

REGULAR MEETING
JULY 12, 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 12th day of July 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 10 people

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

RESOLUTION 73-2011

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 74-2011

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Alt, 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

Code Enforcement Officer Hildebrant presented a report to the Board regarding the FEMA (Federal Emergency Management Agency) report to obtain reimbursement for costs of the April 28th storm.

Police Department and Annual Report

Dog Control Officer

ATTORNEY REPORT

Attorney Jones reported the following:

1. There has been a RGGI Lawsuit (Regional Greenhouse Gas Initiative) filed challenging the State's entry and participation in the program as the mandate was not approved by the State Legislature. He stated that he has sent a letter to the lead Attorney in New York City stating the Town supports the lawsuit and would participate. He said he has tried to contact him and will continue to do so. Mr. Morgan stated the lawsuit claims the mandate is an unconstitutional tax passed onto the consumer, among other items.
2. He met with Assessor Glidden and the Niagara County Real Property Tax Office regarding the procedures that are followed regarding the transfer of property at the Lighthouse Christian Camp on Form RP 5217, explaining his investigation. He said he has determined that the Assessor's office can accept the RP517 for the conveyance of the lease. He stated the agreement that was executed in February 2011 between the Town and the Lighthouse Christian Camp is acceptable. He stated that he does not know if the Town can charge a recording fee for the filing of the forms as the recording fee goes to the county and state. He said he does not recommend charging a fee.
3. Stated that he had forwarded memorandums to the Board regarding prohibiting the use of compression release engine brakes (Jake Brakes), code enforcement and smoking in parks.
 - a. Discussion ensued regarding the safety of Jake brakes versus the noise.

SMOKING IN TOWN PARK

Councilman Engert stated that he had met with Councilman Jansen and Superintendent Denny regarding the request for the Town to ban smoking in the town park. He stated that the Somerset Youth Baseball Organization (SYBO) has been contacted regarding the matter and said the matter will be taken care of internally with SYBO. He said that no ordinance is recommended.

Superintendent Denny stated there could be some signs put on the back stops that would be just a message and he will look into it.

ASSESSOR'S QUARTERLY REPORT RECEIVED AND FILED.

COMMUNICATIONS:

Clerk Connolly said a resolution has been received from the Town of Newfane supporting the RGGI resolution.

Clerk Connolly stated notification has been received from Time Warner increasing the rate of HBO.

Clerk Connolly stated that a communication has been received from NYSDEC regarding wastewater treatment plant operator certification and that DEC is transferring the administration of the program to NY Water Environment Association (NYWEA) and that a fee will be charged for certifications of the operator license.

Superintendent Denny stated the fee is charged every five years depending on the expiration.

Clerk Connolly stated that she met with Joe Hickman from Modern Disposal regarding the expansion of their recycling program and stated that the information will be placed in the newsletter.

STATUS OF HELIPAD

Code Enforcement Officer Hildebrant reported the site has been reviewed and he will be meeting with Ed McDonald from Mercy Flight to make sure their needs are met when they stake the site out.

RESOLUTION 75-2011

COPIER FOR COURT

Judge Martineck presented a quote to purchase a copier for the court through grant funds under state contract for \$1,194.04.

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

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

Resolved a copier for the court be purchased under NYS contract PT58424 for \$1,194.04 as presented.

RESOLUTION 76-2011

AMENDMENT TO CHANGE ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT

Clerk Connolly reported a resolution has to be passed by the Board to accept the increased monies paid by New York State due to the severity of the winter.

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 that Supervisor Meyers is authorized to sign the amendment to change the estimated expenditure for the snow and ice agreement with the State of New York due to the severity of the winter during 2010/2011.

RESOLUTION 77-2011

ADDITIONAL PAY FOR ASSESSOR CLERK

Supervisor Meyers stated Assessor Glidden has requested additional hours for the Clerk while he is working on the reval.

Assessor Glidden stated it would amount to \$1,994.00 until the end of the year with the Clerk working 16 hours more a month until October and then working all the hours the office is open.

Extensive discussion ensued regarding compensating a salaried position, what is going on for the additional hours, documentation that was sent to Supervisor Meyers and Councilman Alt, and the process of reval and analysis of figures.

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Councilman Jansen stated that she will be meeting with Assessor Glidden to discuss the responsibilities and expectations for the reval and the project plan.

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 request for additional compensation for the Assessor Clerk is tabled pending the report of Councilman Jansen.

RESOLUTION 78-2011

BUDGET AMENDMENT

Supervisor Meyers presented a budget amendment to transfer \$3,000.00 from Assessor Contractual to Assessor Personnel.

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 request for the budget amendment is tabled.

PUBLIC COMMENT

Doug Lewis asked the Attorney what the RGGI lawsuit is about and if it is the intention to stop the whole program.

Attorney Jones said he does not believe it is intended to stop the whole program in general.

RESOLUTION 79-2011

OUTSTANDING CLAIM

Councilman Engert questioned the outstanding bill for Wendel Duchscherer for windmill work and where is the money suppose to come from.

Extensive discussion ensued regarding payment of an outstanding invoice for Wendel Duchscherer; the money budgeted for engineering services for the windmill, and authorization by the Board to expend an additional \$1,500.00 on engineering services.

Engineer Roeseler stated that he submitted a memorandum in May regarding the additional \$1,500.00.

Councilman Engert stated the Board never took any action regarding the recommendation.

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

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

Resolved authorization is given to the Engineer to complete additional work regarding for the windmill project for up to \$1,500.00 with the monies to be expended from the Water and Sewer Funds.

LOWER LAKE ROAD BRIDGE

Superintendent Bigelow reported the bridge will be closed the week of July 18th with the intention to re-open the bridge by October.

RESOLUTION 80-2011

AUDIT OF CLAIMS

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

General Fund	No. 239 through No. 275	\$ 27,326.55
Highway Fund	No 75 through No. 87	\$ 119,149.90
Sewer Fund	No. 76 through No. 98	\$ 10,649.34
Water Fund	No. 72 through No. 90	\$ 34,005.92

On a motion of Councilman Engert, seconded by Councilman Jansen the meeting was adjourned at 8:27PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk