

REGULAR MEETING
JULY 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 July 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; and 7 residents

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

RESOLUTION 75-2012

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 76-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 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

COMMUNICATIONS:

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

Clerk Connolly stated a communication has been received from the Upstate New York Power Producers, Inc. (USNYPP) which has assumed the ownership of the formerly known AES Eastern Energy power plant.

Clerk Connolly reported Superintendent Denny received a communication from NYSEG stating they are conducting a survey of the residents along Huntington Beach and Lakeview Drive to determine their interest in obtaining natural gas.

Clerk Connolly stated a communication has been received from Wendel that they sent to the Niagara County Refuse Disposal District Director, Richard Pope, stating they have done an analysis of the Niagara County Landfill Cell 1A and there is approximately 5 ¼ years for Cell A to reach final capacity.

Supervisor Engert reported Senator Maziarz will be holding a meeting at the Town Hall on July 18, 2012 regarding the International Joint Commission's recommendation on the lake level with elected officials from communities along the lake, including the Secretary of State.

WEST SOMERSET CEMETERY

Eagle Scout Candidate, Joey Hinton, gave an overview of his Eagle Scout project for the repair of the headstones at the West Somerset Cemetery that had been damaged by vandalism. He presented pictures of all the work that was done stating that he has completed the Eagle Project. He said they fixed all the gravestones that were vandalized plus another dozen that needed repair. He said he received \$1,500.00 in donations including \$200.00 of supplies. He said the \$1,300.00 has purchased 5 replacement headstones. He stated he had help from 17 people and they worked 70 hours on the job.

Supervisor Engert said that the project has exceeded all expectations and the cemetery really looks great.

Councilmen Wayner, Alt, Jansen and Dewart commended Mr. Hinton on the exceptional job.

Supervisor Engert stated that he has been in contact with the property owner around the West Somerset Cemetery regarding expansion of the cemetery and anticipates more information for the next meeting.

COMPREHENSIVE PLAN UPDATE

Engineer Roeseler stated that his firm is working on embellishing the Comprehensive Plan from the work completed on the draft report. He gave an overview of the process that will be followed and they are on track to have the process completed by October or November.

RESOLUTION 77-2012

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

Engineer Roeseler said they are prepared to submit a grant for the Local Waterfront Revitalization Program and gave an overview of the application. He said they will be applying for a grant of \$16,000.00 and that it is a matching grant, if awarded. He asked for authorization to have the grant submitted.

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 Supervisor Engert is authorized to execute all certifications regarding the Local Waterfront Revitalization grant.

RESOLUTION 78-2012

ZONING REVISIONS UPDATE

Attorney Jones gave an overview of the work that has been done and said there are three elements to the update including:

1. Updating the Comprehensive Plan
2. Determining the most flexible zoning for the areas identified in the Comprehensive Plan and have that in place to encourage economic development to complement the Plan
3. Updating the Local Waterfront Revitalization Program update

He said that he met with Engineer Reilly on June 19th to go over the various areas that need to be looked at. He said they are looking at the specific language in the Town of Somerset code and comparing it with other municipalities. He said several of the Town ordinances tie into other laws that may be duplication, including the SEQR law and the wetlands law. He stated they anticipate they will have recommendations for the Board by September.

Supervisor Engert said that he would like formal authorization for Wendel to continue work on the zoning revisions update.

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

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

Resolved that Wendel is authorized to continue to work with Attorney Jones to update the Codes of the Town of Somerset.

RESOLUTION 79-2012

KEY BANK – OFFICIAL DEPOSITORY

Supervisor Engert said because of the sale of HSBC to First Niagara and then sold to Key Bank, Key Bank needs to be named as an official depository for the town accounts. On a motion of Councilman Dewart, seconded by Councilman Alt, the following resolution was

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

Resolved that Key Bank is named as an official depository for all accounts and investments.

RESOLUTION 80-2012

NIAGARA COUNTY EMERGENCY COMMUNICATION PROJECT – SEQR

Supervisor Engert stated he had previously forwarded to the Town Board the communication received from the County Manager regarding the Emergency Communication Project and the request of the County of Niagara needs to be named Lead Agency.

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

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

Resolved Supervisor Engert is authorized, to sign on behalf of the Town of Somerset, consenting to have Niagara County acting as Lead Agency for the Broadband Project in accordance with SEQRA rules and regulations 6 NYCRR §617.6 with the Town of Somerset reserving the right to approve any site within the Town of Somerset.

RESOLUTION 81-2012

BUDGET AMENDMENT

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 following budget amendment is approved:

CR		DB	
A1430.4	\$1,500.00	A1990.4	\$1,500.00

RESOLUTION 82-2012

AUDIT OF CLAIMS

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

General Fund	No. 253 through No. 290	\$ 31,990.54
Highway Fund	No. 72 through No. 82	\$ 114,484.87
Sewer Fund	No. 71 through No. 82	\$ 3,317.39
Water Fund	No. 66 through No. 74	\$ 34,953.73

PRIVILEGE OF THE FLOOR

Dale Howard addressed the Board regarding people walking around with their dogs and not carrying a plastic bag for the waste. He asked that this be addressed in the newsletter to educate the public.

Norman Jansen asked if perhaps there could be receptacles in the park.

FLOAT FOR TOWN OF HARTLAND BICENTENNIAL

Councilman Dewart gave an update on the float that the Town of Somerset will have in the July 28th parade in the Town of Hartland for their Bicentennial Celebration. He stated Krista Beth Feltz developed the theme concept, and numerous volunteers are putting it together, including painting by the art students of BCS.

Supervisor Engert stated the float has an apple theme with the lighthouse background with donations of fruit, baskets and ladders from Donovan Orchards and Staples Farms. He said the Town will have a second float that will be a working float with a working saw from John Haight.

Councilman Dewart said the Schumacher's will be wearing the original lighthouse keepers' outfits on the float also.

RESOLUTION 83-2012

EXECUTIVE SESSION

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 the Board enter into an executive session at 7:58 PM to discuss possible litigation.

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RESOLUTION 84-2012

RETURN TO REGULAR 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 return to regular session at 8:25 PM.

On a motion of Councilman Dewart, seconded by Councilman Jansen, the meeting adjourned at 8:26 PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk