

TOWN BOARD REGULAR MEETING
MARCH 9, 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 9th day of March, 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
Mindy Austin ----- Confidential Asst. to the Supervisor
Melvin H. Denny ----- Supt of Water/Sewer/Grounds
Michael J. Norris ----- Attorney
Brian Sibiga ----- Engineer

Absent: Michael M. Flint ----- Supt. of Highways

Attended by: approximately 50 residents and BCS students

Supervisor Engert called the Meeting to order at 6:30PM with the Pledge to the Flag.

Deputy Supervisor Wayner said the prayer.

RESOLUTION 75-2016

APPROVAL OF THE MINUTES

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 minutes of the previous meetings on February 1, February 10, and February 24 are approved as submitted.

RESOLUTION 76-2016

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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 Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Police Report

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Supervisor Engert advised that the constables are going to receive training for the administration of Narcan. He also informed the audience that Officer Bobby Holmes prevented a potential disaster by performing a house check on a home when the residents were in Florida. He smelled a foul odor that turned out to be a malfunctioning furnace.

Councilman Wayner added that he received a text from Officer Holmes while he was away advising him that his outside door was unlocked.

COMMUNICATIONS:

Clerk Carmer stated that we received notice from the NYS Department of State that Local Laws #1-3 of 2016 were filed on March 2, 2016. We also were required to file Laws #1 and #3 with Niagara County and we received a notice that they were filed.

Clerk Carmer read a letter from William and Phoebe Wilson. They said that they appreciate the Town Board seeking input from the residents. They included a newspaper article from 40 years ago that showed back then the board did not listen to what the citizens wanted and even abolished the Planning/Zoning Board to remove the Chairman and stop the survey he was conducting.

Supervisor Engert stated that Superintendent Denny is still gathering information so the Tire Pickup has been pulled from the agenda.

RESOLUTION 77-2016

BARKER FIRE DEPARTMENT MEMBERSHIP REFERRAL

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 Dillon Quiett is adopted as a member of the Barker Fire Department.

RESOLUTION 78-2016

RFP MANHOLE REPAIR

Superintendent Denny stated this is to repair 8 existing manholes that are not in good shape. They need to be relined to eliminate ground water entering the system. This has been placed in the budget but needs approval to go out for RFP.

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 Superintendent is authorized to obtain RFPs for the repair of manholes.

RESOLUTION 79-2016

MANHOLE TV FLUSHING PROGRAM

Superintendent Denny stated that he would like to view the lines and mains to see what condition they are in. This is also in the budget but needs approval to go out for RFP. He said that a camera walks through the lines and flushes while it looks.

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 Superintendent is authorized to obtain RFPs for the Manhole Flushing Program.

RESOLUTION 80-2016

AUDIT OF CLAIMS

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

General Fund	No. 75 through No. 112	\$ 267,611.92
Highway Fund	No. 36 through No. 46	\$ 35,568.34
Sewer Fund	No. 20 through No. 29	\$ 3,394.94
Water Fund	No. 16 through No. 25	\$ 4,214.90

PRIVILEGE OF THE FLOOR

Taylor Quarles provided an update to the Board. He stated on February 29th APEX submitted their responses on the PSS and replied to all comments, which amounted to over 1,100. It includes a narrative broken down into comment categories. There are several different study scopes as well as a setback map. It is available on their website, at the Town Halls in Somerset and Yates, and the libraries in Barker and Lyndonville. They are still fine tuning the final application and are completing studies. They also continue to talk to land owners and their goal is to have all of the details provided by late summer.

Pam Atwater submitted information about Five Corners Strategies and read a quote from Five Corners stating that they thrive in situations where there is a lot of conflict among local constituencies and they get a rush turning it in the favor of their client. She stated that APEX has hired Five Corners Strategies and noted that one of their strategies is to stack the deck at public hearings, making sure they have more supporters in the room than the opposition. She wonders how much APEX is prepared to spend to try to change the mind of an entire community.

Betty Wolanyk commends the Town Board, Town Supervisor and the law firm of Lippes, Mathias, Wexler, Friedman LLP for their responses being thorough and substantive. She is

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impressed by the diversity and experience of the responders. She said she noticed a number of form letters in favor of Lighthouse Wind because they all have the same typo in the first sentence. She feels this is representative of the type of company APEX is and depicts their lack of attention to detail. She asks if they can't get the small things correct how can we expect them to build seventy 600 foot wind turbines?

Kate Kramer of Yates thanked the Board for their work in revising the wind law. She submitted two letters for the record. One letter was written by Taylor Quarles to Millwright Local 1163 thanking the union for getting people to turn out for the meeting here. The letter describes the opposition as not wanting renewable energy. She disagrees that they oppose renewable energy and stated that they are opposing this project because it will limit progress. The second letter was written by Taylor Quarles to a Barker landowner. She is concerned because it uses the term "will" throughout the letter but feels it should state "would." She feels this implies the project is a done deal. She stated this letter is a misrepresentation by omission. She also is concerned that the letter states that 8,000 acres have been signed for leases, but there are fewer acres that are actually filed with the county. She feels this is an important reason for APEX to sign the Code of Conduct. She requests the Town Board to require the Code to be signed before proceeding.

Marcia Ray thanked the Board for being responsive to the community. Her concern is that APEX worded their summary to benefit them and left out all of the concerns of the community. She said that this has taken a toll on her health. She wants to get the Federal and State governments off of our backs and asked if we can do anything more. Supervisor Engert advised her to keep informed of hearings and provide substantive comments for consideration.

Andrew Atwater of Lower Lake Road looked at leases with APEX. He said he is a farmer and is looking for more land, not less land. He felt signing the lease would not be good for his family or his neighbors. He said if he had signed, he would be looking for a knowledgeable lawyer to get him out of the lease. He asked if the Town Attorneys can help anyone get out of a lease. Supervisor Engert stated that the Town cannot engage on behalf of individual citizens. Attorney Norris concurred.

Agnes LaPort thanked the Board for their many hours put into this. She talked about her trip to Wyoming County stating that she could feel the vibrations right under the turbines and as she got further from the turbines the sound got louder and she could feel more. She talked to non-leaseholders who stated they had to move their furniture because of flicker, and one of them had such bad migraines he had to move. The company offered the residents \$2,000 for heavier drapes. She said that not all houses are effected, and not all rooms in all homes are effected.

Sue Davis of Lower Lake Road stated that she loves Somerset and has lived here all of her life. She told APEX to get out of our town.

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Cathi Orr spoke of the tour of Wyoming County. She said that one woman who spoke of the effects is on facebook (Leyland Makson) talking about it and is a good source to hear about a real person. She also stated that she can provide names of lawyers who have worked with people who signed contracts for anyone who may need it.

On a motion of Councilwoman Jansen, seconded by Councilman Wayner, the meeting adjourned at 7:10 P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk