

TOWN BOARD REGULAR MEETING  
SEPTEMBER 9, 2020

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 9<sup>th</sup> day of September 2020.

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  
                 Michael M. Flint ----- Supt. of Highways  
                 Mindy Austin ----- Confidential Asst. to the Supervisor

Absent:        Brian Sibiga ----- Engineer

Attended by: 8 residents

Supervisor Dewart called the meeting to order at 6:02PM with the Pledge to the Flag and a prayer for guidance.

Dawn Timm, Environmental Coordinator for Niagara County, discussed the bids for a refuse contract that were received by the Consortium which consists of 4 towns and 2 villages. Waste Management and Modern Disposal are the only options and for labor reasons both are moving away from traditional refuse collection. Modern Disposal proposed \$206.59 and Waste Management proposed \$284.06. The new contract is a cart based program and residents are allowed one 96 gallon container which gets picked up weekly. There will be a dedicated week each month when residents are allowed to put out 3 large items. If a resident has too much garbage, they will have to set it aside for the following week or go to the Town Hall to purchase a tag that allows that bag to be picked up. A 2<sup>nd</sup> cart can be purchased but there will be an additional charge on the resident's tax bill. Dawn answered the following questions:

- how much garbage goes to the incinerator?
  - not too often for Somerset, only if Modern has an issue that day
- what is a large item?
  - home furnishings, 3 rolls of carpet 18" x 4', box spring and mattress set
- do residents get a refuse unit for their property with a barn on it?
  - that is dependent on whether the property is classified 120 and pays a refuse unit on their tax bill
- is the distribution of the carts included in the cost?
  - yes
- are tires and electronics included?
  - no, they are still disposed of through our special programs

Attorney Haylett stated that we need to act now because we need time to get the refuse carts produced and distributed prior to the contract commencing on January 1<sup>st</sup>.

RESOLUTION 95-2020

**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 meetings on August 12, 2020 and August 24, 2020 are accepted as submitted.

RESOLUTION 96-2020

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

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

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

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

RESOLUTION 97-2020

**REFUSE BID**

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

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

**WHEREAS**, the Town in cooperation with the Towns of Pendleton, Cambria, and Newfane and the Villages of Barker and Middleport put out for bid refuse and recycling services for a period of 6 years commencing January 1, 2021 with renewal for up to two additional three-year periods; and

**WHEREAS**, Modern Disposal Services, Inc. was the lowest responsible bidder of the two bids received; now, therefore, be it resolved,

**RESOLVED** that the Town awards Modern Disposal Services, Inc. the Refuse, Waste Collection and Disposal and Recyclables Collection, Processing and Marketing bid, Option 3, for a period of 6 years commencing Friday, January 1, 2021 with renewal for up to two additional three-year periods; and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to execute a contract and other supporting documents necessary to effectuate this award.

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Attorney Haylett stated that the contract is for \$206.59 the first year with annual increases of the Consumer Price Index for water/sewer/trash collection or 3.5%, whichever is lower.

RESOLUTION 98-2020

**REFUSE CART PURCHASE**

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

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

**Whereas**, the Town of Somerset has approved a contract for waste collection services with Modern Disposal which provided that the Town would purchase 95/96 gallon garbage containers to be distributed to town residents at a cost not to exceed \$52.00 per tote; and

**Whereas**, the Town wishes to minimize expense related to the cost of waste removal for its residents; and

**Whereas**, the Town has identified a 95/96 gallon garbage container manufactured by Cascade Cart Solutions by the State of Massachusetts through a competitive bidding process satisfying the requirements of New York General Municipal Law 103;

**Now, Therefore, Be It Resolved**, that the Town of Somerset purchase up to 1,100 – 95 gallon garbage containers from Cascade Cart Solutions at a cost not to exceed \$52.00 per container and not to exceed \$57,200.00 total.

RESOLUTION 99-2020

**POLICE CAR PURCHASE**

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

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

**Be It Resolved**, that the Town Board of the Town of Somerset hereby authorizes the Town Supervisor and Town Police Chief to purchase a used 2012 Dodge Charger, VIN #: 2C3CDXAG6CH280114 with 73,525 miles at a cost not to exceed \$10,600.00 with delivery charges from Southern Trust Auto Group.

Attorney Haylett stated that solicitations were sent last week. Chief Miller found others online and they will be filed to fulfill the procurement requirement.

Chief Miller stated that having a second car is a necessity for the contract with the school.

RESOLUTION 100-2020

**HEATING AND A/C UNIT AT THE WASTEWATER TREATMENT PLANT**

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

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

**Whereas**, the rooftop heating and air conditioning unit at the Town of Somerset Wastewater Treatment Plant is in disrepair and in need of replacement; and

**Whereas**, the estimated cost to purchase and install a new unit is between \$10,000 and \$15,000.

**Now, Therefore, Be It Resolved**, that the Superintendent of Water and Sewer is hereby authorized to seek proposals for the removal and replacement of the existing Carrier high efficiency rooftop heating and cooling unit; and be it further

**Resolved**, that said proposals shall be due to the Town of Somerset no later than Monday, October 5, 2020 at 3:30 p.m.

Superintendent Dewart said that the current unit is 27 years old and Drum Oil said we can no longer "milk it along". He stated that his influent project came in under budget so the extra can be used to make the purchase this year.

Councilwoman Damon stated that this will be a lot more efficient than what we have now.

Councilwoman Jansen pointed out that this will eliminate current repair costs.

Councilman Leuer thanked Superintendent Dewart for being diligent.

RESOLUTION 101-2020

**BOARD OF ASSESSMENT REVIEW APPOINTMENT**

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 Robert Frost is hereby re-appointed to a 5 year term on the Town of Somerset Board of Assessment Review, expiring 9/30/2025.

RESOLUTION 102-2020

**AUDIT OF CLAIMS**

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

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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. 274 through No. 303	\$ 50,771.41
Highway Fund	No. 79 through No. 89	\$ 42,823.11
Sewer Fund	No. 84 through No. 97	\$ 25,167.01
Water Fund	No. 69 through No. 74	\$ 11,317.42

PRIVILEGE OF THE FLOOR

Jon Hotaling stated that the American Legion will be hanging flags honoring veterans throughout the community and residents can sponsor a flag. The cost is approximately \$200 per flag and the planning is in the beginning stages.

Jim Hoffman talked about the solar committee meeting and said our Comprehensive Plan plays a big role in preserving our rural character. He advised that solar is “land hungry” so conflicts with our plan. He said Ag & Markets drops property right out of agricultural classification with solar installations. Also, clearing woods for the installations needs to be discussed. He feels we need to concentrate on letting the green stuff grow and said the Nature Conservancy states that we can meet 40% of the climate goal by letting forests grow. He said that one acre of woods is equivalent to eliminating emissions of 60 cars.

Agnes LaPorte asked what color the refuse carts will be.  
Supervisor Dewart believes they will be blue.

Norm Jansen said that 96 gallon carts can be difficult to move to the street for some residents and asked if there is any thought on providing smaller carts for those residents. Supervisor Dewart said we will look at it.

Superintendent Dewart reminded everyone that our tire drop-off is next week and stated that we cannot accept rims on the tires, regardless of size. He advised the procedure to confirm that it is town residents that are dropping off tires.

RESOLUTION 103-2020

**EXECUTIVE SESSION**

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 to enter into executive session at 6:55PM to consult with the attorney and discuss an employee.

RESOLUTION 104-2020

**EXIT 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 exit executive session at 7:35PM.

On a motion of Councilwoman Jansen, seconded by Councilman Leuer, the meeting adjourned at 7:36P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk