

TOWN BOARD REGULAR MEETING
FEBRUARY 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 13th day of February 2019.

Present: Daniel M. Engert ----- Supervisor
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: Robin R. Jansen ----- Councilwoman
Michael M. Flint ----- Supt. of Highways

Attended by: approximately 20 residents

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

RESOLUTION 30-2019

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 4 Engert, Dewart, Bronson, Hotaling
 Nays 0

Resolved the minutes of the previous meeting on January 2, 2019 are accepted as submitted.

RESOLUTION 31-2019

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 4 Engert, Dewart, Bronson, Hotaling
 Nays 0

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

ANNUAL REPORTS RECEIVED AND FILED

Fort Hyde Kennels
Barker Senior Citizens
Code Enforcement Officer
Somerset Youth Baseball Organization

TOWN BOARD MEETING
FEBRUARY 13, 2019 PAGE 2

COMMUNICATIONS

Clerk Carmer stated that we received a letter from Charter Communications advising that they reached an agreement with Tribune Broadcasting for our local stations. They also submitted a letter notifying the town of an increase effective February 21, 2019. Broadcast TV Surcharge will change from \$9.95 to \$11.99.

Clerk Carmer read a letter submitted by the Donate Life Program requesting permission to use the town roads for their Fun Run/Walk beginning at 10:00AM on March 30th.

RESOLUTION 32-2019

DONATE LIFE FUN RUN/WALK

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

ADOPTED: Ayes 4 Engert, Dewart, Bronson, Hotaling
 Nays 0

Resolved to support and allow UNYTS Run/Walk to take place on March 30th at 10:00AM in the Town of Somerset on Somerset roads.

Clerk Carmer announced that we received a letter from the Niagara County Center for Economic Development thanking us for allowing them to host a free business workshop at our town hall.

RESOLUTION 33-2019

SEWER PLANT BID

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

ADOPTED: Ayes 4 Engert, Dewart, Bronson, Hotaling
 Nays 0

WHEREAS, the Town of Somerset solicited bids for the leasing of fifteen (15) acres of land south and east of the Somerset Barker Sewer Plant located at 8500 Lower Lake Road, Barker for hay mowing and removal; and

WHEREAS, the Town received the following bids:

<u>Name & Address</u>	<u>Bid</u>
Charles Pisarski 8438 Townline Road Gasport, NY 14067	\$1,060.00/year
Duane J. Roberts 9953 Hall Road Barker, NY 14012	\$725.00/year

TOWN BOARD MEETING
FEBRUARY 13, 2019 PAGE 3

Matt Wendler \$465.00/year
2046 Countyline Road
Barker, New York 14012

Steven & Heather Fiacco \$400.00/year
1148 Quaker Road
Barker, NY 14012

NOW, THEREFORE, BE IT RESOLVED, that the bid for mowing and removal of hay on fifteen (15) acres south and east of the Somerset Barker Sewer Plant located at 8500 Lower Lake Road, Barker for four (4) years is awarded to Charles Pisarski for \$1,060.00 per year as specified in the lease; and be it further

RESOLVED, that the Town Supervisor is authorized to execute any and all documents with Charles Pisarski pursuant to the lease terms and require that all necessary insurance documents are filed with the Town.

RESOLUTION 34-2019

SENIOR CITIZENS DIRECTOR

Supervisor Engert stated that our current director, Jo Ann Greenwald, has served honorably in that capacity but has health concerns so the position was held open awaiting her decision. Jo Ann has submitted a letter of resignation effective February 28, 2019. On a motion of Councilman Dewart, seconded by Councilman Hotaling, the following resolution was

ADOPTED: Ayes 4 Engert, Dewart, Bronson, Hotaling
Nays 0

Be it Resolved that the Somerset Town Board retroactive to January 1, 2019 hereby appoints JoAnn Greenwald as Senior Citizens Director through February 28, 2019 and thereafter for the remainder of 2019 shall hereby appoint Tonya Velia to this title pursuant to the parameters in the 2019 budget.

RESOLUTION 35-2019

SALE OF PERSONAL PROPERTY

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

ADOPTED: Ayes 4 Engert, Dewart, Bronson, Hotaling
Nays 0

WHEREAS, the Town of Somerset has acquired certain personal property for the purpose of carrying out services in the public interest; and

WHEREAS, the Town Board has deemed it unnecessary to maintain ownership of personal property of the Town which has become worn out, obsolete or no longer needed; and

WHEREAS, the Town Board, desires to dispose of the following surplus property:

1. 2008 Ford F250 Super Duty Pickup Truck – green – 5.4l V8 – 146,710 miles with 8-foot Western snowplow
2. Rockwell drill press model number 438-02-0314-0626

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Somerset, New York that the Town Board finds and declares that the Town no longer has a use for the surplus property listed above; and be it further

RESOLVED, the Town Highway Superintendent is authorized and directed to arrange a bid auction for the purposes of selling the above listed Highway Department surplus property to the highest bidder; and be it further

RESOLVED, the Town Supervisor and Town Highway Superintendent are authorized to execute any and all documents to sell the surplus property to the highest bidder or to donate or otherwise dispose of the above listed surplus property if no bids are received.

Supervisor Engert stated that Superintendent Flint would like to purchase a tractor and ditch mower but that was not able to be resolved before the board meeting so that will be addressed at an upcoming meeting. He also advised that Superintendent Flint is having an issue obtaining a second quote on the gasoline tank renovation.

RESOLUTION 36-2019

SCHOOL RESOURCE OFFICER

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

ADOPTED: Ayes	4	Engert, Dewart, Bronson, Hotaling
Nays	0	

WHEREAS, the Barker Central School District desires to enter into an agreement with the Town of Somerset, whereby the Town will provide the School District with one full-time School Resource Officer, and

WHEREAS, the Town will be reimbursed for the cost of the school resource officer by the School District in accordance with the terms of the contract; and

WHEREAS, the term of the initial agreement shall commence immediately and continue until the end of the 2018-19 school year and continue thereafter for the 2019-2020 school year in accordance with the terms of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that the Town Supervisor is hereby authorized to enter into an Agreement with the Barker Central School District whereby the Town will provide the School District with one full-time school resource officer for the remainder of the 2018-19 school year and to continue thereafter for the 2019-2020 school year, the cost of which to be reimbursed by the School District in accordance with the terms of the contract.

RESOLUTION 37-2019

SEXUAL ABUSE AND MOLESTATION POLICY

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

ADOPTED: Ayes	4	Engert, Dewart, Bronson, Hotaling
Nays	0	

Be it resolved that the Town of Somerset hereby adopts the Praesidium Abuse Prevention Manual (v. 2018) for Selective Insureds and directs the Town Supervisor to incorporate the manual into the Handbook for Non-Union Employees and also into the Collective Bargaining Agreement. All employees will be required to sign an acknowledgment to read and comply with the Town of Somerset's policies regarding sexual abuse prevention.

RESOLUTION 38-2019

ABUSE PREVENTION TRAINING

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

ADOPTED: Ayes	4	Engert, Dewart, Bronson, Hotaling
Nays	0	

RESOLVED, after review and approval of the Town Attorney, the Supervisor is authorized to enter into an agreement with Praesidium to provide training services to the town employees on sexual abuse prevention.

RESOLUTION 39-2019

SUPPORT FOR NIAGARA POST THEATER INC.'S GREENWAY APPLICATION TO RENOVATE THE MOVIE THEATER AT FORT NIAGARA STATE PARK

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

ADOPTED: Ayes	4	Engert, Dewart, Bronson, Hotaling
Nays	0	

WHEREAS, Niagara Post Theater Inc. (501c3) is applying to the Niagara River Greenway with a grant application to assist in the renovation of the legacy Military Movie Theater in Fort Niagara State Park into a Performing Arts center through a public/private partnership under the New York State Parks Adaptive-Reuse criteria. This structure is located in the

center of the Fort Niagara State Park within the boundaries of the Niagara River Greenway corridor adjacent to the Niagara River Greenway trail system. The emphasis of the project is to offer a venue to support education, entertainment, assembly and interpretive opportunities within the Park and for surrounding communities.

THEREFORE, be it resolved that the Town Board of the Town of Somerset hereby does approve and endorse the Greenway Application for the assistance of the renovation of the legacy Military Post Theater project by Niagara Post Theater Inc. This project exemplifies the vision, principles, goals, focus and intent of the Niagara River Greenway Plan. The effective use of an existing State resource gives rise to economic opportunities for the region and is an excellent use of the funds associated with community well-being and development.

RESOLUTION 40-2019

AUDIT OF CLAIMS

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

ADOPTED: Ayes 4 Engert, 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. 14 through No. 79	\$ 324,938.48
Highway Fund	No. 1 through No. 11	\$ 57,577.94
Sewer Fund	No. 2 through No. 19	\$ 5,321.81
Water Fund	No. 2 through No. 16	\$ 61,984.72

BESTSELF BEHAVIORAL HEALTH

Ty Pope provided a presentation on mental health and substance abuse treatment and rehabilitation. Her organization has mobile teams with 2 RV's, one for Erie County and the other for Niagara County. They go to homes to help patients who may not be able to get to them. They treated 1,388 patients in the first year and Ty said that you do not need insurance. If they find that there is a great need in a neighborhood, they will set up a center there. For more info go to www.bestselfwny.org or call 716-884-0888. There will also be pamphlets available in the lobby at the town hall.

PRIVILEGE OF THE FLOOR

Steve Royce discussed a paper called "The Wind Turbine Health Impact Study is Junk Science" by Raymond S. Hartman. He analyzed a study in Massachusetts that "found no scientific evidence or medical studies to prove that living near a wind turbine has adverse impacts on people's health....." His analysis found the panel who authorized the study were not independent, but had ties to the wind industry. They relied on only 4 published

researched papers out of the hundreds that are out there. The turbines that were studied were only 164-213 feet tall. Steve said this paper should be used as an example to point out the deceptive practice the industry used to defraud the public.

Jim Hoffman noted that APEX withdrew their application for their proposed project at Galloo Island and he feels this is evidence that they can be beaten. He said that author of the letter for withdrawal was the same lawyer who authored a letter criticizing our rewriting of our Comprehensive Plan and called us intellectually dishonest. He read a press release where the Vice President of Public Affairs for APEX stated: "We are open to reinitiating the permitting process for Galloo Island Wind with the expectation of delivering the project when the time is right." He said there is a possibility they will reassess our project and go home.

Jim asked Ty Pope how they are funded.

Ty said they are funded through two state programs.

Jim asked if the legalization of marijuana will stress their organization more.

Ty said that she does not believe it will too much as there are guidelines for it.

Cathi Orr said a friend of hers named Linda Maxon who lives at 2419 Coates Road in Orangeville gives her a lot of information. This weekend she went 30 miles to East Aurora and not one turbine was running. She said this is because the wind was blowing too much so they had to put the brakes on the turbines. That makes her wonder what they will do for energy in the winter when we get rid of backup power.

Betty Wolanyk is happy to hear about Galloo Island. She read a list of tactics that Mike Bond wrote about in "Saving Paradise", including: Pick a site with some wind potential (doesn't have to be much, just indications); Arrange zoning changes as needed. Run over anyone in the way; Be generous with funds. You're going to make billions, remember? Whatever bribes you give, call them community benefits; etc. She said this is the playbook of the wind industry. He also wrote a book titled "Killing Maine" that was a first prize winner of the New England Festival. It read, in part, that the wind industry "built howling wind turbines fifty-five stories high". "These steel monstrosities screamed night and day, blotted out the starlit skies and Northern Lights with flashing strobes, slaughtered thousands of bats and birds....." She said that even though both are works of fiction, the wind industry is portrayed just as we have experienced – underhanded, greedy, without integrity, untruthful and harmful to the environment and people living near them.

Agnes LaPorte referred to the Book of Genesis and the story of Adam and Eve. The scam artist made her empty promises by omitting the truth and she fell for it and convinced Adam to take a bite of the fruit. Paradise was lost forever. Agnes thanked the officials for fighting to protect our health and welfare.

TOWN BOARD MEETING
FEBRUARY 13, 2019 PAGE 8

Supervisor Engert asked Engineer Sibiga for an update on the Wastewater Treatment Plant regarding signage that was required by our insurance for a weight limit in the bay. Brian said they are finalizing the number and are developing placards that will be in place by the next meeting.

On a motion of Councilwoman Bronson, seconded by Councilman Dewart, the meeting adjourned at 6:58P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk