

REGULAR MEETING  
JUNE 14, 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 14<sup>th</sup> day of June 2023.

Present:      Jeffrey M. Dewart----- Supervisor  
                 Robin R. Jansen ----- Councilwoman  
                 Jon Hotaling ----- Councilman  
                 Gail Damon ----- Councilwoman  
                 Fred Leuer ----- Councilman  
                 Michael M. Flint ----- Supt. of Highways  
                 Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds  
                 Mindy Austin ----- Confidential Asst. to the Supervisor  
                 Brian Sibiga ----- Engineer  
                 David Haylett----- Attorney  
                 Stephanie Stoloski ----- Deputy Town Clerk

Absent:        Tracy L. Carmer----- Town Clerk

Audience:    5 Residents

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

RESOLUTION 62-2023

**APPROVAL OF THE MINUTES**

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 the minutes of the previous meeting on May 10, 2023 are accepted as submitted.

RESOLUTION 63-2023

**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 May 2023 is accepted as submitted.

MONTHLY REPORTS RECEIVED

Supervisor's Monthly Report  
Police  
Code Enforcement

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COMMUNICATIONS: A Thank you letter from Herbert Carr was read by Councilman Hotaling. It thanked the board and the town for the Memorial Day service that was held on May 29, 2023 at the Town Hall grounds.

SUPERVISOR UPDATES:

A draft of the noise study done by Lake Mariner Data has been completed. He is waiting on a final copy. When that is complete the study will be shared.

Supervisor Dewart, the town attorney and the town engineer have entered into a non-disclosure agreement to get access to the redacted information from OARS.

A petition for health insurance rate increases has been proposed at a 22% increase for next year. This is not final as of the meeting.

Three historical signs have been removed and are under repairs and will be repainted prior to them being re-installed. This work is being done by the Water/Sewer Department.

This year's Tire Drop Off will be September 11, 2023 to September 16. The hours will be Monday to Friday 7am to 3:30pm and Saturday from 9am to 12pm. Councilman Leuer suggested that the event be moved to spring in 2024 stating that the tires wouldn't sit around all summer and cause an eyesore and/or harbor mosquitos. Superintendent Dewart did not have a confirmed price as of the meeting but suggested that it would be about the same as last year based on the amount that was collected last year. He will have a confirmed price at the next meeting.

The Intervener Funds for OARS is \$93,750.00. This will fund the Engineer and the Attorney that will work on the Solar Application.

The FAA has given the approval for a fly over during the Bicentennial Parade. He has been working to complete the paperwork but has had a non-functioning email address so he will work to get that corrected.

Supervisor Dewart announced the retirement of Superintendent Jon Dewart from the Water/Sewer Department effective July 21, 2023. He announced that Jesse Green has been hired for the position effective July 22, 2023.

RESOLUTION 64-2023

**SUPERINTENDENT OF WATER/SEWER/GROUNDS**

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

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

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Resolved, Jesse Green be hired to the position of Superintendent of Water/Sewer/Grounds effective July 22, 2023.

RESOLUTION 65-2023

**AUDIT OF CLAIMS**

On a motion of Councilman Leuer, seconded by Councilman Hotaling, 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. 180 through No. 212	\$ 124,740.76
Highway Fund	No. 51 through No. 64	\$ 145,141.97
Sewer Fund	No. 80 through No. 91	\$ 13,450.25
Water Fund	No. 53 through No. 63	\$ 5,115.88

ENGINEER UPDATES:

A grant is being pursued. It is a CFA/Planning Grant to upgrade the Sewer Plant and existing pump stations. The plant is looking at ideas to upgrade the system and one suggestion is to move to a UV Disinfection system. The pump stations are aging and will need some upgrades in the future. This process will give an extensive report on the condition of existing systems and the cost for future repairs. The grant should cover 83% of the cost, which is estimated to be approximately \$35K to \$40K.

RESOLUTION 66-2023

**GRANT FOR SEWER**

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, Wendel is hereby authorized to apply for the Engineering Planning Grant as part of the CFA at no additional cost to the Town.

Engineer Sibiga spoke on the Bridge Grant. He said that it is progressing to the next stage but slowly. Superintendent Flint remarked that the bridge/culvert on Bateman Rd has been red flagged. He continues to answer the questions on the condition as he is prompted. Sibiga projected that at this pace the project completion would be in 2025. The Grant would cover 95% of the cost.

### **PRIVILEGE OF THE FLOOR**

BETTY WOLANYK stated that since the last meeting she heard a noise that she thought was her sump pump in her basement. When she went to check she realized that it was noise from Lake Mariner Data. This time was around 3AM and she also heard it another time around the same time a few days ago. She lives two miles from the Data Center. She commented that she can't imagine how it is ok to disrupt people's sleep. She also asked the town to adhere to the resolution that was passed in April on renewable energy transparency. To meet the essence of the resolution, she asked that the town not sign anything that could hide facts from the residents of Somerset including a gag order.

JIM HOFFMAN thanked Superintendent Dewart for his years of service.

Jim completed an initial review of the documentation submitted by AES that is currently on file in the Town Hall and submitted the overview comment.

- Development is being proposed on both sides of Rte. 18. Numerous violations of the Somerset Town code are therefore involved, and an existing buffer zone is being destroyed.
- The existing closed landfills within the footprint of the coal fired powerplant on the north side of Rte. 18 will not be used for the installation of solar panels. Why is this so? New York State is promoting solar installations on closed landfills. Solar panels have been and are being installed on closed land fill sites, currently in the Town of Niagara among others. This is a significant oversight and should be the basis for rejecting the AES application.

Consolidating all activity on the north side of Route 18 will result in a more compact installation and will thus eliminate the need for certain access roads, road crossings and forest and brush clearing and preserve an existing buffer.

Further it will be consistent with one of the major long term main objectives of the Somerset Comprehensive Plan which is to "preserve the rural character of our Town."

JOHN WOLANYK asked if the park (AES Site) is considered a brownfield. Supervisor Dewart replied that some of it is. Wolanyk pointed out that access has been taken away from Hosmer Rd and on a map, it shows access. He requested that the redacted information on the Solar application be revealed as it is our tax dollars involved. He is not happy with the state taking away our rights. He suggested that the Board meeting be put back to a 7pm start time to make it easier for residents to attend the meetings, specifically the farmers. He stated that he thinks that there should be an open forum meeting with all parties involved in the Solar project. He wants everyone to be able to ask questions and receive answers. He also inquired about filing a FOIL request to get the information that is redacted. Supervisor Dewart replied that the only ones that will be able to see the redacted information will be the attorney, the engineer and himself and they risk being sued if they share any of that information. Wolanyk replied that he doesn't think only three people should bear the burden. He feels there is no reason for that and feels that it is illegal. His opinion is also that the town should give the park back to the plant and thinks it is more money to maintain than it is worth. He tried to procure some of the used railroad ties from

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the company that held the removal contract with no avail. He stated there is a pile of used ties on Hosmer Road near the old tracks that should be removed because they are toxic.

RESOLUTION 67-2023

**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 enter into Executive Session at 6:44PM to discuss a personnel matter.

RESOLUTION 68-2023

**EXIT EXECUTIVE SESSION**

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

Resolved to exit Executive Session at 7:12PM.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 7:13 P.M. subject to the Call of the Clerk. Carried unanimously.

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Stephanie Stoloski  
Deputy Town Clerk