

REGULAR MEETING
FEBRUARY 11, 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 11th day of February 2015.

Present: Daniel M. Engert ----- Supervisor
Randall J. Wayner ----- Councilman
Gary R. Alt ----- Councilman
Robin R. Jansen ----- Councilwoman
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
Michael J. Norris ----- Counsel

Attended by: 25 residents and BCS students

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

RESOLUTION 36-2015

APPROVAL OF THE MINUTES

On a motion of Councilwoman Jansen, 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 37-2015

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement
Dog Control
Police Report

WATER/SEWER QUARTERLY REPORT RECEIVED AND FILED

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ANNUAL REPORTS RECEIVED AND FILED:
Justice Court

COMMUNICATIONS:

Clerk Carmer read a letter received from Modern Waste Management outlining changes for 2015 relating to electronic recycling. Also, effective March 1, 2015, mattresses and box springs will be subject to a fee. Supervisor Engert informed the board that the local Town Supervisors challenged this as a violation of our contracts and Modern has agreed not to charge this fee.

Clerk Carmer read a communication that was received from Heather McIntyre and Rob Mucha requesting permission to hold a fun run and walk on March 28, 2015, on the roads of the town to finish off their week long campaign for the Donate Life Program.

RESOLUTION 38-2015

DONATE LIFE PROGRAM FUN RUN AND WALK

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 permission is granted to the Barker Central School Donate Life Program to use town roads for a fun run on March 8, 2015 at 11:00AM.

RESOLUTION 39-2015

ASSESSOR APPOINTMENT

An agreement to share Assessor services was passed by the Niagara Falls City Council.

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 Jim Bird is appointed sole Assessor effective February 15, 2015.

RESOLUTION 40-2015

FUEL CONTRACT

Two bids were picked up, and one bid was submitted as follows:

<u>Name and Address of Bidder</u>	<u>Amount</u>
Drum Oil & Propane	Diesel Fuel \$2.1007
P.O. Box 375	Firm Add On \$.1500
Gasport, NY 14067	Total \$2.2507
	Winter Blend \$2.2060
	Firm Add On \$.1500
	Total \$2.3560

Drum Oil Fuel Bid Cont'd.

Unleaded Gas \$1.7562
Firm Add On \$.2000
Total \$1.9562

Upon learning of a discrepancy between the bid and State pricing, Supervisor Engert investigated and found the discrepancy arose from the two entities using a different cycle. Drum Oil bases their pricing on the daily rate while the State maintains a weekly rate, both based on the Journal of Commerce. Discussion ensued regarding fuel delivery and monitoring the price variances each year.

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

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

Resolved the bid for gasoline from Drum Oil & Propane, P.O. Box 375, Gasport, NY 14067 is approved with the option of annual renewal for 4 years as presented.

RESOLUTION 41-2015

PLANNING BOARD APPOINTMENT

Supervisor Engert stated that we have a vacancy on the Planning Board with the expiration of Gary Few's term on December 31, 2014. He asked the Planning Committee to meet with the Planning Board Chairman to discuss training issues.

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 Gary Few is appointed to the Planning Board with a term expiring December 31, 2019.

BROADBAND ACCESS UPDATE

An RFP was sent to over twenty internet service providers and eight of them expressed interest. Four provided a response and are being evaluated by the consultant and the Counties of Niagara and Orleans. One vendor would be ready to install in Spring. The Supervisors are working with Dr. Clark Godshall to obtain funding in addition to other funding that may be available.

RESOLUTION 42-2015

HIGHWAY PLOW EQUIPMENT

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

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

WHEREAS, General Municipal Law Section 103(16) permits any board of a political subdivision to “piggyback” off another political subdivision for purchases of goods and equipment if such contract was let to the lowest responsible bidder; and

WHEREAS, the County of Onondaga, by bid reference number 7974, put out for sealed bids the furnishing of Ford 550 XL Reg Cab 4 x 4 with options and body and associated options and said bid allowed all municipal entities authorized under the General Municipal Laws of the State of New York to purchase goods under this Bid Contract; and

WHEREAS, Van Bortel Ford of East Rochester, NY was the awarded this bid Contract by the County of Onondaga; and

WHEREAS, the Town of Somerset finds it is in the best interest of the Town to “piggyback” off of the County of Onondaga Bid No. 7974 as permitted by General Municipal Law Section 103(16); now therefore be it

RESOLVED, that the Town of Somerset Highway Superintendent is hereby authorized to purchase a 2015 550 XL Reg Cab 4 x 4 with 9 foot steel cross-member and Super Duty Hitch Wing System from Van Bortel Ford of East Rochester, NY as allowed for under the awarded County of Onondaga Bid No. 7974 at a cost not to exceed \$91,813.24 and said expenditure shall be taken from the 2015 budget.

RESOLUTION 43-2015

POLICE EQUIPMENT

Supervisor Engert stated that the police vehicle purchased in 2012 needs to be replaced. Councilman Wayner obtained bids from four vendors and viewed over two dozen cars. 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, to purchase and authorize payment for stock #V3084 from Vito Enterprises at a cost not to exceed \$8,765.

DISCUSSION ON THE ABOVE RESOLUTION:

Supervisor Engert stated that many repairs have been made to the vehicle recently and does not want to put more money into it. He stated that if there is a way to salvage it for back up for a period of time, he hopes to do that.

Councilman Wayner stated that we put 110,000 miles on it.

RESOLUTION 44-2015

NON-UNION EMPLOYEE HANDBOOK REVISION

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

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

Resolved that the insurance buyout that is offered to union employees will also be offered to non-union employees with the option for non-union employees to be allowed to enter back into the plan on an annual basis if their other insurance plan has a change in pricing, benefit structure or network.

RESOLUTION 45-2015

LAKESHORE ACCESSORY BUILDING REGULATION

Attorney Norris provided the board with an overview of the meetings held by the Planning Board. He stated that it was discussed thoroughly by the members from June through October 2014. If a resident lives on the north side of the road and owns property on the south side of the same road, the resident can build a structure on the south side following certain regulations. The vote by the Planning Board was split 3-2. Attorney Norris will find out if this will also have to go the County Planning Board.

Councilwoman Jansen introduced the Local. Then, on the motion of Councilwoman Jansen, seconded by Councilman Alt, the following resolution was

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

Resolved a Public Hearing will be held on March 11, 2015 at 6:30PM to hear and consider the following amendment:

Repeal §205-34 (B) in its entirety and replace with:

B. Before there can be any accessory building or accessory use in a Residential Lake Shore District (RLS), there must first be a principal use or principal dwelling on the lot, except as provided in §205-35 (B).

Repeal §205-34 (C) (1) in its entirety and replace with:

All accessory buildings shall be set back a minimum of 100 feet from the road right of way.

Add §205-35 (B)

B. An accessory structure on a vacant parcel on the south side of a road if the property owner who owns such parcel also owns a parcel on the north side of the same road and directly on the lake shore with a principal structure located on it. The Planning Board shall take into consideration and review the structure's overall appearance and proposed location, including but not limited to: architectural styles, design materials, and colors; the surrounding area including the impact of lake views and other buildings located in area; and the overall aesthetic enhancement of the Town and the Lake Shore District. Any approval of the Special Use Permit by the Planning Board may be conditioned upon its review of the foregoing considerations.

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Recommended by Town Planning Board on October 2, 2014

Ayes: 3

Nays: 2

RESOLUTION 46-2015

AUDIT OF CLAIMS

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 that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 48 through No. 81	\$102,179.68
Highway Fund	No. 10 through No. 19	\$ 40,530.74
Sewer Fund	No. 15 through No. 24	\$ 3,088.96
Water Fund	No. 15 through No. 22	\$ 1,842.58

PRIVILEGE OF THE FLOOR

Jon Hotaling complimented the Highway Department for the excellent job they are doing this winter.

Dale Howard stated that he attended all of the Planning Board meetings and it was his understanding that you did not have to own a house on the same road.

Attorney Norris said no, it has to be on the same road. He told Dale that he will be able to express his opinion at the public hearing.

RESOLUTION 47-2015

EXECUTIVE 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 the Board enter into an executive session at 7:05PM for consultation with the Town Attorney.

RESOLUTION 48-2015

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 the Board return to regular session at 7:52PM.

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On a motion of Councilman Alt, seconded by Councilman Dewart, the meeting adjourned at 7:53 P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk