

REGULAR MEETING

August 12, 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 12th day of August 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
Erin C. Gratch, Assessor
Aimee L. Murphy, Deputy Clerk/Court Clerk
Timothy Farley, Town Attorney

Attended by: Approximately 27 people

Supervisor Keys called the meeting to order at 6:02 p.m. with the Pledge to the Flag.

RESOLUTION NO. 94 OF 2013 APPROVAL OF MINUTES

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 minutes of the July 8th and July 30, 2013 meetings are approved.

PRIVILEGE OF FLOOR

Arletha Zehr first thanked the Board for approving the sign project and submitted a design of the "Welcome to New Bremen" signs. The signs are made and will cost a little more than anticipated. Approximately \$600 each. One sign will be placed at the corner of the Deveines Road/NYS Rte. 812 and the other on Dean Greenwood's property on NYS Rte. 812. Councilwoman Sauer stated she did check with other vendors for pricing. They would also like to add a flower box at the base of each sign. Mrs. Zehr left at 6:08 p.m.

OPEN PUBLIC HEARING

Supervisor Keys hereby opened the Public Hearing at 6:10 p.m. to review the Site Plan Review Application submitted by Vincent Purpura and to determine whether it be approved and whether the Town should grant a waiver of the prohibition. Proof of publication in the Journal & Republican was noted.

Supervisor Keys asked Vincent Purpura to give a brief synopsis of his proposed metal recycling facility project to be located at 8409 State Rte. 812, Town of New Bremen, Tax Map #163.00-01-10.100. He is looking to accept old refrigerators & freezers (Freon has to have been removed and must show paperwork stating such), washers and dryers, and other metal for recycling, excluding junk automobiles. Mr. Purpura said it would be concealed behind the already existing "natural" barrier with the existing 2.5 to 3 acres of metal currently on the premises. It is to be brought in and taken out on a regular basis and will not accumulate. He would also like to purchase a set of scales in the future to allow for a more fair retail of the metal for the consumer and expects to employ at least 1 full time and multiple part-time employees.

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Attorney Farley explained that the Board has two options if they wish Mr. Purpura to proceed with his proposed project. Option one would be to rewrite the Site Plan Review Zoning Law to allow for recycling facilities. Option two would be to issue a waiver for this specific metal recycling facility. Section 755 Waivers allows the Town Board to waive the provisions of the Site Plan Review Zoning Law that strict adherence to the standards and/or requirements would cause unnecessary hardship for the applicant without achieving any public benefit. The Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.

Bill Houppert, County Junkyard Inspector, stated that Mr. Purpura has a valid Lewis Co. Junkyard License and inspects the site on a yearly basis and has met all requirements. He feels that this site would be an excellent place to locate a metal recycling facility.

CLOSE OF PUBLIC HEARING

All questions by the public were answered. Therefore, the public hearing was hereby closed at 6:25 p.m. by Supervisor Keys. After review and discussion the Board presented the following resolution.

RESOLUTION NO. 95 OF 2013 SITE PLAN REVIEW ZONING LAW WAIVER

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

Whereas the Town Board of the Town of New Bremen did hold a Public Hearing on August 12, 2013 to review the Site Plan Review & Zoning Permit Application submitted by Vincent Purpura and to determine whether it be approved conditionally and whether the Town should grant a waiver of the prohibition, and

Whereas the Town Board did review said application and heard all comments and questions from the public and feels that it would cause unnecessary hardship for the applicant without achieving public benefit objectives, and now therefore be it

Resolved that the Town Board of the Town of New Bremen hereby grants a waiver of the Site Plan Review Zoning Law allowing Vincent Purpura to open a metal recycling facility to be located at 8409 State Rte. 812, Town of New Bremen, Tax Map #163.00-01-10.100, and be it further

Resolved that the reasons for granting said waiver are: job creation, benefit to community, appropriate site and the Lewis Co. Junkyard Inspector is in favor.

ZONING PERMIT

Ward Dailey, Zoning Officer, submitted a letter pertaining to Annette Halko and Paul Brown's request for an additional "extension of time" for the cleaning out and removal of the "old" trailer from their property located at 8826 Van Amber Rd., Tax Map #127.00-03-04-120. The current "six (6) month extension of time" expired on August 11, 2013 and that it is up to the Town Board to grant more time or demand compliance.

Annette Halko and Paul Brown, 8826 Van Amber Rd., Castorland, NY asked for at least an additional three (3) months extension to clean out and remove the "old" trailer due to their work schedules. After discussion the following resolution was presented.

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**RESOLUTION NO. 96 OF 2013
EXTENSION OF TIME GRANTED**

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 the Town Board grants an extension of their existing permit to Annette Halko & Paul Brown to complete the moving process and removal of the "old" trailer off said property, located at 8826 Van Amber Rd., Tax Map #127.00-03-04-120, on or before June 1, 2014, with a copy of said resolution to be sent to the owner and Zoning Officer, Ward Dailey.

ASSESSING

Peter McLane, 9162 Cut Off Road, Castorland lodged a complaint with the Board concerning his assessment. He also commended Highway Superintendent Hall's for the job he has done for the Town and that the Highway Department works harder than any other and we will be loosing a good man when he retires.

James Aueter, stated that he believes that increased assessments should be universal throughout the town.

Assessor Gratch explained that there are many factors associated in the assessment process and that increases in assessments are not always on all parcels in the township. Each assessment has to be taken on a case by case basis.

AIS ASSESSMENT PETITION

Supervisor Keys received a letter from Attorney Burrows pertaining to the "Notice of Petition" filed by Adirondack International Speedway, LLC and Paul Lyndaker to review the 2013 assessments under Article 7 of the Real Property Tax Law.

COUNCIL MEMBER REPORTS

Councilman R. Bush asked about the NYMIR insurance. Supervisor Keys stated that Kevin Townsend will have a quote for the September meeting. It was suggested that Bill Schaab from North Country Estates be invited to submit a quote and/or attend the meeting also. Councilman R. Bush will contact Mr. Schaab.

Councilwoman Sauer stated she placed numbers on the trees where she would like the Fit Stations to be placed throughout the park. She is looking for volunteers to help with the project.

**RESOLUTION NO. 97 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.

PLANNING & ZONING BOARDS

Supervisor Keys reported that there is a vacancy on both the Planning Board and the Zoning Board of Appeals and are looking for anyone interested. Members of the Planning Board, Sheila Buckingham, Randy Aucter and Mitch Fidler feel that if the Town Board does not relinquish their rights, the Planning Board would dissolve due to lack of interest. They feel they should be able to make the final decision and would like the Board to consider turning the responsibilities over to the Planning Board.

Attorney Farley stated under the current Site Plan Review Zoning Law the Board approves or disapproves all Site Plan Applications. However, they can refer them to the Planning Board for recommendations, but final approval or disapproval is up to the Town Board.

Members of the Planning Board will contact previous members to see if they would be interested in serving on the board again if they are designated more responsibilities. After discussion the following resolution was presented.

RESOLUTION NO. 98 OF 2013 PLANNING BOARD AUTHORITY

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

Whereas the Town Board of the Town of New Bremen wishes the Planning Board take over the responsibilities to review and make determinations of Site Plan Review Zoning Permit Applications, now therefore be it

Resolved the Town Attorney has been directed to make sure amendments by means of a local law to the current zoning law of the Town of New Bremen to comply with the express purposes of this Resolution, including but not limited to, the Planning Board of the Town of New Bremen for the Town of New Bremen Board when making site plan review determinations.

RESOLUTION NO. 99 OF 2013 PUBLIC HEARING SET

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 that the Town Board of the Town of New Bremen will hold a Public Hearing on September 9, 2013 at 6 p.m. at the Municipal Office Building to amend Local Law No. 1 of 2010 Site Plan Review Zoning Law to substitute the Town of New Bremen Planning Board for the Town of New Bremen Board when making Site Plan Review determinations.

HIGHWAY

Superintendent Hall submitted a written report regarding the Highway Department. Supervisor Keys read the report.

Peter McLane asked the Board if any safeguards were put in place to ensure the payroll issues don't happen again. Supervisor Keys stated the Board will be reviewing and making changes to the Employee & Liability Guidelines to hopefully prevent any future confusion with vacation, sick and personal days, etc.

(Regular Meeting of August 12, 2013 con't.)

**RESOLUTION NO. 100 OF 2013
JUSTICES MONTHLY REPORTS**

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 the Justices monthly reports are approved as submitted.

JCAP GRANT

Aimee Murphy, Court Clerk reported that the grant application was submitted and notification of the status may be received around December. Request was made for funding to purchase a photocopier and television.

SELF AUDIT FOR COURT

Court Clerk also reported on completing a self audit for eJustice pertaining to criminal history records. They were found to be in compliance in all but two areas of the audit. Those two areas were found to be in partial compliance and measures have been taken by the court to come in to full compliance.

ASSESSOR

Erin Gratch, Assessor, gave copies of "Notice of Petition" submitted by Iroquois Gas Transmission System LP challenging their 2013 assessment. They are suing several other towns in the County. The County Real Property Tax Services Director suggested writing a letter to the County Legislators requesting assistance and asking the County to coordinate a meeting with all the Towns proposing a shared attorney to represent all parties involved to alleviate some of the defense costs. After discussion the following resolution was presented.

**RESOLUTION NO. 101 OF 2013
IROQUOIS GAS PETITION – SHARED ATTORNEY**

On a motion of Councilman R. Bush, 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 send a letter to County Attorney, Richard Graham asking for the County's assistance is coordinating and proposing a shared attorney to represent those being sued by Iroquois Gas for their 2013 assessment.

MAINTENANCE AID

Assessor Gratch presented RP-1573-ACR-A Application for Review for the Maintenance of a System of Improved Real Property Tax Administration Aid through the NYS Department of Taxation and Finance Office of Real Property Tax Services for work completed last year. She also stated this is not connected with the CAP Agreement. After discussion the following resolution was presented.

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**RESOLUTION NO. 102 OF 2013
MAINTENANCE OF A SYSTEM OF IMPROVED
REAL PROPERTY TAX ADMINISTRATION AID**

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 that Supervisor Keys and Assessor Gratch are authorized to sign RP-1573-ACR-A for the Maintenance of a System of Improved Real Property Tax Administration Aid through the NYS Department of Taxation and Finance and that a copy of said application be attached to the end of these minutes.

STAR

Assessor Gratch reported the NYS Department of Tax and Finance determined there is an abundance of STAR tax fraud in the state. They will be mailing notices to all Basic STAR recipients notifying them of the need to reapply for the exemption through their office only. Enhanced STAR recipients will not be affected and will renew through the Assessor's Office as in the past.

CAP AGREEMENT

Assessor Gratch submitted copies of Remittance Advice for checks received from NYS Office of Real Property Services for Annual Aid, Consolidated Aid and Enhanced CAP Aid. She explained what each type of aid represents and how much the Town received.

Supervisor Keys contacted the NYS Department of Real Property Services pertaining to the CAP Agreement with Watson. The states "copy" did not include "Section 8" which states the expiration date of the contract and according to the state the contract is for 10 years as per NYS Tax Law.

Attorney Farley stated the statute reads if the assessing unit after having received state assistance pursuant to Paragraph A reverts to a separate assessment within 10 years after receipt of such aid such assessing unit shall remit to the state a prorated portion that they received. According to a breakout provided by the State, New Bremen's share would be \$5,774.40 and Watson's share would be \$8,319.30 if asked for indemnification. Total \$14,937.70. The Town that breaks the CAP Agreement could be liable to pay back the full \$14,937.70 if the state decides to pursue it.

Virgil Taylor, Town of Watson Supervisor, stated their "copy" of the CAP Agreement with New Bremen ends December 31, 2013 also.

Councilwoman Sauer asked Mr. Taylor if it would be possible for the Boards to get together and discuss a resolution without having to break the CAP Agreement. Mr. Taylor stated his Board is 100% behind Erin and will be reappointing her at their September meeting and are happy with the job she is doing for Watson. Councilwoman Sauer asked if Watson will hold the Town of New Bremen liable. Mr. Taylor stated he has not approached the Board on that issue.

ASSESSOR INTERVIEWS

Supervisor Keys reported that interviews were conducted by the Town Board and the Citizen Committee and the Board will go in to Executive Session at the end of the meeting to review the Committee's recommendations and the Town Board will make an appointment at the September 9th meeting.

(Regular Meeting of August 12, 2013 con't.)

**RESOLUTION NO. 103 OF 2013
BEAVER RIVER RECREATION ASSOCIATION
YOUTH RECREATION PROGRAM**

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 that the Town Board of the Town of New Bremen does hereby enter into a contract with the Beaver River Recreation Association to provide instructional and recreational swim and structured recreational activities for the youth of the Town of New Bremen for the 2013 Summer Youth Recreation Program, and that the Town of New Bremen will expend to the Beaver River Recreation Association the sum of \$1,250.00. The complete contract is on file in the Town Clerk's Office.

**RESOLUTION NO. 104 OF 2013
SUPERVISOR'S MONTHLY REPORT**

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

Resolved the Supervisor's monthly report is approved as submitted.

**RESOLUTION NO. 105 OF 2013
AUDIT OF CLAIMS**

On a motion of Councilman R. Bush, seconded by Councilman Becker, 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 #5 & #8 of 2013 in the following amounts.

General	Voucher #101 thru #110	\$2,285.85
Highway T-Wide	Voucher #110 thru #118	\$1,092.57
Highway T-Outside	Voucher #14 thru #19	\$43,353.85

Councilwoman Sauer questioned Cintas' bill for laundry services for the week the Highway Dept. is on vacation in July. Supervisor Keys will contact them before he mails the check.

The next meeting of the Town Board of the Town of New Bremen will be held on September 9, 2013 at 6:00 p.m. at the Town Municipal Office Building.

**RESOLUTION NO. 106 OF 2013
EXECUTIVE SESSION**

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 to move into Executive Session at 8:10 p.m. to review recommendations for Assessor by the Citizen Committee.

