

REGULAR MEETING
DECEMBER 11, 2012

The Regular Meeting of the Town Board of the Town of Somerset, County of Niagara and the State of New York were held at the Town Hall, 8700 Haight Road, Barker, New York on the 11th day of December 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
Randy D. Roeseler ----- Engineer
Morgan Jones Jr. ----- Counsel

Attended by: Mark Remington, DCO & Code Enforcement Officer; 7 residents, numerous BCS students from the BCS Varsity Field Hockey and Cross Country Teams with parents

Supervisor Engert called the meeting to order at 7:00PM with the Pledge to the Flag and a prayer for guidance. Supervisor Engert offered a moment of silence for the passing of William Annable, former teacher at BCS and Supervisor of the Town of Hartland for 34 years.

PROCLAMATION FOR BCS Varsity Field Hockey Team

Supervisor Engert read a proclamation honoring the Barker Varsity Field Hockey Team and coaches on winning the Niagara Orleans League Championship for the 7th consecutive season; the NYS Public High School Section 6 Class C Championship for the 5th consecutive season; and the Far West Regional Class C Championship and proclaimed that December 11, 2012 is dedicated as the 2012 Barker Central School Varsity Championship Day in the Town of Somerset.

PROCLAMATION FOR BCS Varsity Cross Country Team

Supervisor Engert read a proclamation honoring the Barker Varsity Boys Cross Country Team and coaches on winning the Public High School Section 6 Class D Championship for the 6th consecutive season and the runner up for the NYS Class D Championship and proclaimed that December 11, 2012 is dedicated as the 2012 Barker Central School Varsity Championship Day in the Town of Somerset.

Supervisor Engert stated that the 2012 Golf Team is undefeated and they will play the Section 6 sectionals in the Spring.

Dr. Roger Klatt, Superintendent of Schools, stated the school is extremely proud of their student athletes, the coaches and the parents for their influence.

BARKER FREE LIBRARY PRESENTATION

Roy Anderson, President of the Barker Free Library Board of Trustees, stated the Library has enough money to operate for another year and they have been depleting their reserves trying to keep the library open. He said they are looking to become a school district library according to the NYS Board of Regents and that it would be put on the ballot this Spring. He said a petition was presented to the Barker Central School Board calling for a vote. He said it will be a tax on the school tax bill and the amount will remain the same from year to year unless they need more. He stated they have been operating on \$50,000 for the past several years and that has not been enough. He said there will be direct mailings and public information meetings, with one being held at the Barker Fire Hall on February 6, 2013. He said also the Board of Trustees will be elected.

Councilman Jansen asked if the library will still be part of the NIOGA system.

Mr. Anderson stated yes and that nothing will change in the library. He said they have had a spike in usage of the library including WIFI services. He said their usage is just below the usage of Lockport and North Tonawanda. He said they hope to enhance services. He said it is now chartered to service the Town and if this passes they will be chartered as a school district library.

Supervisor Engert stated that he understands there will be a tax.

Mr. Anderson said there will be a separate line item on the school tax bill specifically for the library and they anticipate the tax will be 26 – 31 cents per thousand. He said they are trying to raise \$75,000 that will help replenish the reserves and expand services.

James Trinder, a Library Trustee, said the Library usage goes up with economic times. He said they see more patrons coming in and they are providing more services. He said it is a valuable asset to the community.

RESOLUTION 139-2012

APPROVAL OF THE MINUTES

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 the minutes of the previous meeting are approved.

RESOLUTION 140-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Police Report

COMMUNICATIONS:

Clerk Connolly reported that she had forwarded the monthly letter from Time Warner to the Board regarding channel lineup.

Clerk Connolly read a letter from Fort Hyde Kennels requesting an increase in their contract of \$25.00 per month.

ZONING LAW REVISIONS UPDATE

Supervisor Engert said the zoning code recommendations have been forwarded to the Planning Board for their review.

Attorney Jones stated that he met with Andrew Reilly and they are working on recommendations to the PUD and Site Plan Review sections of the code and will have them shortly.

RESOLUTION 141-2012

ANNUAL AUDIT

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 Audit Committee, consisting of Councilman Jansen and Councilman Dewart, perform the year end audits of the Town Clerk, Code Enforcement Officer, Supervisor, Justice and Tax Collector.

RESOLUTION 142-2012

BUDGET AMENDMENTS

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 as provided in Section 107 and 115 of the Town Law, the Supervisor of the Town of Somerset is hereby authorized to expend from the unexpended balances or surplus revenues such sums as may be necessary to cover amounts by which the actual expenses were incurred in 2012 in any amount exceeded the amount budgeted.

RESOLUTION 143-2012

PREPAYMENT OF BILLS

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

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

Resolved that all bills incurred for 2012 are authorized to be pre-paid.

RESOLUTION 144-2012

APPRAISAL OF TOWN ASSETS

Supervisor Engert stated an annual update of town properties has not been submitted to Industrial Appraisal since 2009 and an onsite review has not been completed since 1999. He stated he obtained a quote to have this service completed from Industrial Appraisal for \$6,165.00 which includes an electronic program for annual updates.

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 Supervisor Engert is authorized to enter into an agreement with Industrial Appraisal Inc. to conduct an onsite review and appraisal of town assets for \$6,165.00 including the software program.

RESOLUTION 145-2012

ASSESSMENT TOOL FOR WEBSITE

Supervisor Engert said Assessor Penale conveyed information regarding online access of assessments and properties from Online Assessment Resource Systems (OARS) for \$1,360.00. He said with the reduced hours of the Assessor's office, this will help residents, relators, and attorneys to obtain information online.

Councilman Wayner said this is a good cost containment move and opens up the assessor's office to the public at their convenience.

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 Supervisor Engert is authorized to enter into an agreement with Online Assessment Resource Systems to provide the assessment tool for the website for \$1,360.00.

RESOLUTION 146-2012

ENCUMBRANCES

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 funds for invoices of goods not received for 2012 are encumbered.

RESOLUTION 147-2012

SALARIES FOR 2013

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 the salaries for 2013 as budgeted are approved effective January 1, 2013.

RESOLUTION 148-2012

AUDIT OF CLAIMS

On a motion of Councilman 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. 459 through No. 502	\$ 73,600.88
Highway Fund	No. 137 through No. 155	\$ 8,900.08
Sewer Fund	No. 132 through No. 146	\$ 10,831.60
Water Fund	No. 116 through No. 126	\$ 3,538.63

PRIVILEGE OF THE FLOOR

James Hoffman congratulated the Board on the every other week recycling program. He said the participation is good. He is concerned people are not putting them to the curb properly.

Councilman Wayner said that he has placed an article in the newsletter discussing this.

Supervisor Engert said the final Phase 2 report on the former Barker Chemical site is done and he will provide a copy to Mr. Hoffman. He said there are some significant costs for demolition and soil remediation.

RESOLUTION 149-2012

EXECUTIVE SESSION

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 Board enter into an executive session to discuss contract negotiations at 8:00PM.

RESOLUTION 150-2012

RETURN TO REGULAR SESSION

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

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

Resolved the Board return to regular session at 9:40PM.

RESOLUTION 151-2012

EMPLOYEE HANDBOOK

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 the employee handbook Section 806 is updated effective January 1, 2013 as follows:

806 **Medical Insurance**

Eligibility – The Town currently offers medical insurance coverage to each full-time employee, the elected Town Clerk, the elected Highway Superintendent and their eligible family members. A part-time, temporary or seasonal employee is not eligible for medical insurance coverage. The Town may amend or discontinue the eligible employee classification it desires to offer medical insurance benefits to from time to time. A change or discontinuance may be adopted by a resolution of the Town Board.

When Coverage Begins – Coverage will begin on the employee's first day of employment or for the elected officials, on their first day of office, provided that all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage paid for by the Town will cease on the last day of the calendar month in which the separating employee physically worked, if the separation is due to discharge or voluntary quit. Continuation of coverage at the employee's expense beyond that date will be in accordance with the provisions of COBRA (see Section 809).

Premium Payment – The Town will pay 95% of the monthly premium payment for individual or family medical insurance coverage, as the case may be, for each eligible full-time employee. The Town will continue to pay the full monthly premium payment for individual or family medical insurance, as the case may be, for the elected Town Clerk and the elected Highway Superintendent for the duration of their current terms in office ending December 31, 2013. Upon commencement of the next term of office for the elected Town Clerk and the elected Highway Superintendent on January 1, 2014, the Town will pay 95% of the monthly premium payment for individual or family medical insurance coverage, as the case may be.

All employee contributions to the medical insurance premium will be deducted from their regular paycheck and the employee may designate that the deduction be made on a pre-tax basis.

Changes in Premium Contributions – The amount of insurance premium paid by the Town or that which an employee or eligible elected official may be required to contribute is subject to change by resolution of the Town Board.

RESOLUTION 152-2012

MEDICAL INSURANCE

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

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

It is hereby resolved that the Employee Handbook is amended to require that eligible Town employees who receive medical insurance benefits from the Town shall pay a portion of the premiums. It being further recognized that certain Town employees are currently represented by an employee organization for the purpose of negotiating a collective bargaining agreement with the Town which is based upon the terms and conditions of employment as set forth in the current Employee Handbook, and

Be it further resolved that due to Blue Cross Blue Shield's decision to discontinue the current medical insurance plan, a decision which is entirely outside of the control of the Town, the Town resolves to adopt the replacement plan as offered, and

Be it further resolved that effective, January 1, 2013, employees of the Town who are not members of a collective bargaining unit shall contribute five percent (5%) of the cost of the monthly premium, and

Be it further resolved that effective January 1, 2014, the elected Highway Superintendent and elected Town Clerk shall contribute the same percentage of the premium as employees of the Town who are not members of a collective bargaining unit, and

Be it further resolved that in as much as the Town can control, medical insurance benefits as well as all other terms and conditions of employment for employees of a collective bargaining unit shall remain as they currently exist in the Employee Handbook until the collective bargaining process is completed.

KENNEL CONTRACT

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 contract with Fort Hyde Kennels for kennel service for 2013 at \$4,620.00 per year is approved.

On a motion of Councilman Jansen, seconded by Councilman Alt, the meeting adjourned at 9:14 P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk