

TOWN BOARD REGULAR MEETING
JUNE 13, 2018

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 13th day of June 2018.

Present: Daniel M. Engert ----- Supervisor
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Chris Bronson----- Councilwoman
Jon Hotaling ----- Councilman
Tracy L. Carmer----- Town Clerk
Michael M. Flint ----- Supt. of Highways
Mindy Austin ----- Confidential Asst. to the Supervisor
David Haylett----- Attorney
Brian Sibiga ----- Engineer

Absent: Melvin H. Denny ----- Supt of Water/Sewer/Grounds

Attended by: Approximately 30 residents and students

Supervisor Engert called the meeting to order at 6:02PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 89-2018

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

Resolved the minutes of May 9, 2018 be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement
Dog Control
Police

RESOLUTION 90-2018

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Hotaling, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

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

COMMUNICATIONS

Clerk Carmer said that we received the annual Groundwater and Solid Waste Report from the power plant and passed it on to our engineers for review.

The Town received notification from Cornell Cooperative Extension that they are accepting proposals from landowners to be included in Ag District. Refer to our website for details.

Clerk Carmer read a note received from Jon Hotaling on behalf of the American Legion thanking the Board for their support of the Memorial Day Service.

RESOLUTION 91-2018

SEWER REPAIR PHASE TWO (QUAKER/HAIGHT)

Supervisor Engert stated that we received three quotes with United Survey being the lowest bidder. Engineer Sibiga said that United Survey completed Part 1 of the project and they are a reputable company.

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

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

WHEREAS, Wendel solicited written proposals to repair a 12" diameter gravity sewer and mechanically clean and install full cured-in-place pipe lining for a 240-ft long 15" diameter gravity sanitary sewer along Quaker Road and Haight Road; and

WHEREAS, the Town received three written proposals from three different contractors; and

WHEREAS, the lowest written proposal was submitted by United Survey, Inc. in the amount of \$27,220.00; and

WHEREAS, the proposal by United Survey has been deemed to be a responsible proposal.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby retains United Survey, Inc. to repair a 12" diameter gravity sewer and mechanically clean and install full cured-in-place pipe lining for a 240-ft long 15" diameter gravity sanitary sewer along Quaker Road and Haight Road; and be it further

RESOLVED, that the Supervisor is authorized 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.

RESOLUTION 92-2018

RETIREMENT STANDARD WORKDAY

On a motion of Councilwoman Bronson, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

BE IT RESOLVED, that the Town of Somerset/30287 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities: (attached at the end of the minutes)

Clerk Carmer stated that it will be posted on the website for 30 days.

RESOLUTION 93-2018

MULTIPLE USE PLAN

Supervisor Engert stated that we were unsuccessful last year trying to obtain a grant. We have received a debriefing on what our challenges were on the grant and we have taken steps to improve that this time. We met with a representative from the Department of State and reviewed our LWRP with her and took her on a tour. She was impressed with our program and our compliance with it.

On a motion of Councilman Hotaling, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

WHEREAS, the Town retained Wendel in 2017 to provide planning, design, cost estimating and grant application services for proposed parkland development of the Multiple Use Plan site; and

WHEREAS, the Town desires for Wendel to apply for the Local Waterfront Revitalization Program grant through the New York State Department of State.

NOW THEREFORE, BE IT RESOLVED, that Wendel, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of State for the purpose of securing the Local Waterfront Revitalization Program grant; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized and directed to execute all documents pertaining to the application and acquisition of said grant funding, and take whatever other actions may be necessary to give effect to this resolution.

PILOT

Supervisor Engert stated that a PILOT extension has been accepted by the Niagara County IDA and a public hearing will be held at the Town Hall on July 30th at 3:30PM. Since this is a deviated PILOT we need to hold a special meeting which is scheduled for August 1st at 4:00PM.

SEXUAL HARRASSMENT POLICY

Supervisor Engert asked Attorney Haylett to review and make any recommendations before our August meeting.

JUSTICE COURT

Supervisor Engert announced that our court's days and hours are changing. The new hours are:

- 2nd Thursday of the month at 6:00PM
- 3rd Thursday of the month at 6:00PM
- 4th Thursday of the month at 1:00PM

He stated that this is due to having a new DA being assigned.

RESOLUTION 94-2018

LETTER TO GOVERNOR CUOMO AND LT. GOVERNOR HOKUL

Supervisor Engert read a letter to be submitted to the Governor and Lt. Governor.

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved to submit the attached letter to the Governor and Lt. Governor on behalf on the Town Boards of Somerset and Yates. (attached at the end of the minutes)

RESOLUTION 95-2018

AUDIT OF CLAIMS

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 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. 255	\$ 84,254.10
Highway Fund	No. 69 through No. 84	\$ 10,463.59
Sewer Fund	No. 60 through No. 71	\$ 13,310.80
Water Fund	No. 44 through No. 47	\$ 379.29

PRIVILEGE OF THE FLOOR

Pam Atwater said that she is disappointed that no one is here tonight representing APEX. She said it has been 3-1/2 years since SOS was formed and they thank Supervisor Engert and the Town Board for their effort to protect the health, safety and welfare of our residents. She said that support for SOS continues to grow and the partners in the POWER Coalition (Protecting {Lake} Ontario's Waterfront, Environment and Resources) represent thousands of members at the national, statewide and regional level. She said that APEX states there

are over 100 landowners who have signed leases or easements representing over 10,000 acres. She stated the last check with the county clerks offices shows 9,200 acres recorded. When you remove multiple people (like husbands, wives or business partners) from being counted for one piece of property or a farm there are only 57 separate entities. She asks with all of the opposition why is APEX still here and said they will keep fighting.

Agnes LaPorte thanked the Board for the beautiful memorial service. She discussed the cell tower issue that was happening in Lockport where a 150' tower was proposed. She said it was voted down 3-2 and the newspaper stated that one member who voted for it said that if it would have been near where he lives he would have voted against it.

Annie Smith asked if anyone on the board has heard from APEX regarding the stipulations that the public submitted to the DPS. She said there are 67 letters posted on the DPS site just from residents. She said these people spent hours reading the stipulations and it is poor of APEX that they have not responded to any of the residents' concerns. Supervisor Engert stated there has been no communication from APEX to the Town regarding stipulations.

Peg Schwabel thanked the board for their leadership and strength of character. She said since about 2009 APEX has been in Western New York, first seeking turbines in Lake Ontario near Fort Niagara. They made their presence known at the signing of the Power New York Act with Governor Cuomo which was the beginning of the development of the siting board. She said APEX is everywhere and their political connections are everything to them. She told the board they have recognized the injustice and tried to level the playing ground. She said the fact that APEX is still here despite the opposition is testament to the injustice we face but will continue to fight.

Jim Hoffman commended the board and Supervisor for their leadership and tenacity. He said he is not surprised that APEX is not represented tonight. Paul Williamson is the new Program Manager but the story has not changed. He said that APEX is relying on Article 10 and the burdensome clause it contains. He said they are ignoring the surveys, hundreds of unanswered comments on the PSC site, SOS, POWER coalition, town wind laws, etc. He said that Ms. Mosley of APEX continually extolls the economic benefits but we still know little about the benefits after more than 4 years, thus the conclusion is that there is no long term economic benefit to our community. He said that Somerset and Yates have paid a heavy economic and social price over the last 4 years. He said that APEX has said many times that they want a PILOT but we are never told that the money will be split over 6 taxing jurisdictions. As APEX has recommitted itself to the Lighthouse Wind Project, Somerset and Yates will recommit to its opposition of the project.

Dick Ray said that New York is a "Pay to Play" state and he is suspicious that people are being paid up and down the line for this project.

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Marcia Ray said she knows how grueling the hours are that the board and supervisor have spent dealing with APEX and thanked them for the resolution.

Betty Wolanyk said she appreciates the board's support and thanked them for the letter to the Governor and Lt. Governor. She stated that there is a silver lining to all of this in that we have all gotten to know each other and it is an amazingly diverse and intelligent group of people and it has been a pleasure to get to know them. She said this is a perfect example of democracy in action: the board listened to its constituents and followed that direction regardless of what their original thoughts were.

Steve Royce commended the board and Town of Yates Supervisor Simon for the powerful and necessary letter to the Governor. He said he would like to see the board formally invite Mr. Williams to our board meetings.

RESOLUTION 96-2018

EXECUTIVE SESSION

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved to enter into executive session at 6:43PM to discuss confidential correspondence with our attorney.

RESOLUTION 97-2018

RETURN FROM EXECUTIVE SESSION

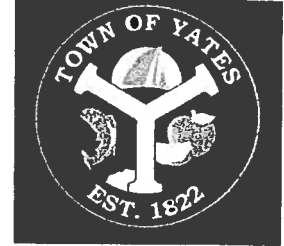
On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved to exit executive session at 6:55PM.

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the meeting adjourned at 6:57P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk



Date: June 14, 2018

From: Daniel M. Engert
on behalf of the Town Board
Town of Somerset
8700 Haight Rd
Barker, NY 14012

James J. Simon
on behalf of the Town Board
Town of Yates
8 South Main St
Lyndonville, NY 14098

To: Honorable Governor Andrew M. Cuomo
& Honorable Lieutenant Governor Kathleen C. Hochul
NYS Capitol Building
Albany, NY 12224

Copies to: NYS Senator Robert G. Ortz ; NYS Assemblyman Stephen Hawley; NYS Assemblyman Michael J. Norris ;Niagara County Legislature Chairman Wm. Keith McNall; Orleans County Legislature Chairman Lynne M. Johnson

Subject: The Forgotten Constituency

Dear Honorable Governor Cuomo & Honorable Lieutenant Governor Hochul,

With all due respect, please allow us to recite some of your recent efforts on behalf of the People of New York State, to wit:

- Governor Cuomo, you stated the following during your State of the State speech at Farmingdale College when challenged on the siting of offshore wind turbine projects near the well-heeled shores of Long Island: *"He indicated that the turbines would be invisible to the residents of Long Island; "Not even Superman standing on Montauk Point could see these wind farms," he told an audience of well-heeled Long Island summer residents who want green power but do not want their views of the ocean to be dotted with 550-foot high turbines."* *Watertown Daily Times, January 2017*
- Governor Cuomo and Lieutenant Governor Hochul, you both visited the southern shore of Lake Ontario in 2017, when the southern shore of Lake Ontario was devastated by lake levels 3-feet, 6-inches above normal. However, to our knowledge, neither of you visited the towns of Yates and Somerset. Rather, you visited the Towns of Newfane and Wilson to the west and the Towns of Greece and Sodus Point to the east.
- Lieutenant Governor Hochul, you stated, when challenged on the deleterious impact of wind turbine projects on Fort Drum: *"We are aggressive in protecting our bases," Lt. Gov. Hochul said. "It's the jobs, it's the impact on the community and also ... it's protecting our nation's defense." She also stated: "We're committed to clean energy and reducing our reliance on outside fossil fuels, but we're also very sensitive to the needs of the communities, and we'll always strike the right balance," she said.* *Courier/Observer (Potsdam/Messina) - September 2017*

- Governor Cuomo, calling a proposed Romulus trash-to-energy plant a threat to the environment and public health, you issued a strongly worded statement encouraging the NYS Public Service Commission to reject the proposal: *"The Circular enerG trash incinerator project is not consistent with my administration's goals for protecting our public health, our environment, and our thriving agriculture-based economy in the Finger Lakes. Importing and burning municipal solid waste in one of the State's most environmentally sensitive areas is simply not appropriate. I'm confident that the Article 10 siting board will carefully consider these impacts and reject the project application if one is ever filed. If the legislature proposes other solutions, we will consider all options to protect against this proposal that is at odds with New York's renewable energy plan and that threatens important natural resources, environmentally sensitive areas, and economic drivers in the Finger Lakes region."* <http://www.governor.ny.gov/news/statement-governor-rod-romo-proposed-trash-incinerator-facility-town-romulus>, May 2015
- Governor Cuomo, you announced the availability of approximately \$38 million through the Farmland Protection Implementation Grant program to help farmers across New York protect valuable and at-risk farmland: *"By investing in the sustainability and growth of New York's farmland, we are protecting an important economic driver for communities across the state while providing opportunities for our agriculture industry to grow," Governor Cuomo said. "This unprecedented \$38 million commitment to land preservation will ensure New York's vast farmland is used for agricultural purposes and remains protected for generations."* *Orleans Hub* June 1, 2013

Your Honors, we respectfully ask a basic question: When is our turn? Do the people of the Towns of Somerset and Yates deserve...

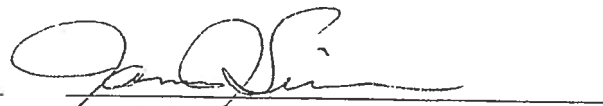
- ... your support in protecting our environment like the people of the Town of Romulus?
- ... the 30-mile industrial wind turbine setbacks you support for all of the people of Long Island?
- ... the Niagara Falls Air Reserve Station be protected like you are protecting Fort Drum?
- ... our bird, bat, avian and raptor flyways and habitats be protected from the emplacement of industrial wind turbines within three miles of the Lake Ontario shoreline as recommended by the U.S. Fish and Wildlife Service?
- ... the protection of our health and quality of life as you are in Romulus and Long Island?
- ... the protection of our farmland as you are proposing for the rest of the State, while you are at the same time leaving the farmland in Yates and Somerset unprotected and open to disastrous industrial development?
- ... that our local zoning laws, rules, regulations and our home rule remain sacrosanct?
- ... that you will end our war against Article 10 and Apex Clean Energy by directing the NYS Public Service Commission to reject the Lighthouse Wind proposal?

Our request is that you support the will of the people in our towns as you did in Romulus, Long Island and Northern New York and make it clear to the Article 10 Siting Board; that regarding Lighthouse Wind:

"I'm confident that the Article 10 siting board will carefully consider these impacts and reject the project application if one is ever filed. If the legislature proposes other solutions, we will consider all options to protect against this proposal that is at odds with New York's renewable energy plan and that threatens important natural resources, environmentally sensitive areas, and economic drivers"... along the shores of Lake Ontario in Yates and Somerset.

Very Respectfully,


 Daniel M. Engert - Supervisor
 Town of Somerset


 James J. Simon - Supervisor
 Town of Yates



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
 (Rev. 8/15)

BE IT RESOLVED, that the Town of Somerset / 30287 hereby establishes the following standard work days for these titles and (Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Supervisor	7	Daniel Engert	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/18 - 12/31/19	11.89	<input type="checkbox"/>
Town Clerk	7	Tracy Carner	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/18 - 12/31/21	27.56	<input type="checkbox"/>
Highway Superintendent	7	Michael Flint	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/18 - 12/31/21	33.05	<input type="checkbox"/>
Appointed Officials								
Confidential Secretary to Su	7	Melinda Austin	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/18 - 12/31/18	17.81	<input type="checkbox"/>
Asst. Code Enforcement Offi	7	Stephen Lee	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/18 - 12/31/18	0.86	<input type="checkbox"/>
Code Enforcement Officer	7	Mark Remington	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/18 - 12/31/18	3.84	<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Tracy L. Carner, secretary/clerk of the governing board of the Town of Somerset, of the State of New York, (Name of secretary or clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 13th day of June, 2018 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Somerset on this day of , 20 (Signature of the secretary or clerk) (Name of Employer)

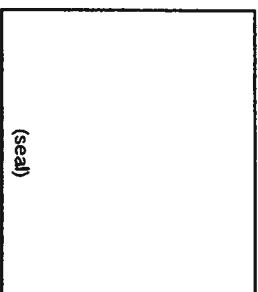
Affidavit of Posting: I, Tracy L. Carner, being duly sworn, deposes and says that the posting of the (Name of secretary or clerk)

Resolution began on June 14, 2018 and continued for at least 30 days. That the Resolution was available to the public on the (Date)

Employer's website at www.somersetny.org

Official sign board at

Main entrance secretary or clerk's office at 8700 Haight Road, Barker, NY 14012





Standard Work Day and Reporting Resolution for Elected and Appointed Officials Continuation Form RS 2417-B

(Rev. 8/15)

Title	Standard Work Day (Hrs/day) Min. 6 hrs, Max. 8 hrs	Name (First & Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
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Elected Officials								
Town Board Member	7	Robin Jansen	█	█		01/01/18 - 12/31/21	3.52	
Tax Collector	7	Ruth Wendler	█	█		01/01/18 - 12/31/19	3.43	

Appointed Officials								
Asst. Code Enforcement Officer	7	Stephen Lee	█	█		01/01/18 - 12/31/18	0.86	
Dog Control Officer	7	Mark Remington	█	█		01/01/18 - 12/31/18	0.43	
Asst. Dog Control Officer	7	Daniel Greenwald	█	█		01/01/18-12/31/18	0.31	