

REGULAR MEETING
OCTOBER 14, 2015

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 October 2015.

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

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 107-2015

APPROVAL OF THE MINUTES

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 the minutes of the previous meeting are approved.

RESOLUTION 108-2015

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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 Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Police Report

COMMUNICATIONS

Clerk Carmer announced that the Town received a letter from the Department of Public Service announcing another round of information sessions. The letter will be posted on our website.

Clerk Carmer stated that we received our annual notification from Modern Disposal Services informing us of our rate increase. This year the Consumer Price Index is -0.1% so our rate will remain the same as last year, at \$184/unit.

RESOLUTION 109-2015

WEST SOMERSET CEMETERY

The Town's cemetery on Hosmer Road has been full for some time. Somerset Operating Company would like to donate land to the Town in order for the Town to be able expand the cemetery.

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

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

WHEREAS, the West Somerset Cemetery located on Hosmer Road in the Town of Somerset is near capacity and additional space is needed for future expansion; and

WHEREAS, the Somerset Operating Company is the owner of 621.52 acres of real property in the Town of Somerset, and

WHEREAS, the Somerset Operating Company has agreed to donate and gift 1.49 acres, being part of SBL Number 8.00-1-1.11, to the Town of Somerset for the expansion of the existing cemetery; and

WHEREAS, pursuant to New York State Town Law §64-8, the Town may take by gift any real or personal property for public use or benefit; and

WHEREAS, the Town Board finds that acceptance of the 1.49 acres of real property from the Somerset Operating Company to be used to expand the West Somerset Cemetery is in the best interest of the residents of the Town of Somerset; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Somerset accepts the gift of land of 1.49 acres, being part of SBL Number 8.00-1-1.11 from the Somerset Operating Company; and be it further

RESOLVED, that the Town Supervisor is authorized to execute any real estate transaction documents to accept this gift of land; and be it further

RESOLVED, that the Town Board of Somerset does hereby thank the Somerset Operating Company for this gracious donation of land that will serve a very important public purpose for the Town.

RESOLUTION 110-2015

PRELIMINARY BUDGET

Highlights of the 2016 budget include:

- Appropriations are down less than 1%
- The tax rate remains flat
- The contract with the Barker Fire Department increased slightly due to the anticipation of an equipment purchase
- Refuse charge has gone down slightly

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

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

Resolved the Tentative Budget is adopted into a Preliminary Budget for 2016.

RESOLUTION 111-2015

PRELIMINARY BUDGET HEARING

Supervisor Engert suggested the board move up the November board meeting to include the preliminary budget hearing in order to meet the deadline set by the state.

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 date for the next regular board meeting and the public hearing on the budget will be November 4, 2015. This will include a hearing on the Barker Fire Department contract.

RESOLUTION 112-2015

UNPAID WATER AND SEWER BILLS PLACED ON TAXES

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 any unpaid water and sewer bills be placed on the county taxes for 2016.

RESOLUTION 113-2015

WATER SYSTEM MODEL UPDATE

Town Engineer Roeseler said that our last update was done in 2010 and needs to be updated to reflect the most current usage. The computer program can determine water availability and the impact on our system. The cost should be less than \$3,000 and was placed in our current budget for \$5,000. The water department employees will help with this in order to keep costs down.

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 Wendel is authorized to proceed with updating the Town's water model.

RESOLUTION 114-2015

UTILITY SETTLEMENT AGREEMENT

Supervisor Engert stated that we entered into an agreement in 2014 with Computel to audit our cable and utility costs. They did not find any errors with our cable billing, but did find some overcharges on our utility billing in the amount of \$3,352.29.

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 is authorized to enter into a settlement agreement with National Grid.

RESOLUTION 115-2015

AUDIT OF CLAIMS

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

General Fund	No. 340 through No. 383	\$ 38,785.45
Highway Fund	No. 118 through No. 135	\$ 12,231.33
Sewer Fund	No. 106 through No. 116	\$ 5,976.86
Water Fund	No. 88 through No. 102	\$ 42,836.33

PRIVILEGE OF THE FLOOR

Taylor Quarels provided an update on the wind turbine project. He stated that the Public Scoping Statement is being worked on and should be available later this month or early next month. It will be available online, at their Barker office, at the Town Hall, and at the Barker Public Library. They are currently studying bats and ambient noise.

Supervisor Engert asked what the timeframe is for the Town to be notified before the statement is filed. He believes it is 14 days.

Taylor said that he will get back to the Supervisor.

Cathi Orr asked why they are studying ambient sound during harvest time.

Taylor stated that the ambient study is done once while leaves are on the trees, and once while there are no leaves on the trees. The consultant will take it into consideration.

Jim Hoffman stated that the Supervisor mentioned last month that he may have some good news regarding the Somerset Operating Company.

Supervisor Engert advised that the plant is in process of being sold and there is a need for further discussions on the PILOT.

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Wally Coates reported that the Veteran's Dinner will be held on November 15th at 5:00PM. The doors will open at 4:30PM. He thanked the Board for their support and Clerk Carmer for preparing the programs. The tickets are free for Veterans and they do not have to be Somerset residents. Adult tickets are \$10, and children are \$5. Wally is very excited about the speaker this year, Gary Veikirch, who is a green beret and medal of honor recipient. Supervisor Engert thanked Wally for his hard work.

Marcia Ray said that Mr. Veikirch spoke at the high school in 1994 and is a marvelous speaker. She asked if there has been any contact with the county or state regarding the wind turbine project.

Supervisor Engert said that there have been a number of meetings with different stakeholders in the county including the Senator and Assemblywoman. He stated that the legal team is coming to Somerset for a tour of the town so they understand the community that they are representing.

Pam Atwater expressed her thanks to the Town Board for being responsive to the community.

Cathi Orr is appreciative also and extended another invitation to go to Wyoming County to view the turbines there.

Agnes LaPort thanked the Lyndonville residents for attending our board meeting.

On a motion of Councilman Alt, seconded by Councilman Wayner, the meeting adjourned at 7:08PM subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk