

REGULAR MEETING
APRIL 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 April 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
Melvin H. Denny ----- Supt of Water/Sewer/Grounds
Mindy Austin ----- Confidential Asst. to the Supervisor
Morgan Jones Jr. ----- Counsel

Attended by: Randy Hildebrant, Code Enforcement Officer, Robert Glidden, Assessor, 4 residents, Jack White, Power Plant Manager and several power plant employees

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

RESOLUTION 56-2012

APPROVAL OF THE MINUTES

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 minutes of the previous meeting are approved.

RESOLUTION 57-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Police Report –

Supervisor Engert stated the Police Constable unit is in force and began patrol on April 1st. He introduced 2 of the members of the force, John Yotter and Pat Needle. He stated 2 members could not be in attendance.

Supervisor Engert gave an overview of the qualifications of each officer as follows:

- Officer Yotter is a retired Police Lieutenant from the Lockport City Police Dept. with 36 years of experience including being named NYS Police Officer of the Year in 1988. He said he is highly decorated detective.
- Officer Needle is a retired Sergeant from the Niagara County Sheriff Dept. and is highly decorated, being named Domestic Violence Law Enforcement Officer of the Year in 1997 and in 1999 was named Niagara County Deputy of the Year, along with receiving Medals of Valor for 2001, 2005 and 2006.

Councilman Wayner commended Supervisor Engert for the extensive work that he has done in forming the Police Department and all the work involved.

Assessor

Attorney

Attorney Jones stated the Planning Board continues work on the Comprehensive Plan with a public meeting to be held on April 30th. He stated that he is keeping apprised of the AES bankruptcy and reserves comments for further discussion.

COMMUNICATIONS:

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

Clerk Connolly read a letter from National Grid that the electric bill will be dropping.

COMPREHENSIVE PLAN UPDATE

Supervisor Engert stated there will be a public meeting on April 30th to obtain input from the public on their views for Somerset.

RESOLUTION 58-2012

WEST SOMERSET CEMETERY

Supervisor Engert reported that the cemetery obtained extensive damage last summer from vandalism and Superintendent Denny has received a letter this afternoon from a Boy Scout interested in repairing it.

Clerk Connolly read a letter from Eagle Scout candidate, Joseph Hinton, to restore the damage to the cemetery by resetting the monuments that were not broken and to attempt to repair the broken headstones. He stated he would like to begin work in May. 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 Superintendent Denny is authorized to initiate further discussions with Joseph Hinton to repair the damage at the West Somerset Cemetery.

WEST SOMERSET ROAD REPAIR

Supervisor Engert stated he has received complaints regarding the disrepair of West Somerset Road. He said he has spoken with Legislator Syracuse and Mike Tracy, Deputy Commissioner of the Niagara County Highway Department. He said the county road is the last road in the County slated for a full overhaul for a cost of \$9 million. He said the project is being pieced in over time and they plan to do some maintenance this summer; however there are no funds available to do a full resurface.

LAKEVIEW DRIVE GAS LINES

Supervisor Engert said Superintendent Denny has been working with NYSEG to get service opportunities for the residents. He said they will be meeting with a representative of the marketing department in the near future. He said it will be up to the residents to sign up for service once a survey has been done.

POWER PLANT UPDATE

Supervisor Engert gave an extensive briefing of the bankruptcy proceedings at the former AES Power Plant. He said the bondholders are willing investors to entice a new company to take over the plant. He said the bondholders will be submitting a plan to the Court to bring the plant out of bankruptcy. He said he has been introduced to the RPA Advisor Group that was hired by the bondholders and they have evaluated the operation completely. He said the bondholders will be seeking reductions in the current PILOT (Payment in Lieu of Taxes) agreement and concessions from the employees. He said having the plant close is not an option and that the taxing jurisdictions are meeting to come up with an acceptable PILOT agreement. He said the plant's value has significantly dropped since the initial PILOT agreement especially with it currently being off line. Supervisor Engert pointed out positives including:

1. AES invested significantly in the emissions control of the plant with the plant being one of the cleanest coal fired plants in the country.
2. The plant has an exceptional workforce that is highly efficient and motivated to run the plant.
3. Someone has a belief in the plant and is willing to invest \$71million.
4. The bondholders have based the decision on an analysis of the market. He said they are not an energy group and believe in the plant.

Councilman Jansen said we knew that this was coming and we are actively addressing our revenue loss with the Economic Development.

Councilman Wayner said the upper management of the plant has been very open with data they were given during prior PILOT negotiations.

Attorney Jones said we are at a critical point in time as the bankruptcy proceeding will move very quickly. He said the plant is not operating and the resolutions will have to be

approved quickly. He gave an overview of the timeframe for the approval from the Court.

Councilman Alt asked if there has been any relief from RGGI (Regional Greenhouse Gas Initiative).

Supervisor Engert said it is still being litigated in Albany.

Attorney Jones said the Governor is not in favor of pulling out and that the Court will have to overturn the ruling.

RESOLUTION 59-2012

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. 133 through No. 171	\$ 39,195.76
Highway Fund	No. 34 through No. 44	\$ 22,221.51
Sewer Fund	No. 36 through No. 46	\$ 4,942.22
Water Fund	No. 34 through No. 45	\$ 27,919.10

PRIVILEGE OF THE FLOOR

Dale Howard asked the Board if they have a contingency plan if everything else fails.

Supervisor Engert said replacing this revenue is in the forefront of the Town Board's mind.

James Hoffman addressed the Board regarding the following:

1. We have a new budding business in town called the Blackbird Cider Works that is very interested in the town. He said they will be hiring about 10 people part-time.
2. PILOT – He would like to see a renegotiation opener when the plant becomes a viable business again and get some of the tax money back.

Supervisor Engert said the current PILOT has that in existence and that will not be changed.

Mr. Hoffman said the last PILOT process was not an open process and wants to know what the economic impact will be on his taxes.

On a motion of Councilman Jansen, seconded by Councilman Alt, the meeting adjourned at 8:15 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk