

## TOWN BOARD SPECIAL MEETING

March 24, 2021

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 24<sup>th</sup> day of March 2021.

Present:     Jeffrey M. Dewart----- Supervisor  
               Robin R. Jansen ----- Councilwoman  
               Jon Hotaling ----- Councilman  
               Gail Damon ----- Councilwoman  
               Tracy L. Carmer----- Town Clerk  
               Mindy Austin ----- Confidential Asst. to the Supervisor  
               David Haylett----- Attorney (arrived late)  
               Anthony Serianni ----- Attorney  
               Jon Miller ----- Police Chief

Present:     5 residents

Absent:      Fred Leuer ----- Councilman  
               Michael M. Flint ----- Supt. of Highways  
               Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds  
               Brian Sibiga ----- Engineer

Supervisor Dewart called the meeting to order at 4:00PM with the Pledge to the Flag.

Clerk Carmer stated for the record that we received two complaints regarding the time of this meeting.

### **PUBLIC HEARING – POLICE REFORM**

Clerk Carmer read the notice of public hearing. Notice of said hearing was sent to the Lockport Union-Sun & Journal on March 15, 2021 with same notice being posted on March 19, 2021 at the Town Hall and on the website.

Chief Miller distributed a monthly police activity report for all to review, and provided a background on the collaboration issued by the Governor in June 2020. He advised that he posted a survey on our website and formed a review committee that consists of himself, Councilman Hotaling, Burton Munn, Father Joseph, and Meg Denny. The survey resulted in 39 responses: 16 favorable, 16 informative, and 7 undecided. He stated that transparency is one area they focused on. The police activity report is prepared monthly and shall be placed on the website. However, it was brought to our attention that over the past year the reports have not been posted on the website. He stated that they have prepared daily patrol logs since their inception in 2012 and they are a matter of public record. This collaborative has resulted in a standardized civilian complaint procedure: if a complaint is regarding the inappropriate handling of an incident, then a call should be made to Chief Miller. If the complaint is a serious allegation, the complainant shall come in person and file

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a formal complaint with the Police Chief or the Town Supervisor. He stated that an area with a lot of response on the survey is the police budget. He advised that the budget is passed by the Town Board and is also a matter of public record. Chief Miller said that he has to balance the needs of the community and his officers are part-time and abide by civil service rules. All of the officers have body cameras and the film is required to be kept on file for 6 months unless it is a criminal matter then it has to be kept longer. Chief Miller discussed the increased training that his officers are undertaking. He plans to start submitting articles for the Town newsletter and they now have an email address [somersetnewyork@gmail.com](mailto:somersetnewyork@gmail.com). Regarding public trust he reiterated that they have body cameras, their reports are open, and they have a ride-along policy where any member of the public is welcome to ride along with an officer to see what they do. He discussed complaints of Somerset cars being seen in Newfane or elsewhere and had advised that we follow a "closest car" policy for officer safety and will respond to calls outside of Somerset if we are the closest car.

Krista Atwater said that she would like to see more patrols during the day on weekends. She lives near Black Bird Cider and there is increased bad behavior related to traffic between the hours of 9-5.

Chief Miller also discussed what they do for the elderly. Besides doing house checks they will be attending the Barker Seniors meetings.

Norm Jansen thanked Chief Miller for performing a welfare check on a friend of his. Had it not been for that check, he believes his friend would not be with us today.

Patty Ray discussed the theft that occurred at her property in October. She said that Niagara County sent the Somerset police and the Somerset police told her to get more surveillance cameras even though they had all of the necessary details. The Village of Barker police contacted her for assistance the next morning. She stated that the situation of Barker vs Somerset made her feel mildly uncomfortable. She said that the Town of Somerset Police could do more community outreach to lessen residents' fear of the police.

Ricky Ray said that the Village police helping them was a situation where the police went where needed. He'd like to see the Town contract with the Village like we used to and have the Village cover some shifts.

Patty Ray said that the quality of service is as important as the quantity.

Ricky Ray asked why the report that was distributed was from December and not current?

Chief Miller answered that it just happened to be the report that he grabbed.

Agnes LaPorte stated that she had a favorable experience with the police when her mailbox was destroyed. Within a few days the person was located.

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Krista Atwater complimented the police department and said that she has been here for 35 years and has always had positive results with the department. She said that they are trustworthy people and also complimented the Town Board for their quick responses. She feels that this is all overkill by New York State.

Attorney Haylett arrived at 4:30pm.

RESOLUTION 53-2021

**CLOSE PUBLIC HEARING**

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

ADOPTED: Ayes                      4              Dewart, Jansen, Hotaling, Damon  
                 Nays                      0

Resolved with no one else desiring to be heard, to close the public hearing at 4:32pm.

**PUBLIC HEARING LOCAL LAW #1-2021 FLOOD DAMAGE PREVENTION**

Clerk Carmer read the notice of public hearing. Notice of said hearing was sent to the Lockport Union-Sun & Journal on March 15, 2021 with same notice being posted on March 19, 2021 at the Town Hall and on the website.

Attorney Haylett stated that this law is being mandated by FEMA and NYSDEC. It has to be very specific or the Town residents will be kicked out of flood insurance. The law has to be adopted by May. Attorney Haylett stated that NYSDEC has already reviewed and approved it.

RESOLUTION 54-2021

**CLOSE PUBLIC HEARING**

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

ADOPTED: Ayes                      4              Dewart, Jansen, Hotaling, Damon  
                 Nays                      0

Resolved with no one desiring to be heard, to close the public hearing at 4:35pm.

**PUBLIC HEARING LOCAL LAW #2-2021 SOLAR MORATORIUM**

Clerk Carmer read the notice of public hearing. Notice of said hearing was sent to the Lockport Union-Sun & Journal on March 15, 2021 with same notice being posted on March 19, 2021 at the Town Hall and on the website.

Clerk Carmer read an email of support for the moratorium from James Hoffman, and another email of support from Peg and Paul Schwabel.

Supervisor Dewart stated that the local law on solar has not been updated in six years.

Norm Jansen asked if this is for public or private, or both?

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Supervisor Dewart said that it is for everything.

Norm Jansen stated that he does not have a problem saying no to industrial.

Krista Atwater said that she supports the moratorium.

Agnes LaPorte said that she is in support of it.

Patty and Ricky Ray agreed. Patty asked if the moratorium could be overruled by the state?

Supervisor Dewart said probably with the new 94C law.

Councilwoman Jansen recommended that everyone write letters to their state officials and send a copy to Governor Cuomo.

Norm Jansen clarified that he is not against the moratorium.

RESOLUTION 55-2021

**CLOSE PUBLIC HEARING**

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

ADOPTED: Ayes 4 Dewart, Jansen, Hotaling, Damon  
Nays 0

Resolved with no one else desiring to be heard, to close the public hearing at 4:41pm.

**REGULAR MEETING OPENED AT 4:42PM**

RESOLUTION 56-2021

**POLICE REFORM**

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

ADOPTED: Ayes 4 Dewart, Jansen, Hotaling, Damon  
Nays 0

Resolved to send the Police Reform to the State by April 1, 2021.

RESOLUTION 57-2021

**SEQRA FLOOD DAMAGE PREVENTION**

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

ADOPTED: Ayes 4 Dewart, Jansen, Hotaling, Damon  
Nays 0

**WHEREAS**, a Short Environmental Assessment Form has been prepared for the proposed action adopting the “Local Law Amending Chapter 104 of the Town Code – Flood Damage Prevention”; and

**WHEREAS**, the Short Form Environmental Assessment Form does not identify any moderate to large impact to the environment associated with the project,

**NOW, THEREFORE, BE IT RESOLVED**, that it is determined that the action is an unlisted action pursuant to SEQRA, and that the proposed action will not result in any significant adverse impacts on the environment, and it is directed that this Determination pursuant to SEQRA be prepared and filed.

RESOLUTION 58-2021

**LOCAL LAW 1-2021 FLOOD DAMAGE PREVENTION**

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

ADOPTED: by Roll Call Vote:	Supervisor Dewart	Aye
	Councilwoman Jansen	Aye
	Councilman Hotaling	Aye
	Councilwoman Damon	Aye

**RESOLVED**, that the Local Law entitled “A Local Law Amending Chapter 104 of the Town Code – Flood Damage Prevention” is hereby adopted by the Town Board of the Town of Somerset.

RESOLUTION 59-2021

**LOCAL LAW 2-2021 MORATORIUM ON SOLAR ENERGY SYSTEM INSTALLATIONS**

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

ADOPTED: by Roll Call Vote:	Supervisor Dewart	Aye
	Councilwoman Jansen	Aye
	Councilman Hotaling	Aye
	Councilwoman Damon	Aye

**Resolved**, that the local law entitled “A Local Law Establishing a Moratorium on Solar Energy System Installations within the Town for a Period of Six Months” is hereby enacted by the Town Board of the Town of Somerset.

On a motion of Councilwoman Jansen, seconded by Councilwoman Damon, the meeting adjourned at 4:45P.M. subject to the Call of the Clerk.

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Tracy L. Carmer, RMC  
Town Clerk