

REGULAR MEETING
JUNE 11, 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 11th day of June 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: Code Enforcement Officer Remington and 9 residents

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

PROCLAMATION FOR BCS Varsity Wrestling Team

Supervisor Engert read a proclamation honoring the Barker Varsity Wrestling team and the coaches on winning the Niagara Orleans League Championship. He also recognized Brandon Alt and DJ Gardner for claiming individual league championship honors.

PROCLAMATION FOR BCS Varsity Tennis Doubles Champions

Supervisor Engert read a proclamation honoring the Barker Varsity Tennis team and the coach on winning the Niagara Orleans League Championship in one event. He also recognized the doubles team of Mike Schian and Sean Benoit for claiming championship honors.

PROCLAMATION FOR BCS Varsity Boys Track and Field Team

Supervisor Engert read a proclamation honoring the Barker Varsity Boys Track and Field team and the coaches on winning the Niagara Orleans League Championship for the third consecutive year. He also recognized Jordan Bender, Jake Haight, Brett Cole and Bryce Moeller for claiming individual league championship honors.

PROCLAMATION FOR BCS Varsity Golf Team

Supervisor Engert read a proclamation honoring the Barker Varsity Golf team and the coach on winning the Niagara Orleans League Championship for the third consecutive year. He also recognized Mitch Luckman, Brad Wilson, Nick Provencher, Matt Smolinsky and Alonzo St. Louis for their contributions at the league championships.

PROCLAMATION FOR BCS Varsity Boys Swimming Team

Supervisor Engert read a proclamation honoring the Barker Varsity Boys Swimming team and the coaches on much team success in the Niagara Orleans League. He also recognized Brian Alt for claiming individual league championship honors.

RESOLUTION 74-2013

APPROVAL OF THE MINUTES

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 minutes of the previous meeting are approved as submitted.

RESOLUTION 75-2013

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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 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.

Clerk Connolly read a communication from Time Warner stating they support Senate bill 5481/Assembly bill 7588 entitled the Rural Broadband Deployment Act that will extend the network. The letter stated that 96% of New York households have access to a wire line broadband service. She stated there are numerous homes in Somerset that do not have this access.

RESOLUTION 76-2013

SALE OF SURPLUS ITEMS

Clerk Connolly reported that information was received from Auctions International regarding selling surplus items. She stated that it looks as if it would cost the town money to participate in this program and recommended the items be sold via sealed bid.

Supervisor Engert asked the Refuse Committee to look over the material and pursue the avenue that would best suit the Town.

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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 the Refuse Committee review the material provided by Auctions International for the sale of surplus items and are authorized to pursue a public sale of the items in the best method that benefits the Town.

RESOLUTION 77-2013

UNIFORM NOTICE OF CLAIMS

Councilman Wayner stated this gives another option for serving notice on the Town when a person is suing a municipality by allowing that person to serve the Secretary of State. He suggested that the designation of notice be filed with the Town Board in care of the Supervisor for the sake of consistency.

Supervisor Engert stated that a form must be filed with the Secretary of State with the designation. He stated the Secretary of State is charging \$250 and if the designation form is filed the Town will receive 50% of the fee.

Attorney Jones stated that it will eventually be filed with the Town Clerk to be logged in.

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

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

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer or person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; Now therefore Be It

RESOLVED, that the Town Board of the Town of Somerset, County of Niagara hereby designates the Secretary of State as the agent for the service of a notice of claim upon the Town, with any such notice of claim served upon the Secretary of State to be mailed to the Town of Somerset, Attn: Town Supervisor, 8700 Haight Road, P.O. Box 368, Barker, NY 14012-0368.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013, with copy of same to be retained as a matter of record and filed with the Town Supervisor and Town Attorney.

RESOLUTION 78-2013

SALE OF RECYCLING TOTES

Supervisor Engert stated a request was made by a resident to purchase an additional recycling tote and the Refuse Committee was looking into a price to be charged. Discussion ensued regarding the price to be charged for an additional recycling tote, the quantity that we have on hand, and the cost of the totes if the Town has to purchase more.

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 if a resident desires an additional recycling tote the price to be charged is \$43.00.

RESOLUTION 79-2013

SENIOR CITIZENS TAX EXEMPTION

Supervisor Engert stated the Town has previously coincided with Niagara County for the exemption amounts allowed for the seniors and it is currently not. He stated that Assessor Dispenza provided the Board with information regarding the financial impact and that 1.14% of the assessed value makes up the qualified property.

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

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

Resolved a proposed local law to amend Chapter 177, "Senior Citizens Tax Exemption" is introduced with a public hearing to be held on July 9, 2013 at 7:00 p.m.

RESOLUTION 80-2013

USE OF TOWN PARK FOR STRONGMAN COMPETITION

Supervisor Engert stated Jeff Miller has requested to use the Town Park on June 29th to hold a Strongman Competition for the youth. He stated Attorney Jones will draft an "Assumption of Risk and Liability" waiver for everyone to sign.

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 Jeff Miller is authorized to use the Town Park for a Strongman Competition on June 29, 2013.

BROADBAND

Supervisor Engert stated that he has been working with Legislator Godfrey and Legislator Syracuse on a grant initiative to study the structures where broadband may be placed. He said an inventory of the town will need to be conducted. He stated Orleans and Niagara County are working on this with 5 towns in Niagara County participating. He stated he will be meeting with the Legislators next week to discuss this further.

RESOLUTION 81-2013

AUDIT OF CLAIMS

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

General Fund	No. 200 through No. 236	\$ 38,623.01
Highway Fund	No. 44 through No. 52	\$166,445.84
Sewer Fund	No. 56 through No. 64	\$ 3,187.99
Water Fund	No. 45 through No. 52	\$ 3,326.59

WEST SOMERSET ROAD

Councilman Alt questioned Superintendent Bigelow what is happening with paving West Somerset Road.

Superintendent Bigelow said the County will be chip sealing the road this week.

PRIVILEGE OF FLOOR

Chris Czelusta addressed the Board regarding the following:

1. Asked if there is an update on the West Somerset Cemetery.
Supervisor Engert stated that he will get an update from Mr. White on the potential of acquiring property to expand the cemetery.
2. Stated with the retirement of employees from the Highway Department, this is an opportunity for the Board to look into consolidation of the Highway Department with the Water/Sewer Department into a Department of Public Works. He said there could be a great deal of savings.
Supervisor Engert stated there will have to be a referendum on the matter but the Board can evaluate the idea and he will put a committee together to investigate the matter.

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John MacDonald asked if there is any knowledge on the status of the power plant and has there been any progress on the opposition to the Champlain Hudson Power deal. Supervisor Engert said the plant has been offline for about 10 days due to some mechanical problems and there has been no discussion regarding anything beyond 2015. He stated the Champlain Hudson Power Express project requires approvals at the federal level. He said there is hope that those approvals can be slowed down. He said the Town did not achieve any success at the state level. He said the Town held a public rally at the power plant and we are doing everything we can. He gave an extensive overview of the entire process.

RESOLUTION 82-2013

EXECUTIVE SESSION

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

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

Resolved the Board enter into an executive session to discuss contract negotiations and a personnel matter at 8:07PM.

RESOLUTION 83-2013

RETURN TO REGULAR SESSION

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 Board return to regular session at 9:07PM.

On a motion of Councilman Jansen, seconded by Councilman Wayner, the meeting adjourned at 9:08 P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk