

REGULAR MEETING
NOVEMBER 12, 2013

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 12th day of November 2013.

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: 8 residents

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

PUBLIC HEARING – Fire Contract

Notice of said hearing was sent to the Lockport Union-Sun & Journal on November 7, 2013 with same notice being posted on November 6, 2013 at the Town Hall and on the website.

Supervisor Engert opened the hearing at 7:02PM.

Clerk Connolly read the notice of hearing.

Supervisor Engert summarized the contract with the Village of Barker for fire and ambulance services to be provided by the Barker Fire Department. He asked for any public comment.

Dale Howard asked if this is an all inclusive contract and asked if there is a possibility there can be an ala carte scenario that would include people being charged for services. He asked if this is something that is being considered.

Supervisor Engert stated that is an interesting concept and can be looked at for the future.

With all persons being heard, Supervisor Engert closed the hearing at 7:05PM.

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REGULAR MEETING

Supervisor Engert opened the regular meeting at 7:06PM.

RESOLUTION 132-2013

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 as submitted.

RESOLUTION 133-2013

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Wayner, 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 for September and October

QUARTERLY WATER/SEWER REPORT received and filed.

COMMUNICATIONS

Clerk Connolly read a communication from Time Warner stating the channel lineup will be changing on December 3, 2013.

Clerk Connolly read a letter from NYS Dept. of Environmental Conservation stating the Somerset-Barker Wastewater Treatment Facility is in substantial compliance with the requirements of the SPEDES (State Pollutant Discharge Elimination System) permit.

Clerk Connolly read a letter from NYSDEC regarding a meeting that will be held on November 20, 2013 with FEMA (Federal Emergency Management Agency) representatives to discuss a new Risk Mapping, Assessment and Planning project for the Lake Ontario Contributing Watersheds.

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Supervisor Engert stated that he has received a report from Niagara Wind & Solar regarding the maintenance of the wind turbines at the Wastewater Treatment Plant. He stated the report states the Town of Somerset has saved \$6,660.61 over the past 24 months on power bills. He stated this is based on the cost of electricity at the time of the installation of the turbines.

RESOLUTION 134-2013

ELECTRONIC RECYCLING

Supervisor Engert stated a contract has been received from Sunnking, Inc. to pick up the electronic recycling including CRT's at no cost to the town.

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

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

Resolved Supervisor Engert is authorized to execute a contract with Sunnking, Inc., 4 Owens Road, Brockport, NY 14420 for electronic recycling at no fee.

RESOLUTION 135-2013

FIRE CONTRACT

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

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

Resolved the Fire Contract with the Village of Barker and the Barker Fire Department is approved for 2014 at \$209,500.00.

RESOLUTION 136-2013

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, 2012 – October 31, 2013.

Supervisor Engert said the policy that was adopted is successful.

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 Workplace Violence Policy and report are approved.

RESOLUTION 137-2013

BOARD OF ASSESSMENT REVIEW APPOINTMENTS

Councilman Wayner reported that Jacquelyn Reynolds has consented to be reappointed and he and Councilman Dewart recommend William Wilson Jr. for the other vacancy to the Board of Assessment Review.

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 Jacquelyn Reynolds is reappointed to the Board of Assessment Review for a term expiring 12/31/2017 and William Wilson Jr. is appointed to the Board of Assessment Review for a five year term expiring 12/31/2018.

RESOLUTION 138-2013

SNOW AND ICE CONTRACT WITH NEW YORK STATE

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 that Supervisor Engert is authorized to enter into a municipal snow and ice agreement with the State of New York for the removal of snow and ice from state highways for 2016.

RESOLUTION 139-2013

SNOW AND ICE CONTRACT WITH NIAGARA COUNTY

Superintendent Bigelow explained changes to the snow and ice contract with Niagara County that were negotiated by the Highway Superintendents and Niagara County.

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 Superintendent Bigelow is authorized to enter into a municipal snow and ice agreement with Niagara County for the removal of snow and ice from county highways for 2014-2017.

RESOLUTION 140-2013

APPOINTMENT OF DEPUTY HIGHWAY SUPERINTENDENT

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 Michael M. Flint is appointed Deputy Highway Superintendent for the remainder of 2013 to assist the Highway Superintendent.

RESOLUTION 141-2013

COMPENSATION FOR DEPUTY HIGHWAY SUPERINTENDENT

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 Deputy Highway Superintendent will be paid \$4,500.00 through the remainder of the year.

RESOLUTION 142-2013

CODE ENFORCEMENT/BUILDING INSPECTOR BACKUP

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

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

Resolved Supervisor Engert is authorized to advertise and conduct interviews for a Code Enforcement/Building Inspector backup position.

RESOLUTION 143-2013

BUDGET AMENDMENT

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 following budget amendment is approved.

	DR		CR
A1990.4	\$ 27.31	A1010.4	\$ 27.31
A1990.4	4,569.72	A1430.4	4,569.72
A2615	<u>630.00</u>	A3120.1	<u>630.00</u>
	\$ 5,227.03		\$ 5,227.03

RESOLUTION 144-2013

AUDIT OF CLAIMS

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

General Fund	No. 374 through No. 417	\$ 33,698.30
Highway Fund	No. 94 through No. 107	\$ 23,375.45
Sewer Fund	No. 105 through No. 118	\$ 5,961.52
Water Fund	No. 85 through No. 92	\$ 1,612.37

WIND ENERGY DEVELOPERS

Supervisor Engert stated that a wind developer, APEX Clean Energy from Virginia, has expressed interest in the Town and are meeting with land owners to assess if there is enough interest for a project. He stated it is in the very early stages.

PRIVILEGE OF FLOOR

Norman Jansen asked if there is any interest in the Somerset Lakefront Industrial Site. Supervisor Engert stated there is nothing formal but there have been inquiries and is being promoted.

James Hoffman addressed the Board regarding the following:

1. He stated that this may be Superintendent Bigelow's last meeting and is appreciative of what he has done as a working Superintendent.
2. He stated he has met with the people from APEX and he said they are concentrating on property from Countyline Road west to the power plant, north of Lake Road. He said there may be 20 to 50 turbines. He said the project will take place under Article X and questioned if the Town will have any authority. Attorney Jones stated he will check into that.
3. Asked if there has been any action on the old gas station at Somerset Corners. Supervisor Engert stated Code Enforcement Officer Remington is working with the property owner.

Chris Czelusta asked the reason for a backup CEO and how will the person be compensated.

Supervisor Engert stated it will be a stipend position that has been budgeted for in 2014 and will operate out of the Code Enforcement office. He stated there is no backup when the CEO is gone. He stated the plan is that within 2 years we hope to have another person trained so there will be backup for the Village and Town. He stated there has not been a backup since the former CEO left.

Dale Howard asked how much the initial training costs are.

Supervisor Engert stated he is not sure and it is a three day training program.

Mr. Howard asked if it wouldn't be better to hire 2 people so they could be available more.

Supervisor Engert said there are a series of courses that have to be taken and are only available at certain times.

On a motion of Councilman Dewart, seconded by Councilman Dewart, the meeting adjourned at 8:00P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk