

TOWN BOARD REGULAR MEETING
OCTOBER 9, 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 9th day of October 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
	Mindy Austin -----	Confidential Asst. to the Supervisor
	David Haylett-----	Attorney
	Brian Sibiga -----	Engineer

Attended by: approximately 20 residents and students

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

The meeting began with a presentation about the 2020 census given by David Jaacks. He stressed the need to organize a Complete Count Committee to make sure everyone is counted. They are also hiring and referred everyone to their website <https://2020census.gov/jobs>.

RESOLUTION 86-2019

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 September 11, 2019 are accepted as submitted.

RESOLUTION 87-2019

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

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

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

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COMMUNICATIONS

Clerk Carmer read a letter from Charter Communications advising of the discontinuance of the Disney Channel.

RESOLUTION 88-2019

JCAP GRANT

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 State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Courts with needed equipment, court operations, training, and improvement of court facilities; and

WHEREAS, the funds available under the New York State Unified Court System Justice Court Assistance Program would enable the Town of Somerset Justice Court to upgrade court operations, equipment, and facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Somerset is hereby authorized and directed to file an application with the Justice Court Assistance Program not to exceed \$30,000.00 in grant funding.

RESOLUTION 89-2019

RE-LEVY UNPAID WATER AND SEWER

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 to direct the legislature to re-levy unpaid water and sewer onto the Town and County tax bill in the following amounts:

Water \$10,296.57

Sewer \$ 6,492.05

RESOLUTION 90-2019

LOCAL LAW 1-2019 WATER LEVY FEE

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, a public hearing will be held on November 6th at 6:00 p.m. to hear and consider a local law amending "payment for water service" provision of Chapter 195 of the Town Code.

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Supervisor Engert stated that this has become an increasing issue where services are provided and not being paid for up to 15 months. By placing a re-levy fee we can recoup some of the town costs incurred to process the unpaid bills. He said many other towns charge this fee already.

RESOLUTION 91-2019

PHASE 3 SEWER REPAIRS

On a motion of Councilman Dewart, seconded by Councilman Hotaling, 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 and manhole repairs located in the Town of Somerset; and

WHEREAS, Wendel has submitted a proposal dated October 2, 2019 to develop a request for proposal and provide design and construction support for the sewer repairs at a cost of \$4,000.00; and

WHEREAS, proposals for professional services are not subject to the competitive bidding requirements of the Town's Procurement Policy;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Somerset hereby retains Wendel to develop a request for proposal and provide design and construction support for the Phase 3 sewer repairs at a cost not to exceed \$4,000.00; and be it further

RESOLVED, that the Supervisor is 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.

Supervisor Engert stated that due to the time of year, there is some concern with settling and cost increase so we will encumber the funds to do the project in the Spring when it is less expensive.

RESOLUTION 92-2019

ADOPT TENTATIVE BUDGET

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

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

Resolved to adopt the Tentative Budget as the Preliminary Budget, adopt the Fire District Budget, and schedule public hearings for the budgets.

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Supervisor Engert provided an overview and said the overall tax rate in the General Fund remains at \$1.68; the overall levy increased slightly by less than 1%, along with spending. Raises were included for 1.96% across the board; the Fire District tax rate remains flat at \$0.94; and there are zero service cuts in 2020.

RESOLUTION 93-2019

TOWN BOARD MEETING DATE CHANGE

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

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

Resolved to change the next regularly scheduled Town Board meeting to November 6, 2019 and to authorize prepayment of November bills to avoid any bills being paid late due to the meeting change.

RESOLUTION 94 -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. 328 through No. 357	\$ 29,311.39
Highway Fund	No. 100 through No. 113	\$ 4,239.24
Sewer Fund	No. 83 through No. 102	\$ 6,663.56
Water Fund	No. 70 through No. 77	\$ 61,342.23

PRIVILEGE OF THE FLOOR

Steve Royce stated the during the 94 days between the spring and autumnal equinoxes that installed wind capacity from 1,128 large-scale wind turbines in New York performed as expected with a capacity factor of 15.4%. Average daily output exceeded 40 percent on only three days; exceeded 25 percent on only seventeen days; and was less than 10 percent on forty one days. He said this is a terrible waste of money and that the Somerset Operating Company plant is reliable at 600mw daily. He also stated that the cost of decommissioning a single wind turbine is over \$500,000.

Betty Wolanyk said that Lighthouse Wind is still on APEX list as an active project with a projected active date of October 2021. She noted that Galoo Island is also still on the list with a projected active date of December 2023. She stated that she feels this list is current since the Galoo Island date is after Lighthouse Wind. She said we should not plan on the fact that APEX is gone.

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Jim Hoffman provided an excerpt from the September 2019 Livingston County News. It included information that as part of the Innogy project 16.5 miles of access roads will be constructed along with 31 miles of underground electricity collection lines. It will also have an electrical substation, a point of interconnection with the existing electrical grid, up to four 328 foot tall meteorological towers, up to two temporary staging areas for construction and a 4,000 – 6,000 square foot operations and maintenance building. He said that this does not pertain to Lighthouse Wind but is an example of the carnage that our towns are subject to. He also provided information from a session on Noise at ECCC on September 10, 2019 in which an audiologist stated that sleep disturbances are well documented and most setbacks are inadequate for health issues. Dan Stapleton, NYS Association of County Health Officials, was a participant and he said that we should learn how to do things before we do them by reviewing and testing prior to implementation. He said that we should not have to prove that wind turbines are unsafe, but they (APEX) must prove the safety of them. Jim said that we are guinea pigs and should re-look at the ordinance.

Supervisor Engert said that he received communication from APEX that they are decommissioning the meteorological towers on the Alt and Eggert properties.

Cathi Orr said that the estimate of \$500,000 to decommission the towers is not accurate because back in 2012 or 2013 the estimate for smaller turbines was \$1,000,000.

Agnes LaPorte thanked the board for the diligent, hard work they have been doing for so long.

On a motion of Councilwoman Jansen, seconded by Councilman Hotaling, the meeting adjourned at 6:45P.M. subject to the Call of the Clerk

Tracy L. Carmer, RMC
Town Clerk