

SPECIAL MEETING  
NOVEMBER 5, 2014

A Special Meeting and Public Hearings of the Town Board of the Town of Somerset, County of Niagara and the State of New York were held at the Town Hall, 8700 Haight Road, Barker, New York on the 5<sup>th</sup> day of November 2014.

Present: Daniel M. Engert ----- Supervisor  
Randall J. Wayner ----- Councilman  
Gary R. Alt ----- Councilman  
Robin R. Jansen ----- Councilman  
Tracy L. Carmer ----- Clerk  
Michael M. Flint ----- Supt. of Highways  
Melvin H. Denny ----- Supt of Water/Sewer/Grounds  
Brian D. Seaman ----- Counsel

Absent: Jeffrey M. Dewart

Attended by: Code Enforcement Officer Lee, 7 residents, and 5 BCS students

Notice of said meeting was posted in the Lockport Union-Sun & Journal on October 24, 2014 with same being posted on October 23, 2014 at the Town Hall and on the website.

Supervisor Engert called the meeting to order at 6:30PM with the Pledge to the Flag and prayer.

**PUBLIC HEARINGS – 2015 Preliminary Budget Items**

Notice of public hearings duly published in the Lockport Union-Sun and Journal on October 24, 2014 with same notice being posted at the Town Hall and on the website on October 23, 2014.

Clerk Carmer read the notice of said hearings.

Supervisor Engert gave a brief overview of the highlights of the 2015 budget. This includes:

- 2% salary increase for all employees except the Supervisor and Town Board members
- PILOT revenue has decreased to 8% of revenues
- No cuts to services

Supervisor Engert opened the hearing to public comments at 6:37PM.

Supervisor Engert said the Board has held several meetings to develop the budget and this is the opportunity for the public to be heard.

Greg Kerth addressed the Board regarding the Police Constables. He has heard of complaints against the Constables and he would like to see the police back in the Village as one agency sharing services. He believes the Village can provide the services less expensive than the Town.

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Supervisor Engert stated that the board is open to discussing shared service arrangements with the Village.

Dale Howard said that he is happy with the budget, but is concerned with the long range plan with Reserves. Does the board have a bottom line where they will stop using the reserves and do we have a dedicated revenue stream?

Supervisor Engert stated that the reserve levels are higher than 2013 and not all of the reserves being budgeted will be used. On average over the past two years we used less than 20% of reserves that were budgeted. He advised that the revenues that we receive are mortgage and sales tax and explained how those revenues are distributed to municipalities. We also generate some revenue through the sales of water. We do not have a dedicated revenue stream that funds the Reserve Account. Supervisor Engert acknowledged that we are using more reserves this year, mainly to pay for highway equipment purchases and to build out infrastructure to market the Somerset Lakeshore Site.

With no other persons desiring to be heard, Supervisor Engert closed the hearings at 6:44PM.

REGULAR MEETING

Supervisor Engert opened the regular meeting at 6:45PM.

Supervisor Engert stated the reason we have to hold the meeting today instead of next week is to comply with the guidelines that require the Public Hearing on the Budget to be held by the Thursday following Election Day.

RESOLUTION 119-2014

**APPROVAL OF THE MINUTES**

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

Resolved the minutes of the previous meetings are approved as submitted.

RESOLUTION 120-2014

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

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

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

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer  
Dog Control Officer

Police Report

COMMUNICATIONS

Clerk Carmer received a communication on October 14, 2014, from Resolute Forest Products (AbiBow Recycling LLC) announcing that they sold their recycling collection services to EWJ International effective October 1, 2014. Clerk Carmer stated that she received a communication from Royal Oak Recycling on October 20, 2014, announcing that they in turn acquired these assets.

Clerk Carmer read a letter from NYS Dept. of Transportation stating they have completed the traffic study the Town requested for a reduced speed limit on West Somerset Road. Based on the data they collected, they are establishing a 45mph speed limit on West Somerset from Hosmer Road to Hartland Road. Niagara County will be responsible for posting the signs.

RESOLUTION 121-2014

**EMERGENCY GENERATOR BIDS**

Supervisor Engert stated that the generator that had been approved for purchase by Water/Sewer/Grounds Superintendent Denny is no longer available. Superintendent stated that the companies are allowed a certain number of these generators to sell each year due to emissions, and the quantity has been met. He allowed the companies to rebid on a generator following the new guidelines. Based on the new bids, the lowest bidder is HD Supply at \$17,096.52 and has a better warranty. USA BlueBook bid \$17,540.00. Superintendent Denny would still like to award to the lowest bidder.

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

Resolved the Water/Sewer/Grounds Superintendent is authorized to purchase the emergency generator from HD Supply at a cost of \$17096.52.

NORA RURAL BROADBAND INITIATIVE

Supervisor Engert stated that this initiative covers 6 towns which include Somerset and two others at the Eastern end of Niagara County, and three towns adjoining us in Orleans County. An RFP was put out to the market on November 1<sup>st</sup> and will be out until December 19<sup>th</sup>. The study found 4,000 underserved parcels that the industry was not aware of. The RFP will determine interest and cost and requires that Somerset be the first town to receive the service.

RESOLUTION 122-2014

**2015 FIRE CONTRACT PUBLIC HEARING**

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

Resolved a public hearing on the Fire Protection District contract will be held on December 10, 2014 at 6:30PM.

HIGHWAY PLOW EQUIPMENT 2015 AUTHORIZATION

Deferred until the December meeting awaiting pricing.

LIGHTHOUSE WIND PROJECT

Supervisor Engert stated that APEX filed a Public Involvement Programs document with the Public Service Commission which is the first phase of an Article X proceeding and is required 150 days prior to filing a preliminary scoping statement. The case number is 14-F-0485 and can be followed on the Public Service Commission website. The Preliminary Scoping Statement is required 90 days before the application and shows the location of proposed turbines and impacts they anticipate. At this time, ½ of intervenor funding is available and is split ½ to municipalities and ½ to local parties. Based on the proposed project, the amount is \$70,000. When the application is filed, the next round of intervenor funding is available. The amount at this stage is \$200,000. The only stipulation on the funding is that it cannot be used for litigation. The next phase is an administrative hearing where a public hearing will be held. After the hearing it enters the Decision Phase which can last up to one year. It can be extended 6 months for extenuating circumstances. The whole process takes 2-3 years. Currently there is no application or proposed project; it's just the beginning of the process. Supervisor Engert will put information on the website regarding signing up on the PSC website to follow the case.

RESOLUTION 123-2014

APPROVAL OF THE 2015 BUDGET

Supervisor Engert stated there was an oversight in preparing the budget and he would like to increase Celebrations (A7550.4) by \$200 which helps cover the cost of the Veteran's Dinner.

On a motion of Councilman Wayner, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

Resolved the 2015 Budget is adopted as amended.

RESOLUTION 124-2014

AUDIT OF CLAIMS

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

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

Resolved that the Supervisor is authorized to pay any bills that arrive in the next week due to our meeting being held one week early and the following bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

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General Fund	No. 359 through No. 390	\$ 26,675.22
Highway Fund	No. 111 through No. 123	\$ 56,520.44
Sewer Fund	No. 112 through No. 121	\$ 2,144.87
Water Fund	No. 90 through No. 99	\$ 4,772.70

**PRIVILEGE OF THE FLOOR**

Cathi Orr told Supervisor Engert she appreciates his efforts checking into Article X and she realizes things are different under Article X. She wants to share information she has regarding wind turbines and extended an invitation to the Town Board and Planning Board members to tour Wyoming County to see what will happen if the project occurs. She lent the board a study she has from the Town of Bethany that lists all of the adverse effects and is an educational study. She provided a website that the town can refer to [www.windaction.org](http://www.windaction.org). Cathi has a study that states how property values decline because of the turbines. She stated that there are documented reports from all over the world about adverse health effects related to wind turbines. She feels the problem is not only the noise you hear but its infrasound. She informed the board that there is a lawsuit she is part of in Orangeville that was brought about because the wind company was holding closed door meetings, and the board members had contracts with the wind turbine company. She is comfortable that our Town Board is being open. She said that the turbines are very noisy from the wind whooshing and the brakes squealing and the problem is an overall cumulative impact. Cathi wants people to stop at resident's homes in Orangeville and ask them about the turbines.

Supervisor Engert told Cathi he appreciates her input and his office is open and will receive any information she has. He is going to learn more about the Public Involvement Program and stated that this is a community issue and is a conversation that the community of Somerset needs to have and he is open to those with a different perspective as well.

RESOLUTION 125-2014

**NEXT MEETING**

On a motion of Councilman Alt, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 4 Engert, Wayner, Alt, Jansen  
Nays 0

Resolved the regular board meeting on November 12, 2014 is cancelled and the next regularly scheduled board meeting will be held on December 10, 2014.

On a motion of Councilman Wayner, seconded by Councilman Jansen, the meeting adjourned at 7:20 P.M. subject to the Call of the Clerk. Carried unanimously.

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Tracy L. Carmer, RMC  
Town Clerk