

TOWN BOARD REGULAR MEETING
APRIL 10, 2019

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 April 2019.

Present: Daniel M. Engert ----- Supervisor
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Chris Bronson----- Councilwoman
Jon Hotaling ----- Councilman
Tracy L. Carmer----- Town Clerk
Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds
Michael M. Flint ----- Supt. of Highways
Mindy Austin ----- Confidential Asst. to the Supervisor
David Haylett----- Attorney

Absent: Brian Sibiga ----- Engineer

Attended by: approximately 35 residents and students

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

RESOLUTION 52-2019

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

Resolved the minutes of the previous meeting on March 13, 2019 are accepted as submitted.

RESOLUTION 53-2019

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

On a motion of Councilwoman Bronson, seconded by Councilman Dewart, the following resolution was

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
Nays 0

Resolved the Supervisor's Monthly report be accepted as submitted.

COMMUNICATIONS

Clerk Carmer advised that there will be a mobile mammography unit at Faith United Methodist Church on May 6th from 9:00am – 3:00pm. They will also have a free prostate cancer screening in June at Mount St. Mary's hospital in Lewiston.

TOWN BOARD MEETING
APRIL 10, 2019 PAGE 2

Clerk Carmer stated that we received a letter from Charter Communications advising that effective April 30, 2019 they will be adding a video-on-demand fitness channel for \$6.99 per month. Also, effective May 1, 2019, customer bill statement dates and payment due dates will be changing. Another letter was received stating that on April 4, 2019, LOVE on channel 489 will cease transmission and will change to informercials.

RESOLUTION 54-2019

SIDE FLAIL MOWER BID AWARD

Supervisor Engert announced that this is a budgeted item.

On a motion of Councilman Dewart, seconded by Councilwoman Bronson, the following resolution was

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

WHEREAS, the Town solicited bids for the furnishing of one 2018 or newer side flail mower; and

WHEREAS, the Town received one responsible bid from Cyncon Equipment Inc. to furnish, mount, and deliver a new side flail mower as per the specifications in the amount of \$27,026.00;

NOW THEREFORE, BE IT RESOLVED, that the contract for furnishing, mounting, and deliver one new side flail mower be awarded to the lowest responsible bidder submitting a responsive bid, Cyncon Equipment Inc., in the amount of \$27,026.00; and be it further

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

RESOLUTION 55-2019

SEWER DISTRICT EASEMENT RELEASE

Supervisor Engert stated that in 1978 an easement was incorrectly recorded so a resident "owns" one of our pumping stations.

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

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

WHEREAS, the SOMERSET-BARKER SEWER DISTRICT, a municipal corporation, having its principal office at 8700 Haight Road, Barker, New York 14012, was provided a Permanent Easement by Leonard E. and Lois E. Gordon pursuant to an Easement dated April 26, 1978, and recorded May 5, 1978, in Liber 1616 of Deeds at Page 151,

WHEREAS, the property description in the above-referenced easement was misplaced on the premises, and

WHEREAS, the SOMERSET-BARKER SEWER DISTRICT has obtained a new permanent easement to correct the easement description.

NOW, THEREFORE, the Somerset-Barker Sewer District hereby:

1. Consents to the elimination of the Permanent Easement granted to the Somerset-Barker Sewer District dated April 26, 1978, and recorded May 5, 1978, in Liber 1616 of Deeds at Page 151.

2. Consents to the filing of this Release of Permanent Easement in the records of the Clerk of the County of Niagara.

RESOLUTION 56-2019

WATER/SEWER SOFTWARE UPDATE

Supervisor Engert stated that this is a budgeted item.

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

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

WHEREAS, the Town of Somerset utilizes Badger Meter Co. products and software for water meter reading; and

WHEREAS, the Water Department is in need of the Badger Meter Co. software update to ensure that Town Water Department equipment functions properly; and

WHEREAS, the Superintendent of Water has researched suppliers of Badger Meter Co. software and found that the only authorized supplier for Niagara County is Lock City Supply, and

WHEREAS, Lock City Supply of Lockport, New York has provided information to the Superintendent of the Water Department indicating that it is the exclusive supplier for "Badger Meter Inc. utility products" in Niagara County, and

WHEREAS, Lock City Supply has supplied a quote for the set-up, activation, and on-site training for Badger Meter Co. software update for a total amount of \$7,330.00.

NOW THEREFORE BE IT RESOLVED, that Lock City Supply of Lockport, New York is found to be the "sole source" of the Badger Meter Co. software and related equipment needed for use in the Town's Water Department, and as such constitutes an exception to the Town of Somerset's Procurement Policy, and

BE IT FURTHER RESOLVED, that the Superintendent of the Water Department is authorized to purchase the Badger Meter Inc. software update, set-up, and on-site training from Lock City Supply for the amount of \$7,330.00 without the need to obtain three written quotes from three separate vendors.

RESOLUTION 57-2019

SURPLUS PROPERTY DONATION

Supervisor Engert stated that with our change to a VOIP phone system, we no longer have the need for a fax machine.

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

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

WHEREAS, the Town of Somerset has acquired fax machine for the purpose of carrying out services in the public interest; and

WHEREAS, the Town Board has deemed it unnecessary to maintain ownership of the fax machine, which has become worn out, obsolete or no longer needed; and

WHEREAS, the Town Board desires to dispose of this fax machine.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Somerset, New York that the Town Board finds and declares that the fax machine surplus property, which has no value and the Town no longer has a use for; and be it further

RESOLVED, that the Town Supervisor is authorized and directed to donate said obsolete fax machine to the Baker Public Library.

RESOLUTION 58-2019

LED LIGHTING CONVERSION

Supervisor Engert stated that there are no upfront costs for this. We pay for it through our bills. Annual savings will be approximately: \$2,300 Highway Department, \$2,051 Town Hall, and \$3,007 Water/Sewer Department. The payback would be 1-1/2 years and this will complete all of our lights, inside and outside.

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

ADOPTED: Ayes	5	Engert, Jansen, Dewart, Bronson, Hotaling
Nays	0	

Be it Resolved that the Supervisor is authorized to enter into an agreement with Lime Energy to perform the municipal LED conversion project.

Supervisor Engert thanked Superintendent Dewart for taking Dennis from Lime Energy around to do a survey.

RESOLUTION 59-2019

AUDIT OF CLAIMS

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

ADOPTED: Ayes 5 Engert, Jansen, Dewart, Bronson, Hotaling
 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. 116 through No. 147	\$ 36,671.82
Highway Fund	No. 30 through No. 41	\$ 48,311.42
Sewer Fund	No. 30 through No. 43	\$ 5,691.21
Water Fund	No. 27 through No. 32	\$ 43,734.87

PRIVILEGE OF THE FLOOR

Pam Atwater stated that Legislator Syracuse put forward a resolution calling on the Governor to direct the Article 10 Siting Board to require wind turbine projects to include all the standard environmental and comprehensive health impact and environmental studies, including consideration of the added potential for sleep disturbances from pulsating night noise dominated by low frequency and infrasound, especially under stable atmospheric conditions. She noted that there is no opposition to the Supervisor or the Town Council in both the Town of Somerset and Yates and she thinks that is a huge statement of support.

Betty Wolanyk said that she is puzzled by APEX's sound claims of 45 decibels at night as that conflicts with the sound at other wind facilities. She asked APEX if this is a maximum sound or an averaged sound. Paul Williamson told her that the sound was measured at the residence of a non-participating home owner and it is the maximum sound. She said that storms make the noise louder and asked if they were doing anything to reduce that noise level and would there be a number to call to complain. Mr. Williamson said that they would feather the turbine blades or make other changes to reduce noise levels. With winds over 50mph they would shut off the turbines. He said for complaints they would have to set up monitoring equipment and Betty feels the storm would be over by the time they got equipment set up to monitor. She asked if there would be any repercussions for exceeding the sound limit. Mr. Williamson said that it would depend on the contract with the state, but the modeling indicates that they would not exceed the limits. She asked if this is based on modeling or actual experience. It is all modeling, there is no actual sound data from turbines build on land. When she asked about infrasound monitoring, Mr. Williamson said they do not monitor it and do not have plans to monitor it in the future.

Jim Hoffman congratulated the board on switching the lighting to LED. He said this saves money and conserves energy. He also congratulated Supervisor Engert on his article of April 5th about the pro wind stance. Regarding it, Jim asked why pro-urban. He said that we (rural population) are a minority in New York State and the issues associated with

renewables would not be tolerated in urban and suburban areas. He discussed flack over single turbines, and the definition of elitist being a feeling of superiority due to social status, wealth, education and knowledge. He mentioned some clubs that favor renewable energy regardless of the consequences imposed on others. Jim stated that if everyone switched to LED we could eliminate a couple power plants. He said that elitist groups are appearing now out of APEX' desperation to save the project. He said that APEX has failed to convince our residents of the benefits of an industrial wind project, bribing the public did not work, and the propaganda deluge did not work. He said their proposal is a violation of town law, contrary to home rule, disregards USF&W recommendations, and is a physical and environmental threat to the welfare of our community.

Supervisor Engert stated that his article appeared in the Albany Times Union

Tamara Pessah stated that APEX abandoned the Galloo project because of a bald eagle and she has seen 2 bald eagles around here. She said that perhaps we can locate the nests and use it as a precedent. She said we should do more to reach people not in this room and should do public shaming on social media. She noted that there are 2 endangered bat species in our area.

Agnes LaPorte Thanked the board for what they are doing. She said that the students in the audience should go on the Save Ontario Shores site and Mothers Against Wind Turbines with their parents to get more information.

Mike Basil thanked the board and said that the purpose of Article 10 is to protect us from unethical wind projects. He said can't we stop the process by attacking the company for being unethical? He said that APEX thinks they do not have to disclose information and we are supposed to buy into it. He said that we are spending our time and tax money to fight a company that will benefit from our tax money. He said from strictly a business ethics position, he thinks we can unwind this if we go after them.

Supervisor Engert said that rumors are circulating around town and we have received no communication from APEX. He said that Paul Williamson has not been at a board meeting in a long time but he is in town today. Supervisor Engert stated that he sent an email on Friday to give them the opportunity to address the rumor that they are pulling out and he has not received a reply. He sent another email on Tuesday to Mr. Habig giving him the opportunity to address the rumors. He also has not responded as of the board meeting.

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the meeting adjourned at 6:41P.M. subject to the Call of the Clerk

Tracy L. Carmer, RMC
Town Clerk