

TOWN BOARD SPECIAL MEETING  
January 6, 2021

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 6<sup>th</sup> day of January 2021 via Zoom.

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

Absent:        Brian Sibiga ----- Engineer

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

RESOLUTION 1-2021

**APPROVAL OF THE MINUTES**

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 minutes of the previous meeting on December 9, 2020 are accepted as submitted.

Supervisor's Monthly Report will be presented in February

ANNUAL REPORTS RECEIVED

Barker Fire Department  
Town Clerk

COMMUNICATIONS

Clerk Carmer read the annual letter from the Association of Towns announcing the upcoming training and appointment of a delegate and alternate delegate.

Clerk Carmer advised that the Town Clerk's office was inspected by the Department of State for their biannual inspection of passport services and they passed the inspection.

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Supervisor Dewart advised that when the refuse and recycling schedule changes to Fridays beginning the 1<sup>st</sup> week of February, the electronic recycling drop off changes also. The code is written that it is held on the same day as garbage day.

RESOLUTION 2-2021

**BOVA VARIANCE WAIVER**

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

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

**WHEREAS**, Rose Bova applied for and paid the application fee for an area variance for the minimum lot frontage at 7881 W. Somerset Road, Barker, New York to the Town of Somerset Zoning Board of Appeals in November 2020; and

**WHEREAS**, Ms. Bova also is in need of a minimum lot size area variance at the same property and said variance was overlooked at the time of her original application; and

**WHEREAS**, Ms. Bova has requested that the second application fee be waived as she would not have had to pay it if it were included on the original application;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby waives the application fee for Rose Bova for an area variance to the minimum lot size at 7881 W. Somerset Road, Barker, New York as she said variance should have been included in the original application.

RESOLUTION 3-2021

**10 TON WEIGHT LIMIT RESTRICTION**

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

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

**WHEREAS**, Vehicle and Traffic Law section 1660(11) allows the Town Board to temporarily exclude from any portion of any town highway any vehicle with a gross weight of over four or more tons when in its opinion such highway would be materially injured by the operation of any such vehicle thereon; and

**WHEREAS**, it is the opinion of the Town of Somerset Superintendent of Highways that the portion of Town Line Road extending from Hosmer Road east to Quaker Road in the Town of Somerset would be materially injured by the operation of any vehicle with a gross weight of over 10 tons, and this Board so finds; now therefore, be it

**RESOLVED**, that any vehicle with a gross weight over 10 tons is temporarily excluded from Town Line Road in the Town of Somerset, extending along said road from Hosmer Road to Quaker Road.

This temporary exclusion takes effect upon the posting signs on the sections of roads and after publication of notice in the Town's official newspaper and remains in effect until the signs are removed by the Highway Superintendent.

Councilman Leuer asked if this applies to farm equipment also.

Attorney Haylett stated that he will check.

RESOLUTION 4-2021

**NEW ZONING BOARD MEMBERS**

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 Amos Andrews is appointed as a member of the Town of Somerset Zoning Board of appeals to fill the vacant position that expires on December 31, 2023; and be it further

**RESOLVED**, that Lauritz Dent is appointed as a member of the Town of Somerset Zoning Board of Appeals to fill the vacant position that expires on December 31, 2022.

RESOLUTION 5-2021

**ANNUAL AUDIT OF DEPARTMENTS**

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

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

**WHEREAS**, The Audit Committee conducted its annual audit of the Justice Court, the Town Clerk, Tax Collector and Supervisor on Wednesday, December 30, 2020 and

**WHEREAS**, the criminal and civil dockets of the Town Justice for 2020 having been duly examined with the monthly cash summary being viewed and the fines and fees having been turned over to the proper officials, and

**WHEREAS**, the records of the Town Clerk for 2020 having been duly examined and turned over to the proper officials, and

**WHEREAS**, the records of the Tax Collector for 2020 having been duly examined and turned over to the proper officials, and

**WHEREAS**, the records of the Supervisor for 2020 having been duly examined with all monies disbursed properly,

**BE IT RESOLVED** that the Somerset Town Board accept and adopt the findings of the Audit Committee for 2020 that the aforementioned departments have properly managed those monies that fall within their purview.

**SUPERVISOR'S APPOINTMENTS**

Supervisor Dewart made the following appointments:

CONFIDENTIAL ASSISTANT TO THE SUPERVISOR – Melinda Austin

DEPUTY SUPERVISOR – Robin Jansen

HISTORIAN – Peter Devereaux

AUDIT COMMITTEE – Councilwoman Damon, Councilman Hotaling

PLANNING/ZONING ADVISORY COMMITTEE - Councilman Hotaling, Councilman Leuer

WATER/SEWER/REFUSE ADVISORY COMMITTEE – Supervisor Dewart, Councilwoman Jansen, Superintendent Dewart, Clerk Carmer

PARKS/RECREATION ADVISORY COMMITTEE - Supervisor Dewart, Councilman Leuer, Superintendent Dewart, Clerk Carmer

DRAINAGE – Supervisor Dewart, Councilman Hotaling, Superintendent Flint

SENIOR CITIZEN'S ADVISORY COMMITTEE – Councilwoman Damon

PUBLIC SAFETY ADVISORY COMMITTEE – Supervisor Dewart, Councilman Leuer

BUSINESS DEVELOPMENT/TOURISM ADVISORY COMMITTEE – Supervisor Dewart, Councilwoman Jansen

COMMUNICATION ADVISORY COMMITTEE – Councilwoman Jansen, Councilwoman Damon, Clerk Carmer

RESOLUTION 6-2021

**ANNUAL APPOINTMENTS**

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

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

REGULAR MEETINGS of the Town Board shall be:

2<sup>ND</sup> Wednesday of each month at 6:00PM

Somerset Town Hall, 8700 Haight Road.

OFFICIAL DEPOSITORIES for accounts and investments shall be:

Evans Bank, Lockport, NY

M & T Bank, Lockport, NY

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Chase Bank, New York, NY

AUTHORIZED SIGNATURES AT BANKS shall be the Supervisor, Deputy Supervisor and Town Clerk.

OFFICIAL PUBLICATION of the Town of Somerset shall be Lockport Union-Sun & Journal, Lockport, NY

OFFICIAL MILEAGE shall be based on the IRS rate with the rate for 2021 being \$0.56 cents per mile

CREW LEADER for the Water/Sewer/Grounds Department shall be Jesse Green

CREW LEADER for the Highway Department shall be Jeff Reeson

DOG CONTROL OFFICER shall be Mark Remington

DEPUTY DOG CONTROL OFFICER shall be Daniel Greenwald

ZONING BOARD MEMBER Joe Provencher is appointed for a 5 year term

ZONING BOARD CHAIRMAN shall be Scott Ecker

ZONING BOARD SECRETARY shall be Sandra Lewis

PLANNING BOARD MEMBER Joseph "Chris" Czelusta is appointed for a 5 year term

PLANNING BOARD SECRETARY shall be Sandra Lewis

BOARD OF ASSESSMENT REVIEW SECRETARY shall be Sandra Lewis

SENIOR CITIZEN DIRECTOR shall be Tonya Velia

NUTRITION SITE SERVICES ASSISTANT shall be Tonya Velia

RESOLUTION 7-2021

**PLANNING BOARD CHAIRMAN**

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

ADOPTED	Ayes	4	Dewart, Hotaling, Damon, Leuer
	Nays	0	
	Abstain	1	Jansen

Resolved that PLANNING BOARD CHAIRMAN shall be Norm Jansen.

RESOLUTION 8-2021

**SCHOOLING FOR TOWN OFFICIALS**

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 that schooling for Elected and Appointed Officials, Water Superintendent, Code Enforcement Officers, Assessor and Dog Control Officers when school pertains to respective jobs is duly authorized.

RESOLUTION 9-2021

**DELEGATE AND ALTERNATE TO ASSOCIATION OF TOWNS MEETING**

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 that Clerk Carmer be appointed delegate for the Association of Towns meeting, and Jeffrey Dewart be appointed the alternate delegate for the Association of Towns meeting.

RESOLUTION 10-2021

**APPROVAL OF HISTORICAL SOCIETY CONTRACT**

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 contract with the Town of Somerset Historical Society for \$7,752.00 for 2021 is approved.

RESOLUTION 11-2021

**APPROVAL OF SENIOR CITIZENS CONTRACT**

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 that the contract with the Town of Somerset Senior Citizens for \$6,000.00 for 2021 is approved.

RESOLUTION 12-2021

**APPROVAL OF SOMERSET YOUTH BASEBALL CONTRACT**

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

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

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Resolved that the contract with Somerset Youth Baseball for \$1,000.00 for 2021 is approved.

RESOLUTION 13-2021

**APPROVAL OF AMERICAN LEGION CONTRACT**

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

ADOPTED Ayes 4 Dewart, Jansen, Damon, Leuer  
Nays 0  
Abstain 1 Hotaling

Resolved that the contract with the American Legion for \$1,400.00 for 2021 is approved.

RESOLUTION 14-2021

**APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER**

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 that the contract with the Village of Barker for providing use of highway equipment and services for 2021 is approved.

RESOLUTION 15-2021

**APPROVAL OF WATER AGREEMENT WITH THE VILLAGE OF BARKER**

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 that the contract with the Village of Barker for providing use of water equipment and services for repair of water lines for 2021 is approved.

RESOLUTION 16-2021

**ANNUAL APPOINTMENT OF ATTORNEY**

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

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

Resolved the Supervisor is authorized to execute an agreement with Seaman Norris LLP for 2021 pursuant to the parameters set forth in the budget.

RESOLUTION 17-2021

**ANNUAL APPOINTMENT OF ENGINEER**

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

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

Resolved the Supervisor is authorized to execute an agreement with Wendel for 2021 pursuant to the parameters set forth in the budget.

RESOLUTION 18-2021

**ASSESSOR CLERK**

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

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

Assessor Clerk shall be Ruth Wendler.

RESOLUTION 19-2021

**JUSTICE COURT CLERK**

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

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

Justice Court Clerk shall be Janice Rider.

RESOLUTION 20-2021

**AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.**

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 Superintendents of Departments are authorized to purchase stone, gravel, asphalt, gasoline, tires, etc., at state and county prices.

RESOLUTION 21-2021

**AUTHORIZE PURCHASES UP TO \$3,000.00**

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

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

Resolved that the department heads are authorized to purchase up to \$3000.00 per item without prior Town Board approval.

RESOLUTION 22-2021

**AUTHORIZE TO PRE-PAY ITEMS**

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



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

Resolved that the Supervisor is authorized to prepay utility bills, contracts and postage.

RESOLUTION 23-2021

**AGREEMENT TO SPEND HIGHWAY FUNDS**

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 pursuant to the provisions of Section 284 of the Highway Law, monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, \$247,500.00 shall be expended for the general repairs upon 33.42 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 24-2021

**APPROVAL OF INVESTMENT POLICY**

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 upon review by the Town Board, the investment policy of the Town of Somerset is approved.

RESOLUTION 25-2021

**APPROVAL OF PROCUREMENT POLICY**

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 upon review by the Town Board, the procurement policy of the Town of Somerset is approved.

RESOLUTION 26-2021

**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:

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General Fund	No. 1 through No. 19	\$ 68,432.48
Highway Fund	No. 1 through No. 7	\$ 12,078.36
Sewer Fund	No. 1 through No. 5	\$ 1,401.42
Water Fund	No. 1 through No. 3	\$ 55,617.60

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

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Tracy L. Carmer, RMC  
Town Clerk