

TOWN BOARD SPECIAL MEETING  
FEBRUARY 12, 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 12<sup>th</sup> day of February 2020.

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  
               Michael M. Flint ----- Supt. of Highways  
               Dan Seaman----- Attorney  
               Brian Sibiga ----- Engineer

Absent:        None

Attended by: approximately 15 residents and students

Supervisor Dewart called the meeting to order at 6:00PM with the Pledge to the Flag.

RESOLUTION 33-2020

**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 January 7, 2020 are accepted as submitted.

RESOLUTION 34-2020

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

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

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

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

ANNUAL REPORT RECEIVED AND FILED

Town Clerk  
Fort Hyde Kennels  
Barker Senior Citizens  
Somerset Youth Baseball

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COMMUNICATIONS

Clerk Carmer read a letter submitted by former Councilwoman Bronson letting the board know that she is continuing to fight for our town. She wrote a seven page letter to two Senators who are about to conduct a survey as to why residents are leaving New York and had a conversation with the aide to one of the Senators. He advised that she may be invited to testify if there are hearings.

SUPERVISOR APPOINTMENTS

AUDIT COMMITTEE – Councilwoman Damon, Councilman Hotaling

PLANNING/ZONING ADVISORY COMMITTEE - Councilman Hotaling, Councilwoman Damon

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

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

DRAINAGE – Supervisor Dewart, Councilman Hotaling, Superintendent Flint

SENIOR CITIZEN'S ADVISORY COMMITTEE – Councilwoman Damon

PUBLIC SAFETY ADVISORY COMMITTEE – Supervisor Dewart, Councilwoman Jansen

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

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

RESOLUTION 35-2020

**ANNUAL APPOINTMENTS**

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

ADOPTED Ayes 4 Dewart, Jansen, Hotaling, Damon  
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.

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

CREW LEADER for the Highway Department shall be Jeff Reeson

ZONING BOARD SECRETARY shall be Sandra Lewis

PLANNING BOARD SECRETARY shall be Sandra Lewis

RESOLUTION 36-2020

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

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

RESOLUTION 37-2020

**ASSESSOR CLERK**

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

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

Assessor Clerk shall be Ruth Wendler effective March 1, 2020.

RESOLUTION 38-2020

**SUPPORT AMENDMENT OF THE REAL PROPERTY TAX LAW**

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 current STAR real property tax savings may be less than the amount of the STAR real property tax savings from the prior year and has no floor values, and

**WHEREAS**, the New York State Legislature is considering legislation amending Subparagraph (i) of Paragraph (a) of Subdivision 2 of Section 1306-a of the Real Property Tax Law, as amended by Section 1 of Part LL of Chapter 59 of the Laws of 2019 to add language in relation to providing that the amount of a STAR real property tax savings may not be less than the amount of the STAR real property tax savings from the previous year, which will create a floor for the STAR program, and

**WHEREAS**, the establishment of such legislation would create a floor that protects low income individuals and those on fixed incomes to ensure they receive, at a minimum, the same STAR real property tax savings in the following year, and

**WHEREAS**, the New York State Assessor's Association supports this Bill,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Somerset that

the Real Property Tax Law be amended to provide that the amount of a STAR real property tax savings not be less than the amount of the STAR real property tax savings from the prior year and hereby supports the New York State Bill, and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby authorized to forward a copy of said resolution to the following persons:

- Governor Andrew Cuomo
- Assemblyman Michael Norris
- Senator Robert Ort

RESOLUTION 39-2020

**LEAD AGENCY DESIGNATION REDI PROJECT #19**

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 of Somerset Multiuse Site (MUS) shoreline has experienced erosion and bank instability as a result of Lake Ontario's extreme high water levels; and

**WHEREAS**, the Somerset Power Plant is scheduled to be decommissioned in 2020; and

**WHEREAS**, the multiuse site was identified as a potential recreational and aesthetic resource for Town residents and visitors when the Somerset Power Plant began operation in 1984, for which an Environmental Impact Statement (EIS) was completed; and

**WHEREAS**, the multiuse site was further identified as a potential recreational and aesthetic resource for Town residents and visitors when the Local Waterfront Revitalization Plan (LWRP) was adopted in 2005 and when the Comprehensive Plan was adopted in 2012; and

**WHEREAS**, the Town seeks to mitigate further erosion to the multiuse site shoreline by regrading it to a more gradual slope and reinforcing it with native vegetation; and

**WHEREAS**, the Town sees to further protect the shoreline with bio-engineered coir logs, coir matting, and root wads, all of which will provide structural support to the shoreline and will shield it from wave action; and

**WHEREAS**, the Town of Somerset desires to serve as the SEQR Lead Agency for the proposed shoreline protection project.

**NOW, THEREFORE, BE IT RESOLVED** that the Somerset Town Board, in accordance

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with the New York State Quality Review Act (SEQRA), hereby authorizes the Town Engineer to complete an Environmental Assessment Form (EAF) Part 1 and initiate a Coordinated Review to establish the Town Board as Lead Agency for the proposed project and to prepare a mailing to identified involved and interested agencies in order to receive comment on the Lead Agency Designation and the proposed project.

RESOLUTION 40-2020  
**USED POLICE CAR RFP**

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

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

**WHEREAS**, the Town desires to purchase one used car for the Town of Somerset Police Department, and

**WHEREAS**, the estimated purchase price of one used police vehicle is greater than \$5,000 but less than \$20,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Somerset hereby authorizes the Police Chief to prepare and issue a written Request for Proposal for purchase of one used police vehicle.

RESOLUTION 41-2020  
**REDI GRANT**

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

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

Resolved to accept the proposal from our Town Engineer to provide professional services for the Redi Project on the Multiple Use Site for \$20,000, of which the Town is responsible for 5% and the grant covers the remaining 95%.

RESOLUTION 42-2020  
**AUDIT OF CLAIMS**

On a motion of Councilwoman Damon, seconded by Councilwoman Jansen, 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:

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General Fund	No. 20 through No. 73	\$ 355,735.62
Highway Fund	No. 3 through No. 15	\$ 35,585.23
Sewer Fund	No. 6 through No. 18	\$ 5,114.71
Water Fund	No. 5 through No. 14	\$ 13,636.65

PRIVILEGE OF THE FLOOR

Betty Wolanyk discussed her research on solar and provided specifics on the Ridge View Solar project being proposed in Hartland. Solar panel issues include panel fires that can release toxic gases; potential battery storage fires and explosions; fire control response due to the project being fenced off and monitored from San Diego or by one employee who is supposed to be on duty; the need for a Haz-Mat team; subsurface drainage issues; replacing the batteries that cannot be recycled; and concern of the land falling under the auspices of the Department of Homeland Security with the possibility of it being claimed by the Department under Eminent Domain; the land could also be condemned and claimed by the corporation to have no value.

Norm Jansen stated that he used to work at a chemical plant that handled Hydrogen Sulfide and said that it is extremely deadly.

Jim Hoffman discussed an article where Governor Cuomo calls the goals in the current system of siting renewable energy “baloney” and criticizes Article 10 for taking too long for a project to begin. The Governor wants the State to acquire potential sites, permit the projects, and deliver shovel-ready sites to the developers. Jim then addressed the remaining Meteorological Tower permit that is up for renewal. He stated that it was supposed to be a temporary installation that has been up for 6 years now. He feels that the tower is a continued threat to wildlife, local aviation including aerial spraying in support of farming activity, and Mercy Flight operations. He went on to address a proposed communications tower at the Mayer Brothers site. He said that all towers have gone through the Planning Board for a Special Use Permit and this should be no exception. He likes that the design that will be used is a monopole which is much less dangerous to wildlife. He also stated that there is a parking and equipment storage issue regarding the new addition at Mayer Brothers as our zoning regulations do not allow outdoor storage in front or side yards. He hopes that what they are doing is temporary.

Agnes LaPorte talked about the destruction of her mailbox and thanked the Town of Somerset Highway Department and Police Department. She said that the Police Department located the suspect in about a week.

Cathi Orr just wanted to say that she wishes she could be a fly on the wall in a meeting of Governor Cuomo and President Trump.

Norm Jansen said that in his travels a few weeks ago it was snowing heavily and the roads were terrible until they got to the Town of Somerset.

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Supervisor Dewart stated that beginning next month we will move our Town Board meetings back to the front meeting room.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 6:32P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk