

REGULAR MEETING
APRIL 9, 2013

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 April 2013.

Present: Daniel M. Engert ----- Supervisor
Randall J. Wayner ----- Councilman
Gary R. Alt ----- Councilman
Robin R. Jansen ----- Councilman
Rebecca A. Connolly ---- Clerk
Melvin H. Denny ----- Supt of Water/Sewer/Grounds
Mindy Austin ----- Confidential Asst. to the Supervisor
Randy D. Roeseler ----- Engineer
Morgan Jones Jr. ----- Counsel

Absent: Jeffrey M. Dewart ----- Councilman

Attended by: 8 residents and 5 BCS students

Supervisor Engert called the meeting to order at 7:00PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 51-2013

APPROVAL OF THE MINUTES

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen,
Nays 0

Resolved the minutes of the previous meeting are approved.

RESOLUTION 52-2013

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen,
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 Connolly stated a monthly communication was received from Time Warner regarding channel lineup.

SUPPORT OF SECOND AMENDMENT

Clerk Connolly stated a resolution was received from the Town of Clarence opposing the NYS SAFE Act. Clerk Connolly stated the resolution adopted by the Town Board at the March meeting was sent to the officials with no communications being received to date.

VETERANS OUTREACH PROGRAM

Clerk Connolly announced that the Town of Somerset is working with the Niagara County Clerk for a veterans outreach program that will enable veterans the ability to go to their town hall to have a private meeting with someone from the Veterans Agency. She stated that all Town Halls are participating and the date for Somerset is August 13, 2013.

RESOLUTION 53-2013

CEMETERY REGULATIONS – Proposed Local Law #3

Superintendent Denny stated the regulations have been updated with the committee. He said they reviewed other town's regulations and updated what would be best for Somerset.

Councilman Wayner said there has not been an adjustment for pricing since 1996 and the majority of the costs are labor.

Supervisor Engert stated that he would like to see that there is an addition for holiday/weekend burials in extenuating circumstances.

On the introduction of Councilman Alt, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen,
Nays 0

Resolved a proposed local law to repeal and replace Chapter 82, "Cemeteries" is introduced with a public hearing to be held on May 14, 2013 at 7:00 p.m.

LWRP (Local Waterfront Revitalization Program) UPDATE

Supervisor Engert stated a grant application was submitted to update the LWRP but the town was not awarded the grant during that cycle. He said there are two areas that require updating and he had a conference call with the Engineers and the Department of State (DOS) to discuss the options. He said they suggested that we reapply and suggested a memorandum be submitted to point out the clarifications that need to be made regarding the maps and the sewer service area.

Engineer Roeseler stated DOS agrees with the interpretation of the document and that a memorandum be sent to obtain a legal opinion. He stated there is a difference between the sewer district and a sewer service area of which we currently have. He stated any new project would need adequate infrastructure to service their needs and a septic could still meet the needs of the project.

Supervisor Engert stated they intend to reapply for the grant when the funding opens up and will send a memorandum.

SHOVEL READY SITE UPDATE

Supervisor Engert stated the funding source for the shovel ready site has not come to fruition but the Town is moving forward in a proactive position with development and marketing of the site. He said the Engineer is working on another avenue for funding. He stated the marketing brochure has been finalized and is being distributed by the Niagara County Economic Council throughout Southern Ontario and Northeastern states.

ASSESSOR

Supervisor Engert stated Dominic Penale will be leaving at the end of April but will represent the Town at Grievance Day in May. He stated Anthony Dispenza has been moving forward and has some great ideas for educating the public via the website. He also suggested sketching software be purchased to save time when drawing diagrams on the property record cards which are currently done manually.

RESOLUTION 54-2013

SOLAR ENERGY SYSTEMS ASSIGNMENT

Supervisor Engert stated the Planning Board has been discussing regulating solar energy systems. He said he met with Chairman Hotaling regarding this issue and suggested the Planning Board be assigned this.

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen
Nays 0

Resolved the Planning Board is assigned investigation into regulations regarding the installation of solar energy systems.

RESOLUTION 55-2013

ELECTRONIC WHITEBOARD FOR MEETING ROOM

Supervisor Engert stated he would like to purchase an electronic whiteboard for the meeting room. He said this will provide an up-to-date technology tool and provides the ability to save the information and images that are on the Board. He presented quotes for the purchase as required by the procurement policy as follows:

<u>Name and Address of Vendor</u>	<u>Price</u>
Indoff Inc. P.O. Box 842808, Kansas City, MO 64184-2808	\$ 3,275.00
Quartet (online purchase)	\$ 3,442.46

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen
Nays 0

Resolved Supervisor Engert is authorized to purchase an electronic whiteboard from Indoff, Inc., P.O. Box 842808, Kansas City, MO 64184-2808 for \$3,275.00 as proposed.

RESOLUTION 56-2013

BUILDING INSPECTOR PART-TIME

Supervisor Engert stated Civil Service needs clarification of the duties of the Building Inspector part-time to enforce the zoning codes.

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen
Nays 0

Resolved the Building Inspector part-time is hereby authorized and directed to enforce the zoning codes of the Town of Somerset.

RESOLUTIONS COMMITTEE

Supervisor Engert stated Chapter 98 of the Code of the Town of Somerset entitled Right to Farm provides for the establishment of a resolutions committee to find a resolution to a dispute on what an acceptable agriculture practice is.

Councilman Wayner said according to the code the committee is comprised of at least 3 residents of Somerset covering all different areas of the town.

Supervisor Engert asked Councilman Wayner and Councilman Alt to find interested residents that would like to serve on the committee and provide a report at the next meeting.

Discussion ensued regarding the purpose of the committee.

RESOLUTION 57-2013

AUDIT OF CLAIMS

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen
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. 119 through No. 152	\$ 30,262.63
Highway Fund	No. 26 through No. 33	\$ 23,275.57
Sewer Fund	No. 33 through No. 47	\$ 10,267.38
Water Fund	No. 25 through No. 36	\$ 28,729.83

PRIVILEGE OF THE FLOOR

Susan Harriger asked if anything is going on with windmills.

Supervisor Engert said the Town currently operates 2 windmills at the Water Treatment facility and we have laws in place for both commercial and residential windmills. He said the economy has driven the market and the funding.

Councilman Wayner said we have some very good laws.

James Hoffman spoke to the Board regarding regulating solar installations. He said the town is not currently issuing building permits for those installations and feels that a permit should be issued as it is a structure. He said the Planning Board has been looking at several ordinances and the Board is drafting one. He said that Chairman Hotaling and he attended a meeting at the Fire Hall regarding the safety and structural analysis of the structures.

On a motion of Councilman Alt, seconded by Councilman Jansen, the meeting adjourned at 7:56 P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk