

TOWN BOARD SPECIAL MEETING
JANUARY 2, 2019

A Special 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 2nd day of January 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
Mindy Austin ----- Confidential Asst. to the Supervisor
David Haylett----- Attorney

Absent: Michael M. Flint ----- Supt. of Highways
Brian Sibiga ----- Engineer

Attended by: 5 residents

Notice of said meeting sent to the Lockport Union-Sun and Journal on December 28, 2018 with same notice being posted at the Town Hall and on the website on the same day.

Supervisor Engert called the meeting to order at 5:00PM with the Pledge to the Flag and a prayer for guidance, and announce that this meeting replaces the normal Board Meeting that would have taken place on January 9, 2019.

RESOLUTION 1-2019

APPROVAL OF THE MINUTES

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 the minutes of the previous meeting on December 12, 2018 are accepted as submitted.

RESOLUTION 2-2019

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

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

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

ANNUAL REPORT RECEIVED AND FILED
Town Clerk

RESOLUTION 3-2019

ANNUAL AUDIT OF DEPARTMENTS

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

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

WHEREAS, the Audit Committee conducted its annual audit on Thursday, December 20, 2018, and

WHEREAS, the criminal and civil dockets of the Town Justice for 2018 having been duly examined with the monthly cash summary being viewed and the fines and fees having been turned over to the proper officials, and

WHEREAS, the records of the Town Clerk for 2018 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Tax Collector for 2018 having been duly examined and turned over to the proper officials, and

WHEREAS, the records of the Supervisor for 2018 having been duly examined with all monies disbursed properly,

BE IT RESOLVED that the Somerset Town Board accept and adopt the findings of the Audit Committee for 2018 that the aforementioned departments have properly managed those monies that fall within their purview.

RESOLUTION 4-2019

JUSTICE DEPARTMENT

The town has a newly elected Town Justice and she has requested an independent financial review of the department be conducted for a record moving forward of her court versus the former courts.

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

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

WHEREAS, the incoming Town Justice Pamela Rider on December 26, 2018 requested an audit of the books and records of the Somerset Town Court, now therefore

BE IT RESOLVED that the Supervisor is authorized to enter into an agreement with an independent auditing firm to provide auditing services of the Town of Somerset Justice Court.

RESOLUTION 5-2019

SNOW AND ICE AGREEMENT

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

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

Resolved that the Somerset Town Board is authorized to enter into an agreement for snow and ice with New York State.

RESOLUTION 6-2019

EXTENSION OF GASOLINE CONTRACT WITH DRUM OIL

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 to extend the contract with Drum Oil & Propane for another year.

RESOLUTION 7-2019

LABORATORY SERVICES

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 of Somerset Wastewater Treatment Plant is in need of laboratory testing services, and

WHEREAS, the Town's current contract with Pace Analytical Services, Inc. has expired, and

WHEREAS, the Town has solicited quotes to provide lab testing at the Somerset Wastewater Treatment Plant, and

WHEREAS, the lowest responsible quote received by the Town was submitted by Pace Analytical Services, Inc. in the amount of \$155.00 per month, now therefore

BE IT RESOLVED, that the Town Board finds that it is in the public interest to award the Wastewater Treatment Plant contract to Pace Analytical Services, Inc., and

BE IT FURTHER RESOLVED, that the Superintendent of Water/Sewer/Grounds and the Town Supervisor are authorized to execute any and all documents in such form as is satisfactory to the Town Supervisor and Town Attorney and take whatever other actions may be necessary to give effect to this resolution.

RESOLUTION 8-2019

ANNUAL APPOINTMENTS

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

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

REGULAR MEETINGS of the Town Board shall be:

2ND Wednesday of each month at 6:00PM
Somerset Town Hall, 8700 Haight Road.

OFFICIAL DEPOSITORIES for accounts and investments shall be:

Evans Bank, Lockport, NY
M & T Bank, Lockport, NY
Chase Bank, New York, NY

AUTHORIZED SIGNATURES AT BANKS shall be the Supervisor, Deputy Supervisor and Town Clerk.

OFFICIAL PUBLICATION of the Town of Somerset shall be Lockport Union-Sun & Journal, Lockport, NY

OFFICIAL MILEAGE shall be based on the IRS rate with the rate for 2019 being \$0.58 cents per mile

FOREMAN for the Water/Sewer/Grounds Department shall be Jesse Green

FOREMAN for the Highway Department shall be Jeff Reeson

DOG CONTROL OFFICER shall be Mark Remington

DEPUTY DOG CONTROL OFFICER shall be Daniel Greenwald

ZONING BOARD MEMBER Fred Leuer is appointed for a 5 year term

ZONING BOARD CHAIRMAN shall be Scott Ecker

ZONING BOARD SECRETARY shall be Melinda Austin

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PLANNING BOARD MEMBER Krista Atwater is appointed for a 5 year term

PLANNING BOARD SECRETARY shall be Melinda Austin

BOARD OF ASSESSMENT REVIEW SECRETARY shall be Melinda Austin

NUTRITION SITE SERVICES ASSISTANT shall be Tonya Velia

Supervisor Engert noted that the Board is delaying the appointment for Senior Citizen Director until it is closer to their next meeting date as the current director is rehabilitating from an illness.

RESOLUTION 9-2019

ANNUAL APPOINTMENT OF PLANNING BOARD CHAIRMAN

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

ADOPTED by Roll Call Vote

Supervisor Engert	Aye
Councilwoman Jansen	Abstain
Councilman Dewart	Aye
Councilwoman Bronson	Aye
Councilman Hotaling	Aye

Resolved the Planning Board Chairman for 2019 shall be Norm Jansen pursuant to the parameters set forth in the budget.

RESOLUTION 10-2019

SCHOOLING FOR TOWN OFFICIALS

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

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

Resolved that schooling for Elected and Appointed Officials, Water Superintendent, Code Enforcement Officers, Assessor and Dog Control Officers when school pertains to respective jobs is duly authorized.

RESOLUTION 11-2019

DELEGATE AND ALTERNATE TO ASSOCIATION OF TOWNS MEETING

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

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

Resolved that Clerk Carmer be appointed delegate for the Association of Towns meeting, and Supervisor Engert be appointed the alternate delegate for the Association of Towns meeting.

RESOLUTION 12-2019

APPROVAL OF HISTORICAL SOCIETY CONTRACT

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

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

Resolved that the contract with the Town of Somerset Historical Society for \$7,752.00 for 2019 is approved.

RESOLUTION 13-2019

APPROVAL OF SENIOR CITIZENS CONTRACT

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 that the contract with the Town of Somerset Senior Citizens for \$7,500.00 for 2019 is approved.

RESOLUTION 14-2019

APPROVAL OF SOMERSET YOUTH BASEBALL CONTRACT

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 that the contract with Somerset Youth Baseball for \$6,700.00 for 2019 is approved.

RESOLUTION 15-2019

APPROVAL OF AMERICAN LEGION CONTRACT

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

ADOPTED BY ROLL CALL VOTE	Supervisor Engert	Aye
	Councilwoman Jansen	Aye
	Councilman Dewart	Aye
	Councilwoman Bronson	Aye
	Councilman Hotaling	Abstain

Resolved that the contract with the American Legion for \$1,400.00 for 2019 is approved.

RESOLUTION 16-2019

APPROVAL OF HIGHWAY AGREEMENT WITH VILLAGE OF BARKER

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

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

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Resolved that the contract with the Village of Barker for providing use of highway equipment and services for 2019 is approved.

RESOLUTION 17-2019

APPROVAL OF WATER AGREEMENT WITH THE VILLAGE OF BARKER

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

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

Resolved that the contract with the Village of Barker for providing use of water equipment and services for repair of water lines for 2019 is approved.

RESOLUTION 18-2019

ANNUAL APPOINTMENT OF ATTORNEY

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

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

Resolved the Supervisor is authorized to execute an agreement with Seaman Norris LLP for 2019 pursuant to the parameters set forth in the budget.

RESOLUTION 19-2019

ANNUAL APPOINTMENT OF ENGINEER

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 is authorized to execute an agreement with Wendel for 2019 pursuant to the parameters set forth in the budget.

RESOLUTION 20-2019

APPOINTMENT OF ASSESSOR

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 Brian Pavlock is appointed Town Assessor and the Supervisor is authorized to execute an agreement with said Assessor through September 30, 2019; and be it further

RESOLVED, that Shelly Arnold is appointed clerk to the Town Assessor for 2019.

Supervisor Engert stated the reason that the contract for the assessor only goes through September is due to the statewide terms for Town Assessors expiring in September

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2019. If services are satisfactory, the board can reappoint him in September to a 6 year term.

RESOLUTION 21-2019

APPOINTMENT OF JUSTICE CLERK

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 upon advice and consent from the Town Justice, Janice Rider is appointed Town Justice Court Clerk.

RESOLUTION 22-2019

AUTHORIZE PURCHASE OF STONE, GRAVEL, ETC.

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

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

Resolved that the Superintendents of Departments are authorized to purchase stone, gravel, asphalt, gasoline, tires, etc., at state and county prices.

RESOLUTION 23-2019

AUTHORIZE PURCHASES UP TO \$3,000.00

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 that the department heads are authorized to purchase up to \$3000.00 per item without prior Town Board approval.

RESOLUTION 24-2019

AUTHORIZE TO PRE-PAY ITEMS

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 that the Supervisor is authorized to prepay utility bills, contracts and postage.

RESOLUTION 25-2019

AUTHORIZE TO PRE-PAY BILLS

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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Resolved the Supervisor is authorized to prepay all bills that would otherwise be late for the February 2019 board meeting.

RESOLUTION 26-2019

APPROVAL OF INVESTMENT AND PROCUREMENT POLICIES

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 upon review by the Town Board, the investment policy and procurement policy of the Town of Somerset are approved.

RESOLUTION 27-2019

AGREEMENT TO SPEND HIGHWAY FUNDS

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

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

Resolved that pursuant to the provisions of Section 284 of the Highway Law, monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, \$260,728.00 shall be expended for the general repairs upon 33.42 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 28-2019

AUDIT OF CLAIMS

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 that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 1 through No. 13	\$ 7,926.00
Highway Fund	No. 0 through No. 0	\$ 0.00
Sewer Fund	No. 1 through No. 1	\$ 964.42
Water Fund	No. 1 through No. 1	\$ 420.00

On a motion of Councilwoman Jansen, seconded by Councilwoman Bronson, the meeting adjourned at 5:27P.M.

RESOLUTION 29-2019

RETURN TO SESSION

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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 to return to regular session.

SUPERVISOR'S APPOINTMENTS

Supervisor Engert made the following appointments:

CONFIDENTIAL ASSISTANT TO THE SUPERVISOR – Melinda Austin

DEPUTY SUPERVISOR – Robin Jansen

HISTORIAN – Peter Devereaux

AUDIT COMMITTEE – Councilwoman Bronson & Councilman Dewart

PLANNING/ZONING ADVISORY COMMITTEE – Councilman Hotaling & Councilwoman Bronson

WATER/SEWER/REFUSE ADVISORY COMMITTEE – Supervisor Engert, Councilman Dewart, Superintendent Dewart & Clerk Carmer

PARKS/RECREATION ADVISORY COMMITTEE – Supervisor Engert & Councilman Hotaling & Superintendent Dewart

DRAINAGE/DITCHING ADVISORY COMMITTEE – Councilman Dewart & Councilman Hotaling & Superintendent Flint

SENIOR CITIZEN'S ADVISORY COMMITTEE – Councilwoman Jansen & Councilman Dewart

PUBLIC SAFETY ADVISORY COMMITTEE – Supervisor Engert & Councilman Dewart

BUSINESS DEVELOPMENT/TOURISM ADVISORY COMMITTEE – Supervisor Engert & Councilwoman Jansen

COMMUNICATION ADVISORY COMMITTEE – Councilwoman Jansen, Councilwoman Bronson & Clerk Carmer

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the meeting adjourned at 5:30P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk