

TOWN BOARD REGULAR MEETING
MAY 8, 2019

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 8th day of May 2019.

Present: Daniel M. Engert ----- Supervisor
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Chris Bronson----- Councilwoman
Jon Hotaling ----- Councilman
Tracy L. Carmer----- Town Clerk

Excused: Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds
Michael M. Flint ----- Supt. of Highways
Mindy Austin ----- Confidential Asst. to the Supervisor
David Haylett----- Attorney
Brian Sibiga ----- Engineer

Attended by: approximately 15 residents

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

RESOLUTION 60-2019

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

Resolved the minutes of the previous meeting on April 10, 2019 are accepted as submitted.

RESOLUTION 61-2019

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 Nays 0

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

COMMUNICATIONS

Supervisor Engert discussed the closing of the Express Care center in Newfane and feels it could have been avoided if they had audited the books a few years ago. Ann McAffrey who now runs Eastern Niagara Hospital is going to try to attend our June board meeting.

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Supervisor Engert stated that our LED project was completed without a hitch and the town will realize a significant savings.

Supervisor Engert and Wendel Engineers had a conference call with the Department of State regarding a grant for the Lakeshore Park Project and said we should have the application by the end of May. In the meantime Supervisor Engert will be forming an advisory committee.

APEX' quarterly reports for the MET towers were submitted. Supervisor Engert said he feels the application delay is merely a transfer of property, combining the Lighthouse Wind project with the Barre wind project operating conjunctively out of the Albion office and that at any time APEX could change their mind and file an application. We will continue to be vigilant. He stated that the Town of Somerset has joined as a party in the Barre action and he has asked to be brought up to speed on the stipulations.

RESOLUTION 62-2019

AUDIT OF CLAIMS

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 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. 148 through No. 180	\$ 21,838.79
Highway Fund	No. 42 through No. 49	\$ 3,544.62
Sewer Fund	No. 44 through No. 46	\$ 240.55
Water Fund	No. 33 through No. 37	\$ 11,552.60

PRIVILEGE OF THE FLOOR

Pam Atwater stated that the Town of Burke just passed a law changing the height of a wind turbine from 500' to 725'. Two members recused themselves because of conflict of interest. She has spoken to audiologists regarding infrasound and they say the taller the turbines are, the more of an impact it is going to have.

Norm Jansen said that he attended a class on Article 10 at his New York Planning Board Federation conference. He spoke to the attorney who presented the class and asked about SEQR. The attorney said that it will be in court for years.

Supervisor Engert stated that it has been resolved and interpreted that SEQR is covered in greater detail in Article 10.

Norm said that there is not any instance where they have seen the commission overrule any town ordinance.

Supervisor Engert said that only one project has gotten that far and there were only minor overrides because the company was not asking for major overrides.

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Steve Royce said that he moved here in 2013 and feels that we have been fighting issues since then with the closing of parts of the hospital, APEX, and the lake level. He appreciates any effort the Supervisor can make trying to keep the hospital open.

Councilman Dewart said the lake level is at 248" and they were told that is 17" below the high level of 2017 but no one believes that. He said it rising ½" per day. Supervisor Engert said the state of emergency has been lifted in Montreal.

Betty Wolanyk said that she is glad the APEX office in Barker is closed and that they are not submitting an application in 2019. She said that many leaseholders believe that those who have been fighting the wind project are against the farmers who signed the leases and she deeply regrets the split that has been caused by the disagreement. She hopes we can rebuild those relationships and support our farms and their families. She discussed the need to help farmers and said that the US lost 3% of farms last year while New York lost 9%. She gave examples why farms cannot survive on regular 40 hour work weeks and said The Farm Workers Fair Labor Act that is proposed would treat farms as any other business and allow strikes, work slowdowns or walk outs. She discussed the impact this would have such as cows not getting milked and the effect that would have, along with fruit not getting picked, etc. She asked everyone to look into the matter and write to the Senators who sponsored the bill at <https://www.nysenate.gov/senators/jessica-ramos> or <https://www.nysenate.gov/senators/jen-metzger>

Supervisor Engert said that a bill allowing felons to sit on a jury passed the Senate today.

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the meeting adjourned at 6:35P.M. subject to the Call of the Clerk

Tracy L. Carmer, RMC
Town Clerk