

REGULAR MEETING  
AUGUST 9, 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 9<sup>th</sup> day of August 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 15 people

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

RESOLUTION 81-2011

**APPROVAL OF MINUTES**

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 minutes of the previous meeting are approved as submitted.

RESOLUTION 82-2011

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilman Jansen, 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 stated the Town will be receiving approximately \$5,000.00 for the April 28<sup>th</sup> storm within 6 weeks.

Councilman Engert and Councilman Wayner thanked Code Enforcement Officer Hildebrant, Melvin Denny and Mindy Austin for the good job.

Police Department

Dog Control Officer

**ATTORNEY REPORT**

Attorney Jones reported he has been working on several issues with items on the agenda regarding three revisions to the Code.

**QUARTERLY WATER/SEWER REPORT RECEIVED AND FILED**

**COMMUNICATIONS:**

Clerk Connolly reported that Assemblyman Hawley will be hosting a bus tour for Veterans to Washington DC in September.

**REGIONAL GREENHOUSE GAS INITIATIVE (RGGI)**

Clerk Connolly said resolutions have been received from the Towns of Cambria, Hartland and Pendleton supporting the RGGI resolution that the Town adopted. Councilman Engert said that Jim Hoffman was responsible for calling upon the Board to take action regarding the environmental impact that this initiative has on AES. He stated he has been in contact with Assemblyman Hawley's office and he will be sending a letter of support to the Governor regarding this issue. He announced that he has asked the plaintiff, Lisa Thrun who is part of a lawsuit that has been filed in NY challenging the state's participation in RGGI and her organization, Americans For Prosperity, to come to the town to present an information forum for the residents to be educated on the destructive economic impact that RGGI has locally. He said they will be at the Town Hall on August 16<sup>th</sup> at 3:30PM for a press conference and then at 6PM for the seminar. He stated that Senator Maziarz may be in attendance and that Americans for Prosperity is supporting the Town's resolution.

**RESOLUTION 83-2011**

**ADDITIONAL PAY FOR ASSESSOR CLERK**

Councilman Jansen stated she met with Assessor Glidden to formulate a project plan where activity and resources are tracked for the revaluation. Discussion ensued regarding the project plan, the proposed budget amendment for \$3,000.00, the increased hours that Assessor Glidden has worked, salaried positions receiving extra compensation, the contract with Brisbane Consulting Group, LLC for assessing commercial properties, additional help that will be needed to conduct the revaluation, possible 2011 budgetary requests, farm values and updating the project plan.

Assessor Glidden stated it would amount to \$1,998.00 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.

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 that the Assessor's Clerk, Carol Maines, is authorized to work the additional hours for 2011 as requested

RESOLUTION 84-2011

**CONTRACT FOR REVALUATION OF COMMERCIAL PROPERTIES**

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

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

Nays 0

Resolved the Supervisor is authorized to execute a contract with Brisbane Consulting Group, LLC, 403 Main Street, Suite 430, Buffalo, NY 14203 to conduct the revaluation of the commercial properties for \$7,500.00.

**PROPOSED LOCAL LAWS**

1. Code Administration and Enforcement
2. Special Use Permits
3. Noise

Clerk Connolly stated the Planning Board has forwarded proposed local laws to change the Code of the Town of Somerset for the Board's consideration.

Attorney Jones stated that NYS mandates the Town adopts this ordinance. He stated this will allow Code Enforcement Officer Hildebrandt to enforce the NYS Building Codes which contains 11 different elements.

Attorney Jones said the Special Use Permit provisions are not covered by state law and the current Administration and Enforcement code contains several areas where Special Use Permit are required. He stated that it is easier to adopt a new law specifically for Special Use Permits.

Discussion ensued regarding different sections of the laws with explanations given by Attorney Jones, Code Enforcement Officer Hildebrandt and Planning Board Chairman Jon Hotaling.

Extensive discussion ensued regarding the need for a noise law, the hours that are set, how the law will be enforced, and the need to allow snow blowers to run anytime of the day or night. Police Chief Annable, Planning Board Chairman Hotaling and Attorney Jones explained the noise law.

RESOLUTION 85-2011

**CODE ADMINISTRATION AND ADMINISTRATION PROPOSED LOCAL LAW**

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

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

Nays 0

Resolved a public hearing be held on September 13, 2011 at 7:00PM to hear and consider comments on proposed Local Law #1-2011 entitled Administration and Enforcement.

RESOLUTION 86-2011

**SPECIAL USE PERMIT PROPOSED LOCAL LAW**

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

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

Resolved a public hearing be held on September 13, 2011 following the hearing on Administration and Enforcement to hear and consider comments on proposed Local Law #2-2011 entitled Special Use Permits.

RESOLUTION 87-2011

**NOISE PROPOSED LOCAL LAW**

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

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

Resolved a public hearing be held on September 13, 2011 following the hearing on Special Use Permits to hear and consider comments on proposed Local Law #3-2011 entitled Noise, to include a special exception for snow blowers.

RESOLUTION 88-2011

**INCREASE IN MILEAGE RATE**

Clerk Connolly reported that the IRS increased the mileage rate on July 1, 2011 to 55.5 cents.

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 mileage rate is increased to 55.5 cents.

RESOLUTION 89-2011

**ACCESS TO HEALTH INSURANCE BY PART-TIME EMPLOYEES**

Supervisor Meyers put forth a proposal to offer access to the Town's health insurance by part-time employees and elected officials at their expense.

Extensive discussion ensued regarding the proposal, community rated plan and data, administrative costs for the Town, and what the benefit would be to the town taxpayers,

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

NOT APPROVED Ayes 2 Meyers, Alt  
Nays 3 Wayner, Engert, Jansen

WHEREAS, the State of New York has an estimated 2.5 million residents without health insurance; and

WHEREAS, the Town of Somerset currently carries insurance coverage for its full-time employees and part-time Elected Officials; and

WHEREAS, due to the Town policy, the Town has not elected in the past to fund insurance for part-time employees or to allow for their participation in the Town's insurance plan; and

WHEREAS, the lack of insurance coverage options for part-time employees may leave those in the employ of the Town of Somerset without health-care insurance options for themselves and/or their family.

NOW, THEREFORE BE IT RESOLVED, that effective upon adoption of this resolution, the Town of Somerset shall provide the option to its part-time employees to purchase self-paid health insurance under the Town's health insurance policy, and that Section 806 of the Town of Somerset Employee Handbook shall be revised to reflect such change.

BE IT FURTHER RESOLVED, that the Town will offer this coverage to its part-time employees so long as there is no additional premium or deductible cost to the Town of Somerset.

RESOLUTION 90-2011

**SPEED LIMIT ON LAKE ROAD BETWEEN QUAKER ROAD AND HOSMER ROAD**

Supervisor Meyers stated that the intersection at Hartland Road and Lake Road is dangerous and a resident asked him to have the speed limit lowered for the current 45 MPH on Lake Road west of Quaker Road to Hosmer Road to 45 MPH.

Discussion ensued regarding the need to have the speed reduced that distance, the sight distance, the trees that are blocking the sight distance, requesting the state to cut the trees and do the necessary study to lower the speed limit, and the blind intersection. Superintendent Bigelow stated that he will contact the property owners to discuss the sight distance problem.

RESOLUTION 91-2011

**BUDGET AMENDMENT**

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 following budget amendment is approved.

DB		CR	
SW8340.4	\$750.00	SW8340.41	\$750.00

RESOLUTION 92-2011

**BUDGET AMENDMENT**

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 following budget amendment is approved.

DB		CR	
SS8130.4	\$750.00	SS8130.41	\$750.00

RESOLUTION 93-2011

**BUDGET AMENDMENT**

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

Councilman Wayner said that he would go with the Assessor's recommendation of \$2,000.00.

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 changed and approved as follows:

DR		CR	
A1355.4	\$ 2,000.00	A1355.1	\$2,000.00

**LOWER LAKE ROAD BRIDGE**

Superintendent Bigelow reported the water lines are out, 90% of the excavation has been done and the footers will be placed this week. He said anticipated opening is October 1<sup>st</sup>.

RESOLUTION 94-2011

**AUDIT OF CLAIMS**

On a motion of Councilman Jansen, 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. 276 through No. 313	\$ 28,772.05
Highway Fund	No 88 through No. 102	\$ 46,530.88
Sewer Fund	No. 99 through No. 109	\$ 5,911.18
Water Fund	No. 91 through No. 100	\$ 8,369.16

On a motion of Councilman Alt, seconded by Councilman Wayner, the meeting was adjourned at 9:30PM. Carried unanimously.

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Rebecca A. Connolly, MMC  
Town Clerk