

TOWN BOARD REGULAR MEETING
December 14, 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 14th day of December 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
 Jonathan D. Dewart ----- Supt. of Water/Sewer/Grounds
 Mindy Austin ----- Confidential Asst. to the Supervisor
 David Haylett----- Attorney

Absent: Robin R. Jansen ----- Deputy Supervisor
 Brian Sibiga ----- Engineer

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 126-2022

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 November 9, 2022 are accepted as submitted.

RESOLUTION 127-2022

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 November 2022 is accepted as submitted.

Attorney Haylett entered the meeting.

COMMUNICATIONS

~Clerk Carmer announced that National Grid will be performing routine

TOWN BOARD MEETING
DECEMBER 14, 2022 PAGE 2

maintenance/upgrade work on the poles in our area in order to modernize their capabilities. This will begin in February 2023 and continue for approximately 30 months until all communities have been covered.

~Clerk Carmer read a letter of resignation from Assistant Dog Control Officer Jesse Green.

~A resident asked the Town to look into the program that the Village of Medina has implemented where homeowners can place a decal on their window if they have someone living there with special needs. This would allow first responders to know that they may encounter a person with special needs at that address (this could also be placed on a vehicle). Clerk Carmer submitted information to the Town Board regarding the program.

RESOLUTION 128-2022

NYSDOT SHARED SERVICES AGREEMENT

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

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

RESOLVED, that the Town Supervisor of the Town of Somerset is hereby authorized to enter into a shared services agreement with the New York State Department of Transportation to share materials, services, and equipment for the maintenance of State and Town roads and highways; and be it further

RESOLVED, that the Town shall provide services, materials, and equipment at a cost/value equal to that received from the NYS Department of Transportation and the agreement shall not exceed a term of four years.

RESOLUTION 129-2022

LEASE OF HAY FIELD

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

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

WHEREAS, the leases for fifteen acres of land south and east of the Somerset Barker Sewer plant expire at the end of 2022;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby authorizes the Town Clerk to solicit bids for the leasing of fifteen acres of land south and east of the Somerset Barker Sewer Plant; and be it further

RESOLVED, that the bids shall be due by Tuesday, February 7, 2023 at 3:00 p.m. in the Town of Somerset Clerk's office located at 8700 Haight Road, Barker, New York.

TOWN BOARD MEETING
DECEMBER 14, 2022 PAGE 3

RESOLUTION 130-2022

COMMITTEE FOR OPEN SEATS

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

ADOPTED: Ayes 4 Dewart, Hotaling, Damon, Leuer

Nays 0

RESOLVED to appoint Councilman Hotaling and Councilwoman Damon to interview for the open seats on the Planning Board and Board of Assessment Review.

RESOLUTION 131-2022

2023 REORGANIZATIONAL MEETING

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 reorganizational meeting of the Town Board will be held on January 4, 2023 at 6:00PM.

RESOLUTION 132-2022

PREPAY BILLS

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer

Nays 0

Resolved that all bills incurred for 2022 are authorized to be pre-paid.

RESOLUTION 133-2022

BUDGET AMENDMENTS

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer

Nays 0

Resolved as provided in section 107 and section 115 of the New York State Town Law, that the Supervisor of the Town of Somerset is hereby authorized to expend from the unexpended balance or surplus revenues such sums as may be necessary to cover amounts by which the actual expenses were incurred in 2022 in any amount exceeding the amount budgeted.

RESOLUTION 134-2022

YEAR-END AUDIT

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

ADOPTED Ayes 4 Dewart, Hotaling, Damon, Leuer

Nays 0

TOWN BOARD MEETING
DECEMBER 14, 2022 PAGE 4

Resolved that the Audit Committee, consisting of Councilwoman Damon and Councilman Leuer, are authorized and directed to perform the year-end audits of the Town Clerk, Code Enforcement Officer, Supervisor, Justice and Tax Collector on a date and time to be determined.

RESOLUTION 135-2022

ENCUMBRANCES

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

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

Resolved that all bills incurred for 2022 are authorized to be pre-paid.

RESOLUTION 136-2022

AUDIT OF CLAIMS

On a motion of Councilwoman Damon, seconded by Councilman Leuer, 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. 425	through No. 469	\$ 76,156.89
Highway Fund	No. 113	through No. 121	\$ 10,236.97
Sewer Fund	No. 123	through No. 138	\$ 7,749.59
Water Fund	No. 91	through No. 101	\$ 1,908.38

PRIVILEGE OF THE FLOOR

Betty Wolanyk is happy that Lighthouse Wind does not intend to file an application under Article 10, but bitcoin may be banned by the state unless it uses renewable energy so that becomes a possibility. She asked for an update on Somerset Solar.

Supervisor Dewart stated that they plan to file in February now. They have downsized to approximately 120megawatts. He received a new map today, but it is a large map so it cannot be scanned onto the website.

Betty advised that they are also still trying to get residents to sign good neighbor agreements.

James Salerno asked if there is any progress on the noise being produced by the data center.

Lyndsey Payne lives across the street from it and said that it is loud today if the board wants to listen to it.

Supervisor Dewart said that they are telling him that they are staying in the 40 decibel range. He advised that he informed them where James lives and he will tell them about Lyndsey also.

TOWN BOARD MEETING
DECEMBER 14, 2022 PAGE 5

Discussion ensued what could possibly be making the noise if it is not fans.

SUPERVISOR UPDATE:

- The banquet for the Somerset Bicentennial in February is coming up and we will have tickets for that soon.
- The committee is selling shirts and will have order forms for them. The proceeds will help pay for the 3 day celebration in July.

RESOLUTION 137-2022

EXECUTIVE SESSION

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

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

Resolved to enter into Executive Session at 6:25PM to discuss union negotiations.

RESOLUTION 138-2022

EXIT EXECUTIVE SESSION

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

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

Resolved to exit Executive Session at 6:50PM.

On a motion of Councilman Hotaling, seconded by Councilwoman Damon, the meeting adjourned at 6:52PM subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk