

REGULAR MEETING  
JUNE 11, 2014

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 11<sup>th</sup> day of June 2014.

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

Attended by: Code Enforcement Officer Remington, BFD President Bob Wendler, an APEX representative, 1 student and 4 residents

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

**BARKER FIRE DEPT (BFD) 100 YEAR CELEBRATION PARADE**

Supervisor Engert suggest that we show our support by participating in their parade. A committee was established consisting of all of the board members, Superintendent Flint and Superintendent Denny. The town has most of the items for the float and a tractor to pull it. A meeting of the committee will be held on Wednesday, June 18<sup>th</sup> at 11:30am.

**SOMERSET OPERATING COMPANY PSC REPORT**

Town Engineer Randy Roeseler gave an overview of the groundwater monitoring report that we receive from Somerset Operating Company annually. He reviewed the report and stated that there's one area that has results that are a little higher than expected and the DEC will be monitoring it, but all other areas are within expected parameters.

**RESOLUTION 72-2014**

**SERVICE CONTINUITY**

Supervisor Engert stated at the board's direction, a policy will be implemented pertaining to the code enforcement office, dog control, and the assessor's office requiring phone messages to be responded to within 24 hours, and the procedure to follow for absences.

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

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

Resolved the absence procedure shall be included in the Employee Handbook.

RESOLUTION 73-2014

**CONSOLIDATED FUNDING GRANT REQUEST**

Randy Roeseler stated that we submitted this grant request last year and it was not approved. It's a feasibility study sponsored by Newfane Wastewater to accept waste from Wilson. We are co-sponsoring the request to see if Newfane would be able to service our lakeshore "PUD" site if additional capacity is needed. If the request is approved, it's a matching grant and will be split among the three municipalities.

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 Town will participate in a consolidated funding grant request for a study of the capacity of the Newfane Wastewater Treatment Facility.

RESOLUTION 74-2014

**HAY MOWING BID**

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 to put out to bid for hay mowing and removal on 6.5 acres at the Wastewater Treatment Plant, with bids being opened at a Special Meeting on June 25, 2014 at 6:00PM. Bids will be due by 4:30PM on June 25, 2014.

RESOLUTION 75-2014

**THIRD CLERK APPOINTMENT**

Clerk Carmer stated there is a need to have a third clerk on staff to be available for absences or emergencies.

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

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

Resolved Clerk Carmer is allowed to create a third clerk position with no additional budget allowance expended for it.

RESOLUTION 76-2014

**PEDDLER LAW – PROPOSED LOCAL LAW #1**

Supervisor Engert stated that some changes were made to the proposed Peddler's Law we had scheduled for a public hearing, so we need to reschedule the hearing. Councilman Jansen reintroduced proposed Local Law #1-2014. On a motion to call for a public hearing made by Councilman Wayner, seconded by Councilman Alt, the following resolution was

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

TOWN BOARD MEETING  
JUNE 11, 2014 PAGE 3

Resolved that a public hearing will be held on July 9, 2014 at 6:30PM to consider proposed Local Law #1-2014 amending the code of the Town of Somerset by repealing in its entirety and replacing Chapter 139, Peddling and Soliciting.

RESOLUTION 77-2014

**APPROVAL OF THE MINUTES**

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 the minutes of the May 14, 2014 meeting are approved as submitted.

RESOLUTION 78-2014

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilman Jansen, 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 Officer  
Dog Control Officer  
Police Report

COMMUNICATIONS:

Clerk Carmer stated a communication was received from Mark Cerone Inc. regarding notification that the bridge over Golden Hill Creek on Lower Lake Road will be repaved. The bridge will remain open to traffic.

RESOLUTION 79-2014

**AUDIT OF CLAIMS**

On a motion of Councilman Jansen, 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. 183 through No. 210	\$ 24,266.41
Highway Fund	No. 51 through No. 61	\$ 2,658.71
Sewer Fund	No. 51 through No. 58	\$ 3,714.72
Water Fund	No. 42 through No. 48	\$ 2,214.19

**PRIVILEGE OF FLOOR**

Bob Wendler addressed the Board regarding the Barker Fire Department Chief's report. He asked if the Town would provide the services of the constables for their parade. He stated that any organization that wants to participate is invited, and Scott Matheis is the contact person.

Supervisor Engert stated that he will ask the County if they can help.

Bob asked if the Town would contribute money toward fireworks.

Supervisor Engert will look at our budget to see what money has been allocated for the celebration.

Dan Fitzgerald, APEX Clean Energy introduced himself and stated that the clean energy project we've heard about is in the early stages and there's nothing to report right now.

Councilman Dewart left the meeting at 7:00PM.

Jim Hoffman asked if anything has developed on the Kenyon property.

Councilman Wayner stated that after the last meeting he and Attorney Norris discussed it and Attorney Norris would contact Kenyons. He noticed that someone has been there and cleaned up brush.

Attorney Norris contacted Mr. Kenyon and he agreed to take a look at it. His taxes on the property are paid, so there's not much the town can do unless there's a major violation. They will keep their line of communication open.

Code Enforcement Officer Remington stated that he also spoke with Mr. Kenyon and said that he is willing to cooperate.

Supervisor Engert asked Code Enforcement Officer Remington to visually perform an inspection, paying attention to the rear corner where there appears to be a tree growing through the roof.

Jim stated that he still feels that more could be done. It's an abandoned gas station and he thinks that raises concerns that there may be contamination.

Supervisor Engert stated that counsel has advised the board that there is no legal action the town can take at this time.

Councilman Wayner advised that the main gas tanks were removed several years ago.

Supervisor Engert asked the attorney to research further.

TOWN BOARD MEETING  
JUNE 11, 2014 PAGE 5

RESOLUTION 80-2014

**EXECUTIVE SESSION**

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen4  
Nays 0

Resolved the Board enter into an executive session at the request of Councilman Jansen to discuss a personal matter at 7:12PM.

RESOLUTION 81-2014

**RETURN TO REGULAR SESSION**

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

Resolved the Board return to regular session at 7:16PM.

On a motion of Supervisor Engert, seconded by Councilman Alt, the meeting adjourned at 7:17 P.M. subject to the Call of the Clerk. Carried unanimously.

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Tracy L. Carmer, RMC  
Town Clerk