

REGULAR MEETING
NOVEMBER 13, 2012

The Regular 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 13th day of November 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
Randy D. Roeseler ----- Engineer
Morgan Jones Jr. ----- Counsel

Attended by: Mark Remington, DCO & Code Enforcement Officer; 9 residents, 3 BCS students and the BarLyn Varsity Football team with parents

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

PUBLIC HEARINGS – Proposed Local Laws

- 1. Local Law #2-2012 – Reduction of Planning Board Membership**
- 2. Local Law #3-2012 – Deletion of Alternate Members for Planning Board and Zoning Board of Appeals**

Notice of public hearings duly published in the Lockport Union-Sun and Journal on November 1, 2012 with same notice being posted at the Town Hall and on the website on same date.

Supervisor Engert called the public hearing to order at 7:01PM.
Clerk Connolly read the notice of the hearings.

Supervisor Engert said the Government Efficiency Committee consisting of Councilman Alt and Councilman Jansen were tasked with investigating the make-up of the Planning and Zoning Boards.

Councilman Jansen stated the Government Efficiency Committee looked at 10 other communities in Niagara County to see how their Zoning and Planning Boards were structured. She said they found all communities except the Towns of Lockport and Newfane had a 5 member Planning Board. She said Cambria and Somerset have an alternate. She said they polled the same communities for the Zoning Board makeup and found that all have 5 member Boards, with two communities having an alternate. She said the Government Efficiency Committee recommended the Planning Board be reduced to five members and the alternates be eliminated from both Boards.

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Councilman Alt said the two that have alternates, Lockport and Lewiston, met frequently. He said with the resignation of a Planning Board member earlier this year, they decided to recommend the reduction to the Town Board.

Jacquelyn Reynolds asked what the attendance for the Planning Board members has been for the last two years.

Supervisor Engert said not all members have been attending but there has not been an issue with meeting a quorum.

Chris Czelusta asked if the Planning Board has always been seven members. James Hoffman said yes.

Attorney Jones said if there are 3 members present and there is a vote, it requires 3 votes to pass. He said it has to pass 3 out of 5 and if it does not pass it is deemed a rejection.

Norman Jansen said he feels the more people that are planning and offering insight works and that seven members have always served us well. He said he does not want to see it reduced.

James Hoffman said you can function with five members. He asked the reason and how much will be saved by going to five members.

Councilman Jansen said we have the smallest population of all the communities and it is working in all the other communities.

Councilman Alt said it does save some money and the Board is trying to be more efficient.

Supervisor Engert said every area of the budget was looked at to reduce expense.

Jacquelyn Reynolds said it is harder to get a quorum with a reduced number.

Councilman Alt said the Chairman can call a meeting and the members should be in attendance and accountable.

With all persons desiring to be heard, Supervisor Engert closed the hearings at 7:15PM.

RECOGNITION OF BAR-LYN FOOTBALL TEAM

Supervisor Engert read a proclamation recognizing the 2012 Bar-Lyn Tigers Varsity Team and their coach Jeff Miller for winning the Niagara Orleans Football Association Championship and proclaimed November 13, 2012 is dedicated as "The 2012 Bar-Lyn Tigers Forever Family with Ty Miller Day" in the Town of Somerset. The entire proclamation is as follows:

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WHEREAS, the Town Board of the Town of Somerset, New York is proud to recognize the actions of the citizens of this community; and

WHEREAS, BarLyn Youth Football & Cheerleading, Inc. exists for the purpose to provide an opportunity for interested youth in Somerset and the surrounding community to experience youth football and cheerleading and to educate boys and girls in the importance of physical exercise, teamwork, good sportsmanship, honesty, loyalty and respect; and

WHEREAS, the 2012 BarLyn Tigers Varsity football team was coached by Jeffrey A. Miller, who during this 2012 season, experienced unimaginable tragedy in the sudden loss of his son, Tyler Miller; and

WHEREAS Tyler Miller was the defensive coordinator and assistant coach alongside his father and also a dear friend to the boys on this football team as well to many throughout the BarLyn organization and the entire Somerset community; and

WHEREAS, Tyler Miller excelled in the classroom at Barker Central School as well as upon the football and baseball fields right here in the Town of Somerset, but where he excelled the greatest was in life where he achieved the ultimate and everlasting victory; and

WHEREAS, in spite of this tragic event, the BarLyn Tigers Varsity football team under the leadership, grace, and the caring commitment of Coach Miller, ended the 2012 football season winning 6 and losing only 2 games. They entered the playoffs on a mission and won the Niagara Orleans Football Association Championship with a decisive victory over the Batavia Bulldogs 51-8 on October 27, 2012;

NOW THEREFORE BE IT PROCLAIMED that the Town Board and citizens of Somerset hereby commend Championship Coach Miller for his exceptional leadership ability in inspiring his players, in building a championship football team and being a role model for coaches, fathers, and husbands in our community throughout this difficult season; and it is

PROCLAIMED FURTHER that the Town Board and citizens of Somerset hereby recognize the truly Awesome influence that Tyler Miller had upon the football team, in his school and community, among his friends and upon his family; and it is

PROCLAIMED FURTHER, that the Town Board and citizens of the Town of Somerset recognize the hard work, exceptional talent, and dedication of each member of the 2012 BarLyn Tigers Varsity football team in the face of adversity and profound sadness. It is recognized that while there are few emotional blows more difficult for a child to overcome than the loss of someone who is very close to them, there may be no more difficult emotional blow for a parent to overcome than the loss of their child. The Somerset community recognizes and applauds the truly significant achievements of this fine group of players and coaches who together persevered through incredibly difficult circumstances, who lifted up and taught each other important life lessons throughout the journey and who achieved

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their championship mission with precision, class and sportsmanship making the entire Town of Somerset immensely proud.

NOW FINALLY, BE IT PROCLAIMED that I, Daniel Engert, Supervisor of the Town of Somerset, along with my fellow Board members, do set forth that November 13, 2012 is dedicated as **"The 2012 Champion BarLyn Tigers Forever Family with Ty Miller Day"** in the Town of Somerset and all citizens of Somerset are encouraged to join in this observance.

RESOLUTION 125-2012

APPROVAL OF THE MINUTES

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 minutes of the previous meetings are approved.

RESOLUTION 126-2012

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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 the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Police Report

QUARTERLY WATER/SEWER REPORT RECEIVED AND FILED

COMMUNICATIONS:

Clerk Connolly reported that she had forwarded the monthly letter from Time Warner to the Board regarding channel lineup.

Clerk Connolly announced a communication has been received from the Association of Towns regarding the annual training school being held February 2013.

Supervisor Engert stated that he has received a communication from Industrial Appraisal regarding our fixed assets reports. He stated the assets have not been appraised since 1999 and he will be forwarding more information to the Board for consideration.

RESOLUTION 127-2012

REDUCTION OF PLANNING BOARD MEMBERS – LOCAL LAW #2-2012

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

ADOPTED BY Roll Call Vote	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Aye
	Councilman Jansen	Aye
	Councilman Dewart	Aye

Resolved Local Law #2-2012 entitled Planning Board Membership and Terms is approved as follows:

Be it enacted by the Town Board of the Town of Somerset as follows:

The Code of the Town of Somerset is amended by adding a new Chapter 44 entitled "Planning Board, Article I. Membership and Terms" as follows:

Article I

§44-1. Reduction in membership; terms.

The Planning Board of the Town of Somerset, as duly established and constituted prior to adoption of Town Law §271, is hereby reduced in membership from seven (7) members to five members effective January 1, 2013. Such reduction shall be accomplished pursuant to Town Law §271, Subdivision 7, by not re-appointing or replacing members whose terms expire on December 31, 2012, and December 31, 2013, respectively. Members appointed or re-appointed for terms commencing thereafter shall be appointed or reappointed for terms of five (5) years.

§44-2. Conflict with Town Law.

The function of the Planning Board and the provisions of this article shall be governed by the provisions of Town Law §271, except that as to any provision of this article, or as to any duty, authority, practice and/or procedure heretofore established by the Town Board regarding the Planning Board, which is in conflict with said law, this article, and/or such established duty, authority, practice and/or procedure, shall supersede said law pursuant to §10. subdivision 1(ii)a(1) and 1(ii)d(3). of the Municipal Home Rule Law.

This local law shall take effect January 1, 2013.

RESOLUTION 128-2012

REPEAL OF ALTERNATE MEMBERS TO PLANNING AND ZONING BOARDS – LOCAL LAW #3-2012

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

ADOPTED BY Roll Call Vote	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Aye
	Councilman Jansen	Aye
	Councilman Dewart	Aye

Resolved Local Law #3-2012 entitled Alternate Members: Planning Board and Zoning Board of Appeals is approved as follows:

Be it enacted by the Town Board of the Town of Somerset as follows:

The Code of the Town of Somerset is amended by repealing Chapter 3 entitled “Alternate Members: Planning Board and Zoning Board of Appeals” in its entirety.

This local law shall take effect January 1, 2013.

RESOLUTION 129-2012

COMPREHENSIVE PLAN NEGATIVE SEQR DECLARATION

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 Somerset Town Board, with the input and participation of the Town Planning Board, Town Staff, and the citizens of the Community, has completed a Town of Somerset Comprehensive Plan Update in accordance with Section 272-a of New York State Town Law; and

WHEREAS, pursuant to 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 has established itself as SEQR Lead Agency and conducted a coordinated environmental (SEQR) review for this Type I action; and

WHEREAS, the Town Board has received input from the public and from other involved and interested agencies, and has taken a hard look at the social, economic and environmental impacts of the adoption of the Comprehensive Plan Update; and

WHEREAS, the findings of this review indicate that the adoption of an Update to the Town of Somerset Comprehensive Plan will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and will help manage growth and development in the Town in a manner that will have potentially beneficial impacts on aesthetics, recreation, economics, transportation and community character.

NOW, THEREFORE BE IT RESOLVED, that the Somerset Town Board, as SEQR Lead Agency for this action, has determined that the adoption of the Town of Somerset Comprehensive Plan Update will not result in any significant adverse impacts on the environment, and a Negative Declaration is hereby issued, based on the reasons as set forth in the Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Somerset Town Board recognizes the fact that the adoption of the Comprehensive Plan Update incurs no direct environmental impacts, and that the implementation of any suggested actions under the Comprehensive Plan which may have potential impacts on the physical development of the Town, may require subsequent and specific SEQRA review; and

BE IT FINALLY RESOLVED, that the Town Board authorizes the Town Supervisor to sign the Environmental Assessment Form and authorizes Wendel, the Town's consultant, to undertake the appropriate notices and filings.

RESOLUTION 130-2012

ADOPTION OF COMPREHENSIVE PLAN

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

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

WHEREAS, the Town Board and Planning Board have worked diligently in preparing a Comprehensive Plan Update for the Town of Somerset; and

WHEREAS, through the coordinated actions of the Somerset Town Board, Town Planning Board, Town departments, and Town staff, the Town has completed the Comprehensive Plan update in accordance with Section 272-a of New York State Town Law; and

WHEREAS, the Town Board, with assistance from the Planning Board reviewed the draft documents and directed updates of the Plan in response to input received; and

WHEREAS, the Town Board held a public hearing on October 9, 2012 to solicit final comments on the draft Plan update; and

WHEREAS, the Town Board, as Lead Agency, through a coordinated review process, which was conducted in accordance with the requirements of the State Environmental Quality Review Act (SEQRA), has determined that the adoption of the Comprehensive Plan Update will not have a significant effect on the environment and has issued a Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Somerset Town Board hereby adopts the document entitled "Town of Somerset Comprehensive Plan Update", as the Town's Comprehensive Plan; and

BE IT FINALLY RESOLVED, that a copy of the Comprehensive Plan Update be filed in the office of the Somerset Town Clerk and that the Town Clerk make the required copies and perform the appropriate filings and notices with the assistance of the Town's consultant, Wendel.

ZONING LAW REVISIONS UPDATE

Attorney Jones provided the Board with a memo regarding various areas of the current zoning laws that need to be updated.

Supervisor Engert asked the memo be moved to the Planning Board for their review and recommendations.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) GRANT

Supervisor Engert asked if there is any update on the LWRP grant.

Engineer Roeseler stated the state will make a decision after the first of the year.

RESOLUTION 131-2012

WATER RATES

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 water rates are increased as follows effective January 1, 2013:

Water Rate Schedule:

Service Classification No. 1

(Rates for water used by owners of property within the District and paying taxes therein, or not paying taxes but making annual payments in lieu of taxes, and their tenants.)

For Water Use:

1. Quarterly (Domestic and small consumers)

Minimum Charge - 1 st	8,000 gallons/quarter = \$14.60/quarter
Next	12,000 gallons/quarter = \$ 1.45/1,000 gallons
Next	80,000 gallons/quarter = \$ 1.35/1,000 gallons
All over	100,000 gallons/quarter = \$1.25/1,000 gallons

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2. Monthly (Industrial and large consumers)
Minimum Charge - 1st 3,000 gallons/month = \$5.62/month
Next 4,000 gallons/month = \$1.45/1,000 gallons
Next 33,000 gallons/month = \$1.35/1,000 gallons
All over 40,000 gallons/month = \$1.25/1,000 gallons
3. Churches \$1.45/1,000 gallons billed quarterly. No minimum charge.

Penalty: 10% of total bill for non-payment after thirty (30) days.

Service Classification No. 2

(Rates for water used by owners of property within the District but not subject to the payment of taxes and not making annual payments in lieu of taxes, and their tenants; and by consumers outside the District, or by consumers qualifying as temporary services.)

For Water Use:

1. Quarterly (Domestic and small consumers- including Yates residents who live on Countyline Road from Townline Road north to (but not including) 1917, and north of Roosevelt Highway (Lake Road.))
Minimum Charge - 1st 8,000 gallons/quarter = \$29.00/quarter
Next 12,000 gallons/quarter = \$ 3.25/1,000 gallons
Next 80,000 gallons/quarter = \$ 2.50/1,000 gallons
All over 100,000 gallons/quarter = \$2.00/1,000 gallons
2. Monthly (Industrial and large consumers)
Minimum Charge - 1st 3,000 gallons/month = \$11.13/month
Next 4,000 gallons/month = \$3.25/1,000 gallons
Next 33,000 gallons/month = \$2.50/1,000 gallons
All over 40,000 gallons/month = \$2.00/1,000 gallons
3. Churches \$2.85/1,000 gallons billed quarterly. No minimum charge.
4. Yates (Countyline Road from 1917 north to Roosevelt Highway (Lake Road); Roosevelt Highway from Countyline Road east to 10565; Millers Road from Countyline Road east to 10228; All of Payne Avenue)
 - a. Residential customers are billed according to a rate schedule established by the Town of Yates and they make their payments directly to the Town of Yates.
 - b. Somerset bills the Town of Yates by voucher on a quarterly basis according to the following schedule:
 1. Customers using 4,000 gallons or less: \$11.62/customer
 2. Customers using over 4,000 gallons: \$2.90/1,000 gallons
 3. Churches: \$2.85/1,000 gallons
 4. Water samples (usually 3 samples/quarter): per Niagara County charge (as of 9/13/11 the charge is \$35/sample)
 5. Final readings based on usage
 6. Meter repairs current cost of replacement

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Penalty: 10% of total bill for non-payment after thirty (30) days.

Service Classification No. 3

(Rates for water used by trailer parks or campsites serviced through a master meter, and where at least one permanent structure exists.)

For Water Use through Master Meter:

Quarterly:

Minimum Charge - 1 st	8,000 gallons/quarter = \$14.60/quarter
Next	12,000 gallons/quarter = \$ 1.45/1,000 gallons
Next	80,000 gallons/quarter = \$ 1.35/1,000 gallons
All over	100,000 gallons/quarter = \$ 1.25/1,000 gallons

Penalty: 10% of total bill for non-payment after thirty (30) days.

Hydrant Use:

Agricultural Use

(Water used for purposes of spraying, irrigation and uses related to the growing only of commodities for human and animal consumption.)

Minimum Charge: \$50/year
\$1.20/1,000 gallons (irrigation use) billed monthly
\$1.80/1,000 gallons (agricultural)
Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Residential Use

(Water used by residents from the hydrant for pool fills, etc.) Only ¾" meter

Minimum Charge: \$50/year
\$1.80/1,000 gallons billed upon project completion
Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

Commercial Use

(Water used for other than agricultural.)

Minimum Charge: \$50/year
\$1.80/1,000 gallons billed annually or upon project completion
Meter Charge as per fee schedule

Penalty: 10% of total bill for non-payment after thirty (30) days.

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Installation of Service

Service Connections (Permanent)

Rates:

Service Classification No. 1:

- Three quarter inch (3/4") Tap- \$465.00 per service (including meter)
- One inch (1") Tap- \$601.00 per service (including meter)
- Larger than one inch (1"), up to two inches (2"), Tap– Materials cost plus \$200.00
- Larger than two inch (2") Tap – All labor, materials and installation costs plus engineering fees and inspector fees
- Pit meters (up to 1") are an additional \$30.00 per meter
- Pit meters over 1" need to be located in a building (or hot box) at the user's expense

Service Classification No. 2:

- Three quarter inch (3/4") Tap- \$665.00 per service (including meter)
- One inch (1") Tap- \$801.00 (including meter)
- Larger than one inch (1"), up to two inches (2"), Tap– Materials cost plus \$400.00
- Larger than two inch (2") Tap – All labor, materials and installation costs plus engineering fees and inspector fees
- Pit meters (up to 1") are an additional \$30.00 per meter
- Pit meters over 1" need to be located in a building (or hot box) at the user's expense

Fees

Meters:

- Hydrant meters three quarter inch (3/4") - \$35.00
- Hydrant meters one inch (1") - \$40.00
- Hydrant meters over one inch (1") - \$66.00

Meter Repairs:

Damaged meters due to freezing, hot water, or other causes, will be replaced and charged back to the property owner at the current cost of replacement (quote will be obtained from our current meter supplier.)

Final billing and backflow preventer inspection:

The first inspection is free. A charge of \$50 will be charged to the homeowner if a second inspection is necessary.

Reinstate water billing:

If a homeowner will not be using water for more than one year and wishes to be removed from the billing system, they will incur a fee of \$65 when being placed back into the billing system.

Charges appearing on tax bill:

Somerset Water 2	WD381	.15/1,000	(Direct Benefit)
Somerset Water 2a	WD382	.03/1,000	(Indirect Benefit)
Som Water District	WD385	.11/1,000	(Church)

Any unpaid user charges for Town of Somerset residents as of October 1st shall be levied against the property owner's next current Town tax bill.

RESOLUTION 132-2012

BOARD OF ASSESSMENT REVIEW APPOINTMENT

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

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

Resolved Jacquelyn Reynolds is reappointed to the Board of Assessment Review for a five year term ending September 30, 2017.

RESOLUTION 133-2012

SHOVEL READY SITE

Supervisor Engert stated that the new owners of the power plant have been working with him to develop a shovel ready certification for the property west of the power plant. He stated that he has received word that the Board of Directors of Upstate NY Power Producers has agreed to pursue the initiative.

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

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

WHEREAS, the Town of Somerset has targeted economic development opportunities in the area of the Somerset Power Plant in accordance with the Town's Comprehensive Plan, and

WHEREAS, a 180 acre site located just to the west of the Somerset power plant was proposed in the past for a data center, but the project was never constructed, and

WHEREAS, the Town and property owner would like to improve the attractiveness of the site for development, and

WHEREAS, New York State has the Build-Now Program that can provide a "Shovel-Ready" Certification to properties that meet certain criteria, to better attract appropriate development to these sites.

NOW, THEREFORE BE IT RESOLVED, that the Somerset Town Board hereby supports the pursuit of Shovel-Ready designation for this site, and authorizes the Supervisor to submit this resolution and a letter to Niagara County requesting their assistance on this matter, and the County's potential submittal of a grant application to help with the costs of Shovel Ready designation.

WORKPLACE VIOLENCE POLICY ANNUAL REVIEW

Supervisor Engert stated a memo was received from Clerk Connolly stating no workplace violence incidents were reported from October 1, 2011 – October 31, 2012.

Supervisor Engert said the policy that was adopted last December is successful.

RESOLUTION 134-2012

UNIFORM/RUG SERVICE

Supervisor Engert stated a memo has been received regarding the uniform/rug service from Clerk Connolly stating the current contract with Doritex expires December 31, 2012. Clerk Connolly said prices were solicited from another company and found that Doritex prices are lower and they have guaranteed no price increase for five years.

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 contract with Doritex Corporation to provide uniform/rug service is extended for five years with no price increase expiring December 31, 2017.

RESOLUTION 135-2012

BUDGET AMENDMENT

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 the following budget amendments are approved:

DB		CR	
A1990.4	\$ 3,832.05	A1450.4	\$ 13.12
		A1620.2	\$ 1,765.72
		A3997.4	\$ 56.21
		A6410.4	\$ 1,357.00
		A8540.4	\$ 640.00
			<u>\$ 3,832.05</u>
B3120.4	\$ 10,000.00	B3120.1	\$ 10,000.00

RESOLUTION 136-2012

AUDIT OF CLAIMS

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

General Fund	No. 409 through No. 458	\$ 52,606.37
Highway Fund	No. 123 through No. 136	\$ 10,465.11
Sewer Fund	No. 115 through No. 131	\$ 5,860.09
Water Fund	No. 103 through No. 115	\$ 7,743.99

PRIVILEGE OF THE FLOOR

Norman Jansen addressed the Board regarding the following:

1. When will the windmill report be available?
Supervisor Engert stated you are able to obtain that directly from the Town website.
2. He asked if the cobblestone house is preserved in the shovel ready site.
Supervisor Engert stated the house is not part of the parcel.

James Hoffman addressed the Board regarding the following:

1. Congratulated the Board on the expediency of the every other week recycling program and asked when the carts would be distributed.
Councilman Wayner said they will be delivered this week and the recycling will begin the first week of December.
2. He asked the status of the former Barker Chemical site.
Supervisor Engert stated he had the Engineer and Attorney review the draft report. He said comments were sent to LaBella to be incorporated into the final report. He said once the report is received, Amy Fisk will make a presentation. He said the site needs to have a Brownfield's designation in order to obtain any funding.

James Harris stated the Somerset Youth Baseball Organization would like to get approval from the Board to name one of the fields or batting cage in memory of Tyler Miller. Supervisor Engert asked that a formal proposal be submitted.

Jackie Reynolds stated the County Attorney is looking into not paying the Towns for town charges that are relieved on the tax bills.

RESOLUTION 137-2012

EXECUTIVE SESSION

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 Board enter into an executive session to discuss contract negotiations and a matter of litigation at 8:15PM.

RESOLUTION 138-2012

RETURN TO REGULAR SESSION

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 the Board return to regular session at 9:13PM.

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On a motion of Councilman Jansen, seconded by Councilman Alt, the meeting adjourned at 9:14 P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk