

REGULAR MEETING  
SEPTEMBER 11, 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 11<sup>th</sup> day of September 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; 9 residents and 2 BCS students

Supervisor Engert called the meeting to order at 7:00PM with the Pledge to the Flag, a moment of silence on the 11<sup>th</sup> anniversary of the 9/11 attack on the World Trade Tower, the Pentagon and Somerset, PA for the victims, and a prayer for guidance.

RESOLUTION 93-2012

**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 meetings are approved.

RESOLUTION 94-2012

**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

**RESIGNATION OF ASSESSOR ROBERT GLIDDEN**

Clerk Connolly reported that a resignation was received on August 31, 2012 from Robert Glidden as Assessor effective immediately.

Councilman Wayner stated the job needs to be posted with interviews to be conducted. He said there is a training process to make that person certified if the applicant is not already certified. He said we need to provide services prior to that and suggested the Supervisor be authorized to obtain assessor services.

RESOLUTION 95-2012

**AUTHORIZATION FOR TEMPORARY ASSESSOR**

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

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

Resolved the Supervisor is authorized to enter into an agreement to provide temporary assessor service through the end of 2012 within the budgetary restraints of the 2012 budget.

Attorney Jones reported on the following:

**Assessment Challenges** – He stated that four small claims assessment challenges are pending.

**8681 Lake Road** said an RFP has been drafted to solicit for proposals to have the property demolished. He said he is still waiting to hear from the bank on their intentions for the property. He said the Engineer has supplied a letter regarding asbestos removal and that all debris will go to a qualified landfill at the end of the 30 days.

Supervisor Engert stated he will forward the draft RFP to the Board for review.

Councilman Jansen asked if all the cats have been removed and if not does the SPCA have to be on site when the demolition takes place.

Supervisor Engert said the SPCA has told him they do the best they can to remove the cats and that has been done. He said the Feral Cat Society is no longer there and he was told that when the house comes down the cats will find their way out.

COMMUNICATIONS:

Clerk Connolly read a letter from the Town of Hartland announcing a public hearing on September 13, 2012 at 7:35 p.m. regarding an amendment to the zoning ordinance.

Clerk Connolly reported a letter was received from the Niagara County Manager regarding the Niagara County Emergency Communications Project stating the County Legislature has been established as lead agency for the State Environmental Quality Review Act (SEQRA) and has made a Positive Determination of Significance regarding the Project and directed that a Draft Generic Environmental Impact Statement (DGEIS) be prepared.

RESOLUTION 96-2012

**COMPREHENSIVE PLAN UPDATE**

Engineer Roeseler said the Board has received the Draft Comprehensive Plan and needs to call for a public hearing on the draft plan, establish lead agency and refer the review to the Niagara County Planning Board.

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

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

**WHEREAS**, the Town of Somerset has worked diligently in preparing a Comprehensive Plan Update for the Town; and

**WHEREAS**, through the coordinated actions of the Planning Board, Town Board, other Town Departments and employees, the Town has completed a Draft Comprehensive Plan Update; and

**WHEREAS**, the Town of Somerset has determined this Draft Comprehensive Plan Update is sufficiently complete for public review, and

**WHEREAS**, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Somerset Town Board would like to begin the environmental review process of the Comprehensive Plan Update by requesting Lead Agency status and beginning the adoption process.

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Somerset Town Board accepts the draft of the Comprehensive Plan Update as complete and ready for public review and requests designation as the SEQR Lead Agency, in accordance with the regulations, for the purposes of conducting a Coordinated Review of this action; and

**BE IT FURTHER RESOLVED**, that the Town of Somerset authorizes Wendel Duchscherer to begin the SEQR process and to complete the Niagara County referral form;

**BE IT FURTHER RESOLVED**, that the Somerset Town Board directs that a public hearing be held, in accordance with New York State Town Law, on October 9, 2012 at 7:00 P.M. at the Town Hall to solicit comments on the draft Comprehensive Plan Update.

**BE IT FINALLY RESOLVED**, that copies of the document be made available for public review at the Town Hall and on the Town's website.

### **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.

### **PLANNING BOARD REPORT**

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 gave a history of attending training on procedure documents for the Zoning Board and Planning Board, along with information that they gathered from other towns in the county. Mrs. Jansen said she researched documents from other municipalities, prepared a document that would fit the town and sent the document to the NYS Planning Federation for their review. She said they would like the boards to review the document and make suggestions so the procedures document can be put in place for annual review by the Boards as recommended by the NYS Planning Federation.

Councilman Alt said they investigated what other towns currently have on their planning and zoning boards and found that 10 out of 11 surveyed had 5 member planning boards. He stated our town has a 7 member board plus an alternate. He said the number of members on the Zoning Board is similar to the other Towns. He said with the resignation (from the Planning Board), their recommendation is the Zoning Board stay the same and the Planning Board go to a 5 member board with an alternate. He stated that some towns Planning Boards meet on demand with 7 out of 11 towns meeting monthly.

Attorney Jones stated that the way the Board will go to a 5 member board is through attrition.

Discussion ensued regarding the vacancy, the purpose of an alternate and what constitutes a quorum of the board.

### **RESOLUTION 97-2012**

#### **RULES OF PROCEDURE FOR PLANNING/ZONING BOARDS**

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

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

Resolved the draft Rules of Procedure documents be sent to the Planning Board and Zoning Board for their review and comments.

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Extensive discussion ensued regarding the position of an alternate and the need for one, scheduling of meetings as needed, and cost of meetings and training.

RESOLUTION 98-2012

**CHANGE OF STRUCTURE OF PLANNING BOARD**

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

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

Resolved a local law be prepared to change the structure of the Planning Board from 7 members with an alternate to a 5 member Board without an alternate.

**RECYCLING – EVERY OTHER WEEK**

Supervisor Engert said as a follow up from the August 29<sup>th</sup> meeting presented by Dawn Timm from Niagara County Environmental Dept. and Joe Hickman from Modern regarding the benefits of every other week recycling, a document was prepared on the purchase of the recycling carts and ways to fund the costs. He said this is for the Board's consideration at this point, for further discussion during the budgetary process.

**WEBSITE**

Councilman Wayner stated that Clerk Connolly and he met to look over websites noting that a particular vendor continually provided great sites. He stated that Dale Howard has agreed to serve on the committee and a meeting has been scheduled with a vendor. He said that he would like to have the site be very successful and have it tie in very closely with economic development. He said there were a lot of sites with an interactive bulletin board and were very user friendly.

Councilman Jansen suggested that references be obtained from any vendor.

**BUDGET MEETINGS**

Supervisor Engert set September 24<sup>th</sup> and September 26<sup>th</sup> at 5:30 P.M. for meetings to work on the 2013 Tentative Budget.

RESOLUTION 99-2012

**DELINQUENT OUT-OF-TOWN WATER BILLS**

Superintendent Denny stated there is a problem with collecting delinquent water bills from out-of-town residents. He stated the owners have been sent letters that the water would be shut off; however he needs Town Board authorization to shut off the water. He said these accounts cannot be collected on the taxes. He said these accounts are continually delinquent.

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

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

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Resolved Superintendent Denny is authorized to send notices to delinquent property water account users that the water will be shut off in 30 days from the date of letter, if account remains unpaid.

RESOLUTION 100-2012

**AUDIT OF CLAIMS**

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

General Fund	No. 335 through No. 368	\$ 29,432.62
Highway Fund	No. 97 through No. 108	\$ 10,883.30
Sewer Fund	No. 96 through No. 107	\$ 3,867.27
Water Fund	No. 87 through No. 95	\$ 2,204.47

**PRIVILEGE OF THE FLOOR**

Mary Sadjak addressed concerns regarding 8681 Lake Road:

1. Who owns the property?
2. Will the garage be demolished?
3. *She* said the owners are taking everything from the inside of the house outside and putting it in the garage and in the yard. She said the smell that was there before is even worse.
4. How do we get the yard cleaned up?

Joe Sadjak said the cat litter and trash bags are around the back side of the house and the smell is awful. He said the windows in the house are open and the smell is worse than ever.

Attorney Jones said the owners have received the notices and he will call Mrs. Cox along with the attorney for the bank.

Supervisor Engert said he will have Code Enforcement Officer Remington check on the violations and they are trying to work through the process.

James Hoffman addressed the Board regarding the following:

1. 8516 Lake Road – Kenyon Property. He said he feels it is a hazard.  
Supervisor Engert said Code Enforcement Officer Remington is aware of the property and it is being addressed.
2. Apartment House on the other side of the street.  
Supervisor Engert said that is also in the process.
3. Asked what the status is on Barker Chemical.  
Supervisor Engert said he has received no correspondence from Amy Fisk since the last meeting.

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4. Planning Board – He said as a Planning Board member he feels that the Board can live with 5 members but would like to see an alternate. He said he has a problem with meeting on demand as planning is different. He said they are thinking in the future, looking at the master plan to make sure it is up to date and making sure what is in the plan happens. He said they should meet monthly to be a pro-active board.  
Councilman Wayner said the Chairman of the Board has the authority to call a meeting.
5. Every other week recycling – he said he is glad it is being considered and that it is key to educate the public on the cost savings.

Norman Jansen said the seven members plus alternate Planning Board has worked well and served this town very well.

**YELLOW DOT PROGRAM**

Councilman Dewart gave an overview of the Yellow Dot Program that is sponsored by the Niagara County Sheriff's Department. He said the yellow dot is placed on your car and in case of an emergency, the emergency personnel will know to look in the glove compartment for the yellow cards that will have pertinent information on it that will be helpful to the emergency personnel.

On a motion of Councilman Jansen, seconded by Councilman Wayner, the meeting adjourned at 8:28 P.M. subject to the Call of the Clerk. Carried unanimously.

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Rebecca A. Connolly, MMC  
Town Clerk