

REORGANIZATIONAL AND REGULAR MEETING
JANUARY 8, 2013

The Reorganizational and 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 8th day of January 2013.

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

Attended by: Mark Remington, DCO & Code Enforcement Officer and 7 residents

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

RESOLUTION 1-2013

APPROVAL OF THE MINUTES

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 minutes of the previous meeting are approved.

ASSESSOR IN TRAINING

Supervisor Engert introduced Tony Dispenza as the Assessor in Training. He stated current Assessor, Dominic Penale, will be leaving after the tentative assessment roll is filed with Niagara County and that Mr. Dispenza will be shadowing Mr. Penale for the next few months.

Councilman Alt stated there were very qualified candidates interviewed for the position and is very pleased with the choice of Mr. Dispenza.

Mr. Dispenza stated he looks forward to shadowing Mr. Penale and hopefully gaining from his knowledge and style with anticipation of taking the office in May.

RESOLUTION 2-2013

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Alt, 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

ANNUAL REPORTS RECEIVED AND FILED:

Town Clerk
Code Enforcement
Justice
Barker Fire Department
Senior Citizens
Historical Society

COMMUNICATIONS:

Clerk Connolly stated a communication was received and forwarded to the Town Board from the Association of Towns regarding the resolutions and proposed constitution and by-laws change that will be voted upon at the annual meeting in February.

RESOLUTION 3-2013

ANNUAL AUDIT

Councilman Jansen reported that she and Councilman Dewart conducted the annual audit of the departments on January 3, 2013 and determined that there are sufficient multi-tiered controls in place that would deter fraud and they are satisfied with the audit and find no problem with the current procedures in place.

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

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

WHEREAS, the Audit Committee conducted its annual audit on Thursday, January 3, 2013, and

WHEREAS, the criminal and civil dockets of the Town Justice for 2012 having been duly examined with the monthly cash summary being viewed and the fines and fees having been turned over to the proper officials, and

WHEREAS, the records of the Code Enforcement Officer for 2012 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Town Clerk for 2012 having been duly examined and turned over to the proper officials, and
WHEREAS, the records of the Tax Collector for 2012 having been duly examined and turned over to the proper officials, and
WHEREAS, the records of the Supervisor for 2012 having been duly examined with all monies disbursed properly,
BE IT RESOLVED that the Somerset Town Board accept and adopt the findings of the Audit Committee for 2012 that the aforementioned departments have properly managed those monies that fall within their purview.

ZONING BOARD RULES OF PROCEDURE

Supervisor Engert stated the Board has received the proposed rules of procedure from the Zoning Board of Appeals and asked the Board to be prepared to discuss them at the next meeting.

ZONING LAW REVISIONS UPDATE

Supervisor Engert said the zoning code recommendations have been received from Attorney Jones and said they will be forwarded to the Planning Board for their review. He asked the Board to review them for discussion at the next meeting.

RESOLUTION 4-2013

CHANGE IN PHONE SERVICE PROVIDER

Supervisor Engert stated that phone service providers have been investigated and found that Verizon is offering substantially lower prices than the current provider MetTel and recommended the Board authorize changing to Verizon.

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

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

Resolved Supervisor Engert is authorized to change phone service provider to Verizon for all town phone lines as proposed.

RESOLUTION 5-2013

RENEWAL OF SNOW & ICE AGREEMENT WITH NYS

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

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

Resolved Supervisor Engert is authorized to enter into a municipal snow and ice agreement with the State of New York State for the removal of snow and ice from state highways until June 30, 2015.

RESOLUTION 6-2013

EXTENSION OF GASOLINE BID WITH DRUM OIL & PROPANE

Supervisor Engert stated the gasoline bids are a recurring bid that only one vendor submits a bid and asked the Board to exercise the option to extend the current bid for another year with Drum Oil & Propane.

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

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

Resolved the gasoline bid with Drum Oil and Propane, Gasport, NY is extended until February 13, 2014 as per contract.

RESOLUTION 7-2013

DELEGATE TO ASSOCIATION OF TOWNS MEETING

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

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

Resolved that Clerk Connolly be appointed delegate for the Association of Towns meeting, with Supervisor Engert serving as alternate.

PUMPS FOR SEWER PLANT

Supervisor Engert said he asked Superintendent Denny to compile an inventory of the pumps for the pumping stations with the year the pump went into service. He said it was completed and will be forwarded to the Board.

SUPERVISOR'S APPOINTMENTS

Supervisor Engert made the following appointments:

CONFIDENTIAL ASSISTANT TO THE SUPERVISOR – Melinda Austin

DEPUTY SUPERVISOR – Randall Wayner

HISTORIAN – Peter Devereaux

AUDIT COMMITTEE – Councilman Jansen & Councilman Dewart

PLANNING/ZONING ADVISORY COMMITTEE – Councilman Alt &
Councilman Dewart

WATER/SEWER/REFUSE ADVISORY COMMITTEE – Councilman Alt, Councilman
Wayner & Superintendent Denny

PARKS/RECREATION ADVISORY COMMITTEE – Councilman Wayner,
Councilman Alt & Superintendent Denny

DRAINAGE/DITCHING ADVISORY COMMITTEE – Councilman Dewart,
Councilman Jansen & Superintendent Bigelow

SENIOR CITIZEN'S ADVISORY COMMITTEE – Councilman Jansen & Councilman
Alt

PUBLIC SAFETY ADVISORY COMMITTEE – Councilman Wayner & Councilman
Dewart

(Supervisor Appointments continued)

BUSINESS DEVELOPMENT/TOURISM ADVISORY COMMITTEE – Supervisor
Engert & Councilman Wayner
COMMUNICATION ADVISORY COMMITTEE – Supervisor Engert, Councilman
Wayner & Clerk Connolly

RESOLUTION 8-2013

ANNUAL APPOINTMENTS

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

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

Resolved the following appointments are approved.

The REGULAR MEETING of the Town Board shall be held on the 2nd Tuesday of each month at 7:00PM at the Somerset Town Hall, 8700 Haight Road, Barker, New York.

The OFFICIAL DEPOSITORIES for funds (all accounts) shall be:
Key Bank, 8683 Main Street, Barker, NY
M & T Bank, Lockport, NY & Lyndonville, NY
Bank of Akron, Akron, NY

For Investments:
Chase Bank, New York, NY

AUTHORIZED SIGNATURES AT BANKS: Supervisor, Deputy Supervisor and Town Clerk

OFFICIAL PUBLICATION shall be Lockport Union-Sun & Journal, Lockport, NY

OFFICIAL MILEAGE shall be based on the federal IRS rate with the rate for 2013 being 56.5 cents per mile

LEGAL REPRESENTATION shall be Seaman, Jones, Hogan & Brooks, LLC as per agreement

FOREMAN for Water/Sewer/Grounds shall be Douglas Lewis

DOG CONTROL OFFICER shall be Mark Remington

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ZONING BOARD OF APPEALS MEMBER shall be Herbert Linderman for a five year term expiring 12/31/2017

ZONING BOARD OF APPEALS CHAIRMAN shall be Herbert Linderman

PLANNING BOARD CHAIRMAN shall be Jon Hotaling

SENIOR CITIZEN DIRECTOR shall be JoAnn Greenwald

NUTRITION SITE SERVICE ASSISTANT shall be Christine Monnin

SENIOR COMMUNITY SERVICE AIDE shall be Gladys Dibble

RESOLUTION 9-2013

APPROVAL OF SCHOOLING

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

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

Resolved that schooling for Elected and Appointed Officials, Water Superintendent, Code Enforcement Officer, Assessor and Dog Control Officers when school pertains to respective jobs is duly authorized.

RESOLUTION 10-2013

APPROVAL OF HISTORICAL SOCIETY CONTRACT

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 that the contract with the Town of Somerset Historical Society for \$7,600.00 for 2013 is approved.

RESOLUTION 11-2013

APPROVAL OF LIBRARY CONTRACT

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

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

Resolved that the contract with the Barker Free Library for \$17,575.00 for 2013 is approved.

RESOLUTION 12-2013

APPROVAL OF SENIOR CITIZENS AGREEMENT

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 agreement with the Barker Senior Citizens for \$7,500.00 for 2013 is approved.

RESOLUTION 13-2013

APPROVAL OF SOMERSET YOUTH BASEBALL AGREEMENT

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

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

Resolved that the agreement with the Somerset Youth Baseball League for \$6,200.00 for 2013 is approved.

RESOLUTION 14-2013

APPROVAL OF AMERICAN LEGION AGREEMENT

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 that the agreement with the American Legion Herbert W. Carr Post #425 for \$1,300.00 to provide veterans service for 2013 is approved.

RESOLUTION 15-2013

APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER

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

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

Resolved that the contract with the Village of Barker for providing use of highway equipment and services for 2013 is approved.

RESOLUTION 16-2013

APPROVAL OF WATER/SEWER AGREEMENT WITH VILLAGE OF BARKER

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

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

Resolved that the contract with the Village of Barker for providing use of equipment and services for repair of water lines is approved.

RESOLUTION 17-2013

APPROVAL OF AGREEMENT WITH NIACAP

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 agreement with the Niagara Community Action Program (NIACAP) for \$2,000 for 2013 is approved.

RESOLUTION 18-2013

APPROVAL OF ENGINEERING CONTRACT

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 agreement with Wendel to provide engineering services for \$8,520.00 for 2013 is approved.

RESOLUTION 19-2013

AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.

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

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

Resolved that the Superintendents of Departments are authorized to purchase stone, gravel, asphalt, gasoline, tires, etc., at state and county prices.

RESOLUTION 20-2013

AUTHORIZE PURCHASES UP TO \$1,000.00

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

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

Resolved that the department heads are authorized to purchase up to \$1000.00 per item without prior Town Board approval.

RESOLUTION 21-2013

AUTHORIZE TO PRE-PAY ITEMS

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

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

Resolved that the Supervisor is authorized to prepay utility bills, contracts and postage.

RESOLUTION 22-2013

DESIGNATION OF HIGHWAY FUNDS

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 that pursuant to the provisions of Section 284 of the Highway Law, monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, \$330,000.00 shall be expended for the general repairs upon 33.42 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 23-2013

APPROVAL OF INVESTMENT POLICY

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

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

Resolved that upon review by the Town Board, the investment policy of the Town of Somerset is approved.

RESOLUTION 24-2013

APPROVAL OF PROCUREMENT POLICY

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 that upon review by the Town Board, the procurement policy of the Town of Somerset is approved.

RESOLUTION 25-2013

AUDIT OF CLAIMS

On a motion of Councilman Alt, seconded by Councilman 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. 1 through No. 17	\$ 91,326.32
Highway Fund	No. 1	\$ 11.40
Sewer Fund	No. 1 through No. 5	\$ 2,570.16
Water Fund	No. 1 through No. 4	\$ 29,387.75

PRIVILEGE OF THE FLOOR

James Hoffman addressed the Board regarding the every other week recycling program and is concerned people are not putting them to the curb properly.

Councilman Wayner said that it will take 2 to 3 months for the residents to get used to the program.

On a motion of Councilman Alt, seconded by Councilman Dewart, the meeting adjourned at 7:40 P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk