

TOWN BOARD REGULAR MEETING
NOVEMBER 3, 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 3rd day of November 2021.

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
 David Haylett ----- Attorney
 Brian Sibiga ----- Engineer

Absent:

Attended by: 4 residents

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

Supervisor Dewart opened the Public Hearing on the Preliminary 2022 Budget at 6:01PM.

Clerk Carmer read the Notice of Hearing for the Town Budget and the Fire Department Budget. Notice of said hearing was sent to the Lockport Union-Sun & Journal on October 25, 2021 with same notice being posted on the same date at the Town Hall and on the website.

Supervisor Dewart pointed out the tax rates for 2022 are:

General	\$1.98143
Lighting	\$0.44420
Fire Protection	\$1.40859
Refuse	\$210/unit; \$48/partial unit

Almost everyone except the Town Board received a 1.96% raise.

Jim Hoffman said that it is encouraging that the Town was able to keep the rate basically the same and has no problem with it being approved.

RESOLUTION 126-2021

CLOSE THE PUBLIC HEARING ON 2022 PRELIMINARY BUDGET

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

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

Resolved with all persons having been heard, to close the Public Hearing at 6:13PM.

Supervisor Dewart opened the Public Hearing on the Fire District Contract for 2022 at 6:14PM.

Supervisor Dewart stated that the contract remains the same for 2022.

RESOLUTION 127-2021

CLOSE THE PUBLIC HEARING ON 2022 FIRE DEPARTMENT CONTRACT

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

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

Resolved with no persons desiring to be heard, to close the Public Hearing at 6:15PM.

Supervisor Dewart opened the Public Hearing on the Solar Moratorium at 6:16PM.

Clerk Carmer read the Notice of Hearing for the Utility Scale Solar Moratorium. Notice of said hearing was sent to the Lockport Union-Sun & Journal on October 25, 2021 with same notice being posted on the same date at the Town Hall and on the website.

Clerk Carmer read a letter that was received from Pam Atwater. She is in favor of extending the moratorium and feels that it is vitally important that sufficient time is taken to consider the actions appropriate to protect our community. She also hopes that the board will consider the implications of large-scale battery storage and how it ties into a proposed solar law.

Jim Hoffman supports the extension and said that there is still work to do to make sure that both laws do not conflict (locations, setbacks, etc.) He recommends that we do not hurry to go to a public hearing for the new law.

RESOLUTION 128-2021

CLOSE THE PUBLIC HEARING ON EXTENDING THE UTILITY SCALE SOLAR MORATORIUM

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 with all persons having been heard, to close the Public Hearing at 6:18PM.

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RESOLUTION 129-2021

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 meetings of October 13, 2021 and October 27, 2021 are accepted as submitted.

Due to the meeting date being moved up there is not a Supervisor's Report yet.

COMMUNICATIONS:

Clerk Carmer noted a new channel that is being added to Spectrum's lineup, EPIX Drive-In. She also read a notice received from the Department of Public Service informing the public that they are holding public statement hearings on proposed increases to electric and gas delivery revenues. The notice was posted on the Town website.

RESOLUTION 130-2021

RULES OF PROCEDURE UPDATED

Attorney Haylett explained that a new mandate was passed by the State requiring towns to post, to the extent practicable, all resolutions and agenda items that are to be discussed at meetings. To accommodate this, the Town Board Meeting Rules of Procedure needed to be updated.

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 rules of procedure for the Town of Somerset Town Board meetings are hereby amended as set forth in the Rules of Procedure attached hereto.

RESOLUTION 131-2021

CALL FOR PUBLIC HEARING ON SOLAR MORATORIUM

Attorney Haylett clarified that this moratorium is for utility size projects intended primarily for generation of electricity to sell to the public, not the resident who is putting in solar to service their house.

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 Board of the Town of Somerset having duly called and held a Public Hearing at Somerset Town Hall, 8700 Haight Road, Barker, New York 14012, on the 3rd day of November, 2021 upon the question of the enactment of "A Local Law Establishing a

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Moratorium on Utility-Scale Solar Energy System Installations within the Town for a Period of Six Months”; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that “A Local Law Establishing a Moratorium on Utility-Scale Solar Energy System Installations within the Town for a Period of Six Months” is hereby enacted and effective upon its filing with the New York State Department of State.

RESOLUTION 132-2021

CALL FOR PUBLIC HEARING ON CABLE FRANCHISE AGREEMENT

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, a proposed agreement for the renewal of the cable television franchise agreement between the Town of Somerset and Spectrum Northeast, LLC has been presented to the Town of Somerset,

NOW, THEREFORE, BE IT,

RESOLVED, that the Town of Somerset Town Board does hereby call for a Public Hearing to be held on the proposed franchise agreement at the Somerset Town Hall, 8700 Haight Road, Barker, New York 14012 on December 8, 2021 at 6:00 p.m.

RESOLUTION 133-2021

CALL FOR PUBLIC HEARING ON BATTERY STORAGE LAW

Councilwoman Jansen commented that the battery law has been reviewed several times by the Planning Board, the Zoning Board, the Code Enforcement Officer, the Barker Fire Chief, the Town Board on several occasions and unless there is some piece of information that has not been considered then it is ready to go to a public hearing.

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 Code of the Town of Somerset contains and specifies the local laws, and ordinances of the Town of Somerset; and

WHEREAS, a proposed local law entitled “Battery Energy Systems” has been introduced; and

WHEREAS, the Town would like to start the process of considering these zoning revisions,

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and in accordance with Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Somerset Town Board would like to establish itself as SEQRA Lead Agency; and

WHEREAS, the Town would like to refer these proposed code revisions to Niagara County Planning Board in accordance with General Municipal Law Section 239-m and to the neighboring municipalities under General Municipal Law Section 239-nn;

NOW, THEREFORE, BE IT

RESOLVED, that the Somerset Town Board authorizes the completion of a coordinated SEQRA process; and be it further

RESOLVED, the Somerset Town Board authorizes the completion of the General Municipal Law Section 239-m referral to the Niagara County Planning Board and General Municipal Law Section 239-nn referral to the neighboring municipalities; and be it further

RESOLVED, that the Somerset Town Board does hereby call for a public hearing to be held on a proposed local law entitled “Battery Energy Systems” at the Somerset Town Hall, 8700 Haight Road, Barker, NY 14012 at 6:00 p.m. on December 8th, 2021.

RESOLUTION 134-2021

CALL FOR PUBLIC HEARING ON SOLAR LAW

Councilwoman Jansen stated that the solar law also has been through all of the reviews that the battery storage law went through and is ready to go.

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 Code of the Town of Somerset contains and specifies the local laws, and ordinances of the Town of Somerset; and

WHEREAS, a proposed local law entitled “Solar Energy Systems” has been introduced; and

WHEREAS, the Town would like to start the process of considering these zoning revisions, and in accordance with Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Somerset Town Board would like to establish itself as SEQRA Lead Agency; and

WHEREAS, the Town would like to refer these proposed code revisions to Niagara County Planning Board in accordance with General Municipal Law Section 239-m and to the neighboring municipalities under General Municipal Law Section 239-nn;

NOW, THEREFORE, BE IT

RESOLVED, that the Somerset Town Board authorizes the completion of a coordinated SEQRA process; and be it further

RESOLVED, the Somerset Town Board authorizes the completion of the General Municipal Law Section 239-m referral to the Niagara County Planning Board and General Municipal Law Section 239-nn referral to the neighboring municipalities; and be it further

RESOLVED, that the Somerset Town Board does hereby call for a public hearing to be held on a proposed local law entitled "Solar Energy Systems" at the Somerset Town Hall, 8700 Haight Road, Barker, NY 14012 at 6:00 p.m. on December 8th, 2021.

Engineer Sibiga discussed that Hartland Road is in the Sewer District but there isn't a sewer line that the residents can hook into. We can get a 25% grant to install the sewer line and upgrade the pump station there and use the CARES money. This will allow 2 homes to hook up with the potential of more with lot sales.

Councilman Hotaling asked about the timeline.

Engineer Sibiga stated that it should be less than one year, depending on approvals.

RESOLUTION 135-2021

GRANT FOR UPGRADES TO SEWER SYSTEM ON HARTLAND ROAD

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 Board of the Town of Somerset desires to apply for a Water Infrastructure Improvement Act Grant to fund upgrades to the Town of Somerset sewer system along Hartland Road; and

WHEREAS, the Town received a proposal from Wendel WD Architecture, Engineering, Surveying & Landscape Architect, P.C. dated October 12, 2021 to provide engineering and grant application services to the Town for the anticipated grant application process and project; and

WHEREAS, the proposal is for professional services is not subject to the competitive bidding requirements of the Town's Procurement Policy;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby retains Wendel to provide engineering and grant application services pursuant to proposal dated October 12, 2021 at a cost not to exceed \$7,500.00; and be it further

RESOLVED, that the Town Board of the Town of Somerset hereby authorizes and directs the Supervisor to execute any and all documents in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

RESOLUTION 136-2021

NEGATIVE SEQRA DECLARATION HARTLAND ROAD PUMP STATION

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 Somerset has residents within a sewer district that don't have access to public sewer collection; and

WHEREAS, the Town of Somerset Hartland Road pump station pumps and associated equipment are past their useful life; and

WHEREAS, new upgrades to the pumps and installation of gravity sewer are necessary to provide reliable sewage collection within the Town; and

WHEREAS, these improvements will act to promote high quality public service; and

WHEREAS, the completion of these improvements are subject to the New York State Environmental Quality Review Act, SEQRA; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law, the Somerset Town Board has thoroughly reviewed the Hartland Road Gravity Sewer and Pump Station Rehabilitation project proposed on Hartland Road and Lower Lake Road in the Town of Somerset and determined that it is an Unlisted Action under SEQR; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to SEQRA, the Town has reviewed Part 1 of the Short Environmental Assessment Form (SEAF) and completed Part 2 and Part 3 of the SEAF and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset, in accordance with the New York State Environmental Quality Review Act (SEQRA), has determined that the proposed project will not adversely affect the natural resources of the State, and/or the health, safety and welfare of the public, and is consistent with social and economic considerations, and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of SEQRA.

RESOLUTION 137-2021

WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) LOCAL MATCH

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

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

NOW, THEREFORE, BE IT:

RESOLVED that the Town Board of Somerset authorizes and appropriates a minimum 75% local match as required by the NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) for the Somerset Sewer System Improvements. Under the WIIA grant program, this local match must be at least 25% of the WIIA eligible project costs of \$275,000. The source of the local match, and any amount in excess of the required match, shall be from American Rescue Plan funding and operating budgets. The maximum local match shall not exceed \$206,250 based upon a total estimated maximum project cost of \$275,000.

RESOLUTION 138-2021

SEWER SYSTEM UPGRADE PROJECT AUTHORIZATION

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

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

WHEREAS, the Town of Somerset engaged Wendel to complete an engineering report for the sewer system upgrade project identifying the current sewer system's shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the Town: and

WHEREAS, affordability for Town residents and property owners is a significant concern in advancement of the proposed projects: and

WHEREAS, the Town is eligible for the New York State Environmental Facilities Corporation Water Infrastructure Improvement Act (WIIA) grant program and the Town desires to submit a competitive application to obtain NYSEFC WIIA grant funding to assist in making the project economically viable to the Town's sewer users.

NOW, THEREFORE, be it resolved as follows:

1. The Town Board authorizes Wendel to prepare an application for Water Infrastructure Improvement Act (WIIA) grant funds.

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2. The Town Board authorizes Supervisor Jeffrey Dewart to execute the application and any necessary supporting documents required to apply for Water Infrastructure Improvement Act grant funds.

3. This resolution shall take effect immediately.

RESOLUTION 139-2021

94C LAWSUIT REPRESENTATION TRANSFER

Attorney Haylett explained that the attorney that we have been using for the lawsuit is leaving the firm and starting his own business and we would like to keep him so we have transfer the lawsuit. We are a petitioner in this so there is no cost to us for the lawsuit.

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 is currently engaged in litigation challenging the New York State Office of Renewable Energy Siting 94-c regulations, which are designed to fast track the siting of renewable energy projects throughout the State; and

WHEREAS, the Town has retained the legal services of Benjamin Wisniewski, Esq. of the Zoughlin Group, PLLC to represent the Town in this litigation; and

WHEREAS, Benjamin Wisniewski, Esq. is changing firms and the Town desires to continue to retain Mr. Wisniewski in the litigation;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby authorizes the Town Supervisor to execute an agreement with Benjamin Wisniewski, Esq. to change the representation agreement from the Zoughlin Group, PLLC to the Law Office of Gary Abraham and Wisniewski Law, PLLC after review and approval of the Town Attorney.

RESOLUTION 140-2021

PREPAY BILLS

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 Clerk and Town Supervisor are authorized to pre-pay any bills not yet received by the Town that come due prior to the next regularly scheduled Town Board meeting in December 2021.

Councilwomen Jansen and Damon will review them next week.

RESOLUTION 141-2021

CANNABIS OPT OUT HEARING

Attorney Haylett provided the background on the law. Recreational marijuana is legal and the Town has to decide if they will allow retail stores to sell it in the town, and/or lounges where people can smoke it. We have to opt out by the end of the year. We can choose to opt back in at a later date if we determine that it would benefit the town, but if you do not opt out now you cannot opt out later.

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, a Local Law entitled "A local law opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Somerset" 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 "A local law opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Somerset" at the Somerset Town Hall, 8700 Haight Road, Barker, New York 14012 on December 8th, 2021 at 6:00 p.m.

RESOLUTION 142-2021

2022 BUDGET

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

ADOPTED by Roll Call Vote:	Supervisor Dewart	Aye
	Councilwoman Jansen	Aye
	Councilman Hotaling	Aye
	Councilwoman Damon	Aye
	Councilman Leuer	Aye

WHEREAS, the Preliminary Budget for the Year 2022 has been duly prepared by the Town Board and a duly publicized hearing was held on the 3rd day of November, 2021 at 6:00 p.m.; and

WHEREAS, at which time all persons desiring to be heard were heard; now therefore be it

RESOLVED, that the Town Board of the Town of Somerset hereby adopts the preliminary budget as the Budget for the Town of Somerset for the Year 2022.

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RESOLUTION 143-2021

2022 FIRE DEPARTMENT CONTRACT

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

ADOPTED by Roll Call Vote:	Supervisor Dewart	Abstain
	Councilwoman Jansen	Aye
	Councilman Hotaling	Aye
	Councilwoman Damon	Aye
	Councilman Leuer	Aye

RESOLVED, that the Town Board of the Town of Somerset hereby adopts the fire department budget for the year 2022 and authorizes the Deputy Town Supervisor to execute a contract with the Barker Fire Department, Inc. in the amount of \$240,000.

Supervisor Dewart thanked Mindy Austin and Clerk Carmer for their work on the budget.

RESOLUTION 144-2021

AUDIT OF CLAIMS

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

General Fund	No. 367 through No. 392	\$ 17,762.41
Highway Fund	No. 105 through No. 116	\$ 10,350.85
Sewer Fund	No. 123 through No. 135	\$ 6,172.00
Water Fund	No. 83 through No. 87	\$ 14,390.65

PRIVILEGE OF THE FLOOR

Jim Hoffman asked if the moratorium is only for industrial, what law applies to residential?

Attorney Haylett said it follows the current law right now until a new law goes into effect.

Jim stated that as a committee member they should have the opportunity to review both laws to make sure they are consistent with each other and he urges the board to allow them to do that. He talked about double lines in the Somerset Corners area and feels that it is a safety issue. He discussed it with a DOT engineer who said that he will pass it on. Jim says that there is a lot of speeding in front of his house which is probably the most heavily traveled section of road in town and he feels that double lines will keep people in line.

Councilman Hotaling agrees with Jim.

Attorney Haylett said that the Town Board can pass a resolution and send it to the state.

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Councilwoman asked if having a letter from the Chief of Police will help also.

Jim Hoffman said that Quaker Road has double lines so Lake Road should too.

Councilman Leuer stated that he lives in that area and he disagrees. He said if the traffic is going the correct speed limit, the small spot that is a passing zone is handy for passing slow moving traffic, farm equipment, etc.

On a motion of Councilwoman Damon, seconded by Councilman Hotaling, the meeting adjourned at 7:06P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk

TOWN OF SOMERSET RULES OF PROCEDURE FOR TOWN BOARD MEETINGS

Section 1. Regular Meeting

The Town Board of the Town of Somerset (the "Town") shall hold regular meetings on the second Wednesday of each month. Such regular meetings shall be commenced at 6:00 P.M. to be conducted at the Somerset Town Hall 8700 Haight Road, Barker New York. Any deviation from this schedule shall be determined by the Town Board.

Section 2. Special Meetings

Special meetings of the Town Board are all those meetings other than regular meetings and work session meetings. A special meeting may be called by the Supervisor upon two days' written notice to the entire Town Board. As soon as practical, the Supervisor shall notify the Town Clerk that a special meeting has been scheduled. The Town Clerk, as required by law, submits notice notifying the public of such meeting in the town's designated newspaper. The Supervisor must call a special meeting within ten (10) days of a written request by any two (2) councilpersons.

Section 3. Quorum

A quorum shall be required to conduct business. A quorum of the five-member Town Board shall be three. In the absence of a quorum, the Supervisor may take such measures as provided under law as he/she deems necessary to secure the presence of a quorum.

Section 4. Executive Sessions

Executive sessions shall be held in accordance with the N.Y. Public Officers Law Section 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Town Board and any other persons authorized to attend that executive session by the Town Board.

Section 5. Agendas

The agenda shall be prepared by the Supervisor and/or his/her designee. The Supervisor or any councilperson or any other Town official may request items to be included on the agenda. Items for the agenda shall be given to the Supervisor's Confidential Assistant by noon on Friday preceding the next scheduled Wednesday night board meeting except that, in unusual or exceptional circumstances, an item may thereafter be submitted to the Supervisor, and if time permits, it may be added to the agenda of the meeting. Items that cannot be placed on the agenda may be brought up during the meeting. It is the intention of the town board that the agenda shall be prepared and emailed or mailed to town board members and department heads by 4:00 P.M. on the Friday preceding the Wednesday night board meeting so as to provide sufficient time to the town board members to review the agenda and to become prepared to discuss and timely address those items contained thereon. Items on the agenda which include a report or other documentation requiring review by the Town Board in order to act upon must be submitted to the Supervisor's Confidential Assistant (preferably in electronic form) no later than noon on Friday preceding the next scheduled Wednesday night meeting. Bids, upon opening, are required to be submitted

to the Supervisor's Confidential Assistant (preferably in electronic form) in order that they be thoroughly reviewed and investigated by the Town Board prior to the meeting. All reports, bids and/or other documents submitted for inclusion on the agenda shall be distributed to the Town Board and Town Clerk by the Supervisor by 4:00PM on Friday prior to the Wednesday night board meeting. The agenda and all related documents shall be posted on the website by 4:00PM on Monday prior to the Wednesday night board meeting.

All other matters that may arise before or during the Wednesday meeting except in unusual or exceptional circumstances, to the greatest extent practical, shall be tabled until the following town board meeting.

Section 6. Voting

Pursuant to Town Law, each member of the Town Board shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law. An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter. A vote upon any question shall be taken by "ayes" and "nays," and the names of the members present and their votes shall be entered in the minutes.

Section 7. Minutes

All meetings shall be recorded. Minutes shall be taken by the Town Clerk. Minutes shall consist of a recorded or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.

Minutes shall also include the following:

- Name of the Town Board;
- Date, place, and time of meeting;
- Notation of presence or absence of the Town Board members and time of arrival or departure if different from time of call to order and adjournment;
- Name and title of other Town officials and employees present and approximate number of attendees;
- Record of communications presented to the Town Board;
- Record of reports made by the Town Board or other Town personnel;
- Time of adjournment;
- Signature of Town Clerk or person who took the minutes if not the Town Clerk.

Minutes need not be taken verbatim but must contain a brief summary of the discussion both pro and con leading to an action taken. Minutes shall be transcribed and distributed according to the Town Board at least two weeks after a town meeting has taken place. Minutes shall be approved at the next Town Board meeting after they have become available. Amendments to the minutes shall require Town Board approval.

Section 8. Order of Business

A. The order of business for regular meetings shall be:

- Call to order
- Pledge of Allegiance
- Prayer
- Public hearings (if any)
- Approval of minutes of previous meeting
- Reports of officers and committees
- Old Business
- New Business
- Appropriations
- Auditing
- Privilege of the Floor
- Adjournment

B. The order of business for special meetings & work session meetings shall be:

- Public Hearings (if any)
- Work session items

C. The order of business need not be followed if the Supervisor determines that it is necessary to deviate.

D. Public Input:

- Persons wishing to speak must be recognized by the presiding officer by raising their hand.
- Persons may be required to give their name and address.
- Normal rules of courtesy shall be followed.
- During the progression of the rest of the meeting public input is possible but not required and the same rules follow.

Section 9. General Rules of Procedures

The Supervisor shall preside at meetings. In the Supervisor's absence, the Deputy Supervisor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Town Board. Town Board members must be recognized by the presiding officer before making motions and speaking. A Board member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking is called to order, such Board member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed. There is no limit to the number of times a Board member may speak on a question. When a question is under debate, no other motion shall be entertained unless for: (a) an adjournment; (b) recess; (c) for said question to lay on the table; (d) to postpone; (e) to refer to a committee or (f) to amend; and motions (a) through (f) are neither amendable nor debatable. No motion shall be made to offer amendment to an amendment already before the Board on a proposition. At any time, the Supervisor may entertain a motion to adjourn, which shall be carried upon majority vote. Board members may choose not to comment until all public comments are heard.

Board members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information. No such person has the right to demand an answer to a specific question from a member of the board. All such questions shall be directed to the Supervisor who may either answer them or refer the questions to the town attorney, if present, or to a town board member. At any time, the Board may vote to exhaust the agenda before inviting further public comment.

Section 10. Guidelines for Public Comment

The public shall be allowed to speak during regular meetings, special meetings, workshops, and during public hearings. No one can speak twice to the same issue until everyone else wishing to speak has spoken to it once. The presiding officer may, at his/her discretion, limit the number of times a speaker may address the Board during a single meeting. The presiding officer may, at his/her discretion, enact a time limit on all speakers especially during meetings where it appears that many individuals wish to address the Board but in no case will a time limit be set that is less than five (5) minutes. Speakers should give their name and address. Speakers should be recognized by the presiding officer. All remarks shall be addressed to the Town Board as a body and not to any member thereof. Pursuant to *Robert's Rules of Order*, Part I, Article VII, Section 4, remarks "should avoid personal comments and cannot question a Board member's motives." All speakers, as well as the Supervisor and Town Board members shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Interested parties or their representatives may also address the Town Board by written communications. Written communications shall be delivered to the Clerk or to her designee. Speakers should not read written communications verbatim but should summarize their contents. Citizens with disabilities, who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Town Clerk to request such assistance.

Section 11. Use of Recording Equipment

All members of the public and all public officials are allowed to record (audio and video) public meetings. The recording should be done in a manner which does not interfere with the meeting. Recording is not allowed during executive sessions.

Section 12. Adjournment

Meetings shall be adjourned by motion.

Section 13. Amendments to the Rule of Procedure

The foregoing procedures may be amended from time to time by a majority vote of the Town Board.