

AGENDA
TOWN OF SOMERSET TOWN BOARD
JANUARY 4, 2023

OPEN REGULAR MEETING

APPROVAL OF MINUTES OF PREVIOUS MEETING

MONTHLY REPORTS: SUPERVISORS MONTHLY REPORT
POLICE REPORT
CODE ENFORCEMENT REPORTS

ANNUAL REPORTS:

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS: RESOLUTION – WATER TAPING FEES
RESOLUTION - AUDIT COMMITTEE REPORT
RESOLUTION - ANNUAL RESOLUTIONS

NEW MEMBERS –

ANNUAL APPOINTMENTS; APPOINTMENTS FOR 2023

AUDIT OF CLAIMS
PRIVILEGE OF THE FLOOR
ADJOURNMENT

Next Regular Meeting, FEBRUARY 8, 2023

TOWN BOARD REGULAR MEETING
December 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 14th day of December 2022.

Present: Jeffrey M. Dewart----- 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: Robin R. Jansen ----- Deputy Supervisor
Brian Sibiga ----- Engineer

Present: 4 residents

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

RESOLUTION 126-2022

APPROVAL OF THE MINUTES

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

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

Resolved the minutes of the previous meeting on November 9, 2022 are accepted as submitted.

RESOLUTION 127-2022

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

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

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

Attorney Haylett entered the meeting.

COMMUNICATIONS

~Clerk Carmer announced that National Grid will be performing routine

TOWN BOARD MEETING
DECEMBER 14, 2022 PAGE 2

maintenance/upgrade work on the poles in our area in order to modernize their capabilities. This will begin in February 2023 and continue for approximately 30 months until all communities have been covered.

~Clerk Carmer read a letter of resignation from Assistant Dog Control Officer Jesse Green.
~A resident asked the Town to look into the program that the Village of Medina has implemented where homeowners can place a decal on their window if they have someone living there with special needs. This would allow first responders to know that they may encounter a person with special needs at that address (this could also be placed on a vehicle). Clerk Carmer submitted information to the Town Board regarding the program.

RESOLUTION 128-2022

NYSDOT SHARED SERVICES AGREEMENT

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
Nays 0

RESOLVED, that the Town Supervisor of the Town of Somerset is hereby authorized to enter into a shared services agreement with the New York State Department of Transportation to share materials, services, and equipment for the maintenance of State and Town roads and highways; and be it further

RESOLVED, that the Town shall provide services, materials, and equipment at a cost/value equal to that received from the NYS Department of Transportation and the agreement shall not exceed a term of four years.

RESOLUTION 129-2022

LEASE OF HAY FIELD

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
Nays 0

WHEREAS, the leases for fifteen acres of land south and east of the Somerset Barker Sewer plant expire at the end of 2022;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby authorizes the Town Clerk to solicit bids for the leasing of fifteen acres of land south and east of the Somerset Barker Sewer Plant; and be it further

RESOLVED, that the bids shall be due by Tuesday, February 7, 2023 at 3:00 p.m. in the Town of Somerset Clerk's office located at 8700 Haight Road, Barker, New York.

RESOLUTION 130-2022
COMMITTEE FOR OPEN SEATS

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

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

RESOLVED to appoint Councilman Hotaling and Councilwoman Damon to interview for the open seats on the Planning Board and Board of Assessment Review.

RESOLUTION 131-2022
2023 REORGANIZATIONAL MEETING

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved the reorganizational meeting of the Town Board will be held on January 4, 2023 at 6:00PM.

RESOLUTION 132-2022
PREPAY BILLS

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved that all bills incurred for 2022 are authorized to be pre-paid.

RESOLUTION 133-2022
BUDGET AMENDMENTS

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved as provided in section 107 and section 115 of the New York State Town Law, that the Supervisor of the Town of Somerset is hereby authorized to expend from the unexpended balance or surplus revenues such sums as may be necessary to cover amounts by which the actual expenses were incurred in 2022 in any amount exceeding the amount budgeted.

RESOLUTION 134-2022
YEAR-END AUDIT

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

TOWN BOARD MEETING
DECEMBER 14, 2022 PAGE 4

Resolved that the Audit Committee, consisting of Councilwoman Damon and Councilman Leuer, are authorized and directed to perform the year-end audits of the Town Clerk, Code Enforcement Officer, Supervisor, Justice and Tax Collector on a date and time to be determined.

RESOLUTION 135-2022

ENCUMBRANCES

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
Nays 0

Resolved that all bills incurred for 2022 are authorized to be pre-paid.

RESOLUTION 136-2022

AUDIT OF CLAIMS

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

ADOPTED: Ayes 4 Dewart, 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. 425	through No. 469	\$ 76,156.89
Highway Fund	No. 113	through No. 121	\$ 10,236.97
Sewer Fund	No. 123	through No. 138	\$ 7,749.59
Water Fund	No. 91	through No. 101	\$ 1,908.38

PRIVILEGE OF THE FLOOR

Betty Wolanyk is happy that Lighthouse Wind does not intend to file an application under Article 10, but bitcoin may be banned by the state unless it uses renewable energy so that becomes a possibility. She asked for an update on Somerset Solar.

Supervisor Dewart stated that they plan to file in February now. They have downsized to approximately 120megawatts. He received a new map today, but it is a large map so it cannot be scanned onto the website.

Betty advised that they are also still trying to get residents to sign good neighbor agreements.

James Salerno asked if there is any progress on the noise being produced by the data center.

Lyndsey Payne lives across the street from it and said that it is loud today if the board wants to listen to it.

Supervisor Dewart said that they are telling him that they are staying in the 40 decibel range. He advised that he informed them where James lives and he will tell them about Lyndsey also.

TOWN BOARD MEETING
DECEMBER 14, 2022 PAGE 5

Discussion ensued what could possibly be making the noise if it is not fans.

SUPERVISOR UPDATE:

- The banquet for the Somerset Bicentennial in February is coming up and we will have tickets for that soon.
- The committee is selling shirts and will have order forms for them. The proceeds will help pay for the 3 day celebration in July.

RESOLUTION 137-2022

EXECUTIVE SESSION

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

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

Resolved to enter into Executive Session at 6:25PM to discuss union negotiations.

RESOLUTION 138-2022

EXIT EXECUTIVE SESSION

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

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

Resolved to exit Executive Session at 6:50PM.

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the meeting adjourned at 6:52PM subject to the Call of the Clerk.

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 st	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 st	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 st	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 st	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 st	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 (¾") Tap – Material cost plus \$250 (includes meter)
One inch (1") Tap - Material cost plus \$250 (includes meter)
Larger than one inch (1"), up to two inches (2"), Tap – Material cost plus \$250
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 (¾") Tap – Material cost plus \$450 (includes meter)
One inch (1") Tap - Material cost plus \$450 (includes meter)
Larger than one inch (1"), up to two inches (2"), Tap – Material cost plus \$450 (includes meter)
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 (¾") - \$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.)

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 1st each year shall be levied against the property owner's next current Town tax bill.

Town of Somerset

Audit Date: 01/04/2023 **Fund:** General Fund **Year:** 2023 **Abstract:** 1

<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>1</u>	Indoff Incorporated	\$463.86			N		
			A600	\$463.86			
<u>2</u>	Civic Plus	\$2,035.97			N		
			A1010.4	\$2,035.97			
<u>3</u>	NYALGRO	\$50.00			N		
			A1460.4	\$50.00			
<u>4</u>	Association Of Towns	\$1,100.00			N		
			A1920.4	\$220.00			
			B1920.4	\$880.00			
<u>5</u>	Union Sun & Journal	\$420.00			N		
			A7510.4	\$420.00			
<u>6</u>	N Y Planning Federation	\$295.00			N		
			B8020.4	\$295.00			
<u>7</u>	Wendel	\$19,772.45			N		
			A600	\$19,772.45			
<u>8</u>	Nys Assoc Of Town Supt Of Highways	\$200.00			N		
			A5010.4	\$200.00			
<u>9</u>	Orleans County Highway Superintendents Association	\$200.00			N		
			A5010.4	\$200.00			
<u>10</u>	Crystal Rock Bottled Water	\$10.00			N		
			A600	\$10.00			

Audit Date: 01/04/2023 **Fund:** General Fund **Year:** 2023 **Abstract:** 1

<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>11</u>	Lippes Mathias Wexler Friedman	\$841.00			N		
			B600	\$841.00			
<u>12</u>	Ruth Wendler	\$1,607.05			N		
			A1950.4	\$1,000.00			
			B1950.4	\$607.05			
TOTALS:		\$26,995.33		\$26,995.33			\$0.00

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: 01/04/2023 **Fund:** Highway Fund **Year:** 2023 **Abstract:** 1

<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>1</u>	Strate Welding	\$20.25			N			
			DB600	\$20.25				
<u>2</u>	NAPA Auto Parts	\$372.57			N			
			DB600	\$372.57				
<u>3</u>	J P Industrial Supply	\$308.18			N			
			DB600	\$308.18				
<u>4</u>	Cintas	\$309.73			N			
			DB600	\$309.73				
<u>5</u>	Finger Lakes System Chemistry	\$167.60			N			
			DB600	\$167.60				
<u>6</u>	Jakes Tree Service	\$7,500.00			N			
			DB600	\$7,500.00				
<u>7</u>	Drum Oil & Propane	\$612.17			N			
			DB600	\$612.17				

Audit Date: 01/04/2023 **Fund:** Highway Fund **Year:** 2023 **Abstract:** 1

<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>
TOTALS:		\$9,290.50		\$9,290.50				\$0.00

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: 01/04/2023 **Fund:** Sewer Fund **Year:** 2023 **Abstract:** 1

<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>1</u>	Niagara Gazette	\$35.73			N		
			SS600	\$35.73			
<u>2</u>	Ruth Wendler	\$1,142.86			N		
			SS1950.4	\$1,142.86			
TOTALS:		\$1,178.59		\$1,178.59			\$0.00

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