

REGULAR MEETING  
MARCH 8, 2023

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 8<sup>th</sup> day of March 2023.

Present:     Jeffrey M. Dewart----- 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  
                 Brian Sibiga ----- Engineer

Absent:       Robin R. Jansen ----- Councilwoman  
                 Michael M. Flint ----- Supt. of Highways

Audience:    4 residents

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

RESOLUTION 43-2023

**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 February 8, 2023 are accepted as submitted.

RESOLUTION 44-2023

**APPROVAL OF SUPERVISOR'S REPORT**

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

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

Resolved the Supervisor's Report for February 2023 is accepted as submitted.

MONTHLY REPORTS RECEIVED

Police  
Code Enforcement

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**COMMUNICATIONS:**

Clerk Carmer advised that we are in the rotation this year for the free rabies clinic. It will be held on April 15<sup>th</sup> at the highway garage.

Clerk Carmer said that we were notified of two public hearings being held by the Town of Hartland on March 9<sup>th</sup> regarding solar and battery local laws.

**ENGINEERING UPDATE**

Engineer Sibiga discussed the Redi grant. He said that based on comments from the DEC and not putting the sludge on farmer's property, the cost has increased. Instead of adding a new lagoon, we will remove the system inside the existing lagoon and replace it with a more efficient system to reduce the cost and be able to use the excess funds to landfill the sludge. Discussion ensued regarding lagoons and landfill, and the need for an emergency repair which is reimbursable under the grant. Kandey Company is the only company who provided a quote for the work.

Superintendent Dewart complimented Frey Electric on their work and attention to the issue.

**RESOLUTION 45-2023**

**EMERGENCY REPAIR**

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

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

**WHEREAS**, in May 2022, Brian Sibiga, PE of Wendel, the Town's consulting engineer issued a report advising that in March 2022, degradation of the electrical facilities and control equipment that operate the pumps at the Town of Somerset Wastewater Treatment Plant, had experienced degradation, and that the degradation was a public health emergency because any failure of the electrical facilities and control equipment would lead to raw sewage being discharged into waterways and residences as well as potential damage to property while temporary pumping systems were installed, which would endanger the health and safety of residents; and

**WHEREAS**, while repairing the electrical equipment, it became necessary to engage another firm to fill in a core through the wet well as it was determined that drilling through the side of the wet well was more advantageous than drilling through the top; and

**WHEREAS**, the Town received a proposal from Kandey Co., Inc. dated February 15, 2023 in the amount of \$3,900.00 to fill in the core on the inside of the wet well.

**NOW, THEREFORE, BE IT RESOLVED**, that in reliance upon said consulting engineer report, this board finds that a public emergency existed arising out of an unforeseen occurrence or condition whereby circumstances affecting the life, health and safety of property residents of the Town, which required immediate attention and could not await

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competitive bidding and thus constituted an emergency situation pursuant to General Municipal Law Section 103 (4), and be it further

**RESOLVED**, that the Town Supervisor be and hereby is authorized and directed to contract with Kandey Co., Inc., in the amount of \$3,900.00 for grouting work to fill the core in the wet well located at the Town of Somerset Wastewater Treatment Plant; and be it further

**RESOLVED**, that the requirements for two quotes in the Town of Somerset Procurement Policy for said repairs be dispensed with.

RESOLUTION 46-2023

**STANDARD WORK DAY AND REPORTING RESOLUTION**

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

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

(resolution attached)

Engineer Sibiga provided an update on an annual grant that will be coming out. The DEC is starting to move everyone from chlorine gas to a UV system. The state will pay approximately 85% of the cost to perform a study. An additional grant would be supplied to construct the system with 75 – 80% being covered by the grant. He also stated that the Senate and Assembly are pursuing a CHIPS style program for wastewater.

Water/Sewer/Grounds Superintendent discussed the options for replacing our wind turbine that broke. Discussion ensued regarding replacing with the same size or a larger turbine, cost, and insurance reimbursement.

**BICENTENNIAL**

Supervisor Dewart thanked everyone who attended our Bicentennial Kickoff dinner. It was a success. The banners that will be placed over the road and on the baseball fence arrived today. The committee has the band and fireworks set.

**BIO-DIGESTER**

Supervisor Dewart stated that the Town of Yates want to perform another study that costs \$7,500 and are asking us to cover half the cost. The board questions why we have to study something that we already studied.

Councilman Hotaling said that it has been put out to the Niagara and Orleans County farm bureaus and they are checking with farmers to see if there is an interest.

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**CPR TRAINING**

Supervisor Dewart has a contact who performs CPR and AED training and will get ahold of him to see if he will come here and train all of the employees.

**RESOLUTION 47-2023**

**AUDIT OF CLAIMS**

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

General Fund	No. 84 through No. 116	\$ 58,137.36
Highway Fund	No. 22 through No. 31	\$ 5,248.83
Sewer Fund	No. 36 through No. 48	\$ 10,056.03
Water Fund	No. 19 through No. 31	\$ 5,590.20

**PRIVILEGE OF THE FLOOR**

JIM HOFFMAN thanked Highway Superintendent Flint for replacing his mailbox. He also said that the Bicentennial Committee is selling t-shirts and sweatshirts and it is a good way to publicize the event.

Regarding the wind turbine, he tracked the original set up and the concern always was that it would wear out before it paid back. He wants us to take a look at the whole picture and see whether it is worth continuing.

BETTY WOLANYK said that she is having sleep disturbance from the noise coming from the Data Center that sounds like a jet engine. She lives a mile away from the plant and can hear it. The Environmental Impact Statement application that was submitted for the Data Center stated that the noise generated would have no impact to adjacent landowners. She wants the owners of the center to be brought to a Town Board or Planning Board meeting to address the issue before more buildings are created. She read a resolution that she proposes that the Town consider.

Jim Hoffman said that Betty is right on target and asked if there is anything new? He would like to see them placed north of Lake Road.

Supervisor Dewart said that he has told the plant.

AGNES LAPORT stated that Germany is all electric with windmills and solar. They are now importing electricity from various countries.

**RESOLUTION 48-2023**

**EXECUTIVE SESSION**

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

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

Resolved to enter into Executive Session at 6:57PM to discuss litigation with the power plant and an employee request.

RESOLUTION 49-2023

**EXIT 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 exit Executive Session at 7:27PM.

On a motion of Councilwoman Damon, seconded by Councilman Hotaling, the meeting adjourned at 7:28 P.M. subject to the Call of the Clerk. Carried unanimously.

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Tracy L. Carmer, RMC  
Town Clerk

Received Date

Standard Work Day and  
Reporting Resolution for  
Elected and Appointed Officials

Employer Location Code

30287

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev.11/19)

BE IT RESOLVED, that the Town of Somerset / 30287 hereby established the following standard work days for these titles and will

(Name of Employer)

(Location Code)

report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
Appointed Officials:									
Mark Remington			Code Enforcement Officer	11/1/23 - 12/31/23	7	3.58	<input type="checkbox"/>	bi-weekly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Tracy L. Carner, secretary/clerk of the governing board of the Town of Somerset of the State of New York, (Name of Secretary or Clerk) (Circle one)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 8<sup>th</sup> day of March, 2023 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Somerset on this 9<sup>th</sup> day of March, 2023. (Name of Employer)

Tracy L. Carner being duly sworn, deposes and says that the posting of the Resolution began on (Signature of Secretary or Clerk)

Affidavit of Posting: I, \_\_\_\_\_ and continued for at least 30 days. That the Resolution was available to the public on the: (Name of Secretary or Clerk)

\_\_\_\_\_, (Date)

☐ Employer's website at: \_\_\_\_\_

☐ Official sign board at: \_\_\_\_\_

☐ Main entrance Secretary or Clerk's office at: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ (for additional rows, attach a RS-2417-B form.)

