

REGULAR MEETING
JANUARY 10, 2012

The 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 10th day of January 2012.

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: Numerous residents and 13 BCS students

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

RESOLUTION 3-2012

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.

RESOLUTION 4-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 Supervisor's Monthly report be accepted as submitted.

RESOLUTION 5-2012

CODE ENFORCEMENT OFFICER'S REPORT

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 the Code Enforcement Officer's report is accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Police Department
Dog Control Officer

QUARTERLY REPORTS RECEIVED AND FILED:

Assessor

ANNUAL REPORTS RECEIVED AND FILED:

Town Clerk
Code Enforcement Officer
Justice
Historical Society
Barker Fire Department

COMMUNICATIONS:

TERMINATION OF POLICE CONTRACT

Clerk Connolly read a letter from Herbert Meyer, Mayor of Village of Barker, stating the requested changes to the police contract are not acceptable, therefore effective midnight December 31, 2011 the police contract will be terminated.

CABLE TV

Clerk Connolly read a franchise renewal notice from Time Warner Cable stating that Time Warner Cable seeks renewal of its cable television franchise and requests commencement of renewal proceedings pursuant to 47 U.S.C. 546(a).

THANK YOU FROM NIAGARA COUNTY HEALTH DEPARTMENT

Clerk Connolly read a letter from the Niagara County Health Department thanking the Town for hosting the rabies clinic on April 9, 2011.

Clerk Connolly thanked Superintendent Bigelow for the assistance of his department and specifically Superintendent Bigelow for helping out that day.

ZONING NOTICE FROM VILLAGE OF BARKER

Clerk Connolly read a notice of public hearing for property located at 1697 East Avenue, Barker that was held on December 21, 2011.

ASSOCIATION OF TOWNS

Clerk Connolly read the notice from the Association of Towns announcing their annual meeting. Clerk Connolly presented the resolutions that will be considered at the annual meeting and asked the Board to review them and provide comments, if any, by January 25th.

AES BANKRUPTCY NOTICE

Clerk Connolly stated the bankruptcy notice for AES has been received.

RESOLUTION 6-2012

ANNUAL AUDIT

Councilman Wayner reported that he and then Councilman Engert conducted the annual audit of the departments on December 30, 2011.

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

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

WHEREAS, the Audit Committee conducted its annual audit on Friday, December 30, 2011, and

WHEREAS, the criminal and civil dockets of the Town Justice for 2011 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 2011 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Town Clerk for 2011 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Tax Collector for 2011 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Supervisor for 2011 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 2011 that the aforementioned departments have properly managed those monies that fall within their purview.

RESOLUTION 7-2012

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 Wayner, 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, 2013 as per contract.

RESOLUTION 8-2012

ENGINEERING CONTRACT

Engineer Roeseler stated they are requesting two authorizations that include the annual contract and an assignment of all current and past contracts to be assigned to their new legal entity. He said Wendel-Duscherer is restructuring their business in order to offer ownership of the company to employees who aren't necessarily licensed but have

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contributed to the success of the business. He stated that as the business is structured now, only licensed professionals can have ownership.

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 contract with Audubon Architecture, Engineering, Surveying & Landscape Architecture, PC aka as Wendel for providing engineering services for 2012 is approved.

RESOLUTION 9-2012

REASSIGNMENT OF PREVIOUS AND CURRENT CONTRACTS WITH WENDEL DUSCHERER

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 all previous and current contracts with Wendel-Duscherer are reassigned to Audubon Architecture, Engineering, Surveying & Landscape Architecture, PC.

RESOLUTION 10-2012

DELEGATE TO ASSOCIATION OF TOWNS MEETING

Supervisor Engert stated the Town of Somerset is extremely proud to announce that Clerk Connolly is the President of the Association of Towns. Clerk Connolly gave an overview of the responsibilities and the annual meeting.

On a motion of Supervisor Engert, seconded by Councilman Alt, 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.

RESOLUTION 11-2012

ALTERNATE DELEGATE TO ASSOCIATION OF TOWNS MEETING

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 Supervisor Engert be appointed alternate delegate for the Association of Towns meeting.

RESOLUTION 12-2012

ELECTRICITY RATES

John Ludtka of New Wave Energy presented documents showing the cost savings since the Town contracted for reduced electricity rates. He stated the 12 accounts were analyzed and brought everything together for a fixed price agreement. He stated the savings from the market variable rate to fixed rate was a little over \$250. He said the new rates have been dropped from 62.46 cents per kWh to 57.55 cents per kWh with an anticipated savings of over \$1,700. He stated the bills will now be on the National Grid bill. He said that National Grid moved some fees to the supplier side and not the delivery side and those fees are included in the fixed rate price. Mr. Ludtka explained the different taxes and tariff charges.

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 contract with New Wave Energy Corp., P.O. Box 42, Bowmansville, NY 14026 is renewed for 12 months to supply electric energy at a fixed rate of 57.55 cents per kWh.

RESOLUTION 13-2012

RULES OF PROCEDURE

Supervisor Engert stated procedures for conducting Town Board meetings have been developed over the past few months and asked Clerk Connolly to read the rules of procedures.

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

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

WHEREAS, Section 63 of the Town Law authorizes a town board to determine its rules of procedure; and

WHEREAS, procedures governing Somerset Town meetings are procedures of reason, order and common sense and these procedures are designed to provide guidance to the elected officials and public at Town Board meetings; and

WHEREAS, the procedural rules are not intended to be an exhaustive guide to proper conduct, but rather the rules are intended to state basic standards that should govern the conduct of elected officials and public and to provide guidance to assist them in establishing and maintaining high standards of professional and personal conduct;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 63 of the Town Law the Town Board for the Town of Somerset hereby adopts the rules of procedure appended hereto. (Attachment 1)

RESOLUTION 14-2012

ESTABLISHMENT OF CONSTABULARY

Supervisor Engert stated the topic establishing a constabulary has been discussed over the past few months after not being able to reach an agreement with the Village of Barker for police services.

Councilman Wayner stated he has been on the Board for 6 years and the police budget has continually increased and then in August a letter was received from the Village to increase the amount the town pays to \$65,000. He said that he felt it was time to thoroughly research and investigate the cost benefits of the contract. He said several meetings took place with the Police Chief and the Mayor to discuss costs and possible cuts to the police budget. He said the Town asked to have a police advisory board set up because the town would be absorbing 65 - 70% of the costs. He said the issue is not with the officers or the service provided by the Police Department, but with the Village who the contract is with. He said the Town and Village have not been able to come to an agreement. He said the Board investigated other options which included a contract with the Sheriff Dept. for \$80,000 and that was too much money. He said establishing a constabulary was investigated and said this form of police service can be provided at the budgeted amount. He said he did a comparison with another town of similar size that has a constabulary. He said he feels that this is a viable option and the Board will have the ability for direct management.

Councilman Alt stated this is his third year on the Board and said the police contract has been increasing too much. He said he feels the Town should have some say in the expenditures. He said he feels this is the best option for our rural community.

Councilman Jansen said prices go up and it is the role of the Board to make sure the Town receives the most for the money spent.

Supervisor Engert said he respects the sovereignty of the Village to run their municipality and that village residents are also town residents. He said the Board supports the Village to make the best decision for their residents. He said the Town is fully prepared to have a professional and trained force. He said the Public Safety committee has been formed to closely observe and evaluate this program during the year.

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 Contract with the Village of Barker for Police Services expired at midnight on December 31, 2011, and has not been renewed, and the Town has not established a Town Police Department; and

WHEREAS, Town Law §20 authorizes the Town to employ constables in such numbers as the Town Board shall deem necessary, to have such powers and duties under Town Law §39 as the Town Board may proscribe, not inconsistent with law; and

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WHEREAS, although the Town does receive good police service from both the Niagara County Sheriff's Department and the New York State Police, never-the-less, the Town is desirous of obtaining the additional protection and more localized services which can be provided by Town Constables; and

WHEREAS, the expense of same is anticipated to be less than an extension of the prior Contract with the Village of Barker would cost,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset:

That the Town Supervisor is hereby authorized and directed to hire as many qualified and experienced persons as Town Constables as the Supervisor may determine to be necessary to adequately staff such office; and

That the Town Supervisor shall have authority to make duty assignments and work-schedules for all Constables to be employed; and

That subject to budgetary restrictions and proper procurement policies, the Supervisor is authorized to obtain a vehicle for use by Town Constables with a siren, flashing lights, communications equipment and appropriate coloration and signage, and is authorized to allocate space within Town Hall for a Constable's office and storage area; and it is further

RESOLVED, that Town Constables shall have the following duties and powers:

1. To patrol, in vehicles or on foot, the entire Town, including Town Parks and Cemeteries.
2. To operate a Town-owned vehicle equipped with emergency lights and siren.
3. To control traffic and enforce the provisions of the Vehicle and Traffic Law; to issue Uniform traffic summonses for violations thereof pursuant to §207 of such law; and to issue summonses for parking infractions.
4. To assist with crowd control at accident scenes and other emergencies.
5. To protect Town property.

6. To cooperate with and assist Niagara County Sheriff's Deputies and New York State Police.
7. To appear at all sessions of Town Court to provide security, being authorized to handcuff defendants when in the Constable's sound discretion same is necessary to prevent escape, preserve decorum or insure safety.
8. To serve civil process.
9. To make collections pursuant to executions and garnishee executions issued upon Judgments rendered in Town Court.
10. Provide or assist in the provisions of dog control services under Article 7 of the Agriculture and Markets Law, to enforce the provisions of such Article, and to enforce the provisions of Article 26 of such Law.
11. To also have, as a peace officer, when acting pursuant to their special duties as assigned herein, the following powers as granted pursuant to §2.20 of the Criminal Procedure Law:
 - a. The power to make warrantless arrests pursuant to §140.25 of the Criminal Procedure Law.
 - b. The power to use physical force and deadly physical force in making an arrest or preventing an escape pursuant to §35.30 of the Penal Law.
 - c. The power to carry out warrantless searches whenever such searches are constitutionally permissible.
 - d. The power to issue Uniform appearance tickets pursuant to Article 27 of the Parks, Recreation and Historic Preservation Law, and to issue simplified traffic Informations pursuant to §100.25 of the Criminal Procedure Law, and Section 207 of the Vehicle and Traffic Law.
 - e. The power to issue a Uniform Navigation Summons and/or Complaints pursuant to Section 19 of the Navigation Law.
 - f. The power to issue uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law.
 - g. The power to possess and take custody of firearms not owned by the Constable, for the purpose of disposing, guarding, or any other lawful purpose, consistent with his duties as a peace officer.

RESOLUTION 15-2012

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.

DOG CONTROL OFFICER shall be Mark Remington

DEPUTY DOG CONTROL OFFICER shall be Nancy Pestinger (compensation of hourly rate plus mileage when requested by DCO to assist)

ZONING BOARD OF APPEALS MEMBER shall be Kent Wakefield for a five year term expiring 12/31/2016

ZONING BOARD OF APPEALS ALTERNATE shall be Joseph Provencher for a one year term expiring 12/31/2012

ZONING BOARD OF APPEALS CHAIRMAN shall be Herbert Linderman

PLANNING BOARD ALTERNATE shall be James Trinder for a one year term expiring 12/31/2012

SENIOR CITIZEN DIRECTOR shall be JoAnn Greenwald

NUTRITION SITE SERVICE ASSISTANT shall be Christine Monnin

SENIOR COMMUNITY SERVICE AIDE shall be Gladys Dibble

RESOLUTION 16-2012

APPROVAL OF SCHOOLING

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 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 17-2012

APPROVAL OF HISTORICAL SOCIETY CONTRACT

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 contract with the Town of Somerset Historical Society for \$8,000.00 for 2012 is approved.

RESOLUTION 18-2012

APPROVAL OF LIBRARY CONTRACT

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 Barker Free Library for \$18,500.00 for 2012 is approved.

RESOLUTION 19-2012

APPROVAL OF SENIOR CITIZENS AGREEMENT

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 that the agreement with the Barker Senior Citizens for \$7,500.00 for 2012 is approved.

RESOLUTION 20-2012

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 \$6,500.00 for 2012 is approved.

RESOLUTION 21-2012

APPROVAL OF AMERICAN LEGION AGREEMENT

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 agreement with the American Legion Herbert W. Carr Post #425 for providing veterans service for 2012 for \$ 1,300.00 is approved.

RESOLUTION 21-2012

APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER

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 contract with the Village of Barker for providing use of highway equipment and services for 2012 is approved.

RESOLUTION 22-2012

APPROVAL OF WATER/SEWER AGREEMENT WITH VILLAGE OF BARKER

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

RESOLUTION 23-2012

APPROVAL OF AGREEMENT WITH NIACAP

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 agreement with the Niagara Community Action Program (NIACAP) for \$2,000 for 2012 is approved.

RESOLUTION 24-2012

AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.

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

RESOLUTION 25-2012

AUTHORIZE PURCHASES UP TO \$1,000.00

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

RESOLUTION 26-2012

AUTHORIZE TO PRE-PAY ITEMS

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

RESOLUTION 27-2012

DESIGNATION OF HIGHWAY FUNDS

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 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, \$457,709.00 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 28-2012

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 29-2012

APPROVAL OF PROCUREMENT POLICY

On a motion of Councilman Engert, seconded by Councilman Wayner, 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 30-2012

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. 1 through No. 27	\$ 19,798.03
Highway Fund	No. 1 through No. 4	\$ 594.89
Sewer Fund	No. 1 through No. 5	\$ 2,577.62
Water Fund	No. 1 through No. 7	\$ 28,509.11

PRIVILEGE OF THE FLOOR

Jon Hotaling stated a few years ago the Town was in negotiations with windmills and AES was talking about putting some in and that Councilman Wayner was looking into the windmill project in Eagle (NY) to see if the Supervisor (from Eagle) would come and talk to the Board. He asked the Board if they would be looking at windmills again.

Supervisor Engert said he is open to wind development projects.

Councilman Wayner said the Town is unique in Niagara County to have laws to allow windmills and open to economic development.

Mr. Hotaling asked if Councilman Wayner would pursue it.

Councilman Wayner said of course.

Denise Flagler said that she is paying for County, Town, State and Village police and questioned if the cost of the town police will be less than \$65,000.

Supervisor Engert said yes and it is well under. He said the Public Safety committee had been assigned to look into preliminary numbers.

Mrs. Flagler said she pays town and village taxes on her property and now she will be paying an additional tax. She said she feels this is overkill and is distraught about this. She said constables cannot do the same things as police officers.

Supervisor Engert said they will have the authority as a peace officer on duty. He said there was discussion regarding the coverage in the town and the costs associated with it. He said this will be evaluated throughout the remainder of the year.

Councilman Wayner said this topic has been discussed at several meetings and the public is always welcomed.

Supervisor Engert said the topic has been discussed for the last three years and the costs have been evaluated. He said the Town Board would be paying 65 – 70% of the costs and wanted a say on the budget. He said they were unable to come to an agreement with the Village. He said there are a number of towns that have constables.

Mrs. Flagler asked if they will be certified police officers.

Supervisor Engert said yes.

Richard Meyers addressed the Board regarding the following:

1. Asked what the timeframe is regarding reviewing the Comprehensive Plan and if there will be any formal public input.
Supervisor Engert stated the Planning Board is starting the process with the Town Board directing the process.
2. He said the numbers do not add up and asked where the numbers come from (for the constable) and stated he is opposed.
Councilman Wayner reviewed the preliminary numbers.

Steve Tee said with the exception of road patrol, the County is paid to provide these services (police) and is required to do so.

Supervisor Engert said the County is our primary provider and the village police contract specifically addressed that. He said he has had numerous phone calls and stressed they wanted some level of protection.

Mr. Tee said he was unaware that this was up for discussion and said we do not need to spend this money.

Ron Estep stated he has spoken to several people and no one has said we need this (police) protection. He said we have enough with the Sheriff and State Police and are overdoing it.

Dale Howard asked the Board the following:

1. If there are three constables will there be a Chief and who will monitor this?
Supervisor Engert said the Board will monitor the constables.
2. Will there be a job posting for Town residents to apply?
Supervisor Engert said yes.
Councilman Wayner said that there is a significant amount of people that like local presence.
Supervisor Engert said he has been involved in this for four years and no one has ever come in and asked why we are paying for this. He said the Board is trying to be responsive to the community transitioning into this service.

Don Stoll said he moved here about six years ago and appreciates your due diligence. He said people are ignorant of the marked patrol unit. He said there will be a loss of a lot of experience that you are not going to have with new hires.

Councilman Wayner said the patrol car will be marked.

Mr. Stoll said he supports the decision and understands there will be a learning curve.

Supervisor Engert said the Board will look at local people.

Dr. Jim Ferrington asked the Board if they will be scheduling nighttime and who will be covering any problems at school during the daytime.

Supervisor Engert said the school is in the Village and the Village force will handle that.

He said the Town will have the ability to assist if necessary.

Councilman Wayner said the town force will be available for special events.

Doug Lewis said there is crime from midnight to 6 AM and will there be someone available.

Supervisor Engert said that is the goal.

Richard Meyers asked if Constables will be covering the Village.

Supervisor Engert said they will be able to cover the Village and the work will be coordinated.

Mr. Meyers asked if that was budgeted because if the Village cannot support the police then this will become the primary coverage for the Village

Supervisor Engert said yes.

Jon Hotaling said that we are not going to lose our protection.

Norm Jansen addressed the Board regarding the following:

1. He has heard that residents are concerned about losing coverage
2. Concerned about the authority of the constable.
3. What is the training required

Supervisor Engert stated they have to be certified by the Dept. of Criminal Justice Services. He said the constable is empowered with the same duties as a police officer, but only during the hours they are in service. He said there has never been any stipulation in the contract for the number of hours of coverage.

4. Questioned the jurisdiction

Supervisor Engert said constables cannot go out of the town.

5. Where will the car be maintained

Supervisor Engert said the car will be an American made car and serviced locally.

James Hoffman addressed the Board regarding the following:

1. Barker and Somerset are neighbors and suggested an agreement be reached for police coverage.
2. RGGI – He said Senator Maziarz is supporting legislation to bring NYS out of the RGGI (Regional Greenhouse Gas Initiative) agreement, however as far as he knows the legislation is still in draft.
3. AES Bankruptcy – Asked if the PILOT will remain in effect

Supervisor Engert said the PILOT payment will be made and if it is not it will revert back to the tax roll.

Attorney Jones explained the process.

Mr. Hoffman said if new owners purchase AES they will be looking for a revised PILOT agreement and pleaded that the PILOT process be much more open than it was before.

RESOLUTION 31-2012

EXECUTIVE SESSION

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 Board enter into an executive session at 8:55PM to discuss pending contractual negotiations.

RESOLUTION 32-2012

RETURN TO REGULAR SESSION

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 Board return to regular session at 9:42PM.

RESOLUTION 33-2012

INCREASE ASSESSOR CLERK SALARY

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 salary of the Assessor Clerk, Carol Maines, is increased for the next four months until April 30, 2012 by \$2,000.00 due to the increased hours that she works during the revaluation process.

On a motion of Councilman Wayner, seconded by Councilman Alt, the meeting adjourned at 9:45 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk

ATTACHMENT 1

**TOWN OF SOMERSET
RULES OF PROCEDURE FOR TOWN BOARD MEETINGS**

Section 1. Regular Meeting

The Town Board of the Town of Somerset (the "Town") shall hold regular meetings on the second Tuesday of each month. Such regular meetings shall be commenced at 7:00 P.M. to be conducted at the Somerset Town Hall 8700 Haight Road, Barker New York. Any deviation from this schedule shall be determined by the Town Board.

Section 2. Special Meetings

Special meetings of the Town Board are all those meetings other than regular meetings and work session meetings. A special meeting may be called by the Supervisor upon two days' written notice to the entire Town Board. As soon as practical, the Supervisor shall notify the Town Clerk that a special meeting has been scheduled. The Town Clerk, as required by law, submits notice notifying the public of such meeting in the town's designated newspaper. The Supervisor must call a special meeting within ten (10) days of a written request by any two (2) councilpersons.

Section 3. Quorum

A quorum shall be required to conduct business. A quorum of the five-member Town Board shall be three. In the absence of a quorum, the Supervisor may take such measures as provided under law as he/she deems necessary to secure the presence of a quorum.

Section 4. Executive Sessions

Executive sessions shall be held in accordance with the N.Y. Public Officers Law Section 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Town Board and any other persons authorized to attend that executive session by the Town Board.

Section 5. Agendas

The agenda shall be prepared by the Supervisor and/or his/her designee. The Supervisor or any councilperson or any other Town official may request items to be included on the agenda. Items for the agenda shall be given to the Supervisor's Confidential Assistant by noon on Friday preceding the next scheduled Tuesday night board meeting except that, in unusual or exceptional circumstances, an item may thereafter be submitted to the Supervisor, and if time permits, it may be added to the agenda of the meeting. Items that cannot be placed on the agenda may be brought up during the meeting. It is the intention of the town board that the agenda shall be prepared and emailed or mailed to town board members and department heads by 4:00 P.M. on the Friday preceding the Tuesday night board meeting so as to provide sufficient time to the town board members to review the agenda and to become prepared to discuss and timely address those items contained thereon. Items on the agenda which include a report or other documentation requiring review by the Town

Board in order to act upon must be submitted to the Supervisor's Confidential Assistant (preferably in electronic form) no later than noon on Friday preceding the next scheduled Tuesday night meeting. Bids, upon opening, are required to be submitted to the Supervisor's Confidential Assistant (preferably in electronic form) in order that they be thoroughly reviewed and investigated by the Town Board prior to the meeting. All reports, bids and/or other documents submitted for inclusion on the agenda shall be distributed to the Town Board by the Supervisor prior to the meeting whenever possible. All other matters that may arise before or during the Tuesday meeting except in unusual or exceptional circumstances, to the greatest extent practical, shall be tabled until the following town board meeting.

Section 6. Voting

Pursuant to Town Law, each member of the Town Board shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law. An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter. A vote upon any question shall be taken by "ayes" and "nays," and the names of the members present and their votes shall be entered in the minutes.

Section 7. Minutes

All meetings shall be recorded. Minutes shall be taken by the Town Clerk. Minutes shall consist of a recorded or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.

Minutes shall also include the following:

- Name of the Town Board;
- Date, place, and time of meeting;
- Notation of presence or absence of the Town Board members and time of arrival or departure if different from time of call to order and adjournment;
- Name and title of other Town officials and employees present and approximate number of attendees;
- Record of communications presented to the Town Board;
- Record of reports made by the Town Board or other Town personnel;
- Time of adjournment;
- Signature of Town Clerk or person who took the minutes if not the Town Clerk.

Minutes need not be taken verbatim but must contain a brief summary of the discussion both pro and con leading to an action taken. Minutes shall be transcribed and distributed according to the Town Board at least two weeks after a town meeting has taken place. Minutes shall be approved at the next Town Board meeting after they have become available. Amendments to the minutes shall require Town Board approval.

Section 8. Order of Business

A. The order of business for regular meetings shall be:

- Call to order
- Pledge of Allegiance
- Prayer
- Public hearings (if any)
- Approval of minutes of previous meeting
- Reports of officers and committees
- Old Business
- New Business
- Appropriations
- Auditing
- Privilege of the Floor
- Adjournment

B. The order of business for special meetings & work session meetings shall be:

- Public Hearings (if any)
- Work session items

C. The order of business need not be followed if the Supervisor determines that it is necessary to deviate.

D. Public Input:

- Persons wishing to speak must be recognized by the presiding officer by raising their hand.
- Persons may be required to give their name and address.
- Normal rules of courtesy shall be followed.
- During the progression of the rest of the meeting public input is possible but not required and the same rules follow.

Section 9. General Rules of Procedures

The Supervisor shall preside at meetings. In the Supervisor's absence, the Deputy Supervisor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Town Board. Town Board members must be recognized by the presiding officer before making motions and speaking. A Board member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking is called to order, such Board member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed. There is no limit to the number of times a Board member may speak on a question. When a question is under debate, no other motion shall be entertained unless for: (a) an adjournment; (b) recess; (c) for said question to lay on the table; (d) to postpone; (e) to refer to a committee or (f) to amend; and motions (a) through (f) are neither amendable nor debatable. No motion shall be made to offer amendment to an amendment already before the Board on a proposition. At any time, the Supervisor may entertain a motion to adjourn, which shall be carried upon majority vote. Board members may choose not to comment until all public comments are heard.

Board members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information. No such person has the right to demand an answer to a specific question from a member of the board. All such questions shall be directed to the Supervisor who may either answer them or refer the questions to the town attorney, if present, or to a town board member. At any time, the Board may vote to exhaust the agenda before inviting further public comment.

Section 10. Guidelines for Public Comment

The public shall be allowed to speak during regular meetings, special meetings, workshops, and during public hearings. No one can speak twice to the same issue until everyone else wishing to speak has spoken to it once. The presiding officer may, at his/her discretion, limit the number of times a speaker may address the Board during a single meeting. The presiding officer may, at his/her discretion, enact a time limit on all speakers especially during meetings where it appears that many individuals wish to address the Board but in no case will a time limit be set that is less than five (5) minutes. Speakers should give their name and address. Speakers should be recognized by the presiding officer. All remarks shall be addressed to the Town Board as a body and not to any member thereof. Pursuant to *Robert's Rules of Order*, Part I, Article VII, Section 4, remarks "should avoid personal comments and cannot question a Board member's motives." All speakers, as well as the Supervisor and Town Board members shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Interested parties or their representatives may also address the Town Board by written communications. Written communications shall be delivered to the Clerk or to her designee. Speakers should not read written communications verbatim but should summarize their contents. Citizens with disabilities, who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Town Clerk to request such assistance.

Section 11. Use of Recording Equipment

All members of the public and all public officials are allowed to tape or videotape public meetings. The recording should be done in a manner, which does not interfere with the meeting. Recording is not allowed during executive sessions.

Section 12. Adjournment

Meetings shall be adjourned by motion.

Section 13. Amendments to the Rule of Procedure

The foregoing procedures may be amended from time to time by a majority vote of the Town Board.