

TOWN BOARD REGULAR MEETING  
SEPTEMBER 14, 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 14<sup>th</sup> day of September, 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  
Michael M. Flint ----- Supt. of Highways  
Melvin H. Denny ----- Supt of Water/Sewer/Grounds  
Mindy Austin ----- Confidential Asst. to the Supervisor  
Michael J. Norris----- Attorney  
David Haylett----- Attorney  
Brian Sibiga ----- Engineer

Attended by: approximately 30 residents

Supervisor Engert called the meeting to order at 6:30PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 119-2016

**APPROVAL OF THE MINUTES**

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 the minutes of the previous meeting on August 10, 2016 are approved as submitted.

RESOLUTION 120-2016

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT**

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 the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer  
Police Report

COMMUNICATIONS:

Clerk Carmer stated that Empire State Development will be holding an information session on the NY Broadband Program on September 20<sup>th</sup> at 9:30 at UB. She also received communication from NYS Department of Transportation announcing the availability of \$98.7 million in funding to support transportation-related projects and programs.

RESOLUTION 121-2016

**SAM GRANT – SEWER SYSTEM IMPROVEMENT**

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

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

WHEREAS, the State and Municipal Facilities Capital Program (SAM Grant) has awarded the Town of Somerset Sewer System a grant in the amount of \$50,000; and

WHEREAS, the Town is in need of performing sewer and manhole repairs, performing sewer televising, flushing and performing preliminary engineering for a sewer forcemain; and

WHEREAS, the sewer and manhole repairs, televising and flushing will improve the condition of the sewer system; and

WHEREAS, after completion of the improvements, the sewer system will have increased capacity while improving its efficiency; and

WHEREAS, the State and Municipal Facilities Program (SAM) has awarded the Town of Somerset \$50,000 to be used to assist us in completing this very necessary project; and

WHEREAS, the total cost of this project is approximately \$72,500, including hard and soft costs; and

WHEREAS, the additional funds needed to complete this project are \$22,500,

NOW THEREFORE BE IT RESOLVED, that the Town of Somerset will fund \$22,500 from the sewer district budget to complete this project.

RESOLUTION 122-2016

**NIAGARA COUNTY SNOW AND ICE AGREEMENT**

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

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

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WHEREAS, under Section 135-a of the Highway Law, the Town Board is empowered to enter into written contracts with the Commissioner of Public Works acting as County Superintendent of Highways for the removal of snow and the sanding and treatment of pavement for ice control purposes, for three (3) years; and

WHEREAS, such contracts have been negotiated by the Town Superintendent of Highways at the actual cost incurred by the Town per mile for removal of snow from County roads, and the control of ice at the actual cost incurred by the Town; therefore, be it, and it hereby is

RESOLVED, that the Town Highway Superintendent of the Town of Somerset be empowered as an agent of the Town Board to enter into the attached Ice Control and Snow Removal Contracts with the Commissioner of Public Works acting as County Superintendent of Highways for a period of three (3) years.

Supervisor Engert stated that our attorney is reviewing the snow and ice agreement for the State and it will be ready for the next meeting.

RESOLUTION 123-2016

**AUDIT OF CLAIMS**

On a motion of Councilman Wayner, seconded by Councilwoman Jansen 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. 303 through No. 342	\$ 20,879.52
Highway Fund	No. 104 through No. 117	\$ 63,554.02
Sewer Fund	No. 100 through No. 114	\$ 23,911.67
Water Fund	No. 66 through No. 74	\$ 1,493.24

PRIVILEGE OF THE FLOOR:

Taylor Quarles stated that Lighthouse Wind continues to work with the Planning Board on Met tower applications. They also continue to work through the stipulations process. He advised that the PIP process continues throughout the entire application process so he continues to urge residents to visit their office or contact them via phone or email.

Jon Hotaling said that Nelson Tree Service is cutting trees for National Grid and they have totally destroyed hundreds of trees.

Jim Hoffman thanked the Town Board for their support of the SOS Rally. He thinks the public is beginning to understand that a great deception is going on and he provided some examples.

Chris Bronson said that Apex attends meetings and touts transparency, but they do not record leases in a timely manner. She gave examples of how long it took to file leases, taking up to eight months. She said this is an example of the disrespect and disregard the company shows the residents. She said there are more leases that have been signed and have not been recorded to date.

Marcia Ray is still asking how long does it take to get across to Apex, the State and the Federal government that the project is not wanted here. She said through decades this Town has provided outstanding leadership and we have maintained an honorable, efficient, well-respected town. She asks why Albany can't respect us. She asked the Board not to give up.

Betty Wolanyk said in a Buffalo News article Taylor Quarles stated there are 17 studies showing there are no health impacts on wind turbines being placed too close to homes. She provided a list of 63 articles, etc regarding the impairment of health from industrial wind turbines. She has testimony from Australia regarding health impacts including stress-related disorders at a non-trivial rate. Distance is the only way to eliminate affects. Denmark gives money to homeowners for lost value of their homes. In Spain, on average the turbines kill 333-1,000 bird and bats annually. She discussed the leased land occurring clusters and wonders how they will connect to the transmission lines. Apex says they cannot use eminent domain. She would like the board to find out if the state can enact eminent domain to build the transmission lines.

Cathi Orr complimented the Planning Board for their hard work in addition to the Town Board.

Agnes LaPort noticed a large amount of large parcels not signed up for leases so she feels the residents are becoming educated and care about the Town.

Chris Schilling said she loves the area and believes the lake should be considered a national monument. Where she lives in Idaho the senator was able to preserve an area as a national monument. She talked about a town in Switzerland where they have solar panels hooked into their houses. They add electricity to the Swiss system and there is a large boiler in the middle of town which heats water that all of the homeowners use to heat their homes. She said we should take our time to consider other options that are out there. In addition, she said that the Amish make small windmills and use them and we could use them too.

Dale Howard discussed fines and fees again. He said if we have control over this, we should consider what it would cost to do business in town such as engineers, police, etc. The building permit should be highly expensive so the burden is not placed on the taxpayer.

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Andrew Atwater said it is apparent that alternative energy is coming. He said if we do not want solar farms in town, we should get ahead of it before a project has begun. He suggests we put a moratorium on industrial solar farms.

Chris Schilling told a story of a Canadian company that wanted to mine for gold in Boise. The company went bankrupt so the cleanup that was promised did not happen. Also, roads in Idaho were getting wrecked by trucks going for oil in Northern Idaho.

On a motion of Councilwoman Jansen, seconded by Councilman Wayner, the meeting adjourned at 7:05P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk