

REGULAR MEETING
JUNE 12, 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 12th day of June 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
Morgan Jones Jr. ----- Counsel

Attended by: Mark Remington, DCO & Code Enforcement Officer; Robert Glidden, Assessor; 6 residents, 6 BCS students

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

RESOLUTION 65-2012

APPROVAL OF THE MINUTES

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 minutes of the previous meetings are approved.

RESOLUTION 66-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Police Report
Assessor Report
Attorney Report

Attorney Jones stated that he will be working with Mark Remington on Code Violations.

COMMUNICATIONS:

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

Supervisor Engert read a letter from Jim Owen of the Lighthouse Christian Camp (LHCC) commending Al Sieb and Hail Hawley for their service at the LHCC during their 75th anniversary celebratory fun run and appreciates what they did to insure that everyone involved was safe.

Supervisor Engert read a letter from Sheriff Voutour stating that a meeting will be held on June 13th at 2:00 p.m. regarding narrow banding projects.

COMPREHENSIVE PLAN UPDATE

Supervisor Engert stated the town has been engaged in a critical project as we seek to address economic development in town and undertaken an effort by charging the Planning Board and other representation from the community and the Village as the Steering Committee to revise the Comprehensive Plan. He stated Phase 1 of the project is complete and has been received, which identifies the primary focus areas that have been achieved by the Steering Committee. He said the Board has to decide if they agree with the areas that have been identified.

Engineer Roeseler gave an overview of the plan. He stated the plan has been enhanced to meet the current situation of the town and to include the strategies for the future with the regional plans being incorporated into the plan. He said there are seven areas that have been identified including:

1. Development and redevelopment in and around the Village of Barker
2. Concept development around the AES site
3. Other areas appropriate for economic development/business expansion
4. Agricultural economic development
5. Sustainable Smart Growth
6. Expansion of tourism, recreational opportunities and waterfront access
7. Protection of environmental features

He said the next step will be identifying the highest priorities. He said adoption of the plan will be about a three month process.

Attorney Jones said the Planning Board has been very involved in the review of the plan. He said the key is implementation and changes in the zoning that may be needed. He said the regional plans target eight economic growth opportunities and the plan has taken these into consideration.

Extensive discussion ensued regarding the plan and specifically what happens if we lose AES, environmental aspects, grant opportunities, how industries are evolving, what can we do to advance the town, all complaints that were raised during the Verizon project being addressed in the plan, and revisions to the LWRP (Local Waterfront Revitalization Program).

Supervisor Engert stated the project has been steered by legal planners as part of the process.

Councilman Alt complimented Drew Reilly and Ellen Parker on being very professional.

RESOLUTION 67-2012

COMPREHENSIVE PLAN – PHASE 2

Supervisor Engert stated a proposal has been received from Wendel to move forward with Phase 2 of the project for \$23,000.

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 Supervisor is authorized to execute the documents with Wendel to proceed with Phase 2 of the Comprehensive Plan for \$23,000.00.

RESOLUTION 68-2012

GRANT FUNDING FOR LWRP AND ECONOMIC DEVELOPMENT

Supervisor Engert stated he would like authorization to meet with Four Points Communications, a grant writing firm, to seek grant funding for the LWRP (Local Waterfront Revitalization Program) and Economic Development. He stated the Dept. of State is soliciting grant applications to update their LWRP that will include matching funds. He said the grant is due by July 16, 2012.

Engineer Roeseler stated that Wendel writes grant applications for LWRP's as one of their specialties.

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

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

Resolved the Supervisor is authorized to explore grant writing firms to pursue funding for LWRP (Local Waterfront Revitalization Program) updates and expend up to \$5,000.00 to have a grant written for submission to the Department of State by July 16, 2012.

RESOLUTION 69-2012

LAKE LEVEL PROPOSAL FROM IJC (International Joint Commission)

Supervisor Engert reported there was a meeting with the IJC on June 5th in Olcott and it was very well attended.

Councilman Dewart reported the property owners developed their properties including break walls under the 1956 plan of the IJC. He said the proposed change in the lake level plan, known as Bv7, will damage the waterfront and would cost homeowners and businesses.

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Councilman Jansen stated the IJC representative said the benefits of the proposed plan will benefit the northern pike and muskrat populations, hydro electric plants and commercial shipping. She said the negatives are the damage that will be caused to the southern shore of the lake including recreation fishing, recreational boating, and be costly to homeowners and businesses. She said the government can't expect a resolution that is going to benefit hydro and commercial fishing.

Supervisor Engert said it comes down to property owner's rights and their fundamental freedoms. He said infrastructure was created on their property by the plan in place. He said there will be devastating ramifications to the fishing industry and harbors. On a motion of Councilman Dewart, seconded by Councilman Alt the following resolution was

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

WHEREAS, the flow of water from Lake Ontario down the St. Lawrence River is regulated by the Moses-Saunders Dam in accordance with the IJC's 1956 order of approval; and

WHEREAS, Lake Ontario and the St. Lawrence River levels have been targeted to a four-foot range for more than 50 years; and

WHEREAS, Individuals, businesses and governments have relied on this commitment in the design of infrastructure, both public and private; and

WHEREAS, over the past 50 plus years extensive commercial, residential and municipal development has occurred along the shores of Lake Ontario in the Town of Somerset; and

WHEREAS, this development was based on the promise that the 1956 lake level would be maintained; and

WHEREAS, increasing the level of high water and decreasing the level of low water will lead to increased erosion of the shore line; and

WHEREAS, there are 325 privately owned parcels of land on the shore line of Lake Ontario within the town with a land only assessed value of just over \$11,344,500 and \$32,888,500 when the homes are included; and

WHEREAS, those 325 parcels generate \$ 838,657.00 in tax revenue for the town; and

WHEREAS, to maintain the current assessed value of those homes would require the landowners to spend as much as \$600 per linear foot to protect from further erosion; and

WHEREAS, other Niagara County towns are even more at risk particularly the harbors in the Town of Newfane and the Town of Wilson and associated industries that benefit our region; now therefore, be it

RESOLVED, that the Somerset Town Board publically opposes the International Joint Commission's proposed Bv7 plan; and be it further

RESOLVED, that the Clerk of the Town of Somerset certify and communicate this resolution to US Senator Charles Schumer, US Kirsten Gillibrand, US Congresswoman Louise Slaughter, 28th Congressional District; NYS Senator George Mazarz, 62nd State Senate District; NYS Assemblyman Jane Corwin, 142nd State Assembly District and William Ross, Chairman, Niagara County Legislature.

RESOLUTION 70-2012

ELECTRONIC RECYCLING

Clerk Connolly stated that Sunking Inc. has proposed paying the Town 4 cents a pound for the electronic recycling as opposed to the current 2 cents per pound. She stated that the Supervisor needs authorization to sign a new contract.

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 Supervisor Engert is authorized to sign the new contract with Sunking Inc. for electronic recycling that will pay the Town \$.04 per pound.

RESOLUTION 71-2012

BUDGET AMENDMENT

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

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

Resolved the following budget amendment is approved:

CR		DB	
A1220.2	\$ 838.99	A1990.4	\$1,903.57
A1220.4	\$1,000.00		
A1989.4	<u>\$ 64.58</u>		
	\$1,903.57		

RESOLUTION 72-2012

AUDIT OF CLAIMS

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

General Fund	No. 211 through No. 252	\$ 67,634.94
Highway Fund	No. 60 through No. 71	\$ 6,286.93
Sewer Fund	No. 61 through No. 70	\$ 10,038.29
Water Fund	No. 57 through No. 65	\$ 7,388.58

PRIVILEGE OF THE FLOOR

Douglas Lewis stated kids are riding their bicycles without helmets and asked if the police force could enforce the law. He said it is an exception to see a kid with one on.

Chris Czelusta addressed the Board regarding:

1. He asked if we are training new police officers.
Supervisor Engert said there is only training in policies and procedures and any newly hired officer receives orientation by an officer that has been in service.
2. He stated Joey Hinton is doing a great job at the West Somerset Cemetery and Mel Denny with his department is doing an exceptional job helping.
3. Asked the Board to talk to AES about offering property for enlarging the cemetery as there are several people in the West Somerset area that would like to purchase plots there.
Supervisor Engert stated that he would talk to Jack White about the matter.
4. The community came together to have Olcott named the World's Fishing Capital.

Supervisor Engert thanked Superintendent Denny for his commitment to the cemetery project and the Memorial Day Ceremony.

Marvin Reynolds stated that last month Supervisor Engert told him about the police qualifications and now you have hired the same guy that was towed out of the cemetery two years ago.

Supervisor Engert said there is no police officer working that was on the police force (Village of Barker) 2 years ago.

Norman Jansen commended the Board on the IJC resolution. He said big business is making money on the high water.

Councilman Wayner said the IJC plan will also have a negative impact on farmers and the drainage of the land.

James Hoffman said he has been running petitions for Assemblyman Hawley to eliminate unfunded mandates. He said that 9 mandates account for 90% of the County tax levy.

FORMER BARKER CHEMICAL SITE

Supervisor Engert said the company will be here soon to do ground sampling on the former Barker Chemical site and they will be there for a couple of weeks.

ECONOMIC DEVELOPMENT MEETING

Supervisor Engert announced there will be a meeting on June 21st with large land owners, other stakeholders and representatives from the Niagara County Center for Economic Development to talk about marketing Somerset for an economic development project.

LOWER LAKE ROAD BRIDGE

Superintendent Bigelow asked if the Lower Lake Road Bridge (over Fish Creek) project can be closed.

Engineer Roeseler said they are waiting for CATCO to settle the project.

RESOLUTION 73-2012

EXECUTIVE SESSION

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

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

Resolved the Board enter into an executive session at 8:28 PM to discuss the ongoing collective bargaining agreement with the union employees.

RESOLUTION 74-2012

RETURN TO REGULAR SESSION

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen
Nays 0

Resolved the Board return to regular session at 9:50 PM.

(Councilman Dewart left the Executive Session prior to return to regular session.)

On a motion of Councilman Jansen, seconded by Councilman Alt, the meeting adjourned at 9:51 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk