

TOWN BOARD REGULAR MEETING
September 8, 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 8th day of September 2021.

Present: Jeffrey M. Dewart----- Supervisor
 Robin R. Jansen ----- Councilwoman
 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
 David Haylett----- Attorney
 Brian Sibiga ----- Engineer

Absent: Fred Leuer ----- Councilman
 Michael M. Flint ----- Supt. of Highways

Audience: 2 residents

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

RESOLUTION 101-2021

APPROVAL OF THE MINUTES

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

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

Resolved the minutes of the previous meeting on August 11, 2021 are accepted as submitted.

RESOLUTION 102-2021

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

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

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

Attorney Haylett stated that we entered into a contract with Neal and Fay Gordon to acquire 25.49 acres of land directly south of our park and the deed has been recorded. He suggested that we have a resolution to approve the payment to purchase the Right of Way for the property.

TOWN BOARD MEETING
SEPTEMBER 8, 2021 PAGE 2

RESOLUTION 103-2021
PROPERTY PURCHASE

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

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

RESOLVED, that the Town Board of the Town of Somerset hereby authorizes the Town Supervisor to pay to Neal & Fay Gordon \$2,000.00 for the purchase of the right of way associated with the 25.49 acres of vacant land (sbl # 18.00-1-8.1) donated by the Gordons located adjacent to and directly south of the Somerset Town Park.

Engineer Sibiga stated that the SPDES permit is due September 30, 2021 and he will have it to Superintendent Dewart one week prior to that for review.

Attorney Haylett asked what the penalties would be if we didn't submit it.

Engineer Sibiga said that statutorily it is \$30,000 per day and the Supervisor could face jail time. He said that it is usually negotiated to less than that.

RESOLUTION 104-2021
RETAIN WENDEL FOR SPDES PERMIT

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

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

WHEREAS, the Town is required to provide additional information for the Wastewater Treatment Plant per the NYSDEC SPDES Environmental Benefit Permit Strategy by September 30, 2021; and

WHEREAS, Wendel has submitted a proposal dated September 3, 2021 to assist the Town in completing the required documentation to be sent to the NYS DEC in the amount of \$3,500.00; 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 assist the Town with in providing the additional information as required by the NYSDEC SPDES Environmental Permit and completing the additional forms at a cost not to exceed \$3,500.00; and be it further

TOWN BOARD MEETING
SEPTEMBER 8, 2021 PAGE 3

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 105-2021

TIRE DROPOFF

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

ADOPTED: Ayes 4 Dewart, Jansen, Hotaling, Damon
 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 passenger and light commercial truck tires was received from Modern Disposal at the set rate of \$110 per ton and \$875.00 per load pick up; and

WHEREAS, the lowest responsible quote for recycling agriculture/oversize tires was received from Geiter Done of WNY, Inc. in the amount of \$265 per ton.

NOW THEREFORE, BE IT RESOLVED, that the tire recycling agreement for passenger and light commercial truck tires be awarded to Modern Disposal at the set rate of \$110/ton and \$875.00 per load; and be it further

RESOLVED, that the tire recycling agreement for large tires be awarded to Geiter Done of WNY, Inc. at the set rate of \$265/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.

RESOLUTION 106-2021

TEMPORARY COURT CLERK

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

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

RESOLVED, that Trinity Milliman is hereby appointed as the temporary Court Clerk commencing in October 2021 until such time as the Town of Somerset Court Clerk can return to duty, not to exceed one year.

RESOLUTION 107-2021

SURPLUS COURT EQUIPMENT

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

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

RESOLVED, that the Town Board of the Town of Somerset hereby declares the brown swivel chair located in the Town Justice Court office as surplus property; and be it further

RESOLVED, the Town Clerk is authorized and directed to arrange a bid auction for the purposes of selling the brown swivel chair to the highest bidder; and be it further

RESOLVED, the Town Supervisor is authorized to execute any documents to the highest bidder; and be it further

RESOLVED, the Town Supervisor is authorized to donate or otherwise dispose of the above listed surplus property if no bids are received.

RESOLUTION 108-2021

AUDIT OF CLAIMS

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

ADOPTED: Ayes 4 Dewart, Jansen, Hotaling, Damon
 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. 286 through No. 323	\$ 48,861.39
Highway Fund	No. 81 through No. 91	\$ 5,751.28
Sewer Fund	No. 95 through No. 104	\$ 3,449.69
Water Fund	No. 70 through No. 77	\$ 2,215.49

SUPERVISOR UPDATES

Supervisor Dewart advised that:

- We have implemented the requirement to wear masks in the Town Hall again based on the State's recommendation due to Covid-19. There is a possibility that we will have to lock the doors and hold Zoom meetings again, but he hopes not.
- The Town has received \$104,000 from CARES money

TOWN BOARD MEETING
SEPTEMBER 8, 2021 PAGE 5

- Councilwoman Damon and Councilman Hotaling are appointed to a committee for the Bio Digester study. He will be in contact with John Riggi for all of the particulars. If farmers are not interested it will probably not happen.
- Budget papers are out.
- The SRO contract with the school has been signed.
- The Board will be meeting with the Village Board on Monday at 7:00PM at the Fire Hall. Niagara County Economic Development is meeting with every Town and Village and they would like to meet with us together.
- The Tire Drop Off will be taking place next week, Mon-Fri 7AM-3PM, and Saturday 9AM-Noon.
- The Cintas bills have been straightened out. Credits have been issued.

PRIVILEGE OF THE FLOOR

Jim Hoffman said that GM Chevy Volts have been recalled. They have lithium ion batteries and they catch fire. Owners are being instructed to not fully charge them and set them away from their house. He said we have to recognize this fact when writing our battery storage law.

Engineer Sibiga said that we have not heard anything about the BridgeNY grant, but plans to hear in October.

On a motion of Councilwoman Damon, seconded by Councilman Hotaling, the meeting adjourned at 6:18P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk

Breakdown	Total
...	...

(716)220-9741

(716)433-9294

\$400/Ton for tires larger than tractor trailer tires

\$150 x 24 ton		\$3,600.00
\$400 x 8.37 ton large tires		\$3,348.00
	Total	\$6,948.00

(716)622-0210

\$875 x 1 load		\$875.00
\$110 x 24 ton		\$2,640.00
	Total	\$3,515.00

(716)895-8121

\$175 x 24 ton		\$4,200.00
\$265 x 8.37 ton large tires		\$2,218.05
	Total	\$6,418.05

\$550 x 1 load		\$550.00
\$175 x 24		\$4,200.00
\$265 x 8.37		\$2,218.05
	Total	\$6,968.05