

REGULAR MEETING
SEPTEMBER 9, 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 9th day of September 2014.

Present: Daniel M. Engert ----- Supervisor
Randall J. Wayner ----- Councilman
Gary R. Alt ----- Councilman
Robin R. Jansen ----- Councilman
Jeffrey M. Dewart ----- 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
Michael J. Norris ----- Counsel

Attended by: Numerous residents, students and firemen

Supervisor Engert called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 100-2014

APPROVAL OF THE MINUTES

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

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

Resolved the minutes of the previous meetings are approved as submitted.

RESOLUTION 101-2014

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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 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 stated that we received a letter from the NYS Public Service Commission asking the Town to advertise their Lifeline Discount Telephone program for eligible low-income consumers by providing a link on our website.

Two public hearings being held at the Town of Hartland on September 11, 2014 were read by Clerk Carmer. Hearing #1 is to amend the zoning code which requires a basement or crawlspace on dwellings. Hearing #2 is for a local law to establish an agriculture business use district.

RESOLUTION 102-2014

FIRE PROTECTION DISTRICT EXPANSION

Supervisor Engert read a resolution to expand the Fire Protection District, which is as follows: The Town of Somerset will hold a public hearing to take public comments on whether the present borders of the Somerset Fire Protection District in the Town of Somerset should be extended into the Village of Barker, thus encompassing all of such part of the corporate limits of the Village of Barker in the Town of Somerset in one fire protection district. The estimated rate per thousand dollars of assessed valuation, based on the aggregate assessed valuation of taxable real property of the proposed extension district shown in the latest completed final assessment roll, projected to be assessed, levied and collected for purposes of the proposed extended district for the fiscal year 2015 is .51 cents. The hearing shall take place at Somerset Town Hall on the 8th day of October, 2014. Any and all persons interested in the subject shall be heard.

On a motion of Councilman Alt, seconded by Councilman Jansen, the following motion was
ADOPTED Ayes 5 Engert, Wayner, Alt, Jansen, Dewart
Nays 0

Resolved a public hearing will be held on October 8, 2014 to hear and consider the expansion of the Fire Protection District into the Village of Barker.

RESOLUTION 103-2014

SENIOR CITIZEN NUTRITION SITE SERVICES ASSISTANT APPOINTMENT

Supervisor Engert stated that the board should redo the resolution from last month to appoint Tonya Velia as the only appointment for the Senior Citizen program. The program resumes tomorrow, September 11, 2014 on their new days of the 2nd and 4th Wednesdays of the month.

On a motion of Councilman Dewart, seconded by Councilman Jansen, the following motion was
ADOPTED Ayes 5 Engert, Wayner, Alt, Jansen, Dewart
Nays 0

Resolved Tonya Velia is appointed Nutrition Site Services Assistant.

RESOLUTION 104-2014

AUTOMATED FORM SUBMISSION

Supervisor Engert stated that SeamlessDocs had made some promises that they were not able to meet. The program is not able to populate the forms into our software because BAS (our software provider) has proprietary rights. BAS has two programs that we can utilize that would be helpful to our residents being able to do transactions online that would be integrated into our database program. The online dog licensing program which a quote has been submitted, and building permits of which we are awaiting a quote. SeamlessDocs can still be utilized for the remaining 17 forms which we have online that will allow the resident to fill out the form and submit it through our website. The cost for this is \$2,450 which is approximately \$150 per form per year.

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Councilman Wayner stated that this is good timing for the budget schedule to get started right away so we have a gauge for next budget cycle how many residents are utilizing this service to determine if we want to continue with it.

Councilman Jansen thinks there's a lot of value to proceed with this.

Councilman Alt thinks it's worth trying it for \$2,450 but not to continue if it's not being used.

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

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

Resolved the Supervisor is authorized to execute a contract with SeamlessDocs for \$2,450 for a trial period to create the electronic form submission capabilities.

RESOLUTION 105-2014

GREAT LAKES TRIATHLON

Supervisor Engert received a request for the Town to authorize the Great Lakes Triathlon to take place in the Town of Somerset on October 4, 2014.

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 Great Lakes Triathlon is authorized to be held in the Town of Somerset on October 4, 2014.

BUDGET SCHEDULE

Supervisor Engert stated that we need to set the budget calendar for this year. The budget heads have submitted their requests and Supervisor Engert has to meet with the Fire Department and the Village to determine that budget line. The preliminary budget has to be submitted to the Town Clerk by September 30th. Supervisor Engert will submit the budget to Clerk Carmer by September 28th as he will be going out of town that week. The following dates were set for budget workshops:

- October 15th at 6:30PM
- October 22nd at 6:30PM (if necessary to meet with department heads)
- October 29th at 6:30PM (if necessary to meet with department heads)

RESOLUTION 106-2014

AUDIT OF CLAIMS

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

General Fund	No. 286 through No. 316	\$ 14,036.07
Highway Fund	No. 88 through No. 99	\$ 10,138.98
Sewer Fund	No. 86 through No. 94	\$ 4,728.83
Water Fund	No. 70 through No. 78	\$ 724.28

PRIVILEGE OF FLOOR

William Rounds stated that with more people using the internet can the Town get an agreement with a company for internet service? He briefed the town on numbers of houses on various roads.

Supervisor Engert advised that the Town of Somerset is participating in a Niagara Orleans Regional Initiative with eight other towns to bring broadband to our area. The coalition is close to preparing an RFP and three broadband providers appear interested. Time Warner is not interested.

Wally Coates thanked the board for participating in the Fire Department's 100 year celebration. He asked if the Town is willing to support their Veteran's Dinner again this year on November 9th.

Supervisor Engert stated that the Town is interested and has budgeted for it.

James Hoffman stated that the unregistered vehicle violation at Somerset Corners is back. He again referred to Kenyon's and stated that the weeds are four feet high and it's a problem piece of property. He would like to get enough public attention to get them to do something. Jim asked for an update on the Barker Chemical property.

Supervisor Engert followed up and was told the final report is being worked on.

Jim asked if there is anything new on the power plant. He has heard the Governor is favorable of converting power plants to natural gas.

Supervisor Engert stated that plants possibly could get credits to co-exist with other energy sources, but it's not on the Governor's agenda yet.

Jim asked if there are any talks on renegotiating the PILOT.

Supervisor Engert stated that talks haven't started yet, but will soon because of the timeframe for the school budget.

Patty Ray read a letter of concerns that she has regarding the Town Constables. She feels that her family members are upstanding, committed citizens and they have been plagued with traffic stop after traffic stop. She stated that each time the same constable gives minor reasons for pulling her over. She proceeded to give her account of a traffic stop she feels was unjustified and she told the constable his presence in the community is unnecessary. She feels the Niagara County sheriffs and the State police are enough for Somerset. She said the constable made an unprofessional statement and she feels that her money is being spent to support his inappropriate and unprofessional actions and wonders how many others this is happening to. On social media she had responses from many community members who have had the same experiences with the same constable. She also stated that the town website stopped posting the constable reports after September 2013 and wonders why.

Supervisor Engert told Patty that he would like to meet with her individually after the meeting. He will provide her the reports and wants to discuss the details she provided in her report as that should be acted on immediately. He stated that the reports are supposed to be getting posted and this was an oversight and Clerk Carmer will get them posted on the website right away.

Cheri Devereaux stated that she had a similar experience with the constable.

Supervisor Engert said that he will meet with her after the meeting also.

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Ann Buffington stated that there is a culvert under the road on Hartland Road in front of her house that is not flush with the road. When trucks drive past and go over the culvert her house shakes. She advised that there are three others in the same condition on Hartland Road between Townline Road and Haight Road. She asked if there can be anything done to help that.

Superintendent Flint stated that Hartland Road is a county maintained road. The county is responsible for paving, ditching and culverts on that road.

Supervisor Engert told Miss Buffington that he will get a meeting set up with Legislator Syracuse.

Bob Wendler, President of the Barker Fire Department, has concerns about communication regarding the extension of the Fire Protection District. They were not notified when the Governor signed the legislation and he feels out of courtesy they should have been notified. Discussion ensued regarding the legislation, communication and timeframes.

On a motion of Councilman Alt, seconded by Councilman Dewart, the meeting adjourned at 7:03P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk