

REGULAR MEETING
SEPTEMBER 10, 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 10th day of September 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: 4 residents

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

RESOLUTION 107-2013

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 meeting are approved as submitted.

RESOLUTION 108-2013

APPROVAL OF THE 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 Reports for July and August

LAKESHORE SITE PUD (Planned Unit Development)

Supervisor Engert reported the Planning Board sent a letter of approval to the Board to move forward with the rezoning of the property west of the power plant and the application has been submitted to the Niagara County Planning Board for their September 16th meeting. Supervisor Engert noted a public hearing has been scheduled for September 17, 2013 at 7:00PM.

LAKESHORE DRIVE REFUSE PICKUP

Attorney Jones reported that Somerset Drive is a private drive and that several years ago a garbage truck got stuck on the private drive, therefore, Modern does not drive down that road to pick up the garbage. He stated that several people along Lakeshore Drive apparently are not home for the regular pickup so they put their garbage in the containers that are meant for the Somerset Drive residents.

He gave an overview of ordinances and laws that may apply. He suggested the Lakeshore Drive residents be advised of the system in place and post a sign. He stated Clerk Connolly located an unrecorded easement from 1988 for the purpose of servicing the private road residents.

Clerk Connolly gave an overview of the problem originally and how the containers have been serviced over the years.

Supervisor Engert asked Attorney Jones to draft a letter for review.

RESOLUTION 109-2013

SMALL SCALE SOLAR PROPOSED LOCAL LAW

On the introduction of Councilman Alt, seconded by Councilman Jansen, the following resolution was.

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

Resolved a public hearing be held on October 8, 2013 at 7:00PM on a proposed local law establishing regulations for the installation of small scale solar energy systems for residential and commercial purposes.

RESOLUTION 110-2013

ELECTRONIC RECYCLING AGREEMENT

Supervisor Engert stated that Sunkking wants to revise the contract by not paying any rebate to the town and charging the town for pickup of the electronic items.

Councilman Wayner reported the Refuse Committee met and recommends the Town retains RCR&R from Rochester who will pick up the electronic recycling at no cost to the Town at the current time.

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 Supervisor Engert is authorized to sever the contract with Sunkking and retain RCR&R, Rochester, NY for electronic recycling.

TRENCHING PROJECT AT BARKER FIRE DEPARTMENT

Supervisor Engert stated that Superintendent Denny was contacted to provide labor and equipment for a trenching project at the Fire Hall.

Superintendent Denny stated the Fire Company would like to run a water line and gas line to the new building. He stated there is 523 feet of trench to be dug, with 345 feet in dirt with the rest being parking lot. He stated they would have to cut through the parking lot to get to the barn. He stated it would take 2 days of labor to dig the trench and haul the blacktop away. He said it would cost \$750 for 2 guys for 2 days at an hourly rate.

Councilman Wayner said he would like the number to reflect the total compensation paid to the employees that includes benefits.

Councilman Dewart stated the Fire Dept. has worked with the departments in the past on different items. He said he has no problem with the project.

Supervisor Engert said he will send out the true costs of manpower for the project and asked Attorney Jones if we have to have an agreement.

Superintendent Denny stated that we have a contract with the Village of Barker.

Supervisor Engert asked Attorney Jones to check into an agreement and report back within two weeks so a schedule can be worked out with the Fire Department.

RESOLUTION 111-2013

AUDIT OF CLAIMS

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

General Fund	No. 298 through No. 338	\$ 46,243.44
Highway Fund	No. 72 through No. 81	\$ 3,686.04
Sewer Fund	No. 85 through No. 95	\$ 3,686.88
Water Fund	No. 71 through No. 77	\$ 2,395.05

PRIVILEGE OF FLOOR

Dale Howard asked if a decision was ever made regarding the purchase of an additional recycling tote.

Supervisor Engert said yes and it may be purchased through the Town Clerk's office for \$43.00.

James Hoffman addressed the Board regarding the following:

1. Asked if there was an update on the former Barker Chemical site.

Supervisor Engert stated final remediation has been done but he has not received the final report. He stated that Attorney Jones is developing a comprehensive risk assessment and the responsibility that the Town would have if the Town decides to take ownership. He stated there is a lot of risk as the building will remain and it could cost \$55,000 or more for asbestos removal.

Mr. Hoffman stated it should leave us with a usable piece of property.

TOWN BOARD MEETING
SEPTEMBER 10, 2013 PAGE 4

Attorney Jones stated the property will be cleaner than it was before. He stated he is working with the County Attorney and it will be another month before he has the risk assessment done.

2. Asked about the status of the building at Somerset Corners (Kenyon property). Supervisor Engert stated the Code Enforcement Officer was going to contact the property owner and he has not reported back.

Dale Howard addressed the Board regarding the following:

1. Asked if there are any agencies that would be able to help with the cleanup at the former Barker Chemical property.
Supervisor Engert stated they are working with several agencies and consultants on what is available and in most cases you have to be the property owner to apply for the funds.
2. Asked if the oil company that provided the gas to the Somerset Corners property has any liability.
Attorney Jones stated there are two issues being the deterioration of the building and contaminated soil.
Councilman Wayner stated the gas station owner is personally responsible.

Ron Estep cautioned the Board to be very careful with the former Chemical plant. He said you are opening yourselves up to problems.

On a motion of Councilman Wayner, seconded by Councilman Alt, the meeting adjourned at 7:47P.M. subject to the Call of the Clerk. Carried unanimously.

Rebecca A. Connolly, MMC
Town Clerk