

TOWN BOARD REGULAR MEETING
August 10, 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 10th day of August 2022.

Present: Jeffrey M. Dewart----- Supervisor
 Jon Hotaling ----- Councilman
 Gail Damon ----- Councilwoman
 Fred Leuer ----- Councilman
 Tracy L. Carmer----- Town Clerk
 Michael M. Flint ----- Supt. of Highways
 Mindy Austin ----- Confidential Asst. to the Supervisor
 David Haylett----- Attorney
 Brian Sibiga ----- Engineer

Absent: Robin R. Jansen ----- Deputy Supervisor
 Jonathan D. Dewart ----- Supt. of Water/Sewer/Grounds

Present: 4 residents

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

RESOLUTION 84-2022

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved the minutes of the previous meeting on July 13, 2022 are accepted as submitted.

RESOLUTION 85-2022

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer
 Nays 0

Resolved the Supervisor's Monthly report for July 2022 is accepted as submitted.

COMMUNICATIONS

Clerk Carmer advised that the Public Service Commission is seeking comments regarding their request to overlay a new telephone area code. They are projecting that the 716 area code will be exhausted by the second quarter of 2024, so all new requests at that point will not receive the area code of 716.

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Clerk Carmer stated that a letter was received from Verizon advising that their 3G CDMA network is being decommissioned in December and any affected devices will be deactivated.

CULVERT POLICY

Attorney Haylett stated that about 6 years ago a policy to safeguard the Town was drafted for the installation of culverts but it got "lost in the shuffle". Discussion ensued and it was decided to hold this until next month's meeting to allow time for the board members to review it.

RESOLUTION 86-2022

TIRE DROP-OFF

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

ADOPTED: Ayes	4	Dewart, Hotaling, Damon, Leuer
Nays	0	

WHEREAS, the Town received proposals for small and large tire recycling from three separate vendors; and

WHEREAS, the lowest responsible quote for recycling passenger and light commercial truck tires was received from Modern Disposal at the set rate of \$115 per ton and \$875.00 per load pick up; and

WHEREAS, the lowest responsible quote for recycling agriculture/oversize tires was received from Geiter Done of WNY, Inc. in the amount of \$265 per ton.

NOW THEREFORE, BE IT RESOLVED, that the tire recycling agreement for passenger and light commercial truck tires be awarded to Modern Disposal at the set rate of \$115/ton and \$875.00 per load; and be it further

RESOLVED, that the tire recycling agreement for large tires be awarded to Geiter Done of WNY, Inc. at the set rate of \$265/ton; and be it further

RESOLVED, that the Water Superintendent and Town Supervisor are authorized to execute any and all documents in such form as is satisfactory to the Town Supervisor and Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

RESOLUTION 87-2022

BARKER FIRE DEPARTMENT MEMBERS

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

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ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer
Nays 0

Resolved the applications of Michael Neuman and Edwina Hilton are approved.

Engineer Sibiga provided the following updates:

- Redi grant: the contractor is waiting for one part of the control panel
- SEQRA Lead Agency: they are waiting to hear on it
- BridgeNY is getting moving, a kickoff meeting was held a couple of weeks ago

Supervisor Dewart stated that he had a meeting today with AES Solar. They have been turned down twice and are going to refile on October 1st. They are disputing some of our laws (the biggest one is the setbacks). If it gets built, they will need to have a lockbox for the fire department to gain access. Residents within 1 mile should receive a letter when it is being filed.

Supervisor Dewart asked Clerk Carmer to see if we are a Climate Smart Community.

Supervisor Dewart said that the Bicentennial celebration is moving along and stated that it is a stand-alone event.

RESOLUTION 88-2022

AUDIT OF CLAIMS

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

ADOPTED: Ayes 4 Dewart, 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. 282	through No. 318	\$ 37,047.08
Highway Fund	No. 70	through No. 81	\$ 55,795.14
Sewer Fund	No. 76	through No. 88	\$ 7,238.70
Water Fund	No. 67	through No. 68	\$ 422.28

PRIVILEGE OF THE FLOOR

Jim Hoffman discussed a press release submitted by SOS on August 8, 2022 titled "Eleven Petitioners File Appeal with Supreme Court Appellate Division Against NY State Office of Renewable Energy Siting Regulations". The legal challenge focuses on ORES' failure to take into account the pertinent social, economic and environmental factors in siting wind and solar industrial energy facilities. Jim congratulated the board for being part of it. He would like to see a moratorium while the lawsuit is happening. He then advised that AES has reached an agreement with the school for past due taxes, but AES denies that it owes the county over \$250,000. He said that it is a matter of reputation. Supervisor Dewart

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clarified that it is Beouwolf who owes the taxes. Jim says it is just a shell game and they should be accountable.

Aaron Davis thanked Mike Flint for reaching out to the county to get Coleman Road patched for his 5k race. He stated the Town and Police Department were charging an extra coverage fee for the Corn Fest and he feels the Town and Police Department should use this event as a community builder. Aaron also stated that donations were solicited to cover the cost of the kids' activities. The event itself is trying to cover the cost of this year's event, and any extra will be start-up capital for next year. The registration proceeds from the 5k race are being sent to Veterans One-Stop of Western New York. The purpose of the Corn Fest is to create community participation and interaction, and to bring in people from out of town.

Supervisor Dewart stated that he had a meeting with the Corn Fest administration and they were ok. Then he received an email a couple of days ago stating that they do not want the extra police on now.

David Hotaling spoke on behalf of the Barker Fire Department as the Fire Chief. He noted that there was a complaint of a delayed response to a call that came in at 11:30am on a weekday. David stated that there are not enough volunteers to respond during the day. The ambulance has to have an EMT on it in order to leave the hall and they have 8 EMT's but most everyone works outside of the district. They have 40 members currently but only 12 are active members. He said that this is an issue nation-wide, not just in Barker. They have it set up that when Barker gets a call, Olcott is also dispatched at the same time. He advised that if you need help during the day, it will likely be ½ hour response time. He said that they are open to ideas. He also advised that AES Solar wants a response on their game plan for a solar installation.

Supervisor Dewart stated that Jonathan from the County Emergency Management is setting up a meeting next week for all of the chiefs.

David Hotaling stated that the hydrant system is not in operation too.

On a motion of Councilman Leuer, seconded by Councilwoman Damon, the meeting adjourned at 6:40P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk