

TOWN BOARD REGULAR MEETING
JUNE 12, 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 12th day of June 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
David Haylett----- Attorney

Excused: Michael M. Flint ----- Supt. of Highways
Mindy Austin ----- Confidential Asst. to the Supervisor
Brian Sibiga ----- Engineer

Attended by: approximately 12 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 63-2019

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Hotaling, 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.

RESOLUTION 64-2019

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 May 8, 2019 are accepted as submitted.

RESOLUTION 65-2019

EMPIRE STATE DATA HUB

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

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

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WHEREAS, the Somerset Operating Company, LLC (Somerset), a 675 MW coal-fired generating plant in Barker, NY, has proposed to retire the plant ahead of the Governor's 2020 "no coal" deadline and repurpose the facility as a 500 MW data center using renewable energy; and

WHEREAS, the plan to repurpose the 1800-acre Somerset plant is a component of the "Empire State Data Hub", a \$650 million capital investment plan which seeks to close the last two operating coal plants in New York State (the other being the 309MW Cayuga coal plant in Tompkins County) by taking advantage of a skilled local work force and valuable on-site attributes that include existing electric infrastructure, expansive land, and a moderate climate critical to largescale data centers; and

WHEREAS, the Empire State Data Hub would represent a significant economic boon for the Upstate economy, creating 600 Union construction jobs and 200 full time jobs in aggregate, with average salaries in the \$40,000 to \$60,000 range, while also creating a stable, increasing revenue model for local governments; and

WHEREAS, Empire State Data Hub would invest \$550 million into the Somerset campus making it the largest capital investment in Niagara County history, and would create 500 Union construction jobs, and 160 full-time employees; and

WHEREAS, the Somerset Operating Company, LLC currently employs approximately sixty (60) employees in the Town of Somerset that are facing imminent risk of losing their job due to the projected plant closure in 2020; and

WHEREAS, the Empire State Data Hub proposal in the Town of Somerset provides an ideal opportunity to transition the current Somerset Operating Company, LLC employees to well-paying jobs as opposed to the unemployment line; and

WHEREAS, the Somerset campus of the Empire State Data Hub would focus on the growing demand for the computational power necessary in the burgeoning businesses of artificial intelligence, machine learning and high-performance computing; also proposes a separate plan to construct a solar facility as part of the site's future expansion and

WHEREAS, the Town of Somerset has taken a strong and unanimous position in support of this redevelopment plan, which is fully in line with the goals of the Town's Comprehensive Plan and LWRP; and

WHEREAS, the Data Hub proposal is enthusiastically supported by a broad and unified coalition of key stakeholders including environmentalists, labor unions, local elected officials, business leaders, and local school district officials; and

WHEREAS, an application seeking 125 MWs of renewable energy is currently being considered by the New York State Power Authority, as well as an application seeking

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economic assistance from Empire State Development Corporation to transition the Somerset site; and

WHEREAS a strong position by the Town of Somerset in support of the Empire State Data Hub proposal is critical to its success.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Somerset determines the Somerset Operating Company's proposal to deactivate the coal plant and convert the site into a large-scale data center powered by renewable energy from nearby Niagara Falls and solar energy will greatly benefit the economy and the environment of this region; and be it further

RESOLVED, that the Empire State Data Hub plan also recognizes the economic opportunity inherent in this energy transition by seeking to shift from the old economy of coal to the new economy of high technology while utilizing renewable energy to power economic growth; and be it further

RESOLVED, that the Town of Somerset urges the New York State Power Authority to approve the Empire State Data Hub application seeking a 125 MW allocation of fair and reasonably priced renewable energy – representing an almost 10 to 1 MW shift from fossil fuels to green energy; and be it further

RESOLVED, that the Town of Somerset urges Empire State Development Corporation to approve the Empire State Data Hub's application for \$65 million in economic assistance as part of the overall \$650 million capital investment to transition the Somerset site from an aging coal plant to a modern, large-scale Data Hub; and be it further

RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, NYPA President Gil Quiniones, NYPA Board of Trustees Chair John Koelmel, ESD Executive Director Howard Zemsky, State Senator Panel Helming, State Senator Robert Ort, Assemblywoman Barbara Lifton, Lansing Town Supervisor Ed LaVigne, Deputy Secretary for Energy and Environment Dale Bryk, Director of Policy John Maggiore

Supervisor Engert discussed the press conference held to show support for this and stated that it is a good project for the community.

RESOLUTION 66-2019

WATERFRONT PARK FEASIBILITY STUDY GRANT

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

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

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Resolved the Supervisor is authorized to enter into a contract T1001348 Waterfront Park Feasibility Study and master plan with the Department of State pending approval of the town attorney and engineers.

Supervisor Engert said that a requirement for the grant is that 30% of the distribution has to be to a company that is MWBE. Since our engineering firm does not meet the requirement they are partnering with another firm to meet this.

RESOLUTION 67-2019

STANDARD WORK DAY AND REPORTING RESOLUTION

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

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

BE IT RESOLVED, that the Town of Somerset/30287 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities: (attached at the end of the minutes)

RESOLUTION 68 -2019

AUDIT OF CLAIMS

On a motion of Councilwoman Dewart, 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. 181 through No. 220	\$ 46,512.13
Highway Fund	No. 50 through No. 67	\$ 21,194.63
Sewer Fund	No. 47 through No. 56	\$ 4,127.16
Water Fund	No. 38 through No. 43	\$ 1,410.10

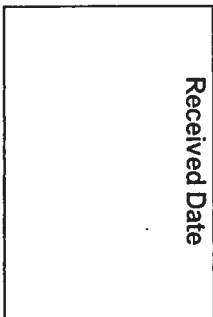
COMMUNICATIONS

Clerk Carmer read a note received from Jon Hotaling, Commander of Herbert W. Carr Post 425 of the American Legion, thanking the Town for their support of the Memorial Day ceremony.

On a motion of Councilman Hotaling, seconded by Councilman Dewart, the meeting adjourned at 6:15P.M. subject to the Call of the Clerk

Tracy L. Carmer, RMC
Town Clerk

Please type or print clearly
in blue or black ink



Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Employer Location Code

3 0 2 8 7

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev.09/18)

BE IT RESOLVED, that the Town of Somerset / 30287 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Title:	Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs	Name: (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member is Tier 1)	Current Term Begin & End Dates: (mm/dd/yy-mm/dd/yy)	Record of Activities Result:**	Not Submitted: (Check only if official did not submit their Record of Activities)
Elected Officials:								
Town Justice	7	Pamela Rider	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/19 - 12/31/22	9.16	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
Appointed Officials:								
Justice Court Clerk	7	Janice Rider	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/19 - 12/31/22	9.33	<input type="checkbox"/>
Confidential Secretary to the Supervisor	7	Melinda Austin	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/19 - 12/31/19	17.81	<input type="checkbox"/>
Code Enforcement Officer	7	Mark Remington	[REDACTED]	[REDACTED]	<input type="checkbox"/>	01/01/19 - 12/31/19	3.84	<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) (Name of Employer)

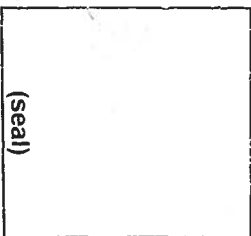
do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 12th day of June, 20 19 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Somerset on this 13th day of June, 20 19.

Tracy L. Carner (Signature of Secretary or Clerk)

Affidavit of Posting: I, (Name of Secretary or Clerk) being duly sworn, deposes and says that the posting of the Resolution began on (Date) and continued for at least 30 days. That the Resolution was available to the public on the:

☐ Employer's website at: www.somersetny
☐ Official sign board at: _____
☐ Main entrance Secretary or Clerk's office at: 8700 Haight Road, Barker, NY 14012 Page 1 of 2 (for additional rows, attach a RS 2417-B form.)



New York State and Local Retirement System
110 State Street, Albany, New York 12244-0001

Employer Location Code

3 0 2 8 7

RS 2417-B
(Rev.09/18)

(Rev.09/18)

Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials Continuation Form

[illegible]

Employer: Town of Somerset Location Code: 30287 Page 2 of 2 (use with form RS 2417-A)