

TOWN BOARD SPECIAL MEETING  
JANUARY 7, 2020

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 7<sup>th</sup> day of January 2020.

Present: Daniel M. Engert ----- 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  
Michael M. Flint ----- Supt. of Highways  
David Haylett----- Attorney  
Brian Sibiga ----- Engineer

Absent: None

Attended by: approximately 40 residents

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

RESOLUTION 1-2020

**APPROVAL OF THE MINUTES**

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

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

Resolved the minutes of the previous meeting on December 11, 2019 are accepted as submitted.

RESOLUTION 2-2020

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT**

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

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

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

ANNUAL REPORT RECEIVED AND FILED

Barker Fire Department

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 read a resignation letter of Councilman Jeffrey Dewart received January 7, 2020 at 10:25AM.

RESOLUTION 3-2020

**ANNUAL AUDIT OF DEPARTMENTS**

Supervisor Engert confirmed that the Audit Committee consisting of Councilman Jeffrey Dewart and Councilwoman Damon reviewed dog licensing, hunting licensing, water bill collection, building permit fees and passport fees in the Town Clerk's office; four month audit of checks paid to invoices in the Supervisor's office; Justice's fines and bail; and Tax Collection. The Audit Committee found everything to be in order.

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

**WHEREAS**, The Audit Committee conducted its annual audit of the Justice Court on Saturday, January 4, 2020, and the Town Clerk, Tax Collector and Supervisor on Monday, January 6, 2020 and

**WHEREAS**, the criminal and civil dockets of the Town Justice for 2019 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 2019 having been duly examined and turned over to the proper officials, and

**WHEREAS**, the records of the Tax Collector for 2019 having been duly examined and turned over to the proper officials, and

**WHEREAS**, the records of the Supervisor for 2019 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 2019 that the aforementioned departments have properly managed those monies that fall within their purview.

RESOLUTION 4-2020

**EXTENSION OF GASOLINE CONTRACT WITH DRUM OIL**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved to extend the contract with Drum Oil & Propane for another year.

RESOLUTION 5-2020

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

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
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 6-2020

**BARKER FIRE DEPARTMENT MEMBER APPLICATIONS**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved that the membership applications of Brandon Michael Dent and Dyllyn Marie Dent be accepted and added to the roll.

RESOLUTION 7-2020

**UTILITY VEHICLE PURCHASE**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

**WHEREAS**, the Town of Somerset Water Department desires to purchase a new diesel-powered utility vehicle for use in the Water, Sewer, and Grounds Department; and

**WHEREAS**, the estimated purchase price of a new Utility Vehicle was greater than \$5,000.00 but less than \$20,000.00; and

**WHEREAS**, the Superintendent of the Water/Sewer/Grounds Department received three (3) written quotes for the diesel-powered utility vehicle; and

**WHEREAS**, the lowest written quote was submitted by LandPro Equipment LLC in the amount of \$12,352.26.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Somerset Superintendent of Water/Sewer/grounds is hereby authorized to purchase a John Deere HPX815E utility vehicle in the amount of \$12,352.26 as provided for in the written quote dated December 10, 2019 from LandPro Equipment LLC and said expenditure shall be taken from the 2020 budget; and be it further

**RESOLVED**, that the Town Supervisor and Superintendent of Water/Sewer/Grounds are 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 8-2020

**PHASE 3 SEWER REPAIR**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

**WHEREAS**, Wendel solicited written proposals to complete the grouting of 3 each sanitary sewer laterals, and 7 each removal of mineral deposits and grouting of joints along Quaker Road in the Town of Somerset; and

**WHEREAS**, the Town received two written proposals from two different contractors; and

**WHEREAS**, the lowest responsible proposal was submitted by United Survey, Inc. in the amount of \$10,955.00; and

**WHEREAS**, the proposal by United Survey has been deemed to be a responsible proposal.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby approves the proposal from United Survey, Inc. to complete the grouting of 3 each sanitary sewer laterals, and 7 each removal of mineral deposits and grouting of joints along Quaker Road in the amount of \$10,955.00 and authorizes the Town Supervisor to execute the same.

RESOLUTION 9-2020

**ANNUAL APPOINTMENTS**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

DOG CONTROL OFFICER shall be Mark Remington

DEPUTY DOG CONTROL OFFICER shall be Daniel Greenwald

SENIOR CITIZEN DIRECTOR shall be Tonya Velia

PLANNING BOARD CHAIRMAN shall be Norm Jansen

ZONING BOARD MEMBER Scott Ecker is appointed for a 5 year term

ZONING BOARD CHAIRMAN shall be Scott Ecker

PLANNING BOARD MEMBER Charles Neal is appointed for a 5 year term

PLANNING BOARD MEMBER Laura Bishop is appointed for a 2 year term (to get members on alternate years)

ZONING BOARD SECRETARY shall be Melinda Austin

PLANNING BOARD SECRETARY shall be Melinda Austin

### **SUPERVISOR'S APPOINTMENTS**

Supervisor Engert made the following appointments:

CONFIDENTIAL ASSISTANT TO THE SUPERVISOR – Melinda Austin

DEPUTY SUPERVISOR – Robin Jansen

HISTORIAN – Peter Devereaux

Supervisor Engert deferred making the committee appointments until the February Town Board meeting.

### **RESOLUTION 10-2020**

#### **OFFICIAL DEPOSITORIES**

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

ADOPTED   Ayes   4           Engert, Jansen, Hotaling, Damon  
              Nays   0

OFFICIAL DEPOSITORIES for accounts and investments shall be:

Evans Bank, Lockport, NY

M & T Bank, Lockport, NY

Chase Bank, New York, NY

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RESOLUTION 11-2020

**AUTHORIZED SIGNATURES**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

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

RESOLUTION 12-2020

**OFFICIAL MILEAGE**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

OFFICIAL MILEAGE shall be based on the IRS rate with the rate for 2020 being \$0.575 cents per mile

RESOLUTION 13-2020

**OFFICIAL PUBLICATION**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

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

RESOLUTION 14-2020

**SCHOOLING FOR TOWN OFFICIALS**

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

ADOPTED: Ayes 4 Engert, Jansen, Hotaling, Damon  
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 15-2020

**APPROVAL OF HISTORICAL SOCIETY CONTRACT**

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

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ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved that the contract with the Town of Somerset Historical Society for \$7,752.00 for 2020 is approved.

RESOLUTION 16-2020

**APPROVAL OF SENIOR CITIZENS CONTRACT**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved that the contract with the Town of Somerset Senior Citizens for \$7,500.00 for 2020 is approved.

RESOLUTION 17-2020

**APPROVAL OF SOMERSET YOUTH BASEBALL CONTRACT**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved that the contract with Somerset Youth Baseball for \$6,200.00 for 2020 is approved.

RESOLUTION 18-2020

**APPROVAL OF AMERICAN LEGION CONTRACT**

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

ADOPTED Ayes 3 Engert, Jansen, Damon  
Nays 0  
Abstain 1 Hotaling

Resolved that the contract with the American Legion for \$1,400.00 for 2020 is approved.

RESOLUTION 19-2020

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

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved that the contract with the Village of Barker for providing use of highway equipment and services for 2020 is approved.

RESOLUTION 20-2020

**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 4 Engert, Jansen, Hotaling, Damon  
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 2020 is approved.

RESOLUTION 21-2020

**ANNUAL APPOINTMENT OF ENGINEER**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved the Supervisor is authorized to execute an agreement with Wendel for 2020 pursuant to the parameters set forth in the budget.

RESOLUTION 22-2020

**ANNUAL APPOINTMENT OF ATTORNEY**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved the Supervisor is authorized to execute an agreement with Seaman Norris LLP for 2020 pursuant to the parameters set forth in the budget.

RESOLUTION 23-2020

**APPROVAL OF KENNEL CONTRACT**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved that the contract with Fort Hyde Kennels for 2020 is approved pursuant to the parameters set forth in the budget.

RESOLUTION 24-2020

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

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

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



RESOLUTION 25-2020

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

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

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

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

RESOLUTION 26-2020

**AUTHORIZE TO PRE-PAY ITEMS**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

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

RESOLUTION 27-2020

**AGREEMENT TO SPEND HIGHWAY FUNDS**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
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, \$282,950.00 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 28-2020

**APPROVAL OF INVESTMENT AND PROCUREMENT POLICIES**

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

ADOPTED Ayes 4 Engert, Jansen, Hotaling, Damon  
Nays 0

Resolved that upon review by the Town Board, the investment policy and procurement policy of the Town of Somerset are approved.

SUPERVISOR RESIGNATION

Supervisor Engert talked about his 8 years as Town of Somerset Supervisor and highlighted many of the accomplishments that have occurred during that time, and he mentioned many of the employees with whom he worked. He thanked the community and then read a letter of resignation which he submitted to the Town Clerk at 6:35PM.

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At 6:36PM Deputy Supervisor Jansen took over the meeting.

RESOLUTION 29-2020

**SUPERVISOR APPOINTMENT**

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

ADOPTED by Roll Call Vote	Councilwoman Jansen	Aye
	Councilman Hotaling	Aye
	Councilwoman Damon	Aye

Resolved that Jeffrey M. Dewart is hereby appointed Supervisor of the Town of Somerset to fill the vacancy created by the resignation of Daniel M. Engert.

Jeffrey M. Dewart was sworn in as Supervisor of the Town of Somerset and his oath and Official Undertaking were recorded by the Town Clerk at 6:40PM.

RESOLUTION 30-2020

**CONSULTING SERVICES**

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

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

**WHEREAS**, Daniel Engert served as Somerset Town Supervisor for 8 years and has special knowledge of Town Board finances, practices, and activities; and

**WHEREAS**, the Town is in need of expertise and advice in several aspects of the Town, including budget management and grant services; and

**WHEREAS**, the current Town Supervisor has agreed to forego ½ of his salary in an amount of \$9,097.00 to pay for the services of a consultant to the Town Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Supervisor is authorized to enter into an agreement with Daniel M. Engert to provide budget management and grant acquisition services to the Town of Somerset as an independent contractor; and be it further

**RESOLVED**, that said agreement shall be for a period of one year effective January 8, 2020 to December 31, 2020 and shall not exceed \$9,097.00.

RESOLUTION 31-2020

**OPPOSITION TO LIGHTHOUSE WIND**

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

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

**WHEREAS**, Apex Clean Energy began the siting process for a 201 MW wind energy project titled the Lighthouse Wind farm in 2014; and

**WHEREAS**, as a result of the proposed project, many town residents have attended monthly board meetings and public information sessions and contacted Town Board members by various means of communication to express concerns, opinions and frustrations about the potential Industrial Wind Project within our community; and

**WHEREAS**, public input at numerous Town Board meetings over the last five years has indicated that residents are opposed the siting of massive industrial projects such as Lighthouse Wind in areas where there is little public support and a clear mismatch between the development goals of the town and profit motives of the wind energy companies; and

**WHEREAS**, the Town Board enacted numerous amendments to the Town of Somerset Zoning ordinance designed to better protect the health, safety and welfare of the citizens of the Town of Somerset and also to ensure that local land use laws will more faithfully uphold the development goals and objectives set forth in the Town of Somerset Comprehensive Plan; and

**WHEREAS**, previous Town of Somerset Town Board's have expressed their opposition to the proposed Lighthouse Wind project; and

**WHEREAS**, this Town Board desires to express its continued opposition to the proposed project.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby opposes the application of Lighthouse Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 201 MW Wind Energy Facility; and be it further

**RESOLVED**, that the Town Board of the Town of Somerset calls upon Apex Clean Energy to withdraw its application with the New York State Board on Electric General Siting and the Environment to site industrial wind turbines in the Town of Somerset

RESOLUTION 32-2020  
**AUDIT OF CLAIMS**

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On a motion of Councilman Hotaling, 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. 1 through No. 19	\$ 59,096.80
Highway Fund	No. 1 through No. 2	\$ 6,837.17
Sewer Fund	No. 1 through No. 5	\$ 3,186.67
Water Fund	No. 1 through No. 4	\$ 46,656.16

PRIVILEGE OF THE FLOOR

Cathi Orr said that she has been living in Somerset since 2014 and she appreciates Dan's sincerity. She feels that Dan has gone above and beyond and is glad he is remaining on as a consultant.

Jim Hoffman thanked Dan and wished him well. He said that Dan is leaving the Town in a good place and he will be missed.

Pam Atwater congratulated Supervisor Dewart and thanked the board. She thanked Dan for being a tireless warrior and said she appreciates his family's sacrifice. She stated that Dan has gotten us national attention and read part of an article "Where the Bully Winds Blow."

Marcia Ray said that the Town is strong and successful because of the people who serve. She thanked the board and said Somerset is a very special place to live.

Agnes LaPorte stated that Randy Wayner encouraged her to attend meetings and said it was enlightening to see such professionalism.

Betty Wolanyk congratulated Supervisor Dewart and thanked Dan and his family for their support.

Norm Jansen thanked Dan.

Supervisor Dewart presented a proclamation to former Supervisor Engert.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 7:00P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk