

TOWN BOARD REGULAR MEETING
OCTOBER 11, 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 11th day of October 2017.

Present: Daniel M. Engert ----- Supervisor
Jeffrey M. Dewart ----- 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
David Haylett----- Attorney
Brian Sibiga ----- Engineer

Absent: Gary R. Alt ----- Councilman

Attended by: 25 residents

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

RESOLUTION 89-2017

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
Nays 0

Resolved the minutes of September 13, 2017 be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Police Report

QUARTERLY REPORTS RECEIVED AND FILED:

Water/Sewer Quarterly Comparison

RESOLUTION 90-2017

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
Nays 0

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

COMMUNICATIONS

Clerk Carmer stated that we received a letter from Niagara Falls International Airport Stakeholders Group, Inc. inviting us to a workshop on broadband-friendly Local Government Policy on Wednesday, October 18th from 9am – noon at the Niagara County Center for Economic Development. This is an effort to bring ultra-high-speed broadband internet service to the Niagara Falls airport.

Clerk Carmer also received a report that we passed our annual inspection of our Dog Control program. Supervisor Engert thanked Dog Control Officers Mark Remington and Dan Greenwald.

RESOLUTION 91-2017

MAYER BROTHERS WATERLINE PROJECT

Supervisor Engert stated that the NYS Department of Transportation has changed their stance and are leaving it up to utilities to determine how to run the water lines under the road. This type of installation is not typical so the Water Superintendent will work with our engineers.

The following bids were submitted:

E&R General Construction, Inc.	\$14,900
J.D. Northrup Construction, Inc.	\$16,304
Kandey Co. Inc.	\$26,112

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

Resolved to award the bid to E&R General Construction, Inc. for \$14,900.

RESOLUTION 92-2017

UNPAID WATER/SEWER BILLS

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

Resolved, in accordance with the New York State Town Law, section 198, the town board has opted to enforce various unpaid accounts for water, sewer, refuse, and other unpaid town services as indicated below, by placing a lien upon the real property for which such services were provided. In light of the aforementioned, the Niagara County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the town assessor's master computer assessment roll file, which is also hereby being delivered by the assessor with the letter of authorization.

Total Unpaid Water	\$11,568.87
Total Unpaid Sewer	\$ 6,082.55
Grand Total	\$17,651.42

RETIREMENT

Supervisor Engert announced that after 43 years in law enforcement, Chief John Yotter is retiring. Supervisor Engert presented him with a plaque of appreciation from the board and talked about his years in enforcement including being named New York State Police Officer of the Year by Governor Mario Cuomo in 1987.

John Yotter spoke of the professionalism of the people who work for the town, and thanked the residents.

RESOLUTION 93-2017

CHIEF APPOINTMENT

Supervisor Engert introduced Jon Miller and advised the residents of his background and spoke of the respect that Jon has earned wherever he goes. He stated that he would like to promote Jon to the position of Chief.

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

ADOPTED: Ayes 3 Engert, Jansen, Dewart
 Nays 0

Resolved Jon Miller is appointed the new Police Chief.

Chief Miller spoke to the residents and said he looks forward to serving the residents of Somerset and has an open door policy.

SMOKE FREE PARK

Members from Roswell Park presented a certificate to each of the board members for their support of Tobacco Free Parks.

RESOLUTION 94-2017

AUDIT OF CLAIMS

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

ADOPTED: Ayes 3 Engert, 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. 371 through No. 405	\$ 58,733.44
Highway Fund	No. 116 through No. 125	\$ 34,950.47
Sewer Fund	No. 98 through No. 109	\$ 4,377.73
Water Fund	No. 81 through No. 88	\$ 38,617.41

PRIVILEGE OF THE FLOOR:

Agnes LaPorte believes the proposed Lighthouse Wind Project would turn our rural farm community into an industrial area and said many residents would be forced to move, likely out of New York State so they would be spending their pensions, etc outside of New York.

She stated that a large number of leaseholders do not live here so their health won't be impacted, and their money will also not remain in our local economy. She said that Lighthouse Wind posted their event log for May and June online with the Public Service Commission. She was in attendance at four of the town board meetings they listed. For two of those meetings they state that Taylor Quarles was there, but neither he nor anyone else from Lighthouse Wind was there. At one Yates town board meeting they state the Somerset town board was there, but they weren't. And at a Somerset town board meeting they stated that the Yates town board was there, but they weren't.

Jim Hoffman talked about an article where a Town Councilor in Sheldon regrets having the High Sheldon Wind Farm. The councilman said that industrial wind farms do not belong anywhere near people. He said that leaseholders are even questioning whether they have made the right decision. TV and radio reception was destroyed in most areas of the town, and the Buffalo Doppler radar cannot accurately forecast the area east of the wind farm. He said the allowed decibel level stated in their wind law sounded reasonable when created but it states "at the property line", and higher levels are being measured at residences. He said turbine location is critical as the distance that sound travels is unpredictable. The councilman would not use Sheldon as an example of a successful wind farm and thinks that people who support it have something to gain from it. Jim said the DEC has said that they do not handle turbine issues.

Betty Wolanyk supplied information from another Apex project. They want meteorological data and analyses, capital cost, part of the systems reliability impact study, electrical modeling and generation dispatch analysis, records of state endangered or threatened species impact, and the site security plan to be kept confidential and protected from public disclosure because it is a trade secret. She said that at a Town of Yates board meeting a statement from an affidavit submitted by Apex was read. It discussed three phases for meteorological monitoring and each phase requires more meteorological towers. Supervisor Simon said that the previous month Apex said the two towers they are requesting would be the last two for the area so he asked Apex which statement was true and he did not receive an answer. She would like to know if Apex told the Town of Somerset how many meteorological towers they expect to install in Somerset, and how long will these temporary towers be up? She also told the board about two books they may want to read.

Chris Bronson talked about an editorial published in the Watertown Daily Times on September 13, 2017. It states that if wind turbines are allowed to be constructed in the north country, it would put Fort Drum at risk because the turbines would severely interfere with Fort Drum's radar functions compromising their ability to provide mission-level training. That would put the base at a disadvantage in BRAC hearings that will convene in 2019. On October 1, 2017 a letter was published from Dave Belote. He is a retired Air Force Colonel, and has former and current employment in the renewable energy industry. His letter stated that a wind farm has never been built over Department of Defense objections and a mission

has never been moved to another base because of them. He said if no satisfactory solution is found, they move on to other projects. The newspaper printed an editorial in the same edition stating the editor asked Dave about his Department of Defense assertions and Dave stood by them. The editor asked for an example of developers moving on to other projects before the DoD could formally object, but he was not provided one. The Colonel also contends that radar interference is a non-issue. The editor said that "opinion based on false information serves only to further false information." They apply the truth test to letters and feel that Dave's letter "is tainted more by self-interest than false information." Chris said that Governor Cuomo held a press conference stating that Fort Drum is an important economic engine and wind power at this location that would have a detrimental impact would require a full review. He said he takes very seriously the opinion of Fort Drum and Watertown. Chris hopes that the Niagara Falls Air Reserve Station may finally be on the Governor's radar.

Dale Howard said that when he erected an accessory building on his vacant property, the departments' expertise was second to none. He thanked the Highway Department for advice on drainage and culverts; the Water/Sewer Department for their guidance on water and sewer line placement and hookups; the Town Clerk's office for guidance on administrative requirements; and the Code Enforcement office was vital in providing answers to his questions and the timeliness in issuing his Certificate of Occupancy resulted in zero delays. He said the service he received from all of these departments was extraordinary and their professionalism and knowledge is something the Town of Somerset should be proud of. When a department representative did not have an immediate answer, they knew what functional expert to contact to get the answer and it never caused a delay. He advised the town residents to contact representatives during the planning phase of their projects. He also thanked the town lawyer and assessor. He stated of all the projects he has done, this is the best service he has had.

On a motion of Councilman Dewart, seconded by Councilwoman Jansen, the meeting adjourned at 7:18P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk