

REGULAR MEETING
JANUARY 13, 2016

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 13th day of January, 2016.

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

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 28-2016

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 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
Historical Society
Fort Hyde Kennels
Barker Senior Citizens
Barker Fire Department

RESOLUTION 29-2016

APPROVAL OF THE MINUTES

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 minutes of the previous meeting of January 6, 2016 are approved.

RESOLUTION 30-2016

ANNUAL AUDIT OF DEPARTMENTS

Supervisor Engert reported that Councilwoman Jansen and Councilman Dewart conducted the annual audit of the departments on December 29, 2015. Councilwoman Jansen stated that she and Councilman Dewart audited the following areas:

Town Clerk – Dog licensing, Hunting licensing, Water Bill collection

Supervisor – A new procedure was implemented this year where a sign-off sheet can be sign by board members after review of the monthly invoices. Another procedure was to keep the printed checks attached to the abstract with the individual invoices so the checks could be reviewed to make sure the checks matched the invoices and the abstract. There was also a new procedure put into place for payment of dental and vision claims. They were moved from the Supervisor’s Confidential Assistant to a benefits administrator using a benefits card instead of check reimbursement out of the Supervisor’s department.

Justice – Fines and bail. They also discussed with the Court Clerk about scoffs and how the Court Clerk continues to send notices to get those fines paid. This was in response to a state audit of the Town of Niagara that found that scoffs were not being followed up by the Court Clerk.

Tax Collector – reviewed the procedures which were changed a couple of years ago that made the audit much easier.

During the audit any questions they had were answered to their satisfaction. They audited cash, check and online (bank) payments and were satisfied with the results of the audit for each of the above areas.

Supervisor Engert stated that the audit committee discussed procedures for making deposits and will be working with Barker Central School to arrange making deposits. When our local bank closed it created a challenge for the Town to get deposits made during banking hours and First Niagara in Newfane does not have night deposit. We are working on a shared service agreement with the school since they make daily deposits and perhaps we can take turns making the deposits.

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

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

WHEREAS, the Audit Committee conducted its annual audit on Tuesday, December 29, 2015, and

WHEREAS, the criminal and civil dockets of the Town Justice for 2015 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 Town Clerk for 2015 having been duly examined and turned over to the proper officials, and
WHEREAS, the records of the Tax Collector for 2015 having been duly examined and turned over to the proper officials, and
WHEREAS, the records of the Supervisor for 2015 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 2015 that the aforementioned departments have properly managed those monies that fall within their purview.

RESOLUTION 31-2016

BARKER FIRE DEPARTMENT MEMBERSHIP REFERRAL

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 Marissa Morford is awarded membership to the Barker Fire Department effective January 13, 2016.

RESOLUTION 32-2016

PROPOSED LOCAL LAW AMENDING THE "VIOLATIONS; PENALTIES FOR OFFENSES" PROVISION (CHAPTER 205) OF THE CODE OF THE TOWN OF SOMERSET

The proposed local law was introduced by Supervisor Engert.

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

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

Whereas, the Code of the Town of Somerset contains and specifies the local laws, and ordinances of the Town of Somerset; and

Whereas, a proposed Local Law entitled "A Local Law Amending the Violations; penalties for offenses provision (Chapter 205) of the Code of the Town of Somerset" has been introduced; and

Whereas, the Town would like refer these proposed code revisions to Niagara County Planning Board in accordance with General Municipal Law Section 239-m and to the neighboring municipalities under General Municipal Law Section 239-nn;

NOW, THEREFORE, BE IT

RESOLVED, that the Somerset Town Board authorizes the completion of the General Municipal Law Section 239-m referral to the Niagara County Planning Board and General Municipal Law Section 239-nn referral to the neighboring municipalities; and be it further

RESOLVED, that the Somerset Town Board does hereby call for a public hearing to be held on a proposed local law entitled "A Local Law Amending the Violations; penalties for offenses provision (Chapter 205) of the Code of the Town of Somerset" at the Somerset Town Hall, 8700 Haight Road, Barker, NY 14012 at 6:30pm on February 10, 2016.

RESOLUTION 33-2016

**PROPOSED LOCAL LAW TO ADD CHAPTER 169 INFRASTRUCTURE
PRESERVATION TO THE CODE OF THE TOWN OF SOMERSET**

The proposed local law was introduced by Supervisor Engert.

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

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

Whereas, the Code of the Town of Somerset contains and specifies the local laws, and ordinances of the Town of Somerset; and

Whereas, a proposed Local Law to add Chapter 169 Infrastructure Preservation to the Code of the Town of Somerset has been introduced; and

NOW, THEREFORE, BE IT

RESOLVED, that the Somerset Town Board does hereby call for a public hearing to be held on a proposed local law to add Chapter 169 Infrastructure Preservation to the Code of the Town of Somerset at the Somerset Town Hall, 8700 Haight Road, Barker, NY 14012 at 6:30pm on February 10, 2016.

RESOLUTION 34-2016

**PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF SOMERSET
CHAPTER 205 ZONING**

Supervisor Engert introduced a proposed Local Law to Amend the Code of the Town of Somerset Chapter 205 Zoning and called for a roll call vote on the written resolution before them. The following written resolution was

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ADOPTED BY ROLL CALL VOTE	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Abstain
	Councilwoman Jansen	Aye
	Councilman Dewart	Aye

Whereas, the Code of the Town of Somerset contains and specifies the local laws, and ordinances of the Town of Somerset; and

Whereas, a proposed Local Law entitled “A Local Law Amending the Code of the Town of Somerset Chapter 205 Zoning” has been introduced; and

Whereas, the Town would like to start the process of considering these zoning revisions, and in accordance with Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Somerset Town Board would like to establish itself as SEQRA Lead Agency; and

Whereas, the Town would like to refer these proposed code revisions to Niagara County Planning Board in accordance with General Municipal Law Section 239-m and to the neighboring municipalities under General Municipal Law Section 239-nn;

NOW, THEREFORE, BE IT

RESOLVED, that the Somerset Town Board authorizes the completion of a coordinated SEQRA process; and be it further

RESOLVED, the Somerset Town Board authorizes the completion of the General Municipal Law Section 239-m referral to the Niagara County Planning Board and General Municipal Law Section 239-nn referral to the neighboring municipalities; and be it further

RESOLVED, that the Somerset Town Board does hereby call for a public hearing to be held on a proposed local law entitled “A Local Law Amending the Code of the Town of Somerset Chapter 205 Zoning” at the Somerset Town Hall, 8700 Haight Road, Barker, NY 14012 at 6:30pm on February 1, 2016.

RESOLUTION 35-2016

WORK SESSION

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

ADOPTED:	Ayes	4	Engert, Wayner, Jansen, Dewart
	Nays	0	
	Abstain	1	Alt

Resolved the Town Board of the Town of Somerset will hold a work session on Monday, January 18, 2016 at 4:30PM at the Town Hall, 8700 Haight Road.

RESOLUTION 36-2016

SAM CAPITAL PROGRAM

Town Engineer Brian Sibiga reviewed a grant program that is available through Senator Ortt's office that we could utilize for infrastructure at the Lakeshore Site including sewer and manhole repair work. The minimum grant amount is \$50,000 with a 30% match. Brian is

asking for permission to submit the grant, not a commitment to fund the project. He stated that we already have some funds allocated for this project and the grant could save the Town money. He has been in communication with Superintendent Denny regarding this.

Councilman Alt asked for an update on the discussion we had last year where we were going to work with Newfane to take on additional sewer for us.

Brian stated that it took a while to get the grant finalized through the state, but it is ongoing. He anticipates that within the next month they will be scheduling a progress meeting.

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 Town Engineers submit a grant requesting funding for infrastructure at the Lakeshore Site.

RESOLUTION 37-2016

RULES OF PROCEDURE FOR TOWN PLANNING BOARD

Upon annual review by the Town Board, Councilman Wayner is recommending that item #9 be removed.

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

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

Resolved item 9 be removed from Article 4 Meetings, Section 4.5 Proceedings.

RESOLUTION 38-2016

APPROVAL OF SCHOOLING

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 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 39-2016

APPROVAL OF HISTORICAL SOCIETY CONTRACT

On a motion of Councilman Alt, seconded by Councilman Wayner, 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 \$7,752.00 for 2016 is approved.

RESOLUTION 40-2016

APPROVAL OF SENIOR CITIZENS AGREEMENT

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 that the agreement with the Barker Senior Citizens for \$7,500.00 for 2016 is approved.

RESOLUTION 41-2016

APPROVAL OF SOMERSET YOUTH BASEBALL AGREEMENT

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 that the agreement with the Somerset Youth Baseball League for \$6,200.00 for 2016 is approved.

RESOLUTION 42-2016

APPROVAL OF AMERICAN LEGION AGREEMENT

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 agreement with the American Legion Herbert W. Carr Post #425 for providing veterans service for 2016 for \$1,400.00 is approved.

RESOLUTION 43-2016

APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER

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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 that the contract with the Village of Barker for providing use of highway equipment and services for 2016 is approved.

RESOLUTION 44-2016

APPROVAL OF WATER/SEWER AGREEMENT WITH VILLAGE OF BARKER

On a motion of Councilman Alt, seconded by Councilman Wayner, 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 2016 is approved.

RESOLUTION 45-2016

APPROVAL OF KENNEL CONTRACT

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 that the agreement with Fort Hyde Kennels for \$5,100.00 for 2016 is approved.

RESOLUTION 46-2016

AUDIT OF CLAIMS

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

General Fund	No. 1 through No. 36	\$118,220.45
Highway Fund	No. 1 through No. 19	\$ 35,790.30
Sewer Fund	No. 1 through No. 8	\$ 4,654.73
Water Fund	No. 1 through No. 6	\$ 38,215.23

PRIVILEGE OF THE FLOOR

CATHI ORR told the board that Sheldon town taxes have increased 100% and the county taxes increased 9.98%. She thanked the board for their hard work on the statements for the PSC.

TAYLOR QUARLES provided an update to the board. He stated the comment period for the Public Scoping Statement ended yesterday and he thanked the board, stakeholders and public for making comments. He said we can expect their responses within 30 days. He stated that the PSC administrative law judge will be holding a pre-application hearing at the Barker Fire Hall on January 21st from 3PM – 5PM. Taylor reminded everyone that they have office hours 4 days per week.

CHRISTINE BRONSON informed the board that Betty Wolanyk's mother had a stroke and Mercy Flight was able to respond and she was at the hospital within the critical three hour window. The pilot told them that they would not have come if the wind turbines were here.

JON HOTALING thanked the board for their continued support of the American Legion.

Supervisor Engert thanked Jon for his service and his continual service as Commander of Herbert W. Carr Post #425. He stated that the letter has been sent asking Senator Ortt to speak at our Memorial Day service and Jon will be notified when we get a response.

WALLY COATES stated that the weather was bad when Mercy Flight came and the ambulance arrived from 1-1/2 miles away at the same time as the helicopter. If we had to take the ambulance to Buffalo instead, it probably would have taken 1-1/2 hours. It's very important to our community to have Mercy Flight.

JIM HOFFMAN thanked the board for the press conference and said it adds Niagara Falls Air Station to the list of collateral damage that will be caused by the wind project.

MIKE BASIL received the DPS review of the Preliminary Scoping Statement this morning. He said the statement is 43 pages of errors and omissions. He feels APEX deliberately ignores significant issues. He read some of the issues which include confusing language in order to mislead people, failure to include the exact location and turbine to be used, and many others. He stated that APEX secretly enlarged the project area which now includes the Town of Hartland, bordering on the Hartland Wildlife Refuge. He also stated that APEX just purchased land to start storing construction equipment even though 65-70% of the residents of Somerset and Yates are against the project, along with the Town of Somerset, County of Niagara, and the Department of Fish and Wildlife. He stated that the taxpayers are providing \$320 million, while APEX is only providing \$80 million. He recommends under the Transparency Act, that the Town of Somerset request to discover the true owners of APEX to eliminate any more conflicts of interest and be totally transparent in their dealings with our community.

Supervisor Engert asked Highway Superintendent how the new trucks worked. Superintendent Flint said they work fine.

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On a motion of Councilwoman Jansen, seconded by Councilman Alt, the meeting adjourned at 7:12 P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk