

REGULAR MEETING
OCTOBER 8, 2014

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 8th day of October 2014.

Present: Randall J. Wayner ----- Deputy Supervisor/Councilman
 Gary R. Alt ----- Councilman
 Robin R. Jansen ----- 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
 Brian Seaman ----- Counsel

Absent: Daniel M. Engert ----- Supervisor
 Jeffrey M. Dewart ----- Councilman

Attended by: Numerous residents, students and firemen

Notice of said meeting was sent to the Lockport Union-Sun & Journal on September 22 with same notice being posted on the same date at the Town Hall and on the website.

Deputy Supervisor Wayner called the meeting to order at 6:30PM with the Pledge to the Flag and a prayer for guidance. The Deputy Supervisor explained that Supervisor Engert is absent due to a very serious situation that occurred late this afternoon at the Niagara County Jail that required his attention. Councilman Dewart is out of town.

PUBLIC HEARING – EXPANSION OF FIRE PROTECTION DISTRICT

Clerk Carmer read the notice of hearing.

Marcia Ray asked if the Barker Fire District is ok with it, and how will it affect the town's people? Will the service remain the same?

Deputy Supervisor Wayner stated that it's to their benefit, along with the town and village's benefit. The tax rate will be spread over more people and is a fairer platform. Service will remain the same.

Robert Wendler asked what the tax rate of 51 cents equates to at the present assessment. Discussion ensued regarding taxable value and how to calculate it with the tax rate. Deputy Supervisor Wayner stated that the village portion is included in the proposed budget and the Fire Department will receive the amount agreed upon.

Norm Jansen asked if 51 cents is for both the town and village.
Deputy Supervisor Wayner said yes it is.

With all persons desiring to be heard, Deputy Supervisor Wayner closed the hearing at 6:39PM.

Deputy Supervisor Wayner opened the Regular Meeting at 6:40PM.

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RESOLUTION 107-2014

APPROVAL OF THE MINUTES

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

ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

Resolved the minutes of the previous meetings are approved as submitted.

RESOLUTION 108-2014

EXECUTION SESSION

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

ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

Resolved the board enter into executive session at 6:42PM to discuss the employment status and personnel issues of an employee and to consult with the Town Attorney.

RESOLUTION 109-2014

RETURN TO REGULAR SESSION

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

ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

Resolved the board return to regular session at 6:52PM.

RESOLUTION 110-2014

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 3 Wayner, Alt, Jansen
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 Carmer read a letter Superintendent Denny received from the NYS Department of Environmental Conservation advising him that the Wastewater Treatment Plant passed inspection of their Petroleum Bulk Storage.

Clerk Carmer announced that the office hours for Niagara County Real Property Tax Services are changing to 8:30AM – 4:30PM year round.

The Town received a Public Notice of the Site Preparation and Start of Construction Rochester Area Reliability Project. This involves construction, reconstruction, operation and maintenance of approximately 25.5 miles of transmission lines. An existing substation in Somerset will have upgrades within the fenced-in area.

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Clerk Carmer stated that we received a letter from the Rensselaer County Executive and an Assembly Member of the 108th Assembly District asking the Town to adopt a resolution for bullying awareness.

RESOLUTION 111-2014

LEGAL BILL – SPECIAL COUNSEL FOR FIRE DISTRICT

On a motion of Councilman Jansen, seconded by Councilman Alt, the following resolution was
ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

Resolved the Supervisor is authorized to pay Pinsky and Associates \$13,000 for their services related to the expansion of the Fire Protection District.

RESOLUTION 112-2014

STANDARD WORKDAY AND REPORTING RESOLUTION

Deputy Supervisor Wayner read the resolution.

On a motion of Councilman Alt, seconded by Councilman Jansen, the following resolution was
ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

Resolved the work days for employees based on time keeping system records or record of activities is established as reported. Clerk Carmer will report this to the NYS Retirement System and post it on our website and at the town hall. (Resolution added to minutes as an attachment).

RESOLUTION 113-2014

DECISION – EXPANSION OF FIRE PROTECTION DISTRICT

On a motion of Councilman Jansen, seconded by Councilman Alt, the following resolution was
ADOPTED BY ROLL CALL:

Deputy Supervisor Wayner	Aye
Councilman Alt	Aye
Councilwoman Jansen	Aye

WHEREAS, Chapter 302 of the Laws of 2014, permits the extension of the SOMERSET FIRE PROTECTION District, located in the TOWN OF SOMERSET, to include and encompass all of the corporate limits of the VILLAGE OF BARKER within the TOWN OF SOMERSET.

WHEREAS, such law requires compliance with Town Law, Section 170 (2);

WHEREAS, the Town Board of the TOWN OF SOMERSET has held a public hearing to hear public comment on the proposed extension;

WHEREAS, the Town Board has determined that the extension of the SOMERSET FIRE PROTECTION District is in the public interest;

WHEREAS, the Town Board has determined that all property, property owners and interested persons within the proposed district are benefited thereby and that all property and property owners benefited are included therein;

It is hereby resolved that:

The **SOMERSET FIRE PROTECTION District**, located in the TOWN OF SOMERSET, shall be extended to include and encompass all of the corporate limits of the VILLAGE OF BARKER in the TOWN OF SOMERSET.

RESOLUTION 114-2014

ANTI-BULLYING AWARENESS MONTH

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

ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

WHEREAS, We must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security; and

WHEREAS, Many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and

WHEREAS, Each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in a chronic state of anxiety; and

WHEREAS, It is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and

WHEREAS, Providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and

WHEREAS, It is time to "**Stand UP for Character - DOWN to Bullying!**", now, therefore be it **PROCLAIMED**, that we, The Town Board, do hereby designate the month of October 2014 as Anti-Bullying Awareness Month in The Town of Somerset as a symbol of our commitment to the year-round struggle against bullying.

RESOLUTION 115-2014

UNPAID WATER AND SEWER BILLS PLACED ON TAXES

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

ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

Resolved any unpaid water and sewer bills be placed on the county taxes for 2015.

RESOLUTION 116-2014

BUDGET AMENDMENTS

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

ADOPTED Ayes 3 Wayner, Alt, Jansen
Nays 0

Resolved budget amendments are approved as submitted. (A copy of the amendments is attached to the minutes)

RESOLUTION 117-2014

EMERGENCY GENERATOR

Superintendent Denny stated that a generator at a pumping station was hit by lightning and has to be replaced. The pump is too old to purchase replacement parts so he solicited quotes from five vendors:

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USA Blue Book	\$12,586.85
Penn Power	19,200.00
HD Supply	17,096.52
Better Power Inc.	15,373.00
Grainger	19,135.80

Superintendent Denny recommends going with the lowest price. Deputy Supervisor Wayner stated that funds have been encumbered from the 2013 budget.

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

ADOPTED Ayes 3 Wayner, Alt, Jansen

Nays 0

Resolved Superintendent Denny is authorized to purchase the generator from USA Blue Book for \$12,586.85.

Councilwoman Jansen asked if we can save parts from the old generator for possible repairs on the other generator.

Superintendent Denny stated he will look into salvaging any parts he can.

STATUS OF 2015 TENTATIVE BUDGET

Deputy Supervisor Wayner reported on the status of the 2015 tentative budget with the following highlights:

- Includes a 14% increase in appropriations (mainly due to equipment replacement in the Highway Department)
- PILOT has been reduced by 6%, and 2015 is the final year of the PILOT
- Tax levy has been reduced by 1%
- Revenues make up 33% of the budget
- Reserves make up 39% of the budget
- PILOT is 8% of the budget
- Taxes are 19% of the budget
- Tax rate remains the same as 2014
- Fire Protection district remains at \$.51/thousand
- Refuse district went up slightly, 1%
-

Deputy Supervisor Wayner announced that our budget meeting will be held next Wednesday, October 15, 2014 at 6:00PM.

Councilwoman Jansen stated that because the library is its own entity now, it is no longer in our budget.

RESOLUTION 118-2014

AUDIT OF CLAIMS

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

ADOPTED Ayes 3 Wayner, Alt, Jansen

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. 317 through No. 358	\$ 49,368.63
Highway Fund	No. 100 through No. 110	\$ 16,135.13
Sewer Fund	No. 95 through No. 111	\$ 6,919.50
Water Fund	No. 79 through No. 89	\$ 39,679.32

PRIVILEGE OF THE FLOOR

Dale Howard asked if we allow the Triathlon next year, could we ask the organizers to change the clothing to fluorescent colors since it's October and hard to see them. Currently they wear red, blue and black.

Dale asked if the generator has anything to do with supporting cows in the area.

Superintendent Denny stated that it's for sewer.

Dale stated that if this was for cows we may have been able to find some reimbursement.

Marcia Ray advised the board that there was an ammonia leak at Mayer Brothers earlier this summer and her mother was evacuated from their home. She would like to know if there has been any follow up; does the Town Code Enforcement Officer that checks on the safety of the plant; and who can she contact to see if it's fixed?

Deputy Supervisor Wayner told Marcia that he will look into it for her.

Scott Matheis, Barker Fire Department Chief, announced that a maintenance man was venting lines, it wasn't an actual leak. He said that the department that covers this is the Department of Transportation, Pipeline Hazardous Material Safety.

James Hoffman informed the board that a wind power open house will be held at the Barker Fire Hall from 3:00PM – 7:00PM. The name has been changed to Lighthouse Wind and has a website www.lighthousewind.com. All of the permits for the tower have been issued, and one should be up in 3-4 weeks. There is a possibility of having 2 more towers but probably in Orleans County since they have more space.

Patty Ray asked if Constable Holmes is still employed with the Town of Somerset.

Deputy Supervisor Wayner stated yes.

Patty asked for feedback from the board since she has only heard from Supervisor Engert.

Attorney Seaman stated that he has advised the board not to discuss the issue in a public forum as this is an internal employment matter.

Patty asked if the whole board has made a determination, or just Supervisor Engert.

Attorney Seaman stated that the entire Town Board has met on the matter and made the determination.

Andy Atwater congratulated the board for the work they have done in our town by making wind power people feel welcome. He would also like to see high speed internet in our entire town as most things now require you to go online and data is too expensive to buy. He would appreciate anything our town can do to keep moving forward.

Deputy Supervisor Wayner advised that it is being worked on.

On a motion of Councilman Alt, seconded by Councilman Jansen, the meeting adjourned at 7:22P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk

Budget Amendment

October 8th, 2014

General Fund		Credit		Debit
A3120.4	\$	1,680.95	A2615	\$ 1,680.95
A3120.4	\$	2,521.19	A1990.4	\$ 2,521.19
Total		\$ 4,202.14		\$ 4,202.14
Highway Fund				
DB5142.4	\$	38,294.84	DB5110.4	\$ 38,294.84
	\$	38,294.84		\$ 38,294.84