

TOWN BOARD SPECIAL MEETING
MARCH 11, 2020

A Special 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 11th day of March 2020.

Present: Jeffrey M. Dewart ----- Supervisor
 Jon Hotaling ----- Councilman
 Gail Damon ----- Councilwoman
 Tracy L. Carmer----- Town Clerk
 Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds
 Mindy Austin ----- Confidential Asst. to the Supervisor
 Tom Seaman----- Attorney
 Brian Sibiga ----- Engineer

Absent: Robin R. Jansen ----- Councilwoman
 Michael M. Flint ----- Supt. of Highways

Attended by: approximately 20 residents and students

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

RESOLUTION 43-2020

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 3 Dewart, Hotaling, Damon
 Nays 0

Resolved the minutes of the previous meeting on February 12, 2020 are accepted as submitted.

RESOLUTION 44-2020

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 3 Dewart, Hotaling, Damon
 Nays 0

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

COMMUNICATIONS

Clerk Carmer stated that Charter Communications is launching the Bull Dog Shopping Network. She advised that Fort Hyde Kennels passed their yearly inspection by the Department of Ag & Markets. She also advised that we received the list of potential property foreclosures from Niagara County.

RESOLUTION 45-2020

COUNCILMAN APPOINTMENT

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

ADOPTED Ayes 3 Dewart, Hotaling, Damon
 Nays 0

RESOLVED, that Frederick W. Leuer is hereby appointed Town Councilman of the Town of Somerset to fill the vacancy created by the resignation of Jeffrey M. Dewart.

Clerk Carmer swore in Councilman Leuer.

RESOLUTION 46-2020

DOG ENUMERATION

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved that a quote received from Dogenumeration.com is accepted for \$660.

RESOLUTION 47-2020

JUSTICE COURT SECURITY

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

WHEREAS, the Town of Somerset Justice Court desires to upgrade its Town Court security system; and

WHEREAS, the Town solicited quotes for the installation of a video surveillance and received one written proposal from Benoit Security, Inc. in the amount of \$4,539.00; and

WHEREAS, the Town attempted to obtain additional quotes, specifically from Cat Integration on February 23rd, 24th, and 25th, and no quote was provided by said vendor;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Justice Court to contract with Benoit Security, Inc. for the installation of a video surveillance system in the Town Court as set forth in the proposal from Benoit Security, Inc. in an amount not to exceed \$4,539.00; and be it further

RESOLVED, that the Supervisor and Town Justice 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 48-2020

WENDEL ENGINEERING PROPOSAL FOR INFLUENT PUMP STATION

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
Nays 0

WHEREAS, the Town desires to proceed with the influent pump station wetwell relining project; and

WHEREAS, Wendel has submitted a proposal dated March 5, 2020 to develop a request for proposal, perform design work, and prepare technical specifications for the proposed improvements at a cost of \$4,800.00; and

WHEREAS, proposals for professional services are not subject to the competitive bidding requirements of the Town's Procurement Policy;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby retains Wendel to develop a request for proposal and provide design and technical support for the influent pump station wetwell relining project at a cost not to exceed \$4,800.00; and be it further

RESOLVED, that the Supervisor is 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 49-2020

TIRE RECYCLING

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer
Nays 0

WHEREAS, the Town received proposals for small and large tire recycling from three separate vendors; and

WHEREAS, the lowest responsible quote for recycling small tires was received from HTI Recycling at the set rate of \$150/ton; and

WHEREAS, the lowest responsible quote for recycling large tires was received from Geiter Done of WNY, Inc. in the amount of \$250/ton.

NOW THEREFORE, BE IT RESOLVED, that the tire recycling agreement for small tires be awarded to HTI Recycling at the set rate of \$150/ton; and be it further

TOWN BOARD MEETING
MARCH 11, 2020 PAGE 4

RESOLVED, that the tire recycling agreement for large tires be awarded to Geiter Done of WNY, Inc. at the set rate of \$250/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.

The tire drop off is scheduled for April 20-24 from 7AM-3:30PM and Saturday, April 25 from 9AM-Noon at the Highway garage.

RESOLUTION 50-2020

USED POLICE CAR

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

WHEREAS, the Town of Somerset desires to purchase a used police vehicle for use in the Town Police Department; and

WHEREAS, the Police Chief issued a written Request for Proposal for a used Dodge Charger with mileage of 30,000 to 60,000, model year 2013-2016; and

WHEREAS, the Town delivered the RFP to four (4) different vendors and received one response from John Jones Automotive Group for a 2014 Dodge Charger, White, serial number 2C3CDXAG8EH348366 in the amount of \$12,735.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement with John Jones Automotive Group for the purchase of a 2014 Dodge Charger, White, serial number 2C3CDXAG8EH348366 in the amount of \$12,735.00; and be it further

RESOLVED, that the Town Supervisor is 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 51-2020

ARTICLE 23 SANCTUARY TOWN

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

WHEREAS, NYS is a Home Rule State, and

WHEREAS, per the NYS Constitution , Article IX, it is our statutory obligation to protect the health, safety and welfare of the citizens of our community, and

WHEREAS, the Town of Somerset has a comprehensive plan and accompanying zoning laws, fully supported by its residents, which capture the community's local conditions and values regarding future economic growth and development, and

WHEREAS, on February 21, 2020, Governor Cuomo proposed a Budget Amendment, titled the "Accelerated Renewable Energy Growth and Community Benefit Act (hereafter "Article 23 Amendment") which would accelerate industrial wind and solar energy development, and

WHEREAS, the Article 23 Amendment, if passed, would greatly limit the role of local zoning laws, avoid critical reviews of the local environmental conditions requiring mitigation, allow the State to take certain lands through eminent domain and make them available to developers for construction of power plants, and limit a town's taxation and assessment powers, and

WHEREAS, the Article 23 Amendment would eliminate protected processes, public participation and speech by specifically limiting administrative hearings and expressions of disagreement or opposition to siting locations, and

WHEREAS, the Article 23 Amendment contains an "approval by default" provision that deems an application "to have been granted" should the newly created Office of Renewable Energy Siting fail to make a decision in one year, be it

RESOLVED, that the Town of Somerset requests that the Article 23 Amendment be withdrawn, and be it further

RESOLVED, should the Article 23 Amendment become law, that the Town of Somerset hereby declares itself an **Article 23 Sanctuary Town**, and be it further

RESOLVED, should the Article 23 Amendment become law, that the Town of Somerset will not provide any local resources or cooperation towards approval, administration and/or enforcement of any permits issued pursuant to Article 23, and be it further

RESOLVED, that the Town of Somerset will continue to enforce all local laws applicable to any project sited within the Town.

Clerk Carmer is asked to submit the resolution to the Governor, Senator, Assemblyman and Legislator.

TOWN BOARD MEETING
MARCH 11, 2020 PAGE 6

LAKE LEVEL SURVEY

Supervisor Dewart asked residents to go online and complete a survey if they have been affected by the rising lake waters. The supervisors have been requested to submit information for their town so as to establish a pattern to try to get a lake level that everyone is happy with. If the resident does not have a printer they can get a copy of the survey from the Town Clerk's office.

RESOLUTION 52-2020

AUDIT OF CLAIMS

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

ADOPTED: Ayes 3 Dewart, Hotaling, Damon
 Nays 0
 Abstain 1 Leuer

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

General Fund	No. 74 through No. 103	\$ 64,694.29
Highway Fund	No. 16 through No. 28	\$ 71,065.42
Sewer Fund	No. 19 through No. 24	\$ 2,871.11
Water Fund	No. 15 through No. 24	\$ 2,159.63

PRIVILEGE OF THE FLOOR

Steve Royce said that he thinks the resolution on Article 23 is a brilliant move.

Cathi Orr agreed with Steve Royce's statement. She said that Wyoming County is in phase 2 for wind turbines and they are also clearing land for 20 ion batteries.

Jim Hoffman attended the Niagara County public hearing on opting out of article 487 for solar and wind which would require taxes to be paid on the full valuation. He said they got off track and did not act on the resolution. He would like everyone to contact their legislators to express their opinion on resolution IL010-20.

Pam Atwater advised that there is going to be a speaker on battery storage on Saturday at 9:30AM in Albion at North Point Chapel.

Kate Kremer thanked the board for their action on Article 23. She read the budget amendment submitted by the Governor and said it is clear that the developers told him everything they wanted and he included it the budget amendment. She said that not only does this take away home rule but also takes away the benefit of opting out of 487. Now NYSERDA would be involved in assessing and will give them a discount rate.

TOWN BOARD MEETING
MARCH 11, 2020 PAGE 7

Betty Wolanyk attended the hearing also and applauds our resolution and hopes it is effective. She is appalled at Governor Cuomo. She is also concerned when she heard from a farmer in Hartland who does not want to hear anything she said and trusts that his company is honest. She said that the Nellist meteorological tower's bond expired so they are in violation of their permit and that shows what kind of company they are. She stated that APEX did not attend the meeting and she hopes that is telling.

Agnes LaPorte thanked the board for protecting the welfare of our community.

RESOLUTION 53-2020

EXECUTIVE SESSION

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved to enter into executive session at 6:30PM to discuss an employee matter.

RESOLUTION 54-2020

EXIT EXECUTIVE SESSION

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved to exit executive session at 6:56PM

On a motion of Councilman Leuer, seconded by Councilwoman Damon, the meeting adjourned at 6:57P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk