

REGULAR MEETING  
APRIL 12, 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 12<sup>th</sup> day of April 2023.

Present:     Jeffrey M. Dewart----- Supervisor  
             Robin R. Jansen ----- Councilwoman  
             Jon Hotaling ----- Councilman  
             Gail Damon ----- Councilwoman  
             Fred Leuer ----- Councilman  
             Tracy L. Carmer----- Town Clerk  
             Michael M. Flint ----- Supt. of Highways  
             David Haylett----- Attorney

Absent:     Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds  
             Mindy Austin ----- Confidential Asst. to the Supervisor  
             Brian Sibiga ----- Engineer

Audience:     8 residents

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

RESOLUTION 50-2023

**APPROVAL OF THE MINUTES**

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

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

Resolved the minutes of the previous meeting on March 8, 2023 are accepted as submitted.

RESOLUTION 51-2023

**APPROVAL OF SUPERVISOR'S REPORT**

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

MONTHLY REPORTS RECEIVED

Police  
Code Enforcement

COMMUNICATIONS:

- Clerk Carmer advised that Fort Hyde Kennels passed their annual state inspection.
- The Town received 3-day notice of intent to file an application from AES Clean Energy Development, LLC on March 27, 2023. Since then the company did file the application.
- The USDA is again trapping Box Tree Moths and European Cherry Fruit Flies around town.

RESOLUTION 52-2023

**RENEWABLE ENERGY ACCOUNTABILITY**

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**, New York State is moving forward with the installation of millions, if not billions, of dollars of renewable energy facilities across the state despite their limitations and inefficiencies; and

**WHEREAS**, New York State is proceeding in an effort to mitigate what is perceived as the impact of global climate change and doing so will require state and federal tax subsidies, additional fees paid by utility consumers, and increased utility rates; and

**WHEREAS**, upcoming changes also imposed by the New York State government will limit the use of fossil fuels for home heating, transportation, cooking, hot water, and manufacturing, etc. will increase the demand for electric generation and require an efficient electric supply; and

**WHEREAS**, New York State leaders argue that the above referenced energy transition will result in lower costs to consumers, which completely disregards the increased cost to consumers in Europe when exactly the same installation of renewable energy and intentional reduction of fossil fuel usage occurred; and

**WHEREAS**, most of the information concerning the reliability and efficiency of renewable energy conversion is held as proprietary by the corporations installing and operating these electric generation facilities; and

**WHEREAS**, the information given to the public, towns, and state during the approval process to initiate these facilities is the rated production for the conversion machine that is used to promote that tens of thousands of consumers will be supplied by the installation of the facility; and

**WHEREAS**, wind and solar conversion systems never reach the level of production capacity rated on the machinery. (Somerset Solar acknowledged that it expects to achieve only 8% of the rated generation and wind generally achieves only 15% in New York State due to weather limitations. The industry expects wind turbines to achieve only 30% under optimal circumstances); and

**WHEREAS**, the public, towns, and state need accurate information in order to evaluate whether renewable energy will be able to meet our current and future energy demand needs; and

**WHEREAS**, no other government approved and subsidized business promotes providing a public benefit that it has no possible chance to meet.

**NOW, THEREFORE BE IT RESOLVED**, that New York State mandate that each state approved and subsidized and/or federally subsidized renewable energy facility report on a quarterly basis its actual electricity output as compared to its rated electricity output; and be it further

**RESOLVED**, that New York State publicize this information on an easily accessible website and in all local newspapers serving locales where renewable energy facilities are located; and be it further

**RESOLVED**, that New York State also publicize the amount of state and federal subsidies each site received for that quarterly time period and any additional fees paid through utility billing for each site; and be it further

**RESOLVED**, that the Town Clerk of the Town of Somerset is hereby directed to send a copy of this resolution to New York State Governor Kathy Hochul, New York State Senator Robert Ort; and New York State Assemblyman Michael Norris.

RESOLUTION 53-2023

**WENDEL FEE PROPOSAL FOR SOLAR FARM**

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 Town Supervisor is authorized to contract with Wendel for professional services in regards to the Somerset Solar 94c project, and be it further

**RESOLVED**, that the proposal is for professional services which are exempt from the public bidding requirements or the Town Procurement Policy, and be it further

TOWN BOARD MEETING  
APRIL 12, 2023 PAGE 4

**RESOLVED**, the Supervisor is authorized to execute the agreement after review by the Town Attorney, in an amount not to exceed \$40,000.

This fee will be covered by intervenor funds that we are applying for.

**SUPERVISOR UPDATES**

Eastern Niagara Hospital - announced that it will be closing on June 17, 2023, and the other hospital that is being built will not open until the Fall. The hospital will not be Eastern Niagara Hospital, but will be part of the Catholic Health system. The ambulatory surgery and urgent care on Transit Road will remain open, and the fire department is trying to get approval to transport patients to the urgent care.

Data Center – last Wednesday they had an outside firm perform a 24 hour decibel test along their fence line (required) and at Hosmer Road/Haight Road. They will perform another test after the 2<sup>nd</sup> building is finished. The results are not in yet.

AES Solar – filed on Good Friday.

Wastewater Treatment Plant – waiting for a quote on replacing the wind turbine.

**RESOLUTION 54-2023**

**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. 117 through No. 149	\$ 72,772.36
Highway Fund	No. 32 through No. 40	\$ 79,833.50
Sewer Fund	No. 49 through No. 67	\$ 12,803.98
Water Fund	No. 32 through No. 44	\$ 79,858.78

**PRIVILEGE OF THE FLOOR**

**BETTY WOLANYK** thanked the board for passing the resolution and for talking to the Data Center. She advised people to track when they hear noise and try to capture it on cell phones. Also, track the wind conditions. She also appreciates that we are applying for intervenor funds for the solar. Her concern is the impact on ground water.

**DICK RAY** would like the Town to contact NYS about Route 18. The truck traffic has beat the road badly.

Councilman Hotaling stated that the road is scheduled to be re-paved this year from Hess Road to County Line Road.

Superintendent Flint said that he was told it would be re-paved from Hess Road to Quaker Road.

TOWN BOARD MEETING  
APRIL 12, 2023 PAGE 5

AGNES LAPORT would like to see the Village cleaned up for the bicentennial celebration. She said that it is embarrassing to drive through the Village with the vacant buildings. She would like to see Thee Barker Store put something in the windows, perhaps signs for the Celebration.

JIM HOFFMAN wants the Town cleaned up:

- we should send a letter of encouragement to Mayer Bros to clean up the junk and feels that it is a violation
- a "tent" auto repair place east of Hartland Road has popped up
- the old gas station at the corner of Quaker Road and Lake Road has slowly been accumulating junk (the rest of Somerset Corners is looking good)

He congratulated the board on the accountability resolution, but we have a long way to go. Ridge Road Express has been approved for 12 electric buses. Betty Wolanyk pointed out that the NFTA has taken their electric buses off the road.

He wants the solar farm to stay north of Lake Road. Our Comprehensive Plan, back to the 1970's, identified the rural character (open space) of our town. He said that the DEC has authorized placing solar panels on landfills so the company should put them on their landfill.

MARCIA RAY asked how the board responds to the residents' concerns. Does the board make phone calls, or should the residents?

Discussed the process of the resident filing a complaint with the Code Enforcement Officer, and the Supervisor will follow up with him. If the complaint is for the state or county, the resident needs to contact the state or county. Supervisor Dewart said that he can talk to Senator Ortt and Legislature Foti.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 6:36 P.M. subject to the Call of the Clerk. Carried unanimously.

---

Tracy L. Carmer, RMC  
Town Clerk