

REGULAR MEETING
AUGUST 14, 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 14th day of August 2012.

Present: Daniel M. Engert ----- Supervisor
Randall J. Wayner ----- Councilman
Gary R. Alt ----- Councilman
Robin R. Jansen ----- 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

Absent: Jeffrey M. Dewart ----- Councilman

Attended by: Mark Remington, DCO & Code Enforcement Officer; Robert Glidden, Assessor; and 9 residents

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

RESOLUTION 85-2012

APPROVAL OF THE MINUTES

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

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

Resolved the minutes of the previous meeting are approved.

TOWN FLOAT FOR TOWN OF HARTLAND BICENTENNIAL

Supervisor Engert reported the Town of Somerset entered a double float in the Town of Hartland's Bicentennial Celebration on July 28th and announced the Town took second place. He said a lot of hard work went into the floats, one being the Lighthouse theme and the other with a working saw. He thanked Councilman Dewart and all the people involved. He said they did a great job.

RESOLUTION 86-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen
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 Jones reported on the following:

Assessment Challenges – He stated that four small claims and one Supreme Court assessment challenge has been received and asked how the Board would like the cases defended. He suggested the Assessor handle the small claims hearings and he could handle the Supreme Court. He estimated that 4 – 6 hours would be needed to defend the Supreme Court preliminary hearing, where most of those cases are settled.

RESOLUTION 87-2012

DEFENSE OF SUPREME COURT ASSESSMENT CHALLENGE

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

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

Resolved Attorney Jones is authorized to engage in the defense of the assessment challenge in Supreme Court at the litigation rate as per the agreement outside of the retainer.

Supervisor Engert stated that it is understood the Assessor will defend the small claims assessment challenges.

RESOLUTION 88-2012

UNSAFE BUILDING AT 8681 LAKE ROAD

Supervisor Engert stated that there has been a feral cat problem at the above property. Attorney Jones reported that under the unsafe building law Chapter 78 of the Code of the Town of Somerset, there is a specific procedure that has to be followed. He stated the SPCA obtained a warrant to go into the building and they were accompanied by Code Enforcement Officer Remington. He said they went through the building, noting the condition of the building, and a notice of the condition itemizing what was wrong with the building was prepared. He said the notice was posted on the building and sent to the interested parties. He said the owner was to commence work on the building by August 13th with completion by August 23rd. He said a representative of the bank was interested in it and was going to send someone out. He said if it is not completed by August 23rd, a hearing must be held to give the owner an opportunity to state their case. He suggested that bids be obtained for demolition and that there may be asbestos removal.

Supervisor Engert asked Attorney Jones and Engineer Roeseler to draft an RFP (Request for Proposal) for demolition to include all permits that will be needed for demolition.

TOWN BOARD MEETING
AUGUST 14, 2012 PAGE 3

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

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

Resolved if Code Enforcement Officer Remington determines the Order has not been complied with by August 23, 2012 at 8681 Lake Road, a hearing be scheduled to determine if it is an unsafe building on August 29, 2012 at 7:00PM with proper notice to be given to all interested parties by August 24, 2012.

QUARTERLY WATER/SEWER REPORTS received and filed.

COMMUNICATIONS:

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

Clerk Connolly stated that she had forwarded to the Town Board a letter from the Planning Board about possible code violations.

RESIGNATION OF PLANNING BOARD MEMBER SNELL

Clerk Connolly read a letter from Krista Snell resigning from the Planning Board.

Clerk Connolly stated a letter had been received from Richard Wayner applying for a position on the Planning Board.

Supervisor Engert said he received a letter from the Great Lakes Racing Association stating they will be conducting a 100 mile triathlon on October 6th with it beginning and ending at Camp Kenan.

RESOLUTION 89-2012

USE OF TOWN FACILITIES BY TWO CYLINDER CLUB

Supervisor Engert stated a communication has been received from Don Schuler from the WNY Two Cylinder Club asking permission to use the Town Hall parking lot and facilities for their tractor ride on September 22nd.

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

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

Resolved the Two Cylinder Club is authorized to utilize the Town Hall parking lot and facilities on September 22, 2012.

Supervisor Engert stated he received a request from the Niagara County Community Action Program to include \$2,000.00 in the 2013 budget that will be used to provide matching home repair funding for the Town of Somerset homeowners that qualify.

Supervisor Engert stated he received a letter from Niagara County Legislature Chairman William Ross with copies of letters that were sent to Governor Cuomo and the Empire State Development Corporation regarding the reassignment of the 107th Airborne. He asked that elected officials write letters to help Governor Cuomo understand both the short term and long term affect that any reassignment of the 107th would have on WNY regional economy. He said that 746 Niagara County residents are employed with the 107th at the Air Base. Supervisor Engert stated he would send correspondence on behalf of the Board expressing support of the 107th and asking they not be reassigned to another base.

COMPREHENSIVE PLAN UPDATE

Engineer Roeseler stated that Andrew Reilly met with the Planning Board on August 8th and asked for all comments be back to him by August 17th. He said a final draft will be presented to the Board prior to the September 11th meeting so a public hearing can be called.

Attorney Jones said a draft plan was received by the Planning Board and it is 80% complete. He said when the Town Board receives the plan, it will be 98% complete.

ZONING REVISIONS UPDATE

Attorney Jones said he has been working with Andrew Reilly on revisions to the zoning law and gave an overview of the work that is being done, with hopes that the revisions can be adopted by November.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

Engineer Roeseler said a grant has been submitted for funding of the revision to the LWRP.

LOWER LAKE ROAD BRIDGE

Engineer Roeseler stated he had a conversation from a person from CATCO regarding the outstanding bill. He reiterated to him that the Town Board will not authorize payment of any funds.

Supervisor Engert stated that he was contacted by a representative of CATCO and he assured that person the Town Board will not authorize payment for their mistakes.

Superintendent Bigelow stated that the Town has not been paid for the state share of the funds and asked Engineer Roeseler to check on the status of the payment.

PLANNING BOARD VACANCY

Councilman Jansen stated that she and Councilman Alt were engaged last year to evaluate the Planning Board based upon what other planning boards do in the County. She said she sent a report to the Town Board with their information, noting that most towns have 5 members. She said in light with the loss of revenue from the power plant they recommended the Board look at reducing the Board to five members with or without an alternate.

Supervisor Engert said action on the vacancy will be tabled for further investigation pending a final report from Councilman Jansen and Councilman Alt at the next meeting.

8516 LAKE ROAD – FORMER GAS STATION

Supervisor Engert stated he was contacted by a community member regarding the parcel sitting idle for a couple years and the condition of the property. He said the property has been eyed by potential buyers but they are scared off by potential remediation. Supervisor Engert stated he has sent a letter to the property owner offering assistance for funding of a Phase 1 study that is available through the Niagara County Brownfield's fund.

Councilman Wayner said he was also contacted about the situation. He said the restaurant is open again and the new museum is moving forward.

Jon Hotaling stated that there are still two 500 gallon tanks buried on the property with a hydraulic lift located in the building.

Attorney Jones suggested that DEC be contacted for site specific information.

RECYCLING – EVERY OTHER WEEK

Supervisor Engert said he has set up a meeting for August 29th at 6:00PM regarding a presentation on the benefits of every other week recycling by Dawn Timm from Niagara County Environmental Dept. and Joe Hickman from Modern. He said we are mandated to recycle and he feels there may be an opportunity to increase the amount of tons recycled, while increasing revenue to the Town. He gave an overview of savings being realized by municipalities that are participating in the program.

RESOLUTION 90-2012

CHAIRS FOR MEETING ROOM

Supervisor Engert said quotes have been obtained for the replacement of the chairs in the small meeting room to replace the worn chairs that have been here since 1986 as follows:

<u>Name and Address of Vendor</u>	<u>Price</u>
Indoff, Inc. 417 Main Street, Medina, NY 14103	\$2,595.89
Ifurn.Com 8405 E. Kellogg, Wichita, KS 67207	\$2,439.90

Supervisor Engert recommended accepting the bid from Indoff, Inc., the local company that we do business with that has been competitive, with the quote including delivery within three days, assembly and removal of all packaging. He stated the other quote requires assembly and delivery is 4 – 6 weeks.

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

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

Resolved the chairs for the small meeting room be purchased from Indoff, Inc., 417 Main Street, Medina, NY 14103 for \$2,595.89 as per the procurement.

RESOLUTION 91-2012

CARPETING FOR SMALL MEETING ROOM AND TOWN CLERK'S OFFICE

Supervisor Engert presented quotes to replace the carpeting that has been in place since 1986 in the small meeting room and the Town Clerk's office as follows:

<u>Name and Address of Vendor</u>	<u>Price</u>
Carpet Collection 5939 South Transit Road, Lockport, NY 14094	\$3,753.00
M. Carter/Abbey Carpet 360 West Avenue, Lockport, NY 14094	\$3,670.00
J & D Enterprises 4088 Peet Street, Middleport, NY 14105	\$2,730.00

Supervisor Engert stated the lowest bidder quoted 24 ounce carpet, with the other bidders quoting 26 ounce. He stated the lowest bid for the better carpet, received from M. Carter/Abbey Carpet included tear out and disposal of the carpeting, along with moving the furniture in the Town Clerk's office.

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

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

Resolved carpeting be purchased from M. Carter/Abbey Carpet, 360 West Avenue, Lockport, NY 14094 for \$3,670.00 as per procurement.

WEBSITE COMMITTEE

Supervisor Engert said the website has been breached several times in recent weeks and would like to look at other avenues for web hosting, along with updates to the site.

Councilman Wayner said he could serve on the committee and would like to have some community members involved.

Supervisor Engert appointed Councilman Wayner as Chairman and Clerk Connolly to the website committee and told Councilman Wayner to involve some community members.

2013 BUDGET PREPARATIONS

Supervisor Engert gave the Board an overview of his anticipated budget preparations for 2013. He said in light of the loss of revenue, he has asked the department heads to reduce their budgets by 15 – 20%. He said he anticipates he will have the budget to Clerk Connolly by September 7th so she can have it to the Board by September 11th. He said he anticipates having budget workshops and asked the Board to review their calendars and let him know of any dates that are in conflict before the dates are set.

PRIVILEGE OF THE FLOOR

Dale Howard stated he has recycling totes at another home he owns and said the program is great. He said it has increased recycling.

James Hoffman said he appreciated the Board looking into the two properties for possible violations. He said Somerset Corners is a focal point on Route 18 and often the only area seen by people driving through.

Councilman Alt asked the status of the former Barker Chemical property. Supervisor Engert said they are on target and the final report should be received shortly.

Norman Jansen asked if there would be a cost to the residents for the recycling totes. Supervisor Engert said there are a number of options available that will be looked at.

Robert Glidden reminded the Board there is \$4,000.00 in the budget for reval litigation.

Joseph Fox said he has been observing the water line construction in the village and they keep the roads clean. He said he hoped the Agriculture community would do the same. He said Johnson Creek Road last year was a dirt road and you don't put that kind of material on a public road.

Supervisor Engert stated this is a Right to Farm community.

Norman Jansen addressed Mr. Fox stating that if he called the farmer, he would be more than happy to take care of that.

RESOLUTION 92-2012

AUDIT OF CLAIMS

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen
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. 291 through No. 334	\$ 43,974.51
Highway Fund	No. 83 through No. 96	\$ 98,998.89
Sewer Fund	No. 83 through No. 95	\$ 4,898.65
Water Fund	No. 75 through No. 86	\$ 5,791.87

On a motion of Councilman Alt, seconded by Councilman Jansen, the meeting adjourned at 8:20PM subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk