

SPECIAL MEETING
OCTOBER 30, 2012

A Special Meeting and Public Hearings of the Town Board of the Town of Somerset, County of Niagara and the State of New York were held at the Town Hall, 8700 Haight Road, Barker, New York on the 30th day of October 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
	Morgan Jones Jr. -----	Counsel

Attended by: Mark Remington, DCO & Code Enforcement Officer; 26 residents

Notice of said meeting was sent to the Lockport Union-Sun & Journal on October 12, 2012 with same being posted on the same date at the Town Hall and on the website.

Supervisor Engert called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance.

PUBLIC HEARINGS – 2013 Preliminary Budget Items

Notice of public hearings duly published in the Lockport Union-Sun and Journal on October 15, 2012 with same notice being posted at the Town Hall and on the website on same date.

Supervisor Engert called the public hearings to order at 6:01PM.
Clerk Connolly read the notice of said hearings.

Supervisor Engert gave an overview of the 2013 Preliminary Budget highlighting the following:

1. Budget development process started in August with meetings being held with the department heads
2. Significant challenges were faced in development of the budget including:
 - a. Decrease in the PILOT of 44% for 2013
 - b. Increased pension costs at an average of 19 – 20%
 - c. Rising health care estimated at 15% increase
 - d. Diminished mortgage tax revenue
3. Personnel costs make up 65% of the budget as in most public sector budgets
 - a. Personnel costs have been addressed over the past and this year 2 full time positions will not be filled due to retirements in the highway
4. Sales tax revenues are up 6%

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5. Department heads were asked for a 15-20% cut and there is a 21% reduction in the appropriation line
6. Revaluation added assessed valuation
7. Everyone sharing in the impact of the PILOT agreement with the Town Board is approaching this with fairness while providing quality services
8. Accountability to the taxpayer
9. Result:
 - a. Revenues:
 1. General tax rate cut 48%
 2. No Highway tax realizing a 21% cut
 3. Lighting district tax cut 25%
 4. Refuse district tax cut 33% due to the revised contract and every other week recycling initiative
 - b. Appropriations:
 1. 35% paid for in revenues
 2. 19% paid for by the PILOT
 3. 26% paid for by reserves
 4. 22% paid for by taxes

Councilman Jansen stated she was pleased with how well the department heads worked with the Supervisor and the Board in coming up with a workable budget that will positively benefit the residents.

Councilman Wayner stated it is important this year a budget is established that makes cuts because as the reduction in the PILOT develops for the future years, this will be the foundational budget.

Hearing #1 – Amounts to be raised by taxation in Special Districts

Patricia Fuller stated as a Village Trustee she wanted to clear up the issue of a statement that was made by a Town Board member that the village residents do not pay their fair share of the fire department budget. She said the Village residents pay \$.59/M which equals \$11,500.00 and they would be paying less if they paid \$.44/M as budgeted. She said they also provide services to the fire department including plowing, mowing and garbage (collection).

Wallace Coates said the fire company voted to go with a reduction this year on the basis they are given a three year contract. He said this is for a one year contract. He said there are things that should have been cut equally.

Supervisor Engert said the fire department was initially cut by 12% but now that has been reduced to a 7% cut. He stated there will be a three year contract.

With no other persons desiring to be heard, Supervisor Engert closed the hearing at 6:20PM.

Hearing #2 – 2012 Preliminary Budget

Supervisor Engert opened the hearing at 6:21PM.

Patricia Fuller said she is representing village residents. She said the Village has their own police force and asked why the town is now taxing the village residents.

Supervisor Engert said police services were in the B fund (town outside of village) when there was a contract with the Village. He said the expense for 2013 has been moved into the General Fund which is a townwide fund because the village and town residents equally share in the services.

Patricia Fuller said she has issues with the way the police services were budgeted. She reviewed the village budget versus the town budget. She said the Village has \$60,506 of inventory and maintains a separate facility for the police. She said the village offered a contract to the Town for 2012 and it was not worked out. She said the Town is not looking at it in a fair way.

Supervisor Engert said the cost of police services is 4 cents per thousand for the town and village residents. He said the cost to a village resident for the Village police is \$1.28 per thousand. He said there were a number of meetings of the Town public safety committee and the reports have been reviewed extensively.

Councilman Wayner said the question is “why are village residents being asked to share costs”. He said the town officers are sworn to protect the life and property of the entire town which includes the Village of Barker. He said they have been doing this in a very efficient manner for the past 6 months. He said they are patrolling the town during the hours of greatest need and we are managing our force in an efficient manner. He said those who receive benefits should share in the costs.

Patricia Fuller said you found a loophole in the law. She said if the village had four full-time police officers you wouldn't be able to do this.

Supervisor Engert stated there are several items that the village residents share in paying in the general fund including town/village clerk and highway/departments of public works. He said the village requested \$62,000 from the town for the contract and then they came down to \$51,585. He said the Town Board budgeted \$46,000 for police services and then the Village sent notice to the town that the contract is being terminated. He said the Town Board had to make a decision on how to provide services, so they formed their own agency and are within the \$46,000 that was budgeted. He said the amount of \$52,000 for 2013 results in 4 cents per thousand tax for the delivery of police services. He asked if she was objecting to the village residents paying for anything else in the general fund.

Patricia Fuller said she was objecting to the police.

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Councilman Wayner stated he went through the budget to determine what the village residents share in the cost of according to the State Comptroller's office and it includes Town Board, Clerk's office, buildings, traffic control, highway superintendent, street lighting, drainage, historian and now police. He said this is not a new concept and is a common place practice.

Supervisor Engert and Councilman Wayner disputed the accuracy of Mrs. Fuller's numerical data throughout the discussion.

Patricia Fuller said she is representing the village residents that have come to her and said this is the way they feel.

Herbert Meyer, Mayor of the Village of Barker, said the village does not need the town presence as they have their own police department. He said the contract that was proposed was for around \$50,000 the last time, but there was a verbal discussion that we could do it for \$46,000.

Supervisor Engert said the budget was adopted in November with \$46,000 budget and the contract was discontinued after that. He said a decision was made in January (2012).

He said this discussion is on the efficiency and effectiveness of the police and the budget is what is needed to be focused on.

Herbert Meyer said the village police department can provide the same service for less than what is listed in the (Town) budget.

Councilman Wayner said that it was stated to us (Town Board) for your force to patrol the entire town, the first number was \$100,000. He asked how it can be that we are providing service town wide for about ½ of that.

Herbert Meyer said you are not providing service during the day.

Supervisor Engert said only 27% of the calls come in during the day. He said it is necessary to strategically put the forces out when 67% of the calls are coming in between 3 PM and 2 AM. He said the town is picking up 60% of the call volume, which is when we feel the service is needed. He said there is a disagreement on how services are delivered.

Herbert Meyer stated the majority of the calls for the Village now are walk-ins, police dispatch and additional service to Barker Central School. He said we oppose it.

Councilman Wayner said there is nothing stopping the Village to provide the service. He said the service is \$4.00 a year on a \$100,000 home.

Herbert Meyer said we oppose the fact that we are paying.

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Phillip Bates asked if the fine money supplements the budget.

Supervisor Engert said yes. He said the revenues are being shared equally for everyone.

Phillip Bates said you have to write tickets to bring money in and to make it safe.

Supervisor Engert said tickets are up 13% and this agency has written 15% more tickets in the last 6 months of the data available than was done previously for three years according to projections. He said we are targeting times and days of the week when these incidents occur.

Phillip Bates said the cost of the police department has more than tripled in the past 8 years since I left and what the contract was.

Supervisor Engert said the town felt they could deliver the services more efficiently. He said the Town asked for a police advisory board to have some say on how the money was being spent. He said we have to be accountable to the taxpayer.

Herbert Meyer said you asked for a control board.

Supervisor Engert said it was a police advisory board.

Herbert Meyer said no one approached us stating there was a problem.

Councilman Wayner said that during a public hearing it was stated there was no issue of the performance of the officers. He said the objection was strictly dollars and the fact that we (the Town) had no input over how those dollars were being expended. He said we were flatly denied. He said the decision was made to provide service for 2012 in an efficient and effective manner. He said the town decided not to enter into that contract.

Patricia Fuller said she is sorry that she wasn't the Trustee appointed to the committee as she would have provided facts and things could have been worked out.

Councilman Wayner said that he hopes that she communicates the fact that the rate is 4 cents per thousand.

Wally Coates said it disturbs him to see this going this way. He said when the power plant was built the sales tax formula was distributed on an ad valorem basis. He said the Town Board at the time told the Village that they would have the formula changed to a per capita formula to give the village more sales tax money. He said the boards need to cooperate.

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James Hoffman addressed the board regarding the budget as follows:

1. Compared to last year this budget is a good budget.
2. Overall things are good with the revenues and the tax rate has gone down.
3. What is the contribution of the wind turbines to the budget?
Supervisor Engert said to make an analysis of the wind speed, climate and kilowatt hours has been very challenging.
Superintendent Denny said they attributed \$2,400 coming off the budget.
4. How was the sales tax projected?
Supervisor Engert said we estimated a 6% increase in revenue.
5. He said the bottom line is the numbers went down and he appreciates what was done.

Dale Howard asked if there is a regeneration plan to replenish the reserves.

Supervisor Engert said that we have not hit the reserves yet that were budgeted for the 2012 budget.

Thomas Carestia commended the Board for being forward looking and being aggressive with the cuts as far as the budget is concerned. He asked if there are any updates regarding AES and the Town's plan for the future.

Supervisor Engert said the plant is now Upstate NY Power Producers. He said he is working with the plant manager, Jack White, on a committee with the Governor's Office to promote some various projects for the plant. He said in the budget the town has allocated money to pay for the Town's share of a grant from Niagara Mohawk to place a shovel ready site in the town. He said the Town is working hard on economic development.

Thomas Carestia asked the status of the master plan.

Supervisor Engert said it is moving forward and will be discussed at the next meeting.

Dale Howard said with Hurricane Sandy coming through yesterday and thankfully we had no damage, do we have a financial person that can get reimbursement if there was a need.

Supervisor Engert said the County Emergency Management Office takes the lead in that process.

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Gordon Porter addressed the Board regarding the following:

1. He said we should all pay our fair share for our police protection. He said you cut off the Village completely and did not negotiate fairly. He said we could get better protection with one force.
2. He said you did away with three Assessors and all of a sudden I cannot vote for an Assessor and I object to my voting rights being taken away. He said we are destroying our community with all these new rules.

With all persons desiring to be heard, Supervisor Engert closed the hearing at 7:13PM.

Hearing #3 – Fire Contract

Supervisor Engert opened the hearing at 7:14PM for comments on the Fire Contract.

Thomas Carestia asked if the Board can amend the contract to include 2 more years.

Supervisor Engert said they cannot make an amendment tonight but they will work out the details for 2014 and 2015. He said the public hearing is for a one year contract.

Wallace Coates stated the fire department agreed on a three year contract for \$209,500.00 per year and asked if that would be honored.

Supervisor Engert said years 2014 and 2015 would be at the same rate as 2013 of \$209,500.00 per year.

With all persons desiring to be heard, Supervisor Engert closed the hearing at 7:16PM.

REGULAR MEETING

Supervisor Engert opened the regular meeting at 7:17PM.

RESOLUTION 117-2012

APPROVAL OF THE 2012 SPECIAL DISTRICT TAX ROLL

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 Special District Tax Roll for 2013 is approved as filed with the Town Board and Assessor.

RESOLUTION 118-2012

APPROVAL OF THE 2013 BUDGET

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 2013 Budget is adopted as presented.

RESOLUTION 119-2012

BARKER FIRE DEPARTMENT CONTRACT

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

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

Resolved the contract with the Village of Barker and the Barker Fire Department to provide fire and ambulance service for 2013 for \$209,500.00 is approved.

RESOLUTION 120-2012

PLACE CHARGES FOR 8681 LAKE ROAD ON TAX ROLL

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 all costs associated with the demolition of 8681 Lake Road, Barker, NY Tax Map ID 9.14-1-13 be place on the 2013 tax bill.

RESOLUTION 121-2012

COPIER FOR TOWN HALL

Clerk Connolly stated the lease on the copier expires at the end of the year and the company will only service it for 2 more years with the average monthly cost being \$280.39. She presented prices for the lease of a new copier as follows:

<u>Name and Address of Vendor</u>	<u>Price</u>
BXI Consultants, Inc. 33 Pequet Parkway, Tonawanda, NY 14150	\$179.99/mo.+ copy costs (60 mo. Lease)
Toshiba Business Solutions 6000 N. Bailey Ave., Amherst, NY 14226	\$272.00/mo. (63 mo. Lease)

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 Clerk Connolly is authorized to enter into a five year lease agreement for a Xerox 7545 for \$179.99 plus copy costs per month as presented.

RESOLUTION 122-2012

LATRATOR AD FOR 2013

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 a ½ page ad be placed in the 2013 Barker Central School Latrator.

RESOLUTION 123-2012

EXECUTIVE SESSION

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 Board enter into an executive session to discuss pending litigation at 7:24PM.

RESOLUTION 124-2012

RETURN TO REGULAR 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 return to regular session at 7:50PM.

On a motion of Councilman Jansen, seconded by Councilman Alt, the meeting adjourned at 7:51 P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk