

REGULAR MEETING
SEPTEMBER 13, 2023

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 September 2023.

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
 Jesse J. Green ----- Supt of Water/Sewer/Grounds
 Mindy Austin ----- Confidential Asst. to the Supervisor
 David Haylett----- Attorney

Absent: Brian Sibiga ----- Engineer

Audience: 4 residents and 7 students

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

RESOLUTION 86-2023

APPROVAL OF THE MINUTES

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 the minutes of the previous meeting on August 9, 2023 are accepted as submitted.

RESOLUTION 87-2023

APPROVAL OF SUPERVISOR'S REPORT

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

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

Resolved the Supervisor's Report for August 2023 is accepted as submitted.

MONTHLY REPORTS RECEIVED

Supervisor's Monthly Report
Police
Code Enforcement

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COMMUNICATIONS: Charter Communications notified us that they came to an agreement with Disney and provided a list of channels that are returning, along with advising of channels that were not returning.

RESOLUTION 88-2023

EXCESS EQUIPMENT FOR WATER DEPARTMENT

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

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

WHEREAS, the Town of Somerset previously acquired a black 2003 Down To Earth 18' equipment trailer, VIN #5NYEE18264B000186 for the purpose of carrying out services in the public interest; and

WHEREAS, the Town Board has determined that it is unnecessary to maintain ownership of said trailer, which has become worn out, obsolete, and no longer needed; and

WHEREAS, the Town Board desires to dispose of said trailer; now therefore be it

RESOLVED, by the Town Board of the Town of Somerset, that the Town Board finds and declares that the Town no longer has a use for the black 2003 Down to Earth 18' equipment trailer; and

BE IT FURTHER RESOLVED, the Water/Sewer/Grounds Superintendent and the Town Supervisor are authorized and directed to arrange a bid auction for the purpose of selling the trailer; and

BE IT FURTHER RESOLVED, the Town Supervisor and the Water/Sewer/Grounds Superintendent are authorized to execute any documents to the highest bidder or to donate or otherwise dispose of the trailer if no bids are received.

RESOLUTION 89-2023

DOXO AUTHORIZATION FOR ACH DEPOSITS

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

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

RESOLVED, the Town Board of the Town of Somerset hereby authorizes the Town Clerk and the Town Supervisor to sign an agreement with DOXO, Inc. for the Town to receive a deposit of funds collected by the vendor that are due to the Town.

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SHORT TERM RENTALS

Attorney Haylett explained that residents who run Bed and Breakfasts have to go before the Planning Board for a Special Use Permit, but we do not have anything for other short term rentals. The County has a law requiring short term rentals to register with the county and other towns are adopting laws to govern this. It is becoming more popular so it would be a good idea to have a local law regarding it. The Town does not want to deter them. Attorney Haylett will draft a local law for the Board to review.

SUPERVISOR UPDATES

- The roof on the Town Hall is in bad shape and will need to be replaced soon. All 5 hearing units are being replaced sporadically to spread out the expense.
- Lake Road is being repaved
- The Town equalization rate is 53% so we need to do a reval.
- The noise study from the plant has been received. Supervisor Dewart will ask the plant if they would come to our next meeting to explain it.
- Quaker Road cemetery needs to have the stone wall repaired. The Supervisor found a couple of people who are willing to work on it in their spare time.
- We have started the budget process.

PRESENTATION ON HOW A BUDGET WORKS

Councilwoman Jansen created a presentation to help the public understand the line items in a budget. For the examples she chose to analyze the police budget. The summary will be attached at the end of the minutes. Councilwoman Jansen ended with the following statement:

There are some rumors floating around town, and rumors fly around town faster than the truth can put its pants on, that the budget doesn't reflect the true cost of the Town Police to the tune of about \$300,000. I understand that the person spreading those rumors has reduced that number to \$100,000. In order for the Town Board to bury expenses in the budget, it would require everyone sitting at this table, excluding the engineer, to collude to bury those expenses and commit fraud. The Town's finances were audited in 2016 and there were no hidden expenses found by the State Comptroller's office, even though the previous Supervisor has been accused of doing so. The auditor was here for weeks looking at everything from expenses to revenues. I do not speak for anyone else sitting at the table, but I want to state for the record that I have never, in the 14 years sitting on the board, colluded with the Supervisor or other members of the Town Board, or anyone else sitting at this table, to bury or hide expenses for any department in the budget. And I take exception to being accused of collusion and fraud without proof. This board has always focused on transparency in the budget. Look at the town website, and then check out other municipality's websites. Our budget is available on the website going back years and the monthly police statistic reports are available online as well. And, depending on timing, the reports are included in the monthly meeting minutes, which is not the case with a lot of other WNY municipalities. The person that started the rumor either needs to provide proof of his accusations or publicly correct his comments to those he provided false information to.

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Thank you for sitting through my presentation. I hope it was helpful.

RESOLUTION 90-2023

AUDIT OF CLAIMS

On a motion of Councilman Leuer, seconded by Councilwoman Jansen, 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. 299 through No. 326	\$ 48,654.27
Highway Fund	No. 86 through No. 100	\$ 146,121.67
Sewer Fund	No. 125 through No. 139	\$ 6,836.85
Water Fund	No. 81 through No. 87	\$ 785.36

Supervisor Dewart read a letter received from the New York State Town Clerk's Association recognizing Clerk Carmer for maintaining her designation as a Registered Municipal Clerk.

PRIVILEGE OF THE FLOOR

KRISTA ATWATER thanked Councilwoman Jansen for the excellent presentation.

JIM HOFFMAN also thanked Councilwoman Jansen. Jim asked if there is anything new on the Somerset Solar project or battery energy storage.

Supervisor Dewart stated that we received 3 binders with answers to all of the state's questions. The Town has to reply to some of them.

Jim discussed lithium ion batteries and their potential to cause a fire. Jim said that it requires a lot of water and special tools, and wonders if the Fire Department is equipped for it. Jim stated that fires are no longer put out, just managed. Jim advised that the school's solar panels are still not hooked up, and the biggest company for electric buses went bankrupt. Jim asked again to have a resolution to place a moratorium on battery installations.

JOHN PINKHAM has property that borders a lane for a farm, and the culvert is crushed. John wants the culvert removed or fixed. Discussion ensued regarding this being a state road.

Supervisor Dewart asked Superintendent Flint to provide John with the number to the state DOT located in Lockport.

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RESOLUTION 91-2023

ENTER EXECUTIVE SESSION

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 to enter into executive at 7:02pm to discuss a personnel matter.

RESOLUTION 92-2023

EXIT EXECUTIVE SESSION

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 exit executive at 7:23pm

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the meeting adjourned at 7:24 P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk

Police Reports

category	2022	2023
	full year	jan - june
Road patrol hours	2336	1171
SRO hours	1556	872
***** SRO service calls at BCS	61	148
agency assist	71	29
larceny	7	5
harrassment	13	29
trespass	5	5
property complaint/crime	9	2
recovered property	5	
menacing	1	1
criminal mischief	15	2
noise/disorderly complaint	4	
burglary	1	1
MVA	23	7
MVA with injury		2
drug overdose	1	2
domestic	5	11
unattended death investigation	1	1
juvenile complaint	3	3
suspicious conditions	31	14
alarm	6	11
mental health investigation	2	
dWI	5	19
AUO Aggravated unlicensed operation	10	9
animal complaint	27	8
police service calls	83	62
welfare check	11	14
traffic complaints	32	19
V&T law citations	398	166
V&T law cautionary warnings	227	115
warrant arrests/attempts	2	4
Total police service activity	1059	689
House checks	2268	977
Service + house checks	3327	1642
Court Security Hours	57	34
Total hours - patrol, SRO and Court	3955	2077
Additonal activities		
2022		

2021-2022	A3120.1 Chief	9500
	A3120.12 Officers	7000
	A3120.13 DWI patrol	600
	A3120.2 Equipment	0
	A3120.41 Insurance	3300
	A3120.42 Gas	1000
	A3120.43 Uniforms	100
	A3120.44 Training	100
	A3120.45 Supplies	1550
	A3120.46 Maintenance	1000
	A3120.47 Building Maintenance	2200
	Total Police	26350
	A9015.8 Police retirement	2500
	Total expense police	28350
	Anticipated revenue	600
	Expense minus revenue	27750

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Village of Middleport budget 2023/2024		
Police		
expense	A3120.1 Personal Service - Chief	69270
	A3120.12 Personal Service - Officers	170494
	A3120.2 - Equipment - Vehicle & Body Armor	45000
	A3120.4 Contractural	40000
	A3120.41 Insurance	
	A3120.42 Gasoline	
	A3120.43 Uniforms	
	A3120.44 Training	
	A3120.45 Supplies	
	A3120.46 Vehicle Maintenance	
	A3120.47 Building Maintenance	
	TOTAL POLICE	324764
	police retirement	64637
Revenue		
	fees, fines and forfeited bail	32280
	contract with Royalton	55634
	Contract with Hartland	41789
	Total expected revenue	129703
	Expense minus revenue	
	389411-129703 =	259698

