

TOWN BOARD REGULAR MEETING
April 14, 2021

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 14th day of April 2021.

Present: Jeffrey M. Dewart ----- Supervisor
 Robin R. Jansen ----- Councilwoman
 Jon Hotaling ----- Councilman
 Gail Damon ----- Councilwoman
 Fred Leuer ----- Councilman
 Tracy L. Carmer ----- Town Clerk
 Michael M. Flint ----- Supt. of Highways
 Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds
 Mindy Austin ----- Confidential Asst. to the Supervisor
 David Haylett ----- Attorney (arrived late)
 Anthony Serianni ----- Attorney

Present: 5 residents via Zoom

Absent: Brian Sibiga ----- Engineer

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

RESOLUTION 60-2021

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 March 10, 2021 and March 24, 2021 are accepted as submitted.

RESOLUTION 61-2021

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.

COMMUNICATIONS:

Clerk Carmer read a letter received from Betty Wolanyk. She expressed her frustration at not having a Privilege of the Floor section during our Zoom meetings. She thanked the Board for passing the moratorium on solar but feels that there should also be a moratorium

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on industrial scale battery storage. Betty stated that there are rumors of an 850 acre solar project being undertaken by the power plant and she plans to look into that further. She asked what is the status of the activity at the power plant; when will the public be made aware; what is the Town Board's attitude about this situation and local control; and will Beowulf ever be held accountable if this proceeds?

Clerk Carmer also read a letter submitted by James Hoffman. He feels that there are some issues to address with the demolition of the power plant such as monitoring the activity for noise, dust, traffic, etc.; hours of operation; what will be done with the debris; will oversize and overweight loads be on local roads; how many people will be employed; will traffic be a problem; how will toxic materials, if any, be disposed of; brownfield status; and periodic briefings to the Town Board on the status of activity. He stated that the site is zoned a Planned Unit Development requiring a plan by Hereot before any development takes place. He asked what is the status of this. Jim wants to know the status of the property acquisition for the Multiple Use Plan and asked if the committee can be reactivated? He also wants to know the status on the Data Center. Regarding solar, he feels that we need to know what the plans are so we can have some input well before an application is made. He asked if Somerset is involved in the Rails to Trails project. He feels that it fits nicely into the MUP. Jim also asked what is the Town's involvement in the Northern Niagara Regional Trail Network? And he inquired about the status of the REDI Grant and asked if part of it can be used for its original purpose?

Supervisor Dewart stated that we will look for answers and will probably have a public meeting in May or June.

RESOLUTION 62-2021

FIVE STAR EQUIPMENT SOLE SOURCE

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

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

WHEREAS, the Town of Somerset owns a John Deere Model 644H wheel loader, and

WHEREAS, said wheel loader is in need of servicing and new parts; and

WHEREAS, the Superintendent of Highways has researched vendors and servicers of John Deere wheel loaders and found that the only entity in the western New York area that provides services and parts for John Deere Model 644H wheel loaders is Five Star Equipment, Inc., and

WHEREAS, Five Star Equipment, Inc. has confirmed with the Superintendent of Highways that it is the sole source servicer and supplier of John Deere Model 644H wheel loaders and wheel loader parts in the western New York area, and

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WHEREAS, Five Star Equipment, Inc. has provided the Town an estimate for all servicing and parts necessary for the repair, restoration and reconditioning of the Town's wheel loader for a total amount of \$10,589.65.

NOW THEREFORE BE IT RESOLVED, that Five Star Equipment, Inc. is found to be the sole source servicer and supplier of John Deere Model 644H wheel loaders and wheel loader parts, and as such constitutes an exception to the Town of Somerset's Procurement Policy, and

BE IT FURTHER RESOLVED, that the Superintendent of Highways is authorized to enter into a contract to restore and repair the Town's John Deere Model 644H wheel loader for the amount of \$10,589.65 without the need to obtain three written quotes from three separate vendors.

RESOLUTION 63-2021

CEMETERY FEE SCHEDULE UPDATE

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

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

WHEREAS, pursuant to Town Code Section 82-2, the Town Board may establish fees for cemetery services for the sale of graves and interments by resolution,

NOW, THEREFORE,

BE IT RESOLVED, the rates for cemetery services for the sale of graves and interments in the Town of Somerset are hereby established as per the attached cemetery rate schedule as amended, effective May 1, 2021. (attached at end of minutes)

Supervisor Dewart stated that the last time the rates were adjusted was in 2018.

RESOLUTION 64-2021

AUDIT OF CLAIMS

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

General Fund	No. 110 through No. 149	\$ 47,208.57
Highway Fund	No. 28 through No. 38	\$ 11,202.55

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Sewer Fund	No. 32 through No. 45	\$ 5,786.74
Water Fund	No. 24 through No. 34	\$53,735.50

Councilman Hotaling representing Herbert W. Carr Post 425, discussed the banner project that they undertook and showed the audience what one of the banners looks like. He said that they have 53 banners which will be hung in May on Quaker Road from High Street to Lake Road, on every pole that has a street light. There will be six banners placed on Main Street and there will still be more left to hang. At noon on Memorial Day there will be a small dedication ceremony at the gazebo in the Village.

Attorney Haylett spoke on the questions that were presented in the letters that were read by Clerk Carmer. He said that if the Board desires, we can go back to holding public meetings in person. Also, if the Board would like to place a moratorium on battery storage he can have the resolution ready for our next meeting. He stated that we had started an Infrastructure Preservation Law to protect the roads but it was put on hold. He will look for that.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 6:15P.M. subject to the Call of the Clerk.

Tracy L. Carmer, AMC
Town Clerk

CEMETERY RATES adopted 4/14/2021 by Somerset Town Board

Grave: \$500.00

Grave Opening: Summer Rate (April 1 – November 30)

\$600.00 – weekday

\$700.00 – weekend/holiday

Winter Rate (December 1 – March 31)

\$700.00 – weekday

\$800.00 – weekend/holiday

Cremation Ashes: \$350.00 per grave

Headstone Foundation: \$60.00 per running ½ foot with a minimum of \$250.00

Disinterment Fee: \$1,000.00 per disinterment

\$350.00 per cremains disinterment

Lot Transfer Fee: \$150.00 per lot transfer