

TOWN BOARD REGULAR MEETING  
October 13, 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 13<sup>th</sup> day of October 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  
               Brian Sibiga ----- Engineer

Absent:

Audience:     8 residents

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

Heather Lewis from Wendel demonstrated their GIS system for the proposed update so everyone can see the system's capabilities.

Brian Sibiga entered at 6:20PM.

RESOLUTION 109-2021

**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 8, 2021 are accepted as submitted.

RESOLUTION 110-2021

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

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 the Supervisor's Monthly report be accepted as submitted.

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Clerk Carmer advised that the USDA is setting traps for another invasive pest, the Box Tree Moth.

Brian Sibiga provided an update on the Redi Grant. He stated that the funds are available and total \$1,334,000. We have to match 5%, approximately \$67,000. The first step is to design the improvement to be done at the Wastewater Treatment Plant. Part of the work consists of installing a screen to catch wipes and other items that are not supposed to be flushed down the toilet. He then provided information on annual grants that we can try to obtain to switch chlorine treatment to infrared treatment.

RESOLUTION 111-2021

**BUDGET WORKSHOP**

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

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

Resolved to hold a budget workshop on October 27, 2021 at 6:00p.m. at the Town Hall.

RESOLUTION 112-2021

**RETAIN WENDEL FOR GIS SYSTEM**

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 currently utilizes outdated 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; and

**WHEREAS**, Wendel has provided a written proposal to upgrade and build the Town GIS web mapping system for a total price of \$3,123.03; and

**WHEREAS**, the services provided by Wendel under the written proposal are professional service 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 upgrade and build the Town's current GIS web mapping system at a cost not to exceed \$3,123.03; 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 113-2021

**CONTRACT WITH ESRI FOR GIS SOFTWARE**

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 desires to purchase software licenses to support the upgrade Town GIS web mapping system; and

**WHEREAS**, Environmental Systems Research Institute, Inc. has provided a quote to the Town in the amount of \$1,906.97 for licenses to support the Town GIS web mapping system and said prices are available to the Town from the NYS Centralized Contract No. PM67345

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby authorizes the Town Supervisor to purchase licenses from Environmental Systems Research Institute, Inc. as set forth on their proposal dated October 4, 2021 in an amount not to exceed \$1,906.97 pursuant to NYS Centralized Contract No. PM67345.

RESOLUTION 114-2021

**REDI GRANT ENGINEER SERVICES**

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 was awarded a \$1,334,000 REDI grant to make improvements at the Town of Somerset Wastewater Treatment Plant, which the Town is responsible for a 5% match; and

**WHEREAS**, the Town desires to obtain engineering services for assistance with this project, which includes the rehabilitation of lagoon No. 1 and 2, design of new lagoon No. 3, new bar screen and structural housing channel for bar screen equipment and electrical improvements within the influent pump station; and

**WHEREAS**, Wendel has submitted a proposal dated October 11, 2021 to provide survey, design documents, and permitting along with sub consultant geotechnical engineering services; and

**WHEREAS**, the services to be provided by Wendel are professional services and therefore exempt from the bidding requirements of General Municipal Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Somerset hereby retains Wendel to provide survey, design documents, and permitting along with sub consultant geotechnical engineering services for the Somerset Wastewater Treatment Plant upgrades as set forth in their proposal dated October 11, 2021 in an amount not to exceed \$159,500.00; and be it further

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

Brian Sibiga advised that Hartland Road residents are having issues with their septic and we are looking at hooking them into our sewer system. They are in the Sewer District already, just not able to connect to it. There is a grant available to cover 25% and we could fill in the gap with ARPA funding. The grant deadline is November 21, 2021.

RESOLUTION 115-2021

**POLICE CAR DONATION**

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**, that the Town Board of the Town of Somerset hereby accepts the donation of one used police vehicle from the Village of Barker for \$1.00.

RESOLUTION 116-2021

**TEMPORARY COURT CLERK**

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

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

**WHEREAS**, that Maureen Kline is hereby appointed as the temporary Court Clerk commencing immediately, until such time as the Town of Somerset Court Clerk can return to duty, not to exceed one year.

RESOLUTION 117-2021

**2022 BUDGET PUBLIC HEARING**

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

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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 be it further

**RESOLVED**, that the public hearings on the Town budget shall be held on the 3<sup>rd</sup> day of November, 2021 at 6:00p.m., and the Town Clerk is directed to advertise the same.

RESOLUTION 118-2021

**2022 BUDGET PUBLIC HEARING – BARKER FIRE DEPARTMENT**

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** that a public hearing on the fire department budget will be held on the 3<sup>rd</sup> day of November, 2021 at 6:00p.m.

RESOLUTION 119-2021

**SOLAR MORATORIUM**

Attorney Haylett provided the background on the establishment of the moratorium. It has expired, but the Town would like to extend it on utility scale projects for 6 months to allow time to finish the local law. This extension excludes properties less than 5 acres that would install a system intended for use on their property.

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**, a Local Law “Establishing a Moratorium on Utility-Scale Solar Energy Systems within the Town for a Period of Six Months” has been introduced; and

**NOW, THEREFORE, BE IT,**

**RESOLVED**, that the Town of Somerset Town Board does hereby call for a Public Hearing to be held on the introduced Local Law “Establishing a Moratorium on Utility-Scale Solar Energy Systems within the Town for a Period of Six Months” at the Somerset Town Hall, 8700 Haight Road, Barker, New York 14012 on November 3<sup>rd</sup>, 2021 at 6:00p.m.

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RESOLUTION 120-2021

**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

**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:           \$ 8,152.85  
Sewer:           \$ 5,498.53  
Re-levy fee: \$ 8,100.00

RESOLUTION 121-2021

**TOWN BOARD MEETING DATE CHANGE**

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 to change the next regularly scheduled Town Board meeting to November 3, 2021 to coincide with the public hearing for the budgets.

RESOLUTION 122-2021

**BARKER FIRE DEPARTMENT NEW MEMBER**

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**, Jacob Soles is approved for appointment to the Barker Fire Department.

RESOLUTION 123-2021

**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. 324 through No. 366	\$ 50,581.12
Highway Fund	No. 92 through No. 104	\$ 177,627.23
Sewer Fund	No. 105 through No. 122	\$ 9,112.36
Water Fund	No. 78 through No. 82	\$ 64,805.78

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PRIVILEGE OF THE FLOOR

Jim Hoffman stated that Beowulf paid their school taxes, but are still in arrears on prior years taxes. He then thanked the police officers in the audience for their service, especially for patrolling Lake Road. He wonders why the state wouldn't put a double yellow line through the speed zone.

Councilwoman Damon discussed the possibly of forming a cooperative Anerobic Digester. She and Councilman Hotaling are on a committee to investigate this. She stated that this would help control odors and can be profitable with electricity generation. The committee will be visiting Lamb Farms in Oakfield and they have a list of questions prepared to ask. The committee feels that this is a better fit for our communities than wind or solar.

Brian Sibiga said that one drawback is with the ability to keep them running as many farmers do not have electricians on staff. He advised that if it takes 15-20 years to pay for, the digester may not even last that long.

SUPERVISOR UPDATES

Supervisor Dewart advised that he is waiting to hear back from Michael Enright with updates on the Babcock House, Rails to Trails and the park.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 7:14P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk