

REGULAR MEETING
JUNE 14, 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 14th day of June 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 1 B.C.S. student

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

RESOLUTION 69-2011

APPROVAL OF MINUTES

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 minutes of the previous meeting are approved as submitted.

RESOLUTION 70-2011

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Police Department
Dog Control Officer for April and May

ATTORNEY REPORT

Attorney Jones reported the following:

1. Verizon lawsuit is almost at an end. Mr. Giacalone sent a letter to the Court dated June 2nd that his client was not going to pursue the matter. He stated the deadline for filing was June 13th and he anticipates the Court will issue an order for dismissal.

2. He updated the Board on the activities of the Planning Board and Zoning Board.
 - a. The Planning Board issued a Special Use Permit to Vernon Yoder to locate a retail store on Countyline Road.
 - b. The Zoning Board issued a denial for a variance from Joseph Fox to place a pole barn on a lot in the residential lakeshore district.
 - c. Reported on the proposed changes to the codes the Planning Board is working on:
 - 1) Noise
 - 2) Enforcement of the NYS Building Codes and Special Use Permits
 - 3) Outdoor wood boilers
3. A letter was received from Mrs. Sajak regarding the condition of 8681 Lake Road and that he and Code Enforcement Officer Hildebrant will be meeting with the owner of the property.

COMMUNICATIONS:

Clerk Connolly read a letter that was forwarded to the Town Board and Attorney on May 16th from Jennifer Gregoire requesting the Town Park be made a smoke free zone and that no pets be allowed in the park.

Attorney Jones stated he looked at several issues on smoking and could not find any legislation that pertains to smoking out of doors.

STATUS OF HELIPAD

Code Enforcement Officer Hildebrant reported that Councilman Engert, Superintendent Bigelow and Superintendent Denny met with Mr. Pawlak from Hy-tech Concrete at the site and gave an overview of the project, stating the departments will help with the labor and pilings. He said Mr. Pawlak will adjust his price accordingly. He stated a design is being prepared and will be forwarded to Mr. McDonald of Mercy Flight prior to the construction of the pad for their approval.

RESOLUTION 71-2011

REGIONAL GREENHOUSE GAS INITIATIVE

Councilman Engert said that he, along with Legislator Syracuse and Christian Peck has tracked down all the Executive Orders that deal with the regional greenhouse gas initiative that regulates emissions for coal fired power plants. He asked the Board to approve a resolution calling for the repeal of Governor Paterson's Executive Order No. 24 and calls upon Governor Cuomo to find strategies that appropriately consider the goal of preserving and protecting our environment while supporting our existing business (AES Somerset Plant).

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

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

WHEREAS, the Town of Somerset is home to a 675 megawatt coal-fired power plant otherwise known as AES Somerset; and

WHEREAS, the Chairman of the Niagara County Industrial Development Agency, Mr. Henry M. Sloma, advised you by way of a letter dated January 20, 2011 of the economic strain being placed upon AES Somerset, in large part, to the regulatory burdens placed by various levels of government; and

WHEREAS, due to the combined costs of regulatory burdens, along with marketplace conditions affecting the cost of coal and the market price of electricity generated by the plant, the plant was idled for the first time in its 26 year history last November; and

WHEREAS, AES Somerset is the single largest taxpaying entity in the entire Niagara County, let alone in the Town of Somerset, and is also a significant employer within our community; and

WHEREAS, the budgets of the Barker Central School District, the Town of Somerset and Niagara County rely heavily upon the AES Somerset plant for operating revenue.

THEREFORE, BE IT RESOLVED that the Town of Somerset hereby earnestly requests that the Governor of the State of New York, the Honorable Andrew M. Cuomo, consider and direct specific strategies to help mitigate the impact of the current \$10 million in environmental fees charged to AES Somerset through the Regional Greenhouse Gas Initiative; and

BE IT FURTHER RESOLVED, that the Town of Somerset fully supports Niagara County Legislator John Syracuse and his efforts to raise further awareness and to call for additional measures to be enacted by Governor Cuomo; and

BE IT FURTHER RESOLVED, that the Town of Somerset calls for the repeal of Governor Paterson's Executive Order No. 24 which sets unrealistic targets for the reduction of greenhouse gas emissions in New York State; and

BE IT FURTHER RESOLVED, that the Town of Somerset calls for Governor Cuomo to recognize that the current policies of the State of New York in this area are detrimental to continued operations at AES Somerset as well as coal fired plants at 16 other sites around New York which are critical to meeting New York's electrical needs.

The Town Board of the Town of Somerset sincerely calls for Governor Cuomo to weigh these matters fully and in so doing, to find strategies that appropriately consider the goal of preserving and protecting our environment while supporting our existing businesses in order that our local economy can endure.

PUBLIC COMMENT

James Hoffman thanked the Board for their support to overturn the regional greenhouse gas initiative.

Chris Czelusta stated the resolution should be sent to the other Towns that have power plants that are affected by this Executive Order asking them for a letter of support.

Clerk Connolly said she will forward the resolution to the distribution list that the initial letter was sent to and also to the affected Towns and all Niagara County Towns asking for a letter of support.

Doug Lewis asked the Attorney about the outdoor wood boilers.

Attorney Jones explained the new regulations that were implemented by NYSDEC (Dept. of Environmental Conservation) on April 1st, 2011 and the conflict of the new law with the existing Town law.

James Hoffman said he has heard that Agriculture and Markets is challenging the law. Discussion ensued regarding the enforcement and differences of the laws.

Randy Hildebrant, Barker Fire Chief, reported on the calls received during the storm on April 28th, giving an overview of the damage from the wind and fallen trees. He thanked the Highway and Water/Sewer Departments for their help during the emergency situation.

Supervisor Meyers thanked Superintendent Denny and his department for the condition of the park for the Memorial Day celebration.

RESOLUTION 72-2011

AUDIT OF CLAIMS

On a motion of Councilman Wayner, seconded by Councilman Alt, 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. 191 through No. 238	\$ 43,296.79
Highway Fund	No 62 through No. 74	\$ 10,674.56
Sewer Fund	No. 63 through No. 75	\$ 10,849.42
Water Fund	No. 61 through No. 71	\$ 4,800.96

On a motion of Councilman Alt, seconded by Councilman Jansen the meeting was adjourned at 7:43PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk