

TOWN BOARD REGULAR MEETING
JUNE 14, 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 14th day of June 2017.

Present: Daniel M. Engert ----- Supervisor
Gary R. Alt ----- 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: Jeffrey M. Dewart ----- Councilman

Attended by: Approximately 30 residents

Supervisor Engert called the meeting to order at 6:35PM with the Pledge to the Flag

RESOLUTION 57-2017

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 3 Engert, Alt, Jansen
 Nays 0

Resolved the minutes of May 10, 2017 be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control
Police Report

RESOLUTION 58-2017

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 3 Engert, Alt, Jansen
 Nays 0

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

RESOLUTION 59-2017

MULTIPLE USE PLAN SCOPE OF WORK

Supervisor Engert stated that the committee met and are looking to retain Wendel to develop a park plan.

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

ADOPTED: Ayes 3 Engert, Alt, Jansen
 Nays 0

WHEREAS, the Somerset Power Plant Multiple Use Plan Review Committee has begun its review of the viability of park development according to the Multiple Use Plan; and

WHEREAS, Wendel has submitted a proposal to provide planning, design, cost estimating and grant application services for the detailed design and potential construction of the proposed parkland improvements; and

WHEREAS, the proposal for professional services are not subject to the competitive bidding requirements of the Town's Procurement Policy;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby retains Wendel to provide planning, design, cost estimating and grant application services for the Multiple Use Plan; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Somerset hereby authorizes and directs the Supervisor 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; and

BE IT FURTHER RESOLVED, the costs for such services shall not exceed \$9,600.00 as set forth in Wendel's proposal dated June 9, 2017.

RESOLUTION 60-2017

PLANNING BOARD APPOINTMENT

Supervisor Engert stated that with Gary Few leaving the Planning Board, Chairman Hotaling and Councilwoman Jansen interviewed Charles Neal and recommend him to fill the vacancy.

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

ADOPTED: Ayes 3 Engert, Alt, Jansen
 Nays 0

Resolved Charles Neal is appointed to the Planning Board effective July 1, 2017.

RESOLUTION 61-2017

AUDIT OF CLAIMS

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

ADOPTED: Ayes 3 Engert, Alt, Jansen
 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. 206 through No. 253	\$ 40,807.01
Highway Fund	No. 68 through No. 76	\$ 1,862.87
Sewer Fund	No. 56 through No. 67	\$ 4,432.69
Water Fund	No. 50 through No. 57	\$ 21,105.58

On a motion of Councilman Alt, seconded by Councilwoman Jansen, the meeting adjourned at 6:39P.M. subject to the Call of the Clerk.

Supervisor Engert stated that Councilman Alt had to return to work so it was a quick meeting, but the remaining board members will hold a Privilege of the Floor to listen to the public.

PRIVILEGE OF THE FLOOR:

Pam Atwater submitted an editorial to the local newspaper regarding NYPIRG, along with Kate Kremer. She heard that college students are often the ones who campaign and are paid by the number of donations they receive. SOS fears they will be promoting the APEX wind project to residents and will try to persuade the local community that our concerns are not valid. At an energy symposium in Syracuse in April, pro-wind speakers stated that lack of local support is holding back projects across the state. She thinks it's disastrous that local citizens and municipalities are diverting time and money fighting projects when they could be engaged in positive and sensible projects.

Taylor Quarles believes the stipulations will be completed in the near future and will then be submitted to the public for a 30 day review, bringing them closer to an application where all the details on the project will be provided. He looks forward to discussions on those filings.

Cathi Orr stated that Indiana won a lawsuit against APEX on May 25th in which the judge ruled that the Board of Zoning Appeals was within its right to enact a 2,300 foot setback distance for industrial wind turbines. APEX argued that the Board "abused its power by enacting larger setback distances than the minimum stated in the county's zoning code". The court decided that those are "just minimum guidelines and the BZA has the authority to enact more stringent setbacks in order to preserve the health and safety of the public."

Greg MacConnell of Lakeview Drive asked for an update on the \$7 million grant that Governor Cuomo announced.

TOWN BOARD MEETING
JUNE 14, 2017 PAGE 4

Supervisor Engert stated that this is an opportunity for the public to speak to the board so he will discuss it afterward for anyone who wants to stay and listen.

Steve Royce stated he noticed the new met tower on Lake Road. He said the Town Planning Board directed fencing be erected around this as a condition to the installation. He said the cheap snow fencing APEX used is installed haphazardly and falling off the support. He submitted pictures he took and said if this is any indication of the quality of work we can expect from APEX, we are in trouble. He urged the board to insist on repairing the fence so it is not an eyesore on the scenic trail.

Jon Hotaling spoke on behalf of the Herbert W. Carr American Legion and thanked the board for their continued support of the Memorial Day celebration.

Dale Howard discussed the lakeshore erosion problem and said it is pricey to install boulders. He took the 2017 tentative assessment roll and found there are 188 parcels with the code wtrfnt that equates to 10's of millions of dollars of assessed value. His concern is with values of property dropping from erosion. He said that even a 5% drop is equivalent to almost the cost of our police department. He also thinks the board should consider having an Emergency Manager, whether paid or volunteer, to be called on immediately to act (like going door to door to collect the data sheets) and to be a liaison. He said training is free. Dale talked about the Village Park at the end of Quaker Road and said they have lost 9 feet of land. The Village put in a Do Not Enter Beyond This Point sign and within a week or two Dale had to retrieve the sign from the lake. He feels the park is a jewel for the community and doesn't want the Village to have to put up a barrier to keep people away. He said we need to chase it now, not sit on our hands or we will lose it.

Jim Hoffman spoke of the Jericho Wind Farm in Franklin County that was developed by EDP Renewables and is in an open area. He said it was started in 2006 and processed under SEQRA, but halted in 2009 because of funding. Funding was reinstated in 2014 by NYSERDA and it continued to be processed under SEQRA even though Article 10 existed. They found no significant environmental impact even though wetlands were impacted, 130 acres of forested/wetland was cleared, and there was a protected species of bat present. Although it complies with Town ordinances, since it went online there have been noise complaints. He feels that public concerns will be ignored when big business and big government join forces with large landowners.

Cathi Orr said that Texas passed a bill to protect military bases and prohibits tax credits for turbines that are built within 25 miles of an airbase. Studies have shown that tall turbines can affect radar needed for flight. She also provided an update on the Eagle wind farm and said they are no longer honoring to pay the residents' tax bills as promised. According to residents that she personally knows, their assessments went up and they are paying \$700/year more in taxes. They were also promised that the lines would be underground and now there are miles of overhead wires that were placed too low on the poles and too

TOWN BOARD MEETING
JUNE 14, 2017 PAGE 4

close to the road and are causing issues for farmers trying to get large equipment into the fields and creating issues with snow removal during the winter.

With no one else desiring to be heard, the remaining board members were dismissed at 7:05PM.

Tracy L. Carmer, RMC
Town Clerk