

REGULAR MEETING
MARCH 13, 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 13th day of March 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: Robert Glidden, Assessor, 10 residents and 3 BCS students

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

RESOLUTION 51-2012

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.

BALLOONS OVER NIAGARA

Supervisor Engert introduced Kathy Saunders, Director of Admissions at NCCC & Coordinator of Balloons Over Niagara. She handed out information and stated there will be a community event the weekend of July 27 – 29th, 2012 at NCCC to mark the 50th anniversary of Niagara County Community College (NCCC). She said their goal is to have 50 hot air balloons, along with a community affair and numerous events over the weekend. She stated the town could participate in numerous ways and asked the Board to consider participating in the event.

RESOLUTION 52-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Assessor
Attorney

Attorney Jones stated that he is keeping apprised of the AES bankruptcy and that the auction is scheduled for March 26th. He also stated he is working with the Planning Board on the Comprehensive Plan Review.

COMMUNICATIONS:

Clerk Connolly stated a communication was received from Time Warner Cable notifying of channel lineup changes.

NIAGARA WIND

Supervisor Engert reported correspondence had been received from Niagara Wind identifying a problem that happened at Camp Kenan with a nut bolt assembly that was installed wrong during the assembly of the wind turbine, therefore the tail fell off. He stated consequently Niagara Wind inspected the town wind turbines. He stated Superintendent Denny was concerned that this inspection was in lieu of the regularly scheduled maintenance inspection; therefore he sent a letter to Niagara Wind to clarify that the inspection was not in lieu of the 180 day scheduled inspection as described in the contract.

LAKE ONTARIO WATER LEVEL REGULATION PLANS

Councilman Wayner reported on the meeting that was held at the Town Hall on February 16th regarding the International Joint Commission (IJC) proposal to modify Lake Ontario water level regulation plans. He stated Senator George Maziarz facilitated the meeting with approximately 35 people from Orleans, Niagara and Monroe counties in attendance. He stated that the IJC members changed therefore there is a new board. He said the IJC did not include in their report of how lake levels affect the runoff into streams and drains onto the land causing flooding. He said there are numerous ramifications that the IJC has not taken into consideration. He stated all names and addresses of the property owners along the lake have been forwarded to Senator Maziarz's office as he is coordinating the effort for public input.

RESOLUTION 53-2012

TIRE DROPOFF

Superintendent Denny asked permission to conduct the annual tire drop-off at the Water/Sewer Treatment Plant using the same stipulations as last year with the plant being opened from April 23rd through May 4th during regular business hours, with special hours on Saturday, April 28th.

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 annual tire drop-off shall be conducted as presented with it being advertised in the newsletter.

RESOLUTION 54-2012

ZONING REVISIONS REVIEW PROPOSAL

Supervisor Engert stated a proposal has been received from Wendel to conduct a review of the zoning code in conjunction with Attorney Jones and asked Engineer Roeseler to brief the Board.

Engineer Roeseler said confusion in the code was identified during the Verizon project with specific areas of the code needing clarification. He said the applications could use some updating and they can also provide the applicants with guidance of what is required of them. He said the first thing they will do is confer with the town attorney so there is no duplication of effort. He said the process will take about 4 months and is being coordinated with the review of the Comprehensive Plan. He provided the Board with an update of the review of the Comprehensive Plan that is being conducted by the Planning Board.

Attorney Jones said the Comprehensive Plan and zoning documents must coincide.

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 Supervisor Engert is authorized to enter into an agreement with Wendel to conduct review of the zoning code for up to \$9,000.00 as proposed.

RESOLUTION 55-2012

AUDIT OF CLAIMS

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

General Fund	No. 94 through No. 132	\$ 40,960.26
Highway Fund	No. 19 through No. 33	\$ 24,101.99
Sewer Fund	No. 18 through No. 35	\$ 6,117.21
Water Fund	No. 22 through No. 33	\$ 4,013.51

PRIVILEGE OF THE FLOOR

Dale Howard stated there is no smoke coming from the Power Plant and asked the Board if they have a contingency plan if AES does not make their payments.

Supervisor Engert said replacing this revenue is a monumental task for any taxing jurisdiction. He stated the Board plans to:

1. Improve opportunities for economic development.
2. Poised to do everything they can during the 2 year period for the bond holders to fund the plant to bring it out of the market slump
3. If AES does not pay their tax bill the County is obligated to pay that and to make the school and town whole.

Councilman Wayner said the bankruptcy was relatively recent and the Board is taking a hard look at any money spent.

Norm Jansen asked if the IJC intends to raise or lower the lake level as he observed flooding at Roosevelt Beach.

Councilman Wayner said they intend to raise the level and this is where IJC did not take bays, harbors or marinas into consideration.

Supervisor Engert said there are estimates that this could cause \$3 – 4 million in damage. He said they originally wanted to have the public hearings in March and this effort got those pushed back to June 5th at the Olcott Fire Hall. He said all people along the lake will be notified of the hearing.

Paul Olivera asked the Board for their assistance to obtain natural gas lines at his home. He said a company came down a few years ago and signed up numerous people with nothing happening.

Supervisor Engert said he will look into that.

Doug Lewis stated that he would like natural gas and cable also.

COMMUNICATION TOWERS

Supervisor Engert said that he and Councilman Dewart were asked (by Niagara County) to help locate a tower in Somerset for the federally mandated narrow banding tower that could have been used also to locate broadband. He just learned that the communications tower is going to be located in Olcott.

Councilman Dewart said it is mandated for the county to be up by January 1, 2013 or there is a fine and the county has gone down from 11 towers to 5.

Supervisor Engert said the towers converge all communications into a single unit so a highway department can be hooked up with Sheriff patrol and basically it is designed for mass emergencies to provide proper and improved communications.

On a motion of Councilman Jansen, seconded by Councilman Alt, the meeting adjourned at 8:00 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk