

TOWN BOARD REGULAR MEETING
AUGUST 9, 2017

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 9th day of August 2017.

Present: Daniel M. Engert ----- Supervisor
Jeffrey M. Dewart ----- Councilman
Robin R. Jansen ----- Councilwoman
Tracy L. Carmer----- Town Clerk
Melvin H. Denny ----- Supt of Water/Sewer/Grounds
Michael M. Flint ----- Supt. of Highways
Mindy Austin ----- Confidential Asst. to the Supervisor
Brian Sibiga ----- Engineer
David Haylett----- Attorney

Absent: Gary R. Alt ----- Councilman

Attended by: 23 residents

Supervisor Engert called the meeting to order at 6:30PM with the Pledge to the Flag

RESOLUTION 73-2017

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

Resolved the minutes of July 12, 2017 be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Police Report

RESOLUTION 74-2017

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

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

RESOLUTION 75-2017

LIGHTHOUSE WIND PROJECT STIPULATIONS

Supervisor Engert stated that if adopting stipulations, the Board is required to adopt them publicly even though the stipulations are confidential.

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

RESOLVED, that upon advice and recommendation from the Town's retained attorneys, the Supervisor is authorized to enter into stipulations on the proposed Article 10 project proposed in the Town.

Supervisor Engert announced that they will not enter into stipulations that will be part of the application. He provided an example using number 7 that discusses natural gas power facilities and he stated that the Town may be inclined to agree and stipulate that this is not a natural gas power facility.

RESOLUTION 76-2017

MAYER BROTHERS WATER SERVICE

Supervisor Engert stated that Mayer Brothers has requested to have their service extended.

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

WHEREAS, Mayer Brothers is currently completing an expansion of their facilities and desires to have a new 6-inch water line service installed by the Town; and

WHEREAS, Wendel has submitted a proposal to prepare design documents and provide construction support for the waterline service installation at an amount of \$7,500.00; and

WHEREAS, the Town Engineer has determined that boring under Lake Road and the installation of casing pipe cannot be completed by the Town Water Department; and

WHEREAS, the Town Code requires the applicant to fully compensate the Town water district for the total cost of the service connection construction project.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby retains Wendel to prepare design documents and provide construction support for the service extension requested by Mayer Brothers at a cost not to exceed \$7,500.00; and be it further

RESOLVED, that the Town Board of the Town of Somerset hereby authorizes the Town Engineer to issue a written RFP and obtain at least two written proposals for boring under Lake Road and casing pipe installation for the water service extension project at Mayer Brothers; and be it further

RESOLVED, that the Supervisor is authorized to execute any and all documents in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

RESOLUTION 77-2017

SEWER REPAIR

Supervisor Engert stated that we went out to bid for the work to repair our sewers and only one company was willing to submit a bid due to the small amount of work for the job. Although it was less than a 10% increase, United Survey submitted a bid that was higher than our previous resolution authorized. Due to this, it was determined that a new resolution was necessary.

Engineer Sibiga said that this company did some of the manhole repairs in Town and they are a reputable company.

Supervisor Engert stated that the work needs to be contracted because it is a technical project that our crew cannot do.

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

ADOPTED: Ayes	3	Engert, Jansen, Dewart
Nays	0	

WHEREAS, Wendel solicited written proposals to provide materials and labor for repairs to four sections of 12-inch and 15-inch diameter gravity sanitary sewers along Quaker Road; and

WHEREAS, the Town received one written proposal from United Survey in the amount of \$31,595.00; and

WHEREAS, Wendel has documented their efforts to obtain additional written proposals from five other companies to no avail; and

WHEREAS, the proposal by United Survey has been deemed to be a responsible proposal.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby retains United Survey to provide materials and labor for repairs to four sections of 12-inch and 15-inch diameter gravity sanitary sewers along Quaker Road; and be it further

RESOLVED, that the Supervisor is authorized to execute any and all documents in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

RESOLUTION 78-2017

STANDARD WORK DAY

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

BE IT RESOLVED, that the Town of Somerset/30287 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities: (attached at the end of the minutes)

Clerk Carmer stated that it will be posted on the website for 30 days.

RESOLUTION 79-2017

BOARD OF ASSESSMENT REVIEW APPOINTMENT

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

Resolved to re-appoint Jacqueline Reynolds to the Board of Assessment Review with a term expiring September 30, 2022.

RESOLUTION 80-2017

AUDIT OF CLAIMS

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

ADOPTED: Ayes 3 Engert, 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. 294 through No. 328	\$ 46,627.11
Highway Fund	No. 89 through No. 101	\$ 13,878.11
Sewer Fund	No. 76 through No. 88	\$ 4,603.44
Water Fund	No. 64 through No. 69	\$ 8,674.96

PRIVILEGE OF THE FLOOR:

Pam Atwater stated that SOS received a lot of support at the Niagara County Fair. She spoke to a leaseholder from Sheldon who has multiple turbines on his property. He feels that the town got jipped. Originally there was no town tax, but after six years they have town tax again. The developer (not APEX) did not follow the agreement they had with him so he had to be on site every day to make sure they weren't doing something that they said they weren't going to do. They were using slag for fill and there were ground water issues. She wished Taylor Quarles was here so she could suggest that APEX be careful who we speak to since Sheldon is the place that Taylor mentions where we should go.

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Greg McConnell said that on July 24th the Governor signed Lake Ontario Connected Waterways Assessment Relief Act and municipalities have the option to opt in to it. The Town has until August 24th to opt in.

Supervisor Engert has not heard of this so he will get information on it

Agnes LaPort thanked the Board for their continued work opposing the wind project. She asked if there is an update on the Broadband initiative.

Supervisor Engert said that Spectrum is keeping their schedule confidential.

Krista Atwater from Lower Lake Road noted that boxes were placed on her road so her children spoke to the workers today. They told her son that they will be up and running by the end of the month.

Dick Ray said he is concerned how many people are parking along the roadsides now and landscapers tend to take up part of the road. Drivers tend to not stop and wait, just pull into the other lane to go around. He would like the Town to implement the same rules that we have for the winter time.

Betty Wolanyk said the backlash continues and entire states are rejecting or restricting wind projects. Oklahoma ended their tax credit; Tennessee has a ban until July 2018; North Carolina has an 18 month moratorium to assure the air base is not impeded and to “consider the impact of future wind energy facilities and energy infrastructure on military operations, training, and readiness above and beyond DOD standards.” Fishermen and a fishing association in Long Island have filed a lawsuit to prevent a project from being built. Clarence and Tonawanda are creating laws to prohibit large scale farms that sell the power back to the grid. She said that big wind is using taxpayer dollars to sue small towns. She stated the backlash reaches to Europe and Canada. Also, Parishville NY refused a PILOT for a proposed project and implemented a new wind law that requires setbacks of the towers to five times the height of the tower from the property line of a non-participating landowner. The wind company FOILed minutes and emails for what is expected to be an attempt to supersede local law with Article 10. She feels the longer it takes the better, but to anticipate a lawsuit.

Peg Schwabel said she wrote to New York State asking if they have an on-shore wind plan. They have an off-shore wind plan, but do not have an on-shore plan. She said they are holding meetings with residents and doing many studies for off-shore wind, but nothing for on-shore wind.

Jim Hoffman stated that he was at the Niagara County Fair and says the surveys are accurate. He said people are willing to talk and listen and found more than two to one people are against this project. He thanked Legislator Syracuse and Legislator Godfrey for a resolution that was passed “Regarding Article 10 Process and Comprehensive Review of the APEX Clean Energy Project”, and he read the resolution. He said an informal review was done a while ago and was termed Lighthouse Wind unlikely to impact NFARS. He

stated that means there is still a possibility it will impact NFARS. He said that a colonel stated that with their new mission Lighthouse Wind would be a non-issue. He feels the colonel neglected to address the possibility that the mission could change, which does happen. He also said that Brooke Beaver from APEX works with military to mitigate any impacts. He feels this is an admission that there are or could be impacts.

Marcia Ray is impressed with the people who take the time to research and inform the public. She is confused by APEX supplying generalizations, and not facts. She stated they supply hot dogs to our kids at public events and she looks at that as a bribe.

Jim Ferington asked if it is entered in the minutes of the number of people in the audience that are opposed to the project.

Supervisor Engert stated that we reflect a general number of people in the audience but we do not poll the audience at every meeting. All of the comments are in the minutes so you can view them.

RESOLUTION 81-2017

EXECUTIVE SESSION

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

Resolved to enter into execution session at 7:08PM to discuss a personnel matter with our attorney.

RESOLUTION 82-2017

RETURN FROM EXECUTIVE SESSION

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

Resolved to exit executive session at 7:13PM.

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the meeting adjourned at 7:14P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk