

REGULAR MEETING
JANUARY 8, 2014

The 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 January 2014.

Present: Daniel M. Engert ----- Supervisor
Randall J. Wayner ----- Councilman
Gary R. Alt ----- Councilman
Robin R. Jansen ----- Councilman
Jeffrey M. Dewart ----- 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
Randy D. Roeseler ----- Engineer
Michael J. Norris ----- Counsel

Attended by: Numerous residents

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

PUBLIC HEARING: Amending the code of the Town of Somerset to add a new Chapter 5, Assessments, Article I entitled Grievance Day

Notice of said hearing was sent to the Lockport Union-Sun & Journal on December 18, 2013 with same notice being posted on the same date at the Town Hall and on the website.

Supervisor Engert opened the hearing at 6:02PM.

Clerk Carmer read the notice of hearing.

Supervisor Engert asked for public comment. With no members of the public wishing to be heard, the hearing was closed at 6:03PM. Supervisor Engert stated that the purpose of the day change is to line it up with the day that the Assessor's office is staffed.

Supervisor Engert opened the regular meeting at 6:04PM.

RESOLUTION 7-2014

APPROVAL OF THE MINUTES

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 minutes of the previous meetings of December 10, 2013 and January 2, 2014 are approved.

RESOLUTION 8-2014

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Police Department
Dog Control Officer
Code Enforcement Officer

ANNUAL REPORTS RECEIVED AND FILED:

Town Clerk
Code Enforcement Officer
Historical Society
Dog Control Report

COMMUNICATIONS:

RESIGNATION OF ZONING BOARD OF APPEALS CHAIRMAN

Clerk Carmer read a letter of resignation received from Herbert Linderman, effective December 31, 2013.

RESIDENTS FOR RESPONSIBLE GOVERNMENT

Clerk Carmer summarized a letter from Residents for Responsible Government regarding ending toxic waste dumping in Niagara County. The letter asks for either financial assistance or to support our County Legislator in this effort.

ASSOCIATION OF TOWNS

Clerk Carmer read the notice from the Association of Towns announcing their annual meeting.

WASTE MANAGEMENT

A listing of minor modifications to facility permits for CWM Chemical Services was received.

RESOLUTION 9-2014

ANNUAL AUDIT

Supervisor Engert reported that Councilman Jansen and Councilman Dewart conducted the annual audit of the departments on December 30, 2013. Councilman Dewart stated that the audit determined that multiple tiers of security are in place to deter fraud, and they recommended that the Tax Collector make duplicate copies of deposit summaries and keep one copy.

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

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

WHEREAS, the Audit Committee conducted its annual audit on Monday, December 30, 2013, and

WHEREAS, the criminal and civil dockets of the Town Justice for 2013 having been duly examined with the monthly cash summary being viewed and the fines and fees having been turned over to the proper officials, and

WHEREAS, the records of the Code Enforcement Officer for 2013 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Town Clerk for 2013 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Tax Collector for 2013 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Supervisor for 2013 having been duly examined with all monies disbursed properly,

BE IT RESOLVED that the Somerset Town Board accept and adopt the findings of the Audit Committee for 2013 that the aforementioned departments have properly managed those monies that fall within their purview.

RESOLUTION 10-2014

ADOPTION OF LOCAL LAW 1-2014 – GRIEVANCE DAY CHANGE

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

Resolved be it Enacted by the Town Board of the Town of Somerset as follows:

ADOPTED By roll call: Engert Aye
Wayner Aye
Alt Aye

Jansen Aye
Dewart Aye

To amend the Code of the Town of Somerset by adding a new **Chapter 5, Assessments, with a new Article I, entitled "Grievance Day"** as follows:

§5-1. Pursuant to the authority of Section 512 1-a of the New York Real Property Tax Law, the Town Board of the Town of Somerset does hereby change the date for the meetings of the Somerset Board of Assessment Review from the fourth (4th) Tuesday in May to the first Wednesday following the fourth Tuesday in May.

§5-2. Such local law shall remain in effect until rescinded or superseded by subsequent local law.

This local law shall take effect immediately upon its filing in the Office of the Secretary of State.

RESOLUTION 11-2014

SUPPORT OF SOMERSET UNION MUSEUM

Supervisor Engert stated that the Somerset Union Museum is applying for Greenway Funding as a way to tie in with the Wine Trail, Seaway Trail, and the Niagara River Greenway.

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

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

WHEREAS, the Town of Somerset is a rural community located in Niagara County, and

WHEREAS, the Town of Somerset fully supports the goals and objectives of the Somerset Union Museum and desires to see the former Somerset Union Methodist Episcopal Church fully restored and maintained as a vital facility which has been part of the town since June 1878, and

WHEREAS, the Town of Somerset believes the Somerset Union Museum will spur a tourist economy and provide an educational role which will support the Barker Central School's mission within our community, and

WHEREAS, the Town of Somerset recently completed a revised Comprehensive Plan which in part recommended expansion of tourism, and particularly to capitalize on visitors to the Seaway Trail as well as build upon Wine Trail synergies in order to enhance the connection between Golden Hill State Park, the Village of Barker, the Wine and Seaway Trail within the town, and

WHEREAS, the Town of Somerset believes the Somerset Union Museum will promote linkages with the Niagara River and in doing so will support and compliment the Niagara River Greenway

NOW, THEREFORE, the Town Board of the Town of Somerset, Hereby Resolves to fully support in every way and manner possible an application for Niagara River Greenway funding as submitted by the Somerset Union Museum.

RESOLUTION 12-2014

LABORATORY TESTING CONTRACT WITH PACE ANALYTICAL SERVICES

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Supervisor Engert stated that the contract has been received and reviewed by Water/Sewer Superintendent Denny, our engineering firm, and our town attorney. 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 that Supervisor Engert is authorized to execute the agreement and enter into a contract with Pace Analytical Services for laboratory testing.

RESOLUTION 13-2014

EXTENSION OF GASOLINE BID WITH DRUM OIL & PROPANE

Supervisor Engert stated the gasoline bid has an option for four 1 year renewals and this will be our fourth year and asked the Board to exercise the option to extend the current bid for another year with Drum Oil & Propane.

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 the gasoline bid with Drum Oil and Propane, Gasport, NY is extended until February 13, 2015 as per contract.

RESOLUTION 14-2014

DELEGATE AND ALTERNATE TO ASSOCIATION OF TOWNS MEETING

Supervisor Engert proposed to nominate Clerk Carmer to be appointed the delegate for the Association of Towns meeting, and himself as the alternate delegate for the meeting.

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 Clerk Carmer be appointed delegate for the Association of Towns meeting, and Supervisor be appointed the alternate delegate for the Association of Towns meeting.

RESOLUTION 15-2014

ANNUAL APPOINTMENTS

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

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

Resolved the following appointments are approved:

DOG CONTROL OFFICER shall be Mark Remington

DEPUTY DOG CONTROL OFFICER shall be Daniel Greenwald

ZONING BOARD OF APPEALS MEMBER shall be Fred Leuer for a five year term expiring 12/31/2018

SENIOR CITIZEN DIRECTOR shall be JoAnn Greenwald

NUTRITION SITE SERVICE ASSISTANT shall be Christine Monnin

SENIOR COMMUNITY SERVICE AIDE shall be Gladys Dibble

PLANNING BOARD CHAIRMAN shall be Jon Hotaling

PLANNING BOARD AND ZONING BOARD OF APPEALS SECRETARY shall be Tracy Carmer

RESOLUTION 16-2014

APPROVAL OF TOWN PROSECUTORS

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

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

Resolved that Michael J. Norris, Daniel E. Seaman, Brian E. Seaman, and David J. Haylett, Jr., are appointed Town Prosecutors for the Town.

RESOLUTION 17-2014

APPROVAL OF SCHOOLING

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 that schooling for Elected and Appointed Officials, Water Superintendent, Code Enforcement Officer, Assessor and Dog Control Officers when school pertains to respective jobs is duly authorized.

RESOLUTION 18-2014

APPROVAL OF HISTORICAL SOCIETY CONTRACT

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 contract with the Town of Somerset Historical Society for \$7,600.00 for 2014 is approved.

RESOLUTION 19-2014

APPROVAL OF SENIOR CITIZENS AGREEMENT

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 that the agreement with the Barker Senior Citizens for \$7,500.00 for 2014 is approved.

RESOLUTION 20-2014

APPROVAL OF SOMERSET YOUTH BASEBALL AGREEMENT

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 agreement with the Somerset Youth Baseball League for \$6,200.00 for 2014 is approved.

RESOLUTION 21-2014

APPROVAL OF AMERICAN LEGION AGREEMENT

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 that the agreement with the American Legion Herbert W. Carr Post #425 for providing veterans service for 2014 for \$ 1,400.00 is approved.

RESOLUTION 22-2014

APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER

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 contract with the Village of Barker for providing use of highway equipment and services for 2014 is approved.

RESOLUTION 23-2014

APPROVAL OF WATER/SEWER AGREEMENT WITH VILLAGE OF BARKER

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 contract with the Village of Barker for providing use of equipment and services for repair of water lines for 2014 is approved.

RESOLUTION 24-2014

ENGINEERING CONTRACT

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 that the contract with Audubon Architecture, Engineering, Surveying & Landscape Architecture, PC aka as Wendel for providing engineering services for 2014 is approved.

RESOLUTION 25-2014

APPROVAL OF AGREEMENT WITH NIACAP

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 agreement with the Niagara Community Action Program (NIACAP) for \$2,000 for 2014 is approved.

RESOLUTION 26-2014

AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.

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 that the Superintendents of Departments are authorized to purchase stone, gravel, asphalt, gasoline, tires, etc., at state and county prices.

RESOLUTION 27-2014

AUTHORIZE PURCHASES UP TO \$1,000.00

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 that the department heads are authorized to purchase up to \$1000.00 per item without prior Town Board approval.

RESOLUTION 28-2014

AUTHORIZE TO PRE-PAY ITEMS

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 Supervisor is authorized to prepay utility bills, contracts and postage.

RESOLUTION 29-2014

AGREEMENT TO SPEND HIGHWAY FUNDS

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 pursuant to the provisions of Section 284 of the Highway Law, monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, \$254,328.00 shall be expended for the general repairs upon 33.42 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 30-2014

APPROVAL OF INVESTMENT POLICY

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 that upon review by the Town Board, the investment policy of the Town of Somerset is approved.

RESOLUTION 31-2014

APPROVAL OF PROCUREMENT POLICY

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 that upon review by the Town Board, the procurement policy of the Town of Somerset is approved.

RESOLUTION 32-2014

RECEIVE APPLICATIONS FOR ZONING BOARD OF APPEALS MEMBER

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 that the Town is accepting applications for a Zoning Board of Appeals member. Supervisor Engert asked Clerk Carmer to post the position on the website for all interested citizens who would like to sit on the board to submit their application.

RESOLUTION 33-2014

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. 1 through No. 11	\$63,937.97
Highway Fund	No Vouchers Paid	
Sewer Fund	No. 1 through No. 4	\$ 1,005.03
Water Fund	No. 1 through No. 5	\$29,287.50

INTRODUCTION OF NEW ATTORNEYS

Supervisor Engert introduced the new attorneys Brian Seaman and Michael Norris. Attorney Norris thanked the board for the confidence placed in themselves and their law firm.

Attorney Seaman stated that he is available for Town matters if Attorney Norris cannot be reached.

Supervisor Engert stated that Attorney Seaman will be the regular attendee at the Planning and Zoning Board of Appeals meetings, and Attorney Norris will be handling the municipal duties and will be prosecutor for the first few months of the year.

PRIVILEGE OF THE FLOOR

Jon Hotaling thanked the board for their support of the American Legion.

Robert Wendler (on behalf of the Barker Fire Department) stated that the members in the audience were at the meeting to show support for the Town Board and they heard there may be some discussion on fire matters. He stated that an invitation was extended to the Town Board to attend a meeting with the fire department and the Village Board. Supervisor Engert asked to change the meeting to January 16 so that the representative that can answer all of their questions can be there. Discussion ensued regarding incorrect information being released.

Chris Czelusta asked why the Town Board changed the meeting time to 6:00PM. He has heard a lot in the community that they don't like the earlier start time.

Supervisor Engert stated that moving it forward gives the board more opportunity to deliberate on items and not be there until late into the night. If people are having difficulty attending the earlier time, the board will be responsive.

Councilman Wayner encouraged Chris to have the residents contact the board members with complaints.

Norm Jansen gave accolades to the members of the Barker Fire Department. He went on to discuss his dislike of the change in meeting time. He feels it's alright in the winter, but would like to see it go back to the later time during the summer.

On a motion of Councilman Dewart, seconded by Councilman Jansen, the meeting adjourned at 7:29 P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk