

REGULAR MEETING
FEBRUARY 8, 2011

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 8th day of February 2011.

Present:	Richard J. Meyers -----	Supervisor
	Randall J. Wayner -----	Councilman
	Daniel M. Engert -----	Councilman
	Gary R. Alt -----	Councilman
	Robin R. Jansen -----	Councilman
	Rebecca A. Connolly --	Clerk
	Melvin H. Denny -----	Supt of Water/Sewer/Grounds
	Arthur Herdzik -----	Counsel
	Randy Roeseler -----	Engineer

Attended by: Approximately 12 people and 1 student from Barker Central School

Supervisor Meyers called the meeting to order at 7:00PM with the Pledge to the Flag.

RESOLUTION 34-2011

APPROVAL OF MINUTES

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

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

Resolved the minutes of the January 11th and 18th, 2011 meetings are approved as submitted.

RESOLUTION 35-2011

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, 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 Department

WATER/SEWER QUARTERLY REPORT received and filed.

ANNUAL HISTORIAN'S REPORT received and filed.

COMMUNICATIONS

RESOLUTION 36-2011

AUTHORIZATION FOR 5K RUN

Clerk Connolly read a letter from Heather Patterson of Barker Central School requesting permission to conduct a 5K run to benefit the UNYTS Donate Life Program the week of March 20th, 2011.

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

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

Resolved the school is granted permission to conduct a 5K run the week of March 20th, 2011.

PROPERTY TAX CAP

Clerk Connolly read a letter from Senator George Maziarz stating the property tax cap legislation is a primary objective of Governor Cuomo and agrees that mandate relief must be part of the legislation.

Clerk Connolly noted that since the date of the letter, the Senate property tax cap bill passed on February 1st, with no mandate relief included in the bill.

Clerk Connolly read a letter from Lorraine Wayner, retired Historian, thanking the Board for the reception that was held in her honor prior to the Town Board meeting on January 11, 2011.

PROPERTY CONDITION OF 8681 LAKE ROAD

Richard Hellert, from Jean Whipple Reality and representing Mary Sajak, property owner to the west of 8681 Lake Road, stated the property has been for sale for over two years and he said when people view the property they are upset with the property next door. He stated the property at 8681 Lake Road is a detriment to the sale as it is not maintained to standards. He asked the Board to help to encourage the people living there to improve the property. He said there is a tarp on the roof; the side entrance porch is in disrepair; there are 2 vehicles with no license plates that are filled with accumulation; and the lawn is not mowed in the summer time properly. He stated that Mr. Hildebrant (Code Enforcement Officer Hildebrant) has helped but it has not improved the condition of the property to help the sale for his client. He stated that if the property could be examined immediately, he anticipates there are things that need to be corrected.

Supervisor Meyers stated the Code Enforcement Officer has enforced the laws with some cleanup being done. He stated the cars are registered with nothing in the law about what you can put in your car. He stated the Health Department and the SPCA were contacted with the health department going into the house and did not deem it a health issue and the SPCA went into the house about the cat problem and found no

danger to the animals. He stated they (the owners of 8691 Lake Road) are following the law and is not sure there is anything within the power of the Board to do.

Attorney Herdzik stated there is a NYS Maintenance Code and the Code Enforcement Officer is empowered to enforce it.

Extensive discussion ensued regarding the powers of the Code Enforcement Officer; the placement of a privacy fence on the property; compliance of the law; structural safety issues; and vegetation on the property.

Attorney Herdzik stated he will investigate the powers of the Code Enforcement Officer regarding this issue of the property and report back to the Board tomorrow (Wednesday, February 9th).

Councilman Engert and Councilman Wayner stated they will report back immediately.

Mary Sajak reported the SPCA visited the property but did not go into the house.

ELECTRONIC RECYCLING

Clerk Connolly stated that she was contacted by a firm that will do a continuous onsite electronic recycling at no cost to the town. She stated the law is changing as of April 1st that will not allow landfilling of electronics. She said that she is working with Superintendent Denny to develop a plan regarding this matter. She said the matter will be further investigated with a report to be made at the next meeting.

ASSESSMENT PRESENTATION

Assessor Robert Glidden introduced Chris Bannister and Sue Dart from the Office of Real Property to give the Board an overview regarding an assessment update of town properties. A power point presentation was made by Chris Bannister, Manager of the Batavia Office of Real Property Tax Services.

PUBLIC COMMENT

James Hoffman, 8737 Lake Road, addressed the Board regarding the following:

1. He investigated the co-location of cell towers for the emergency communications. He said the Planning Board insisted on co-locations when they approved the special use permits.
2. He presented a communication regarding what constitutes an affirmative vote and discussed the vote taken on December 14th, 2010 by the Town Board. Supervisor Meyers stated the original vote was rescinded and a revote taken at the January 18th, 2011 meeting.

EMERGENCY COMMUNICATIONS SERVICES MEETING

Councilman Engert stated that he attended the Emergency Communications Services meeting regarding the FCC's (Federal Communications Commission) Two-Way Radio Narrow Banding mandate. He said that all public and private two-way radio communications will be shrunk to run on a narrow band system by January 1, 2013. He stated the implementation of the plan will be a good thing because it will improve the

ability to preserve life and property in Niagara County and make us entirely ready to handle the critical communication needs. He said Niagara County is asking for support to help sell the plan to the public as it will be expensive (\$18 - \$22 million) with funding options being researched by the Niagara County Legislature. He stated that this is particularly important for Somerset as there are shortages and a lack of emergency communications in a significant portion of the Town.

He stated that John Cecula from Niagara County Emergency Management will make a presentation at the March meeting.

Extensive discussion ensued regarding emergency communications; emergency drills that have been conducted locally that revealed the shortages of the communications coverage; safety issues; benefits of the program; the need for more repeater stations and locations of those stations; installation of equipment on existing towers; Canadian agreements for communications space; height of towers and interference with Canadian signals; height of existing cell towers in the Town; the cut of funds for town highway and water/sewer departments for the radios; communications with neighboring counties; and operability of the one system between all departments within the county.

VERIZON SUPPORT BY NIAGARA COUNTY SHERIFF

Councilman Engert read a letter that was sent by Niagara County Sheriff James Voutour to Verizon President, James Gerace, stating his support for the project.

RESOLUTION 37-2011

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Meyers, Wayner, Engert, 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. 29 through No. 78	\$ 302,775.70
Highway Fund	No. 5 through No. 20	\$ 36,566.25
Sewer Fund	No. 9 through No. 18	\$ 7,973.18
Water Fund	No. 7 through No. 16	\$ 4,284.78

On a motion of Councilman Engert, seconded by Councilman Alt, the meeting adjourned at 8:50 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk