

REGULAR MEETING  
MARCH 13, 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 13<sup>th</sup> day of March 2014.

Present: Daniel M. Engert ----- Supervisor  
Gary R. Alt ----- Councilman  
Robin R. Jansen ----- Councilman  
Jeffrey M. Dewart ----- Councilman  
Randall J. Wayner ----- 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: 7 residents

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

Meeting of March 12<sup>th</sup> at 6:00PM was cancelled and rescheduled for March 13<sup>th</sup> at 6:30PM with notice being provided to WLVL Radio Station, and with written notice to Lockport Union-Sun & Journal, with notice being posted on the Town website, on the Town Hall doors, and at the Barker Post Office.

RESOLUTION 46-2014

**APPROVAL OF THE MINUTES**

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 the minutes of the previous meeting are approved.

RESOLUTION 47-2014

**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

ANNUAL REPORTS RECEIVED AND FILED:

Justice Court  
Barker Free Library

RESOLUTION 48-2014

**APPOINTMENT OF ZONING BOARD OF APPEALS – Dale Howard**

Councilman Wayner stated that interviews were conducted by Zoning Board Chairman Ecker, Councilman Alt, and Councilman Wayner for the two applicants who submitted resumes and applications. Their recommendation is based on talent, experience, and vision for the town.

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 that Dale Howard be appointed to the Zoning Board of Appeals with the term expiring December 31, 2017.

Councilman Wayner thanked Virginia Burczynski for her interest in the position.

RESOLUTION 49-2014

**APPOINTMENT OF ASSISTANT CODE ENFORCEMENT OFFICER – Stephen Lee**

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 Stephen Lee is appointed Assistant Code Enforcement Officer effective retroactively to January 1, 2014 at a salary of \$4,000.00.

Councilman Wayner provided an update on the Code Enforcement Office and hopes the Board finds the steps taken so far to be in alignment with the Town Board's focus on providing the most effective possible service at the lowest possible cost.

- Stephen Lee enrolled in NYS Dept. of State Building and Codes training. The first session was completed on February 27, 2014. He has five more sessions with the final training being completed on July 10, 2014.
- The software in the Code Enforcement office was updated. Virtual training on permits, complaints, and projects was provided to Mark Remington, Stephen Lee, Councilman Wayner and Clerk Carmer.
- Mark Remington reported that BAS (the software company) launched a program that allows the system to be updated from the field, making the process more efficient. Councilman Wayner will follow up with Rob Vitti from BAS now that training has been completed.
- At a request of the planning board, Asst. Code Enforcement Lee was assigned to investigate a couple of issues. He completed his investigations and reported back to the planning board.

Discussion ensued regarding the mobile app. Councilman Wayner will pursue a quote on an iPad.

RESOLUTION 50-2014

**NATIONAL GRID LIGHTING PROJECT PHASE TWO**

Supervisor Engert received the proposal from National Grid for Phase Two. The Town Hall will have 25,000 kwh and \$1,600 of savings annually with a cost to the town of \$1,788; the Highway Garage, including an interior bay light that was missed on Phase One, will have 11,000 kwh and \$1,200 of savings annually at a cost of \$1,229; the Water/Sewer Department will have 10,000 kwh and \$1,100 of savings annually and cost \$715. All of these are a one year payback. Superintendent Denny advised that lights were missed outside for Phase Two, and was told that there would be a Phase Three. Supervisor Engert will look at the proposal with Superintendent Denny to see if they were included so the board will be aware if there is going to be a Phase Three.

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

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

Resolved Phase Two of the National Grid lighting project is approved.

RESOLUTION 51-2014

**ANNUAL TIRE DROP OFF**

Superintendent Denny requested to approve the following schedule for the annual tire drop off: April 21 – 25, 2014 from 7am – 3pm, April 28 – May 2, 2014 from 7am – 3pm, and Saturday May 3, 2014 from 8am – Noon. The cost remains the same at \$90/ton.

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 Superintendent Denny is directed to undertake the initiative.

**RECYCLING RESPONSE**

Councilman Wayner contacted Modern Disposal to ask if we can consider going to every week recycling as per a resident request. Rather than send another truck out for a limited number of carts and the impact that would have on the environment, Mr. Hickman from Modern suggested that the residents either increase their cart size or secure a second cart.

**PAPER RETRIEVER**

Abitibi has informed us that they are eliminating rebates until the economy picks up. The papers will still be picked up, but we won't receive money for it. Discussion ensued regarding the Town removing the bins, having the bins moved to the Village, etc. Supervisor Engert will reach out to Mayor Nellist to see if he wants to place a bin at the village hall.

RESOLUTION 52-2014

**CABLE/UTILITY CONSULTATION**

Supervisor Engert stated that he'd like Computel to do an analysis of our utility billing. If they find refunds that we are owed, they will get 40% and the Town will receive 60%. Any future savings from the findings benefit the Town. This is a service provided at no cost to the Town, and Computel will evaluate our Time Warner agreement also.

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 is authorized to enter into an agreement with Computel Associates for the review of the utility and negotiating our cable franchise agreement for 2014.

RESOLUTION 53-2014

**LAKESHORE ZONING**

Supervisor Engert recommends the Planning Board review and evaluate the Zoning ordinance for our Lakeshore area.

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 Planning Board is directed to undertake a study of the Zoning Law and make a recommendation to the Town Board for action to be taken.

**HAZARD MITIGATION PLAN UPDATE**

FEMA requires that if you are going to submit for Hazard Mitigation funding, you have to identify what hazards you are submitting for a refund and it has to be specifically articulated in your Hazard Mitigation Plan. The original plan prepared in 2009 did not have a lot of community input, and FEMA now requires stakeholder and community involvement. There will be a link on our website and the Supervisor will put something in the newsletter so the community can be advised that there's an opportunity for them to comment on hazards they believe are in our community. The plan has to be adopted by October.

RESOLUTION 54-2014

**AUDIT OF CLAIMS**

Councilwoman Jansen thanked Highway Supt. Flint for putting comments on the invoices as to what they are for.

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

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

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

General Fund	No. 65 through No. 103	\$ 37,155.25
Highway Fund	No. 12 through No. 25	\$ 37,271.80
Sewer Fund	No. 17 through No. 23	\$ 3,068.55
Water Fund	No. 15 through No. 25	\$ 3,331.79

PRIVILEGE OF THE FLOOR

Dale Howard thinks the Town is heading in the right direction with code enforcement. He stated that many residents in town don't have computers and he thinks a huge impact the Town has is in sending a letter, and suggests sending letters to notify residents of forms we have available, etc.

Norm Jansen clarified what property has the air strip that he discussed with Councilman Wayner previously.

Jim Ferington asked if the town has a chipper for branches.

Supt. Flint advised that we do not.

Jim Ferington stated that there are branches all over. He lives in Lockport and they take care of branches that residents put to the road. He suggested that we even have a week where we can do this.

Dale Howard asked if we can borrow the Village chipper.

Supervisor Engert stated that the board will entertain that as a consideration.

Councilman Alt has had a lot of questions regarding what is happening at the Barker Chemical site and asked for an update.

Supervisor Engert stated that they are in the excavation phase. This is the final stage of Phase Two. The building is not coming down.

Attorney Norris stated that he talked with Amy Fisk from the county about the risks involved for the Town to claim the property, and will evaluate it and prepare an analysis for the board.

Supt. Denny asked to go into Executive Session to discuss a particular employee.

RESOLUTION 55-2014

**EXECUTIVE SESSION**

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

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

Resolved the Board enter into an executive session to discuss the employment of a particular employee at 7:20PM.

RESOLUTION 56-2014

**RETURN TO REGULAR SESSION**

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

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

Resolved the Board return to regular session at 8:26PM.

On a motion of Councilman Alt, seconded by Councilman Dewart, the meeting adjourned at 8:27 P.M. subject to the Call of the Clerk. Carried unanimously.

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Tracy L. Carmer, RMC  
Town Clerk