

TOWN BOARD REGULAR MEETING
October 12, 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 12th day of October 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
 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:

Present: 4 residents and 3 students

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

PUBLIC HEARING FOR LOCAL LAW ON TAX CAP OVERRIDE

Clerk Carmer read the notice of public hearing that was posted on the Clerk's board and the website on September 27, 2022.

Supervisor Dewart explained that this would allow us to override the tax levy if we need to go above 2%. The way it is currently we may not.

Jim Hoffman said that he understands that everyone's expenses have gone up and would like the board to sharpen their pencils and do what they need to do.

RESOLUTION 100-2022

CLOSE THE PUBLIC HEARING FOR LOCAL LAW ON TAX CAP OVERRIDE

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, with no other persons desiring to be heard, to close the public hearing at 6:03PM.

RESOLUTION 101-2022

APPROVAL OF THE MINUTES

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

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

Resolved the minutes of the previous meeting on September 14, 2022 are accepted as submitted.

RESOLUTION 102-2022

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

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

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

COMMUNICATIONS

Clerk Carmer stated that Charter Communications is adding The Word network. Also, the Town was accepted into the program for low income assistance for water and sewer bills and it is posted on our website. Clerk Carmer advised that NYSEG is proposing to increase their delivery rates, electric by 31% and gas by 19%.

RESOLUTION 103-2022

LOCAL LAW #4-2022 TAX CAP OVERRIDE

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, 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 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 12th day of October, 2022 upon the question of the enactment of "A Local Law to override the tax levy limit established in General Municipal Law §3-c."

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somerset that "A Local Law to override the tax levy limit established in General Municipal Law §3-c." is hereby enacted and effective upon its filing with the New York State Department of State.

RESOLUTION 104-2022

RELEVY UNPAID WATER, SEWER AND REFUSE

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

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

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RESOLVED, to direct the Niagara County legislature to re-levy unpaid water, sewer and refuse onto the Town and County tax bill in the following amounts:

Water: \$ 8,257.76
Sewer: \$ 6,582.17
Re-levy fee: \$ 9,600.00
Refuse: \$ 585.66

CULVERT POLICY

This will be addressed at next month's meeting as it was determined that the policy also needs to have payments spelled out in it.

RESOLUTION 105-2022

PUBLIC HEARING ON VENT PIPE REPAIR

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, a public hearing will be held on November 9, 2022 at 6:00p.m. to hear and consider a local law titled "A Local Law Amending Section 152-30(F) of the Town Code at Somerset Town Hall, 8700 Haight Road, Barker, NY.

RESOLUTION 106-2022

PUBLIC HEARING ON 2023 BUDGET

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, 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 9th day of November, 2022 at 6:00p.m., and the Town Clerk is directed to advertise the same.

RESOLUTION 107-2022

BUDGET WORKSHOP

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 hold a budget workshop on October 26, 2022 at 5:00p.m. at the Town Hall.

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RESOLUTION 108-2022

AUDIT OF CLAIMS

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

| | | | |
|--------------|---------|-----------------|--------------|
| General Fund | No. 353 | through No. 384 | \$ 54,559.79 |
| Highway Fund | No. 92 | through No. 101 | \$ 58,991.77 |
| Sewer Fund | No. 100 | through No. 110 | \$ 7,025.01 |
| Water Fund | No. 76 | through No. 81 | \$ 68,864.38 |

Supervisor Dewart discussed noise complaints for the data center.
Councilwoman Damon stated that she could hear the tractor trailers.
Councilwoman Jansen said that she listened and the noise that she heard was like the sound of dumping something into a dumpster.

PRIVILEGE OF THE FLOOR

Krista Atwater said that she can hear the data center 24/7 and the sound is similar to a helicopter or airplane (like a whoosh noise)

James Salerno from Haight Road stated that he has worked in plants and has not heard noise like this. He said that it starts around 11pm and goes until 4am or 5am, but not every night. He described it like a blast of air or steam, not steady like a fan, and it gets dogs barking. He tries to sleep with ear plugs but it does not help. He would like to see them install concrete barriers like you see along the thruway.

Councilman Leuer believes that it is a variable fan speed for temperature control.

Jim Hoffman said that we should look at the permit that was approved for NYSEG to see what noise limits were imposed. He then discussed renewables and fires that are caused by batteries and he feels that the public is not being adequately informed of the hazards and consequences.

RESOLUTION 109-2022

EXECUTIVE SESSION

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

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

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Resolved to enter into Executive Session at 6:25PM to discuss a personnel matter.

Supervisor Dewart exited at 6:25PM.

RESOLUTION 110-2022

EXIT EXECUTIVE SESSION

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

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

Resolved to exit Executive Session at 7:29PM.

On a motion of Councilwoman Jansen, seconded by Councilman Leuer, the meeting adjourned at 7:30P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk