

TOWN BOARD REGULAR MEETING  
MARCH 13, 2019

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 13<sup>th</sup> day of March 2019.

Present: Daniel M. Engert ----- Supervisor  
Robin R. Jansen ----- Councilwoman  
Jeffrey M. Dewart ----- Councilman  
Chris Bronson----- Councilwoman  
Jon Hotaling ----- Councilman  
Tracy L. Carmer----- Town Clerk  
Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds  
Mindy Austin ----- Confidential Asst. to the Supervisor  
David Haylett----- Attorney  
Brian Sibiga ----- Engineer

Absent: Michael M. Flint ----- Supt. of Highways

Attended by: approximately 20 residents and Asst. CEO Lee

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

RESOLUTION 41-2019

**APPROVAL OF THE MINUTES**

On a motion of Councilman Hotaling, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling  
Nays 0

Resolved the minutes of the previous meeting on February 13, 2019 are accepted as submitted.

RESOLUTION 42-2019

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT**

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling  
Nays 0

Resolved the Supervisor's Monthly report be accepted as submitted.

COMMUNICATIONS

Clerk Carmer stated that we received a letter from Charter Communications advising that effective March 18, 2019 they will be adding a channel called Cheddar HD.

RESOLUTION 43-2019

**HIGHWAY TRACTOR PURCHASE**

Supervisor Engert announced that this is a budgeted item.

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

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

**WHEREAS**, the Town of Somerset Highway Department desires to purchase one new and unused John Deere 5100E Utility Tractor for use by the Town Highway Department and trade in a used 2009 New Holland T5050 Tractor; and

**WHEREAS**, the John Deere 5100E Utility Tractor is available from New York State Bid Contract No. PC67140, Piggyback Contract of National Joint Powers Alliance (NJPA) Contract No. 021815-DAC, Heavy Equipment, through authorized Contractor Deere & Company, which eliminates the need for competitive bidding pursuant to § 103 of General Municipal Law, and

**WHEREAS**, the New York State contract purchase price of the new Tractor is \$53,539.57 and the Town has been offered a trade-in credit for the 2009 New Holland T5050 tractor in the amount of \$29,400.00; and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of one (1) new John Deere 5100E Utility Tractor and authorize the trade-in of the Highway Department's used 2009 New Holland T5050 Tractor.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Somerset hereby approves the trade-in of the 2009 New Holland T5050 Tractor for the amount of \$29,400.00; and be it further

**RESOLVED**, that the Town Board of the Town of Somerset hereby approves the purchase of one (1) new John Deere 5100E Utility Tractor from the 2016 authorized Contractor Deere & Company under New York State Bid Contract No. PC67140, Piggyback of National Joint Powers Alliance (NJPA) Contract No. 021815-DAC for an amount not to exceed the state contract price of \$24,139.57, after trade in; and be it further

**RESOLVED**, that the Town Supervisor and Town Highway Superintendent are authorized to execute any and all documents in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

RESOLUTION 44-2019

**HIGHWAY MOWER**

Supervisor Engert stated that this is another budgeted item.

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

ADOPTED: Ayes                5        Engert, Jansen, Dewart, Bronson, Hotaling  
              Nays                0

**WHEREAS**, the Town Highway Department desires to purchase a side flail mower,

**AND WHEREAS**, the estimated purchase price exceeds the monetary threshold in General Municipal Law §103 and requires public bidding

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby authorizes the Town Highway Superintendent to solicit bids for the purchase of a side flail mower,

**AND BE IT FURTHER RESOLVED**, that the bids shall be due by Thursday, April 4, 2019 at 3:00PM in the Town of Somerset Clerk's office located at 8700 Haight Road, Barker, NY.

RESOLUTION 45-2019

**TIRE RECYCLING BID**

Supervisor Engert announced that the tire recycling event will be held on April 22 – 27, 2019. Monday through Friday will be normal business hours, and Saturday we will be collecting tires from 9:00AM to Noon.

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

ADOPTED: Ayes                5        Engert, Jansen, Dewart, Bronson, Hotaling  
              Nays                0

**WHEREAS**, the Town received proposals for small and large tire recycling from four different companies; and

**WHEREAS**, the lowest responsible quote for recycling small tires was received from Modern Disposal at the set rate of \$100/ton and \$585.00/load pick-up; and

**WHEREAS**, the lowest responsible quote for recycling large tires was received from Geiter Done of WNY, Inc. in the amount of \$200/ton.

**NOW THEREFORE, BE IT RESOLVED**, that the tire recycling agreement for small tires be awarded to Modern Disposal at the set rate of \$100/ton and \$585/load picked up; and be it further

**RESOLVED**, that the tire recycling agreement for large tires be awarded to Geiter Done of WNY, Inc. at the set rate of \$200/ton; and be it further

**RESOLVED**, that the Water Superintendent and Town Supervisor are authorized to execute any and all documents in such form as is satisfactory to the Town Supervisor and Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

RESOLUTION 46-2019

**HIGHWAY SNOW AND ICE AGREEMENT**

On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes                    5           Engert, Jansen, Dewart, Bronson, Hotaling  
              Nays                    0

**WHEREAS**, the Town previously entered into a municipal snow and ice agreement with the State of New York for the removal of snow and ice from state highways for the 2017/18 and 2018/19 snow and ice season; and

**WHEREAS**, the actual costs in 2017/18 exceeded the estimated expenditures in the agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is authorized to execute an amendment to the original snow and ice agreement contract extensions to reflect:

- 1) the additional snow and ice operations that were necessary during the 2017/18 winter season; and
- 2) the contract shortages in 2017/18 so that outstanding and future obligations can be met.

RESOLUTION 47-2019

**HIGHWAY DIESEL PUMP REPLACEMENT**

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

ADOPTED: Ayes                    5           Engert, Jansen, Dewart, Bronson, Hotaling  
              Nays                    0

**WHEREAS**, the Town desires to replace the leaking diesel pump located at the Town Highway facility; and

**WHEREAS**, the Town solicited proposals for the purchase and installation of a new diesel pump at the Town Highway facility; and

**WHEREAS**, the Town received two written proposals as follows:

1. The Pump Doctor Inc. -- \$5,743.17
2. Nature's Way Environmental -- \$7,277.00; and

**WHEREAS**, the Town Board determines that it is in the public interest to replace the leaking diesel pump; now therefore be it

**NOW THEREFORE BE IT RESOLVED**, upon review and approval of the Town Attorney, the Town of Somerset Supervisor is hereby authorized to execute an agreement with The Pump Doctor Inc. to purchase and install a new diesel fuel pump located at the Town Highway Garage at a cost not to exceed the amount in the written proposal.

RESOLUTION 48-2019

**WENDEL GIS AGREEMENT**

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

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

**WHEREAS**, the Town utilizes a GIS Web Map Application to assist with management of infrastructure and town assets; and

**WHEREAS**, Wendel has hosted and maintained a GIS Web Map Application for the Town of Somerset since 2010; and

**WHEREAS**, the Town desires to continue to utilize Wendel for the annual hosting of the GIS Web Map Application and receive updated data on town infrastructure and assets; and

**WHEREAS**, the Town has received a quote from Wendel in the amount of \$2,200.00 for GIS Web Map Application hosting and maintenance for fiscal year 2019.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby retains Wendel to host and maintain the Town GIS Web Map Application for fiscal year 2019; and be it further

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Somerset hereby authorizes and directs the Supervisor to execute any and all documents in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution; and

**BE IT FURTHER RESOLVED**, the costs for such services shall not exceed \$2,200.00 as set forth in Wendel's proposal dated January 15, 2019.

Councilwoman Jansen said that she worked for a company in 1997 with their own GIS system and it was significantly more expensive.

Brian Sibiga stated that we have an inter-municipal agreement with approximately 20 other towns that share the cost of the system.

RESOLUTION 49-2019

**AUDIT OF CLAIMS**

On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling  
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. 80 through No. 115	\$ 154,225.63
Highway Fund	No. 12 through No. 29	\$ 53,471.17
Sewer Fund	No. 20 through No. 29	\$ 4,037.48
Water Fund	No. 17 through No. 26	\$ 2,589.50

**PRIVILEGE OF THE FLOOR**

Norm Jansen asked for the definition of GIS. Brian Sibiga confirmed that it is Geographic Information Systems.

Pam Atwater stated that APEX is proposing a Vestas 162 for their Heritage Wind Project in Barre. It would stand 680' tall. They originally said it was going to be 591'. Orleans Hub said it is going to be 655' tall. She said they handed out 3 sets of information with different heights and different models all on the same night. She said that they have used them offshore and they are scheduled to field test them in 2020. She is upset when people are sharing information and they are saying that it is misinformation, yet they are handing out different information at a public forum.

Cathi Orr talked about a Robert Bryce article called "San Bernardino Says No to Renewables". She said California was one of the first to have wind turbines and the Board of Supervisors for San Bernardino said the turbines are land destroying and no amount of litigation could make up for the destruction of the environment. He said when the sun isn't shining and the wind isn't blowing, there is no energy. They have banned turbines and solar farms on 1 million acres.

Supervisor Engert stated that the two largest land mass counties in California have now banned turbines and solar.

Steve Royce discussed the appearance of Paul Williamson of Apex before the Somerset Planning Board on March 7<sup>th</sup>. He stated that Paul was unaware that the towers should be visually inspected after a wind event and he did not know how often the wind and other conditions were sampled by the MET towers. Steve said that Paul claimed that the winds in the area were relatively uniform throughout the year. He feels this is outrageously deceptive. He stated that the weather station in Olcott is sampled every 10 minutes and those results ranged from about 8 mph to 12 mph. He went on to say that this is only part of

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the story and that the wind power curve and the use of electricity (for air conditioning and swimming pool pumps for example) need to be factored in and the output would vary widely. He feels this is another example of deception by omission.

Betty Wolanyk stated that in January an article in the Buffalo News stated that leaseholders could earn from \$3,000 to \$150,000 as a result of the lease. In a report on Channel 2 in February APEX stated that an individual leaseholder could earn between \$3,000 and \$200,000. She said the reality is that only one land owner has 5 turbines proposed, all of the other leaseholders have less, potentially 2 or 3. At the figure of \$15,000 - \$20,000 per turbine that APEX shared with leaseholders prior to signing a lease, the landowner with 5 turbines would only earn \$75,000 - \$100,000 per year. She stated this is half of what APEX is telling the media.

Jim Hoffman noted that APEX' withdrawal of the Galloo Wind Project came with the caveat that they are open to initiating again when the time is right. Jim asks "when does no really mean no?" He said that our residents have educated themselves and overwhelmingly concluded that the risks are far too great and the benefits to residents are nil. The Nature Conservancy stated that conserving and restoring forests, wetlands, etc can deliver up to 37% of the required reductions needed to curb climate change by 2030. He said preserving and enhancing this growth has been public policy for Somerset since our original Comprehensive Plan of 1972. He stated that Lighthouse Wind is in conflict with this and in violation of Town law. He also noted that the Sierra Club and the Adirondack Mountain Club have strayed from their original roots and have endorsed Lighthouse Wind. He invites them to join Somerset and Yates in preserving open space.

Agnes LaPorte thanked the board for preserving our homes.

RESOLUTION 50-2019

**EXECUTIVE SESSION**

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

ADOPTED: Ayes                5        Engert, Jansen, Dewart, Bronson, Hotaling  
              Nays                0

Resolved to enter into execution session at 6:37PM to discuss a personnel matter of a particular person.

RESOLUTION 51-2019

**RETURN FROM EXECUTIVE SESSION**

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

ADOPTED: Ayes                5        Engert, Jansen, Dewart, Bronson, Hotaling  
              Nays                0

Resolved to exit executive session at 7:44PM.

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On a motion of Supervisor Engert, seconded by Councilman Dewart, the meeting adjourned at 7:45P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk