

TOWN BOARD REGULAR MEETING
July 13, 2022

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 13th day of July 2022.

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

Absent: Michael M. Flint ----- Supt. of Highways
 Brian Sibiga ----- Engineer

Present: 8 residents and Barker Library Board members

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

RESOLUTION 75-2022

APPROVAL OF THE MINUTES

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 the minutes of the previous meeting on June 8, 2022 are accepted as submitted.

RESOLUTION 76-2022

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 for June 2022 is accepted as submitted.

COMMUNICATIONS

Clerk Carmer stated that Assemblyman Norris asked the Town to be a drop off point for his peanut butter and jelly drive. The drive runs from August 1 – September 2.

RESOLUTION 77-2022

SCHOOL RESOURCE OFFICER CONTRACT 2022-2023

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 Barker Central School District desires to enter into an agreement with the Town of Somerset, whereby the Town will provide the School District with one full-time School Resource Officer, and

WHEREAS, the Town will be reimbursed for the cost of the school resource officer by the School District in accordance with the terms of the contract; and

WHEREAS, the term of the agreement shall commence on the date of execution of the contract and continue to June 30, 2023;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that the Town Supervisor is hereby authorized to enter into an Agreement with the Barker Central School District, after review and approval by the Town Attorney, whereby the Town will provide the School District with one full-time school resource officer for the 2022-2023 school year, the cost of which to be reimbursed by the School District in accordance with the terms of the contract.

RESOLUTION 78-2022

MILEAGE RATE

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 official mileage shall be based on the ADJUSTED IRS rate with the rate for the remainder of 2022 being \$0.625 per mile.

RESOLUTION 79-2022

BRIDGENY GRANT

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 is undertaking a federal-aid project funded through the New York State Department of Transportation for the replacement of the Hartland Road Bridge over Fish Creek, PIN 5763.82; and

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WHEREAS, the Town desires to retain an engineering/consulting firm to oversee the project and provide engineering services; and

WHEREAS, Wendel has submitted a proposal to provide survey, design, permitting, and construction services for the project at a cost of \$280,220.00; 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 WD Architecture, Engineering, Surveying and Landscape Architecture, P.C. to provide survey, design, permitting, and construction services for the Hartland Road Bridge replacement over Fish Creek, PIN 5763.82 in an amount not to exceed \$280,220.00; 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 80-2022

COMMUNICATION TOWER

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, the Town Board of the Town of Somerset hereby waives the Site Plan Review fee for the Niagara County Sheriff's Department application for site plan review for an emergency communications tower located at 1658 Quaker Road, Barker, NY.

RESOLUTION 81-2022

ANIMAL HUSBANDRY (MARTINI BOYD)

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, the Town Board of the Town of Somerset hereby waives the Town of Somerset variance application fee and special use permit application fee for Michelle Martini Boyd, applicant for an area variance and special use permit to engage in animal husbandry, specifically, the housing of chickens located at 1421 Quaker Road, Barker, NY.

Attorney Haylett explained the opinion of the Department of Justice regarding making reasonable accommodations for disabilities.

RESOLUTION 82-2022

WWTP COORDINATED REVIEW FOR REDI GRANT

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 has experienced high flows resulting in negative impacts to treatment; and

WHEREAS, the Town of Somerset potentially has additional demands planned for the Lakeshore site and Power Plant; and

WHEREAS, new upgrades to the wastewater infrastructure in the Town of Somerset is necessary to accommodate high flows and future growth; and

WHEREAS, these improvements will act to promote high quality public services for both Town and its current and future users; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Somerset has thoroughly reviewed the project and determined that it is an Unlisted Action under SEQRA; and

WHEREAS, the Town has received funding to implement this project from REDI, which requires completion of a Full Environmental Assessment Form (FEAF) and conducting a Coordinated Review for Unlisted Actions.

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), seeks to conduct a Coordinated Review in order to establish Lead Agency under SEQRA; and

BE IT FURTHER RESOLVED, that Wendel, as Town Engineer, is authorized to prepare and distribute the Coordinated Review materials.

Supervisor Dewart provided the following updates:

- Niagara County is increasing water rates so we are reviewing our rates for an increase in the last quarter of this year
- Budget preparations will begin soon and predictions are for inflation rate of 9.1%
- The Bicentennial Committee continues to meet to plan the event for next year

RESOLUTION 83-2022

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. 240	through No. 281	\$ 36,632.12
Highway Fund	No. 62	through No. 69	\$ 7,062.50
Sewer Fund	No. 65	through No. 75	\$ 7,988.67
Water Fund	No. 59	through No. 66	\$ 67,257.89

PRIVILEGE OF THE FLOOR

Aaron Davis stated that there is going to be a 5k for the Corn Fest in August and part of it will take place on Coleman Road in the Town so he supplied to copy of the insurance certificate to Clerk Carmer. He has also talked with our police and the fire police for traffic control and to block roads off during that time (9am start).

Kathie Smith spoke as President of the Barker Public Library. She introduced Lisa Thompson, Library Director, and Jessica Monaco, Secretary, and advised the names of the remainder of the Board. She discussed the plans for the future of the library including, but not limited to, computer workshops; the resumption of the art show; the ability to hang out, not just grab a book. They are looking for suggestions to make the library a place for everyone.

Jessica Monaco discussed highlights of the new building which consists of shared community space, a study/tutoring room, children's area and a teen seating area. They will be creating a Google Form (and a paper copy) looking for community input.

Lisa Thompson presented a board created by her Toddler Story Hour kids thanking the Town Board and Town Clerk's staff for the use of the meeting room to hold their story time. She discussed plans that she would like to implement, some of which are already in place, including Summer Reading, Story Walk in the park, hot spots that can be borrowed, Books and Brunch for BCS teachers, game nights, and Book Boxes.

Jim Hoffman asked for updates on the plant.

Supervisor Dewart stated that the first building for the Data Center is almost ready to have computers put in. The second building is half up. The last he heard on the solar plan is that they were supposed to file this month.

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Michelle Martini Boyd said that she is grateful to the Board for helping her to help her daughter.

Norm Jansen spoke on behalf of the Planning Board and thanked the Town Board for their removal of the fee for Ms. Martini Boyd.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 6:33P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk