

TOWN BOARD REGULAR MEETING  
OCTOBER 14, 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 14<sup>th</sup> day of October 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: 10 residents

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

RESOLUTION 105-2020

**APPROVAL OF THE MINUTES**

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 the minutes of the previous meeting on September 9, 2020 are accepted as submitted.

RESOLUTION 106-2020

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

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 Supervisor's Monthly report be accepted as submitted.

RESOLUTION 107-2020

**FIRE DEPARTMENT NEW MEMBER**

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 Shannon Rider be approved as a new member of the Barker Fire Department.

RESOLUTION 108-2020

**REFUSE CART PURCHASE**

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 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; 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 96 gallon garbage container manufactured by Rehrig-Pacific 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 Supervisor is authorized to purchase 1,100 – 96 gallon garbage containers from Rehrig-Pacific at a cost not to exceed \$46.93 per container in accordance with the State of Massachusetts bid number BD-15-1045-BWP01-00000001646.

RESOLUTION 109-2020

**GIS UPGRADE**

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 currently utilizes ArcGIS Microsoft Silverlight API for its GIS web mapping system; and

**WHEREAS**, the Town desires to upgrade its GIS web mapping system to the current technology, which is ArcGIS JavaScript API; and

**WHEREAS**, Wendel has provided a written proposal to upgrade the Town GIS web mapping system for a total price of \$7,300.00; and

**WHEREAS**, the services provided by Wendel under the written proposal are professional services and therefore not subject to competitive bidding under New York State General Municipal Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby retains Wendel to upgrade the Town's current GIS web mapping system from ArcGIS Microsoft Silverlight API to ArcGIS JavaScript API at a cost not to exceed \$7,300.00; and be it further

**RESOLVED**, that the Town Supervisor is authorized to execute any and all necessary documents to give effect to this resolution.

RESOLUTION 110-2020

**UPFIT POLICE CAR**

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

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

**WHEREAS**, the Town of Somerset recently purchased a used 2012 Dodge Charger for use as a police vehicle; and

**WHEREAS**, the 2012 Dodge Charger is in need of upfitting to properly function as a police vehicle; and

**WHEREAS**, the Somerset Police Chief solicited quotes for upfitting and received one written quote from Empire Emergency in the amount of \$5,426.52 dated September 10, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Somerset Town Board hereby authorizes the Town Supervisor to enter into an agreement with Empire Emergency to upfit the 2012 Dodge Charger as a police vehicle; and be it further

**RESOLVED**, that said agreement shall not exceed \$5,426.52 per the written quote from Empire Emergency dated September 10, 2020.

RESOLUTION 111-2020

**HEATING AND COOLING FOR WATER/SEWER DEPARTMENT**

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 Town of Water/Sewer Department desires to replace the existing Rooftop Heating and Air Conditioning Unit as the current unit has become obsolete; and

**WHEREAS**, the Superintendent of Water/Sewer/Grounds has solicited written quotes from various contractors to replace the rooftop heating and air conditioning unit; and

**WHEREAS**, the lowest responsible quote received was from Drum Oil and Propane in the amount of \$12,617.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby awards Drum Oil and Propane the contract to replace the rooftop heating and air conditioning unit at the Town Water/Sewer Department at a cost not to exceed \$12,617.00; and be it further

**RESOLVED**, that the Town Supervisor is authorized to execute any and all necessary documents to give effect to this resolution.

RESOLUTION 112-2020

**HIGHWAY DEPARTMENT OVERHEAD HEATER**

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

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

**WHEREAS**, the Town of Highway Garage needs to replace two overhead gas heaters in the truck bay as the current units malfunction; and

**WHEREAS**, the Town of Somerset Highway Superintendent has solicited written quotes from various contractors to replace the overhead gas heaters; and

**WHEREAS**, the lowest responsible quote received was from MJ Mechanical Services, Inc. in the amount of \$8,068.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby awards MJ Mechanical Services, Inc. the contract to replace two infrared heaters in the Town of Somerset Highway Garage at a cost not to exceed \$8,068.00; and be it further

**RESOLVED**, that the Town Supervisor and Town Highway Superintendent are authorized to execute any necessary documents to give effect to this resolution.

Attorney Haylett stated that MJ Mechanical Services provided two quotes to us and that we had to accept the more expensive quote because they have to follow prevailing wage rules.

RESOLUTION 113-2020

**SMALL TIRE RECYCLING**

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

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

**WHEREAS**, the Town previously awarded HTI Recycling a contract for recycling small tires in the amount of \$150/ton, which did not include hauling fees; and

**WHEREAS**, said contract was awarded by resolution number 49-2020 dated March 11, 2020; and

**WHEREAS**, the Town did not execute an agreement with HTI Recycling and subsequently received a proposal from Modern Disposal Services for \$100/ton for small tires;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby rescinds its prior approval to HTI Recycling granted in resolution number 49-2020; and be it further

**RESOLVED**, that the tire recycling agreement for small tires be awarded to Modern Disposal Services at a set rate of \$100/ton and hauling charges of \$975.00/load.

Superintendent Dewart stated that this resolution is for the smaller tires only. The larger tires were hauled to Geiter Done.

RESOLUTION 114-2020

**HIGHWAY MOWER 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 Highway Department desires to purchase a new tractor with a mower included; and

**WHEREAS**, the Town Highway Superintendent has received a written quote from Niagara Implement for a B Series Kubota Tractor with a 60" mid-mount mower from New York State Contract PC#67693 in the amount of \$15,241.26;

**WHEREAS**, the Town deems it to be in the best interest of the Town to purchase this tractor and mower off of the New York State Contract PC#67693 pursuant to General Municipal Law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Somerset Highway Superintendent is hereby authorized to purchase one B Series Kubota Tractor (model B2601HSD-1) with a 60" mid-mount mower from Niagara Implement in an amount not to exceed \$15,241.26 per the written quote dated October 1, 2020 and in accordance with New York State Contract PC#67693.

RESOLUTION 115-2020

**CONTRACT WITH WENDEL FOR SOLAR LAW**

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

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

**WHEREAS**, the Town of Somerset desires to review and update the Town Solar Law and develop a battery energy storage law; and

**WHEREAS**, the update of the Town Solar Law and development of a battery energy storage law are necessary to adequately protect the residents of the Town and ensure the preservation of the rural character of the Town; and

**WHEREAS**, Wendel, by a written proposal dated October 1, 2020, has offered to assist the Town with the updating of the current solar law and development of the battery energy storage law for a price not to exceed \$5,000.00; and

**WHEREAS**, the services provided by Wendel are professional services and therefore not subject to competitive bidding under General Municipal Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby retains Wendel to assist with the review and amendment of the Town's current solar law and development of a battery energy storage law at a cost not to exceed \$5,000.00; and be it further

**RESOLVED**, that the Town Supervisor is authorized to execute any and all documents necessary to give effect to this resolution.

RESOLUTION 116-2020

**LAND DONATION AND RIGHT OF WAY 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

**WHEREAS**, Town resident Neil Gordon has offered to donate approximately 25.49 acres of vacant land (sbl # 18.00-1-8.1) located adjacent to and directly south of the Somerset Town Park; and

**WHEREAS**, said Town resident has also offered to sell to the Town a right-of-way adjacent to the proposed vacant land to be donated in an amount not to exceed \$2,000.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby authorizes the Town Supervisor to enter into a purchase contract with Neil Gordon for the purchase of the right-of-way abutting Quaker Road and adjacent to the donated land at a cost not to exceed \$2,000.00; and be it further

**RESOLVED**, that the Town Board of the Town of Somerset hereby accepts the donation of vacant land adjacent to and directly south of Somerset Town Park (sbl # 18.00-1-8.1) and authorizes the Town Supervisor to execute any and all documents necessary to effectuate this transfer of real property to the Town.

Attorney Haylett stated that he will draw up a contract for the transaction, then title work will be done.

Supervisor Dewart stated that we will place a plaque at the property honoring Neal Gordon's Grandfather and Uncle, Ira and Charles.

RESOLUTION 117-2020

**ADOPT TENTATIVE BUDGET**

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

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

**RESOLVED**, that the Town Board of the Town of Somerset hereby adopts the Tentative Budget as the Preliminary Budget and adopts the Fire District Budget; and be it further

**RESOLVED**, that public hearings on the Town budgets shall be held on November 4<sup>th</sup> at 6:00PM and the Town Clerk is directed to advertise the same.

RESOLUTION 118-2020

**RELEVY UNPAID WATER AND SEWER**

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

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

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**RESOLVED**, to direct the Niagara County legislature to re-levy unpaid water and sewer onto the Town and County tax bill in the following amounts:

Water: \$7,090.12  
Sewer: \$5,234.57  
Re-levy fee: \$7,600.00

RESOLUTION 119-2020

**TOWN BOARD MEETING DATE CHANGE**

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 to change the next regularly scheduled Town Board meeting to November 4, 2020 to coincide with the public hearing for the budgets.

RESOLUTION 120-2020

**AUDIT OF CLAIMS**

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 that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 304 through No. 339	\$ 48,911.05
Highway Fund	No. 90 through No. 100	\$ 55,909.84
Sewer Fund	No. 98 through No. 114	\$ 5,946.93
Water Fund	No. 75 through No. 87	\$ 69,637.71

PRIVILEGE OF THE FLOOR

Jim Hoffman thanked Neal Gordon for the land donation and asked what the town's plans are for it.

Supervisor Dewart said that we will be adding more pathways.

Jim feels that this is a good move because old growth forests gobble up Carbon and is consistent with the preservation of open space in our Master Plan.

Agnes LaPorte asked when we will be getting Spectrum.

Supervisor Dewart stated that it is being worked on and is supposed to be complete later next year. He will advise if he hears anything.

Supervisor Dewart announced that the Town Board will be holding a budget work session on October 21, 2020 at 5:00PM.



RESOLUTION 121-2020

**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 6:31PM to consult with the attorney.

RESOLUTION 122-2020

**EXIT 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 exit executive session at 7:08PM.

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the meeting adjourned at 7:09P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk