

TOWN BOARD REGULAR MEETING
November 8, 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 8th day of November 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: 13 residents and a reporter

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

OPEN HEARING ON OVERRIDING THE TAX CAP at 6:01PM

Clerk Carmer read the notice of public hearing for Local Law #1-2023 Override Tax Cap. Notice of said hearing was sent to the Union Sun & Journal and posted on the town website on October 13, 2023.

RESOLUTION 109-2023

CLOSE HEARING TO OVERRIDE THE TAX CAP

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

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

With no persons desiring to be heard, the hearing closed at 6:02PM.

OPEN HEARING ON 2024 TOWN BUDGET AND FIRE DEPARTMENT at 6:03PM

Clerk Carmer read the notice of public hearing for the Town Budget and the Fire Department Budget. Notice of said hearing was sent to the Union Sun & Journal and posted on the town website on October 26, 2023.

Supervisor Dewart advised of the changes that were decided upon since the Preliminary Budget was adopted. The changes are due to an increase in our uniform contract, and the Senior Citizens adding meetings for the month of February.

TOWN BOARD MEETING
NOVEMBER 8, 2023 PAGE 2

Jim Hoffman asked how this budget compares to last year.
Supervisor Dewart reviewed the rates from the 2023 budget.

RESOLUTION 110-2023

CLOSE 2024 TOWN AND FIRE DEPARTMENT BUDGET HEARING

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

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

With no other persons desiring to be heard, the hearing closed at 6:10PM.

RESOLUTION 111-2023

APPROVAL OF THE MINUTES

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 minutes of the previous meetings on October 11, 2023 and October 25, 2023 are accepted as submitted.

RESOLUTION 112-2023

APPROVAL OF SUPERVISOR'S REPORT

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 Supervisor's Report for October 2023 is accepted as submitted.

MONTHLY REPORTS RECEIVED

Supervisor's Monthly Report
Police Report

COMMUNICATIONS:

Councilwoman Jansen commented on the budget, advising that the board members do not take raising taxes lightly. The Town Board has always acted in the best interest of the tax payers, and town employees do their best to keep expenses as low as possible. In addition to increased costs, this year we are also required by the state to obtain cyber security insurance.

RESOLUTION 113-2023

LOCAL LAW #1-2023 OVERRIDE TAX LEVY LIMIT

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

TOWN BOARD MEETING
NOVEMBER 8, 2023 PAGE 3

ADOPTED by roll call vote:

Supervisor Dewart	Aye
Councilwoman Jansen	Aye
Councilman Hotaling	Aye
Councilwoman Damon	Aye
Councilman Leuer	Aye

WHEREAS, The Town Board of the Town of Somerset having duly called and held a Public Hearing at Somerset Town Hall, 8700 Haight Road, Barker, New York 14012, on the 8th day of November, 2023 upon the question of the enactment of "A Local Law to override the tax levy limit established in General Municipal Law §3-c."

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that "A Local Law to override the tax levy limit established in General Municipal Law §3-c." is hereby enacted and effective upon its filing with the New York State Department of State.

RESOLUTION 114-2023

ADOPT 2024 TOWN BUDGET

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

ADOPTED by Roll Call Vote:

Supervisor Dewart	Aye
Councilwoman Jansen	Aye
Councilman Hotaling	Aye
Councilwoman Damon	Aye
Councilman Leuer	Aye

WHEREAS, the Preliminary Budget for the year 2024 has been duly prepared by the Town Board and a duly publicized hearing was held on the 8th day of November, 2023 at 6:00PM; and

WHEREAS, at which time all persons desiring to be heard were heard; now therefore be it

RESOLVED, that the Town Board of the Town of Somerset hereby adopts the preliminary budget, with adjustments as presented, as the budget for the Town of Somerset for the year 2024.

RESOLUTION 115-2023

2024 FIRE DEPARTMENT CONTRACT

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

TOWN BOARD MEETING
NOVEMBER 8, 2023 PAGE 4

ADOPTED by Roll Call Vote:

Supervisor Dewart	Abstain
Councilwoman Jansen	Aye
Councilman Hotaling	Abstain
Councilwoman Damon	Aye
Councilman Leuer	Aye

RESOLVED, that the Town Board of the Town of Somerset hereby adopts the Fire Department budget for the year 2024 and authorizes the Deputy Town Supervisor to execute a contract with the Barker Fire Department, Inc. in the amount of \$250,00 with a 2% increase in 2025, and 2% increase in 2026.

RESOLUTION 116-2023

WATER LEAK CREDIT

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

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

WHEREAS, the Town, through its employees, previously advised the owner of 7348 Hoffman Road, Town of Somerset that she did not have a water leak; and

WHEREAS, the Town, through its employees, then determined that there was a leak at 7348 Hoffman Road, Town of Somerset, on the town side of responsibility, resulting in an excessively high water/sewer bill; and

WHEREAS, the Town Board desires to forgive the water charges in the most recent water bill for the property owner located at 7348 Hoffman Road, Town of Somerset due to the error made by the Town and it was town responsibility:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor and Town Clerk to forgive up to \$1,400.62 for the most recent water bill at 7348 Hoffman Road, Town of Somerset, Account Number 217348.

RESOLUTION 117-2023

SHORT-TERM RENTAL PUBLIC HEARING

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, a public hearing will be held on December 13th, 2023 at 6:00 p.m. at Somerset Town Hall, 8700 Haight Road, Barker, New York to hear and consider a local law entitled "A Local Law Enacting Short-Term Rental Regulations."

TOWN BOARD MEETING
NOVEMBER 8, 2023 PAGE 5

RESOLUTION 118-2023

CARES MONEY

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

ADOPTED by Roll Call Vote:	Supervisor Dewart	Abstain
	Councilwoman Jansen	Aye
	Councilman Hotaling	Abstain
	Councilwoman Damon	Aye
	Councilman Leuer	Aye

WHEREAS, the Town of Somerset previously received grant funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, the Barker Fire Department has requested financial assistance from the Town to assist in their mission of providing the Town of Somerset with fire protection services.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby authorizes the Town Deputy Supervisor to provide the Barker Fire Department with \$10,000 of additional funding from the CARES Act money received by the Town of Somerset.

RESOLUTION 119-2023

SEWER INSTALLATION REFUND

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

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

WHEREAS, in 2022, property owner Levi Atwater deposited \$5,000 with the Town of Somerset for the purchase of a grinder pump to connect to the sewer system; and

WHEREAS, Mr. Atwater decided not to connect to the sewer system and instead replace his septic system; and

WHEREAS, Levi Atwater requested that the Town refund the \$5,000 deposited with the Town of Somerset to purchase a grinder pump;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to refund Levi Atwater, 1151 Hartland Road, Barker, New York, \$5,000 that was previously deposited for the grinder pump.

TOWN BOARD MEETING
NOVEMBER 8, 2023 PAGE 6

SUPERVISOR UPDATE

- Two heaters are being replaced at the Town Hall tomorrow
- The communication tower by the school is up and running

RESOLUTION 120-2023

AUDIT OF CLAIMS

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

General Fund	No. 362 through No. 403	\$ 71,775.19
Highway Fund	No. 111 through No. 123	\$ 11,566.14
Sewer Fund	No. 151 through No. 165	\$ 7,585.40
Water Fund	No. 94 through No. 106	\$ 17,594.40

PRIVILEGE OF THE FLOOR:

Jim Hoffman congratulated the members who got re-elected. Jim wants to see us preserve the rural character of our town.

Jon Hotaling said that there is a ceremony at 11:00am tomorrow at NCCC dedicating the new Vietnam Vets memorial.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 6:25P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk