts as required by the town board as provided for above.

\_\_\_\_\_  
Assessor

\_\_\_\_\_  
Date

***Town charges over \$1,000.00 must be preauthorized by RPTS.***

## **Town of Somerset Roadside Ditch and Culvert Policy**

**WHEREAS**, the Town of Somerset maintains a town wide drainage system which consists, in part, of roadside ditches and roadside culverts. The interconnected system of roadside ditches and culverts provides for road drainage throughout the Town, and thereby serves and benefits the whole Town, and

**WHEREAS**, residents and property owners at times request that open ditches along the roadside adjoining their property be converted from an open ditch to a buried culvert. The Town recognizes that this conversion to buried culverts does serve the Town as a whole by lessening the need for ongoing ditch cleaning and grubbing, and also for aesthetic reasons which add to the desirability, value, and tax base of the Town. Nevertheless, although there are benefits to the Town of converting open ditches to buried culverts, the primary benefit of such serves the individual property owner of the abutting land.

**Now therefore**, in consideration of the above premises, the Town of Somerset adopts the following Roadside Ditch and Culvert Policy:

### **Request for Conversion**

1) Residents and property owners fronting on a Town Road, may make a request of the Town Highway Department to convert open roadside ditches adjoining their property into buried roadside culverts including driveway access. Such requests shall be in writing and addressed to the Town Superintendent of Highways. Requests from residents and property owners fronting on State and County roads shall not be considered by the Town Superintendent of Highways except for new construction. Said residents and property owners should direct their request to the appropriate State or County representative.



2) The Town Highway Superintendent shall evaluate the request and determine whether the requested conversion will have negative impact on the Town's drainage system. If, in the Highway Superintendents opinion there will be a negative impact, the request may be denied.

3) If the Highway Superintendent determines that the requested conversion will not have a negative impact on the Town's drainage system, and if there are no other impediments to the conversion, the Highway Superintendent may grant the request for conversion subject to the payment provisions of this policy and any other conditions the Highway Superintendent may impose.

4) Once payment is made and all conditions are met, the Highway Superintendent may schedule the conversion to be completed by Town Highway Department personnel. Ditch conversion is a low priority task and shall be scheduled by the Highway Department as time permits and shall not take precedence over any other Highway Department function.

5) Nothing in this policy shall be construed as conferring a right of any property owner to have ditches abutting their property converted into culverts. Whether or not to undertake a conversion is entirely within the discretion of the Town and/or Highway Superintendent.

6) The Highway Department will only undertake to install the necessary pipe, fill, and rough grade the filled area. The Highway Department will not provide or install topsoil, seed, or anything else. The property owner will be responsible for additional fill, grading, etc. needed due to subsequent settling of the area.

## **Payment**

1) The property owner shall be responsible for payment to the Town for all costs associated with the ditch conversion. The Highway Superintendent shall provide the property owner with a list of materials, including pipe, fill, gravel, etc. needed for the job, as well as the cost of such materials. The property owner shall be responsible for paying the full cost of these materials.

2) In addition to the cost of the materials, the property owner shall be responsible for paying a fee to the Town in the amount of **\$100.00 plus labor costs** as determined by the Highway Superintendent. The labor fee shall be calculated by the Highway Superintendent based on the cost of Town labor and equipment required. This fee, along with the cost of materials, is intended to cover the full cost to the Town of the ditch conversion. The fees herein may be amended from time to time by Town board resolution.

3) Payment in full of the cost of materials and the fees detailed above must be made to the Town prior to commencement of any ditch conversion.

**TOWN OF SOMERSET**

**A Local Law Amending Section 152-30(F) of the Town Code**

Be it enacted by the Town Board of the Town of Somerset as follows:

**Section 152-30(F) of the Code of the Town of Somerset is hereby abolished and replaced with the following:**

F. The first repair of a vent pipe in the Town-owned portion of a sewer service connection shall be free per homeowner per parcel. Subsequent repairs shall be \$75.00. Said fee herein may be modified from time to time by Town Board resolution.

This law shall be effective upon filing with the Office of the Secretary of State.

**Audit Date:** 10/12/2022

**Fund:** General Fund

**Year:** 2022

**Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check # Invoice #</u>	<u>Check Amount</u>
<u>353</u>	Charter Communications	\$89.99			Y	3347	\$89.99
			B5132.4	\$89.99			
<u>354</u>	Charter Communications	\$119.99			Y	3349	\$119.99
			B1620.4	\$119.99			
<u>355</u>	Verizon Wireless	\$162.29			Y	3348	\$162.29
			A1355.4	\$17.00			
			A3120.4	\$145.29			
<u>356</u>	Pitney Bowes	\$54.00			Y	3354	\$54.00
			B1670.4	\$54.00			
<u>357</u>	National Grid	\$919.43			Y	3353	\$919.43
			SL5182.4	\$333.33			
			B5182.4	\$586.10			
<u>358</u>	National Grid	\$1,363.80			Y	3351	\$1,363.80
			B1620.4	\$949.16			
			B5132.4	\$414.64			
<u>359</u>	NYSEG	\$37.25			Y	3352	\$37.25
			B1620.4	\$37.25			
<u>360</u>	Barker Central School	\$250.00			N		
			A1010.4	\$250.00			
<u>361</u>	Niagara Gazette	\$44.90			N		
			A1010.4	\$44.90			
<u>362</u>	J B Computer Services	\$469.98			N		
			A1110.4	\$90.00			
			B1620.4	\$379.98			

**Audit Date:** 10/12/2022**Fund:** General Fund**Year:** 2022**Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check # Invoice #</u>	<u>Check Amount</u>
<u>363</u>	Brian Pavlock	\$2,165.79			N		
			B1355.4	\$2,165.79			
<u>364</u>	Seaman Norris Lip	\$4,348.00			N		
			A1420.4	\$4,333.00			
			B8010.4	\$15.00			
<u>365</u>	Lippes Mathias Wexler Friedman	\$2,153.00			N		
			B1420.4	\$2,153.00			
<u>366</u>	Wendel	\$20,197.86			N		
			B1440.4	\$20,197.86			
<u>367</u>	Marcia Frost	\$50.63			N		
			A1450.4	\$50.63			
<u>368</u>	Bxi Consultants, Inc.	\$37.59			N		
			B1620.4	\$37.59			
<u>369</u>	Grainger	\$170.49			N		
			B1620.4	\$27.33			
			B3310.4	\$143.16			
<u>370</u>	TPx Communications	\$1,051.12			N		
			B1620.4	\$904.38			
			B5132.4	\$146.74			
<u>371</u>	Town of Somerset Water Department	\$83.40			N		
			B1620.4	\$33.80			
			B5132.4	\$49.60			

**Audit Date:** 10/12/2022      **Fund:** General Fund      **Year:** 2022      **Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check # Invoice #</u>	<u>Check Amount</u>
<u>372</u>	Cintas	\$89.51			N		
			B1620.4	\$89.51			
<u>373</u>	Public Safety Psychology	\$325.00			N		
			A3120.4	\$325.00			
<u>374</u>	Sutch's Auto & Truck Repair	\$174.35			N		
			A3120.4	\$174.35			
<u>375</u>	Town Of Somerset Highway Dept	\$542.01			N		
			A3120.4	\$542.01			
<u>376</u>	Fort Hyde Kennels	\$570.84			N		
			B3510.4	\$570.84			
<u>377</u>	Village Of Barker	\$353.38			N		
			B3620.4	\$353.38			
<u>378</u>	Crystal Rock Bottled Water	\$23.94			N		
			B5132.4	\$23.94			
<u>379</u>	Niagara Implement Inc	\$14.18			N		
			A8810.4	\$14.18			
<u>380</u>	Modern Disposal Services	\$8,055.37			N		
			SR8160.4	\$8,055.37			
<u>381</u>	Modern Recycling Inc	\$6,707.84			N		
			SR8160.4	\$4,504.59			
			B8160.4	\$2,203.25			

Tracy L. Carmer

**Audit Date:** 10/12/2022      **Fund:** General Fund      **Year:** 2022      **Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check #</u>	<u>Invoice #</u>	<u>Check Amount</u>
<u>382</u>	Modern Landfill, Inc.	\$3,141.27			N			
			SR8160.4	\$3,141.27				

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**TOTALS:**      **\$53,767.20**      **\$53,767.20**      **\$2,746.75**

**Abstract Certification:**

To the Supervisor:

I certify that the vouchers listed above were audited by the Town Board on the above date and allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount opposite their name.

Dated: \_\_\_\_\_

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Tracy L. Carmer, Town Clerk

**Audit Date:** 10/12/2022      **Fund:** Highway Fund      **Year:** 2022      **Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check #</u>	<u>Invoice #</u>	<u>Check Amount</u>
<u>92</u>	Midland Asphalt Materials Inc	\$53,248.76			N			
			DB5110.4	\$53,248.76				
<u>93</u>	Cambria Asphalt Products, Inc	\$258.88			N			
			DB5110.4	\$258.88				
<u>94</u>	Standish Jones	\$24.57			N			
			DB5110.4	\$24.57				
<u>95</u>	Northern Supply Inc	\$1,100.00			N			
			DB5130.4	\$1,100.00				
<u>96</u>	Strate Welding	\$20.28			N			
			DB5130.4	\$20.28				
<u>97</u>	Lake Winds Metalworking	\$146.29			N			
			DB5130.4	\$146.29				
<u>98</u>	NAPA Auto Parts	\$1,301.13			N			
			DB5130.4	\$1,301.13				
<u>99</u>	Cintas	\$239.04			N			
			DB5130.4	\$239.04				
<u>100</u>	Drum Oil & Propane	\$836.45			N			
			DB5142.4	\$836.45				
<u>101</u>	Basil Ford of Niagara Falls	\$1,816.37			N			
			DB5140.4	\$1,816.37				



Tracy L. Carmer

**Audit Date:** 10/12/2022      **Fund:** Highway Fund      **Year:** 2022      **Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check #</u>	<u>Invoice #</u>	<u>Check Amount</u>
<b>TOTALS:</b>		<b>\$58,991.77</b>		<b>\$58,991.77</b>				<b>\$0.00</b>

**Abstract Certification:**

To the Supervisor:

I certify that the vouchers listed above were audited by the Town Board on the above date and allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount opposite their name.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Tracy L. Carmer, Town Clerk

**Audit Date:** 10/12/2022      **Fund:** Sewer Fund      **Year:** 2022      **Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check # Invoice #</u>	<u>Check Amount</u>
<u>100</u>	Charter Communications	\$79.95			Y	1710	\$79.95
			SS8110.4	\$79.95			
<u>101</u>	National Grid	\$3,211.41			Y	1711	\$3,211.41
			SS8120.4	\$434.47			
			SS8130.4	\$2,776.94			
<u>102</u>	Drum Oil & Propane	\$646.12			N		
			SS8120.4	\$646.12			
<u>103</u>	Standish Jones	\$84.95			N		
			SS8120.4	\$84.95			
<u>104</u>	Grainger	\$327.22			N		
			SS8120.4	\$224.27			
			SS8130.4	\$102.95			
<u>105</u>	Strate Welding	\$22.20			N		
			SS8130.4	\$22.20			
<u>106</u>	Pace Analytical Services, Inc.	\$170.00			N		
			SS8130.4	\$170.00			
<u>107</u>	Cintas	\$209.66			N		
			SS8130.4	\$209.66			
<u>108</u>	Munibilling	\$1,574.31			N		
			SS8110.4	\$1,574.31			
<u>109</u>	TPx Communications	\$223.11			N		
			SS8110.4	\$223.11			

Tracy L. Carmer

**Audit Date:** 10/12/2022      **Fund:** Sewer Fund      **Year:** 2022      **Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check # Invoice #</u>	<u>Check Amount</u>
<u>110</u>	Postmaster	\$476.08			N		
			SS8110.4	\$476.08			
<b>TOTALS:</b>		<b>\$7,025.01</b>		<b>\$7,025.01</b>			<b>\$3,291.36</b>

**Abstract Certification:**

To the Supervisor:

I certify that the vouchers listed above were audited by the Town Board on the above date and allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount opposite their name.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Tracy L. Carmer, Town Clerk

**Audit Date:** 10/12/2022      **Fund:** Water Fund      **Year:** 2022      **Abstract:** 10

<u>Vchr #</u>	<u>Vendor</u>	<u>Vchr Amount</u>	<u>Acct. #</u>	<u>Amount</u>	<u>PD</u>	<u>Check # Invoice #</u>	<u>Check Amount</u>
<u>76</u>	Niagara County Water Dist	\$67,592.28			N		
			SW8320.4	\$67,592.28			
<u>77</u>	Blair Supply Corp	\$388.25			N		
			SW8340.4	\$388.25			
<u>78</u>	Fastenal Co.	\$206.48			N		
			SW8340.4	\$206.48			
<u>79</u>	UDIG-NY	\$11.00			N		
			SW8340.4	\$11.00			
<u>80</u>	Drum Oil & Propane	\$646.12			N		
			SW8340.4	\$646.12			
<u>81</u>	Strate Welding	\$20.25			N		
			SW8340.4	\$20.25			
<b>TOTALS:</b>		<b>\$68,864.38</b>		<b>\$68,864.38</b>			<b>\$0.00</b>

**Abstract Certification:**

To the Supervisor:

I certify that the vouchers listed above were audited by the Town Board on the above date and allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount opposite their name.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Tracy L. Carmer, Town Clerk