

REGULAR MEETING
AUGUST 12, 2015

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 12th day of August 2015.

Present: Daniel M. Engert ----- Supervisor
Gary R. Alt ----- Councilman
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Randall J. Wayner ----- Councilman
Tracy L. Carmer ----- Clerk
Mindy Austin ----- Confidential Asst. to the Supervisor
Michael M. Flint ----- Supt. of Highways
Michael J. Norris ----- Counsel
Randy Roeseler----- Engineer

Absent: Melvin H. Denny ----- Supt. of Water/Sewer/Grounds
Attended by: numerous residents

Supervisor Engert called the meeting to order at 6:30PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 92-2015

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 meeting are approved.

RESOLUTION 93-2015

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

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

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

Supervisor Engert stated that an investigation occurred regarding the concern about a town employee that was raised at last month's board meeting. The employee and the resident who he allegedly made the comments to were both interviewed and it was determined that the employee did not make the statements. The report is in the personnel file and the matter is closed.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Police Report

COMMUNICATIONS:

Clerk Carmer read a letter received from the State Department of Transportation stating that a traffic engineering investigation has been initiated to review our request for a speed limit reduction on Route 18 at Hartland Road.

Clerk Carmer also advised that a revised Emerald Ash Borer Risk Area map and Quarantine Boundary map were received from Niagara County. She posted them to the website and will post them at the Town Hall.

HIGHWAY EQUIPMENT DELIVERIES

Superintendent Flint stated that he brought the new 10 wheeler over and parked it by the tank so interested residents can inspect it after the board meeting. He is pleased to be asked to display it at the Town Highway Association picnic. The smaller truck that he ordered should be here by the end of September. Of the conversations he had with vendors to obtain a quote, Beam Mack stood out well above the others. Both trucks came in under budget.

RESOLUTION 94-2015

BARKER FIRE DEPARTMENT MEMBER REFERRAL

Supervisor Engert stated that the board has been presented with another applicant for the fire department. The applicant was approved through the Fire Department's investigative committee and their standing requirements.

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

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

Resolved Casey Kubala is appointed to the Barker Fire Department.

Councilman Wayner stated this is the second meeting we had new members wanting to join the fire department and he thanked them for joining.

RESOLUTION 95-2015

AUDIT OF CLAIMS

On a motion of Councilman Wayner, seconded by Councilwoman Jansen, 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. 265 through No. 305	\$ 43,419.02
Highway Fund	No. 86 through No. 105	\$ 229,018.40

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Sewer Fund	No. 80 through No. 89	\$ 3,557.50
Water Fund	No. 72 through No. 81	\$ 5,547.04

PRIVILEGE OF THE FLOOR

Dale Howard stated that Supervisor Engert stated in an article in the Buffalo News on August 5th that we are looking for legal counsel to fight for home rule. He asked if there's a date we are going forward with that.

Supervisor Engert stated we are fighting for home rule. There is no date for counsel.

Cathi Orr spoke about the flyer that was distributed by APEX. She disputed the stats of the Assessor from Weathersfield and is upset that APEX used incorrect information when they used her Orangeville property sale information on their flyer. She clarified that she sold her property in 2013 prior to the installation of the wind turbines. The new owner divided the property into three parcels in 2014 and lost \$40,000. Cathi provided information on sales in Orangeville, stating that of seventeen home sales, ten sold below assessment and the remaining seven remain unsold.

Paulo Oliveira said he will read an email he received from a resident that he feels relates to town business. Supervisor Engert asked whether this has anything to do with the election or politics...Paulo said it has nothing to do with that. Paulo read the email where the resident discussed the petition challenge being a technicality of Barker being a village, not a town; wanting a debate between Supervisor Engert and Paulo Oliveira; and wanting Councilman Wayner to focus on the real issues.

Betty Wolanyk asked if the Ad-Hoc Committee meetings are open to the public.

Supervisor Engert said yes.

Betty asked if the public is allowed to speak at the meetings.

Supervisor Engert stated that they can talk after the meeting, but not during the meeting.

Betty asked if minutes are taken.

Supervisor Engert stated that minutes are not prepared, but notes are taken.

Supervisor Engert said we don't want committee members to be afraid to do the hard work and take the positions that they need to take.

Supervisor Engert emphasized that this Committee is an advisory committee who will only be making recommendations or suggestions to the Town Board.

If any action is considered by the Town Board, these proceedings will have minutes prepared and be subject to at least one formal public hearing. Throughout that process, residents will be able to speak about this topic through the privilege of the floor sessions as well.

Betty stated that the Lighthouse Wind flyer showed \$1.6 million tax revenue annually for 20 years. She asked where that figure came from and does the town board know anything about it.

Supervisor Engert stated that he does not know where the figure came from. The town has not received any money or payments from any PILOT or any other arrangement from APEX. He does not know anything about it.

Jim Hoffman congratulated the board and the supervisor for fighting for home rule and working with the county against the project.

Dan Fitzgerald provided an update. He stated that the Preliminary Scoping Statement should be out in the next few weeks. They are heading towards an application where we will be able to see all of the facts of the proposed project put together.

John Wolanyk said he thought the public could speak at the Ad-Hoc Committee meetings, and he asked why APEX is on the committee of community members. Supervisor Engert explained that the meetings are open to the public, but the committee members spend a lot of time doing research and in the interest of their time there is not a public speaking portion. The committee does not make rules, they will be making a recommendation to the town board and it's up to the town board to decide what action is to be taken, if any. The committee will finish by February and we will take on legal counsel at that time. When the town board is drafting the necessary legal legislation that we will need to defend home rule and the community's voice, we will have extremely competent counsel to guide us through. The board is conscious of spending tax dollars and they want to take precautions to not hire additional counsel before we need to. We currently have exceptional counsel and planners and the board feels it has assembled the right team at this time.

Marcia Ray asked when the recommendations will go to the town board and will they be announced at a town board meeting or will we have a special meeting for that?

Supervisor Engert said that is up to the town board. The board can provide updates, but people can attend the meetings to listen and watch how the committee works. The meetings are posted on our website.

Marcia asked how many committee members are from Somerset.

Supervisor Engert stated that all of them are Somerset residents except two. The president of Save Ontario Shores is from Yates, and the representative for APEX is from Albany.

Sue Davis stated that Supervisor Engert did an excellent job speaking in Lockport and she is proud of who we have on the board.

RESOLUTION 96-2015

EXECUTIVE SESSION

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 to enter into Executive Session to discuss labor negotiations at 7:00PM.

RESOLUTION 97-2015

RETURN TO REGULAR SESSION

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

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

Resolved to return to Regular Session at 8:06PM.

On a motion of Councilman Dewart, seconded by Councilman Wayner, the meeting adjourned at 8:07PM subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk