

TOWN BOARD REGULAR MEETING  
SEPTEMBER 11, 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 11<sup>th</sup> day of September 2019.

Present:	Daniel M. Engert -----	Supervisor
	Robin R. Jansen -----	Councilwoman
	Jeffrey M. Dewart -----	Councilman
	Gail Damon -----	Councilwoman
	Jon Hotaling -----	Councilman
	Tracy L. Carmer-----	Town Clerk
	Michael M. Flint -----	Supt. of Highways
	Jonathan D. Dewart -----	Supt of Water/Sewer/Grounds
	David Haylett-----	Attorney

Excused/	Mindy Austin -----	Confidential Asst. to the Supervisor
Absent:	Brian Sibiga -----	Engineer

Attended by: approximately 15 residents and students

Supervisor Engert called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance. We held a moment of silence to remember those who lost their lives on 9/11/2001.

**RESOLUTION 78-2019**

**APPROVAL OF THE MINUTES**

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

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

Resolved the minutes of the previous meeting on August 14, 2019 are accepted as submitted.

**RESOLUTION 79-2019**

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT**

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

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

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

**COMMUNICATIONS**

Clerk Carmer read a letter from Charter Communications advising of rate increases.

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Supervisor Engert stated that the eight counties associated with REDI (Resiliency and Economic Development Initiative) are eligible for funding if they were impacted by flooding between January 1, 2019 – September 30, 2019. Applications will be received between October 1, 2019 and October 31, 2019. Priority funding will go to damaged primary residences which sustained direct physical flood related damage that threatens the safety of the home. Second priority will go to lakeshore land that was damaged and threatens the safety of the primary residence. Supervisor Engert said that \$100 million is available for this and properties that are eligible for insurance are not eligible for funding.

Supervisor Engert provided an update on the feasibility study for the Multiple Use property. He said that it is moving forward, toward task five and six. In October we will be looking at conceptual designs and cost estimates and will hold public meetings. We received pictures of areas of the land that we had not seen yet.

Supervisor Engert also discussed the REDI Commission and said the Multiple Use site and YMCA Camp Kenan went to committee and are being passed on to the commission who determines which projects will move forward. Between Niagara and Orleans Counties the total cost of the proposed projects are over \$61 million, and there is only \$100 million allocated for all eight counties.

**RESOLUTION 80-2019**

**SECURITY CAMERA PURCHASE**

Supervisor Engert stated that adding security cameras to the trails and playground area will enhance park security.

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

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

**WHEREAS**, the Town of Somerset desires to purchase and install three security cameras for the maintenance building at the Somerset Town Hall, and

**WHEREAS**, the Town has received a quote for the purchase and installation of 3 Hikvision IP Turret Cameras and related accessories from Benoit Security, Inc. in the amount of \$1,195.00.

**NOW THEREFORE BE IT RESOLVED**, that Supervisor is authorized to enter into an agreement for the purchase and installation of three Hikvision IP Turret Cameras and related accessories as set forth in the proposal from Benoit Security, Inc.

**RESOLUTION 81-2019**

**PARK MANAGEMENT**

Supervisor Engert stated that we have invasive Beech trees crowding out other trees. They also have an issue of rotting in the center.

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

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

**WHEREAS**, the Town desires to effectively manage the Town park woods located at 8700 Haight Road, Town of Somerset, and

**WHEREAS**, the Town has received a proposal from Big East Timber Management to remove 25-30 trees located in the Town park woods, and

**WHEREAS**, the trees to be removed are invasive beech trees that are crowding out native hardwoods, dead Ash trees, and rotted trees that pose a danger to individuals using the park trails; now, therefore, be it

**RESOLVED**, that the Town determines that the proposal as set forth by Big East Timber Management is not subject to competitive bidding as the cost to the Town is lower than the monetary thresholds in section 103 of New York State General Municipal Law, and be it further

**RESOLVED**, that the Town Board approves the proposed agreement with Big East Timber Management dated September 11, 2019 for removal of 25-30 trees located in the Town park woods at 8700 Haight Road, Town of Somerset, and authorizes the Town Supervisor to execute the same.

RESOLUTION 82-2019

**ASSESSOR RE-APPOINTMENT**

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

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

Resolved Brian Pavlock is appointed to serve a six year term beginning October 1, 2019.

RESOLUTION 83-2019

**EMPLOYEE HANDBOOK UPDATE**

Supervisor Engert stated that we should update the employee handbook to mirror the union contract so that management gets the same benefits as the employees. It would include a stipend for a cell phone and sick leave incentive and only affects the Water/Sewer/Grounds Superintendent.

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

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

Resolved to update the employee handbook to include the cell phone stipend language and sick incentive language as written in the Collective Bargaining Agreement.

RESOLUTION 84-2019

**PHASE 3 SEWER REPAIRS**

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

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

**WHEREAS**, the Town desires to proceed with Phase 3 of the sewer lining and manhole repairs located in the Town of Somerset,

**WHEREAS**, the Town has requested that Wendel prepare and issue a request for proposals for said sewer lining and manhole repairs, now therefore

**BE IT RESOLVED** that the town board of the Town of Somerset hereby authorizes Wendel to prepare and issue a proposal for engineering services for the Phase 3 sewer lining repairs,

**BE IT FURTHER RESOLVED** that Wendel is authorized to prepare a written request for proposals to proceed with phase 3 of the sewer lining and manhole repairs subject to the approval of the Water/Sewer Superintendent, Town Attorney and Town Supervisor.

RESOLUTION 85 -2019

**AUDIT OF CLAIMS**

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

ADOPTED: Ayes                5        Engert, Jansen, Dewart, Damon, 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. 294 through No. 327	\$ 35,089.03
Highway Fund	No. 88 through No. 99	\$ 69,759.97
Sewer Fund	No. 76 through No. 82	\$ 1,535.04
Water Fund	No. 63 through No. 69	\$ 1,347.43

PRIVILEGE OF THE FLOOR

Steve Royce provided the web address for homeowners to apply for the funding that Supervisor Engert spoke about earlier. <https://hcr.ny.gov/> He said was pleased to see the letter from Supervisor Engert and Supervisor Simon from the Town of Yates to Mark Goodwin, the CEO of APEX, reminding him of their unwelcome status in our towns. Also, his monitoring shows that NYS has under 15% output on wind turbine use for the summer season.

Supervisor Engert stated that he has not received a response to the letter.

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Jim Hoffman attended the event at ECC yesterday regarding wind turbine sound, and thanked Senator Ortt for bringing the meeting together. He said it reinforced his beliefs that wind turbines do not belong anywhere near people. They spoke of 1 to 1-1/2 mile setbacks of which APEX has ignored. He said most compelling were the talks from the people who are living near turbines.

Cathi Orr said the meeting was amazing and her former neighbor from Orangeville was there and everything she said hit home. She said if they had people like Mr. Stapleton was in Wyoming County she believes they would not have turbines. There were doctors there that stated the larger the turbines the more noise that is produced. A friend of hers used to not be able to go into her living room because of the flicker and noise and she stated that nobody measures the affects inside the house.

Betty Wolanyk also attended the event and was shocked that two of the speakers lost sight in one eye. One was a doctor and he lost his sight after spending 3 nights in a house near turbines in Massachusetts. He also had special disorientation which took him 7 weeks to recover from. She thanked the Town for protecting our residents. She was also shocked and appalled that the members of the Sierra Club did not applaud, did not even react to the speakers. Supervisor Engert said they got up and left when the impact victims started to speak. Betty noticed a Somerset leaseholder there so she feels they are not done with us.

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the meeting adjourned at 6:27P.M. subject to the Call of the Clerk

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Tracy L. Carmer, RMC  
Town Clerk