

REGULAR MEETING
APRIL 8, 2013

The Regular Meeting of the Town Board of the Town of New Bremen, County of Lewis and the State of New York was held at the Town Municipal Office Building, 8420 State Rte. 812, New Bremen, New York on the 8th day of April 2013.

Town Officer's Present: Peter J. Keys, Supervisor
David L. Becker, Councilman
Matthew E. Bush, Councilman
Ralph L. Bush, Councilman
Susan J. Sauer, Councilwoman
Elizabeth B. Jones, Clerk
Errol A. Aucter, Town Justice
Aimee L. Murphy, Deputy Town Clerk/Court Clerk
Erin C. Gratch, Assessor

Attended by: Approximately 13 people

Supervisor Keys called the meeting to order at 6:03 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 51 OF 2013
APPROVAL OF MINUTES**

On a motion of Councilman Becker, seconded by Councilman M. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved, the minutes of the March 11, 2013 meeting be approved.

PRIVILEGE OF FLOOR

Supervisor Keys opened the floor to the public for comments or questions. Lynette Boliver, Erie Canal Road, asked the Board to consider a resolution opposing the NYS S.A.F.E. Act. She feels it's against our rights and the 2nd Amendment. Judge Aucter stated it violates the 2nd Amendment and wasn't right how the bill was so quickly pushed through. After discussion the following resolution was presented.

**RESOLUTION NO. 52 OF 2013
RESOLUTION OPPOSING THE NEW YORK STATE SECURE AMMUNITION
AND FIREARMS ENFORCEMENT (S.A.F.E.) ACT OF 2013**

On a motion of Councilman Becker, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Whereas, the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution, as well as the Civil Rights Law of the State of New York, and were infringed on without due process; and

Whereas, the New York State Secure Ammunition and Firearms Enforcement Act of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor without a single public hearing, will have a detrimental effect on hunters, sportsmen and legal gun owners; and

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Whereas, this legislation imposes burdensome new regulations upon law abiding gun owners and will curtail the rights of law abiding citizens of this State; and

Whereas, this legislation, while denying the rights of law abiding citizens, fails to address the problem of acts of violence perpetrated by criminals and those who are dangerously mentally ill; and

Whereas, this legislation creates an environment in the State which is hostile to gun manufacture and ownership and finds the legislation to be little more than a thinly-veiled attempt at regulating lawful gun ownership out of existence; and

Whereas, classifying firearms as assault weapons because of one arbitrary feature effectively deprives people the right to possess firearms which have never before been designated as assault weapons and that only law abiding gun owners will be affected by these new provisions, while criminals will still have and use whatever weapons they want; and

Whereas, being a predominantly rural town in upstate New York, the lawful ownership of firearms is and has been a valued tradition enjoyed by many of our citizens, the legislation effectively turns countless law-abiding gun owners into criminals for absolutely no reason; and

Whereas, there was absolutely no reason for the governor to issue a message of necessity to bring this bill to a vote as there is no emergency. The governor's actions appear to be a deliberate attempt to bypass the constitutional process; and

Whereas, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their pistol licenses, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

Whereas, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

Whereas, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

Whereas, any semi-automatic pistol that has one military-type feature will, under the new law, be considered an assault weapon is absurd because semi-automatic pistols do in fact come with a pistol grip, making nearly every semi-automatic pistol an assault weapon and serves no public safety interest in the slightest, and crosses the proverbial line from reasonable restrictions on gun ownership to outright harassment of law-abiding gun owners; and

Whereas, with an estimated one million assault rifles in existence throughout New York, it is beyond comprehension that the legislature and the Governor would needlessly place police officers in a position where they might be called upon to confiscate the previously lawfully owned property of an American citizen without just compensation. There can be no denying the potential danger this prospect places law enforcement in.

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Now, Therefore, be it Resolved as follows:

Resolved, the New Bremen Town Board does hereby oppose the enactment of the New York State Secure Ammunition and Firearms Enforcement Act of 2013 because it fundamentally alters or abridges the right to keep and bear arms without addressing the problems of gun violence; and, be it further

Resolved, that the New Bremen Town Board hereby calls upon the New York State Legislature and the Governor to set aside and annul this ill conceived and poorly drafted statute which abridges the rights of law abiding citizens of the State of New York; and be it further

Resolved, that certified copies of this Resolution shall be forwarded to the Governor of the State of New York, Senator Joseph Griffo, Assemblyman Kenneth Blankenbush and Association of Towns.

COUNCIL REPORTS

Councilman Becker reported the light on the light pole by his house has been out for a long period of time and Assessor Gratch has contacted National Grid several times without resolution. Assessor Gratch is to get the pole and contact information to Supervisor Keys and he will contact National Grid.

Councilman Becker also reported issues with sewer running on top of the ground, the chimney being ready to collapse and skunks and rodents infesting the vacant property owned by Quinns next to his barber shop. He would like Ward Dailey to inspect the property. It was also suggested to involve the Health Officer and Board of Health.

RESOLUTION NO. 53 OF 2013 TOWN CLERK'S MONTHLY REPORT

On a motion of Councilman M. Bush, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved, the Town Clerk's monthly report is approved as submitted.

FLOOR MAINTENANCE

Clerk Jones obtained two (2) estimates to strip and wax the municipal office building floors, the highway lunch room and highway superintendent's office. Meola Enterprises quote was for the office building only - \$808.13. Cody O'Donnell and David Blair's quote included use of the town's machine, supplies and purchase of any additional supplies from Buckingham Hardware and should take 30 to 40 hours at \$13 per hour - \$987.94 to \$1247.94. After discussion the following resolution was presented.

RESOLUTION NO. 54 OF 2013 FLOOR STRIPPING & WAXING

On a motion of Councilman R. Bush, seconded by Councilman M. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved, to hire Cody O'Donnell and David Blair to strip and wax the municipal office building, highway lunch room and highway superintendent's office floors as per quote.

HIGHWAY SUPERINTENDENT

Received one (1) sealed bid for purchase of 2009 Ford F-150 Pickup. After discussion the following resolution was presented.

RESOLUTION NO. 55 OF 2013 FORD F-150 PICKUP TRUCK BIDS

On a motion of Councilman M. Bush, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved, the Clerk presented Proof of Advertising to bid for sale - one (1) used 2009 Ford F-150 Pickup Truck in the Journal & Republican. The following bid was received:

Richard A. Meyer - \$8,252.01

Be It Further Resolved, the bid submitted by Richard A. Meyer for \$8,252.01 for the 2009 Ford F-150 Pickup Truck be accepted.

NEW PICKUP

Superintendent Hall stated the “new” pickup ordered will be delivered soon and noted the “corrected” purchase price should be \$17,525.53 instead of \$17,538.78, due to a different gear ratio price as initially quoted. Mr. Hall asked the Board to authorize payment of the pickup immediately after delivery. After discussion the following resolution was presented.

RESOLUTION NO. 56 OF 2013 AUTHORIZATION OF PAYMENT

On a motion of Councilman Becker, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved, that Supervisor Keys is authorized to pay for the “new” 2013 Ford F-150 pickup after delivery has been made and satisfactory inspection made by Superintendent Hall.

CHIPS

The Town will be receiving \$33,000 more in CHIPS money this year than last year; approximately \$152,000.00.

NYS DEPARTMENT OF LABOR

Superintendent Hall reported that the NYS Department of Labor did an inspection in the Highway Department and “Notice of Violations and Orders to Comply” were received. Mr. Hall stated all violations have been corrected except for one, which will be completed very soon.

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**RESOLUTION NO. 57 OF 2013
JUSTICES MONTHLY REPORTS**

On a motion of Councilman M. Bush, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved, the Justices monthly reports are approved as submitted.

COUNTY UPDATE

Legislator Boyd gave an update of happenings at the County level.

EMPLOYMENT & LIABILITY GUIDELINES

Supervisor Keys stated that a separate section for the Dog Control Officer needs to be drafted and added to the Towns Employment & Liability Guidelines. He will contact Lindsay Burriss, DCO to obtain her plan of action to incorporate into this section (sub-section b) of the Employment & Liability Guidelines.

ACCOUNTANT

Supervisor Keys submitted an estimate from Nagy & Croniser for \$7,500 for accounting services along with a list of functions they will perform for the Town for 2013. Councilman R. Bush suggested putting a cap on the amount allowed to be billed. Supervisor Keys is convinced it should be done by professionals.

NYS DEPARTMENT OF LABOR

Supervisor Keys received six (6) different "Notices of Violation and Orders to Comply" from the New York State Department of Labor for the Municipal Office Building/Town, pertaining to Workplace Violence Prevention. If the violations are not corrected by the abated date penalties are assessed at up to \$200 per day for each serious violation. Clerk Jones stated she posted the "Notice of Violations" on the Clerk's board and emailed all information along with a "draft" Workplace Violence Prevention Policy and Incident Report to Supervisor Keys for his review. The adoption of the policy also appoints a contact person. Discussed having more than one (1) contact person and to work on the whole project. Councilman M. Bush and Judge Aucter volunteered and Jonathan Bush was suggested as representative for the highway department. After discussion the following resolution was presented.

**RESOLUTION NO. 58 OF 2013
WORKPLACE VIOLENCE PREVENTION POLICY & INCIDENT REPORTING**

On a motion of Councilman M. Bush, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Whereas, the Town of New Bremen is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of New Bremen property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an

environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment, and

Whereas, this policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program, and

Whereas, the goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. Town of New Bremen has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of New Bremen will provide counseling services or referrals for employees, and

Whereas, all Town of New Bremen personnel are responsible for notifying one of the contact persons designated as follows: Councilman Matthew Bush, Justice Errol Aueter and Jonathan Bush, Highway Department; of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received, and now therefore be it

Resolved, the Town Board of the Town of New Bremen hereby adopts said policy, orders it to be posted in the Highway Garage and Municipal Office Building and is to be effective immediately.

PERSONNEL

Supervisor Keys submitted information explaining the situation and results of his research to the board along with a proposed resolution pertaining to a highway employee and receiving paid vacation. After review and discussion the following resolution was presented.

RESOLUTION NO. 59 OF 2013 PERSONNEL ISSUE

On a motion of Councilman M. Bush, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 3 Becker, M. Bush, R. Bush Nays 2 Sauer, Keys

Whereas, the Town Board has reviewed, updated and approved the Employment and Liability Guidelines, and

Whereas, timesheet and vacation record keeping system has been implemented. Unauthorized payments by the Highway Superintendent such as this will not reoccur, and

Whereas, two (2) Executive Session meetings were held to discuss this situation. The first with Board members only and the second with Board members, Highway Superintendent and Danny & Robin Grunert, and

Whereas, the Board does not (or should not) make decisions based on veiled threats and innuendos, now therefore be it

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**RESOLUTION NO. 61 OF 2013
AUDIT OF CLAIMS**

On a motion of Councilman Becker, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #4 of 2013 in the following amounts.

General	Voucher #46 thru #60	\$4,464.44
Highway T-Wide	Voucher #53 thru #73	\$10,459.22

OTHER BUSINESS

Robin Grunert, Tillman Road submitted a binder with “concerns” for the Town Board pertaining to financial information etc. The Board will review.

The next regular meeting of the Town Board of the Town of New Bremen will be held on May 13, 2013 at 6:00 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilman R. Bush, the meeting was adjourned at 8:21 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector