

TOWN BOARD REGULAR MEETING
APRIL 11, 2018

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 11th day of April 2018.

Present: Daniel M. Engert ----- Supervisor
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Chris Bronson----- Councilwoman
Jon Hotaling ----- Councilman
Tracy L. Carmer----- Town Clerk
David Haylett----- Attorney

Excused: Melvin H. Denny ----- Supt of Water/Sewer/Grounds
Michael M. Flint ----- Supt. of Highways
Mindy Austin ----- Confidential Asst. to the Supervisor
Brian Sibiga ----- Engineer

Attended by: Approximately 25 residents and students

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

RESOLUTION 76-2018

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved the minutes of March 14, 2018 be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Dog Control
Code Enforcement
Police

RESOLUTION 77-2018

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved the Supervisor's Monthly report be accepted as submitted.

COMMUNICATIONS

Supervisor Engert stated that the Niagara County Health Department will be performing maintenance on the water transmission main that serves Somerset and various other municipalities on April 17, 2018. They tested it last week and there was no effect on Somerset residents so we may not even notice. If your water is milky colored afterward it is because of air in the water and you may contact the water department as there are things they can do to help eliminate it.

Supervisor Engert read a statement regarding a letter that he sent to APEX on behalf of our community and the lack of response from anyone at APEX. He said the letter noted the strong opposition to the project, explained the changes to our local laws (that he personally informed APEX of in February) and specifically highlighted APEX' own statement "we know they are large machines. They do change the landscape." The letter calls on the siting board to fully enforce our local laws and refrain from waiving laws that are specifically designed to protect the health and safety of our citizens and to protect our community character. He then read the letter and named the recipients of the letter that he sent to 15 officers and employees of APEX, including the President and CEO, and Chief Strategy Officer. He included a copy of all three local laws that were recently adopted. In the letter he voiced his concern over APEX' willful disregard of the community's strong opposition to the project. He noted that our public hearings were packed with people vehemently opposed to having this project in our town. He said that APEX was arrogant and attempted to flood the New York State DPS website with positive comments about wind energy generated by a supposed independent group of concerned mothers from Rochester. The local people who will be impacted by the project continue to raise serious questions about its impacts on the environment and the character of our town. He expressed his personal displeasure at APEX failure to advance the project in a timely fashion. As the company spends years attempting to override our laws, the uncertainty created has reduced property values, hindered development, and strained relationships between family and friends. He hopes that APEX will follow its own advice and only place projects in municipalities willing to bear the burden of wind energy development. He noted that there is not a representative from APEX Clean Energy at the meeting.

RESOLUTION 78-2018

PLANNING BOARD APPOINTMENT

Supervisor Engert said that Laura Bishop asked to be considered for the vacancy on the Planning Board. He stated that he has worked with her for a number of years and feels she would be a very good appointment.

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved Laura Bishop is appointed to the Town of Somerset Planning Board with a term expiring 12/31/2019.

RESOLUTION 79-2018

AUDIT OF CLAIMS

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 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. 138 through No. 172	\$ 35,431.10
Highway Fund	No. 47 through No. 56	\$ 37,490.57
Sewer Fund	No. 38 through No. 50	\$ 4,265.70
Water Fund	No. 26 through No. 38	\$ 50,851.43

PRIVILEGE OF THE FLOOR

Jim Hoffman thanked the board for the letter that was sent to APEX.

Pam Atwater advised that Skyhunters USA is going to present a program about falconry at the elementary gym at the school on Saturday at 1:00PM.

Cathi Orr thanked the board for standing up for us.

Supervisor Engert stated that Cathi Orr, Dennis Vacco, Mary Kay Barton, and he will be participating in a talk show on WBEN on April 21st at 1:00. He said they will be discussing a number of issues.

A student asked what the impact will be on the community with the coal plant closing. Supervisor Engert stated that we have been experiencing the impact for over a decade. In 2008 revenue was \$15million, and in 2018 it will be \$4million. He said we are hopeful the plant will continue to operate after 2020.

Supervisor Engert stated that the Town of Yates Town Board will be voting tomorrow on joining with the Town of Somerset to go with our legal team of Lippes Mathias. This will help offset the cost of legal fees.

Marcia Ray asked the Supervisor if he is optimistic that we can override Article 10. Supervisor Engert said he will always be optimistic and would not be spending taxpayer money if he didn't believe that we will prevail.

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the meeting adjourned at 6:19P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk

