

TOWN BOARD REGULAR MEETING  
August 11, 2021

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 11<sup>th</sup> day of August 2021.

Present:     Jeffrey M. Dewart----- Supervisor  
               Robin R. Jansen ----- Councilwoman  
               Jon Hotaling ----- Councilman  
               Gail Damon ----- Councilwoman  
               Fred Leuer ----- Councilman  
               Tracy L. Carmer----- Town Clerk  
               Michael M. Flint ----- Supt. of Highways  
               Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds  
               Mindy Austin ----- Confidential Asst. to the Supervisor  
               David Haylett----- Attorney  
               Brian Sibiga ----- Engineer

Audience:     approximately 10 residents

Absent:

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

RESOLUTION 92-2021

**APPROVAL OF THE MINUTES**

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

ADOPTED:    Ayes                5        Dewart, Jansen, Hotaling, Damon, Leuer  
                     Nays                0

Resolved the minutes of the previous meeting on July 14, 2021 are accepted as submitted.

RESOLUTION 93-2021

**APPROVAL OF THE MINUTES**

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

ADOPTED:    Ayes                5        Dewart, Jansen, Hotaling, Damon, Leuer  
                     Nays                0

Resolved the minutes of the previous meeting on July 27, 2021 are accepted as submitted.

RESOLUTION 94-2021

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

TOWN BOARD MEETING  
AUGUST 11, 2021 PAGE 2

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

ADOPTED: Ayes 5      Dewart, Jansen, Hotaling, Damon, Leuer  
             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 WKBW 2 LAFF is being rebranded to WKBW 2 Bounce.

Clerk Carmer read a letter that resident John Haight sent to the board about his concern over the possibility of a cannabis/marijuana store applying for a permit in our town. He encouraged the board to come up with a ruling to prevent this.

RESOLUTION 95-2021

**SCHOOL RESOURCE OFFICER (SRO) CONTRACT**

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

ADOPTED: Ayes 5      Dewart, Jansen, Hotaling, Damon, Leuer  
             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 agreement shall commence on the date of execution of the contract and continue to June 30, 2022;

**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, after review and approval by the Town Attorney, whereby the Town will provide the School District with one full-time school resource officer for the 2021-2022 school year, the cost of which to be reimbursed by the School District in accordance with the terms of the contract.

RESOLUTION 96-2021

**SENIOR CITIZEN DIRECTOR RESIGNATION**

Supervisor Dewart read a letter of resignation submitted by Tonya Velia for the position of Senior Citizen Director and Nutrition Site Services Assistant.

TOWN BOARD MEETING  
AUGUST 11, 2021 PAGE 3

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

ADOPTED: Ayes                5        Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays                0

Resolved to accept the resignation of Tonya Velia as Senior Citizen Director.

RESOLUTION 97-2021

**SENIOR CITIZEN DIRECTOR APPOINTMENT**

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

ADOPTED: Ayes                5        Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays                0

Resolved that Sandra Lewis be appointed Senior Citizen Director effective September 1, 2021.

Councilwoman Jansen stated that Sandra has been with the Seniors for a long time so everyone is familiar with her and they respect her and she is a wonderful choice for the position.

ENGINEER UPDATE:

Engineer Sibiga stated:

- the transfer of the REDI Grant to the Wastewater Treatment Plant has been approved and the representative is allowing our previous study to cover the 10% commitment.
- The BridgeNY Grant was submitted
- We received a letter from NYSDEC advising that in addition to our permit renewal they are starting a new program that reviews permits and it requires information, schematics, etc to be submitted by September 30<sup>th</sup>. He feels that we need to get started now so that we don't miss that deadline so he would like permission to get started and submit the formal proposal next month.

Councilwoman Jansen asked if this is going to be done annually.

Engineer Sibiga said that it is going to be done periodically, based on how complex your system is (we are in the middle). He is guessing that it will be every 5-10 years.

Water Superintendent said that he didn't find any history that we have done this before.

All members agreed to allow Wendel to continue.

Supervisor Dewart stated that the REDI grant is saving the Town a lot of money.

LAND DONATION UPDATE:

Supervisor Dewart stated that the paperwork is ready to be signed for the approximate 24 acres of land being donated by Neal and Fay Gordon. As soon as possible we will start trimming and putting in trails. We will dedicate this to the Gordon's uncle and grandfather.

Councilman Leuer asked if any information was provided on wetlands.

TOWN BOARD MEETING  
AUGUST 11, 2021 PAGE 4

Supervisor Dewart stated that we will make sure that we are covered.  
Attorney Haylett will pull the wetlands map off of the county website.

RESOLUTION 98-2021

**AUDIT OF CLAIMS**

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

ADOPTED: Ayes                    5        Dewart, Jansen, Hotaling, Damon, Leuer  
                 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. 260 through No. 285	\$ 31,621.46
Highway Fund	No. 73 through No. 80	\$ 3,475.39
Sewer Fund	No. 84 through No. 94	\$ 3,838.64
Water Fund	No. 61 through No. 69	\$ 17,036.96

PRIVILEGE OF THE FLOOR

Jim Hoffman said that he supports the Lake Mariner Data Center project but feels that the majority of public comments were glossed over. He stated that the role of the board is to protect the interests of our residents, and the rural character of our community as stated in our Comprehensive Plan. He feels that the following items should have been addressed in the approval resolution:

- An overview of the entire 1,350 acres
- There is much confusion over the potential noise levels and feels that it is up to the applicant to prove that it will not be detrimental
- Preservation of open space and natural vegetation
- The setbacks are misleading. He said that the Data Center will work within the current footprint, but all else has to have a 500' setback from the lake.
- The lighting should be the International Dark Sky approved lighting.
- Delinquent property taxes
- Landfill #2 is not closed yet. It should have 4 ft of soil and grass to minimize dust and runoff.
- He wants a long-term commitment to monitor the landfill forever
- Lake Mariner should attend the board meetings to address concerns and report on the status. He feels that is should not be up to the Code Enforcement Officer.

Betty Wolanyk said that she is very disappointed that the board did not comply with their request to leave the hearing open. She said that the community has a lot of intelligent residents with a lot of expertise and it is important to listen to those people and make use of their capabilities. She stated that the board looks and behaves professionally and she believes that they respect their jobs and their intent is to make the wisest decisions

TOWN BOARD MEETING  
AUGUST 11, 2021 PAGE 5

that they are capable of making. Her opinion is that the Beowulf representatives do not look professional. They have inaccuracies in their applications and they are unable to answer questions so she feels that they do not respect this town or Town Board. She has little confidence that they will negotiate for Rails to Trails or the Cobblestone House. She mentioned her concern over comments that the Jansen's made at our previous meeting that Beowulf could put the Data Center on the "West Property" and she hopes that this is not a threat by Beowulf. And, if so, she feels that it is an empty threat because that 180 acres is slated for solar panels. She said that it was brought up at the Planning Board meeting that the Data Center would have massive electrical use and wonders if there will be brown outs or power surges. She said that we need to address this before they go online. She is concerned about the Data Center venting heat. She said that prior to the plant being built, her land would get blanketed with snow during a snow storm. After the plant was built, rain would go around their farm and her father swore that it was because of the heat and smoke from the power plant. When the plant went offline, the rain and snow resumed. She feels this will change our climate and rain pattern again. She also wants them to consider what happens if Bitcoin gets banned or goes out of fashion.

Norm Jansen stated that there was never any talk of the Data Center going behind the Cobblestone House.

Marcia Ray stated that she has the same concerns as Jim Hoffman and Betty Wolanyk. She is also concerned that the board had their minds made up before hearing from the constituents and it makes her suspicious. She said that the board hasn't listened and she feels let down. She wants the board to look at the PSC because we have power surges and wants to know what will happen when they start drawing 250mw. Also, who will monitor the site and make them accountable?

Supervisor Dewart stated that NYSDEC monitors the plant, but he is unsure how often.

Marcia wants to know how the electrical draw will affect us.

Councilman Hotaling asked if she contacted National Grid.

Dick Ray said that they have come down several times and put monitors on and told them to call the Regulatory Agency.

Councilman Hotaling said that National Grid put in transformers and switches at the corner where he lives because of the increased power for Mayer Brothers.

Discussion ensued regarding electrical use, our resources, increased traffic, etc. Marcia asked how the county feels about cryptocurrency and is it legal?

Supervisor Dewart stated that at one point the county was in favor of it and he will check how they feel now.

Councilman Leuer will check with his contact at National Grid and see if he can find out about her power surges.

TOWN BOARD MEETING  
AUGUST 11, 2021 PAGE 6

Rick Ray said that his concern is that their proposed solar field coincidentally is enough panels to power the Data Center. He thinks we need to be aware of that. He does not support solar, and is on the fence with the Data Center.

Aaron Davis, a Village Trustee, said to let him know if we need anything from the Village on the donated property. He said that board is doing a great job.

Krista Atwater said that she was approached at a Planning Board meeting about the time of the Town Board meetings and feels that it should be moved to a later time as many people cannot get home by 6:00pm. She said that many residents want to participate in the Town Board meetings and would come if it were held later.

Jim Hoffman asked how the demise of the Village Police will affect us?  
Supervisor Dewart stated that it will not affect us, we will continue on like we have been doing.

Jude Hinton said that she is late to this process and asked what is promised as far as life span of the Data Center. She said that Bitcoin mining is popular now but may become outlawed at some point. She feels that it is a waste to use that energy to run computers. She asked if they have made us any promises?  
Supervisor Dewart said that they have not promised anything, but it is up to 20 years and then could possibly change to something different.

RESOLUTION 99-2021

**EXECUTIVE SESSION**

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

ADOPTED: Ayes                5        Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays                0

Resolved to enter into executive session at 6:47P.M. to discuss a matter with the attorney.

RESOLUTION 100-2021

**EXIT EXECUTIVE SESSION**

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

ADOPTED: Ayes                5        Dewart, Jansen, Hotaling, Damon, Leuer  
              Nays                0

Resolved to exit executive session at 7:12P.M.

TOWN BOARD MEETING  
AUGUST 11, 2021 PAGE 7

On a motion of Councilwoman Jansen, seconded by Councilman Leuer, the meeting adjourned at 7:13P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk