

REGULAR MEETING  
MAY 10, 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 10<sup>th</sup> day of May 2011.

Present:      Richard J. Meyers ----- Supervisor  
                 Randall J. Wayner ----- Councilman  
                 Daniel E. Engert ----- Councilman  
                 Gary R. Alt ----- Councilman  
                 Robin R. Jansen ----- Councilman  
                 Rebecca A. Connolly ----- Clerk  
                 Kenneth J. Bigelow ----- Supt. of Highways  
                 Melvin H. Denny ----- Supt. Water/Sewer/Grounds  
                 Morgan L. Jones Jr. ----- Counsel  
                 Randy D. Roeseler ----- Engineer

Attended by: Approximately 7 people and 2 B.C.S. students

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

RESOLUTION 63-2011

**APPROVAL OF MINUTES**

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

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

Resolved the minutes of the previous meeting are approved as submitted.

RESOLUTION 64-2011

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

Supervisor Meyers provided the board with a quarterly expense comparison of actual versus budget.

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 Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer  
Police Department

**ATTORNEY REPORT**

Attorney Jones reported the following:

1. Verizon lawsuit is on hold until June 13<sup>th</sup> stating that Mrs. Rizzo's attorney will need to provide the court with records by that date. Mr. Jones reported that a FOIL request has been received from Mr. Giacalone for any information of anyone looking at the sight and a response is being prepared.
2. He sent a memorandum to the Board regarding the Board of Assessment Review.
3. A memorandum was sent out regarding the windmills with follow-up by Engineer Roeseler after his conversation with Niagara Wind and we are all in agreement that they will be responsible for the maintenance for the first five years. Engineer Roeseler stated they are all in agreement that the specifications will be followed.

QUARTERLY REPORT from Water/Sewer Department received and filed.

COMMUNICATIONS:

Supervisor Meyers read a letter from the NYS Town Clerks Association congratulating Clerk Connolly on the renewal of the Registered Municipal Clerk designation.

**THIRD WIND TURBINE**

Supervisor Meyers stated the construction of the third turbine has been put to bed. Councilman Engert stated based on further review of the financials that were presented the project is not feasible at this time. Supervisor Meyers stated he has spoken to Niagara Wind and they will be moving forward with the construction of the two turbines.

RESOLUTION 65-2011

**UPDATED PROCUREMENT POLICY**

Clerk Connolly presented an updated procurement policy that includes the increase in bidding requirements from the Office of the State Comptroller.

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

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

Resolved the procurement policy for the Town of Somerset is approved as presented.

RESOLUTION 66-2011

**NEGATIVE SEQR FOR HELIPAD**

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

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

Resolved the Town of Somerset names itself lead agency for the construction of the helipad at 8719 Haight Road and declares a Negative Declaration upon the environment as it is not a hazard, with the funding resolution approved as follows:

**WHEREAS**, the Town of Somerset is dedicated to providing essential life saving services to its residents whenever possible, and

**WHEREAS**, the Barker Fire Department, specifically Fire Chief Randall Hildebrant, has identified a life saving emergency service need in our community, and

**WHEREAS**, the Mercy Flight helicopter transport services provides optimal emergency medical services to the residents of Somerset, including the Village of Barker and the Barker Central School District; and

**WHEREAS**, the Mercy Flight helicopter requires a safe and suitable helipad to land and receive patients requiring emergent medical care; and

**WHEREAS**, Chief Hildebrant has identified and recommended a site that is owned by the Town and is not used presently, as a preferred centralized location for construction of such helipad; and

**WHEREAS**, Chief Hildebrant has followed the procurement procedures in obtaining competitive pricing of the construction of the helipad; and

**WHEREAS**, the Town Board has determined that this project is in the best interest of its citizens to construct such helipad.

**NOW THEREFORE BE IT RESOLVED** that the Town of Somerset hereby authorizes and directs Chief Hildebrant to execute necessary measures in conjunction with the Town Board to affect the construction of the helipad at 8719 Haight Road, subject to SEQR (State Environmental Quality Review) review; and

**BE IT FURTHER RESOLVED**, to award the construction job to the lowest bidder Hy-Tech Concrete, P.O. Box 27, Newfane, NY 14108 for \$ 7,800.00 as per bid submitted; and further provide additional amount of \$2,199.00 for access sidewalk, painting, signage, windsock, and other necessary items to complete the project for a total not to exceed \$9,999.00; and

**BE IT FURTHER RESOLVED**, the expenditure be taken from the General Fund for the purpose of securing and protecting the safety of all residents and visitors of the Town of Somerset and attendees of the Barker Central School District.

#### **SALES TAX FORMULA IMPACT**

Clerk Connolly provided the Board with the change in the sales tax formula due to the drop in population based upon the 2010 Census figures.

Supervisor Meyers stated the impact will be reviewed for discussion at a future meeting.

RESOLUTION 67-2011

**BUDGET AMENDMENT**

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

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

Resolved the following budget amendment is approved:

<b>DEBIT</b>		<b>CREDIT</b>	
A1990.4	\$ 168.73	A1010.4	\$ 168.73

**PUBLIC COMMENT**

Jackie Reynolds stated the lower bid was accepted previously for the helipad but questioned if the specifications have been changed.

Supervisor Meyers stated the Board is looking at having the Water/Sewer Dept. doing part of the labor.

Mrs. Reynolds asked if the bidder knew that was going to happen.

Supervisor Meyers stated they will meet with the bidder to discuss the situation.

Councilman Engert stated Mr. Hildebrant solicited bids under the procurement policy and they were awarded to the lowest bidder (Hy-Tech Inc.). He said they will have a meeting with the vendor to discuss the changes.

James Hoffman addressed the Board regarding the following issues:

1. He reported on the progress that he is making regarding the fees that are imposed on AES regarding the greenhouse gas initiative. He stated Assemblyman Hawley is still going to write a letter but has not received information from Jon Reimann of AES. He said the Chairman of the Niagara County Industrial Development Agency wrote a letter to the Governor in January and no one is following up. Mr. Hoffman stated that no one is following up on the letters including at the County level and that Legislator Syracuse was going to write a letter. He questioned if Councilman Engert had heard anything. Councilman Engert stated they have done some significant research on how this came about but he has not received anything.  
Mr. Hoffman stated there is a very hostile attitude towards coal fired plants.
2. Blowing dust off the landfill at AES – He stated the landfill is monitored by DEC (NYS Dept. of Environmental Conservation) but it looks like a snow storm when the wind is blowing. He stated he contacted DEC Air Resources representative Donna Kiersz and that she said she would do something. He said that he called Ms. Kiersz back and that Ms. Kiersz had talked to Jon Reimann. He said that Mr. Reimann said there was a problem. Mr. Hoffman said they should be using a watering system or they should cease landfilling until the wind dies down if they can. He stated that he was referred to the Solid Waste Division.

Doug Lewis stated the landfill blowing is more common than we know and that an air monitoring system should be put in place.

**LOWER LAKE ROAD BRIDGE**

Superintendent Bigelow stated there was a pre-construction meeting and that CATCO is hoping to close the bridge after July 4<sup>th</sup> and have it reopened by the start of school.

**WIND TURBINES**

Engineer Roeseler asked if the Board is considering upsizing the transformer for the proposed two wind turbine project for any future addition of renewable energy. He stated it would cost an extra \$500 now and allow the two turbines to run cooler.

Supervisor Meyers said that there needs to be a larger turbine to displace the power.

Councilman Engert stated the budget line is already maxed.

Discussion ensued regarding any alternative windmill turbines in the future; the size that will be needed to displace the power; possible grants; and the need to have the Engineer oversee the current project right up to the commissioning of the project.

Engineer Roeseler said they will oversee the current project under the current retainer agreement.

Superintendent Denny thanked the Fire Department, Superintendent Bigelow and the Highway Dept. for their help during the recent wind storm and dealing with the damage.

RESOLUTION 68-2011

**AUDIT OF CLAIMS**

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 bills, having been reviewed by the Town Board, are authorized for payment in the following amounts:

General Fund	No. 157 through No. 190	\$ 35,845.39
Highway Fund	No 52 through No. 61	\$ 4,210.26
Sewer Fund	No. 51 through No. 62	\$ 4,303.13
Water Fund	No. 48 through No. 60	\$ 1,865.78

On a motion of Councilman Wayner, seconded by Councilman Jansen the meeting was adjourned at 7:48PM subject to the Call of the Clerk. Carried unanimously.

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Rebecca A. Connolly, MMC  
Town Clerk