

SPECIAL MEETING  
AUGUST 8, 2013

A Special 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 8<sup>th</sup> day of August 2013.

Present: Daniel M. Engert ----- Supervisor  
Randall J. Wayner ----- Councilman  
Gary R. Alt ----- Councilman  
Robin R. Jansen ----- Councilman  
Jeffrey M. Dewart ----- Councilman  
Tracy L. Carmer ----- Deputy 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  
Randy Roeseler ----- Engineer

Attended by: 4 residents

Notice of said meeting was sent to the Lockport Union-Sun & Journal on August 5, 2013 with same notice being posted on the same date at the Town Hall and on the website.

Supervisor Engert called the meeting to order at 6:00PM with the Pledge to the Flag.

RESOLUTION 94-2013

**APPROVAL OF THE MINUTES**

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

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

Resolved the minutes of July 9, 2013 be approved as submitted.

RESOLUTION 95-2013

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

On a motion of Councilman Alt, 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 approved as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer Report  
Dog Control Officer Report

QUARTERLY REPORTS RECEIVED AND FILED:  
Water/Sewer Report

COMMUNICATIONS:

Deputy Clerk Carmer stated that a Notice of Public Hearing has been received from the Town of Hartland. The hearing is to be held on August 8, 2013 at 7:30PM for a proposed Local Law entitled "A Local Law amending the 'Single Owner/Operator Business' provision of Chapter 144 of the Code of the Town of Hartland."

**SOMERSET LAKESHORE SITE REZONING**

Supervisor Engert stated that the committee has been meeting since June and has representatives from the Town Board, Planning Board, Niagara County and Upstate NY Power Producers, along with our engineering firm who is spear-heading the project. He said the status of the project is as follows:

- The maps have been updated;
- Attorney Jones has reviewed the definitions of hazardous materials and emailed his suggestions to the committee members;
- Jack White from Upstate NY Power Producers will submit a letter by the August 26<sup>th</sup> meeting recommending and endorsing the Town application;
- Attorney Jones is reviewing the existing code to determine if the codes need updating;
- Amy Fisk, Sr. Planner for the County planning board has been briefed;
- Our Code Enforcement Officer received materials last week and met with Andrew Reilly from Wendel earlier this week.

Supervisor Engert provided the schedule as follows:

- The next meeting of the Planning Board will take place on August 14, 2013 to review the conceptual plan;
- The committee's next meeting will be held on August 26, 2013 to review additional materials for the application;
- The Town Board will receive the application simultaneously and hold a special meeting on August 27, 2013 to consider the application and take action;
- The Planning Board will hold a meeting on September 4, 2013 to consider the full application;
- The Town Board will have their regularly scheduled meeting on September 10, 2013 and hopefully have a recommendation from the Planning Board for the full application;
- A tentative date for a public hearing is September 17, 2013, but will be set at the August 27, 2013 meeting. Any comments that are received before then will be sent to the committee for review first;
- Comments from the public hearing will be considered through October 4, 2013;
- The Town Board will hold their regularly scheduled meeting and hopefully will have the SEQR completed and will be able to vote on the rezoning on October 8, 2013.

**SALE OF SURPLUS ITEMS**

Councilman Wayner reported that of 35 individual pieces, 8 have sold for a total of \$210. The refuse committee will meet to discuss adjusting the prices, and the items will be relisted on Craig's List for 30 days. After that timeframe, the Town Board will discuss other options such as donating them.

RESOLUTION 96-2013

**FIRE DEPARTMENT COMP/LIABILITY INSURANCE**

Supervisor Engert would like to retain legal counsel to review our comp and liability issues regarding the fire department.

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

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

Resolved Supervisor Engert is authorized to retain legal counsel with Pinske Law Group to review the Town's worker's comp and liability insurance regarding the fire department for a price not to exceed \$5,000.00.

RESOLUTION 97-2013

**AUTHORIZATION TO PREPAY BILLS**

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 Supervisor is authorized to prepay any bills that will come within the next week.

RESOLUTION 98-2013

**CANCEL TOWN BOARD MEETING OF AUGUST 13, 2013**

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 regularly scheduled Town Board meeting of August 13, 2013 is canceled.

**BARKER CHEMICAL PROPERTY**

Supervisor Engert updated the board regarding the status of the former Barker Chemical Property stating:

- Attorney Jones has been tasked with assessing the risk of the Town taking ownership of the old Barker Chemical property;
- The state funding grant program through the DEC, of which we were able to obtain funding for Phase II, does not allow for asbestos abatement of the building;

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- Niagara County has obtained a brownfield cleanup revolving loan fund administered through the EPA. This may provide a funding source for the asbestos abatement, which has been estimated to be approximately \$55,000. In order to qualify for this funding, the Town has to take ownership of the property;
- There are residents in the community expressing concern over the property. After razing the building, hopefully the DEC would give us a clean slate. The possibility exists that there may be some underlying issues underneath the building. He stated that we can request assistance from the Center for Economic Development in submitting an application for eligibility and we can do this before taking title to the property. He said if it's determined that we are eligible for assistance, we would have to take ownership of the building at that point. He stated that part of the risk assessment is looking at the old bill from the EPA.

RESOLUTION 99-2013

**AUDIT OF CLAIMS**

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

General Fund	No. 266 through No. 297	\$ 28,380.35
Highway Fund	No. 64 through No. 71	\$ 2,036.01
Sewer Fund	No. 76 through No. 84	\$ 4,375.16
Water Fund	No. 62 through No. 70	\$ 1,293.75

**PRIVILEGE OF THE FLOOR**

Dale Howard stated that he is adamantly against the Town taking ownership of the Barker Chemical property because of the unknowns and not just because of what's under the building, but where did the chemicals go.

On a motion of Councilman Alt, seconded by Councilman Dewart, the meeting adjourned at 6:50P.M. subject to the Call of the Clerk. Carried unanimously.

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Tracy L. Carmer, RMC  
Deputy Town Clerk